



*Repeal of Don't Ask,
Don't Tell (DADT)*

Repeal of Don't Ask, Don't Tell

Introduction

❖ Purpose of Brief:

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

❖ Expectations During Brief:

- Ask policy-focused questions
- Maintain professional demeanor

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What Is the New Policy?

The Policy – Effective Upon Repeal

❖ What's new?

- No discharge based on sexual orientation
- Not a factor in recruitment and retention

❖ What has NOT changed?

- Evaluation based 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 Policy Features

- ❖ **Sexual Orientation is:**
 - A personal and private matter
 - NOT a bar to military service
 - NOT a basis for discharge
- ❖ **The DoD 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 may be punished 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 Service members

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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:

- Continue to treat all with dignity and respect
- Continue to 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 members**
- ❖ **Provision for voluntary discharge remains the same and is granted only when in the best interest of the Navy**

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How Does This Policy Affect . . .

Privacy and Cohabitation?

- ❖ **No segregation of facilities, quarters, berthing or practices based on sexual orientation**

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How Does This Policy Affect . . .

Medical Readiness?

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

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How Does This Policy Affect . . .

Equal Treatment?

- ❖ All Sailors shall be 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 Service 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 for same-sex dual-military couples
- ❖ Any Sailor may request hardship-based assignment accommodation

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How Does This Policy Affect . . .

Overseas Assignments?

- ❖ Current policies remain in effect
- ❖ Information provided on host-country laws, to include homosexuality
- ❖ No funding or country clearance for same-sex partner
- ❖ Any Sailor 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 NOT a bar to military service

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How Does This Policy Affect . . .

Re-Accession?

- ❖ Prior Service members may seek reentry if separated under Don't Ask, Don't Tell
- ❖ Reentry based on past performance, character of service and Navy needs
- ❖ 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
- ❖ Any Sailor 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 Sailors 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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Repeal of Don't Ask, Don't Tell

Summary

Brief Provided:

- ❖ Information regarding DADT and its effects
- ❖ Reminders of:
 - Navy Core Values
 - Navy diversity and unit cohesion
 - Standards of conduct
 - Until the date of repeal, current policy remains in effect

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