



REPEAL OF DON'T ASK, DON'T TELL (DADT)

Policy Information Brief

Chief of Chaplains

The Army Chaplaincy: Living the Call, Loving the Soldier

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This brief is effective on order. Repeal of DADT will occur Sixty (60) Days after POTUS, SECDEF, and CJCS certify that the Services are prepared to implement.



Purpose



- ▣ This brief is informative in nature.
- ▣ It is meant to:
 - Bring chaplains up-to-date on the repeal of Don't Ask, Don't Tell.
 - Determine the repeals effect on policies.
 - Discuss how changes may affect you, your organization, and the military community.

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It is important for us to understand the expectations of the Department of Defense, the Army and the Chaplain Corps in implementing this policy. The Chief of Chaplain's expectations for our Corps are:

1. Every chaplain receives Tier 1 Chain Teaching.
2. Every chaplain reads the material provided.
3. Focus is on policy not personal beliefs.
4. Chaplains maintain their professionalism and honor their calling.

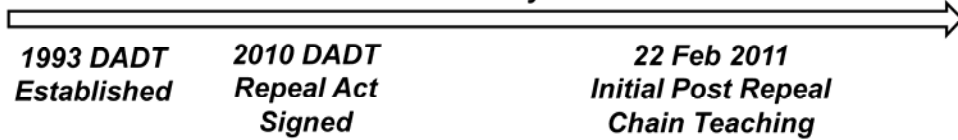
Preparation: Chaplains are expected to read the Tier 2 training slides, Frequently Asked Questions, and Guiding Principles documents in order to best advise and support their commander and other Army leaders. While most information is covered in the Tier 2 presentation, there is additional information in the FAQs and Vignettes that is NOT presented in this briefing. Be sure to read all of the packet.



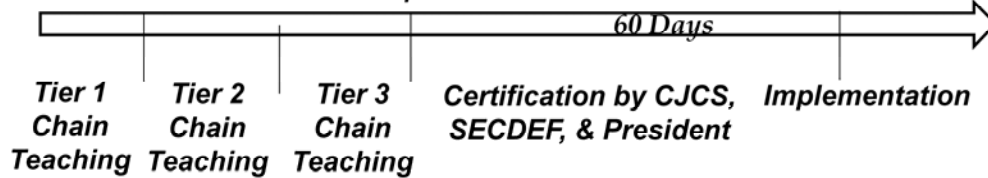
History & Implementation



History



Implementation



Policy Updates, Revisions, Amendments

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History:

The policy commonly referred to as DADT emerged as a compromise under President Clinton. “On November 30, 1993, 10 U.S.C. § 654, the law commonly known as Don’t Ask, Don’t Tell, was enacted. Don’t Ask, Don’t Tell

directed that homosexual conduct barred entry and service in the Armed Forces.

On December 22, 2010, President Obama signed the Don’t Ask, Don’t Tell Repeal Act of 2010 that repeals 10 U.S.C. § 654 60 days after the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff certify to Congress that the Armed Forces are prepared to implement repeal.”



DADT Training Plan



Tier 1: Two classifications

Core Cadre : G-1, TIG, TJAG, CCH

Key Personnel: Accessions, Law Enforcement,
Family Advocacy Specialists

Tier 2: Commanders and Supervisors, Military and
Civilian

Tier 3: Soldiers

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Our Mandate



Leadership ↔ It's about Soldiers
Professionalism ↔ 1st Amendment
Discipline ↔ Oath of Office
Respect ↔ Pluralism

“While remaining faithful to my denominational beliefs and practices, I understand that, as a chaplain, I must be sensitive to religious pluralism and will provide for the free exercise of religion by military personnel, their Families, and other authorized personnel served by the Army.”

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The themes you see on the left of this slide are the themes of the US Army for meeting the challenges presented by repeal. On the right are the foundational touchstones that inform how the Chaplain Corps' mandate fits in with the Army's efforts to transition to a post DADT Army.

Leadership: We serve this Nation, it's Soldiers, and God. Our service is about them ... and not about ourselves. Chaplain's leadership and commitment to Soldiers and commanders must be visible and unequivocal as we implement the policy. We must emphasize the Soldiers' fundamental professional obligations and the oath to support and defend the Constitution that is at the core of our military service.

Professionalism: The 1st Amendment to the Constitution set the foundational right of Americans to enjoy the free exercise of religion and the right of free speech. Title 10 affirms those rights and provides legislation enabling the service of chaplains to the Armed forces of the United States. Leaders at all levels must set the example by being fully committed to DoD policy. Adherence to policies and standards is our duty and it is essential to military readiness, recruiting, retention and unit cohesion. We achieve a strong organization by treating each member with respect.

Discipline: Each chaplain takes an oath upon commissioning that states: “I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I will take this obligation freely and without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office I am about to enter; SO HELP ME GOD”

Pluralism: *The commitment signed by all incoming chaplains “While remaining faithful to my denominational beliefs and practices, I understand that, as a chaplain, I must be sensitive to religious pluralism and will provide for the free exercise of religion by military personnel, their Families, and other authorized personnel served by the Army.* I further understand that, while the Army places a high value on the rights of its members to observe the tenets of their respective religions, accommodation is based on military need and cannot be guaranteed at all times and in all places.”



Repeal of the DADT Policy

Army Values



- *Loyalty*
- *Duty*
- *Respect*
- *Selfless Service*
- *Honor*
- *Integrity*
- *Personal Courage*

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The Army Values are our foundation and at the core of who we are as Soldiers. They define who we are, what we do, and what we stand for. Soldiers who live the Army Values understand that we must treat every Soldier with Respect. We are expected to demonstrate these values as we work to support Soldiers, Leaders & Family members.



Key Policy Features



- ▣ Sexual orientation *remains a personal and private matter.*
- ▣ Sexual orientation is NOT a bar to service entry or continued service.
- ▣ Soldiers will NOT be subject to administrative separation for homosexual acts, statements, or marriage.
- ▣ The Military Services do NOT tolerate harassment or violence against *any* Soldier, for *any* reason.
- ▣ The Army expects: *Leadership . Professionalism . Discipline . Respect*

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Here are some key policy features drawn from the **28 January 2011 DADT Repeal Policy Guidance:**

Sexual orientation *remains a personal and private matter.* Soldiers and applicants to military service will NOT be asked or required to reveal their sexual orientation.

Sexual orientation is NOT a bar to service entry or continued service.

Soldiers will NOT be subject to administrative separation for homosexual acts, statements, or marriage.

The Military Services do NOT tolerate harassment or violence against *any* Soldier, for *any* reason.

The Army expects: *Leadership . Professionalism . Discipline . Respect*



What Can Soldiers and Leaders Expect from Chaplains?



- ▣ Ensure the free exercise of religion for all Soldiers and Families (Provide or Perform)
- ▣ Confidential Counsel , Advice and Care
- ▣ Continued Faithful Advocate for the Welfare of Soldiers, Families and Authorized Civilians

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Chaplains facilitate the **free exercise of religion** for *all* Soldiers, regardless of the religious affiliation of either the chaplain or the individual being served. *(28 January 2011 DADT Repeal Policy Guidance)*

Free Exercise - Chaplains, in the context of their religious ministry, are NOT required to take actions that are inconsistent with their religious beliefs. Existing policy regarding chaplains' free exercise of religion and duty to care for all continues to apply. *(28 January 2011 DADT Repeal Policy Guidance)*

Confidentiality – “The privilege of confidential communication with a chaplain is a right of every individual and an essential component of the chaplain’s ministry. Confidential communication is any communication given to a chaplain in trust by an individual, to include enemy prisoners of war (EPWs), if such communication is made either as a formal act of religion or as a matter of conscience. It is a communication that is made in confidence to a chaplain acting as a spiritual advisor or to a Chaplain Assistant aiding a spiritual advisor. Also, it is a communication not intended to be disclosed to third party persons in any context, legal, or otherwise.” (AR 165-1, 16-2a)

Faithful Advocacy - Support to Soldiers and Families is unchanged. Chaplains will provide or perform our core responsibilities for Soldiers as we have for over 236 years.



Addressing a Chaplain's Moral & Religious Concerns



- ▣ Rights:
 - Free exercise of religious expression within the bounds of law and policy
 - Maintain beliefs
 - Discuss concerns with CDR, supervisory chaplain or Endorsing Agent
- ▣ Responsibilities:
 - Treat all with dignity and respect
 - Follow all lawful orders
 - Army Ethos

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What If I Have Moral and/or Religious Concerns or if I Just Oppose the Repeal? In today's U.S. military, people of very different moral values and religious convictions *already* co-exist, work, live, and fight together on a daily basis. Although we currently serve with a diverse group of people—including *homosexual service members*—some of you may be uncertain about the prospect of serving with *known* homosexual Soldiers. With that in mind, this presentation will address some of the more common concerns regarding our rights, responsibilities, and options.

You may hear the language, “Gay, Lesbian, Bisexual”, or “GLB” at certain times in reference to homosexual Soldiers. As of today the Army has not directed the use of the any specific reference term but has accepted the usage of these terms.

Existing policies regarding freedom of expression and free exercise of religion continue to apply.
. You can continue to freely practice your religion, consistent with military standards of conduct.

You are NOT expected to change your personal, religious, or moral beliefs; *however*, we ARE expected to treat all others with dignity and respect, consistent with the core values that already exist within your Service.

You may, in appropriate circumstances and within the limitations of law and policy, express your moral or religious beliefs regarding sexual orientation. However, you may NOT make statements detrimental to good order and discipline and must obey lawful orders.

You do NOT have the right to refuse duty or duty assignments based on a moral objection to another's sexual orientation.

You remain obligated to follow orders that involve interaction with others who are homosexual even if an unwillingness to do so is based on strong, sincerely held moral or religious beliefs. As expressed in the *Manual for Courts-Martial* regarding a Soldier's obligation to obey orders: “the dictates of a person's conscience, religion, or personal philosophy cannot justify or excuse the disobedience of an otherwise lawful order.”



Effect of DADT Policy on Chaplains



- ❑ Most chaplains have provided pastoral care for homosexual Soldiers for the past 17 years.
- ❑ Healthy tension between chaplain's personal beliefs, values, worldview vs. institutional values
- ❑ In the context of their religious ministry, chaplains are not required to take actions inconsistent with their religious beliefs
- ❑ Importance of advising Commanders

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From our inception, Chaplains have provided or performed religious support to the Soldiers of this Nation. That has not changed.

The challenge of serving both God and country throughout our historical journey compels chaplains to search their hearts and conscience as to how they will meet this challenge. There is no simple nor easy answer. Each of us must find the balance in our service that brings both honor to God and country.

Our charge to advise commanders has never been more relevant nor more important.



Vocational Reflection



- ❑ Chaplains who are unable to reconcile repeal of DADT may request voluntary separation per AR 600-8-20
- ❑ Chaplains considering voluntary separation are encouraged to discuss their situation with their Endorsing Agent

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Introduction of repeal legislation provided us with another opportunity for vocational reflection. As previously stated, “chaplains, in the context of their religious ministry, are NOT required to take actions that are inconsistent with their religious beliefs. Existing policy regarding chaplains’ free exercise of religion and duty to care for all continues to apply.”

If considering separation or just having a moral dilemma, chaplains should confer with their endorser with the expectation that the endorser will want to discuss the reasons for seeking separation or provide assistance in reconciling the dilemma.

Serving chaplains have made two contracts, one with their endorser to represent a faith group and one with the US Army to serve as an officer and Soldier.

It is very important to note that the loss of endorsement relieves the chaplains of their obligation to represent the endorsing faith group but does not automatically relieve a chaplain of their military obligation.

If an Endorser pulls a chaplain’s endorsement the chaplain has four ways to address the contract made with the Army:

1. Seek another endorsement
2. Change branch
3. Retire if eligible
4. Voluntary separation if eligible (owes no time to the Army)



Army Guiding Principles



- 1. Leadership Matters Most**
- 2. Standards of Conduct Apply to Every Soldier**
- 3. Treat Each Other with Dignity and Respect**
- 4. Application of our Rules and Policies Will be Sexual Orientation Neutral**
- 5. Emphasize Our Role as Professional Soldiers**

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1. Leadership Matters Most: Commanders' and senior non-commissioned officers' leadership and personal commitment to implementation must be visible and unequivocal.

2. Standards of Conduct Apply to Every Soldier Our standards of conduct apply equally to all Soldiers regardless of sexual orientation.

3. Treat Each Other with Dignity and Respect: Unit strength depends on the strength of each Soldier. We achieve that strength by treating each Soldier with dignity and respect.

4. Application of our Rules and Policies Will be Sexual Orientation Neutral: Sexual orientation is considered a personal and private matter. All rules and policies, and the enforcement of those rules and policies, will be sexual orientation neutral.

5. Emphasize Our Role as Professional Soldiers: Leaders will emphasize Soldiers' fundamental professional obligations and the oath to the Constitution and to obey the orders of the President and the officers appointed over them that is at the core of their military service. In the profession of arms, adherence to military policy and standards of conduct is essential to unit effectiveness, readiness, and cohesion.



Army Guiding Principles



6. **Keep it Simple**
7. **There Is No Expectation To Change Religious or Moral Views**
8. **Good Order And Discipline Will Be Maintained At All Times**
9. **Chaplains have both the right to serve and conduct religious services according to their faith and a duty to perform or provide religious support**
10. **Stay Focused on Your Mission**

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6. **Keep it Simple:** Education and training should focus on actions and policies needed to maintain the good order and discipline of an effective fighting force.

7. **There Is No Expectation To Change Religious or Moral Views:** Soldiers will not be expected to change their personal views and religious beliefs. They must, however, continue to treat all Soldiers with dignity and respect.

8. **Good Order And Discipline Will Be Maintained At All Times:** Commanders and supervisors at all levels have the authority and responsibility to maintain good order, discipline and morale within their units. Harassment, bullying, or victimizing of any kind will not be tolerated.

9. **Chaplains have both the right to serve and conduct religious services according to their faith and a duty to perform or provide religious support:** The existing guidance developed by and for our chaplains, should be reiterated as part of any education and training concerning repeal. These regulations strike an appropriate balance between protecting a chaplain's First Amendment freedoms and the duty to care for all.

10. **Stay Focused on Your Mission:** Conduct training to minimize disruption on the force to ensure our military mission is not negatively impacted.



Repeal of the DADT Policy



SUMMARY

- ▣ This brief provides information on the DADT policy.
- ▣ Tier 1 chain teaching reminders:
 - ▣ Commander-chaplain relationship
 - ▣ No change to chaplain religious freedoms
 - ▣ Dignity and respect for all
 - ▣ Chaplain-Endorser dialogue
- ▣ “Bring Soldiers to God...”

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This brief has provided information about the repeal of Don't Ask, Don't Tell and how it affects religious support.

Through this brief, we have been reminded that we have chosen a higher calling—a *noble* and *honorable* profession—where it is critical that we work *together* as one powerful, united team to serve the Soldiers and Families of the United States Army.

It is our ability to maintain our personal beliefs while respecting one another, whether that is based on performance or some other quality, that enables us to meet this challenge.

It is the DOD's expectation and *our obligation* to live by the standards of conduct and our Core Values.

Your take-away is the expectation that you will demonstrate the ideas behind these words: *Leadership* . *Professionalism* . *Discipline* . *Respect* as you help the Army implement this policy because you believe you can continue to serve Soldiers.



QUESTIONS

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Coordinating Instructions



- ▣ Supervision is the key to success of this mission.
- ▣ Use only material provided in your chain teaching.
- ▣ Send RFIs on implementation repeal of DADT to DACH 3/5/7.
- ▣ Materials authorized for use:
 - Chief of Chaplains Tier 1 slides
 - Commander's Tier 2 slides
 - Guiding Principles
 - Frequently asked questions

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I ask you to provide this training to all of your chaplains and chaplain assistants with the next couple of months. We are aware that the Army Reserve and Army National Guard do not have the same frequency of opportunities to train. We recognize that they may need a little longer to train all of the chaplains and chaplain assistants within their respective components.

The Senior ACOM, ASCC, DRU, USAR, ARNG, USF-I, USF-A, and USACHCS chaplain will operationalize his or her respective procedures to ensure that all chaplains and chaplain assistants assigned to their organizations are trained. Assessments and reporting will be provided to DACH 3/5/7 via e-mail to Chaplain David Baum david.s.baum@us.army.mil

POC for Chaplain Corps implementation of DADT is Director DACH 3/5/7, Chaplain (COLONEL) Wright. @703-695-0282 or phillip.f.wright@us.army.mil

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Rules of Engagement



- ▣ Coordinate all chaplain media engagements through your commands to Army Public Affairs and OCCH.
- ▣ Once training materials become public, you are free to engage public audiences under the following conditions:
 - You have received permission and guidance from your commander and PAO.
 - Keep to what you know, don't speculate.
- ▣ Consider that emails and social media comments may make their way into the public media.

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U.S. and even international media will be keenly observant of the Army as we undertake the implementation of the repeal of §654. Following these Rules of Engagement will serve each of you, and in turn, the Chaplaincy and the Army, well as we begin this process of training and transition.



22 December 2010

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On 22 December 2010 the President of the United States signed legislation repealing Title 10 U.S Code 654 which became know as Don't Ask, Don't Tell. Following the certifications by Chairman of the Joint Chiefs, Secretary of Defense and signature of the President ... this repeal becomes the law of the land. In effect ... we are in a post DADT Army.

For many of you homosexuality is unequivocally immoral. For others, that is not so. We are not likely to, nor do we have to agree theologically. We may, however, need to remind ourselves that service to this Nation and it's Soldiers and Families are the heart of what we do as chaplains. It is because of the very difference of opinion that we have chaplains of multiple faith groups representing the theology of the different groups.

Click (pause) click - Chaplains have served from Concord Green to the battlefields, Camps, Posts, and Stations where today's Solders serve throughout the world. Chaplains represent the unique commitment of the American social and religious culture that values freedom of conscience and spiritual choice as proclaimed in the founding documents.

It is important to reflect that our service is not to ourselves ... but to the Soldiers and Families serving this Nation. We serve Soldiers on behalf of the faith groups that endorse our call to military service. It may serve us to recall that this is not the first nor is it likely to be the last time we may encounter tensions in our service as Army chaplains. This occasion calls us to search deeply within ourselves and, illuminated by our faith, determine how to be faithful to God ... and to country.



BACKUPS

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Chief of Chaplains

Talking Points



- The Army Values require that all Soldiers be treated with dignity and respect...all the time.
- Chaplains assist commanders in creating and maintaining a command climate that is consistent with the Army Values and ensures the dignity and respect of all Soldiers.
- Chaplains remain available to the Army Family at all times in every condition of life.
- Chaplains remain committed to their 235 year tradition of performing or providing religious support to all Soldiers by nurturing the living, caring for the wounded, and honoring the dead.
- Our Soldiers and Families require our dedicated attention and committed ministry.
- The Army Chaplain Corps is a diverse branch representing over 130 different religious organizations.

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Pluralism in the Army



AR 165-1, 1–5. Establishment of the Army Chaplaincy

- a. *The Continental Congress established chaplains as an integral part of the Army of the United States on 29 July 1775. The Chaplaincy remains a relevant and integral part of the heritage and future of the Army. Chaplains have served in significant numbers from the earliest battles of the American War of Independence to the present. American chaplains represent the unique commitment of the American social and religious culture that values freedom of conscience and spiritual choice as proclaimed in the founding documents.*
- b. *The importance and influence of the chaplain to the religious, moral, and spiritual health of the unit have been valued throughout the history of the Army. Army Chaplains represent faith groups within the pluralistic religious culture in America and demonstrate the values of religious freedom of conscience and spiritual choice.*

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Top 10 Things You Need to Know



1. Accessions & Separations Policies: *Sexual orientation will continue to be a personal and private matter. Statements about sexual orientation or lawful acts of homosexual conduct will not be a bar to military service or admission to any accession program. We will no longer separate Soldiers solely on the basis of legal homosexual acts, a statement that a Soldier is homosexual, bisexual, or marriage to a person of the same sex.*

2. Standards of Conduct Apply Equally to Everyone: *All Soldiers will be held to the same standard of conduct. All members are responsible for upholding and maintaining high standards of the U.S. Military at all times and in all places. Harassment, bullying or victimizing of any kind will not be tolerated*

3. Personal Privacy: *Commanders may not establish practices that physically segregate Soldiers according to sexual orientation. Commanders do have the discretion to alter billeting assignments to accommodate privacy concerns of individuals on a case-by-case basis where it is in the interest of maintaining morale, good order and discipline, and consistent with performance of the mission.*

4. Moral and Religious Concerns/Freedom of Speech: *There will be no changes regarding any Soldier's free exercise of religious beliefs, nor are there any changes to policies concerning the Chaplain Corps and its duties. The Chaplain Corps' First Amendment freedoms and its duty to care for all will not change. Soldiers will continue to respect and serve with others who may hold different views and beliefs.*

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The following three slides summarize the main points of the repeal of the DADT policy. You may wish to pay particularly close attention to Number 4. The Chaplain Corps is specifically referenced there.

The CSA and other DoD guidance repeatedly recognize that chaplains will not be requested nor required to violate the dictates of their conscience nor their faith. We are reminded, however, that we have an obligation to service all. We have throughout the history of the chaplaincy met that responsibility by either performing or providing care to Soldiers. The distinction, as we know, provides the opportunity to either directly provide for those we can but if the dictates of our faith prohibit, we assist the Soldier in finding another means to meet their requirements.



Top 10 Things You Need to Know Cont'd



5. Benefits: *There are no changes to eligibility standards for military benefits. The Defense of Marriage Act (DOMA) prohibits same-sex partners of military members from claiming status as a dependent. Certain benefits, such as SGLI, are open to any named beneficiary regardless of relationship (Updates will be provided based on policy decisions).*

6. Equal Opportunity: *Sexual orientation will not be placed alongside race, color, religion, sex and national origin as a class under the Military Equal Opportunity (MEO) Program and therefore will not be dealt with through the MEO complaint process. All Soldiers, regardless of sexual orientation are entitled to an environment free from personal, social, or institutional barriers that prevent Soldiers from rising to the highest level of responsibility possible. Harassment or abuse of any kind, include that based on sexual orientation, is unacceptable and will be dealt with through command or inspector general channels.*

7. Duty Assignments: *There are no changes to assignment policy. All Soldiers will continue to be eligible for worldwide assignment without consideration of sexual orientation. Soldiers assigned to duty, or otherwise serving, in countries in which homosexual conduct is prohibited will abide by the guidance provided to them by their local commanders.*

8. Medical Policy: *There are no changes to existing medical policies.*

9. Release and Service Commitments: *There will be no new policy to allow for release from service commitments for Soldiers opposed to repeal of DADT or to serving with gay or lesbian Soldiers.*



Top 10 Things You Need to Know Cont'd



10. Collection and Retention of Sexual Orientation Data: *Sexual orientation is a personal and private matter. Commanders are not authorized to request, collect, or maintain information about the sexual orientation of Soldiers.*

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CSA Top 10 (as of Jan 11, 2011)



APPENDIX 6, DADT Implementation EXORD (dated 21FEB11)

- 1. Explain simply and clearly what the repeal of DADT means to Soldiers.***
- 2. Leaders must lead and will show unequivocal support for the policy.***
- 3. Standards of Conducts are unchanged and still apply to all.***
- 4. You will continue to treat everyone with dignity and respect.***
- 5. Army policies are sexual orientation neutral.***

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CSA Top 10 (as of Jan 11, 2011)



- ▣ 6. You are not being asked to change your beliefs, just to respect those of others.
 - ▣ 7. If you have billeting, showering, or latrine issues, see your chain of command.
 - ▣ 8. Soldier elected benefits can be applied as the Soldier desires; other benefits will require legislative change.
 - ▣ 9. Chaplains have the right to serve and conduct religious services according to their faith and their duty to perform or provide for religious support.
10. Don't overdo it; want to effect the change with a minimum impact on readiness/military effectiveness



Vignette 8



SITUATION: *You are the supervisor of a Soldier who wants to file a complaint against a chaplain. The Soldier informs you that she attended a worship service at the base chapel over the weekend. The chaplain's sermon included several direct statements that homosexuality is a sin and that marriage should be only between a man and woman. The Soldier disagreed with the chaplain's remarks and felt they were discriminatory and biased and should not be allowed.*

Issue: *Moral and Religious Concerns. Can the Soldier file a complaint of discrimination or harassment against the chaplain? Should chaplains revise their sermons to avoid the perception of discrimination? What alternatives are available to assist the member or the chaplain?*

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This vignette is one example of the 14 vignettes provided for discussion in Tier 2 and Tier 3 training. It is important that you be familiar with them and anticipate questions from your command or from Soldiers regarding them.

Discussion: Chaplains have the right to express their religious beliefs during their conduct of a service of worship or religious study. Unless a chaplain's speech is otherwise prohibited, such as publically maligning senior leaders, their sermons and/or teachings cannot be restricted, even with regard to socially controversial topics. This situation is a good opportunity to have a discussion with the Soldier about religious beliefs and the proper boundaries of religious expression in the military. You could offer to meet with the Soldier and the chaplain to facilitate a discussion on the topic. If either the chaplain or the Soldier feels that due to their religious views, speech or practice, they have been improperly treated, redress is available through their chain of command, existing Army policy or the IG if necessary. Chaplains facilitate the free exercise of religion for all personnel, regardless of the religious affiliation of either the chaplain or the individual. At the same time, regulations also recognize that chaplains minister to members in accordance with, and without compromising, the tenets of their faith. These boundaries are not always clearly defined. Finally, the Soldier may request assistance from the chaplain's office in finding an alternate religious service to attend.



Vignette 4



SITUATION: A Lieutenant complains to her immediate supervisor that she believes the reason for her non-selection to a much-desired school was due to her sexual orientation. The supervisor informs the Soldier that the panel used for the selection process had no way of knowing her orientation, but he would check into the situation and get back to her. After an informal inquiry of the panel members, the supervisor concludes that the selection process used was fair and equitable. The Soldier is still not satisfied and wants to know what other course of action she can take. You refer her to the Commander who understands the Soldier has a right to redress suspected wrongs in the selection process, but is unsure if this is a matter for the Equal Opportunity Advisor, the IG or the chain of command. **Issue:** Equal opportunity. The commander wonders if this is an issue under the Military Equal Opportunity Program (MEO), the Inspector General (IG), or something the chain of command should be made aware of to determine if the selection board acted appropriately.

Discussion: Soldiers should be evaluated only on individual merit. The IG and commanders work allegations of unfair treatment not associated with Equal Opportunity on a regular basis. The supervisor's attempt to resolve the complaint REPEAL OF DON'T ASK, DON'T TELL Army Vignettes through informal inquiry did not satisfy the Soldier's concerns. The Soldier should attempt to continue to resolve the complaint within the chain of command, if possible. If the complaint is not resolved within the chain of command, the Soldier can seek resolution through the IG or other means established by the Services. In this case, the EO program is not appropriate for resolution because sexual orientation is not specified as a class eligible for the EO complaint resolution process.

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Vignette 5



SITUATION: *A Soldier requests emergency leave after receiving a Red Cross message concerning the critical condition of his same-sex partner.*

Issue: *Benefits. Is the Soldier eligible for Emergency Leave?*

Discussion: *The Soldier may be eligible for emergency leave. The sexual orientation of the Soldier's partner has no bearing on the decision. DoDI 1327.06 states that emergency leave may be appropriate in the following circumstance: the Soldier's failure to return home places a severe or unusual hardship on the Soldier, his or her household or immediate family. Commanders may grant up to 30 days of emergency leave. The Commanding Officer should meet with the Soldier to obtain information about the emergency and verify that the Soldier's presence can resolve or alleviate the situation. If in doubt, the Commander should seek legal advice and consult the chain of command. If circumstances and the military mission warrant granting emergency leave, the Commanding Officer should ensure swift processing of the request. If the situation does not fall within the guidelines of emergency leave and the mission will not be unacceptably impacted, every attempt should be made to resolve the situation swiftly and compassionately through other authorized alternatives. Considerate, professional understanding is the humane approach to granting leave requests, regardless of the situation or circumstances.*

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This vignette is one of the vignettes for discussion in Tier 2 and Tier 3 training. You should be familiar with it and anticipate questions from your command or soldiers regarding it.



Vignette 12



SITUATION: A Soldier has been observed entering, leaving and generally “hanging around” a gay bar. The Commander is notified of the observations but isn’t sure what action, if any, she should take.

Issue: Standards of Conduct. What should the Commander do? Can she take administrative disciplinary action and charge the Soldier for patronizing a gay bar? Should she conduct a Commander’s inquiry? **Discussion:** Installation Commanders can place an establishment off-limits for certain reasons, such as known or suspected criminal activity or drug use. An establishment would not be placed off-limits just for catering to gay clientele. Unless the establishment is designated off-limits by the installation Commander or there is evidence of behavior by the Soldier that is counter to Army standards of conduct, there is no prohibition against going to a gay bar. In this case, the Commander should take no action.

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