U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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June 18, 2009

SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Coast Guard and Maritime Transportation

FROM: Subcommittee on Coast Guard and Maritime Transportation Staff

SUBJECT: Hearing on "A Continuing Examination of Civil Rights Services and Diversity in the Coast Guard"

PURPOSE OF THE HEARING

The Subcommittee on Coast Guard and Maritime Transportation will meet on Friday, June 19, 2009, at 10:00 a.m., in room 2167 of the Rayburn House Office Building to continue its examination of the Coast Guard's Equal Employment Opportunity (EEO) and Equal Opportunity (EO) programs, as well as the service's efforts to expand diversity, particularly at the Coast Guard Academy.

BACKGROUND

Coast Guard Equal Employment Opportunity Commission Program

The Subcommittee met on April 1, 2009, to examine a report on the Coast Guard's Office of Civil Rights (OCR) conducted at the request of the Office's Director by Booz | Allen | Hamilton and entitled "United States Coast Guard Office of Civil Rights: Program Review." This report (Booz | Allen | Hamilton report), released to the public in February, 2009, found significant shortcomings in the administration of the Coast Guard's EEO program, which ensures equal opportunity and access for the service's civilian employees, and the EO program, which ensures that members of the military are not subjected to discriminatory practices.

At the time Booz | Allen | Hamilton completed its report, the Coast Guard's OCR, which is located at Coast Guard headquarters, was responsible for formulating policies and procedures to guide the Coast Guard's implementation of its civil rights services, for compiling civil rights-related data, and for processing formal complaints once they had been filed at the field level. However, this office did

not oversee all of the civil rights service providers throughout the Coast Guard. Rather, within each field command, the Commanding Officer was "considered the senior EO officer for the particular command,"[1] and within commands, those personnel who provided civil rights services were hired locally by individual commands and reported to the leadership of those commands. Additionally, at the time the Booz | Allen | Hamilton report was compiled, the Coast Guard had a mixed team of civil rights service providers – with some personnel assigned to full-time duty as civil rights service providers and some personnel assigned provision of civil rights services as a collateral duty.

The Booz | Allen | Hamilton report documented a number of shortcomings in the Coast Guard's civil rights program, including the following:

- The Coast Guard's management of personally identifiable information was inadequate because the service lacked a strategy to ensure "uniform and secure management of sensitive data"[2] and, as a result, the handling of such data varied from command to command;
- Information pertaining to civil rights complaints filed by Coast Guard personnel had been disclosed on blog sites;
- Not all individuals serving as EEO counselors were documented as having received the training required for individuals in such positions by the Equal Employment Opportunity Commission (EEOC);
- The handling of EEO complaints was decentralized and individual districts and areas were found to have "developed their own sub-processes that induce wide variation"[3] in complaint processing, making it difficult to ensure that all complaints were processed in accordance with applicable federal regulations;
- The Coast Guard was not regularly analyzing whether any barriers inhibited equal access to employment opportunity;
- The EO Review process led by the OCR "lack[ed] metrics to define success"[4] and in-depth analysis was not done when barriers or other issues were found; and
- Staff in the OCR were found to lack understanding of the unit's goals and vision and a number of climate problems were identified in the OCR.

A review conducted by Subcommittee staff found that many of these same problems with the Coast Guard's civil rights services were identified in earlier, third-party assessments of these services and in the Coast Guard's own MD-715 reports (filed with the EEOC).

In its report, the Booz | Allen | Hamilton team provided 53 recommendations for improving the Coast Guard's civil rights services and the functioning of the OCR. The Coast Guard reports that as of June 12, 2009, 29 of these recommendations have now been implemented. The remaining recommendations are in various phases of review and implementation.

Among the numerous changes the Coast Guard has made to its civil rights programs and perhaps the most significant is that the Coast Guard plans to institute a new organizational structure on July 1, 2009 under which civil rights service providers will no longer report to their individual commands; instead, they will report directly to the OCR. Additionally, the Coast Guard reports that it

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[1] Booz|Allen|Hamilton, *United States Coast Guard Office of Civil Rights: Program Review*, (2009), at 2-2.
[2] Id., at 3-1.
[3] Id., at 4-17.
[4] Id., at 4-11.

is moving to ensure that all civil rights service providers – including EEO counselors – are full-time staff members; as full-time staffers are hired, the use of collateral duty civil rights service providers will be phased out.

The Director of the OCR reports that a total of $850,000 has been directed to the Coast Guard's civil rights programs (of which a significant portion is for current-year needs) and that appointments have been made to the six additional positions which the Director reported during the April 1, 2009 hearing had been authorized to the OCR.

A strategic plan is in development for the OCR and specific goals and performance measures are to be included in that plan. The OCR is also being restructured to ensure that positions align with the office's goals and functions.

The Coast Guard reported that to improve its management of personal data, it has designated a Privacy and Records Manager who has been tasked with managing the implementation of specific personal record security procedures throughout the service. A compliance checklist to guide the handling of personally identifiable information has been developed and was distributed among Coast Guard commands on April 1, 2009.

The EO Manual is being revised to reflect new operating and reporting procedures. The new Manual is expected to be completed by September 30, 2009. The service is also developing standard operating procedures to guide the provision of civil rights services.

The Coast Guard has assessed the training needs of its civil rights service providers; this assessment has informed the development of a training suite. Additionally, the Coast Guard has assessed the skills of current staff and identified gaps between current skills and needed skills. Further, the Coast Guard has undertaken steps to ensure that service providers develop and maintain skills in conflict resolution and the Director of OCR reports that a training session scheduled for October will help civil rights service providers understand their duty to be neutral when handling civil rights complaints. The Coast Guard has also developed a Career Management program for all Civil Rights Service providers.

The OCR is developing a comprehensive guide outlining the purposes that EO reviews should serve. The Coast Guard has also developed a Personnel Qualification Standard document that specifies the skill set required of those conducting Reviews.

Diversity at the Coast Guard Academy

As the Subcommittee continues to examine the Coast Guard's efforts to expand diversity throughout its ranks, it is particularly concerned about the low levels of minority representation at the Coast Guard Academy.

According to data provided by the Coast Guard, minority students comprised 11.5 percent of the students sworn in to the Coast Guard Academy's class of 2012. Among these students, African Americans comprised two percent of the incoming students of the class of 2012, while Hispanic Americans comprised just over three percent of the incoming class members.

Minority students are expected to comprise 15 percent of the members of the incoming class of 2013. Among these students, African American students are expected to comprise less than two percent of the incoming students of the class of 2013, while Hispanic Americans are expected to comprise nearly nine percent of the incoming class members and other minorities are expected to comprise just under five percent of all incoming students.

The charts below provide data on applications, and appointments, to the Coast Guard Academy classes of 2009 through 2013. Among other things, these charts show that the number of African Americans completing applications to the Academy has been dropping from the class of 2009 (which entered the Academy in 2005) to the class of 2013 (which will enter the Academy later this year). While the number of African Americans sworn in to an Academy class reached 14 in 2010, the number sworn in to subsequent classes has been dropping.

Coast Guard Academy Applicant Data

Class of 2009	Male	Female	Asian	African American	Hispanic	Native American	Pacific Islander	Not Reported	White	All Minority
Completed Application	957	245		55	113				1,023	179
Offered Appointment	320	102							358	64
Sworn In	222	85	16	6	16	2			262	45

Class of 2010	Male	Female	Asian	African American	Hispanic	Native American	Pacific Islander	Not Reported	White	All Minority
Completed Application	1,047	293		52	138				1,052	285
Offered Appointment	303	91							315	79
Sworn In	210	64	12	14	20	2			226	48

Class of 2011	Male	Female	Asian	African American	Hispanic	Native American	Pacific Islander	Not Reported	White	All Minority
Completed Application	1,187	288		39	130				1,232	243
Offered Appointment	273	118							323	68
Sworn In	190	82	12	9	24				227	52

Class of 2012	Male	Female	Asian	African American	Hispanic	Native American	Pacific Islander	Not Reported	White	All Minority
Completed Application	1,088	282		37	73				1,187	183
Offered Appointment	306	106							361	51
Sworn In	213	82	17	6	10				259	34

Class of 2013	Male	Female	Asian	African American	Hispanic	Native American	Pacific Islander	Not Reported	White	All Minority
Started Application	2,682	689	121	162	251	50	32	50	2,705	616
Completed Application	1,325	336	55	35	111	20	16	26	1,398	237
Offered Appointment	294	115	16	7**	32	3	6	5	340	64
Accepted Appointment	203	85	7	5	25	3	4	3	241	44

Source: United States Coast Guard (Note: boxes are left blank when the Coast Guard is unable to provide the data indicated.)[5]

The chart below details the demographics of graduates from the Coast Guard Academy for the indicated years.

Coast Guard Academy Graduates

	CGA Class Year			
	2006	2007	2008	2009
Black/African American	7	8	5	4
Amer. Ind./Native American	2	1	1	1
Asian/Pacific Islander	9	13	8	10
Hispanic	9	11	7	9
Minorities (total of above)	27	33	21	24
All Others	177	196	195	201
Total USCGA Graduates	**204**	**229**	**216**	**225**

Source: Coast Guard

On July 25, 2008, the Commandant of the Coast Guard, Admiral Thad Allen, laid out the Coast Guard's leadership and diversity initiatives at the annual National Naval Officers Association (NNOA) in Portsmouth, Virginia. In August of 2008, the Commandant issued a message to all Coast Guard personnel that provided an update on action taken to implement the initiatives. The Commandant's message to all Coast Guard personnel announced the following:

- Every Coast Guard Flag officer and Senior Executive Service (SES) will attend at least one affinity group national-level conference annually (e.g., National Naval Officers Association, Coast Guard Women's Leadership Association, Blacks in Government, Association of Naval Service Officers, etc). Commanding Officers with the rank of Lieutenant Commander and above will also attend at least one of these conferences during their command tour. The Commandant also strongly encouraged Commanding Officers to send their officers, enlisted, and civilians to affinity group conferences.
- Every Flag Officer and SES has committed to partnering with a Minority Serving Institution, Hispanic Serving Institution, or Tribal Council Institution to raise the Coast Guard's visibility with these schools by developing and maintaining an ongoing relationship. The Flag Officers, SES staff members, and the active duty alumni of these schools will be paired for outreach to the schools. Rear Admiral Tom Ostebo, the Assistant Commandant for Engineering and Logistics, adopted North Carolina A&T University.
- The Commandant directed a total force recruiting approach to be undertaken through which all members of the Coast Guard, including active duty, enlisted, civilian, and Auxiliarists will be recruiters to ensure all markets are clearly recognized and the best possible applicants are identified.

[5] **The Coast Guard previously reported that nine African Americans had been offered admission to the Coast Guard Academy. However, two previous offers of admission were rescinded when the final grades received by the two individuals at a Coast Guard-funded preparatory program were too low to qualify them for admission.

- The College Student Pre-Commissioning Initiative program is being modified to target institutions with more diverse student populations.
- The Commandant initiated a prototype extracurricular program at the Maritime Industries Academy in Baltimore, MD, which is a high school with a significant minority population. The outreach effort include increasing student awareness of Coast Guard missions, supporting the excellence in education, and improving the diversity of applicants interested in the full spectrum of Coast Guard opportunities.

In a new "Strategic Plan" specifically for the Coast Guard Academy, the Coast Guard "defines who we are and what we must do" and articulates "our future state, vision, missions, strategic themes, strategic goals, and the action items that will help us move in a common direction."[6] The Strategic Plan lays out five "Academy Strategic Goals" that the Academy is going to work to achieve. These goals are:

- Integrate leadership and character development throughout the Academy;
- Cultivate a community of inclusion;
- Advance and improve assessment and accountability;
- Enhance communication and partnerships; and
- Optimize existing resource use and address resource shortfalls.[7]

Among the Action Items that the Academy has indicated it will implement in an effort to achieve its strategic goal of "cultivating a community of inclusion" are the following:

- Further diversify the corps of cadets, faculty, staff, and curriculum in part by achieving critical mass (between 25 and 30 percent) within the Corps of Cadets for underrepresented minorities by 2015, and in faculty/staff by 2020. In support of that action item, the Academy indicates that it will, among other steps, provide search committees with clear direction to ensure applicant pools for faculty/staff contain diversity among under-represented minorities;
- Focus conversations about race, gender, class, and religion that will provide members the proper skills to thrive in a diverse environment and ensure that external and internal communications strategies continually reinforce and support diversity efforts. Additionally, the service will incorporate training and education about diversity as part of its professional development;
- Establish relationships with organizations that share diversity goals;
- Create and implement an effective climate management plan; and
- Additionally, the Academy is establishing a diversity affairs infrastructure to guide its implementation of its diversity-related initiatives.[8]

The Coast Guard maintains a Diversity Advisory Council (DAC), which was formed in 1998 following the merger of the Minority Advisory Council and the Women's Advisory Council. The DAC is comprised of more than 20 Coast Guard personnel (including military and civilian personnel, officers and enlisted personnel, and personnel drawn from throughout the Coast

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[6] *United States Coast Guard Academy Strategic Plan*, (2009) at 4. Accessed at <http://www.cga.edu/uploadedFiles/CGA_Strategic_Plan.pdf>, June 16, 2009.
[7] Id., at 8.
[8] Id., at 10.

Guard's mission areas); the DAC meets twice annually. The DAC's reports are available on-line. The Spring 2008 report, for example, lists a number of "actionable issues" that "DAC thought were necessary to address workforce related challenges, with emphasis on diversity."[9] Among the actionable items are the following:

- Identify diversity deficiencies in the workforce and task stakeholders (i.e., Operations Ashore, Operations Command etc.) to address these issues and then report back on a regular basis on progress or lack of progress;
- Schedule and fund a diversity summit for 2009;
- Expand familiarity among leadership at all service levels with the three affinity groups with which the Coast Guard has signed memoranda of understanding (National Naval Officers Association, Association of Naval Service Officers, and Coast Guard Women's Leadership Association); and
- Conduct post-exit interview with minorities leaving the Coast Guard to determine if there are issues that need to be addressed in the organization.[10]

United States Naval Academy

The United States Naval Academy has achieved a rate of minority representation among its student body that is significantly higher as a percentage of overall class sizes than that achieved by the Coast Guard Academy. In fact, minorities are expected to comprise nearly double the percentage of the entering class of 2013 at the Naval Academy than they are expected to comprise at the Coast Guard Academy.

Minority students comprised nearly 28 percent of the incoming members of the class of 2012 at the Naval Academy. Among those students, African Americans comprised nearly seven percent of the incoming members of the class of 2012, while Hispanic Americans comprised nearly 11 percent of the incoming class members and other minorities comprised 10 percent of the incoming class members.

Minority students are expected to comprise 35 percent of the incoming members of the class of 2013. Among those students, African Americans are expected to comprise 10 percent of the incoming members of the class of 2013, while Hispanic Americans are expected to comprise 14 percent of incoming class members and other minorities are expected to comprise nearly 11 percent of incoming class members.

The charts below provide data on applications to and appointments to the Naval Academy classes of 2012 and 2013.

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[9] *Diversity Strategy Actionable Items List (CG-12B)*, (2008), Accessed at <http://www.uscg.mil/hq/cg1/diversity/docs/Dac%20Docs/DAC%20-%20DSG%20Actionable%20Items%20for%20CG-00.doc>, June 16, 2009.

[10] Id.

U.S. Naval Academy Applicant Data

Class of 2012	Male	Female	African American	Hispanic	Other Minority	All Minority
Started Application	8,704	2,256	935	972	892	2,799
Completed Application	3,341	694	260	341	337	787
Fully Qualified	1,784	392	98	173	186	457
Offered Appointment	1,172	329	93	154	151	398
Accepted Appointment	960	263	83	132	126	341

Class of 2013	Male	Female	African American	Hispanic	Other Minority	All Minority
Started Application	11,923	3,419	1,554	1,554	1,383	4,491
Completed Application	3,794	844	327	441	435	1,203
Fully Qualified	2,035	479	149	234	238	621
Offered Appointment	1,131	301	138	197	158	493
Accepted Appointment	980	248	124	176	135	435

Source: United States Navy

U.S. Navy's Diversity Initiatives

On August 2, 2004, the then-Chief of Naval Operations, Admiral Vern Clark, created a Diversity Directorate.[11] This Directorate has as its mission to "provide Navy leadership with the tools and resources to help create and sustain a cultural awareness that values diversity and an environment where every individual prospers and contributes to the mission." At the same time, the Navy began to alter the definition of the word "diversity" as it employed that term. Specifically, the Navy "expanded the traditional focus of diversity beyond race and gender, and folded in a Sailor's creativity, culture, ethnicity, religion, skills and talents."[12]

In February 2006, the Navy issued the Diversity Concept of Operations (Concept), which also guides its efforts to achieve its diversity objectives. This Concept is characterized as a "campaign plan to compete for the wide range of talent our country produces and create an environment in which every man and woman serving in the Navy can achieve their full potential."[13] The Concept also notes that "a key motivation for . . . young, upwardly mobile sailors is to be able to see themselves reflected in Navy's [sic] senior leadership."[14] However, the Concept notes that "while Navy's equal opportunity efforts have generally achieved a diverse workforce, there remain observable demographic shortfalls in senior ranks, technical ratings and across warfare communities."[15] To resolve what it notes are these

[11] "Navy Establishes Diversity Directorate," Release of the Chief of Naval Personnel, August 9, 2004. Accessed at http://www.navy.mil/search/display.asp?story_id=14616, accessed June 16, 2009.
[12] Id.
[13] Chief of Naval Operations, *Navy Administrative Message (NAVADMIN) 059/2006, Navy Diversity Strategy*, (2006) (Navy Diversity Strategy).
[14] Id.
[15] Id.

shortfalls, the Concept states that the Navy "will create a total force that fully leverages and values the diversity inherent in its makeup. We will develop leaders who reflect our Navy, its ethnic make up, gender mix and cultural diversity."[16]

The Concept sets forth four implementation phases to achieve the service's diversity objectives, which are to be aligned with the Department of Defense's diversity strategy.[17] The four phases are described below.

- Phase I – Assessment: This phase consisted of "a baseline assessment of recruitment, retention and promotion guidelines that have resulted in current total force demographics, as well as a review of the overall diversity toolkit, legal authorities and constraints."[18]
- Phase II – Decisive Action: A root cause analysis was conducted and specific plans were developed regarding "diversity accountability, outreach, training, mentoring, and communication."[19] The service also formulated the "institutional framework to optimize Navy's diverse total workforce."[20]
- Phase III – Sustainment and Accountability: Specific procedures were put in place to hold leadership "accountable for furthering the Navy's diversity initiatives."[21] Among other activities, the Navy's Chief of Naval Operations initiated the conduct of accountability reviews, published a "strategic message", and developed concomitant marketing strategies; implemented a "Navy-wide mentoring culture"; and expanded outreach and training activities.[22] According to the 2008 *Annual Diversity Report,* as part of this phase, the Navy has "established a set of diversity benchmarks for the 2037 Flag pool (those eligible for selection to flag officer) based on the anticipated demographics of society adjusted for anticipated graduates with science and technical degrees."[23]
- Phase IV – Enlightened Expansion: Added in 2008, during Phase IV the Navy is expanding and deepening previous initiatives to support the achievement of diversity accession goals and other objectives (including life-work balance goals).[24]

The end state to be achieved by the Concept of Operations is to create "an institutional framework in which every man and woman serving in the Navy can achieve their full potential."[25]

In March 2008, the current Chief of Naval Operations, Admiral Gary Roughead, issued his own "Diversity Policy." In that statement, Admiral Roughead wrote in part, "as the Chief of Naval Operations, I will lead diversity initiatives in the Navy. I challenge all who serve to do the same through leadership, mentorship, service, and example." He also wrote, "We must not be locked in time. As leaders, we must anticipate and embrace the demographic changes of tomorrow, and build a Navy that always reflects our Country's make up." In testimony before the Senate Armed Services Committee delivered on February 28, 2008, he described the service's diversity campaign and

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[16] Id.
[17] Id.
[18] Id.
[19] Department of the Navy, *Annual Diversity Report – 2008*, at 6.
[20] Navy Diversity Strategy.
[21] Department of the Navy, *Annual Diversity Report – 2008*, at 6.
[22] Id.
[23] Id.
[24] Id.
[25] Navy Diversity Strategy.

emphasized that "we hold senior Navy leadership personally accountable for ensuring that we build the most diverse organization possible."[26]

Within the Navy, individual commands have also promulgated their own diversity policies and action plans. For example, the Commander of the Naval Surface Forces has issued his own diversity policy. Additionally, the United States Navy Naval Surface Forces has published a "2008 Diversity Policy and Action Plan." According to that plan, in 2007, the Commander of the Naval Surface Forces established a Diversity Office whose goal is "to develop programs and policies to improve our total force."[27] Additionally, the Surface Warfare Enterprise has developed a 2007-2011 Strategic Plan.[28] The Surface Navy 2008 Diversity Goals include the following:

Goal 1: Increase the participation of talented diverse officers and senior enlisted personnel in high visibility billets and executive ranks.
Goal 2: Increase retention of female surface warfare officers.
Goal 3: Support Navy recruiting efforts to maximize access to a diverse and talented applicant pool.
Goal 4: Increase retention and numbers of enlisted females in technical ratings.
Goal 5: Implement programs that support the retention of surface warfare department heads.
Goal 6: Implement an effective diversity education program.
Goal 7: Implement effective mentoring programs.
Goal 8: Improve awareness of the contribution of surface warfare's diverse workforce through organizations sponsored by the Chief of Naval Operations and through nationally recognized minority organizations.[29]

Specifically at the United States Naval Academy, Vice Admiral Jeffrey L. Fowler, Superintendent of the U.S. Naval Academy, has also established a diversity policy for the Academy. He and the Dean of Admissions, Mr. Stephen B. Latta, have undertaken a number of initiatives to expand the Academy's recruiting outreach, particularly to communities and even geographic regions that are under-represented at the Academy.

Among other steps, the Naval Academy has revamped its information programs and developed new promotional and marketing materials that are designed to target a wide audience and present the Academy's message of inclusiveness particularly to minority students. Partnerships have been expanded with affinity groups. The Academy is building new networks in targeted cities among alumni and the parents of current and recent Academy students. It is expanding the visits it provides to the Academy for potential students and their parents. The Academy is also holding forums in venues that frequently attract audiences from minorities and utilizing entities such as Academy musical groups to expand its outreach to potential students.

Recruiting staff at the Academy – including young officers – are conducting targeted visits at high schools with large minority enrollments, and particularly at magnet and similar schools with a math and/or science focus.

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[26] Statement of Admiral Gary Roughead, Chief of Naval Operations, Before the Senate Armed Services Committee, 28 February 2008, page 17.
[27] United States Navy Naval Surface Forces, "2008 Diversity Policy and Action Plan," at 7.
[28] Id.
[29] Id., at 8-10.

Minority admissions to the Naval Academy Prep School have grown from 100 for the Class of 2002 to 190 for the class of 2014. Minority admissions to other institutions used by the Naval Academy as preparatory facilities have also increased.

Data reported to the Naval Academy's Board of Visitors indicate that the Academy is also expanding outreach to Members of Congress and their staffs – and Academy representatives have met 17 Congressional offices to date in 2009.

PREVIOUS COMMITTEE ACTION

The Subcommittee on Coast Guard and Maritime Transportation held a hearing on "Diversity in the Coast Guard, including Recruitment, Promotion, and Retention of Minority Personnel" during the 110th Congress.

On April 1, 2009, the Subcommittee held a hearing entitled "Civil Rights Services and Diversity Initiatives in the Coast Guard" to examine the findings of the Booz | Allen | Hamilton report on the Coast Guard's EEO and EO programs and to continue its examination of the Coast Guard's diversity initiatives.

WITNESSES

Panel I

Vice Admiral Clifford I. Pearson
Chief of Staff
United States Coast Guard

Ms. Terri Dickerson
Director, Office of Civil Rights
United States Coast Guard

Panel II

Mr. Stephen B. Latta, CAPT, USN (ret.)
Dean of Admissions
United States Naval Academy