

GAO

Report to the Ranking Minority Member,
Committee on National Security, House
of Representatives

January 1996

MILITARY EQUAL OPPORTUNITY

Problems With Services' Complaint Systems Are Being Addressed by DOD



19960418 023



United States
General Accounting Office
Washington, D.C. 20548

National Security and
International Affairs Division

B-266252

January 26, 1996

The Honorable Ronald V. Dellums
Ranking Minority Member
Committee on National Security
House of Representatives

Dear Mr. Dellums:

Department of Defense (DOD) policy holds that equal opportunity (EO) is integral to the unity, readiness, and total defense capability of its forces. Unwarranted discriminatory behavior, including racial discrimination and sexual harassment, is not to be condoned or tolerated. You expressed concern over increases in the number of discrimination complaints sent by servicemembers to your Committee. We noted that from fiscal year 1989 through 1993, the number of EO complaints reported by the services ranged from about 1,340 to over 3,600—averaging about 2,860 per year. Over the same period, the active duty military forces declined from about 2.1 million to 1.7 million.

You asked that we (1) identify the services' processes for handling EO complaints and (2) determine whether there are opportunities for improving these processes. As part of our review, we conducted focus group sessions with more than 900 servicemembers across all four services to help gain an understanding of the complaint systems and EO environment from their perspective. We refer to these focus groups throughout this report and summarize their results in appendix I.

This report completes a three-part effort. In April 1995, we issued a report that identified previous DOD studies on discrimination in the military.¹ In November 1995, we issued a report that examined the services' military EO assessments.²

Background

During our review, DOD Directive 1350.2, dated December 23, 1988, was the basis for the military EO program. Although DOD recently revised its directive,³ it still requires DOD components, including the military departments, joint commands, and defense agencies, to create and sustain

¹Equal Opportunity: DOD Studies on Discrimination in the Military (GAO/NSIAD-95-103, Apr. 7, 1995).

²Military Equal Opportunity: Certain Trends in Racial and Gender Data May Warrant Further Analysis (GAO/NSIAD-96-17, Nov. 17, 1995).

³Issued August 18, 1995.

DTIC QUALITY INSPECTED 3

environments free from discrimination. The military EO program applies only to military personnel. DOD civilians are covered by a separate program—the Equal Employment Opportunity Program. Military personnel do not have access to mediation by the Equal Employment Opportunity Commission, and federal courts have held that they may not sue for discrimination under the provisions of title VII of the Civil Rights Act of 1964, as amended.

Concurrent with our review, a House National Security Committee task force conducted focus group sessions with servicemembers at 19 installations to determine their views on EO. The task force issued its report in December 1994.⁴ In addition, the Defense Equal Opportunity Council (DEOC), a DOD group chartered to advise the Secretary of Defense concerning EO matters, reviewed the services' discrimination complaint systems. DEOC issued its report in May 1995.⁵ In August 1995, DOD revised DOD Directive 1350.2 to incorporate many of DEOC's recommendations. According to DOD, the new directive requires the services to strengthen their procedures for processing sexual harassment and discrimination complaints.

Results in Brief

In implementing the military EO program, the four military services have established different complaint processes. Among these differences are the deadlines for filing a complaint after an incident occurs, the channels available for filing a complaint, and the documentation used to record complaint processing and follow-up reviews. Not all the commands we visited were following their service's prescribed complaint procedures. Most important, some commands could not document that they had followed up on complaints after they were resolved to determine whether the complainants had experienced reprisal or further discrimination.

Our review identified a number of areas that offer opportunities for improving the services' EO programs. Specifically,

- some EO specialists were not used effectively because they did not have direct access to the commander, served very large populations, or had too many other duties to perform;

⁴An Assessment of Racial Discrimination in the Military: A Global Perspective, House Armed Services Committee Task Force on Equality of Treatment and Opportunity in the Armed Services, December 30, 1994.

⁵Report of the Task Force on Discrimination and Sexual Harassment, DEOC, Vols. I and II, May 1995.

- some commands made no use or very limited use of “climate” assessments to evaluate and improve the health of the EO environment;
- EO training for commanders, who are responsible for managing the EO program, and for servicemembers was incomplete and undocumented; and
- some EO complaints and incidents were not reported up the chain of command.

DEOC, in its May 1995 report, stated that although no single complaint process would be workable for all the services, some common standards should be followed. DEOC also identified a number of opportunities for improving the military EO program, including the need to reduce servicemembers’ fear of reprisal for filing a complaint. DEOC’s report contains 48 recommended improvements, which DOD is addressing. As a result, we are not making any recommendations at this time.

Based on our focus groups, we noted an overall sense that the military was a good EO employer and that although discrimination and harassment occur, these were not major problems. However, our focus groups also reinforced DEOC’s concerns about problems with EO complaint systems. For example, we heard a widespread reluctance to file EO complaints because of the fear of reprisal and a lack of faith in the chain of command.

The Services’ Complaint Procedures Differ

Under DOD Directive 1350.2, the services, joint commands, and defense agencies are required to develop complaint systems that ensure fair, impartial, and prompt resolution of discrimination complaints. Service regulations provide further guidance on EO complaint handling as well as other aspects of the EO programs. Prior to our review, the Air Force and the Army had made major changes in their complaint processes.

During our review, we identified many differences among the services’ complaint procedures. The following are three examples:

- Deadlines for filing complaints. Air Force personnel have 6 months to file a complaint, Army and Marine Corps personnel must file within 60 days, and Navy personnel must file a complaint within 45 days of an EO incident.
- Avenues for filing complaints. All four services encourage complainants to use the chain of command to resolve a complaint before resorting to other measures. Only the Air Force encourages its members to seek assistance outside the chain of command. This alternative is the base Social Actions Office, which is staffed by EO specialists. In the other services, complaints

filed with EO specialists or others outside the chain of command are usually referred back to the chain of command for resolution.

- Complaint documentation. The Air Force, the Army, and the Navy (starting in Nov. 1994) use complaint forms that guide and document the complaint process, from the filing of the complaint to the end of the investigation. Each form is different. The Marine Corps' form is not EO specific, but is used to request a meeting with the commander for any reason.

In its May 1995 report, DEOC stated that differences in the complaint processes reflected differences in the services' missions, organization, and culture. "While general principles and standards can often be shared across Service lines, the simple substitution of one Service's complaints process for another is both undesirable and unworkable," DEOC asserted. In its focus group sessions with servicemembers, the House National Security Committee task force heard widespread reports that complaint systems did not serve members well. The task force identified a number of factors that an effective system should incorporate, including options for raising complaints outside the chain of command, strong support for the system from top leadership, and adherence to established timelines for investigating complaints and providing detailed feedback to complainants.

At the time of our review, none of the six joint service commands and defense agencies we visited had written procedures for resolving EO complaints outside the chain of command. In addition, because the services' definitions of discrimination and procedures for resolving EO complaints vary, handling EO complaints involving members of different services could be difficult without written guidance for doing so. According to DEOC, defense agencies were beginning to develop specific procedures for processing EO complaints.

For the most part, the focus group discussions revealed that the servicemembers were familiar with their respective service's procedures for filing an EO complaint. One notable exception was in the Navy. Participants in these focus groups, particularly among the lower-ranked enlisted members, did not indicate they knew how to pursue a complaint beyond their chain of command.

Some Commands Deviated From Service Procedures

Although most commands we visited adhered to their service requirements for addressing and resolving EO complaints, a few did not. Most often, commands could not document that they had followed up to ensure complainants had not been subjected to reprisal. For example:

-
- At four Air Force bases we visited,⁶ 17 complaints filed during fiscal years 1993 and 1994 appeared to require follow-up, but 4 of these did not have the necessary documentation showing that follow-up reviews were done.
 - At one Army installation, 30 EO complaints filed during fiscal year 1994 appeared to require follow-up, but none of these had the necessary documentation showing that a follow-up review was done.
 - Two Marine Corps installations we visited could not provide evidence that they had procedures to detect and prevent reprisals.
 - None of the three subordinate commands we visited at one Navy fleet had established procedures to detect and deter reprisals, as required since 1989.

Both the House task force and DEOC focused on reprisal as a key issue. The task force found that for a complaint system to be effective, the chain of command must demonstrate a commitment to protecting complainants from reprisal. DEOC made several recommendations aimed at preventing reprisal, including adopting a standard definition of reprisal, establishing specific reprisal prevention procedures, and improving training for leaders. Our focus group discussions, especially among the lower-ranked enlisted members, indicated that a fear of reprisal and a lack of faith in the chain of command were concerns and were cited by the groups as reasons they would be reluctant to file an EO complaint.

EO Specialists' Placement and Duties Varied Widely

Senior commanders in all four services are assigned personnel who have received extensive training in EO from the Defense Equal Opportunity Management Institute.⁷ These specialists are usually enlisted personnel ranging in grade from E-6 through E-9, though the Air Force and the Army also use some officers as EO specialists. At the commands we visited, the organizational placement and duties of EO specialists varied widely, having an impact on their ability to support the commander's EO program. Based on our focus groups, Marine Corps and Navy participants often did not know who their respective EO specialist was or what the EO specialist did.

EO Specialists May Have Limited Access to the Commander

DOD Directive 1350.2 requires that EO specialists be placed in the organization where they can effectively communicate EO issues with and gain support of their leaders. According to DEOC, the placement of EO

⁶We did not document follow-up on EO complaints at one Air Force base we visited.

⁷The Institute, located at Patrick Air Force Base, Florida, is a joint-service organization charged with providing EO training to the services and other DOD components. It also initiates EO studies and works with commanders in conducting EO climate surveys.

specialists on the commander's staff signals the commander's support of the EO program and enables EO specialists to keep the commander informed of important EO issues.

At the commands we visited, EO staff were assigned to various levels of the command structure. While some were on the staff of the senior installation commander, others worked at lower levels within the organization and often had to go through one or more layers of command to communicate with the senior commander. Some EO specialists who lacked direct access to the commander were dissatisfied with the visibility given the EO program. Others said they had adequate access despite the multiple layers of command between them and the commander. The DoD Inspector General, in a 1994 report, also noted that several EO specialists it interviewed indicated they did not have the direct access to commanders their responsibilities required.⁸

Air Force EO specialists, as stated earlier, work in the base Social Actions Office. In 1993, the Air Force moved the Social Actions Office organizationally up the chain of command, from the mission support squadron to the senior installation (wing) commander's staff. According to the Chief of Social Actions at one base, the move increased the office's importance and visibility.

The Army and the Navy generally assign EO specialists to senior commanders. The Army, in addition, assigns EO specialists to garrison commanders, who are responsible for managing the infrastructure of a base and supporting tenant commands. At several commands we visited, however, EO specialists were not placed on the command staff, but reported to an official lower in the chain of command. Some of the EO specialists in these commands said their organizational placement limited their access to the commander and, consequently, limited the effectiveness of their support to the EO program. The Navy's Inspector General has reported that EO specialists lack the support and confidence of their superiors and are underused as program experts.

In the Marine Corps, EO specialists are assigned to commanding generals and commanding officers of independent installations and stations. However, at one Marine Corps base we visited, the senior officer did not have an EO specialist assigned. According to Marine Corps officials, the Marine Corps EO program is only 2 years old and not all EO positions are

⁸Review of Military Department Investigations of Allegations of Discrimination by Military Personnel, Assistant Inspector General for Departmental Inquiries, March 1994.

filled. More specialists are being trained, and all EO positions should be filled by January 1997.

EO Specialists May Be Burdened With Large Populations and Collateral Duties

The number of servicemembers EO specialists serve varies considerably from service to service, with Navy and Marine Corps specialists serving the largest populations. The Air Force bases we visited, for instance, had 1 specialist for approximately every 1,000 servicemembers. At one Army command, 12 EO specialists, including an officer, served 20,000 servicemembers, a ratio of 1 specialist to about 1,700 servicemembers. In contrast, at 2 Marine Corps installations we visited, 1 EO specialist served about 38,000 servicemembers, whereas another served 8,000. Similarly, 1 Navy fleet EO specialist and 29 EO specialists at subordinate Navy commands we visited collectively served about 149,000 servicemembers, a ratio of 1 specialist to 4,100 servicemembers. In addition, some Navy commands did not have an EO specialist assigned.

Marine Corps and Navy EO specialists, unlike their Air Force and Army counterparts, frequently had collateral duties as well. A Navy fleet EO specialist managed the drug and alcohol program and the civilian equal employment opportunity program in addition to managing the command's EO program and coordinating the EO programs within the fleet. At a September 1994 EO conference, Marine Corps EO specialists said that in addition to EO duties, they were sometimes assigned other responsibilities,⁹ such as managing the base housing program and other tasks.

In addition, in the Army, the Marine Corps, and the Navy, commanders may also assign EO as a collateral duty to a staff member. These staff receive EO training, but not the extensive training EO specialists receive. Their duties are typically to act as the "eyes and ears" of the commander on EO matters within the unit. In the Army, they may also help mediate EO complaints at a low level and provide unit-level EO training.

Use of EO Climate Assessments Was Limited

Each service requires or strongly encourages commanders to assess the EO climate of their unit to identify any issues needing attention. Climate assessments may include a survey of personnel to determine their perceptions and attitudes. They may also include small group "sensing sessions"; one-on-one interviews with unit members; a review of EO

⁹East Coast Equal Opportunity Advisors Conference, Sept. 29-30, 1994, Marine Corps Base, Camp Lejeune, North Carolina.

complaint files; and an analysis of personnel data, such as disciplinary actions, retention rates, and the distribution of awards, to determine whether there are any apparent disparities among groups.

Some commands we visited conducted EO climate assessments of one sort or another, and some commanders appeared to be using the results to help them manage their EO programs. However, in other instances, commands did not conduct assessments or, if they did, failed to act on them.

- Two of the Air Force bases we visited had not conducted installation-wide climate assessments in 1994, although such assessments were required semiannually. All the bases conducted a limited number of unit-specific climate assessments, but we found no evidence that the Social Actions Offices followed up to determine whether remedies to identified EO problems had been implemented.
- Only 1 of 14 Marine Corp units we visited at 2 installations had conducted a climate assessment within the past year. The Marine Corps EO Manual requires that commanders establish quality assurance procedures, including climate assessments, to determine the effectiveness of their EO programs.
- Two of the three major subordinate commands in one Navy fleet command had not conducted a climate assessment in the past 3 years, even though the Navy requires annual assessments. The fleet command itself had just conducted a climate assessment—the first in the last 3 to 4 years. The Navy is the only service that requires commands to develop follow-up plans to address identified problems, but we found such plans were lacking in many cases.

On the other hand, many of the units at the Army installations we visited had conducted unit climate assessments. The Army's EO regulation recommends that assessments be conducted 90 days after a commander takes command. However, only three of the six installations had conducted installation-wide assessments. The Army is considering changes to its EO policy, including requiring all commanders to conduct climate assessments within 90 days of assuming command and annually thereafter.

EO Training Is Incomplete and Undocumented

Commanders do not receive training in managing the EO program, even though they are responsible for its success. In addition, although the Secretary of Defense has recognized that EO training for generals and flag officers has been limited, many have not attended an EO course at the

Defense Equal Opportunity Management Institute, as directed by the Secretary. Furthermore, we found during our site visits that many commands could not show that their military personnel had received service-required EO training.

Senior Commanders Are Not Trained in Managing Their EO Programs

The services have not developed instructional curricula to teach commanders how to manage an EO program. The services' curricula for senior-level leaders do not, with some minor exceptions, include material on the commanders' role and responsibilities for managing the program. DEOC noted this deficiency in its May 1995 report and recommended that DOD policy be amended to ensure that commanders and civilian managers receive this type of instruction.

In addition to having little, if any, training in the management of EO programs, not all senior leaders have been trained in the precepts of EO. The Secretary of Defense mandated in a March 1994 memorandum to DOD components that senior leaders receive EO training from the Defense Equal Opportunity Management Institute. As of September 1995, 384, or about 44 percent, of the services' 877 general and flag officers had taken the required EO training. The Navy had trained about 85 percent, Marine Corps about half, the Air Force about 41 percent, and the Army about 15 percent of their general and flag officers.

Servicemembers' EO Training Was Not Always Documented

Although DOD Directive 1350.2 requires the services and other DOD components to ensure that their members receive recurring EO training, records of such training at most of the commands we visited were not maintained or were inaccurate. In addition, the services' requirements for EO training varied widely because DOD has not defined "recurring."

The Army requires that its members receive EO training twice a year. Most of the commands were providing the required training, but none of the units we visited at several Army commands could document that all personnel had attended EO training. Several units were in the process of automating their record-keeping systems to enable better tracking. An Army command at one base was not aware of the Army's semiannual training requirement.

The Navy requires that its personnel receive rights and responsibilities training, which includes EO, 90 days after reporting to a new command and annually thereafter. However, training was inconsistently offered or was

undocumented. For example, two ships we visited did not require EO training for E-7s and above, only a third of the personnel reporting to one Navy command between January 1992 and September 1994 received EO training, and EO program officials at several naval commands had no documentation that EO training had occurred.

The Air Force does not require its servicemembers to receive training on a periodic basis like the other services. Rather, it requires EO training when servicemembers report to their first duty station, transfer to a new command, or attend a professional military education school. As a result, Air Force servicemembers who do not change commands regularly or attend professional military education schools may not receive EO training for several years.

In its report, the House task force stated that many servicemembers believe EO training is ineffective because it is conducted in very large groups, providing little opportunity for discussion, and because it is conducted at times by individuals who are inadequately trained themselves. Servicemembers in virtually all the focus groups we conducted in the Army (which conducted servicewide EO training in June 1994) and to a lesser extent in the Navy (which conducted servicewide sexual harassment training in 1992) recalled the training. However, servicemembers in many of the focus groups in the Air Force and the Marine Corps could not recall when they had last received EO-specific training.

Not All Complaints Are Reported

Although DOD requires the collection of EO complaint data, some EO complaints and incidents are not reported up the chain of command. In implementing DOD Directive 1350.2, all the services require commands to report EO complaints. But the interpretation of the guidance is not consistent among the services.

Complaint data is used to prepare one part of annual military EO assessments required by DOD. The assessments are DOD's primary source of information for monitoring the services' EO programs. In their assessments, the services report racial and gender statistics for

10 personnel-related categories, including the number of discrimination or sexual harassment complaints that surface through official channels.¹⁰

In addition, during our visits, we noted that EO complaints and incidents were not reported in several instances. Among the reasons for these omissions were (1) units did not report complaints to the person or office responsible for gathering complaint data; (2) commands differed in their views about which complaints should be reported and when; and (3) incidents were resolved outside EO channels, such as incidents adjudicated through the military justice system. The following examples illustrate some of the reporting problems we found:

- In fiscal years 1993 and 1994, subordinate units at one Army command did not report 24 complaints to EO officials because they were not aware of the requirement.
- In 1993, four of eight discrimination complaints at a Marine Corps installation were not reported to the EO specialists, as required.
- Each of the three Navy commands we visited reported EO complaints differently. One reported only substantiated complaints, one reported only formal complaints, and one reported all complaints—substantiated or unsubstantiated and formal or informal. Navy regulations require EO complaints not resolved informally to be reported.
- Although required to do so, many Navy commands and two Marine Corps installations we visited did not report EO-related incidents that resulted in nonjudicial punishments, courts-martial, or administrative discharges. Within one fleet command, for example, 17 such incidents were not reported in fiscal years 1993 and 1994.
- At three Air Force bases, we identified a total of six EO-related incidents that were resolved through the military justice system but were not reported to the Social Actions Office.

As we recently reported,¹¹ the services' military EO assessments have not been as useful as they could have been partly because the services have interpreted the definitions and requirements differently. In its May 1995 report, DEOC found that enhanced data collection and reporting would improve DOD's efforts to deal with EO complaints systematically. DEOC

¹⁰The 10 reporting categories are (1) recruiting/accessions, (2) force composition, (3) promotions, (4) professional military education, (5) separations, (6) augmentation (reserve officers transferring to an active-duty component) and retention, (7) assignments (those considered career enhancing), (8) discrimination or sexual harassment complaints, (9) utilization of skills (skill categories with high or low concentrations of minorities or women), and (10) discipline.

¹¹Military Equal Opportunity: Certain Trends in Racial and Gender Data May Warrant Further Analysis (GAO/NSIAD-96-17, Nov. 17, 1995). In commenting on this report, DOD said it is taking action to ensure uniformity and comparability in the services' assessments.

recommended that the Office of the Secretary of Defense establish uniform data elements and require that the services use those elements in reporting EO complaints.

Recommendations

DEOC reported on most of the matters addressed in this report, and DOD is addressing DEOC's recommendations. Therefore, we are not making any recommendations at this time.

Agency Comments

In commenting on a draft of this report, DOD concurred with the report. DOD also noted that it is addressing the DEOC recommendations and is continuing actions to improve the military EO complaint systems. DOD's comments are reproduced in appendix III.

A discussion of our scope and methodology is in appendix II. We conducted our review between February 1994 and November 1995 in accordance with generally accepted government auditing standards.

We are sending copies of this report to the Chairmen and Ranking Minority Members of the Senate Committee on Armed Services, the House Committee on National Security, and the Senate and House Committees on Appropriations; the Secretaries of Defense, the Air Force, the Army, and the Navy; the Commandant of the Marine Corps; and the Chairman, Joint Chiefs of Staff. Copies also will be made available to others upon request.

Please contact me at (202) 512-5140 if you or your staff have any questions concerning this report. Major contributors to this report are listed in appendix IV.

Sincerely yours,



Mark E. Gebicke
Director, Military Operations
and Capabilities Issues

Contents

Letter	1
Appendix I Summaries of the Service Focus Group Sessions	16
Can You Describe the EO Complaints Process in Use at This Unit or Location?	17
Are You Aware of Any EO Specialists Serving This Unit or Location, and Do You Know Their Role?	18
Have You Received EO Training at This Unit or Location, and Was It Sufficient for Your Needs?	19
Do You Have Faith in the Chain of Command to Process an EO Complaint in a Fair and Timely Manner?	20
Do You Fear Reprisal If You File an EO Complaint?	21
What Is the EO Climate at This Unit or Location?	22
Appendix II Scope and Methodology	24
Appendix III Comments From the Department of Defense	26
Appendix IV Major Contributors to This Report	27
Table	Table I.1: Focus Group Participants by Service 16

Abbreviations

DEOC	Defense Equal Opportunity Council
DOD	Department of Defense
EO	equal opportunity

Summaries of the Service Focus Group Sessions

Following are summaries of the comments made to us in focus groups we conducted at 17 of the 22 service installations and aboard the 3 Navy vessels we visited. A total of 927 servicemembers participated. We asked the focus groups six basic questions concerning their respective service's equal opportunity (EO) program and complaints process. For the focus groups, we randomly selected servicemembers and organized them into small groups (generally about 10 each) by rank: (1) E-1 to E-4 (nonsupervisory lower-ranked enlisted personnel), (2) E-4 to E-6 (mid-level supervisory enlisted personnel), (3) E-7 to E-9 (senior-ranked enlisted personnel), and (4) O-1 to O-3 (junior officers) and warrant officers. The following table shows the number of participating servicemembers by service, rank, minority status, and gender.

Table I.1: Focus Group Participants by Service

Service	E1-E4	E5-E6	E7-E9	Officers	Total	Minorities ^a	Females
Air Force	69	74	56	39	238	87 ^b	68 ^b
Army	71	68	51	70	260	^c	^c
Marine Corps	24	23	26	35	108	38	4
Navy	93	79	76	73	321	132	72
Total	257	244	209	217	927	257	144

^aWe grouped five categories as minorities based on the participants' responses. These categories are (1) American Indian or Alaskan Native, (2) Asian or Pacific Islander, (3) black (not of Hispanic origin), (4) Hispanic, and (5) other.

^bWe did not collect racial and gender information for the focus groups we conducted at Langley Air Force Base, Virginia. These groups included 50 servicemembers.

^cWe did not collect racial and gender information for the focus groups we conducted in the Army.

Each of the focus groups was conducted by a two- or three-member team of our evaluators with at least one minority group member. Although we documented the focus group discussions, the results referred to in this report are the team members' interpretation of what they heard. Additionally, although the focus groups consisted of servicemembers selected at random, the comments we heard cannot be applied across the services. In the discussions that follow, when we refer to comments from "groups", we are referring to the repetition of a comment made across the focus groups whether it was stated by a single individual or by several individuals within each of the groups.

The focus groups provided a wide range of comments on the topics discussed. However, we noted a prevailing sense that the military was a good EO employer and that although discrimination and harassment

occurred, these were not major problems. Nevertheless, we also detected some concerns.

- In many of the focus groups—especially among the lower-ranked enlisted members—fear of reprisal and a lack of faith in the chain of command were cited as reasons they would be reluctant to use the EO complaints process. In some focus groups, participants said that some leaders do not want EO complaints filed because complaints adversely reflect on their leadership abilities and could be justification for adverse ratings.
- Rather than discrimination, in a number of focus groups concern was expressed about favoritism; that is, sometimes the same situation is handled differently by the chain of command depending on whether the individual is in favor with the commander.
- Focus groups at locations with significant Department of Defense civilian populations cited problems working with the civilians. These groups said a servicemember's career could be negatively affected by a civilian supervisor who did not understand how to do military ratings.

Can You Describe the EO Complaints Process in Use at This Unit or Location?

Air Force

Virtually all the focus groups knew that the Social Actions Office was available to help them prepare an EO complaint. They also noted that a complaint should be filed with the chain of command.

Army

In virtually all the focus group discussions, the participants were familiar with how to file EO complaints and knew that the EO adviser and unit EO representative were available to help file complaints and provide assistance on EO issues. In most groups, participants knew that complaints could be filed with the chain of command; an EO specialist or an inspector general; and other agencies, including the chaplain and medical personnel.

Marine Corps

Most of the focus groups were familiar with how to “request mast” (a meeting with their commander) and use the chain of command for

surfacing a complaint, but they would rather not file a complaint. They were unfamiliar with how to go to the EO specialist for assistance and were generally unaware that other avenues, such as the inspector general, were available to them to file a complaint.

Navy

Many of the focus groups were not familiar with how to file EO complaints. Several groups at different locations did not know of the EO complaint process. Most said any type of complaint should be resolved through the chain of command. Some of the focus groups with more senior personnel, who would be in a position of advising a complainant of their options, said the Command Managed EO officer (who is an "overseer" of the commander's program) was used in the complaint process, but this is not so.

Are You Aware of Any EO Specialists Serving This Unit or Location, and Do You Know Their Role?

Air Force

Most focus groups knew the Social Actions Office with EO-trained personnel would help process EO complaints. Some focus groups with senior-ranked enlisted members said that the inspector general was not a viable place to complain because the office is not independent of command influence.

Army

The majority of the focus groups knew who the unit EO representative was, but fewer knew who the EO advisers and full-time EO specialists were. Most knew that the names of the EO advisers and representatives could usually be found on unit bulletin boards. They said the EO representatives were valuable because they were EO trained and were readily available to help in EO matters because they were in the same unit. Virtually all knew that the EO specialists (1) are the primary EO trainers, (2) give advice on how to resolve EO problems, and (3) help process and resolve EO complaints.

Marine Corps

Participants in only a few of the focus groups were aware of the base EO specialist or the unit EO specialist. For example, only one of eight officers in one focus group knew there was a base EO specialist. This officer became aware of this individual only after preparing for our visit. Almost all of the groups said they would use the chain of command or request a meeting with their commander as their primary means of resolving an EO complaint.

Navy

Although most of the focus groups were aware of EO specialists, some were not. On one ship, the enlisted personnel focus group was not aware of the EO specialist, while the officer focus groups said it would not use the EO specialist because he was "a cause of problems."

**Have You Received
EO Training at This
Unit or Location, and
Was It Sufficient for
Your Needs?**

Air Force

Most of the focus groups with junior enlisted members did not recall receiving EO training at their current location. While most of the groups with more senior-ranked enlisted members and junior officers recalled receiving some EO training, much of it was on sexual harassment. The focus groups with senior-ranked Air Force enlisted members said EO training was too general. To be more useful, the training needs specific examples of right and wrong actions.

Army

Most focus groups recalled receiving EO training during June 1994 when the Army introduced a revised EO complaints process. Virtually all recalled receiving periodic EO training in their units from a minimum of twice yearly to as many as four times a year. Most said that the scope and extent of training generally met their needs.

Marine Corps

Few focus groups recalled receiving any EO training at their location. Most of the EO training the groups remembered was at basic training and

schools. There was general agreement that more unit-level EO training was needed.

Navy

Most groups recalled receiving EO training at their current location usually as part of Navy rights and responsibilities training. Many said the EO training focused mostly on sexual harassment.

**Do You Have Faith in
the Chain of
Command to Process
an EO Complaint in a
Fair and Timely
Manner?**

Air Force

The majority of the focus groups expressed a lack of faith in the chain of command. Generally, the groups with lower-ranked enlisted personnel trusted the chain of command the least, while the senior-ranked enlisted and the officer focus groups trusted the chain of command the most. However, at one major command, the focus group with senior-ranked enlisted members said it did not trust the officers to support the senior enlisted members against complaints from lower-ranked enlisted members who were poor performers. The focus groups with junior enlisted members said that the chain of command was "a joke" and that there was too much favoritism. Most of these groups also said they would not feel comfortable filing an EO complaint.

Army

Like the Air Force, the majority of the focus groups expressed a lack of faith in the chain of command. Some said the chain of command would label those submitting an EO complaint as troublemakers and they could be the subject of reprisals. Generally, the focus groups with lower-ranked enlisted personnel trusted the chain of command the least, while the groups with senior-ranked enlisted members and junior officers generally trusted the chain of command the most. The focus groups with junior enlisted members said that their immediate supervisors and above were just looking for any opportunity to "drop paper on them"—that is, prepare

written counseling statements against them citing nonperformance of duties. When enough statements were in the file, the servicemember could be involuntarily discharged.

Marine Corps

As with the other services, the majority of the focus groups expressed a lack of faith in the chain of command. The focus groups with lower-ranked enlisted personnel trusted the chain of command the least, while the groups with senior-ranked enlisted members and officers trusted the chain of command the most. Most also were convinced that "you didn't go outside the chain of command." Many of the focus groups with senior-ranked enlisted members and junior officers stated that they would not file a complaint because, as leaders, they were expected to solve the problems of their personnel as well as their own. They noted that solving your own problems or problems of Marines who are your responsibility is considered a "code of honor," which reduces the need for a formal complaint process.

Navy

Again, the majority of the focus groups expressed a lack of faith in the chain of command. As with the Air Force and the Army, the lower-ranked enlisted personnel groups generally trusted the chain of command the least, while the groups with senior-ranked enlisted members and junior officers trusted the chain of command the most.

Do You Fear Reprisal If You File an EO Complaint?

In response to this question, we heard many of the same comments in each of the services. Overall, the majority of the focus groups said they would suffer reprisal if they filed an EO complaint, especially if they went outside the chain of command. Generally, the focus groups with lower-ranked enlisted personnel feared reprisal the most. The groups that feared reprisal said the reprisal would be subtle and hard to prove but would occur. They also said personnel who filed a complaint would be labeled as troublemakers and subsequently would be watched very closely and given no leeway if they made a mistake.

Some focus groups with senior-ranked enlisted servicemembers noted that some officers do not want EO complaints to be filed because higher headquarters commanders would take the existence of complaints as proof that the junior officers were poor leaders. In addition, they said the EO process is abused by poor performers who threaten to file EO complaints as a defense against corrective action being taken against

them. They said that supervisors fear being the subject of an EO complaint that could be used by senior commanders to criticize them.

Some focus groups with junior officers said the EO and inspector general systems are for the enlisted members. Officers rarely go to the inspector general or file an EO complaint because doing so may be seen as admitting you cannot solve your own problems and you are not a team player.

What Is the EO Climate at This Unit or Location?

Air Force

Many of the focus groups said the EO climate was not healthy because of some racism and sexual harassment. At two bases, problems with civilians were considered the primary reason for an unhealthy EO climate. Climate surveys were considered of little value because the commander must request them, and the surveys did not include civilians—a frequent source of EO problems.

Army

Most of the focus groups said the EO climate was satisfactory. They said the military was generally better than the civilian world. Although some knew that racism existed, they did not say it was a pervasive problem. However, some EO-related matters were of concern.

- Problems with the EO climate included favoritism as the most frequent problem. In essence, who you knew was more important than what you knew.
- At three installations, in many of the groups participants said that those working for and rated by civilians were treated badly. Bad ratings were most frequently cited as a result. Problems also occurred in off-post relations for both military personnel and their dependents.
- A number of focus groups with officers and senior-ranked enlisted members said that too many EO complaints were unfounded and were filed by nonperformers as a defense against corrective action being taken against them for not doing their job.

Appendix I
Summaries of the Service Focus Group
Sessions

Marine Corps

Although many of the focus groups said the EO climate was healthy, the focus groups with senior-ranked enlisted members said the junior officers were too concerned about their own careers instead of the welfare of the troops. Seeming to confirm this view, the officer focus groups had an undertone that they did not have enough time for combat training let alone something like EO.

Navy

At four of the bases and ships we visited, many of the focus groups said the EO climate was satisfactory. The group discussions at the other four bases and ships were less positive, noting concerns of sexual harassment and some racism.

Scope and Methodology

We reviewed the Department of Defense's and the services' policies and procedures governing the EO program, including the complaint process, and interviewed officials responsible for developing EO policies at the Office of the Deputy Assistant Secretary of Defense for Equal Opportunity and at the services' headquarters. We reviewed the services' annual assessments of their EO programs and other statistical reports, studies, and pertinent program documentation. In addition, we attended a training session at the Defense Equal Opportunity Management Institute, Patrick Air Force Base, Florida.

We visited 22 military service installations, 3 Navy vessels, and 6 joint service commands and defense agencies. At each, we interviewed members of the command structure, EO specialists, and legal and administrative personnel. We reviewed copies of EO policies, discrimination complaint records, climate assessments, EO reports, and training records and lesson plans. As summarized in appendix I, we conducted focus groups at 17 of the 22 military service installations and aboard the 3 Navy vessels we visited. The service installations represented a cross-section of mission areas—combat, combat support, intelligence, logistical, medical support, training, and administrative; the Navy vessels were tenders, and women had been fully integrated into the officers corps and crew. The locations visited were as follows:

- Air Force: Hickam Air Force Base, Hawaii; Kelly, Lackland, and Randolph Air Force Bases, Texas; and Langley Air Force Base, Virginia.
- Army: Fort Belvoir, Virginia; Fort Campbell, Kentucky; Fort Huachuca, Arizona; Fort Meade, Maryland; Fort Rucker, Alabama; and Fort Stewart, Georgia.
- Marine Corps: Marine Corps Base, Hawaii, and Camp Lejeune and the Marine Corps Air Station Cherry Point, North Carolina.
- Navy: Miramar and North Island Naval Air Stations, California; the San Diego Submarine Base, the Fleet Anti-Submarine Warfare Training Center Pacific, and the U.S.S. Dixon, San Diego, California; Pensacola Naval Air Station and the Naval Education and Training Command, Florida; Commander in Chief, Pacific Fleet, and the U.S.S. Cushing, Hawaii; and Commander in Chief, Atlantic Fleet, and the U.S.S. Land, Norfolk, Virginia.
- Joint service commands and defense agencies: the U.S. Atlantic Command, Norfolk, and the Joint Personal Property Shipping Office Washington Area, Fort Belvoir, Virginia; the U.S. Pacific Command, Hawaii; and the Joint Chiefs of Staff, the Defense Nuclear Agency, and the Defense Intelligence Agency, Washington, D.C.

Appendix II
Scope and Methodology

We conducted our review between February 1994 and November 1995 in accordance with generally accepted government auditing standards.

Comments From the Department of Defense



ASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000



DEC 18 1995

FORCE MANAGEMENT
POLICY

Mr. Mark E. Gebicke
Director, Military Operations
and Capabilities Issues
National Security and
International Affairs Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Gebicke:

This is the Department of Defense (DoD) response to the General Accounting Office (GAO) draft report, "MILITARY EQUAL OPPORTUNITY: Problems With Services' Complaint Systems Are Being Addressed by DOD," dated October 18, 1995 (GAO Code 703055/OSD Case 1042). The DoD generally concurs with the GAO draft report.

As noted in the draft report, the Secretary and the Deputy Secretary of Defense, through the Defense Equal Opportunity Council (DEOC), established a Task Force on Discrimination and Sexual Harassment in May 1994. The Task Force conducted a comprehensive review of discrimination complaint procedures in the Military Departments and published a report in May 1995 with 48 recommended improvements to military equal opportunity programs.

Also as the GAO draft report indicates, the Department is addressing the DEOC recommendations. The recommendations of the DEOC Task Force were incorporated into DoD guidance in the revised DoD Directive 1350.2, "Department of Defense Military Equal Opportunity Program," and published in August 1995. Some of the Task Force report's key recommendations included: train leaders on their equal opportunity roles and responsibilities; hold commanders accountable; conduct periodic equal opportunity climate assessments; adhere to complaint timelines; adopt standards for investigations; establish reprisal prevention programs; and establish appeal procedures.

The DoD is encouraged to note that the draft report acknowledges the Department's continuing actions to improve military equal opportunity complaint systems.

Additional technical comments were separately provided to the GAO staff. The DoD appreciates the opportunity to comment on the GAO draft report.

Sincerely,

A. Pang
F. Pang



Ordering Information

The first copy of each GAO report and testimony is free. Additional copies are \$2 each. Orders should be sent to the following address, accompanied by a check or money order made out to the Superintendent of Documents, when necessary. Orders for 100 or more copies to be mailed to a single address are discounted 25 percent.

Orders by mail:

U.S. General Accounting Office
P.O. Box 6015
Gaithersburg, MD 20884-6015

or visit:

Room 1100
700 4th St. NW (corner of 4th and G Sts. NW)
U.S. General Accounting Office
Washington, DC

Orders may also be placed by calling (202) 512-6000 or by using fax number (301) 258-4066, or TDD (301) 413-0006.

Each day, GAO issues a list of newly available reports and testimony. To receive facsimile copies of the daily list or any list from the past 30 days, please call (202) 512-6000 using a touchtone phone. A recorded menu will provide information on how to obtain these lists.

For information on how to access GAO reports on the INTERNET, send an e-mail message with "info" in the body to:

info@www.gao.gov

**United States
General Accounting Office
Washington, D.C. 20548-0001**

**Bulk Rate
Postage & Fees Paid
GAO
Permit No. G100**

**Official Business
Penalty for Private Use \$300**

Address Correction Requested

