

SCRIPT FOR DADT TIER II EDUCATION SLIDES

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SLIDE 1:

Repeal of Don't Ask, Don't Tell

TIER 2 ONLY:

Note To Presenter: Pass out frequent Asked Questions (FAQs) sheet and the vignettes sheet.

Explain:

These sheets are yours to keep. During this presentation, I will refer to them so you can follow along as I brief, or we may, at times, review them together.

Consider these sheets supplemental in nature. While most information is covered in the presentation, there may be some additional information in the FAQs or Vignettes that is NOT addressed.

Vignette slides are attached as a separate file in this tool kit to assist commanders/supervisors with their presentation.

SLIDE 2:

Chief Video

SLIDE 3: Repeal of Don't Ask, Don't Tell (DADT)

Introduction

This brief is informative in nature. It is meant to bring Soldiers up-to-speed on the repeal of Don't Ask, Don't Tell, its effect on Department of Defense (DoD) policies and how these changes may affect you, your organization and the military community.

This brief is NOT an attempt to change anyone's opinion about the subject of homosexuality.

If, during this brief, you have questions relevant to the subject, please ask. However, understand that at no point during this brief will the discussion turn to personal beliefs on the subject of homosexuality. Keep the discussion focused on policy. The expectation during this brief is, as always, professional conduct.

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TIER 2 ONLY,

Direct:

Follow along with:
FAQ – TRAINING

The key message we need to impart to our Soldiers is:

Explain: Tier 3 will be informed of the Repeal’s effect on DoD policies and expectations for behavior via this brief, though they will NOT receive the level of detail that you, as a leader, will receive.

Also, some Soldiers involved in certain functions, (e.g., legal, administrative or investigative), may receive additional training focused on specific changes to their specialty.

❖ The key message we need to impart to our Soldiers is:

Leadership . Professionalism . Discipline . Respect

These qualities are critical to sustain unit effectiveness, readiness and cohesion.

Of these, leadership matters most. We as leaders must set the example and be committed to the policy changes,” because we are responsible for mission accomplishment, unit cohesion and the care and treatment of all those under our command.

Soldiers have fundamental professional obligations based on our oath to support and defend the Constitution.

Military units and personnel must maintain high standards of morale, good order and discipline.

Unit strength depends on the strength of each member. We achieve that strength by treating each member with respect.

Not surprisingly, as we progress through this brief, note that leadership, professionalism, discipline and respect are recurrent themes.

SLIDE 4: Army Values – Our Core:

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.

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SLIDE 5: Army Guiding Principles

1. Leadership Matters Most: Commanders', senior non-commissioned officers' and DA civilian supervisors' 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 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.

SLIDE 6: Army Guiding Principles

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

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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.

SLIDE 7: What Is the New Policy?

Effective Upon Repeal

Gay, lesbian or bisexual orientation is no longer a disqualifying factor for entering military service. Soldiers are no longer subject to administrative separation on the basis of lawful gay, lesbian or bisexual conduct.

This policy change recognizes that the most valuable component of our national defense is the men and women in uniform who make up America's all-volunteer force.

TIER 2 ONLY:

Direct:

Follow along with:
FAQ – POLICY

Explain:

Homosexual conduct is:

- Homosexual acts
- Statements that someone is gay, lesbian or bisexual
- Marriage to someone of the same sex

Note: The Department of Defense (DoD) and the Services are updating training modules regarding administrative separation to remove references to homosexual conduct as a basis for separation.

With this in mind, let's talk about what has NOT changed:

It remains the policy of the DoD to evaluate all Soldiers on the basis of their individual merit, fitness and capability.

TIER 2 ONLY:

Direct:

Follow along with:
FAQ – POLICY APPLICATIONS

Explain:

This new policy applies equally to all members of Active, Reserve and National Guard components.

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Sexual misconduct, *regardless of sexual orientation*, that violates a Service standard, rule, regulation, policy or law, will still be considered grounds for administrative or legal action, to include possible discharge.

Sexual orientation is not, by itself sexual misconduct.

SLIDE 8: Is There a New Policy For Civilian Employees and DoD Contractors?

There is no impact on policies that govern the employment of DoD civilian employees.

For the DoD civilian EEO program, DoDD 1020.02 prohibits unlawful employment discrimination based on sexual orientation.

Contractor employees should address any concerns with their supervisor at the company of employment.

SLIDE 9: What is The New Policy?

Key Policy Features

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 otherwise *lawful* homosexual acts, statements or marriage.

The Army does NOT tolerate harassment, discrimination or violence against *any* Soldier, for *any* reason.

SLIDE 10: How Is The New Policy Enforced?

Standards of Conduct

Soldiers occupy a unique position in society and represent the military establishment. This special status brings with it a *responsibility* to uphold and maintain the dignity and high standards of the Military Services at all times and in all places.

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TIER 2 ONLY:

Explain:

We as leaders must work to reinforce the importance of dignity and respect for all Soldiers. We promote these values by living them, and reaffirm our commitments to enforcing standards of conduct and the expectations for a military culture where Soldiers are valued for their contributions to national defense.

Our leadership and personal commitment to implementation must be visible and unequivocal.

As a result, Soldiers are held to high standards of conduct, which are ultimately enforced through the Uniform Code of Military Justice (UCMJ).

These standards regulate many aspects of our personal lives that generally are NOT regulated in civilian society. The unique nature of military service requires regulation of behavior that brings discredit on the Army, adversely affects good order and discipline or is inconsistent with military customs, traditions and decorum.

These standards of personal and professional conduct shall apply uniformly *without* regard to sexual orientation.

TIER 2 ONLY:

Follow along with:

FAQ – STANDARDS OF CONDUCT

Explain:

Services will conduct a review of existing standards to ensure that they provide adequate guidance in relevant areas, to the extent the Services consider appropriate, and that they apply uniformly without regard to sexual orientation.

Standards shall clearly address the responsibility of leaders, supervisors and subordinate personnel at all levels to foster unit cohesion, good order and discipline, respect for authority and mission accomplishment.

Services will place special emphasis in their review on standards for public displays of affection, dress and appearance, unprofessional relationships and harassment.

Violations of standards of conduct pertinent to professional relationships and public displays of affection may be punished as violations of lawful regulations, orders or derelictions of duty, as the case may be, under the UCMJ.

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TIER 2 ONLY:

Explain:

In cases where conduct is prohibited, leaders shall be expected to take such corrective or disciplinary action, if any, as necessary to preserve morale, good order and discipline, unit cohesion, military readiness and combat effectiveness.

Soldiers may be involuntarily separated prior to the expiration of their term of service for various reasons established by law and military regulations, to *include* violations of standards of conduct.

TIER 2 ONLY:

Explain:

Leaders at all levels are trusted to ensure the impartial administration of these standards.

Direct:

Read Vignettes

STANDARDS . . . PDA

STANDARDS . . . GAY BAR STANDARDS . . .

SLIDE 11: How Is The New Policy Enforced

Uniform Code of Military Justice (UCMJ)

The UCMJ remains the legal foundation of good order and discipline in our Armed Forces and is the vehicle for enforcement of standards of conduct and existing laws regarding harassment or violence against any Soldier, for any reason.

Harassment, sexual assault or other violence against any Soldier, for any reason, is prohibited.

Sodomy under the proposed change to UCMJ Article 125 may be punishable if it is without *consent* (forcible). In light of decisions by the Supreme Court and the Court of Appeals for the Armed Forces, private acts of sodomy between consenting adults, regardless of their sex, are NOT punishable – absent factors unique to the military environment (such as a superior-subordinate relationship or other circumstance adverse to good order and discipline). In light of these decisions, and the repeal of Title 10 United States Code, Section (§) 654, Policy Concerning Homosexuality in the Armed Forces, conforming amendments to Article 125 of the UCMJ may be considered for presentation to the Congress and/or action by President.

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TIER 2 ONLY:

Direct:

Follow along with:

FAQ - UCMJ

Note: The DoD is considering other changes to the Manual for Courts-Martial to ensure sexual orientation-neutral application. For example, the adultery offense may be redefined to include both homosexual and heterosexual sex.

SLIDE 12: What If I Have Moral or Religious Concerns?

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 you currently serve with a diverse group of people – including gay, lesbian and bisexual members – some of you “may be uncertain about the prospect of serving with known gay, lesbian or bisexual” Soldiers.

With that in mind, we will address some of the more common concerns you may have regarding your rights, responsibilities and options. 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, you ARE expected to treat all others with dignity and respect, consistent with the core values that already exist within the Army.

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 gay, lesbian or bisexual 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.”

TIER 2 ONLY:

Direct:

Follow along with:

FAQ – Religious Rights

Read Vignette:

Recruiting/Religious Rights

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Chaplains facilitate the free exercise of religion for all Soldiers, regardless of religious affiliation of either the chaplain or the individual.

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.

Evaluation, promotion and assignment of chaplains will continue to be consistent with these long-standing Army policies.

TIER 2 ONLY:

Direct:

Follow along with:

FAQ – Chaplains

SLIDE 14: What If I Want an Early Discharge?

The DoD will not establish a specific policy permitting early discharge based upon opposition to repeal, or to serving or living with gay, lesbian or bisexual Soldiers or sexual orientation.

As under current policy, such discretionary discharge may only be granted when the Military Department Secretary has determined the early separation would be in the best interest of the Service.

Remember, you are NOT guaranteed a certain legal or policy landscape for the duration of your Service commitment.

TIER 2 ONLY:

Direct:

Follow along with:

FAQ – Early Discharge

Read Vignette:

Early Discharge

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SLIDE 15: How Does This Policy Affect Privacy and Cohabitation?

Service in the military makes it necessary at times for you to accept living and working conditions characterized by little or no privacy.

The Army shall not establish facilities, quarters, berthing or practices based on sexual orientation. Commanders retain the authority to address concerns on a case-by-case basis.

Compliance with professional standards of conduct will be essential to fostering respect among fellow Soldiers and resolving concerns about privacy. Commanders should use existing tools, to include counseling, non-judicial punishment and court-martial to deal with misconduct.

Explain:

Examples of areas with limited privacy may include:

- Showers
- Dressing areas
- Billeting

Note: Applicable male/female segregation requirements remain in effect.

TIER 2 ONLY:

Direct:

Follow along with:

FAQ – FACILITIES

FAQ - ACCOMMODATIONS

Note: Commanders retain the authority to alter billeting assignments on an individualized, case-by-case basis, in the interest of maintaining morale, good order and discipline, consistent with performance of the mission.

TIER 2 ONLY:

Direct:

Read Vignettes:

COHABITATION IN QUARTERS

DEROGATORY COMMENTS

SLIDE 16: How Does This Policy Affect Medical Readiness?

The Service Surgeons General have determined that repeal does NOT affect the medical readiness of the force and that changes to medical policies are NOT necessary.

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No modifications to existing medical policies have been made. Existing policies and procedures for HIV screening and testing, management of HIV-positive Soldiers and management of the military blood supply continue to be effective.

Current policy that HIV-infected Soldiers shall NOT be retired or separated solely on the basis of HIV infection remains in place. Active duty Soldiers with HIV determined to be fit for duty are allowed to serve in a manner that ensures access to appropriate medical care.

Annual medical and first aid/buddy care training will continue to focus on modes of transmission and the prevention of HIV and other sexually transmitted diseases, with a recommendation that detailed education and training continue to be provided to healthcare professionals and other individuals working within patient care.

Member information revealed by Soldiers during medical evaluations and treatments continues to be protected under the Health Insurance Portability and Accountability Act (HIPAA).

TIER 2 ONLY:

Direct:

Follow along with:
FAQ – MEDICAL

SLIDE 17: How Does This Policy Affect Equal Treatment?

It is important to understand how repeal affects equal treatment; records; duty assignments; benefits; claims, accession and recruiting; and re-accession and redress of and for gay, lesbian and bisexual Soldiers.

All Soldiers are evaluated only on individual merit, fitness and capability.

Gay, lesbian and bisexual Soldiers are treated under the same general principles of military equal opportunity (MEO) policy to “promote an environment free from personal, social or institutional barriers that prevent Soldiers from rising to the highest level of responsibility possible” and Soldiers are evaluated “only on individual merit, fitness and capability.

Sexual orientation may NOT, in and of itself, be a factor in accession, promotion or other personnel decision-making. Gay, lesbian and bisexual Soldiers, like all Soldiers, are evaluated only on individual merit, fitness and capability.

Harassment or abuse based on sexual orientation is unacceptable. All Soldiers are to treat one another with dignity and respect regardless of sexual orientation.

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If you experience inappropriate interpersonal behavior where sexual orientation is a factor, use existing (non-MEO) mechanisms such as the chain of command, IG, Sexual Assault Response Coordinator (SARC) or Unit Victim Advocate (UVA) for redress of issues based on sexual orientation.

TIER 2 ONLY:

Direct:

Follow along with:

FAQ – Equal Treatment

Explain:

Failing to take action on complaints that are not cognizable under MEO, but allege discrimination based on sexual orientation, may have implications, including:

- Being the subject of an IG investigation
- Being the subject of a complaint of wrongs filed under UCMJ Article 138
- Being the subject of a command investigation
- Being investigated for possible criminal misconduct under the UCMJ (dereliction of duty)

Direct:

Read Vignette:

EQUAL TREATMENT

SLIDE 18: How Does This Policy Affect Data and Records?

Sexual orientation is a personal and private matter. The DoD and the Army will NOT create a data category for Soldier sexual orientation.

Soldiers will NOT be required to identify their sexual orientation, nor will such information be collected and maintained in a system of records.

For example, you shall NOT be asked to identify sexual orientation as part of any routine application for assignment to unaccompanied quarters.

Information implying a Soldier's sexual orientation could be incidentally collected when, for example, a Soldier designates a same-sex partner as a Servicemember's Group Life Insurance (SGLI) beneficiary, or a person to whom emergency notifications may be made.

Note: The Army maintains individual unaccompanied housing policies in accordance with (IAW) DoD guidance.

Note: Data incidentally provided may indicate sexual orientation, but is protected by existing policies such as Privacy Act and HIPPA.

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SLIDE 19: How Does This Policy Affect Co-Location?

The DoD provides the Army discretion to consider dual military spouse status in matters of duty assignment. The term “spouse” can refer *only* to opposite-sex married couples under the Defense of Marriage Act (DOMA). As a result, a Soldier in a same-sex relationship with another Soldier is NOT eligible for co-location consideration.

Gay, lesbian and bisexual Soldiers in committed same-sex relationships, like their unmarried heterosexual counterparts, can make an individualized, hardship-based requests for accommodation in assignment.

SLIDE 20: How Does This Policy Affect Overseas Assignments?

There are no restrictions on overseas assignments of gay, lesbian and bisexual Soldiers.

All Soldiers will be provided with information on host-country laws and related military policies, to include homosexuality and homosexual conduct, in standard overseas deployment briefings and assignment notifications.

Current law limits the ability of DoD to fund and support accompanying travel for a Soldier’s same-sex partner.

Gay, lesbian and bisexual Soldiers in committed same-sex relationships, like their unmarried heterosexual counterparts, can make an individualized, hardship-based request for accommodation in assignment.

TIER 2 ONLY:

Direct:

Follow along with:

FAQ – ASSIGNMENT

Read Vignette:

ASSIGNMENT

SLIDE 21: How Does This Policy Affect Accession and Recruiting?

The Army will NOT create a new policy for recruiting.

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TIER 2 ONLY:

Direct:

Follow along with:

FAQ – RECRUITMENT

The current policy of NOT requiring an applicant to declare his or her sexual orientation remains in effect.

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

TIER 2 ONLY:

Direct:

Follow along with:

FAQ - ASSIGNMENTS

Explain:

Transgender and transsexual individuals are NOT permitted to join the Military Services. The repeal of Don't Ask, Don't Tell has no effect on these policies.

The requirement for briefings given to applicants for enlistment and appointment regarding personal conduct in the Army and separation policy remains in effect. Previous provisions pertaining to homosexual conduct as a basis for discharge have been deleted.

TIER 2 ONLY:

Direct:

Read Vignette:

ACCESSIONS/RECORDS

SLIDE 22: How Does This Policy Affect Re-Accession?

Prior Soldiers discharged on the basis of homosexual conduct who seek reentry are evaluated according to the same criteria as other Soldiers seeking reentry, which may include their past record of performance, characterization of service and needs of the Army.

In considering requests for reentry for those previously separated on the basis of homosexual conduct, the fact that the basis for separation was homosexual conduct is NOT considered to the detriment of the applicant. Those Soldiers who have DD Forms 214, Certificate of Release or Discharge from Active Duty, that show an honorable discharge (or an uncharacterized discharge

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for those occurring during initial training) and a separation code reflecting homosexual conduct are to be considered for reentry.

The Army has discretion to determine whether to change reentry codes in some uniform manner, or to issue guidance to ensure that a disqualifying reentry code on a DD Form 214 will NOT prohibit consideration of a qualified candidate for reentry.

The Army shall NOT require Soldiers discharged under homosexual conduct separation codes to petition a Board for Correction of Military Records to change adverse reentry codes PRIOR to applying for reentry, as this may substantially delay consideration of applications.

Prior Soldiers – whether applying for reentry or not – who seek a change to adverse reentry codes or discharge characterizations or other redress, may petition the Service Board for Correction of Military Records and Discharge Review Boards for relief under existing procedures.

TIER 2 ONLY:

Direct:

Follow along with:
FAQ – REENTRY

SLIDE 23: How Does This Policy Affect Claims and Redress?

There is no change to existing policy regarding compensation, separation pay or other redress for Soldiers previously discharged on the basis of homosexual conduct.

Lawful standards in effect at the time of a Soldier's separation are NOT changed with retroactive effect.

Soldiers separated on the basis of homosexual conduct (or any other reason) may petition for redress through the Service Boards for the Correction of Military Records or Service Discharge Review Boards under existing procedures and standards.

Additional mechanisms for redress include:

- 1) Sexual Assault Response Coordinator (SARC)
- 2) Unit Victim Advocate (UVA)

SCRIPT FOR DADT TIER II EDUCATION SLIDES

SLIDE 24: How Does This Policy Affect Family Members and Family Support Services?

There is minimal impact on delivery of information and referral services by Family Centers. Family support services will not turn away individuals but will provide information and referral to appropriate resources, both on and off the installation.

TIERS 1, 2 AND 3:

Direct:

Follow along with:

FAQ – IMPACT ON FAMILY PROGRAMS

How will Don't Ask, Don't Tell policy information be disseminated to military families?

DADT repeal awareness training materials will be posted on the Military Services Family Support websites, Military OneSource.com and MilitaryHOMEFRONT.DoD.mil. DADT repeal Information will be offered to Family Readiness Groups, town hall meetings and in other venues as requested by families.

TIER 1, 2 AND 3:

Direct:

Follow along with:

FAQ – INFORMATION TO FAMILIES

What Family Advocacy Services are unmarried partners eligible for?

Anyone who is eligible for treatment in military Medical Treatment Facilities is eligible for Family Advocacy Services, to include participation in the New Parent Support Program. Same sex partners who are not eligible for treatment in military Medical Treatment Facilities will be assisted with a safety plan and basic assessment, and referred to appropriate non-military, community services.

TIER 1, 2 AND 3:

Direct:

Follow along with:

FAQ – FAMILY ADVOCACY

FAQ - PHYSICAL ABUSE

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How does repeal of Don't Ask, Don't Tell affect eligibility for participation in Child Development Services?

Eligible individuals must meet the definition of "parent", which is biological or adoptive parent, legal guardian of child or the individual stands in loco parentis to the child and contributes at least one-half of child's support. DoD civilians are eligible patrons of Child Development Centers.

TIER 1, 2 AND 3:

Direct:

Follow along with:

FAQ – FAMILY CHILD CARE

What is the impact of repeal on Youth Programs?

Eligible individuals must meet the eligibility requirements of Morale, Welfare and Recreation programs. DoD civilians and retirees are eligible patrons of Youth and Morale, Welfare and Recreation programs.

Participation is authorized on a space-available basis for children and youth under the age of nineteen who are not "dependents" of members of the armed forces, or for employees of the Department of Defense not otherwise eligible for participation.

TIER 1, 2 AND 3:

Direct:

Follow along with:

FAQ – YOUTH PROGRAMS

Note: Military family working definition (from draft DoDI 1342.22, Military Family Readiness Systems) is in coordination with the military Services and reads: "Military Family: A group composed of one Soldier and such Soldier's dependents; two married Soldiers or two married Soldiers and such Soldiers' dependents. To the extent authorized by law and in accordance with Army implementing guidance, the term may also include other nondependent family members of a Soldier."

SLIDE 25: How Does This Policy Affect Benefits Policy?

Gay, lesbian and bisexual Soldiers are eligible for the same benefits as any *single* Soldier.

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The Defense of Marriage Act (DOMA) and current benefit laws do NOT allow the DoD to extend many key benefits – including dependent medical coverage, dependent-rate Basic Allowance for Housing (BAH), and dependent-based travel, transportation and separation allowances – to a Soldiers in a relationship with a same-sex partner. Nor will Survivor Benefit Plan annuities be paid to any non-dependent when death of the Soldiers occurs on active duty.

Soldiers who die on active duty may not have a non-dependent, including a same-sex partner, designated as their Survivor Benefit Plan (SBP) annuitant. Only authorized dependents may be designated as the SBP annuitant when death of a Soldier occurs on active duty.

TIER 1, 2 AND 3:

Direct:

Follow along with:
FAQ – BENEFITS

Note: As part of the post-repeal follow-on review, the DoD will revisit the issue of benefits and support-resources eligibility, including whether a “qualifying relationship” status should be established for committed same-sex relationships, or for both committed same-sex and committed unmarried opposite-sex relationships, for these purposes.

Note: The national debate on same-sex marriage and partner benefits is ongoing, and the judicial and legislative landscape is in a state of flux. It is possible that, in the future, additional policy options may be available.

SLIDE 26: How Does This Policy Affect Beneficiaries?

Federal law and the DoD regulations do NOT restrict a Soldier from designating a same-sex partner as a beneficiary for certain benefits such as the posthumous disbursement of funds from the Soldier’s Thrift-Savings Plan, the selection of a beneficiary for death gratuity and the proceeds from a life insurance policy provided under SGLI, death gratuity, or payment of any unpaid pay and allowances. Election forms and DD Forms 93 must be complete and current.

Retired Soldiers may designate an individual who is not a dependent, including a same-sex partner, as a beneficiary for an SBP annuity. The designated individual must have a financial interest upon the retiree’s death, i.e. through the retiree providing financial support to the individual, or an existing financial relationship including business partnership, a mortgage or if the death of the retiree imposes a significant financial hardship on the individual.

“An “insurable interest” is one based on the expectation that the beneficiary has an interest in the continued receipt of financial support from the retiree, whether that expectation stems from a financial contract or some other relationship based on blood or marriage or affinity. For

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example, it could include a same-sex partner, or an agreement by an uncle to pay his nephew's mortgage."

TIER 2 ONLY:

Explain:

Soldiers should be informed about these benefits so that they may take advantage of them for their same-sex partners, should they desire to do so.

Note: The DoD and the Services are studying whether some benefits may, consistent with current law, be revised to give the Soldier the discretion to designate a person or persons of their choosing as a beneficiary. By extending these benefits and resources, the DoD would enhance the vital role that a Soldier's supporters can play in enabling Soldiers to accomplish the mission, especially during times of deployment stress.

SLIDE 27: How Does This Policy Affect Military Family Housing?

The DoD and the Army currently authorize assignment to military family housing to those Soldiers eligible for (BAH) at the with-dependent rate.

Current federal law, including the Defense of Marriage Act (DOMA), precludes the DoD from providing BAH to Soldiers at the with-dependent rate unless the Soldier has a statutorily authorized dependent, such as a child.

Current Army policies state that non-dependents are NOT allowed to reside in military family housing. There have been no changes to these policies.

Army policy permits occupancy of Family housing by non-Family members. Soldiers may request approval in writing through the housing office to the garrison commander to allow non-Family members to reside in housing. Approval does not imply an extension of other benefits or privileges to which non-Family members are not otherwise entitled. Army policy provides that approved occupancy should be equitable for all Soldiers and not adversely impact on health, safety, morale, or welfare of the installation. Army policy in this area is contained in AR 420-1, Army Facilities Management, para 3-15a.

Any exception to policy to allow a non-dependent to reside in military family housing must be administered without regard to sexual orientation.

TIER 2 ONLY:

Direct:

Read Vignettes:

BENEFITS/BAH

BENEFITS/DEPENDENT HOUSING

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SLIDE 28: Army Top Ten things you need to know about what will change with repeal of Don't Ask, Don't Tell

1. Accessions & Separations Policies: Upon repeal, we will no longer separate Soldiers solely on the basis of legal homosexual acts, a statement that a Soldier is homosexual or bisexual or marriage to a person of the same sex.

Statements about sexual orientation or lawful acts of homosexual conduct will not be a bar to military service or admission to any accession program. Sexual orientation will continue to be a personal and private matter.

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.

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 is consistent with performance of the mission.

4. Moral and Religious Concerns: There will be no changes regarding any Soldier's free exercise of religious beliefs, nor are there 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.

5. Benefits: There will be no changes to eligibility standards for military benefits and services. The Defense of Marriage Act (DOMA) prohibits the Federal Government from recognizing any same-sex marriage, so same-sex partners do not qualify as dependents for many military benefits and services. A same-sex partner should be treated the same as an unrelated third party (e.g. girlfriend, boyfriend). All Soldiers will continue to have various benefits for which they may designate any beneficiary regardless of relationship.

SLIDE 29: Army Top Ten things you need to know about what will change with repeal of Don't Ask, Don't Tell

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

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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, including 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 world-wide 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, lesbian or bisexual Soldiers.

10. Collection and Retention of Sexual Orientation Data: Sexual orientation is a personal and private matter, "unless it is part of an investigation." Commanders will not request, collect, or maintain information about the sexual orientation of Soldiers.

SLIDE 30: Summary:

This brief has provided information regarding the repeal of Don't Ask, Don't Tell and how it affects policies.

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. It is our ability to put our personal beliefs aside and respect one another based on performance that allows us to do this.

It is the DoD's expectation and our obligation to live by the Standards of Conduct and our Army Core Values.

The legislation provides that repeal will take effect 60 days after the President, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff certify that the Department is prepared to implement repeal in a manner consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces. Soldiers must be mindful that until the effective date of repeal, Title Ten United States Code, Section 654 and associated policies, otherwise known as Don't Ask, Don't Tell, remain in effect.

Your four take-away words are: Leadership – Professionalism – Discipline – Respect

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TIER 2 ONLY:

Explain:

TIER 3 will be informed of the Repeal's affect on DoD policies and expectations for behavior via this brief, though they will NOT receive the level of detail that you, as a leader, will receive.

Also, some Soldiers involved in certain functions (e.g., administrative, legal or investigative) may receive additional training focused on specific changes to their specialty.

NOTE TO PRESENTER: Conclude by answering any questions and providing direction on where they can go for more information.