

Transgender Policy Implementation: A Note to Commanders

The Secretary of Defense has announced a new transgender policy for the Department (provide links to DTM and DoDI). The Military Departments and Services will publish their implementing guidance later this year; in the interim, this document provides you with additional guidance that may be helpful in responding to questions from transgender Service members. Not later than October 1, 2016, the Department will publish a Commander's Training Handbook, Medical Guidance, and Policy and Procedures for changing a Service member's gender marker in DEERS.

What does it mean to be a transgender Service member?

For DoD policy purposes, a transgender Service member is one who has received a medical diagnosis that gender transition is medically necessary, including any Service member who intends to begin transition, is undergoing transition, or has completed transition and is stable in their preferred gender.

We do not know for certain how many transgender persons are currently serving. However, the Secretary's announcement makes it plain that transgender Service members with a diagnosis from a military medical provider indicating that gender transition is medically necessary will be provided medical care and treatment for the diagnosed medical condition and, when that treatment has been completed, may serve and will be recognized in their new gender. Service members who transition gender in accordance with this policy will be subject to the same standards and procedures as other members of their preferred gender with regard to their medical fitness for duty, physical fitness, uniform and grooming, deployability, and retention.

The Commander's Impact

Unique to military service, you are responsible and accountable for the overall readiness of your command. You are also responsible for the collective morale and welfare and good order and discipline of your unit, the command climate, and for ensuring that all members of your command are treated equally, and with dignity and respect. When you receive any request from a Service member that entails a period of non-availability for duty (such as for necessary medical treatment, ordinary leave, emergency leave, temporary duty, or other approved absence), you must consider the individual need associated with the request and the needs of your command, in making a decision on that request.

Harassment and Bullying

It is DoD policy that discrimination based on gender identity is a form of sex discrimination. DoD issuances are being revised to prohibit discrimination on the basis of gender identity and to incorporate such prohibitions in all aspects of the DoD Military Equal Opportunity (MEO) program. You, as the commander, are responsible to set and maintain the appropriate tone in your command such that discrimination will not be tolerated. If you know of or suspect discrimination, harassment, or bullying of transgender Service members in your command, you must, in consultation with your command legal and EO advisors, take actions to ensure that such behavior ceases immediately, that the allegations are investigated, and those involved are held accountable, as appropriate

Whom do I contact if I require general information about gender identity and transgender service?

You have access to local resources that may be able to provide useful information: your chain of command, military medical providers, judge advocates, the equal opportunity office, and any number of community outreach programs. If you require more specific information or policy guidance, or have questions that your chain of command cannot answer, your Service is establishing a Service Central Coordination Cell (SCCC) to assist commanders and Service members alike. The SCCC will have personnel, legal, and health care experts available to answer questions.

To assist Commanders and Service members until each Service establishes its SCCC, DoD has established a Central Coordination Cell at the following website: <https://ra.sp.pentagon.mil/DoDCCC/SitePages/HomePage.aspx>. This is a CAC-enabled website through which commanders and all Service members can find information and pose questions in a secure forum. Policy documents and “Frequently Asked Questions” will reside on the website and questions will be addressed by policy, legal, and medical experts.

What if I am approached by a Service member who wants to transition immediately?

The new DoDI establishes a process for currently serving Service members who receive a medical diagnosis indicating that gender transition is medically necessary. Beginning on October 1, 2016, the military Services are required to provide necessary medical care relating to gender transition in accordance with Medical Guidance forthcoming from DoD. In the interim, Service members may request an evaluation by a military medical provider. Throughout this interim period, you should follow the guidance in the DoDI as closely as practicable and consult with your chain of command.

As with all Service members under your command requiring medical care, you should consider your unit readiness requirements as well as the morale and welfare and good order and discipline of your command.

How do I accommodate the potential scenario of a mix of genitalia in shared spaces (e.g., showers, berthing)?

Service members will use the facilities associated with their gender as recognized in DEERS, unless granted an exception to policy by their chain of command. When a transgender Service member's gender marker is changed in DEERS, that member will use facilities associated with that new gender marker. When necessary, you may employ reasonable accommodations to respect Service member privacy interests. Commanders should consult with your SCCC on how best to accommodate such interests.

Like the repeal of "Don't Ask, Don't Tell," will there be a training requirement? If so, where can I find the guidance and/or training materials?

There will be a training requirement. Each Military Department and Service will develop plans to train and educate their force over the coming year. Consult with your chain of command if you have further questions concerning training.

What if a member of my command expresses moral or religious concerns regarding the new policy?

Policies regarding Service members' individual expression and free exercise of religion already exist and should be followed. In today's military, people of different moral and religious values work, live, and fight together. The commander should attempt to accommodate religiously-based or other deeply held beliefs in personal modesty. Each of us has a responsibility to treat others with dignity and respect. This commitment to dignity and respect always will be a keystone value of service in our armed forces and always must guide our treatment of one another. This will not change.