

RECORD VERSION

STATEMENT BY

**MS. YVETTE K. BOURCICOT
ACTING ASSISTANT SECRETARY OF THE ARMY
MANPOWER AND RESERVE AFFAIRS**

BEFORE THE

**SUBCOMMITTEE ON NATIONAL SECURITY
HOUSE COMMITTEE ON OVERSIGHT AND REFORM
UNITED STATES HOUSE OF REPRESENTATIVES**

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**ON IMPLEMENTATION AND OVERSIGHT OF JUNIOR RESERVE OFFICERS'
TRAINING CORPS PROGRAMS**

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**NOT FOR PUBLICATION UNTIL RELEASED BY THE
HOUSE COMMITTEE ON OVERSIGHT AND REFORM**

Chairman Lynch, Ranking Member Grothman, and distinguished members of this subcommittee, thank you for the opportunity to testify on behalf of the men and women of the United States Army's Junior Reserve Officers' Training Corps (JROTC).

I share your concerns about misconduct by Army retirees hired as JROTC instructors in our Nation's secondary schools. I welcome this opportunity to work together to ensure we address JROTC instructor misconduct along with our partner schools and give students who participate in this program a safe, enriching environment in which they can learn and grow. Army senior leaders and I require that personnel placed in a position of trust act in a manner worthy of that trust. Together, we can improve the JROTC program and prevent breaks in that trust from happening in the future.

For context, I'll highlight our proactive screening and training programs to prevent harmful behaviors. Then, I'll address the problem of instructor misconduct and explain our current limitations in imposing consequences for it. Lastly, I want to provide an overview of the program and its achievements.

Approach to Instructor Misconduct

The Army's top priority is people—to include students participating in Army JROTC activities. Sexual harassment and assault have no place in our Army. We take JROTC instructor misconduct very seriously, given our long-standing commitment to providing a beneficial program for students and our emphasis on preventing harmful behaviors. JROTC instructor mistreatment of cadets is particularly egregious because of the faith and confidence the Army, parents, students, and the nation place in those teachers—we will not tolerate it.

Even one incident of JROTC instructor misconduct is too many and goes against Army values. We want to assure you that we do track and take action on any such reports. As the Department's response to the committee stated, the Army reported 26 allegations of sexual misconduct over the five-year period ending August 24, 2022, across the Army's 1,716 JROTC programs, encompassing approximately 4,000 instructors. Of these 26

allegations, 25 instructors were decertified. One allegation was unsubstantiated. Significantly, the five JROTC instructors highlighted in the recent New York Times article were flagged, suspended from pay, and decertified prior to that reporting.

Instructor Screening, Selection and Training

The United States Army Cadet Command (USACC) oversees the JROTC program and is proactive in its approach to screening instructor candidates and training instructors to provide a safe learning environment for our JROTC Cadets. USACC is currently developing guidance for Army JROTC instructors to annually acknowledge proper Instructor/Cadet boundaries for implementation in the 2nd quarter, FY 2023. USACC's program of applicant screening, initial training and certification, ongoing training, recertification requirements, and decertification processes helps ensure the safety and security of participants in the JROTC program.

Six years ago, USACC broadened its procedures to include a Child Care National Agency Check and Inquiries (CNACI) screening in accordance with Army Directive 2014-23 (Conduct of Screening and Background Checks for Individuals Who Have Regular Contact with Children in Army Programs). This screening is the cornerstone of the Army's JROTC instructor applicant vetting process and it enhances the local school district's screening process. While a denial of certification is typically based on substantiated findings of misconduct, it is possible for an instructor to be denied certification based on unsubstantiated findings if the nature and/or number of allegations suggests a pattern of undesirable character. This will continue to be an ever-evolving process. As such, the Army recognizes that this is an underreported crime, and extra care in the vetting process to include follow on background checks is crucial. We continue to take lessons learned from best practices internal and external to the Army to help identify behaviors and activities that may be precluded from comprehensive background checks,

USACC currently executes instructor reverifications every five years and notifies the school of any disqualifying conduct. All JROTC instructors must complete a CNACI investigation and be found suitable to continue with the program. Instructors found unsuitable due to illegal acts or behavior contrary to Army Values are permanently decertified and removed from the Army JROTC program.

In addition to security screening, we have a robust training program for instructors to reaffirm our expectations of values. We understand that existing policies are dynamic and require constant reevaluation to ensure that they are effective in deterring harmful behaviors. USACC also requires instructors to annually complete the *WILL Interactive* "The Good Teacher" training program. This unique interactive tool helps instructors learn how to foster proper teacher-student relationships and make appropriate interventions when warranted. All Army JROTC brigades conduct at least one summer training workshop attended by Director of Army Instruction personnel, Senior Army Instructors and Army Instructors. These workshops provide opportunities for the instructors and supporting staff to participate in, interact with, and discuss myriad topics through facilitated learning exercises. These exercises are designed to improve communication and connectivity, enhance knowledge base, and improve proficiency for all instructors. All JROTC instructors are required to attend Brigade Training Workshops at least once every three years to address JROTC unit operations, instructor certification requirements, ethics, and program modernization updates. USACC coordinates and conducts these workshops with assistance from the U.S. Army Recruiting Command, the U.S. Army National Guard, and other organizations.

In addition to instructor vetting and training, USACC annually inspects one-third of the programs to ensure continued compliance with the Application and Contract for Establishment of a JROTC Unit signed by each school. These contracts lay out the school districts' responsibility to establish and maintain the JROTC program. In December 2022 USACC will publish a JROTC program guide for high school administrators which reemphasizes the school districts' responsibilities to hire,

supervise, train, educate, pay, reward, recognize, monitor, evaluate and, if necessary, terminate employment of their JROTC instructor employees.

Process Regarding Allegations of Instructor Misconduct

USACC regulations require schools to report allegations of misconduct to USACC directly upon discovery. Additionally, cadets and their family members may contact school officials, local law enforcement, USACC Headquarters, Army JROTC, and the applicable brigade headquarters to report allegations of sexual abuse, harassment, or other misconduct by a JROTC instructor.

After the Army receives a report of misconduct, USACC will send a Serious Incident Report through the chain of command to senior Army leaders and flag the instructor. A flag is an administrative action which prevents a favorable personnel action while the instructor is under investigation. Flagged instructors are not permitted to transfer to other schools until the allegation is favorably adjudicated. Schools and local law enforcement have jurisdiction to investigate and punish offenders and the Army monitors outcomes of these investigations to inform a final determination on the instructor's status. Local schools and school districts determine the scope of responsibilities these instructors may perform while under investigation. Instructors who resign during the course of an investigation are decertified and not permitted to be re-employed by the JROTC program in the future.

Challenges to Enforcing Standards

Despite the policies and procedures established by the Army to protect its JROTC cadets, there are some challenges. Although the partnership and communication between the Army and school districts is robust, the Army relies on local jurisdictions to investigate, terminate, and often prosecute any instructors who commit misconduct. As mentioned above, USACC regulations require school districts to report misconduct, but the Army lacks the authority to enforce this requirement. Furthermore, Army JROTC instructors are employed by local schools and school districts as faculty. Depending upon the investigating agency, school administrators may be limited in the information

they have access to and are permitted by local policies and ordinances to share with the Army. USACC does everything within the Army's authority to obtain the facts related to each misconduct allegation in coordination with the employer.

The Army is working in coordination with the other Services and the Department of Defense to improve oversight of the JROTC program, decrease the chance of these incidents occurring again, and ensure the continued success of the program.

JROTC Program, Curriculum, Benefits, and Achievements

The U.S. Army has the oldest JROTC program in the United States and recently marked its 106th year of providing service and civic-related instruction to high school students. Recognizing the value of this program for America's youth, we have recently expanded program access to 8th grade students in accordance with new authorities Congress provided in the fiscal year (FY) 2020 National Defense Authorization Act. JROTC covers topics including leadership, ethics, civics, history, and health and wellness. Our academic program has evolved over the years and now includes Science, Technology, Engineering, and Mathematics learning opportunities such as robotics (4th year), drones (2nd year), the National Flight Academy (2nd year), and a Cyber pilot (1st year). Regarding health and wellness, we offer JROTC cadets a variety of opportunities to challenge themselves both mentally and physically with the JROTC Raider Competitions, drill and air rifle teams, as well as the recent addition of archery competitions.

The FY 2021 National Defense Authorization Act included expanded language to acknowledge the importance of the JROTC program to "...instill in students in the United States secondary educational institutions the values of citizenship [and] service to the United States" and provide "an introduction to service opportunities in military, national, and public service." JROTC's ability to achieve these goals has been proven over the years. Research shows that JROTC Cadets have a higher attendance rate (3.5%), a higher high school graduation rate (9%), and a higher average grade point average (11%) than their peers. The JROTC program is one of

the Army's widest reaching investments in our Nation's youth and helps to connect communities across the country to their Army.

Conclusion

The overwhelming majority of the Army JROTC instructors perform their duties honorably every day as part of one of the greatest citizenship programs in our Nation. As the Army continues to review its policies and procedures to ensure the continued safety of students enrolled in JROTC, we would be remiss if we did not also acknowledge the benefits of the program and various accomplishments of these cadets and their instructors. It is essential to understand that for JROTC to continue to be the trusted national civic duties program in our schools we are committed to prevent sexual misconduct and hold those violating that trust accountable for their actions.

Over the past five years alone, more than 1.2 million high school students in the U.S. participated in JROTC and provided a combined 14.6 million hours of community service. This includes the notable example of the Cypress Lake High School JROTC cadets from Fort Myers, Florida, which recently led their school campus clean-up following Hurricane Ian. We should also acknowledge the Graves County High School JROTC cadets from Mayfield, Kentucky, who helped rescue trapped workers at the devastated Mayfield Candle Factory when a major tornado struck their community. JROTC cadets also provided 6.5 million service-learning hours over this same time period, as well as earned nearly 3,000 academic scholarships.

Cadets, through their participation in JROTC, have the opportunity to participate in nationally recognized academic and leadership skills competitions, notably the JROTC Leadership and Academic Bowl. In fact, a JROTC cadet from Winston-Salem High School in North Carolina made it to the quarterfinals on the Jeopardy! Teen Tournament quiz show.

I would like to reiterate the Army's commitment to working with schools and local communities to keep cadets safe and hold instructor offenders accountable. As a proud

former JROTC cadet, I have personally benefited from this program and appreciate its value in enabling America's youth and increasing their propensity for civic service, writ large. Chairman Lynch, Ranking Member Grothman, and distinguished members of the subcommittee, thank you for the opportunity to appear before you today.