



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

JAN 13 2023

MEMORANDUM FOR CHAIR, DEFENSE ADVISORY COMMITTEE FOR THE  
PREVENTION OF SEXUAL MISCONDUCT

SUBJECT: Defense Advisory Committee for the Prevention of Sexual Misconduct – Two  
Subcommittees and Two Studies

I am establishing two subcommittees of the Defense Advisory Committee for the Prevention of Sexual Misconduct (DAC-PSM). Each subcommittee will not exceed 10 members. They will be known respectively as the Metrics and Performance Subcommittee and the Prevention Training and Activities Subcommittee. In addition, I am tasking the DAC-PSM to conduct two training studies, working through the subcommittees. My objectives for these subcommittees and studies are outlined in the attached Terms of Reference.

The Metric and Performance Subcommittee will provide independent advice and insights related to recommendations associated with metrics development and performance evaluation of activities tied to the prevention of sexual misconduct. The Prevention Training and Activities Subcommittee will provide independent advice and insights related to recommendations associated with the utilization of existing prevention activities and the development of new initiatives.

As an initial effort of these subcommittees, I am tasking the DAC-PSM, working through the Metrics and Performance Subcommittee and the Prevention Training and Activities Subcommittee, to conduct a study on sexual assault and sexual harassment training provided to those who have been in the military 4 years or less. Each subcommittee will undertake a distinct part of this study, with insights and recommendations due to the DAC-PSM no later than May 1, 2023. The Metrics and Performance Subcommittee will look into metrics development and performance evaluation of activities tied to the prevention of sexual misconduct, and the Prevention Training and Activities Subcommittee will consider activities undertaken with Service members to advance prevention efforts, including the content of training. In addition, I am directing the Prevention Training and Activities Subcommittee to conduct a study on the sexual assault prevention and response training provided as part of professional military education for consideration by the DAC-PSM. The DAC-PSM will provide its report to me no later than June 15, 2023.

The new subcommittees, like the DAC-PSM, will be subject to the Federal Advisory Committee Act (5 U.S.C., Appendix). All advice and recommendations from the subcommittees will be provided to the entire DAC-PSM for its thorough discussion and deliberation at a properly noticed and open meeting, unless it must be closed in accordance with one of the Government in the Sunshine Act (5 U.S.C. § 552b) exemptions, prior to submission to me, as the DoD Sponsor for DAC-PSM.

Gilbert R. Cisneros, Jr.

Attachments:  
As stated

cc:  
Advisory Committee Management Officer  
Group Federal Officer

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

### **Sexual Assault Prevention and Response Professional Military Education Study**

#### **Terms of Reference**

This Terms of Reference (ToR) establishes the objectives, as determined by the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), for the Defense Advisory Committee for the Prevention of Sexual Misconduct (DAC-PSM), through its Prevention Training and Activities Subcommittee, to conduct an assessment of the extent and effectiveness of the inclusion of sexual assault prevention and response training in leader professional military education (PME). This study was called for in section 534(1) of the National Defense Authorization Act for Fiscal Year 2021. As part of the DAC-PSM's 2023 Annual Report, results of the study will be provided to the Secretary of Defense (SecDef) and to the following congressional committees: The Committee on Armed Services of the Senate; the Committee on Commerce, Science, and Transportation of the Senate; the Committee on Armed Services of the House of Representatives; and the Committee on Transportation and Infrastructure of the House of Representatives.

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

**Issue Statement:** The DAC-PSM's Prevention Training and Activities Subcommittee will conduct an assessment of the extent and effectiveness of the inclusion by the Military Services of sexual assault prevention and response training in leader professional military education (PME), especially in such education for personnel in junior noncommissioned officer grades. That assessment and related recommendations will be provided to the DAC-PSM for its thorough discussion and deliberation at a properly noticed and open meeting, unless required to be closed in accordance with one or more of the Government in the Sunshine Act exemptions.

**Objective and Scope:** The Prevention Training and Activities Subcommittee will conduct a review of Military Service efforts to provide training to officers and noncommissioned officers

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

on sexual assault response and prevention. The subcommittee will consider the alignment of the training content and delivery approach with leadership roles during the career life cycle, and identification of unique training needs (if any) of the junior noncommissioned officers and how those needs are being met. The subcommittee will consider the effectiveness of these training efforts, and offer the DAC-PSM recommendations for improvement.

The subcommittee will provide periodic updates to the DAC-PSM on its work, as appropriate, and develop recommendations with comprehensive supporting evidence. In its 2023 Annual Report, the DAC-PSM will provide a summary of its findings and recommendations.

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

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

The DAC-PSM and Prevention Training and Activities Subcommittee will operate in conformity with and pursuant to the DAC-PSM's charter, the Federal Advisory Committee Act (5 United States Code (U.S.C.), Appendix), the Government in the Sunshine Act (5 U.S.C. § 552b), and other applicable federal statutes, regulations, and policy. Individual members of the DAC-PSM and Prevention Training and Activities Subcommittee do not have the authority to make decisions or provide recommendations on behalf of the DAC-PSM nor report directly to any Federal representative. The members of the Prevention Training and Activities Subcommittee and the DAC-PSM are subject to certain Federal ethics laws, including 18 U.S.C. § 208, governing conflicts of interest, and the Standards of Ethical Conduct regulations in 5 Code of Federal Regulations, Part 2635.

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