

**Repeal of
Don't Ask, Don't Tell
(DADT)
Tier III Educational Material**

Leadership – Professionalism – Discipline - Respect



Repeal of Don't Ask, Don't Tell

Chiefs Video

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Repeal of Don't Ask, Don't Tell

Introduction

❖ Purpose of Brief:

- Inform about repeal and its effects
- NOT to change beliefs

❖ Expectations During Brief:

- Ask policy-focused questions
- Maintain professional demeanor

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Army Values - Our Core

- **Loyalty**
 - **Duty**
 - **Respect**
 - **Selfless Service**
 - **Honor**
 - **Integrity**
 - **Personal Courage**
- our baseline,
our foundation,
our core.*
- They define who we
are, what we do, and
what we stand for.*

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Army Guiding Principles

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

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Army Guiding Principles (cont)

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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What Is the New Policy?

Effective Upon Repeal

- ❖ **What's New?**
 - **No discharge based on sexual orientation**
 - **Not a factor in recruitment and retention**
- ❖ **What has NOT changed?**
 - **Evaluations remain on merit, fitness and capability**
 - **Sexual misconduct = grounds for administrative or legal action**

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Is There a New Policy . . .

For Civilian Employees and DoD Contractors?

- ❖ **There is no new policy for DoD civilian employees**
 - **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**

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What Is the New Policy?

Key Features

❖ Sexual Orientation is:

- A personal and private matter
- NOT a bar to military service
- NOT a basis for discharge

❖ The Army maintains:

- Zero tolerance for harassment, violence, or discrimination

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How Is The New Policy Enforced?

Standards of Conduct

- ❖ **Apply without regard to sexual orientation**
- ❖ **Violations remain punishable as:**
 - **Violation of a lawful regulation**
 - **Disobeying an order**
 - **Dereliction of duty**
- ❖ **Possible disciplinary and administrative actions, to include involuntary separation**

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How is The New Policy Enforced?

Uniform Code of Military Justice (UCMJ)

- ❖ **Remains legal foundation of good order and discipline**
- ❖ **Enforces standards of conduct and laws**
- ❖ **Prohibits harassment, sexual assault or other violence**
- ❖ **Punishes sexual misconduct of all Soldiers**

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What If . . .

I Have Moral or Religious Concerns?

❖ Rights:

- Free exercise of religious expression, within law and policy, remains unchanged
- Maintain beliefs
- Discuss concerns with commander/chaplain

❖ Responsibilities:

- Treat all with dignity and respect
- Follow all lawful orders

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What Can I Expect . . .

From My Chaplain?

- ❖ Free exercise of religion and duty to care for all remains unchanged
- ❖ In the context of their religious ministry, chaplains are not required to take actions inconsistent with their religious beliefs

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What If . . .

I Want an Early Discharge?

- ❖ **No policy for early discharge based on:**
 - **Opposition to repeal**
 - **Opposition to serving or living with gay, lesbian or bisexual Service members**
- ❖ **Provision for voluntary discharge remains unchanged and is granted only when in the best interest of the Army**

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How Does This Policy Affect . . .

Privacy and Cohabitation?

- ❖ **No segregation of facilities, quarters or practices based on sexual orientation**
- ❖ **Commanders retain the authority to address concerns on a case-by-case basis**

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How Does This Policy Affect . . .

Medical Readiness?

- ❖ Existing practices ensure medical readiness
- ❖ No change to medical policies
- ❖ Medical information remains protected by HIPAA

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How Does This Policy Affect . . .

Equal Treatment?

- ❖ **All Soldiers remain evaluated only on individual merit, fitness and capability**
- ❖ **Use existing mechanisms such as chain of command, IG, etc., for redress of issues based on sexual orientation**

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How Does This Policy Affect . . .

Data and Records?

- ❖ **No requirement to ID sexual orientation**
- ❖ **No collection or maintenance of information on sexual orientation**
- ❖ **Privacy protection applies to information voluntarily provided by members such as:**
 - **SGLI beneficiary**
 - **Emergency notification contact**

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How Does This Policy Affect . . .

Co-Location?

- ❖ **Defense of Marriage Act (DOMA) currently recognizes only opposite-sex marriage**
- ❖ **No DoD sponsored co-location assignments for same-sex dual-military couples**
- ❖ **Any Soldier may request hardship-based assignment accommodation**

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How Does This Policy Affect . . .

Overseas Assignments?

- ❖ **Current policies remain unchanged**
- ❖ **Information provided on host-country laws, to include homosexuality**
- ❖ **No funding or country clearance for same-sex partners**
- ❖ **Any Soldier may request hardship-based assignment accommodation**

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How Does This Policy Affect . . .

Accession and Recruiting?

- ❖ **No requirement to declare sexual orientation**
- ❖ **Sexual orientation is NOT a bar to military service**

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How Does This Policy Affect . . .

Re-Accession?

- ❖ Reentry based on past performance, character of service and Army needs
- ❖ Prior Soldiers may seek reentry if separated “only” under Don’t Ask, Don’t Tell
- ❖ No requirement to petition for change of adverse reentry codes PRIOR to reentry

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How Does This Policy Affect . . .

Claims and Redress?

- ❖ **No change to existing policy**
- ❖ **No retroactive change to lawful standards**
- ❖ **An Soldier may petition for redress**

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How Does This Policy Affect . . .

Family Members and Family Support Services?

- ❖ **Family Support Services will continue to offer information and referral services to all**
- ❖ **Families will be offered repeat information through various avenues**
- ❖ **What is the impact to eligibility for:**
 - **Family Advocacy Services**
 - **Child Development Services**
 - **Youth Services**

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How Does This Policy Affect . . .

Benefits Policy?

- ❖ **Same-sex partner does NOT qualify for benefits such as:**
 - **Medical**
 - **BAH**
 - **Travel/Transport Allowance**
 - **Family Separation Allowance**
 - **Survivor Benefit Plan (death on active duty)**

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How Does This Policy Affect . . .

Beneficiaries?

- ❖ **As always any person may be designated as beneficiary for certain benefits:**
 - **Thrift-Savings Plan**
 - **Death Gratuity**
 - **SGLI**
 - **Unpaid Pay and Allowances**
 - **Survivor Benefit Plan at Retirement - only if qualified as an insurable interest**

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How Does This Policy Affect . . .

Military Family Housing?

- ❖ **Current policies still apply for Soldiers with statutorily authorized dependents**
- ❖ **Non-dependents are generally NOT authorized to reside in military family housing**
- ❖ **Exceptions made without regard to sexual orientation**

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Top 10 Things You Need to Know About The Repeal of Don't Ask, Don't Tell

1. **Accessions & Separations Policies**
2. **Standards of Conduct Apply Equally to Everyone**
3. **Personal Privacy**
4. **Moral and Religious Concerns**
5. **Benefits**

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Top 10 Things You Need to Know About The Repeal of Don't Ask, Don't Tell

6. **Equal Opportunity**
7. **Duty Assignments**
8. **Medical Policy**
9. **Release and Service Commitments**
10. **Collection and Retention of Sexual Orientation Data**

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Repeal of Don't Ask, Don't Tell

Summary

- ❖ Brief provided information regarding the repeal of DADT and its effects
- ❖ Brief provided reminders of:
 - Core Values
 - Army diversity and unit cohesion
 - Standards of conduct
- ❖ Until the date of repeal, current policy remains in effect

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