

## **Defense Advisory Committee for the Prevention of Sexual Misconduct**

### **Sexual Assault and Sexual Harassment Training Study**

#### **Terms of Reference**

This Terms of Reference (ToR) establishes the objectives, as determined by the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), for the Defense Advisory Committee for the Prevention of Sexual Misconduct (DAC-PSM) to conduct a review of training related to sexual assault and sexual harassment, working through its Metrics and Performance Subcommittee and its Prevention Training and Activities Subcommittee. The DAC-PSM's resulting study report will be provided to the USD(P&R) for consideration in the Department's response to the requirements directed in section 559E of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022.

Mission Statement: Consistent with the Federal Advisory Committee Act (FACA) and in accordance with DoD policy and procedures, the DAC-PSM will not duplicate work that has been performed or is being performed by DoD or any other DoD Federal advisory committee or subcommittee. The DAC-PSM provides the Secretary of Defense (SecDef) and the Deputy Secretary of Defense, through the USD(P&R), independent advice on the prevention of sexual assault (including rape, forcible sodomy, other sexual assault, and other sexual misconduct (including behaviors on the sexual assault continuum of harm<sup>1</sup>)) involving members of the Armed Forces and the policies, programs, and practices of each Military Department, each Armed Force, and each Military Service Academy, which includes the United States Coast Guard Academy (per FY21 NDAA, section 535). In accordance with a September 30, 2021 decision by SecDef, the DAC-PSM review of the prevention of sexual assault policies, programs, and practices at each academy is to include reviewing similar matters at all DoD educational institutions and training facilities.

Issue Statement: The DAC-PSM's two subcommittees – Metrics and Evaluation Subcommittee and Prevention Training and Activities Subcommittee – will conduct research and develop recommendations related to the Department's approach and effectiveness of its sexual assault and sexual harassment training. The subcommittees will then report their independent advice and recommendations to the DAC-PSM for its thorough discussion and deliberation at a properly noticed and open meeting, unless it must be closed in accordance with one or more of the Government in the Sunshine Act exemptions.

Objective and Scope: The two DAC-PSM subcommittees will analyze DoD and Military Services' approaches to training Service members on sexual assault and sexual harassment. The subcommittees will address the following study topics:

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<sup>1</sup> Subsection 550B(e) of the National Defense Authorization Act for FY 2020 (Pub. L. 116-92) states "that the term "sexual assault continuum of harm" includes (1) inappropriate actions (such as sexist jokes, sexual harassment, gender discrimination, hazing, cyber bullying, or other behavior that contributes to a culture that is tolerant of, or increases risk for, sexual assault; and (2) maltreatment or ostracism of a victim for a report of sexual misconduct."

**Metrics and Performance Subcommittee Study Topics**

1. Determine if training metrics are standardized across the Department;
2. Determine if incentives are being used (and if so, done appropriately) to improve training outcomes; and
3. Offer recommendations on evaluation approaches shown to be effective in the civilian community, including colleges/universities.

**Prevention Training and Activities Subcommittee Study Topics**

1. Consider how each training is intended to change behavior;
2. Assess approaches to drawing on non-DoD expertise in the development of the training; and
3. Offer recommendations on prevention activities shown to be effective in the civilian community, including colleges and universities.

The subcommittees will provide periodic updates to the DAC-PSM on its work, as appropriate, and develop recommendations with comprehensive supporting evidence, with final input due to the DAC-PSM no later than May 1, 2023. The DAC-PSM's advice and recommendations, in the form of a written report, is due to the USD(P&R) no later than June 15, 2023.

In support of this ToR and the work conducted in response to it, the DAC-PSM and these subcommittees have my full support to meet with Department leaders. The DAC-PSM staff, on behalf of the DAC-PSM and its subcommittees, may request the Office of the Secretary of Defense and DoD Component Heads to timely furnish any requested information, assistance, or access to personnel to the DAC-PSM or these subcommittee. All requests shall be consistent with applicable laws, applicable security classifications, DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program," and this ToR. As special government employee members of a DoD federal advisory committee, the DAC-PSM and its subcommittee members will not be given any access to DoD networks, to include DoD email systems.

Once material is provided to the DAC-PSM and the subcommittees, it becomes a permanent part of the DAC-PSM's records. All data/information provided is subject to public inspection unless the originating Component office properly marks the data/information with the appropriate classification and Freedom of Information Act exemption categories before the data/information is released to the DAC-PSM and the subcommittee. The DAC-PSM has physical storage capability and electronic storage and communications capability on an unclassified network to support receipt of unclassified material only.

The DAC-PSM, Metrics and Performance Subcommittee, and Prevention Training and Activities Subcommittee will operate in conformity with and pursuant to the DAC-PSM's charter, the Federal Advisory Committee Act (5 United States Code (U.S.C.), Appendix), the Government in the Sunshine Act (5 U.S.C. § 552b), and other applicable federal statutes, regulations, and policy. Individual members of the DAC-PSM, Metrics and Performance Subcommittee, and Prevention Training and Activities Subcommittee do not have the authority to make decisions or provide recommendations on behalf of the DAC-PSM nor report directly to any Federal representative. The members of the Metrics and Performance Subcommittee, Prevention Training and Activities Subcommittee, and the DAC-PSM are subject to certain Federal ethics laws, including 18 U.S.C.

§ 208, governing conflicts of interest, and the Standards of Ethical Conduct regulations in 5 Code of Federal Regulations, Part 2635.

Dated: \_\_\_\_\_