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The Active-Duty Officer Promotion and Command Selection Processes Considerations for Race/Ethnicity and Gender

Abstract

Two MLDC charter tasks directed the commissioners to evaluate whether the officer promotion and command selection systems provide fair opportunities to both men and women and members of all race/ethnicity groups. Using Service briefings and other information provided to the MLDC, this Issue Paper (IP) describes key features of the promotion and command selection processes and discusses how they may accentuate or mitigate the potential for bias in the selection of officers for promotion or command. Overall, the promotion and command selection board processes include a number of features that attempt to impart fairness and to mitigate the impact of bias on the part of an individual board member. For example, selections are made not by a single individual but by multi-member boards that are, to the extent possible, demographically representative of the pool of candidates. Furthermore, the guidance to these boards—which can be in the form of precepts, instructions, or actual laws—requires that selections be made based on the needs of the Services and the best and fully qualified criterion, without regard to race, ethnicity or gender. No matter how carefully designed, however, the board processes cannot address the impact of unfairness that occurs before they begin. Specifically, the competitiveness of an officer's record depends on his or her career and assignment history and on supervisors' assessments of his or her performance in each position.

The MLDC has been directed to make recommendations on two charter tasks concerning the fairness of officer promotion and command selection opportunities, particularly with regard to race/ethnicity and

gender.¹ The MLDC in turn requested that the military Services and the Coast Guard describe their promotion and command selection processes so that the MLDC could study whether certain features of these systems might affect the selection of officers based on their race/ethnicity or gender. A summary of the presentations from the fall 2009 and winter 2010 MLDC meetings, along with relevant material provided by the Services after the meetings, is presented.²

There are three main ways in which promotion and command opportunities may be unfair. First, a lack of fairness may develop before officers are actually evaluated for promotion or command selection; this occurs if race/ethnicity or gender affects the assignment of officers to key positions that enhance the chances for promotion or command selection. Second, a lack of fairness occurs if commanding officers make race/ethnicity or gender a factor when evaluating subordinate officers. Third, a lack of fairness may occur during the actual promotion or command selection process if race/ethnicity or gender is taken into consideration for selection. This issue paper (IP) considers the third concern, which we discuss for active-duty officers.³

Background

The process of selecting officers for promotion is an integral part of the up-or-out feature of the military personnel system. Ultimately, officers who continue to be promoted become the senior military leadership. The number of promotions allowed in a given year is based on the needs of the Services and on the officer endstrength allowances in Title X of the United States Code (10 U.S.C.). Typically, there are more officers eligible for promotion than can be selected, so selection depends critically on identifying the "best and fully qualified" officers.⁴ The process of selecting officers for command is similar to that used

for making promotions. To achieve the highest possible level of performance, the Services must select the best fully qualified officers eligible for command. For officers, selection for command is a key career milestone that is critical for advancement to the highest ranks. The integrity of the selection processes for both promotion and command must be maintained by selecting the best fully qualified officers by evaluating training, experience, and performance and not such criteria as race/ethnicity or gender.

For the purposes of this IP, the promotion and command selection processes comprise the time between convening the board and selecting officers for promotion or command, respectively. Promotion boards are statutory selection boards because the rules governing them are found in 10 U.S.C.⁵ Such features as the basic composition of statutory selection boards are established by 10 U.S.C., and a Department of Defense Instruction (DoDI) that accompanies the law provides guidelines on preparing instructions to the boards. However, each Service can refine the promotion board composition and is allowed to draft the actual instructions to promotion boards (within the 10 U.S.C. guidelines).⁶

Command selection boards are administrative selection boards and are governed by internal Service authority (typically, the Service personnel chiefs) rather than by federal law. Nevertheless, many features of the command selection board process closely follow the statutory promotion board guidelines. For brevity, this IP describes the promotion board processes that are generally for paygrades O-4 to O-6.

Composition of the Promotion Board

The basic composition of promotion boards is defined in 10 U.S.C. Sec. 612. All promotion boards must consist of five or more officers on the active-duty list who must be serving in a grade higher than the grade of the officers under consideration.⁷ Each board member must be serving in grade O-4 or higher, and each board must include at least one officer from the competitive category of officers to be considered for promotion. There are also provisions for reserve and joint representation. Officers may not sit on consecutive boards.

In addition, most Services maintain that the race/ethnicity and gender mix of the promotion board members should be a consideration. The Service briefings presented at the fall 2009 meetings do not explicitly say why this is a consideration, but there may be an underlying assumption that a demographically diverse board is more likely to evaluate a demographically diverse candidate pool fairly than is a homogeneous board.

Constructing a demographically representative promotion board can be a challenge, particularly for the smaller Services. Several issue papers show that the officer corps is majority white and male and that the senior officer corps is proportionally more white and male than the junior officer corps (Military Leadership Diversity Commission, 2010b). Never-

theless, policy set forth by the Secretary of the Air Force holds that the board composition should be similar to the race/ethnicity and gender mix of the pool of eligible officers, and Army and Marine Corps guidance calls for ethnic and gender representation on boards to the extent that the officer population allows. The Coast Guard and Navy briefings to the MLDC did not indicate that the racial/ethnic and gender mix of their statutory boards was specifically considered, although other Navy sources suggest that the racial/ethnic and gender mix of the board is a concern (Navy Personnel Command, Bureau of Naval Personnel, 2010).

The Services do not have to follow the exact statutory board composition direction in 10 U.S.C. when convening a command selection board. Nevertheless, the seniority and occupational specialty of the officers on the command selection board are key considerations. In addition, the briefings by the Services suggest that the racial/ethnic and gender mix of command selection boards is also a consideration.

Precept Language to the Board

DoDI 1320.14 grants authority to the Secretaries of the military departments to issue written instructions to selection boards and gives guidance on what those written instructions may include. In particular, Services may include “guidelines to ensure the consideration of all eligible officers without prejudice or partiality” (U.S. Department of Defense, 1996, p. 6).

At the October 2009 MLDC meeting, Department of Defense (DoD) and Service legal representatives briefed the MLDC on providing equal opportunity instruction to selection boards. Equal opportunity guidance from the Services to their selection boards has been problematic in the past and has resulted in costly legal rulings against some of the Services. The Army and the Air Force representatives briefly reviewed three court cases from the past two decades in which the military Service in question was found to have instructed selection boards in ways considered to be biased against particular racial/ethnic or gender groups.⁸

The military Services’ current practices regarding providing equal opportunity instructions to promotion boards vary slightly, although all adhere to DoDI 1320.14. Some of the Services expand on the DoD guidelines. For example, Department of the Navy guidance allows Navy and Marine Corps promotion board precepts to include the following language: “[T]o determine those officers who are best and fully qualified, you must ensure that officers are not disadvantaged because of their race, religious preference, ethnicity, gender, or national origin” (U.S. Department of the Navy, SECNAVINST 5350.16A). The Army instructs its boards that they may take into consideration the fact that there has been past institutional discrimination but that they may not consider or grant any preferences based on past discrimination. The Air Force brief indicated that the Air Force does not expand on DoDI 1320.14 in instructing its boards on equal opportunity matters. DoDI 1320.14 does not cover the Coast Guard, but the Coast Guard briefing and

documents subsequently sent to the MLDC concerning promotion board precepts suggest that the Coast Guard follows the spirit of DoDI 1320.14.

Briefings to the MLDC and other information provided by the Services suggest that precept instructions given to command selection boards are similar to the instructions given to the promotion boards.

Content of Eligible Officer Records

General Information. All the Services said that the review and evaluation of eligible officer records—the information supplied to the board for each eligible officer—was central to identifying officers for promotion. Common features of eligible officer records include the list of all of the positions that officers have held, the results of evaluations by commanding officers, training and education milestones, and information about other qualifications and subspecialty achievements. Finally, all the Services allow eligible officers to write a letter to the board highlighting particular achievements.

Race/Ethnicity and Gender-Specific Information. Knowledge of eligible officers’ race/ethnicity or gender could affect how candidates are evaluated by the board. In some situations, such knowledge could lead to a fairer evaluation of the officer. For example, knowing that an officer is a woman may explain why she has not held certain positions, particularly in combat; it could justify what might otherwise be considered an inferior record. However, there is also concern that, if boards know the race/ethnicity and gender of eligible officers, the promotion process may be less fair. For example, there is some experimental research that shows that private-sector job candidates with African American-sounding names are less likely to be granted interviews than are candidates with Caucasian-sounding names, even if the résumés submitted are identical (Bertrand and Mullainathan, 2004). Similarly, Goldin and Rouse (2000) found that “blind” auditions for orchestra positions (i.e., those where a screen hides the identity of the person auditioning) “fostered impartiality in hiring and increased the proportion of women in symphony orchestras”

compared with auditions in which the person auditioning was seen by evaluators.

Information on the race/ethnicity and gender of officers could become manifest in several ways: Race/ethnicity and gender could be reported directly to the board as part of the official personnel record; the Services may require officers to include a photograph in their records, which would reveal race/ethnicity or gender; and the gender (and, possibly, the race/ethnicity) of eligible officers may be revealed by including the full names of the eligible officers or in the use of pronouns or other descriptive language in evaluations by commanding officers.

Drawing from the Services briefings and other information provided by the Services, Table 1 summarizes what information about the race/ethnicity and gender of eligible officers is made available to promotion boards and the reasons for providing the information. The Marine Corps reports the race/ethnicity and gender of eligible officers to the board. In addition, it requires each eligible officer to submit a photograph so that board members can review the candidate’s physical bearing and see if the uniform is being worn properly.⁹ The Army has essentially the same reporting and requirements as the Marine Corps and applies them for the same reasons. The Navy does not report the race/ethnicity and gender of candidates to its boards, but it does require that photographs be submitted as part of the eligible officer package. (The Navy dropped the photograph requirement in 2006, but it was reinstated by the Chief of Naval Personnel only a year later because he felt that the board should consider military bearing.)¹⁰ The Air Force eliminated the use of photographs in the promotion process in 1995 and has not reported the race/ethnicity or gender of the eligible officers to selection boards since 2002. In addition, it has discouraged the use of gender-specific pronouns in officer evaluations. The Coast Guard does not allow race/ethnicity or gender to be indicated in eligible officer records, does not use photographs at promotion boards, and does not allow in officer evaluations gender-specific pronouns and other descriptive

Table 1. Information About Race/Ethnicity and Gender Provided to Officer Promotion Boards

Service	Race/Ethnicity and Gender Stated in Packages?	Photographs Included in the Process?	Reason for the Inclusion of Photographs	Evaluations Include Gender Pronouns?*
Air Force	No	No	N/A	Discouraged
Army	Yes	Yes	Review of military bearing, medals	Yes
Coast Guard*	No	No	N/A	No
Marine Corps	Yes	Yes	Review of military bearing, medals	Yes
Navy	No	Yes, except from 2005 through early 2007	Review of military bearing	Yes

NOTE: N/A means the information is not applicable.

*** The Coast Guard was the only Service that indicated in its briefing presentation that the names of the eligible officers were not included in the information made available to boards.**

language (including names) that indicate the officer's race/ethnicity or gender. The information in the table suggests that the Coast Guard promotion boards receive the least amount of information on the race/ethnicity and gender of eligible officers.

The Service briefings to the MLDC suggested that the information on race/ethnicity and gender of eligible officers available to command selection boards was the same as that available to promotion boards.

We are not aware of any research that examines whether the evidence from the civilian sector on how knowledge of race/ethnicity and gender biases the evaluation of current and potential employees extends to military promotion and command selection boards. More research is required to test this hypothesis, and the variation across the Services in terms of the amount of knowledge that the boards have may provide an opportunity for doing so.

Review and Evaluation of Eligible Officer Records

The main work of the promotion board is to rank the eligible officers for selection to promote. The Air Force briefing summarized the key criteria considered in evaluating applicants:

- performance
- professional qualities
- leadership
- job responsibility
- achievements (qualifications and awards)
- career development education and training
- academic education.

These criteria are similar across the Services and, on the surface, are race/ethnicity and gender neutral.

As noted, the Services attempt to create board membership that mirrors the demographic mix of the eligible officer pool with the goal of making the evaluation process as fair as possible. Nevertheless, individual board members may have conscious or unconscious biases against officers of a particular race/ethnicity or gender, and this bias may affect the fairness of their evaluation of eligible officer records. Unfortunately, these biases may be subtle, and there may be little that the Services can do about them. Thus, the relevant concern is whether the features of the review and evaluation process accentuate or diminish these potential underlying biases.

A key feature common to all of the Service board evaluation processes is that every eligible record is considered by every board member. In one approach, every board member reviews and scores each record; some Services have board members review and score records simultaneously while other Services allow board members to review and score records individually at their own pace.¹¹ In another approach, each eligible officer record is randomly assigned to and reviewed

by one board member. That board member is responsible for summarizing the salient features of the record, scoring the record (in some cases), and then briefing the record to the rest of the board.¹² The record is available to the rest of the board during the briefing. After the briefing, the board members score the record.¹³

Some concern has been expressed that the second approach described above—the single-briefer approach—could make it more likely that individual bias will be introduced into the evaluation process. We are unaware of any research on this topic, but conceptually, it is not clear how such bias would be introduced. Even if a single briefer has particular biases, the random assignment of records to each briefer makes it unlikely that an entire group of eligible officers who share the same race/ethnicity or gender would be affected. The other safeguards already mentioned—board membership that is demographically representative of the candidate pool, changes in board membership over time, and full board input on the final decision—also decrease the likelihood that the single-briefer approach is more likely to introduce systemic or persistent bias. It must be acknowledged, however, that because of the large numbers of records to review, boards typically have only a few minutes to evaluate each eligible officer. This limits the amount of discussion of each record and may give extra weight to the single briefer's evaluation.¹⁴

Once the records have been scored, the Services must still decide which officers will be selected to promote. In general, the highest scoring records in the specialties most in demand by the Service will be ranked highest for selection to promote. However, each Service may differ in precisely how individual board member scores are tallied and used to make selection decisions. For example, the Services may define and incorporate outlier scores differently.

With either board evaluation approach—single briefer or otherwise—every record is considered by every board member. This feature, combined with guidance regarding board membership, suggests that the board process is more likely to diminish than to accentuate individual bias. In particular, the fact that the entire board membership changes from one board to the next decreases the likelihood that individual bias can cause systemic or persistent demographic differences in promotion outcomes. The precept language already discussed and a provision in 10 U.S.C. that forbids board members from introducing negative information that is not in the official records further ensure that the process is objective.

Finally, after the board results have been made official, the Services report the promotion rates by race/ethnicity and gender. If, over time, the results indicate that officers of a particular group are consistently being promoted at lower rates than other officers, more analysis of the officer development, assignment, and promotion systems is warranted.

Summary of Cross-Service Similarities and Differences

The Services' descriptions of their officer promotion and command selection board processes revealed similarities with regard to race/ethnicity and gender:

- Direction on the racial/ethnic and gender mix of promotion board members is supplied.
- Precepts regarding equal opportunity for eligible officers are provided to the board.
- Key criteria are used for evaluation.

They also highlighted differences:

- The Army and the Marine Corps report each eligible officer's race/ethnicity and gender to their promotion boards; the other Services do not.
- The Army, the Marine Corps, and the Navy use photographs, which may reveal an eligible officer's race/ethnicity and gender; the Air Force and the Coast Guard do not.
- There were a few differences across the Services in terms of the exact process used to evaluate eligible officer records.

Conclusions

(1) **Board composition.** According to their presentations to the MLDC, the Services attempt to create promotion and command selection boards that are racially/ethnically and gender representative of the pool of eligible officers. There appears to be an underlying belief that this will result in fairer results. However, the Services' ability to create representative boards may somewhat be limited because the officer corps is not particularly racially/ethnically or gender diverse and because senior officers in particular are not racially/ethnically or gender representative of the more-junior officers; this may be particularly true for the smaller Services. The extent to which this makes the system unfair is not clear or easily measured.

(2) **Precept language.** Precept language to promotion and command selection boards forbids favoring any group in promotion or command selection decisions based on race/ethnicity or gender; such language is similar across the Services. This is the outcome of the DoD precept language guidance and legal rulings.

(3) **Information in eligible officer records.** There are two conclusions regarding the information made available to the boards via eligible officer records:

- The Service presentations suggest similarities in the performance criteria that are included in the records, and the information in eligible officer records is supposed to accurately reflect performance to date. This implies that the fairness of the promotion and command selection processes depends on the fairness of the performance evaluation process. Less-than-fair conditions can develop well before a promotion or command selection board convenes if career-enhancing assignments are made based on race/ethnicity or gender or if commanding officer evaluations consider race/ethnicity or gender.

- There is evidence from the civilian sector that knowing a candidate's race/ethnicity or gender can introduce bias into evaluations. To our knowledge, however, there is no specific evidence of this bias in the military promotion and command selection systems. The Services differ in terms of how much information on eligible officers' race/ethnicity and gender is known by the board. This variation across Services may provide a setting in which to test for possible bias.

(4) **Review and evaluation of officer eligible officer records.** There is little that the Services can do about potential racial/ethnic and gender biases that individual board members may bring to the evaluation process. As a result, the relative fairness of the system depends on whether the features of the review and evaluation process accentuate or diminish these biases. One way the system attempts to mitigate bias is by construction of a board that is representative in terms of race/ethnicity or gender. Another way individual bias is mitigated is to require every board member provide input to the evaluation of each officer record. As for variations on how board members review officer records, we are unaware of any research that has been done on how the single-briefer approach may accentuate either the briefer's personal biases or those of the other board members, and how that accentuation, if it does exist, occurs. Finally, the entire board membership turns over at every promotion board.

Notes

¹The relevant MLDC charter tasks are "Evaluate the establishment and maintenance of fair promotion and command opportunities and their effect by gender and ethnicity for officers at grade O-5 and above" and "Evaluate the existence and maintenance of fair promotion, assignment, and command opportunities for ethnic- and gender-specific members of the Armed Forces at the levels of warrant officer, chief warrant officer, company and junior grade, field and mid-grade, and general and flag officer."

²For more information, see all of the Service briefings, which can be found on the MLDC website at <http://mldc.whs.mil/>.

³In this IP, we focus on the promotion and command selection process for regular officers from pay grades O-4 through O-6. Other IPs summarize recent promotion rates by race/ethnicity and gender (Military Leadership Diversity Commission, 2010e) and recent O-5 and O-6 command selection rates (Military Leadership Diversity Commission, 2010d). Yet another IP reviews methodologies for evaluating promotion rates (Military Leadership Diversity Commission, 2010a). These related IPs are also necessary background for evaluating the fairness of the promotion and command selection systems. One can examine the features of the promotion and command selection processes and conclude that they appear fair with respect to race/ethnicity and gender, but the outcomes from those processes—that is, the promotion and command selection rates for majority and minority officers—may suggest that the systems are less than fair. Another IP summarizes the responses by servicemembers to Defense Equal Opportunity Management Institute survey questions on perceptions of the fairness of promotion opportunities (Military Leadership Diversity Commission, 2010c).

⁴Even when the number of promotions allowed is the same as the number of eligible officers, the best-and-fully-qualified standard must be met.

⁵See 10 U.S.C. Sec. 611–618. Coast Guard follows similar law in 14 U.S.C., so where 10 U.S.C. is cited for the military Services, it is implied that related sections of 14 U.S.C. or other similar law applies to the Coast Guard. More generally, 10 U.S.C. forces similar timing of promotions to the various pay grades and establishes similar up-or-out career progression rules across the military Services.

⁶The Services are also allowed to make other promotion process decisions on their own, such as how frequently they should hold promotion boards and how to define the competitive categories within which officers compete to be promoted. Although these decisions may not have a direct bearing on the fairness of the system with regard to race/ethnicity and gender, they may have some indirect effects because officers of certain race/ethnicities and genders are disproportionately represented in certain competitive categories. See Military Leadership Diversity Commission (2010b).

⁷There are provisions in the law to use reserve officers if officers on the active-duty list are not available.

⁸The Army representatives briefly reviewed *Christian v. United States*, 46 Fed. Cl. 793 (2000), and *Saunders v. United States*, 191 F.Supp. 2d 95 (D.D.C. 2002), while the Air Force representatives discussed *Berkley v. United States*, 287 F.3d 1076 (Fed. Cir. 2002).

⁹For example, the photograph allows the board to compare the officers' list of medals and awards reported in their personnel record with the uniform worn in the photograph.

¹⁰At the December 2009 MLDC meeting, the Navy representative also said that there was concern about officers appearing to be physically fit, even though the results of physical fitness reports are available in eligible officer records.

¹¹The Army uses the latter method.

¹²The Navy and the Marine Corps use this approach.

¹³We describe the process for evaluating eligible officers who are in-zone (IZ) for promotion because in-zone officers make up the majority of promotions. The promotion boards are responsible for below-zone (BZ) and above-zone (AZ) promotions as well, and each Service employs a slightly different method for selecting officers for promotion from these zones. However, all BZ and AZ records are considered by every board member, just as the IZ records are. In addition, the Services are required to adhere to the “best and fully qualified” standard as well as to the guidance in the board precept to make BZ and AZ selections.

¹⁴As noted, the Army does not use the single briefer approach; in addition, it does not allow discussion of the eligible officer records by board members. Board members may discuss an officer record only if the record is recommended to show cause (e.g., if the officer has been shown to display substandard performance, misconduct, actions inconsistent with national security, or moral/professional dereliction).

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