



OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

APR 12 2011

MEMORANDUM FOR UNDER SECRETARIES OF DEFENSE  
DEPUTY CHIEF MANAGEMENT OFFICER  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
DIRECTOR, OPERATIONAL TEST AND EVALUATION  
DIRECTOR, COST ASSESSMENT AND PROGRAM EVALUATION  
ASSISTANTS TO THE SECRETARY OF DEFENSE  
DIRECTOR, ADMINISTRATION AND MANAGEMENT  
DIRECTOR, NET ASSESSMENT  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Civilian Employee Don't Ask, Don't Tell Repeal Information Awareness

In accordance with the April 4, 2011, Under Secretary of Defense for Personnel and Readiness (USD (P&R)) memorandum (Attachment 1), the Principal Staff Assistants and the heads of Defense Agencies and DoD Field Activities are required to ensure senior civilian leadership and civilian employees who directly supervise Service members receive Information Awareness training prior to May 31, 2011 on the impending repeal of Don't Ask, Don't Tell. The training will use the tiered framework as identified in the Comprehensive Review Working Group's Supplemental Plan for Implementation. Civilian leadership should receive training at the Tier 2 level, and subject matter experts in the areas identified in Attachment 1 should also receive Tier 1 training. Responsibilities and points of contact are provided below.

My office, through Washington Headquarters Services (WHS), will provide training to all WHS-serviced organizations including the Office of the Secretary of Defense, Defense Legal Services Agency, Pentagon Force Protection Agency, Defense Technology Security Agency, Defense Security Cooperation Agency, Defense Prisoner of War/Missing Persons Office, and Office of Economic Adjustment. These organizations are requested to identify the number and National Capital Region locations for Tier 1 and Tier 2 personnel and provide this information to my point of contact (POC), (b)(6) Assistant Director for Learning and Development, at (b)(6) or (b)(6). Provided for your convenience is a spreadsheet at Attachment 2. Your response is required not later than April 20, 2011. (b)(6) staff will schedule sessions, provide training, and record and report results to be completed by May 31, 2011.

All other Defense Agencies and DoD Field Activities are required to plan, conduct and report training for their respective organizations. Please provide, using Attachment 2, your points of contact and the total number of DoD civilian employees requiring training in your respective organizations to the USD(P&R) Repeal Implementation Team POC, (b)(6) (b)(6) by Wednesday, April 20, 2011, at (b)(6). Your designated training

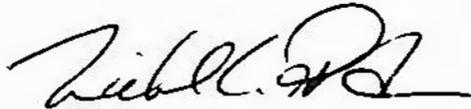
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POCs should also contact (b)(6) at (b)(6) to schedule train-the-trainer assistance.

Additionally, the number and percentage of civilians trained must be provided via email on April 29 and May 31, 2011 for inclusion in progress reports to the Secretary of Defense. WHS-serviced organizations should provide progress reports to (b)(6). All other Defense Agencies and DoD Field Activities should provide progress reports (b)(6). Use the spreadsheets provided at Attachment 3 for monthly reporting. Training numbers are to be cumulative, i.e., the May report will include what was reported in April.

We look forward to working with you on this important matter.



Michael L. Rhodes  
Director

Attachments:  
As stated

# Attachment 1



PERSONNEL AND  
READINESS

**UNDER SECRETARY OF DEFENSE**  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

APR 4 2011

MEMORANDUM FOR UNDER SECRETARIES OF DEFENSE  
DEPUTY CHIEF MANAGEMENT OFFICER  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
DIRECTOR, OPERATIONAL TEST AND EVALUATION  
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DIRECTOR, ADMINISTRATION & MANAGEMENT  
DIRECTOR, NET ASSESSMENT  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

**SUBJECT: DoD Civilian Employee Don't Ask, Don't Tell Repeal Information Awareness**

On December 22, 2010, the President of the United States signed into law legislation that sets conditions that must be met prior to the repeal of title 10, United States Code, Section 654, commonly known as "Don't Ask, Don't Tell (DADT)." Training materials were prepared to educate Service members about repeal and its effects, and the Services have already begun training the military force. All the Services have included in their respective training plans the training of senior civilian leadership and civilian employees who directly supervise Service members, and equivalent Information Awareness training is required for Fourth Estate civilian leadership.

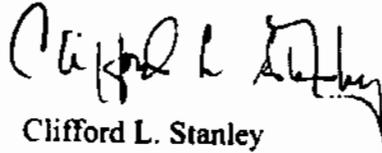
The implementation of the repeal of DADT is a milestone event for the Department. Strong, engaged and informed leadership will be required at every level to implement the repeal of Section 654 properly, effectively, and in a deliberate and careful manner. As such, it is imperative that the execution of actions leading to certification and repeal are underpinned with a solid foundation and are accomplished across the entire Department at once. Attached are the repeal terms of reference and guiding principles, repeal policy guidance, and changes to Department of Defense (DoD) Directives and Instructions that will become effective on the date of repeal and apply throughout DoD. The exact date of repeal is not yet known, but will be widely published across the Department.

It remains the policy of DoD that sexual orientation is a personal and private matter and that all members will be treated with dignity and respect. Leaders will be essential to implementing this change in policy fairly and consistently. A clear focus on leadership, professionalism, discipline and respect will enable the change in policy to be executed with minimum disruption to the force.

The DADT Repeal Implementation Team is assigned as the lead to manage this requirement in coordination with the Director of Administration and Management (DA&M). Repeal

Information Awareness training should be leadership driven and delivered in face-to-face venues. For those remote employees who are not able to attend training in person, computer based training will be made available.

You will be receiving a memorandum from DA&M which will provide additional information about training timelines, responsibilities, reporting requirements and points of contact. I appreciate your support and leadership as the Department moves forward in this important matter.

A handwritten signature in black ink, appearing to read "Clifford L. Stanley". The signature is written in a cursive, somewhat stylized font.

Clifford L. Stanley

Attachments:

As stated

## TERMS OF REFERENCE FOR REPEAL IMPLEMENTATION TEAM

### Implementation of Repeal of 10 U.S.C. § 654

These Terms of Reference (TOR) establish the objectives of the Secretary of Defense-directed process leading to implementation of the repeal of 10 U.S.C. § 654, "Policy Concerning Homosexuality in the Armed Forces."

In accordance with the "Report of the Comprehensive Review of the Issues Associated with a Repeal of 'Don't Ask, Don't Tell' and the accompanying Support Plan for Implementation, the Department of Defense and the Services will finalize the policy revisions, and the education and training programs necessary to prepare the force for repeal, and will communicate the upcoming policy changes to the force.

**Focus: Leadership-Professionalism-Discipline-Respect**<sup>1</sup>— Emphasize, promote and reaffirm this focus throughout the implementation period.

**Guiding Principles:** The guiding principles for implementation are as follows:

- All personnel will be treated with respect.
- No policy will be established that is solely based on sexual orientation.
- Harassment or unlawful discrimination of any member of the Armed Forces for any reason will not be tolerated.
- Standards of personal and professional conduct will apply uniformly to all military personnel, regardless of sexual orientation.
- Implementation will be timely, deliberate, comprehensive, and is consistent with the standards of readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.
- Implementation standards will be consistent across all Services.

**Scope and Objectives:** The "Don't Ask, Don't Tell" Repeal Implementation Team (RIT) will lead the process for the implementation of repeal of 10 U.S.C § 654. The process will include the following areas:

- Develop plans incorporating operational considerations and reflecting the informed judgment of the senior leaders of the Department's components and agencies.<sup>2</sup>
- Update Policies—update and prepare to publish the policies required after repeal of 10 U.S.C § 654<sup>3</sup> becomes effective.

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<sup>1</sup> *Support Plan for Implementation, Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell."* (Washington DC: Comprehensive Review Working Group, Department of Defense, 2010), pp. 26-30).

<sup>2</sup> *Ibid.*, p. 1.

<sup>3</sup> *Ibid.*, p. 29.

- **Train and Prepare Experts**—assist the Military Services and Combatant Commanders, as appropriate, in developing training for those responsible for implementing changes to the policies involved and for those providing services relating to these changes to service members, including Chaplains, Judge Advocates, and Counselors.<sup>4</sup>
- **Train and Prepare Leaders**—assist the Military Services in developing and deploying consistent educational materials in accordance with the Comprehensive Review Working Group recommendations that will aid commanders, senior noncommissioned officers, and other component officials, to include civilian supervisors, in preparing for and implementing repeal.<sup>5</sup>
- **Train and Prepare the Force**—Assist the Military Services in developing and using materials required to train and prepare the force of the pending change and the expectations of professional and personal conduct through engagement by experts and leaders at all levels.<sup>6</sup>
- **Progress Report**—obtain bi-monthly reports from the Military Departments to keep the Secretary of Defense updated on the progress in preparation of policies and regulations to implement repeal of 10 U.S.C. §654, as well as status of training and preparing the force on those changes.
- **Assess Implementation**—monitor accomplishment of the above across the Department.

### **Methodology:**

The RIT will:

- **Establish a clear communication and feedback network** – Utilizing frequent Executive Committee meetings, and principals personal involvement at all levels to ensure Secretary of Defense has the full situational awareness of progress and any issues or concerns that would affect our military's readiness.
- **Work with the Military Services to revise policies to include DoD directives, instructions and other issuances that are impacted by repeal.**<sup>7</sup>
- **Collaborate with the Joint Staff, Military Services, and Unified Combatant Commands to develop the materials and plans necessary to develop and finalize training and education programs to prepare the force for repeal.**<sup>8</sup>

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<sup>4</sup> Ibid., p. 25

<sup>5</sup> Ibid., p. 25

<sup>6</sup> *Support Plan for Implementation, Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell."* (Washington DC: Comprehensive Review Working Group, Department of Defense, 2010), p. 26.

<sup>7</sup> Ibid., p. 29.

<sup>8</sup> Ibid., p. 25.

- Establish a process with the Military Departments to review both objective and subjective indicators - of pre-implementation progress that will form the basis of a common criteria recommendation for repeal.
  - Those indicators should include at a minimum:
    - Progress on changes to policies, regulations, and issuances.
    - Progress on the education/training of the experts (chaplains, lawyers, etc.) responsible for developing and implementing the relevant changes to policies and regulations.
    - Assurance that commanders have received the necessary education and training materials to successfully implement policies in order to maintain consistent standards in military readiness, military effectiveness, unit cohesion, and recruiting and retention.
    - Commanders reports confirming education and training of their units, including reinforcement of continued expectation for upholding and maintaining the high standards of personal and professional conduct.
    - Documentation that shows progress of total force training (Military and Civilians)
    - Monthly updates to the Secretary of Defense that utilize existing feedback tools on retention, recruiting, readiness, effectiveness and unit cohesion (Command Climate Surveys, and IG command climate feedback)
- Prepare Service leaders to engage members of Congress, the media, relevant experts, and key influencers of potential service members and others as necessary on the projected changes.

**Deliverables:** The RIT, through the USD (P&R), will prepare – as a minimum:

- A plan to be submitted to the Secretary of Defense for accomplishing the objectives.
- A memorandum to the Services delineating the policy and regulatory action changes associated with implementation of repeal. (delivered not later than February 5, 2011)
- Standard content tool kit for the Services for training and education materials (delivered not later than February 5, 2011.)
- Regular updates to the Secretary of Defense on the status of implementation.

- A Communication Plan: to deliver a consistent message tailored to the wide range of stakeholders and assist services in communicating with their people<sup>9</sup>
- A memorandum to the Secretary of Defense confirming the judgment of the Secretaries of the Military Departments they are ready for repeal.
- A process for ongoing dialogue as DoD assists Services with training and preparing the force for implementation.

**Support:**

- The Under Secretary of Defense (Personnel and Readiness) will establish the Repeal Implementation Team (RIT) under his authority, direction, and control.
- The Under Secretary of Defense (Comptroller)/Chief Financial Officer will provide adequate funding for the RIT.
- The DA&M, through Washington Headquarters Services, will coordinate for and provide human resources, office/facilities, and other support for the RIT and as otherwise may be necessary to ensure success of this effort.
- The military departments and other DoD Components will provide full support as requested by the RIT, including detail personnel, information and analytical capacity.
- The Assistant Secretary of Defense for Public Affairs and the Assistant Secretary of Defense for Legislative Affairs will provide continuing support to provide ongoing situational awareness of the RIT process to the media and public and to the Congress, respectively

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<sup>9</sup> Support Plan for Implementation, *Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell."* (Washington DC: Comprehensive Review Working Group, Department of Defense, 2010), pp. 27-28.

## **DADT Repeal Policy Guidance**

On the effective date of repeal of Don't Ask, Don't Tell (DADT), which is yet to be determined, this policy guidance will apply to all military personnel serving in the Armed Forces of the United States, including those serving in the Reserve components of the Armed Forces.

In order to prepare to implement the below policy guidance on the effective date of repeal of DADT, each Service is immediately directed to identify its specific instructions and regulations related to all policy areas affected by the future repeal of DADT and prepare draft changes based on the below policy guidance. It is critical to reemphasize that these policy changes will not be effective until the date of repeal.

### **Separations**

Upon repeal, Services may no longer separate Service members under the homosexual conduct policy set forth under 10 U.S.C. § 654 and its implementing regulations. Service members will no longer be subject to administrative separation based solely on legal homosexual acts, a statement by a Service member that he or she is a homosexual or bisexual (or words to that effect), or marriage or attempted marriage to a person known to be of the same biological sex. Members who have an approved separation date after the effective date of repeal based on proceedings commenced solely under 10 U.S.C. § 654 and its implementing regulations will have that separation cancelled and will return to duty.

Additionally, on the date of repeal, Services will cease all pending investigations, separations, discharges, or administrative proceedings commenced solely under 10 U.S.C. § 654, and its implementing regulations. Services may reprocess if facts afford another appropriate reason for separation other than 10 U.S.C. § 654 and its implementing regulations. In those cases already begun in which 10 U.S.C. § 654 and its implementing regulations represent one of multiple reasons for separation, Services will make a case-by-case determination as to whether to proceed with the separation or to start the proceedings over again.

DoD discharge codes JB, RA, RB, RC for discharges under 10 U.S.C. § 654 and its implementing regulations will be discontinued.

### **Accessions and Recruiting Policy**

Upon repeal, statements about sexual orientation or lawful acts of homosexual conduct will not be considered as a bar to military service or admission to Service academies, ROTC or any other accession program. Sexual orientation will continue to be a personal and private matter. Applicants for enlistment or appointment may not be

asked, or be required to reveal, their sexual orientation. All applicants, regardless of any statements in regard to sexual orientation, will be treated with professionalism and respect.

The required briefings given to applicants for enlistment and appointment regarding standards of personal conduct in the armed forces and separations policy will be amended appropriately to reflect the new policy.

### **Re-Accessions**

Upon repeal, former Service members who were discharged solely under 10 U.S.C. § 654 and its implementing regulations may apply to re-enter the Armed Forces. They will be evaluated according to the same criteria and Service requirements applicable to all prior-Service members seeking re-entry into the military at that time. There will be no preferential treatment for Service members separated solely under 10 U.S.C. § 654 and its implementing regulations. They will be processed as any other re-accession applicant under Service policies. Services shall continue to consider a Service member's previous performance and disciplinary record when determining suitability for re-entry.

Services will waive re-entry codes on DD Forms 214 that are based upon separations under 10 U.S.C. § 654 and its implementing regulations. Applicants will then be processed on a case-by-case basis in accordance with Service policies.

In considering applications for re-accessions, the Services will not consider to the detriment of an applicant any separation that was solely for under 10 U.S.C. § 654, and its implementing regulations. For example, former Service members who were separated with an honorable discharge (or an uncharacterized discharge for those occurring during initial training), and who have a separation code in their records reflecting a separation under 10 U.S.C. § 654 and its implementing regulations, shall be considered for re-entry according to the most favorable re-entry classification. The military requirements of the Services will continue to dictate re-accession criteria.

### **Standards of Conduct**

Upon repeal, existing standards of conduct shall continue to apply to all Service members regardless of sexual orientation. Enforcement of service standards of conduct, including those related to public displays of affection, dress and appearance, and fraternization will be sexual orientation neutral. All members are responsible for upholding and maintaining the high standards of the U.S. military at all times and at all places. Services retain the authority provided by law, Department and Service regulations to counsel, discipline, and involuntarily separate those Service members who fail to obey established standards.

Leaders at all levels are entrusted to ensure the impartial administration of these standards and to hold Service members accountable. In cases where conduct is prohibited, leaders shall be expected to take such appropriate corrective or disciplinary action as they determine may be necessary to preserve morale, good order and discipline, unit cohesion, military readiness, and combat effectiveness.

In order to meet the intent of this policy guidance, each Service is directed to immediately review its standards of personal and professional conduct policies and procedures to ensure that they provide adequate guidance in relevant areas, apply uniformly to all personnel, and promote an environment free from personal, social or institutional barriers that prevent Service members from rising to their highest potential. Place special emphasis in such review on the following areas: public displays of affection (PDA), dress and appearance, nepotism, unprofessional relationships, conflicts of interest, and zero tolerance for harassment and hazing. Standards of conduct 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.

#### **Additional Guidance**

##### **Moral and Religious Concerns/Freedom of Speech**

Policies regarding Service members' individual expression and free exercise of religion already exist and are adequate. In today's military, people of different moral and religious values work, live and fight together. This is possible because they treat each one another with dignity and respect. This will not change. There will be no changes regarding Service member exercise of religious beliefs, nor are there any changes to policies concerning the Chaplain Corps of the Military Departments and their duties. The Chaplain Corps' First Amendment freedoms and their duty to care for all will not change. When Chaplains are engaged in the performance of religious services, they may not be required to engage in practices contrary to their religious beliefs. Service members will continue to respect and serve with others who may hold different views and beliefs.

##### **Equal Opportunity**

All Service members, regardless of sexual orientation, are entitled to an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible. Harassment or abuse based on sexual orientation is unacceptable and will be dealt with through command or inspector general channels.

Sexual orientation will not be considered along with 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.

In order to meet the intent of this policy guidance, DoD, Military Departments, and Service MEO programs will immediately review their current MEO Programs as established in DODD 1350.2 *Department of Defense Military Equal Opportunity (MEO) Program* to ensure consistency with this policy.

#### Collection and Retention of Sexual Orientation Data

Sexual orientation is a personal and private matter. DoD components, including the Services are not authorized to request, collect, or maintain information about the sexual orientation of Service members except when it is an essential part of an otherwise appropriate investigation or other official action.

#### Personal Privacy

The creation of separate bathroom facilities or living quarters based on sexual orientation is prohibited, and Commanders may not establish practices that physically segregate Service members according to sexual orientation.

Personal privacy is a concern for many Service members. Members of the Armed Forces accept living and working conditions that are often austere, primitive, and characterized by forced intimacy with little or no privacy. Consistent with current policy, Commanders will continue to maintain the discretion to alter berthing or billeting assignments in accordance with Service policy in the interest of maintaining morale, good order and discipline, and consistent with performance of the mission.

#### Benefits

There will be no changes at this time to eligibility standards for military benefits, including applicable definitions. Service members and their opposite-sex spouses receive a range of entitlements and benefits depending on eligibility. The Defense of Marriage Act, 1 U.S.C. § 7, and the existing definition of "dependent" in some laws, prohibit extension of many military benefits—such as medical care, travel and housing allowances, and other benefits—to same-sex couples.

All Service members will continue to have various benefits for which they may designate beneficiaries in accordance with the rules governing each program. Some Service members may not have taken full advantage of these designations prior to repeal of DADT. The Services will reemphasize the opportunity to designate beneficiaries for these benefits to all its Service members. Such benefits include the following:

1. Service Member's Group Life Insurance (SGLI) Beneficiary
2. Post Vietnam-Era Veterans Assistance Program (VEAP) Beneficiary
3. G.I. Bill Death Beneficiary
4. Death Gratuity Beneficiary
5. Final Settlement of Accounts Beneficiary
6. Wounded Warrior Act Designated Caregiver
7. Thrift Savings Plan (TSP) Beneficiary
8. Survivor Benefit Plan Beneficiary

Although there will be no changes to benefits eligibility on the date of repeal, the Department will continue to study existing benefits to determine those, if any, that should be revised, based on policy, fiscal, legal, and feasibility considerations, to give the Service member the discretion to designate a person or persons of their choosing as a beneficiary.

#### Medical Policy

There will be no changes to existing medical policies. The Surgeons General of the Military Departments have determined that repeal of DADT does not affect the military readiness of the force and that changes to medical policies are not necessary.

#### Duty Assignment

There will be no changes to assignment policies. All Service members will continue to be eligible for world-wide assignment without consideration of sexual orientation. Service members assigned to duty, or otherwise serving in countries in which homosexual conduct is prohibited or restricted, will abide by the guidance provided to them by their local commanders.

#### Release from Service Commitments

There will be no new policy to allow for release from service commitments for Service members opposed to repeal of 10 U.S.C. § 654 or to serving with gay and lesbian Service members. Service members may request to be voluntarily discharged under the plenary authority of the Military Department Secretary concerned, or other appropriate authority based upon the specific facts of each case. Such discretionary discharge may only be granted when the Military Department Secretary concerned has determined the early separation would be in the best interest of the Service.

*Claims for Compensation and Retroactive Full Separation Pay*

The Department will not authorize compensation of any type, including retroactive full separation pay, for those previously separated under 10 U.S.C. §654 and its implementing regulations.

# Attachment 2

## IDENTIFICATION OF CIVILIANS REQUIRING REPEAL TRAINING

**Organization Name**

**Office Symbol**

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**Training Points of Contact**

**Phone**

**Email**

Training Points of Contact	Phone	Email

**Type of Training**

**Number**

**NCR Location**

**Tier 1 - Areas of Expertise Listed Below**

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- Accession, Re-Accession and Recruiting
- Benefits
- Data Collection
- Duty Assignments
- Equal Opportunity
- Freedom of Speech
- Medical Policy
- Military Housing
- Moral and Religious Concerns
- Personal Privacy
- Release from Service Commitments
- Separations
- Standards of Conduct
- Uniform Code of Military Justice

**Type of Training**

**Number**

**NCR Location**

**Tier 2 - Leadership**

Senior Civilians*		
Civilians Supervising Military		

\* For PSA organization: At a minimum, DASD and Above

\* For Defense Agency/DoD Field Activity: Include all Direct reports to the Head of the Agency/Activity



# Attachment 3

