

REPORT DOCUMENTATION PAGE

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| | | |
|--|---|-------------------------------------|
| 1. REPORT DATE (DD-MM-YYYY) 04-05-2018 | 2. REPORT TYPE Master of Military Studies | 3. DATES COVERED (From - To) |
|--|---|-------------------------------------|

| | |
|---|--|
| 4. TITLE AND SUBTITLE Gender Equity: A Comparative Study of Women's Equality in the Marine Corps and the Civilian Workplace | 5a. CONTRACT NUMBER N/A |
| | 5b. GRANT NUMBER N/A |
| | 5c. PROGRAM ELEMENT NUMBER N/A |

| | |
|---|------------------------------------|
| 6. AUTHOR(S) Gomez, Ray N., Major, USMC | 5d. PROJECT NUMBER N/A |
| | 5e. TASK NUMBER N/A |
| | 5f. WORK UNIT NUMBER N/A |

| | |
|--|--|
| 7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) USMC Command & Staff College Marine Corps University 2076 South Street Quantico, VA 22134-5068 | 8. PERFORMING ORGANIZATION REPORT NUMBER N/A |
|--|--|

| | |
|---|--|
| 9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A | 10. SPONSOR/MONITOR'S ACRONYM(S) N/A |
| | 11. SPONSOR/MONITOR'S REPORT NUMBER(S) N/A |

12. DISTRIBUTION / AVAILABILITY STATEMENT

Approved for public release, distribution is unlimited

13. SUPPLEMENTARY NOTES

14. ABSTRACT
This paper examines gender integration in the Marine Corps. It compares and contrasts the Marine Corps with the overall American civilian workforce integration timeline, legislation, and progress focusing on four primary aspects: Equal opportunity programs instituted by legislation for the protection and equal treatment of women, integration into the workforce with regard to gender neutrality in occupational access and leadership positions, pay and benefits, and workplace prevention of sexual harassment and assault.

The Marine Corps provides comparable equal opportunity programs aimed at the protection and equal treatment of women to that of the civilian workforce. Though the integration process differed between the Marine Corps and the overall civilian workforce, the civilian sector integrated women faster and better than the Marine Corps in the areas of occupational access without caps to the number of women allowed to be employed and promotion to leadership positions which is evident in that women make up the majority of the civilian workforce at 51% compared to 7% of women serving in the Marine Corps. The Marine Corps provides equal pay for men and women of all ranks respectively whereas statistically, women in the civilian workforce earn an average of 21.4% less than their male counterparts. The Marine Corps also provides equal or superior benefits to women compared to their male counterparts and the civilian workforce, especially in consideration of maternity leave where military women are guaranteed 126 days of paid maternity leave compared to 84 days of unpaid leave for civilian workforce women. Finally, compared to the civilian sector (with an evaluation of overall crime statistics), the Marine Corps performs poorly in the prevention of workplace sexual misconduct and continues to foster a biased and hostile work environment toward women. Statistics show that 65-79% of military females experience sexual harassment each year and senior leaders are the largest offenders, and females in the Marine Corps experience assault at a rate of 1 in 5 compared to the civilian statistic of 1 in 6.

15. SUBJECT TERMS
Equality, Women, Pay gap, integration, sexual harassment, sexual assault

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|--|-------------------------------|--------------------------------|-----------------------------------|----------------------------|--|
| 16. SECURITY CLASSIFICATION OF: | | | 17. LIMITATION OF ABSTRACT | 18. NUMBER OF PAGES | 19a. NAME OF RESPONSIBLE PERSON |
| a. REPORT Unclass | b. ABSTRACT Unclass | c. THIS PAGE Unclass | | | 19b. TELEPHONE NUMBER (include area code) |

*United States Marine Corps
Command and Staff College
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2076 South Street
Marine Corps Combat Development Command
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MASTER OF MILITARY STUDIES


Gender Equity: A Comparative Study of Women's Equality in the Marine Corps and the Civilian
Workplace

SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF MILITARY STUDIES

Major Ray N. Gomez

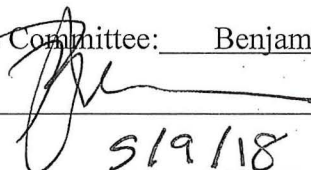
AY 2017 - 2018

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Date: 5/9/18

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Executive Summary

Title: Gender Equity: A Comparative Study of Women's Equality in the Marine Corps and the Civilian Workplace

Author: Major Ray N. Gomez

Thesis: Comparing and contrasting the Marine Corps with the overall civilian workforce (without differentiation of industry), using available data and research in four areas, shows that the Marine Corps provides comparable equal opportunity programs, demonstrated a prolonged and deficient gender integration process with regard to limitations and accessibility, provides equal pay and benefits to female members compared to their male counterparts, and emphasizes the Marine Corps' poor prevention of workplace sexual misconduct, gender bias against females, and hostile work environment toward women.

Discussion: In deciding the fair treatment of women, research in this paper compares and contrasts the Marine Corps and the overall civilian workforce (without distinction of industry) by examining four areas of comparison: Equal opportunity programs, gender integration, salary and benefits, and sexual harassment and sexual assault.

Conclusion: This paper asserts that the Marine Corps provides comparable equal opportunity programs aimed at the protection of and equal treatment of women to that of the civilian workforce. Though the integration process differed between the Marine Corps and the civilian workforce, the civilian sector integrated women better than the Marine Corps. Comparatively, the Marine Corps provides equal pay and benefits to women to their male counterparts and provides even better employment benefits than the civilian workforce. Finally, compared to the civilian sector, the Marine Corps performs poorly in the prevention of workplace sexual

misconduct and continues to foster a biased and hostile work environment toward women with the prevalence of sexual harassment and sexual assault.

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Preface

During a first semester ethics course at Command and Staff College 2017, students debated the topic of whether military ethics follows civilian cultural norms. Some examples of the discussion included homosexuality, hazing rituals, and gender integration within the Marine Corps. While once a violation that could have resulted in a dishonorable discharge from service, homosexuals are allowed to serve openly. Hazing, though not legal, was acceptable under the guise of tradition but is now an ostracized practice and punishment under the uniform code of military justice is expected. The Marine Corps has historically been the least integrated service and was once a male-only service but is now inclusive of females. These are examples of how the changes in cultural ethics of the American civilian society have led to changes in the Marine Corps practice and culture.

This debate posed an interesting question: Who leads the way in implementing ethical standards, American society who seems to define ethical behavior or the Marine Corps who changes ethical policy according to changes in societal norms? And which, Marine Corps or civilian sector does a better job of overcoming obstacles to institute and abide by these ethical challenges and changes in social norms? This paper will evaluate these questions on the subject of gender equality in the Marine Corps and the overall civilian workforce.

Abstract

This paper examines gender integration in the Marine Corps. It compares and contrasts the Marine Corps with the overall American civilian workforce integration timeline, legislation, and progress focusing on four primary aspects: Equal opportunity programs instituted by legislation for the protection and equal treatment of women, integration into the workforce with regard to gender neutrality in occupational access and leadership positions, pay and benefits, and workplace prevention of sexual harassment and assault.

The Marine Corps provides comparable equal opportunity programs aimed at the protection and equal treatment of women to that of the civilian workforce. Though the integration process differed between the Marine Corps and the overall civilian workforce, the civilian sector integrated women faster and better than the Marine Corps in the areas of occupational access without caps to the number of women allowed to be employed and promotion to leadership positions which is evident in that women make up the majority of the civilian workforce at 51% compared to 7% of women serving in the Marine Corps. The Marine Corps provides equal pay for men and women of all ranks respectively whereas statistically, women in the civilian workforce earn an average of 21.4% less than their male counterparts. The Marine Corps also provides equal or superior benefits to women compared to their male counterparts and the civilian workforce, especially in consideration of maternity leave where military women are guaranteed 126 days of paid maternity leave compared to 84 days of unpaid leave for civilian workforce women. Finally, compared to the civilian sector (with an evaluation of overall crime statistics), the Marine Corps performs poorly in the prevention of workplace sexual misconduct and continues to foster a biased and hostile work environment toward women. Statistics show that 65-79% of military females experience sexual harassment each year and

senior leaders are the largest offenders, and females in the Marine Corps experience assault at a rate of 1 in 5 compared to the civilian statistic of 1 in 6.

INTRODUCTION

In 2009, a Marine Corps lieutenant stood in front of his subordinate Marines and presented a scenario:

A group of male Marines went to the Enlisted Club. One member of the group begins hitting on a female who rebuffs and declines the Marine. He continues his advances to which she responds with irritation and clearly discourages further attempts. The Marine responds to her rejection with demeaning remarks and offensive epithets aimed at her gender and intending to belittle her.

The Marine lieutenant then asked his Marines why they should intervene. Various responses were given, but the majority centered on intervention in order to keep their fellow “brother” from getting in trouble and from being reprimanded for inciting an alcohol related incident. The group overlooked a vital component to the scenario. The scenario took place in the Enlisted Club meaning the female was also a Marine. The lieutenant told his subordinate Marines that the reason for intervention was to protect and defend the dignity of their fellow “sister” and to correct the inappropriate behavior of their “brother.”

The Marine Corps is often criticized for being sexist and biased against females. In 2013, Marine Corps Commandant General James Amos testified before the Senate Armed Services Committee after a Pentagon report and several embarrassing scandals revealed the pervasiveness of sexual misconduct within its ranks. The military had done so poorly in protecting women and preventing sexual misconduct that Senator Kristen Gillibrand proposed taking prosecutorial responsibility out of the hands of military leaders to which Amos responded with a vehement objection, believing the Marine Corps could correct the problem. In 2015, the Marine Corps released a four-page summary of a yearlong study on the effects of gender integration on troops in combat. Based on the findings of the study, Commandant General Joseph Dunford was led to

recommend that combat infantry positions be closed to women. However, the study was debunked when it was revealed to have been conducted with a flawed methodology, designed to be intentionally biased against women, and initiated to garner a presupposed outcome to mislead Marine Corps senior leadership.¹ In 2017, Commandant General Robert Neller testified before Congress after the Marines United scandal revealed male Marines organized and administered a Facebook page that posted nude and compromising photographs of their female counterparts often including their name, rank, duty station, and command.

Gender equality is the subject of much debate within the civilian sector which is not immune from issues of gender bias, sexism, and sexual misconduct. Beginning with Seneca Falls in 1848, females in the United States have fought for workplace opportunities and rights, equal pay, and for the respect and dignity of their personhood free from workplace oppression and harassment. Women entered civilian employment on a large scale during World War II and changed the dynamics of the American labor force. Equitable standards for women in the workplace are often been decided by ethical challenges that lead to changes in social norms and are brought to fruition using the legal system and legislation. Indirectly, this affects military policy and standards. As a federal institution, the military, and more specifically the Marine Corps, follows suit and provides its female service members with similar protections and standards that guarantee their equal treatment.²

¹ Mathew Cox, “New Details Question Validity of Marine Corps Gender-Integration Study,” Military Daily News October 2, 2015, <https://www.military.com/daily-news/2015/10/02/new-details-question-validity-marine-gender-integration-study.html>

² Kristy N. Kamarck, *Diversity, Inclusion, and Equal Opportunity in the Armed Services: Background and Issues for Congress*, CRS Report for Congress R44321 (Washington, DC: Congressional Research Service, October 24, 2017, 11

Based on recent scandals involving sexual misconduct and a flawed gender integration study, it would appear that the Marine Corps is biased against women and has it failed to implement protections and standards that guarantee the equal treatment of its female members when compared to the overall civilian workforce. In deciding the fair treatment of women, data and research examined four areas of comparison between the Marine Corps and the civilian workforce: Equal opportunity programs, gender integration, salary and benefits, and levels of sexual harassment and sexual assault. First, equal opportunity programs aimed at the protection and equal treatment of women from their institution to the present time between the Marine Corps the overall civilian workforce are compared. Second, the progression and timeline of gender integration in the Marine Corps and the civilian workforce with regard to gender neutrality in occupational accessibility, limitations and in leadership positions is evaluated and compared. Third, salary and benefits for female Marines and females employed in the overall civilian workforce is compared and analyzed for fairness and equality. Finally, the prevention of workplace sexual misconduct is compared and contrasted using available empirical data and research. Comparing and contrasting the Marine Corps with the overall civilian workforce (without differentiation of industry), using available data and research in four areas, shows that the Marine Corps provides comparable equal opportunity programs, demonstrated a prolonged and deficient gender integration process with regard to limitations and accessibility, provides equal pay and benefits to female members compared to their male counterparts, and emphasizes the Marine Corps' poor prevention of workplace sexual misconduct, gender bias against females, and hostile work environment toward women.

USMC: Equal Opportunity Programs, Gender Integration, Pay, Sexual Harassment, and Sexual Assault

Equal Opportunity Programs

In order to ensure fair and equal treatment of male and female Marines and all service members in the military, the Department of Defense created the Military Equal Opportunity (MEO) Program in December 1988.³ The Department of Defense establishes policy in regard to equal opportunity of all Marines for the Marine Corps. Most policies mirror civilian Equal Employment Opportunity (EEO) law.⁴ Exceptions are made in areas such as age discrimination in which civilian employers are restricted from discriminating against employees based on age. However, the military, by statute, limits the age by which one can serve and for how long. The Secretary of Defense establishes policy for Military Equal Opportunity in accordance with Title 5 USC 301. The current definition of Military Equal Opportunity, effective as of November 2016 is:

*The right of all servicemembers to serve, advance, and be evaluated based on only individual merit, fitness, capability, and performance in an environment free the basis of race, color, national origin, religion, sex (including gender identity), or sexual orientation.*⁵

In 1979, the Department of Defense created the Defense Equal Opportunity Management Institute (DEOMI) with the purpose of providing training and education via resident and distance-learning courses aimed at equal opportunity advisors, counselors, and program managers throughout the military, who in turn, provide training and education to service members within each command.⁶ Commanders are responsible for ensuring all Marines, male and female, have a safe place to work and live and an equal chance to excel. The Defense Equal

³ US Department of Defense, "*The Department of Defense Military Equal Opportunity Program*," Directive 1350.2 December 23, 1988

⁴ Ibid 2

⁵ Department of Defense, *Diversity Management and Equal Opportunity in the DOD*, Directive 1020.02E w change 1, effective November 29, 2016

⁶ Ibid2

Opportunity Management Institute provides each command with climate surveys that commanders use to gauge morale, identify potential discrimination issues, and improve organizational culture. These surveys focus on three areas: 1) Organizational effectiveness; 2) equal opportunity and fair treatment; and 3) sexual assault prevention and response. Each Marine is provided with the survey which goes directly to the DEOMI, who calculates the data and provides the commander and the group commander with the state of the command. It also shares how the command performs in these areas in comparison to other commands. This data is also used comprehensively by the DEOMI as a means to gauge the overall organizational climate and monitor equal opportunity and fair treatment in the military broken down by branch.⁷

Gender Integration

From before World War I to the present day, the Marine Corps and Department of Defense have created programs that have gradually moved toward gender equality. Women have only served legally in the Marine Corps since the early 1900s. Opha Mae Johnson ushered in change to the gender demographic make-up of the Marine Corps on 13 August 1918 when she joined as the first female Marine. The next major step for the integration of women was the Women's Armed Services Integration Act of 1948, but it came with limitations. There was a service cap limiting the maximum number of enlisted women to 2% and the number of female officers to 10% of active-duty personnel.⁸ It also prohibited women from serving in aircraft engaged in combat or naval vessels engaged in, or likely to be engaged in combat missions. In 1967, the service cap restriction removed.⁹ As of 2016, the number of active-duty enlisted Marine Corps females is 12,791, which is 7.65 % of the Marine Corps, and the number of

⁷ Ibid2

⁸ Public Law 625 Stat. 356: June 12, 1948: "Women's Armed Services Integration Act of 1948."

⁹ Public Law. 90-130; 81 stat. 374 November 8, 1967. "An Act."

commissioned female Marine Corps officers is 1,432, which is 6.8% of the commissioned force.¹⁰ In total, females make up approximately 7.6% of the Marine Corps.

A significant change to the 1948 Women's Armed Services Integration Act occurred in 1993. In April 1993, Secretary of Defense Les Aspin released a memorandum changing the rules prohibiting females in combat vessels. The National Defense Authorization Act for FY 1994 (P.L. 103-160) followed this memorandum and repealed the previous law barring women from serving in aircraft engaged in combat and naval vessels engaged in or likely to be engaged in combat missions.¹¹ The Secretary of Defense also rescinded the "risk rule" that previously barred women from serving in combat units, however, only at levels above brigade. This remained in effect for the next twenty years.

On December 3, 2015, Secretary of Defense Ashton Carter ordered the military to open all combat jobs to women. Actions by Secretary of Defense Ashton Carter finally led to full integration of females in the Marine Corps and in combat arms military occupational specialties (MOS). Proof of a successful integration is evident in the recent graduation of the first female Marine from the Infantry Officers' Course. The first female graduate was one of 88 Marines who graduated out of 130 who started the course.¹² At the close of 2015, full integration was achieved when all limitations were lifted, including service caps, job field accessibility to all MOS's which affected leadership billets, and the ability to serve in combat units and engage in combat and combat operations.

¹⁰ USMC Almanac, <https://marinecorpsconceptsandprograms.com/almanacs/active-duty-officer/gender-distribution>

¹¹ Public Law 103-160, National Defense Authorization Act for FY1994

¹² Headquarters Marine Corps, Training and Education Command Public Affairs, USMC Press release, (September 25, 2017) <http://www.marines.mil/News/Press-Releases/Press-Release-Display/Article/1322691/first-female-marine-graduates-infantry-officer-course/>

Salary

The military has consistently had nondiscriminatory gender policies regarding basic salary. Basic pay for women in the Marine Corps has always been equal to their male counterparts.¹³ The first 305 women reservist who enlisted in 1918 received the pay appropriate to their grade and equal to their male Marine counterparts: A Private received \$15.00 per month; a Private First Class received \$18.00 per month; a Corporal received \$21.00 per month; and a Sergeant received \$30 per month; while all received \$83.40 for subsidies.

While pay was equal, benefits were not. The Women's Armed Service Integration Act of 1948 regarding benefits similar to what is now call Basic Allowances for Subsidies (BAS) contained a shortfall. A female Marine had to demonstrate that her male spouse was dependent upon her income for her to receive dependent benefits while males did not. A female also had to provide evidence that she was the primary income provider in the household to qualify the children as dependents while male members' children were qualified for dependent status automatically.

A challenge to the burden of proof on females to receive equal benefits arose in 1973. In the Supreme Court case *Frontiero v. Richardson* (1973) the court held that the policy requiring female service members to provide proof of dependency of their spouses and children was unconstitutional, thus entitling female service members to the same dependent benefits as male service members.¹⁴ Currently, Marines receive basic pay and equal benefits based on rank and longevity of service with no regard to gender. Other financial entitlements are affected by things

¹³ Hewitt, Linda L. Capt USMCR: *Women Marines in World War I*" (History and Museums Division Headquarters, U. S. Marine Corps Washington, D.C. 1974)

¹⁴ *Frontiero v. Richardson*, 411 U.S. 677 (1973)

such as, time of service, specific qualifications, and marital dependent status.¹⁵ Bonuses received by military doctors and pilots are examples of monetary benefits that are predicated on special qualification not gender. The Marine Corps is empirically gender neutral and treats women equally when it comes to benefits and monetary entitlements.

The Marine Corps leads the way when considering other monetary benefits that directly relate to women. In 1993, President Bill Clinton signed the Family and Medical Leave Act, which entitled women to twelve unpaid, job-protected weeks of leave to care for a biological or adopted newborn. However, considerations and benefits differ from state to state and employer to employer regarding paid leave time. The Marine Corps (and other branches) have been leaders in the workforce for maternity leave and pay. Female Marines are allotted maternity leave similar to convalescent leave in that it is not charged against the service member's annual leave account. Since August 2015, a female Marine is entitled to 126 days of paid maternity leave compared to the federal mandate of 84 days.¹⁶ Reviewing officers and reporting seniors (supervisors of a Marine who may seek to take maternity leave) are directed by Marine message (MarAd 421/15) to "...ensure Marines [new mothers] are not disadvantaged for using AML [Maternity Leave]." Female service members who have a baby or adopt a child can leave work and continue to receive their pay and benefits without fear of reprisal or loss of seniority.

Sexual Harassment and Sexual Assault

Sexual harassment is the third most common form of workplace mistreatment and predominately victimizes women.¹⁷ Sexual harassment is a form of sex discrimination that is a

¹⁵ Defense Finance Accounting System, DFAS 2018 Military Pay Chart. <https://www.dfas.mil/>

¹⁶ Marine Corps Maternity And Convalescent Leave Policy, MARADMIN 421/15 (R 261604Z AUG 15) August 26, 2015

¹⁷ United States Equal Employment Opportunity Commission, Charged Offenses <https://www.eeoc.gov/eeoc/statistics/enforcement/charges.cfm>

direct violation of Title VII of the Civil Rights act of 1964 and 1991. Title VII divides sexual harassment into two categories: A hostile work environment in which unwanted gender-based comments and behaviors or unwanted sexual attention is tolerated and interferes with workplace performance, and quid pro quo is when an employee is threatened or promised with job related punishments or benefits respectively with sexual coercion or compliance. Nearly half of all women will experience workplace sexual harassment in their lifetimes, and between 65% to 79% of women in the military report being sexually harassed each year.¹⁸

Several factors increase the likelihood of sexual harassment in the workplace. Negative organizational climates in which policies, procedures, and practices against sexual harassment are not properly implemented or taken seriously, male-dominated and hierarchal organizational structures, and when victims are retaliated against for complaining and perpetrators are not appropriately punished are all high risk predictors of environments in which sexual harassment is likely to occur.¹⁹ These factors make the Marine Corps an organization that is especially vulnerable to the occurrence of sexual harassment.

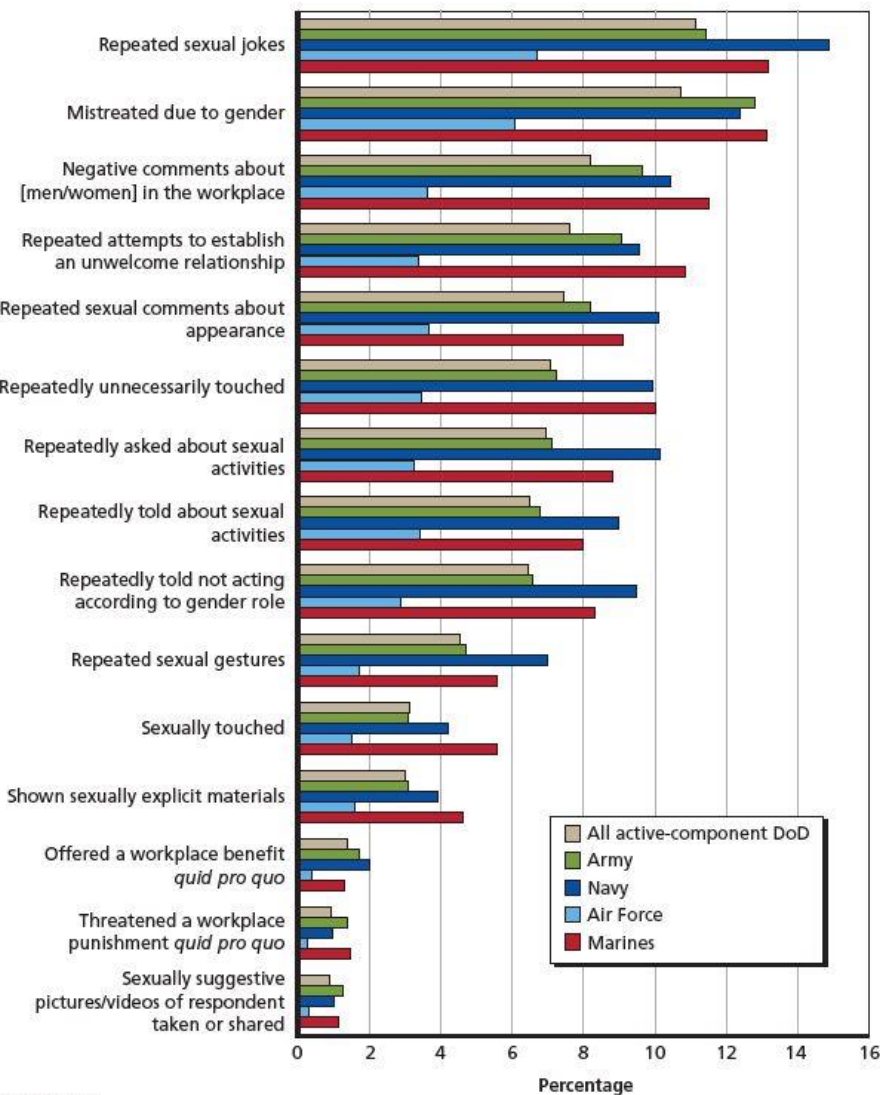
The U.S. Department of Defense has been committed to deterring incidences of sexual harassment and sexual assault and has implemented policies and training for military personnel as well as designed reporting procedures that seek to empower victims to confront offenders. While the policies and procedures have been implemented and improved since first being ordered in 1990 by then Secretary of Defense Dick Cheney, they seem to have had little effect on deterrence of actual incidences. Since the 1990s, the DOD conducts many climate surveys to

¹⁸ Nicole T. Buchanan, Isis H. Settles, Angela T. Hall, and Rachel C. Oconnor. "A Review of Organizational Strategies for Reducing Sexual Harassment: Insights from the U. S. Military." *Journal of Social Issues* 70, no. 4 (2014): 687-702. doi:10.1111/josi.12086.

¹⁹ Ibid

assess sexual harassment behavior within military. A 2002 survey found that 80% of sexually harassed women confronted their harassers but only 29% filed a formal complaint, and of those, most reported more negative treatment, retaliation, and reprisal from their work peers and their leadership.²⁰

A recently released 2016 Department of Defense Annual Report on Sexual Assault in the



RAND RR8702-4.3

Figure 1 Sexual Assault and Sexual Harassment in the U.S. Military: (pdf page 75 fig 4.3)

Military reveals that the only real effective policy and procedure implementation has been in victim reporting. Sexual harassment training has been a mainstay for Marine Corps personnel, but this too seems to have had little effect on deterrence.²¹ A 2014 RAND study showed the Marine Corps ranked poorly when evaluating sexual

²⁰ Ibid

²¹ Department of Defense Annual Report on Sexual Assault in the Military 2016, A.M. Kurta, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness (May 2017)

harassment categories. The study found that the Marine Corps consistently ranked last or second to last across 16 categories that ranged from offensive sexual jokes to threats of quid pro quo punishment. More than any other service, female Marines are more likely to be shown sexually explicit materials, mistreated due to their gender, endure negative comments about women in the workplace, endure repeated attempts to establish an unwelcome relationship, repeatedly unnecessarily touched, sexually touched, and threatened with quid pro quo workplace punishment for not acquiescing to sexual harassment. Shockingly, supervisors and leaders were responsible for 68.94% of sexual harassment experienced by female Marines.²² This indicates a top down organizational culture that sexually victimizes or ignores the sexual victimization of women.

Evidence suggests that the Marine Corps needs to assume an active role to curb incidences of sexual harassment and sexual assault against female service members. Sexual assault often goes unreported. It is estimated that 58% of women who experience sexual assault did not report it, fearing further repercussions, ostracism, or professional reprisal. The 2016 Department of Defense Annual Report on Sexual Assault in the Military stated that 4.3% of women service members reported that they were sexually assaulted in 2016. Of the females who did report sexual assault, 36% say they experienced a negative professional reprisal, and the majority, 19% did meet the criteria per DoD policy for reprisal. In those instances of negative professional reprisal, 52% came from senior enlisted leaders and 37% received negative reprisals from their commanding officer. Of the women who reported sexual assault, 51% stated they felt members of the command ostracized them and 12% met the criteria for ostracism per DoD

²² Ibid

policy.²³ The same report found that women who reported experiencing sexual harassment are sixteen times more likely to be victims of sexual assault than women who had not experienced sexual harassment.²⁴

Sexual assault is a problem that plagues the civilian community and the military as a whole. The Marine Corps has the largest number of offenders when compared to the other branches. The 2014 RAND study found that 7.86% of women in the Marine Corps had experienced sexual assault in the previous year, a considerably higher percentage when compared to the Army at 4.69%, the Navy at 6.48%, and Air Force at 2.9%. The RAND study found that nearly 1 out of 5 (19.48%) of all female Marines had experienced a sexual

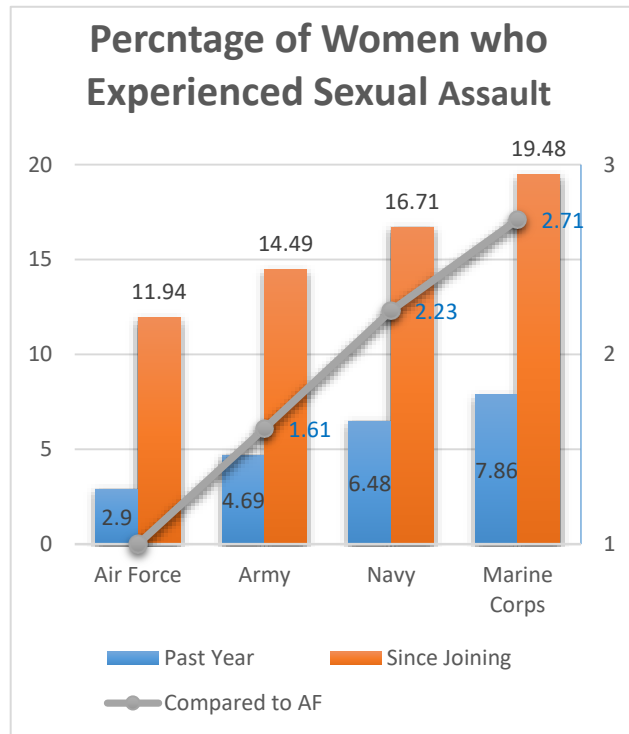


Figure 2 Data from *Sexual Assault and Sexual Harassment in the U.S. Military Rand Study*

assault since joining the Marine Corps. When compared to the other branches of service, the Marine Corps is, again, the largest offender. Female Navy members reported experiencing sexual assault at a rate of 16.71%, female soldiers reported experiences at a rate of 14.49%, and female Air Force members reported experiencing sexual assault at 11.94%.²⁵ When evaluating risk factors for sexual assault, women in the Marine Corps are sexually assaulted at a rate of 2.71

²³ Ibid

²⁴ Department of Defense Annual Report on Sexual Assault in the Military 2016, A.M. Kurta, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness (May 2017)

²⁵ RAND, *Sexual Assault and Sexual Harassment in the U.S. Military: Vol 2 Department of Defense Service Members From the 2014 RAND Military Workplace Study*. Santa Monica CA 2014

times more than women in the Air Force (figure 2). Using the Air Force as a base for comparison, women in the Army are sexually assaulted 1.61 times more often, and women in the Navy are sexually assaulted 2.23 times more than women in the Air Force. Comparatively, the Marine Corps sexually victimizes women on a greater scale and has the most need for improvement.

Considering that those who are sexually harassed are at a greater risk of being sexually assaulted in the Marine Corps, the institution must bear the responsibility of finding solutions and implementing policies that acknowledge the sexual mistreatment of its female members and commitment to resolving it. The Sexual Assault Prevention Response Program (SAPR) is provides mandatory annual training for all Marine Corps personnel that was specifically designed to define sexual harassment and sexual assault offenses, explains the reporting process, and provides preventive measures to deter incidences of sexual harassment and sexual assault. Each Marine Corps command has a sexual assault response coordinator (SARC) that is responsible for ensuring that training, policies, and procedures are implemented and followed by the command. Every command is also assigned a uniform victim's advocate (UVA) who explains the reporting procedures and coordinates victim support and counseling efforts. Though, these have been seen as positive steps in an attempt to reduce the problem of sexual harassment and sexual assault, the only true positive effect of preventive measures military wide has been in the number of sexual assaults reported. In 2016, a record number of 6,172 sexual assaults were reported military wide which is up from 3,604 reported in 2012.²⁶ Overall, the

²⁶ Department of Defense Annual Report on Sexual Assault in the Military 2016, A.M. Kurta, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness (May 2017)

report shows a flat rate reporting over last three years and that 60% of women in the military still experience some form of retaliation or retribution for reporting.²⁷

Studies suggest that the greatest factor to deterrence is leadership modeling, consistency in implementation and adherence to policies, procedures, and training, and appropriate punishment of offenders.²⁸ Other studies have found that promoting gender equity and empowering male bystanders, especially within a male dominated work environments, to confront sexism and sexually harassing behaviors when they occur legitimates the behavior as harassment, as well as legitimates the targets since of indignity against the harassing behavior because the bystander has nothing to gain.²⁹

It is important to recognize that victim education and response is not the same as prevention and intervention. The most visible part of the SAPR Program (the website and the presence of coordinators and representatives) is dedicated to reporting procedures and victim response, not actual prevention, the promotion of gender equity, or bystander empowerment or intervention. Educating female Marines on how not to become victims is the smallest part of the issue, yet receives the most attention. Teaching male Marines how not to be predators addresses the actual problem. The Army has introduced a psychological screening process that identifies characteristics of personnel who are most likely to be or become sexual predators and removed them from certain billets. Though controversial, it emphasizes that the focus of deterrence must be on predators and predatory behavior if it is to be preventive.

²⁷ Ibid

²⁸ Nicole T. Buchanan, Isis H. Settles, Angela T. Hall, and Rachel C. Oconnor. "A Review of Organizational Strategies for Reducing Sexual Harassment: Insights from the U. S. Military." *Journal of Social Issues* 70, no. 4 (2014): 687-702. doi:10.1111/josi.12086.

²⁹ Ibid

Just as the Marine Corp strongly condemns drug use and drunk driving touting a “zero tolerance” policy and has designed programs to increase bystander intervention as well as command intervention with the “arrive alive” cards issued to Marine Corps members, the Marine Corps must find ways in which to increase bystander and command intervention. Sexual harassment and sexual assault should illicit an even stronger response of condemnation.

Civilian: Equal Opportunity Programs, Gender Integration, Pay Sexual Harassment, and Sexual Assault

Civilian Equal Opportunity Programs

Legislation brought about by ethical challenges and changes in the society and culture have led to progress in gender equality in the overall civilian workforce. The Fair Labor Standards Act (FLSA) of 1938 was the catalyst for current labor laws in America. Its purpose was to protect employees, ensuring a standardized minimum wage, time and a half pay for holidays and overtime, and protected minors. However, laws specifically protecting women in the workforce were developed slowly. In 1961, under intense pressure from feminist groups, President John F. Kennedy established the Presidential Commission on the Status of Women. Chaired by Eleanor Roosevelt, the Commission’s purpose was to advise the president on issues regarding women. As a direct result, in 1963, President John F. Kennedy signed the Equal Pay Act, an amendment to the Fair Labor Standards Act of 1938, into law. The Equal Pay Act USC section 206(d) states:³⁰

³⁰ United States Equal Employment Opportunity Commission. The Equal Pay Act of 1963 (Pub L. 88-38) <https://www.eeoc.gov/laws/statutes/epa.cfm>

(d) Prohibition of sex discrimination

(1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: Provided, that an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

The Equal Pay Act was the first legislation that specifically addressed issues regarding fair and unbiased compensation for women. While the Equal Pay Act established laws regarding discrimination in the form of unfair compensation, it did nothing to deter discrimination related to the employment or termination of employment based on gender. Gender biased discrimination legislation was addressed in the Civil Rights Act of 1964.

The Civil Rights Act of 1964 is widely known for ending segregation and helping create equality for black people in America, but it also helped provide equality for women in the American civilian-workforce. The Civil Rights Act of 1964 states:

Section 703 (a) made it unlawful for an employer to "fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges or employment, because of such individual's race, color, religion, sex, or national origin."

When first drafted, the Civil Rights Act of 1964 did not include the word 'sex'. According to the Encyclopedia of American Law, Representative Howard W. Smith (D-VA) added the word sex, during the last minute.³¹ The adding of the word sex to the bill by Representative Smith raised

³¹ National Archives. Educator Resources, Civil Right Act of 1964 and the Equal Employment Opportunity Commission. <https://www.archives.gov/education/lessons/civil-rights-act>

controversy. Critics argued the word was added as a 'poisonous pill' that would kill the entire bill. Smith maintained it was in support of Alice Paul and the National Women's Party. Regardless of reason, the inclusion of the word sex in this bill prevented the discrimination of women based on gender, and created some of the most important legislation for women's equality in the civilian workforce.

The Civil Rights Act of 1964 also created the Equal Employment Opportunity Commission (EEOC). The EEOC is responsible for enforcing federal laws created to promote justice and equality in the workplace and end discrimination in employment. It also has the authority to investigate charges of discrimination against employers and file lawsuits to protect individuals who have been discriminated against by their employers. The EEOC is the largest organization tasked with enforcement of laws regarding hiring, firing, promotions, harassment, training, wages, and benefits. It also helped fairly integrate many people including women into the civilian workforce while ensuring their equal treatment under the law.

Integration

World War II was the catalyst for women entering the American civilian workforce. World War II drew approximately 16 million American men, who were heads of households, into the military. They joined military in order to fill the shortage to fight the war. The exodus of American men from the civilian workforce and into the military created a vacuum in the civilian workforce. Unable to increase the number of American men needed to fill this gap immediately, America turned to its women in order to solve this problem. To encourage women to join the workforce, a broad campaign (that is still widely recognized) introduced Rosie the

Riveter. The image of a strong woman with hair tied up and wearing overall dungarees was projected in every media source of its time. The message was that women needed to do their duty and get to work, so that men could do theirs and go fight. Approximately six million women joined the civilian workforce.³² Women filled jobs in factories as welders, machinists, and crafts ladies to build aircraft and repair tanks all while earning approximately 57% of what the men were earning.

The end of World War II brought about turmoil and embroiled America in a decades long gender debate. While the nation's men were grateful that American women did their duty to help with the war effort, many believed that the gender roles that ostensibly assigned men to the workforce and women as homemakers would return as the men did from military service. These gender roles were thought to support a traditional marriage and family composition.³³ Women were terminated from their jobs to make room for the returning men. Strong-armed Rosie the Riveter was replaced by images of women donning pearls, heels, and dresses performing household chores. The issue was that many women found a source of personal pride in their intellectual abilities, proven strength in their physical capabilities, and personal and financial independence through their employment. Women of the era saw this not only as a venue from which to venture outside the home, but as a symbol of their freedom, no longer forced into conventional roles dictated for them by society.³⁴

There are no records accounting for sexual harassment and gender discrimination that occurred during the World War II era since this was a new issue. Women who pursued this

³² DAnn Campbell, *Women at War with America: Private Lives in a Patriotic Era* (Cambridge, MA: Harvard University Press, 1984).

³³ Ibid

³⁴ Ibid

lifestyle of wage-earning employment outside the home suffered discrimination at work and outside of work. Working women were often viewed negatively by employers and society at large.³⁵ It is important to note that not all women desired to continue working and many were happy to return to domestic homemaking. However, what began as a short-term solution for an immediate issue became the impetus for a liberation movement and a seismic shift in American society that would change the dynamics of the workforce forever.

Estimates suggest that 34% of women participated in the civilian workforce in 1950, increasing to 38 % by 1960. Since, 1970 the percentage of working women in the civilian employable female workforce has continuously increased through the year 2000. In 2009, women accounted for just over half, 51% of all people employed in management, professional, and related occupations.³⁶ The number of

women in the civilian workforce has shown steady increase from 1980 to 2000 and is projected to continue through 2018. The data in “Figure 3” displays the steady increase of women in the workforce and the decline of men in the workforce. While reviewing data regarding employment, all numbers are based on employable Americans over the age of 16 as defined by the U.S. Bureau of Labor Statistics.

The number of working men in the civilian

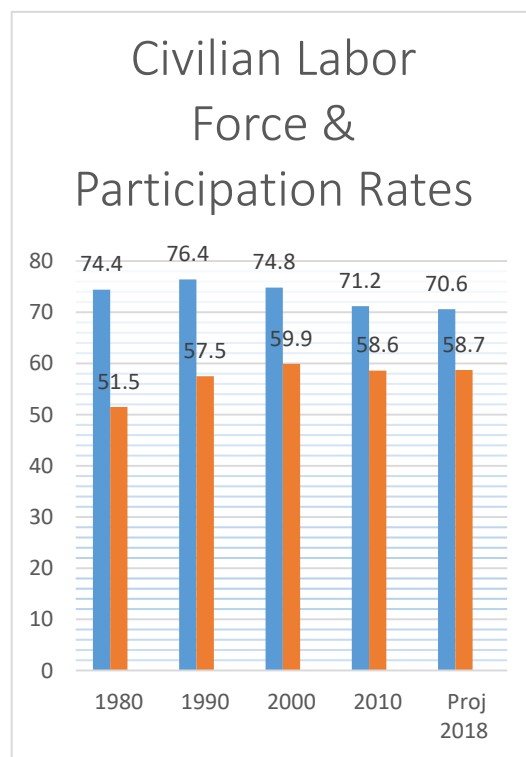


Figure 3 Data from US BLS Table 587
www.bls.gov/cps/tables

³⁵ Ibid

³⁶ U. S. Department of Commerce Economics and Statistics Administration, prepared for the White House Council on Women and Girls. Women in America Indicators of social and economic well-being (2001)

employable male workforce has experienced a steady decline from 1980-2010 and is projected to continue.³⁷ The continual historical increase of women in the civilian workforce is attributed to societal breakthroughs like women choosing to remain single, increased levels of education of women, the choice to delay motherhood, and an increase in divorce. The number of women in the overall civilian workforce has shown a favorable turn in American society that views women as intellectually and physically capable workers on par with their male counterparts. However, this does not mean that women are actually treated equally by their employers and does not mean that particular industries are not prone to discrimination and gender bias in hiring and termination practices.

Salary

When looking at the entirety of women's pay in comparison to men's pay there is a consistent and large disparity within the overall American civilian workforce. Women in the civilian sector have consistently earned a fraction of what men earn in similar fields. Even when factoring in similar levels of education and experience, the disparity is still overwhelming. In many cases, lesser-educated men actually earn more than higher educated women. To further the inequality, as women get older the pay gap increases, which increases the number of women who live below the poverty line compared to men.

According to the United States Census Bureau, *Special Reports Census: Evidence from Census 2000 About Earnings by Detailed Occupation for Men and Women*, the average income for a year-round, full-time civilian worker (YRFT) in 1999 was \$43,000. The same study found that the average income in 1999 for YRFT women was \$33,000 compared to an average \$50,000

³⁷ United States Census Bureau, The abstract of the United States 2012 www.census.gov

for YRFT men.³⁸ This reveals that women in the 1999 civilian work force had an earnings ratio of 66% compared to men, exposing a pay gap of 34%. Most economists calculate Earnings Ratio and Pay Gap according to the formulas below.^{39 40}

$$\text{Earning Ratio} = \frac{\text{Women's Median Earning}}{\text{Men's Median Earnings}} \quad .66 = \frac{33,000}{50,000}$$

$$\text{Pay Gap} = \frac{\text{Men's Median Earnings} - \text{Women's Median Earnings}}{\text{Men's Median Earnings}} \quad .34 = \frac{50,000 - 33,000}{50,000}$$

The most recent data from a study conducted in 2014, indicates that some progress has occurred concerning the pay gap problem in the civilian sector but nothing near equality. The study revealed that the current annual median income for men is \$50,400, while the annual median income for women is \$39,600.⁴¹ The current earnings ratio for civilian women in America is 78.6 %. This establishes the current pay gap at 21.4%, an improvement of over 12% over the last 17 years.

A working woman who entered the civilian workforce in the 1970s would have lost approximately \$530,000 over the course of her lifetime. These numbers are far worse if one is a black or Hispanic woman, where the pay gap would lead to a loss of \$877,000 and \$1,007,000 respectively over a life time. Some may be inclined to think that education is a causal factor to the pay gap. However, studies show education actually leads to a greater pay gap in most professional work fields. According to the Institute for Women's Policy Research (IWPR), a

³⁸ United States Census Bureau, *Special Reports Census: Evidence from Census 2000 About Earnings by Detailed Occupation for Men and Women*, Issued May 2004

³⁹ American Association of University Women, *The Simple Truth about The Gender Pay Gap*, Fall 2017 Edition Published by AAUW, 1310 L St. NW, Suite 1000, Washington, DC 20005

⁴⁰ United States Congress, Joint Economic Committee, Ranking Democrat Carolyn B. Maloney, *Gender Pay Inequality: Consequence for Women, Families and the Economy*, April 2016

⁴¹ Ibid

college-educated woman born in the late 1950s lost \$797,000 by the age 59 due to the pay gap in America.⁴² This example is based upon women born in the 1950s who entered the American civilian workforce at a time when the pay gap was approximately 56%. Historical data shows us that when it comes to pay, full-time, year-round working women have always received less pay for similar work in the civilian sector. Even when comparing an educated woman with a bachelor's degree to a man with no college degree, men on average earned more money.

From the 1950s through the 1980s, the number of college-educated women was significantly lower. In order to assess the pay gap more fairly, a closer look at a more current assessment is necessary. The number of women in America who are pursuing and attaining a bachelor's degree or higher has increased significantly. In 1967, 13% of men over the age of 25 had earned a bachelor's degree or higher, while only 8% of women earned a bachelor's degree or higher.⁴³ This disparity in education may have accounted for some of the disproportionality in earnings at the time. A detailed trend analysis of education trends by year and gender shows the shift in education.⁴⁴ In 2015, 33% of women attained a bachelor's degree compared to 32% of men.⁴⁵

According to the National Center for Education Statistics, *Digest of Education Statistics*, the number of women with a bachelor's degree surpassed the number of men with a bachelor's degree in the 1980s but pay has not followed. In fact, professional careers where high education

Figure 4 The National Center for Education Statistics, Digest of Education Statistics Table 322.2/ numbers multiplied by 1000 (e.g. 917.9=917,900) and includes US citizens and nonresident aliens.

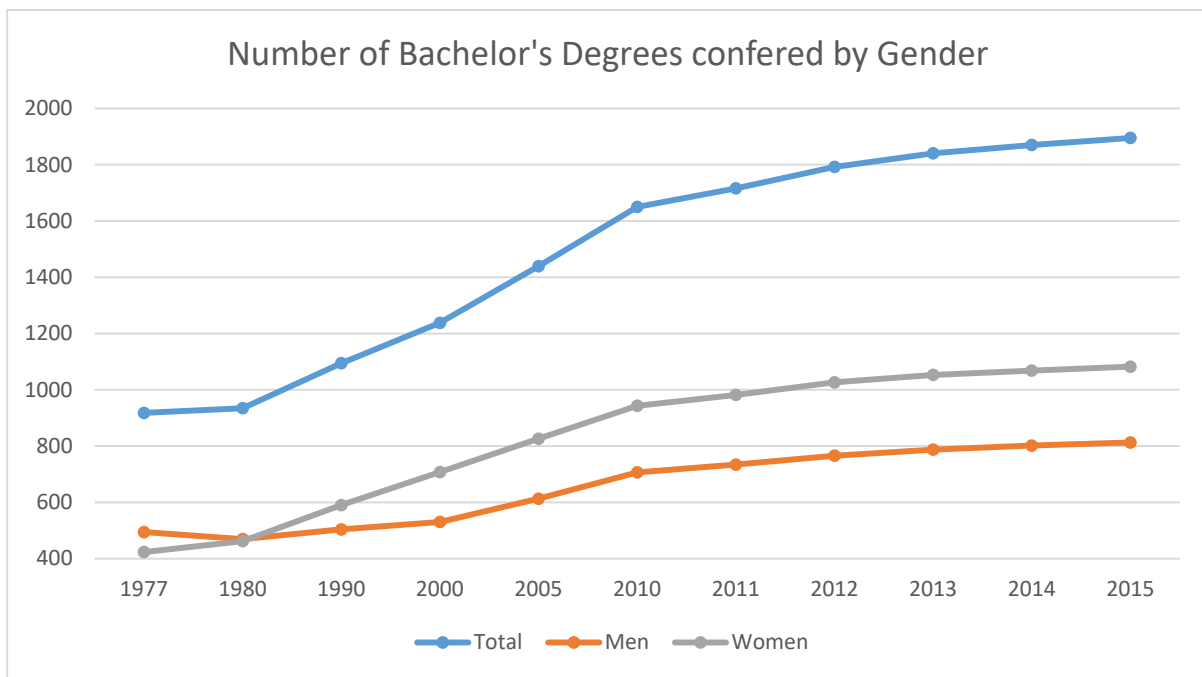
⁴² Ibid

⁴³ United States Census Bureau, Educational Attainment in the United States: 2015 by Camile L Ryan and Kurt Bauman (March 2016)

⁴⁴ The National Center for Education Statistics, Digest of Education Statistics, Table 332.2 Bachelor's degrees conferred by postsecondary institutions, by race/ethnicity and sex of student https://nces.ed.gov/programs/digest/d16/tables/dt16_322.20.asp?current=yes

⁴⁵ Ibid

is required have shown the greatest disparity in pay. According to the U.S. Census Bureau, the pay gap widens in many career fields that require higher education, which is evident when examining median income data. Figure 5 shows four career fields that rate in the top 20 highest median-income for both men and women in the civilian sector. The gender gap average of 34% is the starting point and base line for the pay gap comparison. Chief executive officers show a pay gap of 36.84%, surgeons and physicians show a pay gap of 37.14%, and dentists show a pay disparity of 38.18%. The worst disparity is seen among judges, magistrates, and similar judicial



workers. In 1999, the median income for males in this field was \$88,000 compared to \$50,000 for their female counterparts. This created an earnings ratio of 56.8% for women and a pay gap of 43.2%. This disproportion is 9% greater than the national average of 34% for women in other sectors of the civilian workforce in 1999.⁴⁶

⁴⁶ Ibid

It is important to note that not all career fields are comparable, because top earning job fields differ by gender. For example, natural sciences managers, engineering managers, and veterinarians are all within the top 20 median income careers for men and not for women. Conversely, sales women, computer software engineers, and computer programmers are all within the top 20 median income career list for women, but not for men. Though the career fields may differ in the top 20

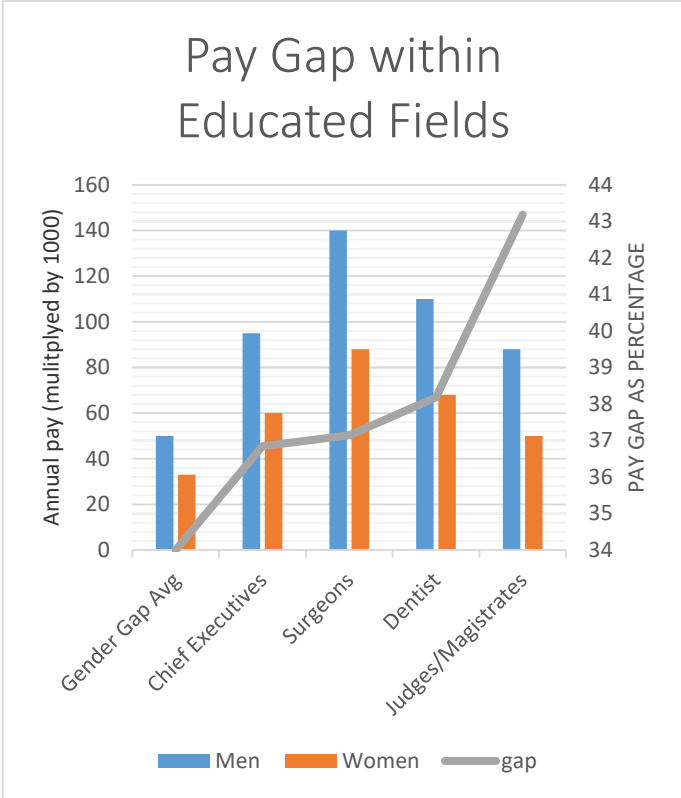


Figure 5 Career field with the largest pay gap, that require secondary education

from gender to gender, it is still evident that earnings potential for women in the civilian sector is significantly disproportionate. The top 20 list of highest median-income jobs for men spanned from \$67,000 to \$140,000 per year while the top 20 list of highest median-income jobs for women spanned from 50,000 to \$88,000 per year.⁴⁷

⁴⁷ The National Center for Education Statistics, Digest of Education Statistics, Table 332.2 Bachelor's degrees conferred by postsecondary institutions, by race/ethnicity and sex of student https://nces.ed.gov/programs/digest/d16/tables/dt16_322.20.asp?current=yes

The myth that higher education is the contributive factor to American men earning more money than American women is further debunked by statistics gathered from the U. S.

Department of Commerce Economics and Statistics Administration. In 2008, 72% of females graduating high school enrolled into college compared to 66% of males, and by 2019, females are projected to account for approximately 60% of all undergraduate enrollment.⁴⁸ Women with at least a bachelor’s degree clearly outnumber men and projections suggest that the education

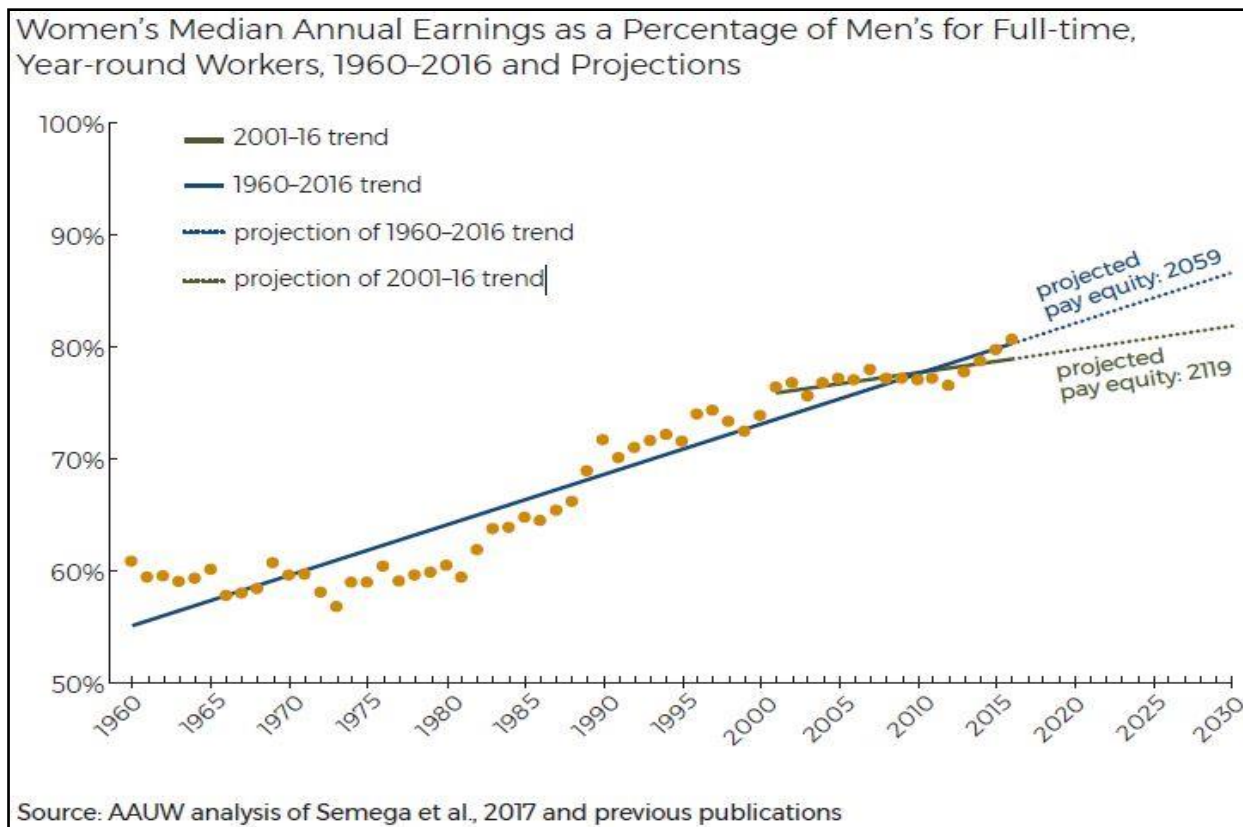


Figure 6 Projected pay equality time-line

gap will continue to grow in favor of women. Nevertheless, women in the civilian sector receive significantly less pay which is not projected to change soon. Estimates in Figure 6 predict the pay gap for women to close by 2059 which were based on trends between 1960 and 2016.

⁴⁸ U. S. Department of Commerce Economics and Statistics Administration & Executive Office of the President Office of management and Budget, *Women in America indicators of Social and Economic Well-Being* (March 2011)

However, due to slowing progress, some estimates show it may take as long as 2119 to close the pay gap between men and women.

The gender pay disparity is cause for concern on the global scale as America promotes itself as a leader economically, socially, and for civil rights. According to a report prepared for

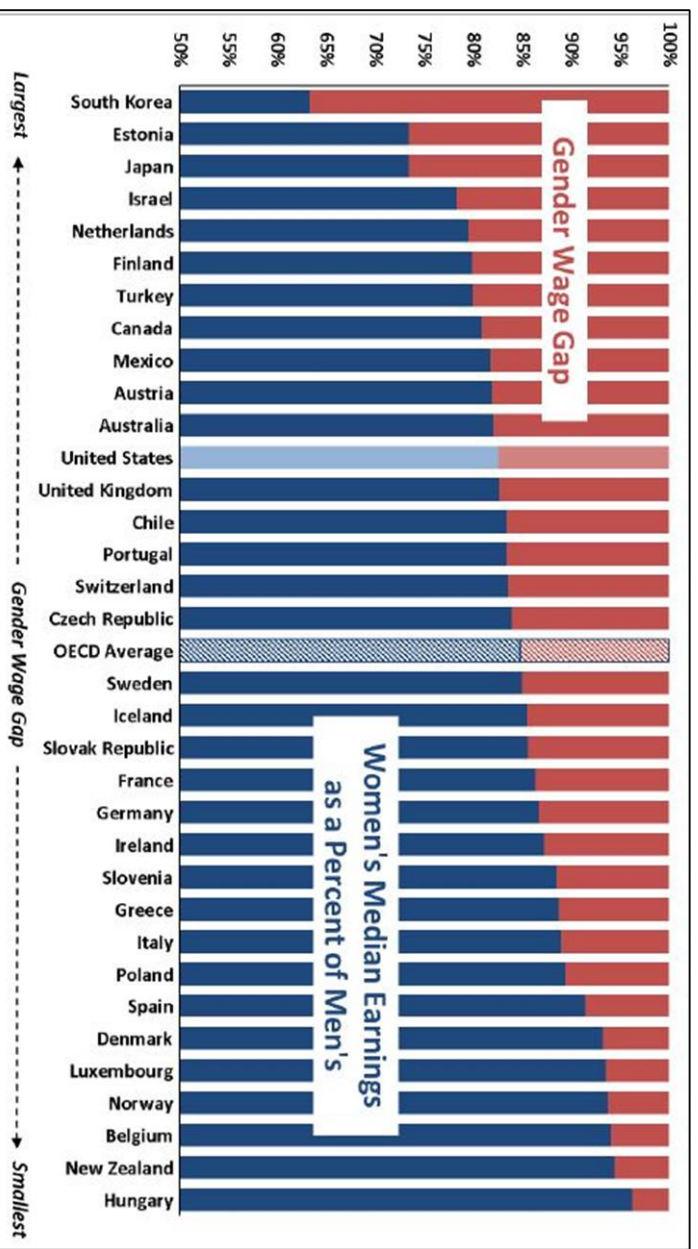


Figure 7 Pay gap index by country

the Joint Economic Committee, America ranks 28th on the World Economic Forum’s Global Gender Gap Index. The U.S. ranks lower than countries such as Rwanda, Nicaragua, and Namibia. When compared only to countries in the Organization of Economic Co-operation and Development (OECD), America embarrassingly ranked 23rd out of 34 developed countries in the evaluation of equal pay and the gender pay gap.⁴⁹

⁴⁹ Organization for Economic Co-operation and Development. OECD Family Database Social Policy Division – Directorate of Employment, Labour and Social Affairs. Updated March 15, 2017 https://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf

While there are several factors that contribute to the pay gap experienced by American women, outright discrimination accounts for approximately 40% of the pay disproportionality. Interestingly, American women who become mothers pay what is referred to as the “mommy penalty.” They earn 3% less than their female counterparts who do not have children. Some justification could be made by a supposed reduction in work product, time, or responsibilities. However, when considering that men with children earn an average of 15% “the daddy bonus,” more than their male counterparts without children, the justification for the “mommy penalty” is less fact and based on an unfounded presupposition, which is unjust discrimination.⁵⁰

Statistics show that age discrimination against women also affects her earning potential. Working women above the age of 65 show larger disparities in the wage gap. The number of women who live in poverty is 160% when compared to men. Currently, 3.1 million women live in poverty and rely on Social Security to make ends meet. These numbers increase dramatically among minority black and Hispanic women.

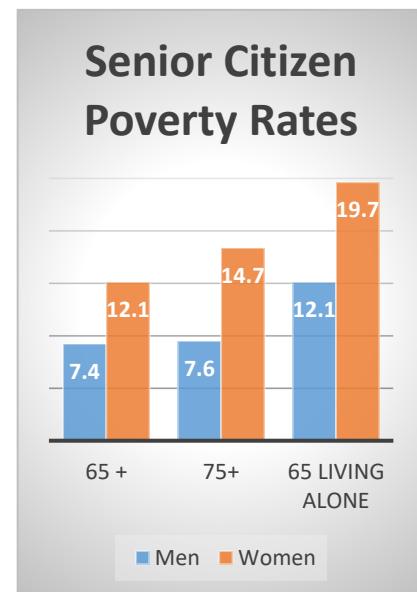


Figure 8 Poverty rate by gender and age

To help women in the American civilian workforce, the Clinton Administration passed the Family and Medical Leave Act of 1993. This legislation federally mandated that new mothers were entitled to 12 weeks (84 days) of unpaid maternity leave as well as mandated job protection.⁵¹ Previously, maternity leave entitlements differed from state to state and were

⁵⁰ Ibid

⁵¹ 29 CFR Part 825 The Family and Medical Leave Act Electronic Code of Federal Regulations, United State Government Publishing Office, updated March 1, 2018 <https://www.dol.gov/general/topic/benefits-leave/fmla>

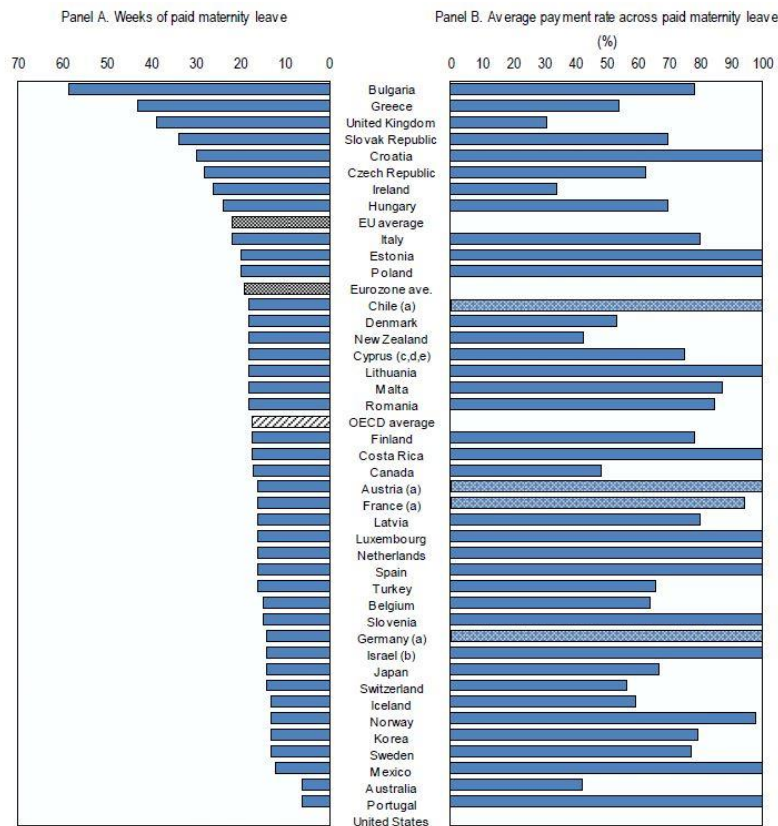


Figure 9 Data from OECD Char PF 2.1 A Paid Maternity Leave, 2016

sometimes left to the discretion of individual employers. While the Family and Medical Leave Act of 1993 was an improvement, the United States significantly trails behind most other developed nations. According to the Organization for Economic Co-operation and Development (OECD), an intergovernmental economic organization founded in 1961, the United States disconcertingly ranked last

amongst 43 developed nations in number of weeks of paid maternity leave.⁵²

The U.S. has policies and laws in place that protect women, allow for maternity leave, and mandate equal pay. Women make up the majority of the civilian workforce, and more women than men receive a bachelor’s degree or higher, meaning they are more educated. Yet, women are paid significantly less than men regardless of federal laws, education, and being the working majority which leads one to conclude women in the U.S. are still perceived as secondary employees.

⁵² Organization for Economic Co-operation and Development. OECD Family Database Social Policy Division – Directorate of Employment, Labour and Social Affairs. Updated March 15, 2017 https://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf

Sexual Harassment and Sexual Assault

The civilian sector is just as susceptible to incidences of sexual harassment and sexual assault, although procuring actual data is troublesome. Title VII of the Civil Rights Act of 1964 and 1991 affected the civilian sector as much as the military by defining sexual harassment. The Supreme Court's decision in *Meritor Savings Bank, FSB v. Vinson* (1986) recognized that sexual harassment is a form of sex discrimination prohibited by Title VII.⁵³ In 1980, the EEOC published guidelines on workplace sexual harassment establishing legal definitions to protect female civilian employees. They recommended that strong policies should explicitly define sexual harassment, clearly state a no tolerance policy, should be in writing, and displayed prominently throughout the organization in order to promote organizational commitment to stopping sexual harassment and reminding employees of the policy. They also recommended making sure employees understood the reporting procedures and encouraged leadership modeling of appropriate behavior.

The same organizational factors for predicting the likelihood of sexual harassment are true for the civilian sector. Positive organizational climates that promote gender egalitarianism, have women in prominent leadership roles, and have leadership model appropriate behavior and appropriate reactions to sexual harassment are likely to reduce the number of incidences and reduce retaliation against victims.⁵⁴

While companies have routinely initiated sexual harassment training seminars and have implemented policies to deter sexual harassment within their organizations, the problem persists.

⁵³ *Meritor Savings Bank, FSB v. Vinson* (1986)

⁵⁴ Nicole T. Buchanan, Isis H. Settles, Angela T. Hall, and Rachel C. O'Connor. "A Review of Organizational Strategies for Reducing Sexual Harassment: Insights from the U. S. Military." *Journal of Social Issues* 70, no. 4 (2014): 687-702. doi:10.1111/josi.12086.

In the 1998 *Faragher v. Boca Raton*, the Supreme Court held that an employer who had an antiharassment policy and reporting procedures in place, had documented their corrective actions to stop sexual harassment when aware of the behavior, and if the target of the harassment had failed take the proper preventative measures outlined by organizational policies and procedures, had a defense to escape liability.⁵⁵ It is estimated that 90% of civilian organizations have policies and procedures regarding sexual harassment but few have consistency regarding those policies throughout the organization, which engenders the perception that policies are disingenuous to a commitment to stopping sexual harassment in their workplaces, and merely a way in which companies can escape legal liability.⁵⁶ This perception is furthered by a poll of women in the civilian workforce which found that 32% of women had experienced sexual harassment and 70% of those women did not report it due to fear of retaliation.⁵⁷

A study of blue-collar workers in the civilian workforce found that 26.7% of women experienced inappropriate jokes or suggestive comments at work in the last year. It also revealed that 13.3% had been victims of undesired or inappropriate touching, patting, or fondling in the work place.⁵⁸ This study examined data in the civilian workforce similar to the data found in the 2014 RAND Sexual Assault and Sexual Harassment in the U.S. Military study in Figure 2. It is important to note that this study (Figure 10) was conducted using a sample from one manufacturing company with 800 employees. Sampling included workers ranging from 18 to 62 years of age with a majority Anglo-Saxon pool.

⁵⁵ *Faragher v. Boca Raton*

⁵⁶ Ibid 48

⁵⁷ Equal Rights Advocates, *Moving Women Forward on the 50th Anniversary of Title VII on the Civil Rights Act: A Three-Part Series, Part One: Sexual Harassment Still Exacting a Hefty Toll*. San Francisco CA 2014.

⁵⁸ Marita P. McCabe and Lisa Hardman, "Attitudes and Perceptions of Workers to Sexual Harassment," *The Journal of Social Psychology* 145, no. 6 (2005): , doi:10.3200/socp.145.6.719-740

Data on the private civilian sector about sexual harassment in the workplace is largely focused on victims and victim’s rights. Differences in data tracking and data availability is due to differences in legal mandates that do not require reporting incidences to federal or state regulatory agencies and differences among organizational reporting procedures which usually

TABLE 3. Percentage of Workers in Study 2 Who Experienced the Different Types of Sexual Harassment Over the Past 12 Months

| Behavior | Never | 1–2 times | 3–4 times | 5+ times |
|--|-------|-----------|-----------|----------|
| Touching, patting, or fondling | 77.3 | 13.3 | 6.7 | 2.7 |
| Staring or leering | 60.0 | 20.0 | 14.7 | 5.3 |
| Sexually suggestive comments or jokes | 42.7 | 26.7 | 16.0 | 14.7 |
| Persistent invitations or requests for sex | 74.7 | 14.7 | 4.0 | 6.7 |
| Showing sexually explicit material | 54.7 | 21.3 | 16.0 | 8.0 |
| Unnecessary familiarity | 70.7 | 18.7 | 6.7 | 4.0 |
| Sexual assault | 92.0 | 5.3 | 1.3 | 1.3 |
| Pressure for dates | 60.0 | 32.0 | 5.3 | 2.7 |
| Sexual coercion | 85.3 | 10.7 | 1.3 | 2.7 |

include formal and informal reporting. Studies show that targets of sexual harassment prefer informal reporting. However, data does show that though half of women in the civilian workforce will experience an incident of sexual

Figure 10 Attitudes and Perceptions of Workers to Sexual Harassment. The Journal of Social Psychology

harassment in their lifetime, sexual harassment against women occurs less in the civilian sector than in the military.⁵⁹

One large recourse that women in the civilian workforce have, that women in the Marine Corps do not, is the ability to file a lawsuit against employers whom they feel foster an environment that is contributory to sexual harassment or sexual assault. This recourse does make a difference, especially toward leverage in non-disclosure agreements that assign monetary value to the harassment endured by a victim. However, many courts have decided on the side of

⁵⁹ Nicole T. Buchanan, Isis H. Settles, Angela T. Hall, and Rachel C. O’Connor. "A Review of Organizational Strategies for Reducing Sexual Harassment: Insights from the U. S. Military." *Journal of Social Issues* 70, no. 4 (2014): 687-702. doi:10.1111/josi.12086.

employers as long as they have a policy against the behavior, and a method to report the behavior.⁶⁰ There is a current uptick in sexual harassment and sexual assault awareness inspired by the #MeToo movement and recent high profile cases against companies like Fox News Corporation that have encouraged women and the media to shed light on the pervasiveness of sexual harassment and sexual assault in the civilian workplace.

Sexual assault is a societal issue that cannot be ignored. However, civilian organizations do not typically track data or have information regarding sexual assault within the workplace. This data is usually grouped into quid pro quo sexual harassment data or is not considered an organizational issue, but rather, a criminal matter to be handled by the U.S. justice system. This is not to say that women in the civilian workforce are not vulnerable to sexual assault by a co-worker or superior. It merely means, as a civilian workforce issue, sexual assault data is scarce. A study by the U.S. Department of Justice Bureau of Justice Statistics report from 2001 states that approximately 8% of reported sexual assaults occurred at work.⁶¹ The *Criminal Victimization, 2015* report by the U.S. Department of Justice Bureau of Justice Statistics states that approximately 1 in 6 women were sexually assaulted between 2010 and 2014 but does not include data on how many assaults occurred in the workplace.⁶²

⁶⁰ Ibid 40

⁶¹ Jennifer L Truman., and Rachel E. Morgan. "Criminal Victimization, 2009." U. S. Department of Justice, October 2016. <https://www.bjs.gov/content/pub/pdf/cv15.pdf>.
Revised March 22, 2018

⁶² Ibid

Conclusion

Both the Marine Corps and the civilian sector have incorporated and implemented many initiatives to integrate women and to promote gender equity in the workplace. Each has been successful in some areas while being deficient and inadequate in others.

When examining equal opportunity programs, the civilian sector produced the Fair Labor Standard Act of 1938, which standardized pay but did nothing to protect women from inherent abuses. In 1963, President Kennedy created the Presidential Commission on the Status of Women which was the catalyst for the Equal Pay Act, an amendment to the FLSA, and the first legislation directed at protecting the rights of women in the civilian workforce. Title VII of the Civil Rights Act of 1964 and the creation of the EEOC guaranteed equal rights in all aspects of labor for women that was to be free from discrimination of all kinds. Comparatively, the Marine Corps, under the Department of Defense' Military Equal Opportunity Program, guaranteed female Marines equal rights in comparison to male Marines similar to the civilian sector. The creation of the Defense Equal Opportunity Management Institute provided training and education as a preemptive measure to gauge the treatment of women rather than a reactive measure after an unfair situation has developed and has continued unlike the Presidential Commission on the Status of Women. Equal opportunity programs for the Marine Corps and the civilian arena function with similar intent and are written very similarly.

Sex discrimination upon the integration of women into the workforce has been a challenge for both the Marine Corps and the civilian sector. Currently, neither explicitly bars women from employment or service, but it was not always this way. Integration of Women in the Marine Corps began almost forty years prior to women in the civilian workforce. The Women's Armed Services Integration Act of 1948 allowed women to move into many career

fields within the Marine Corps but restricted them to non-combat fields and there were service caps that were eventually removed in 1967. Full integration was achieved in 2015. The civilian workforce began large scale integration during World War II. Though it was meant to be temporary, integration of women into the workforce grew exponentially, and women currently comprise the majority of the civilian workforce. Though the integration process was slow to begin in the civilian sector it is proportionally more successful with 51% of civilian women workers compared to only 14% of women in the Marine Corps.

The Marine Corps is decidedly more equal in salary and benefit compensation compared to women in the civilian workforce. Military women have always received the same basic pay appropriate to their rank as their male counterparts and were given equal benefit compensation by 1973. Women in the civilian workforce earn an average of 21.4% less, even though they are more educated and make up the majority of the civilian workforce by which the U.S. ranks 23rd out of 34 developed nations for the wage gap. Female Marines have been allotted paid maternity leave for decades and, as of 2015, are entitled to 126 days of maternity leave specifically with the directive that they will have no fear of reprisal or loss of seniority. Only since 1993 have females in the civilian sector been federally guaranteed 84 days of maternity leave with job protection. However, the leave is unpaid and the law does not protect against loss of seniority. Among other developed nations, the U.S. ranks dead last for paid maternity leave, not to mention age discrimination and penalties for motherhood.

Sexual harassment is a pervasive societal problem to which the Marine Corps and civilian organizations have initiated prevention and deterrence measures. Empirical data shows that the success of these measures has done little in actual prevention of these incidences. Data also shows that women in the Marine Corps are far more likely to experience sexual harassment, not

only in comparison to women in the civilian sector, but also comparatively to other branches of service. Data shows that the Marine Corps is the worst offender among military branches for sexual harassment of its female members. Data also reveals that Marine Corps leaders are responsible for the majority of sexual harassment, and females can largely expect to receive either reprisal or retaliation for reporting sexual harassment.

Sexual assault data specifically related to incidences occurring within the civilian workplace is scarce. Crime statistics indicate that 1 in 6 women are sexually assaulted in America each year. When compared with overall crime statistics, women in the Marine Corps are more likely to be sexually assaulted than civilian women at a rate of 1 in 5. Evidence also shows that Marine Corps is the worst offender among military branches in the prevalence of sexual assault. The SAPR Program and the presence of SAPR coordinators and UVA representatives have done little to curb the number of incidences of sexual assault. Data shows that the only military wide preventive and training measures that have improved is in the number of sexual assaults reported, and the majority of female military service members can expect to receive reprisals and retaliation for reporting their sexual assault. Additionally, whereas women in the civilian workforce have legal recourse against their organizations and against their assailants which is an effective measure to deterrence, female Marines have little to no legal recourse beyond reporting sexual harassment and sexual assault. They must rely on their leadership, of whom are among the worst offenders, to conduct investigations and to punish perpetrators.

Clearly the Marine Corps has done well, and in many cases better than the civilian sector, to fully integrate women into the workforce and to provide equal salary and benefits to their male counterparts. Equal opportunity programs have served female Marines far better than programs

aimed at women in the civilian workforce. However, the Marine Corps has exhibited poor progress and egregious behavior when preventing and responding to sexual harassment of female Marines. The Marine Corps is no longer segregated into “man’s work” and “women’s work.” Marines, regardless of gender, do Marine’s work. If courage, honor, and commitment are truly the Marine Corps values that it holds most dear, and if female members are required and expected to uphold those values, the organization has a responsibility to treat those same women according to those values. The era of “brotherhood” promoting male bonding and unity by the Marine Corps is over, and a new era that incorporates both brothers and sisters in arms must become the principle that undergirds the unity and success of the institution.

Bibliography

- American Association of University Women, *The Simple Truth about The Gender Pay Gap* Edition Published by AAUW, 1310 L St. NW, Suite 1000, Washington, DC 20005 (Fall 2017)
- Buchanan, Nicole T., Isis H. Settles, Angela T. Hall, and Rachel C. Oconnor. "A Review of Organizational Strategies for Reducing Sexual Harassment: Insights from the U. S. Military." *Journal of Social Issues* 70, no. 4 (2014): 687-702. doi:10.1111/josi.12086.
- Bobbitt-Zeher, Donna. "Gender Discrimination at Work." *Gender & Society* 25, no. 6 (2011): 764-86. doi:10.1177/0891243211424741.
<http://journals.sagepub.com/doi/pdf/10.1177/0891243211424741>
- Campbell, DAnn. *Women at War with America: Private Lives in a Patriotic Era*. Cambridge, MA: Harvard University Press, 1984.
- Collier, Cherry. "13 Ideas to Promote Female Equality in the Workplace: Have an In-house Champion." *Forbes*, August 2016.
<https://www.forbes.com/sites/forbescoachescouncil/2016/04/08/13-ideas-to-promote-female-equality-in-the-workplace/#3ee123de3f14>
- Cox, Mathew, "New Details Question Validity of Marine Corps Gender-Integration Study," Military Daily News October 2, 2015, <https://www.military.com/daily-news/2015/10/02/new-details-question-validity-marine-gender-integration-study.html>
- Dipboye, Robert L., and Adrienne Colella. *Discrimination at work: the psychological and organizational bases*. New York, N.Y. ; Hove, East Sussex: Psychology Press, Taylor & Francis Group, 2014.
- Defense Finance Accounting System, DFAS 2018 Military Pay Chart. <https://www.dfas.mil/>
- Deputy Commandant For Manpower and Reserve Affairs. *Marine Corps Maternity and Convalescent Leave Policy*, MARADMIN 421/15 (R 261604Z AUG 15) August 26, 2015, <http://www.marines.mil/News/Messages/Messages-Display/Article/897387/marine-corps-maternity-and-convalescent-leave-policy/>
- Equal Rights Advocates, *Moving Women Forward on the 50th Anniversary of Title VII on the Civil Rights Act: A Three-Part Series, Part One: Sexual Harassment Still Exactng a Hefty Toll*. (San Francisco CA 2014)
- Headquarters Marine Corps, Training and Education Command Public Affairs, USMC Press release, (September 25, 2017) <http://www.marines.mil/News/Press-Releases/Press-Release-Display/Article/1322691/first-female-marine-graduates-infantry-officer-course/>
- Hewitt, Linda L. Capt USMCR: *Women Marines in World War I*" (History and Museums Division Headquarters, U. S. Marine Corps Washington, D.C. 1974)
- Hultin, Mia, and Ryszard Szulkin. "Wages and Unequal Access to Organizational Power: An Empirical Test of Gender Discrimination." *Administrative Science Quarterly* 44, no. 3 (1999): 453. doi:10.2307/2666958.

- Kamarck, Kristy N., *Diversity, Inclusion, and Equal Opportunity in the Armed Services: Background and Issues for Congress*, CRS Report for Congress R44321 (Washington, DC: Congressional Research Service, October 24, 2017, 11
- Mccabe, Marita P., and Lisa Hardman. "Attitudes and Perceptions of Workers to Sexual Harassment." *The Journal of Social Psychology* 145, no. 6 (2005): 719-40. doi:10.3200/socp.145.6.719-740.
- McGeehan, Timothy P. 2016. "EMPLOY DOD's SEXUAL ASSAULT & RESPONSE WEAPONS." *U.S. Naval Institute Proceedings* 142, no. 7: 42-47. *Military & Government Collection*, EBSCOhost (accessed January 15, 2018).
- National Defense Authorization Act, Public Law 103-160 (1994)
- National Archives. Educator Resources, Civil Right Act of 1964 and the Equal Employment Opportunity Commission. <https://www.archives.gov/education/lessons/civil-rights-act>
- RAND, *Sexual Assault, and Sexual Harassment in the U.S. Military: Vol 2 Department of Defense Service Members From the 2014 RAND Military Workplace Study*. (Santa Monica CA 2014) Library of Congress Control Number: 2015940817
- Ryan, Camile L. and Bauman, Kurt. United States Census Bureau, Educational Attainment in the United States: 2015 (March 2016)
- Stamarski, Cailin S., and Leanne S. Son Hing. "Gender Inequalities in the Workplace: The Effects of Organizational Structures, Processes, Practices, and Decision Makers' Sexism." *Frontiers in Psychology* 6 (2015). doi:10.3389/fpsyg.2015.01400.
- The National Center for Education Statistics, *Digest of Education Statistics*, Bachelor's degrees conferred by postsecondary institutions, by race/ethnicity and sex of student https://nces.ed.gov/programs/digest/d16/tables/dt16_322.20.asp?current=yes
- Truman, Jennifer L., and Rachel E. Morgan. "Criminal Victimization, 2009." *U. S. Department of Justice*, October 2016. <https://www.bjs.gov/content/pub/pdf/cv15.pdf>.
- Revised March 22, 2018
- U. S. Equal Employment Opportunity Commission, The Equal Pay Act of 1963, Public Law 88-38. <https://www.eeoc.gov/laws/statutes/epa.cfm>
- U. S. Department of Commerce Economics and Statistics Administration, *Women in America Indicators of social and economic well-being*, prepared for the White House Council on Women and Girls (March 2001) <https://www.census.gov/library/publications/2011/demo/womeninamerica.html>
- U. S. Census Bureau, The abstract of the United States 2012 www.census.gov
- U. S. Census Bureau, *Special Reports Census: Evidence from Census 2000 About Earnings by Detailed Occupation for Men and Women*, Issued May 2004
- U. S. Congress, Joint Economic Committee, Ranking Democrat Carolyn B. Maloney, *Gender Pay Inequality: Consequence for Women, Families and the Economy*, April 2016

U.S. Department of Defense, *Diversity Management and Equal Opportunity in the DOD*, Directive 1020.02E w change 1, (Washington D.C November 2016)

U. S. Department of Commerce Economics and Statistics Administration & Executive Office of the President Office of management and Budget, *Women in America indicators of Social and Economic Well-Being* (March 2011)

U.S. Department of Defense *Annual Report on Sexual Assault in the Military*, A.M. Kurta, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness (2016)

United States Marine Corps Almanac, 2018

<https://marinecorpsconceptsandprograms.com/almanacs/active-duty-officer/gender-distribution>

Women's Armed Services Integration Act of 1948, Public Law 625 Stat. 356: (June 12, 1948)