

Questions for Yvette Bourcicot

Acting Assistant Secretary of the Army for Manpower and Reserve Affairs,
Department of Defense

Questions from Chairman Stephen F. Lynch

Subcommittee on National Security

November 16, 2022, Hearing: “JROTC: Protecting Cadets from Sexual Abuse and Instructor Misconduct”

1. What are the demographics of the Army’s JROTC instructor cohort? How many Army instructors are male and how many are female? How does this compare to the demographics of Army JROTC cadets?

Response:

Gender Demographics

	Male	Female
Instructor	92%	8%
Student	57%	43%

Racial/Ethnic Demographics

	White	Black/African-American	Hispanic	Other
Instructor	46%	41%	10%	3%
Student	31%	30%	29%	10%

2. Does the Army consider JROTC instructors, even those who are retired from military service, to be accountable to the military chain of command?

Response: As school employees, JROTC instructors are accountable to their employing schools and school districts, and to the Army for certifications. Upon receipt of a misconduct allegation, however, USACC immediately flags that instructor’s JROTC personnel file while appropriate authorities investigate. Flagging an instructor prevents the person under investigation from transferring to another school in the middle of an ongoing investigation. These instructors remain flagged until the investigation by the local authorities is complete. Flagged instructors are not permitted to be in a JROTC classroom, per Army policy, but the local school district determines their overall access to school grounds and facilities while any allegations are being adjudicated.

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3. Are Army JROTC instructors, including those who have retired from military service, subject to Army regulations while serving in their instructor capacity?

Response: Army JROTC instructors are subject to Army regulations while acting as instructors. Specifically, all Army JROTC instructors are required to adhere to the provisions of AR 145-2, Junior Reserve Officers' Training Corps Program: Organization, Administration, Operation, and Support, while participating in the program. As part of the Application and Contract for Establishment of a Junior Reserve Officers' Training Corps (DA Form 3126, SEPTEMBER 2010), between the host school and the Secretary of the Army, the school must also conform to the Secretary of the Army's regulations relating to JROTC programs.

Additionally, the Army works closely with local school administrators and law enforcement during investigations of possible wrongdoing. The U.S. Army Cadet Command (USACC) may respond to violations by flagging and decertifying JROTC instructors but cannot otherwise exercise command authority over JROTC instructors.

4. Are Army JROTC instructors, including those who have retired from military service, subject to the Uniform Code of Military Justice?

Response: Military retirees of the regular component of the armed forces who are entitled to pay remain subject to the Uniform Code of Military Justice (UCMJ) pursuant to Federal Law at 10 U.S.C. § 802(a)(4). These individuals may be tried by a court-martial for violations of the UCMJ that occurred while they were on active duty or while in a retired status. By Army policy, retired Soldiers subject to the UCMJ will not be tried for any offense by a court-martial unless extraordinary circumstances are present. Army Reserve and Army National Guard retirees are not subject to the UCMJ for offenses committed while in a retired status.

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Questions from Chairwoman Carolyn B. Maloney

Committee on Oversight and Reform

November 16, 2022, Hearing: “JROTC: Protecting Cadets from Sexual Abuse and
Instructor Misconduct”

1. Is the Army working with host schools to learn more about any allegations of sexual misconduct by JROTC instructors that may have previously gone unreported to the military services, so that the Department can better understand how widespread sexual abuse and harassment within JROTC truly is?

Response: Yes. The Army is currently developing a JROTC Program Administrator Guide for publication in December 2022. This guide will provide a general overview of the JROTC program and further clarify roles and responsibilities, including reporting requirements between schools and the Army. Upon publication, U.S. Army Cadet Command (USACC) will engage with each of our host schools to discuss this guide, explain the way ahead for JROTC oversight, and ensure schools understand their reporting requirements regarding instructor sexual misconduct. The Army is also updating all contracts with host schools to improve understanding of program responsibilities. During these engagements, USACC will assess whether additional allegations of sexual misconduct may have gone unreported.

2. How many staff positions does the Army currently have in place to oversee all of its JROTC units? What is the staff to unit ratio for the Army?

Response: The Army currently has 121 dedicated staff positions (76 at Headquarters, USACC and 45 at the seven JROTC brigades) for its 1,716 JROTC units. The Army’s staff-to-unit ratio is currently 1 Brigade staff member to 40 JROTC units. Additional oversight is provided by Headquarters, USACC and the seven brigade command teams through command and staff assistance visits.

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3. What additional resources or personnel would the Army require to ensure it can conduct annual, in-person evaluations of all of its JROTC units?

Response: The Army estimates at least 24 additional positions are required to conduct 100% in-person annual evaluations USACC is currently in the process to compete for additional resources and increased manning.

4. Please describe the type of training that Army JROTC instructors receive prior to beginning employment with a JROTC unit.

Response: In addition to local/state teacher training requirements, U.S. Army Cadet Command (USACC) provides initial and ongoing training for Army JROTC instructors on appropriate interactions with Army JROTC Cadets and emphasizes their role in reporting suspected misconduct. Army JROTC instructor applicants are required to complete a thorough interactive training module and submit their course certificates as part of their application packets. This unique interactive, scenario-based tool helps educators learn how to foster proper teacher-student relationships and make appropriate interventions when witnessing sexual misconduct by colleagues.

5. What training, if any, do Army JROTC instructors receive about how to prevent, respond to, and report sexual assaults and harassment? How often is this training required?

Response: In addition to local/state teacher training requirements, USACC provides training focused on appropriate interactions with Army JROTC Cadets and instructors' role in reporting suspected misconduct. Army JROTC instructors must complete the online Will Interactive "The Good Teacher" training annually. The Instructor Basic Course includes ethics training, fraternization training, and additional training on instructor/teacher relationships with students. Instructors attend brigade training workshops every three years and receive annual Army Sexual Harassment/Assault Response and Prevention (SHARP) training. They complete recertification through the Instructor Advanced Course every five years. USACC is incorporating the Department of Education's Title IX training in the JROTC Instructor Basic and Advanced Courses.

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6. What training, if any, do Army JROTC cadets receive about how to prevent, respond to, and report sexual assaults and harassment? How often is this training required?

Response: Previously, the Army did not include training for Army JROTC Cadets about how to prevent, respond to, or report sexual assaults and harassment. The Army is updating its JROTC Cadet curriculum to include training at the beginning of each semester, which will become effective this coming semester. This training will be required twice per school year and will be in addition to state and local district Title IX training requirements.

7. What training, if any, do Army JROTC instructors receive about what constitutes an appropriate instructor-cadet relationship? How often is this training required?

Response: In addition to local/state teacher training requirements, USACC provides training focused on appropriate interactions with Army JROTC Cadets and instructors' role in reporting suspected misconduct. Army JROTC instructors must complete the online Will Interactive "The Good Teacher" training annually. Additionally, instructors attend the Instructor Basic Course, which includes ethics training, fraternization training, and additional training on instructor/teacher relationships with students. Instructors attend brigade training workshops every three years and receive Army Sexual Harassment/Assault Response and Prevention (SHARP) training. They complete recertification through the Instructor Advanced Course every five years. Lastly, USACC is incorporating the Department of Education's Title IX training in the Army JROTC Instructor Basic and Advanced Courses.

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Questions from Rep. Hank Johnson

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1. Across the country, majority-minority schools are nearly three times as likely as majority-white schools to have a JROTC program, according to a *Times* analysis. This is alarming especially given the trends of lack of accountability for sexual abuse. What would be some additional resources to cater to these communities of color’s needs?

Response: Each Army JROTC program receives a standard set of resources governed by statutory authorities, Department of Defense Instruction 1205.13, Junior Reserve Officers’ Training Corps Program, Army regulation 145-2, Organization, Administration, Operation, and Support, and Cadet Command policies including reimbursement of a portion of instructor pay, Cadet uniforms, equipment, and curriculum materials. USACC works with each school to assess and resource co-curricular program support requirements and provide additional resources to under-resourced schools as opportunities present themselves. Schools apply to host an Army JROTC program and programs are in high demand for the positive effects on students, particularly high graduation rates and increased academic success. USACC is committed to providing a fair and equitable distribution of Army JROTC programs and seeks to provide historically under-resourced communities with additional resource opportunities.

2. We have a solemn duty to protect any young man or woman who puts on the uniform of the United States—including those in our JROTC programs—regardless of their race, ethnicity, or economic background. What are you doing in your respective branches to ensure all cadets—regardless of race or economic background—are empowered to report allegations of sexual misconduct?

Response: The Army is fully committed to empowering all Army JROTC Cadets to report allegations of sexual misconduct. The Army is updating its JROTC Cadet curriculum to include training at the beginning of each semester to inform students of methods to prevent, respond to and report sexual assaults and harassment. Starting with this coming semester, this training will be required twice per school year and will be in addition to state and local district Title IX training requirements.