



**SECRETARY OF THE ARMY
WASHINGTON**

14 OCT 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2015-39 (Inclusion of Sexual Orientation in the Military Equal Opportunity Program)

1. References:

a. Department of Defense (DoD) Directive 1020.02E (Diversity Management and Equal Opportunity in the DoD), June 8, 2015.

b. Army Regulation 600-20 (Army Command Policy), 6 November 2014.

2. In accordance with reference 1a, this directive provides guidance and implementing procedures for addressing unlawful discrimination and promoting equal opportunity, diversity and inclusion (enclosure). Soldiers may seek redress through the Army Military Equal Opportunity (MEO) Program in cases of harassment and unlawful discrimination on the basis of race, color, national origin, religion, sex or sexual orientation.

3. As outlined in reference 1b, the Army MEO Program is critical to mission accomplishment. It promotes unit cohesion and readiness by ensuring that all Soldiers are afforded equal opportunity in an environment free from harassment and unlawful discrimination. A key tenet of the MEO Program is that Soldiers are evaluated only on individual merit, fitness, capability and performance.

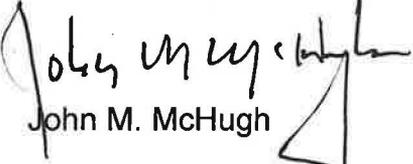
4. Sexual orientation refers to an individual's emotional or physical attraction to the same and/or opposite sex (heterosexual, homosexual or bisexual). MEO complaints on the basis of sexual orientation may be based on the complainant's actual or perceived sexual orientation, as well as association with an individual or affinity group associated with a particular sexual orientation. Established MEO complaint procedures and timelines apply to sexual orientation complaints. To the extent permitted by law and DoD policy, all on-installation activities and, when possible, off-installation activities available to military personnel are open to all military personnel and their Families regardless of race, color, national origin, religion, sex or sexual orientation.

5. Army activities will not collect or maintain data concerning the sexual orientation of a recruit or Soldier except when it is an essential part of an investigation or other official action. Briefings to applicants for enlistment and appointment that address standards of personal conduct will be amended to incorporate the new policy.

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6. The provisions of this directive are effective immediately and apply to all Active Army, Army National Guard/Army National Guard of the United States and U.S. Army Reserve activities.

7. The Assistant Secretary of the Army (Manpower and Reserve Affairs) is the proponent for this policy and will make sure it is incorporated into the next update of Army Regulation 600-20. This directive is rescinded upon publication of the revised regulation.



John M. McHugh

Encl

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(CONT)

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INCLUSION OF SEXUAL ORIENTATION IN THE MILITARY EQUAL OPPORTUNITY PROGRAM

1. Policy and Procedures. Commanders (or equivalent) at all levels will:

a. publish command policy statements on equal opportunity (EO) to include sexual orientation as a basis of discrimination.

b. ensure that all locally developed EO training is revised to include sexual orientation as a basis of discrimination.

c. ensure that EO complaints the chain of command receives are promptly investigated in a fair, impartial manner and are appropriately resolved without fear of reprisal, intimidation or retaliation.

d. make sure appropriate disciplinary, administrative and corrective actions are taken if discrimination or reprisal is substantiated.

e. ensure that complainants and subjects are provided feedback information about the status and outcome of the complaint.

f. make sure followup assessments are conducted with the complainant using DA Form 7279-1 (Equal Opportunity Complaint Resolution Assessment). The followup should ensure consistent enforcement, compliance with the timeline and that reprisal or retaliation did not occur.

g. ensure that discrimination complaints based on sexual orientation are tracked in the Equal Opportunity Reporting System (EORS) database. Sexual orientation cases will be tracked in EORS under Gender and annotated as Sexual Orientation in the specific allegations block until EORS is updated with sexual orientation as a complaint type. The initial operational capability date is 1 October 2015.

2. Responsibilities

a. The Assistant Secretary of the Army (Manpower and Reserve Affairs) will:

(1) represent and advise the Secretary of the Army on all matters related to this directive.

(2) oversee implementation of this directive and monitor progress until completion.

(3) provide policy direction and guidance to the Chief, Military EO Policy.

Enclosure

b. The Deputy Chief of Staff, G-1 will update Army Regulation 600-20, chapter 6 (The Equal Opportunity Program in the Army) to include sexual orientation as a basis of discrimination.

c. The Commanding General, U.S. Army Training and Doctrine Command will ensure that the EO Training Proponent Office incorporates sexual orientation as a basis of discrimination:

(1) in the program of instruction for the Service-specific training for Army personnel attending the EO Advisor Course at the Defense Equal Opportunity Management Institute.

(2) in all levels of professional military education lesson plans.

(3) into the EO Leaders Course.

3. Definitions

a. Ally. A person who does not identify as lesbian, gay or bisexual, but supports the rights and safety of those who do identify as lesbian, gay or bisexual.

b. Bisexual. A person who is attracted romantically, physically or emotionally to both men and women.

c. Gay. A male-identified person who is attracted romantically, physically or emotionally to another male-identified person.

d. Lesbian. A female-identified person who is attracted romantically, physically or emotionally to another female-identified person.

e. Sexual Orientation. An emotional or physical attraction to the same and/or opposite sex (homosexual, heterosexual, bisexual). Complaints may be based on actual or perceived sexual orientation, as well as association with an individual or affinity group associated with a particular sexual orientation.