

Changes to MEO Policy Briefing Card

Background

When DADT was repealed in 2011, the Department did not include sexual orientation as part of the Military Equal Opportunity program. Instead, complaints were dealt with through the chain of command and the Inspector General system. The DOD Directive was signed by DSD Work June 8, 2015, to include sexual orientation as part of the MEO process.

Talking Points

- After an internal assessment, we have decided that discrimination cases based on sexual orientation will **now** be considered along with race, color, religion, sex, or national origin, as part Military Equal Opportunity (MEO) program.
- This change is effective immediately (June 8, 2015) and is being implemented through a Department diversity directive. We are working through administrative processes to change and issue related DOD Instructions. We expect those to be released until later this year.
- Following the repeal of DADT, Department policy was established to provide military servicemembers avenues to resolve complaints of discrimination based on sexual orientation through command channels and the IG. With this policy revision, we are now ensuring that servicemembers are also afforded protection against discrimination in the Department's military equal opportunity program, provided to all military members. Along with command channels and the IG, servicemembers will now be able to use the Military EO process, just like DoD civilians are able to use civilian EEO programs to resolve discrimination complaints based on sexual orientation.
- The Department's experience during the years since DADT was repealed indicates that the MEO program gives complainants greater access to a broader range of resolution options, and gives Commanders access to trained Equal Opportunity Advisors during the complaints process.
- Previously, discrimination based on sexual orientation was addressed through the chain of command or via the inspector general (DoD IG) system. This was based on our policy guidance issued by the Department January 28, 2011, during the repeal of Don't Ask, Don't Tell.
- Treating all service members with dignity and respect is something we take extremely seriously, and when there are any indications that those values are not being followed, we conduct investigations and take action as necessary.
- Trust is the foundation for everything we do as military professionals, and we expect our service members to conduct themselves with integrity and character. We have a commitment to uphold the dignity and respect of our service members and provide a safe environment in which every service member and DoD civilian is free from the threat of discrimination.

- Service members, regardless of race, color, sex, religion, sexual orientation, or national origin, are entitled to an environment free from personal, social, or institutional barriers that prevent them from rising to the highest level of responsibility possible. Discrimination and harassment are unacceptable, and will not be tolerated.
- The Department encourages resolution of workplace disputes and allegations of discrimination at the lowest level using the chain-of-command. If civilians and service members are unable to find a resolution at the lowest levels, they have the right to pursue their claims, respectively, through established military equal opportunity (MEO) and civilian equal employment opportunity (EEO) complaint processes, or the inspector general processes. The MEO and EEO processes offer remedies through alternate dispute resolution and mediation, which may not be available through the chain of command or inspector general office.
- Diversity is a source of the strength for the Department of Defense, and is a key component to maintaining our highest state of readiness. Diversity encompasses more than race and gender - we seek to include diversity of thought, background, language, culture and skills. Our force comes from a diverse population, and certainly our military is strongest when it reflects the nation it serves.

Q&A

Why did the Department make this change? Why now?

The Department periodically reviews and updates its policies to reflect changes and adjust as appropriate. Currently, all diversity and inclusion policies are being updated and reissued. In addition, to this change, the MEO policy is being updated to reflect updates regarding sexual harassment complaints.

When will the policy/process be effective? And how long will it take to implement?

This policy change is effective immediately (June 8, 2015).

How did individuals file complaints before?

Previously, discrimination based on sexual orientation was addressed through the chain of command or via the inspector general (DoD IG) system. This was based on our policy guidance issued by the Department January 28, 2011, during the repeal of Don't Ask, Don't Tell.

How many complaints of discrimination based on sexual orientation has the Department received yearly since the repeal of Don't Ask, Don't Tell?

While I'd refer you to the IG for further comment, they have identified only six complaints of discrimination based on sexual orientation that had been made since the repeal of DADT.

Why are you changing the policy if it is clearly working the way its set up?

Individuals can still use the inspector general process/system. That is always an option for individuals. The change in this process better aligns our policies and processes for both military and civilian personnel.

Who made the decision to change the policy?

The Deputy Secretary of Defense Robert Work signed the directive June 8, 2015.

Is sexual orientation now a protected class?

No. Protected classes are designated by federal law.

You said before that 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. Why can they be now part of the MEO system?

ODMEO Recommendation: Our review of existing EO policy highlighted the advantages of the MEO process to offer service members more latitude to address allegations of discrimination through mediation or other means of alternate dispute resolution that may not exist within the chain of command or inspector general system. Because of this we think the MEO process will be more efficient and effective.

Which policy documents will be affected by the change to include sexual orientation as part of Military Equal Opportunity (MEO) program?

The Department will review related directives and instructions as is normally done when policies are changed. The two directly affected issuances are as follows:

- DoDD 1020.02E, Diversity Management and Equal Opportunity in the Department of Defense (currently pending publication)
- DOD, 1020.XX – Department of Defense Military Equal Opportunity (MEO) Program (replaces DODD 1350.2).

Are there plans to expand coverage for transgender individuals in the MEO system?

No.

What steps has the department taken to ensure that the military services and components' Equal Opportunity Advisors (EOA) offices are trained to accept sexual orientation discrimination cases?

The Defense Equal Opportunity Management Institute (DEOMI) provides EOAs with competencies for addressing a wide range of problematic behaviors and allegations. We expect Service EOAs to apply those competencies to address allegations of discrimination based on sexual orientation.

Are there any resources available to service members to learn more about this change in policy?

At this time, we can refer service members to the DoD Directive 1020.02e once it is published. They may also reference the current version of DoDD 1350.2 for background on the existing MEO Program. It is important for those reviewing DoDD 1350.2 to note that it is under conversion into a DoD instruction.