



# **Policy on the Military Service of Transgender Soldiers Training Module Tier 2: Commanders and Leaders**

As of 16 September 2016



*Our mission is to defend this country, and we don't want barriers unrelated to a person's qualification to serve preventing us from recruiting or retaining the Soldier, Sailor, Airman, or Marine who can best accomplish the mission. We have to have access to 100 percent of America's population for our all-volunteer force to be able to recruit from among them the most highly qualified – and to retain them...*

**Starting today: Otherwise qualified Service Members can no longer be involuntarily separated, discharged, or denied reenlistment or continuation of service just for being transgender.**

**— Secretary of Defense Ash Carter, June 30, 2016**



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# Purpose

This module provides training on Department of Defense and Army policy allowing open service of transgender Soldiers, and an overview of roles; responsibilities and associated processes.



# Transgender Service Policy

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- The Army allows transgender Soldiers to serve openly
- The Army is open to all who can meet the standards for military service and remains committed to treating all Soldiers with dignity and respect while ensuring good order and discipline
- All Soldiers must maintain Army standards, good order and discipline at all times
- Transgender Soldiers are subject to the same standards as any other Soldier with the same DEERS gender marker
- An otherwise qualified Soldier shall not be involuntarily separated, discharged, or denied reenlistment or continuation of service on the basis of gender identity

Ensure all Soldiers are treated with dignity and respect at all times



# Gender Transition in the Army

➤ **Gender Transition Complete:** an administrative status indicating that a Soldier has completed the medical care necessary to achieve stability in the preferred gender.

- The medical care is the medical process identified or approved by a military medical provider, in a documented medical treatment plan.
- The care required to transition is individualized and often does not include surgical treatment.
- Transition complete is an administrative status and does not preclude future medically necessary treatment.

➤ **Gender Marker Change:** Once gender transition is complete and the Soldier's gender marker in DEERS is changed, the Soldier is expected to adhere to all military standards associated with the Soldier's gender marker in DEERS and use billeting, bathroom, and shower facilities in accordance with the DEERS gender marker.

Soldiers will comport to the standards associated with their gender marker in DEERS.



## Prohibition of Harassment and Discrimination

All Soldiers are entitled to equal opportunity in an environment free from harassment, including sexual harassment and unlawful discrimination based on sex (gender identity)

The chain of command is the primary and preferred channel to identify and correct discriminatory practices with the assistance of the Equal Opportunity Advisor. The chain of command will process and resolve complaints and ensure that EO matters are taken seriously and acted on

Commanders and all Soldiers must maintain good order and discipline within the ranks. Violations of EO policies may result in disciplinary actions under the UCMJ

EO policies apply to working, living, and recreational environment (on and off-post, during duty and non-duty hours)



## Terms

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**Gender identity.** One's internal or personal sense of being male or female

**Gender dysphoria.** A medical diagnosis that refers to distress that some transgender individuals experience due to a mismatch between their gender and their sex assigned at birth

**Medically necessary.** Those health care services or supplies necessary to prevent, diagnose, or treat an illness, injury, condition, disease, or its symptoms and that meet accepted standards of medicine

**Real life experience.** The phase in the gender transition process when the individual commences living socially in the gender role consistent with their preferred gender. This will generally occur in an off-duty status and away from the Soldier's place of duty prior to the change of the gender marker in DEERS

**Preferred gender.** The gender of Soldier when gender transition is complete and the gender marker in DEERS is changed

**Gender marker.** Data element in the Defense Enrollment Eligibility Reporting System (DEERS) that identifies a Service member's gender



## Terms Cont.

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**Transgender Soldier.** A Soldier who has received a medical diagnosis indicating that gender transition is medically necessary, including any Soldier who intends to begin transition, is undergoing transition, or has completed transition and is stable in the preferred gender

**Gender transition process.** Gender transition in the Army begins when a Soldier receives a diagnosis (or confirmation of a civilian diagnosis) from a military medical provider indicating that the Soldier's gender transition is medically necessary, and concludes when the Soldier's gender marker in DEERS is changed and the member is recognized in the preferred gender

**Stable in preferred gender.** Medical care identified or approved by a military medical provider in a documented medical treatment plan is complete, no functional limitations or complications persist, and the individual is not experiencing clinically significant distress or impairment in social, occupational, or other important areas of functioning. Continuing medical care, including but not limited to cross-sex hormone therapy, may be required to maintain a state of stability



## Roles and Responsibilities

- **Transgender Soldier:** *Initiate process, maintain individual readiness and meets Army standards throughout the transition process*
- **Military Medical Providers:** *Provide diagnosis, develop treatment plan, confirm medical treatment plan complete, provide medical treatment*
- **Commander:** *Maintain unit readiness, support the Soldier, approve timing of medical treatment plan, and approve gender marker change upon submission of completed request*

Policy, guidance, and sample memos are available on milSuite at: <https://www.milsuite.mil/book/groups/army-transgender-service-information/overview>

Source: Army Directive 2016-35, Enclosure 1, (7 October 2016)



## Transitioning Soldier Responsibilities

### **Initiates process, maintains individual readiness, and meets Army standards**

- ***Seeks a medical diagnosis (or confirmation of a civilian diagnosis) from a military medical provider (MMP)***
- Notifies immediate commander (CDR)
- Works with military medical treatment team (MTT) to develop a medical treatment plan (MTP)
- Works with the commander and MTT to refine timing of the treatment plan
- Works with commander to set conditions which support MTP
- After medical treatment plan is complete, submits request through brigade level commander for gender change in DEERS
- Maintains standards during and after gender transition IAW gender marker.
- ***Uses the billeting, bathroom, and shower facilities associated with their gender marker in DEERS***

**Soldiers who identify as transgender should seek assistance from their military medical provider**

***For RC Soldiers using a civilian medical provider, diagnosis and treatment plan will be subject to validation by a military medical provider***



## Medical Treatment Team Responsibilities

### **Diagnosis, treatment plan, and confirmation treatment is complete**

- Assesses Soldier to determine if gender transition is medically necessary
- Develops a treatment plan with recommended timeline in coordination with commander and Soldier
- Advises the commander and Soldier on how treatment will impact readiness
- Informs the commander and Soldier when treatment is complete

None  
Freedom  
of  
Conscientious  
Provision

**Military Medical Providers will provide a diagnosis, develop a treatment plan, and confirm treatment plan is complete**



## Commander Roles and Responsibilities

### ➤ Maintain unit readiness, support the Soldier, approve timing of medical treatment plan, and approve gender marker change

- Maintain overall readiness of the command, to include morale, welfare, good order and discipline
- Ensure all Soldiers are treated with dignity and respect
- Approve timing, or adjustment to the timing, of the medical treatment plan (MTP); Notify Service Central Coordination Cell (SCCC) upon receipt of the request to approve timing, or adjustments to timing of MTP
- Upon receipt of request to change the Soldier's gender marker, confirm the package supporting the request is complete and notify the Soldier of any deficiencies
- Approve completed request to change to Soldier's gender marker within 30 days of receipt (60 for RC) of a completed request; Inform SCCC upon receipt of request, forward approval through chain of command to CG, HRC
- If a transgender Soldier is pending OCONUS travel for deployment, assignment, TDY, leave or pass, consult with the servicing SJA [per ASA(M&RA) staff comments]

No  
conscience  
provision  
for  
Commanders

**Commanders will approve the timing of medical treatment based on individual Soldier welfare and unit readiness requirements**



## Guidance for Commanders

Unique to military service, commanders are responsible and accountable for the overall readiness of their commands. They are also responsible for the collective morale and welfare and good order and discipline of the unit, and for fostering a command climate where all members of the command are treated with dignity and respect.

**Commanders at all levels will balance individual Soldier welfare with unit readiness. Commanders may not deny the Soldier medically necessary treatment, but brigade-level commanders may approve the timing of the medical treatment plan**



# Key Roles and Responsibilities

## ➤ Army Service Central Coordination Cell (SCCC)

- Serves as a resource for commanders
- Comprised of medical, legal, and military personnel experts
- Processes requests for Exception to Policy (ETP)

### **SCCC Contact Information**

- ❖ [usarmy.pentagon.hqda-dcs-g-1.mbx.sccc@mail.mil](mailto:usarmy.pentagon.hqda-dcs-g-1.mbx.sccc@mail.mil)
- ❖ Mr Paul Aswell at DSN (312) 225-7693 or COM (703) 695-7693, [paul.l.aswell.civ@mail.mil](mailto:paul.l.aswell.civ@mail.mil)
- ❖ COL Susie J. Granger at (312) 225-7726 or COM (703) 695-7726, [Susie.j.granger.mil@mail.mil](mailto:Susie.j.granger.mil@mail.mil)

## ➤ Assistant Secretary of Army for Manpower & Reserve Affairs (ASA(M&RA))

- Approval authority for ETP requests regarding preferred gender



## Exception to Policy (ETP) Process

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**The process for requesting an ETP to depart from the standards of a Soldier's gender marker in DEERS is as follows:**

- Approval authority for requests for an ETP to Army standards associated with gender transition is withheld to the Assistant Secretary of Army for Manpower and Reserve Affairs (ASA/M&RA) for decision
- Commanders must forward ETP requests (NLT 60 days after receipt) through the first general officer in the chain of command to the SCCC
- ETP request requires MMP medical diagnosis and an approved treatment plan timeline with an estimated date for completion
- Commanders should include in their comments a discussion of other actions considered or used, and why these actions were ineffective or inadequate

### **Commander's considerations:**

- May establish or adjust local policies on the use of billeting, bathroom, and shower facilities subject to regulation by the military
- May accommodate privacy concerns for all Soldiers using existing facilities and furnishings where possible and will modify facilities only when other options are ineffective
- Should try other options to provide reasonable accommodations instead of an ETP (e.g., obtaining a medical profile, adjusting APFT date); however, once received, the ETP request must be processed. Medical profiles must be carefully considered and consistent with AR 600-9 and AR 40-501.



## Vignette 1: No Gender Dysphoria

### Vignette:

Soldier who was assigned male at birth says he identifies as female. Soldier lives as a female in his off-duty hours. He has no medical diagnosis, does not plan to seek medical treatment, and does not experience significant distress relating to his gender identity. Soldier is not requesting to be treated as a female while on duty.

### Considerations and Responsibilities:

1. Treat the Soldier with dignity and respect.
2. No further action is required.
3. If Soldier later requests to be identified as a female during duty hours and/or experiences increased distress relating to his gender identity, inform Soldier of the Army's Transgender policy and recommend that he see a military medical provider. Gender transition in the Army begins when a Soldier receives a diagnosis from a military medical provider indicating that gender transition is medically necessary.



## Vignette 2: No Diagnosis

### Vignette:

Soldier is assigned female at birth. She tells her first sergeant that she identifies as male and would like to be treated as a male. She has not yet seen a military medical provider.

### Considerations and Responsibilities:

1. Treat Soldier with dignity and respect.
2. Inform Soldier that the Army recognizes a Soldier's gender by the Soldier's gender marker in DEERs. Coincident with that gender marker, the Soldier is responsible to meet all standards for uniforms and grooming; body composition assessment; physical readiness testing; Military Personnel Drug Abuse Testing Program participation; and other standards applied with consideration of the Soldier's gender.
3. Advise Soldier to see a military medical provider. Gender transition in the Army begins when a Soldier receives a diagnosis from a military medical provider indicating that a Soldier's gender transition is medically necessary.



## **Vignette 3: Inability to meet standards**

### **Male to Female transition**

#### **Vignette:**

A Soldier is transitioning to become female and has an approved medical treatment plan (MTP). The MTP includes feminizing hormone therapy and is expected to be complete in six months. After five months, however, it becomes increasingly difficult for the Soldier to meet the male body composition and physical readiness standards, although the MTP is not complete.

#### **Considerations and Responsibilities:**

1. Commander should work with the Soldier and the military medical provider (MMP) to accommodate the Soldier without conflicting with Army standards, such as moving the APFT date or authorizing extended leave. Any medical profile must meet criteria consistent with AR 600-9 and should be treated as any other medical issue would be treated
2. The Soldier is responsible to continue to meet all male standards until the gender marker is changed in DEERS in accordance with this policy. However, Soldiers may request an ETP to depart from the standards of a Soldier's gender marker in DEERS. The approval authority is the Assistant Secretary of the Army for Manpower and Reserve Affairs

**The Soldier must notify the commander of any changes to individual medical readiness that may impact the ability to meet standards. The Soldier, commander, and military medical provider must maintain open communication.**



## Vignette 4: Mission Readiness

### Male to Female transition

#### Vignette:

A Soldier assigned male at birth has been diagnosed with gender dysphoria and has an approved medical treatment plan with an estimated completion date in seven months. Three months into the plan, a military medical provider determines gender reassignment surgery is medically necessary for this Soldier, which would extend the completion date of his gender transition plan for an additional six months. His unit is scheduled to deploy two months before the new expected completion date.

#### Considerations and Responsibilities:

1. The brigade-level commander is responsible for approving the timing, or adjustments to the timing, of medical treatment associated with gender transition and must consider: the Soldier's individual facts and circumstances, including the Soldier's medical treatment plan; ensuring the military readiness by minimizing impacts to the mission (including deployment, operational, training, and exercise schedules, and critical skills availability), and the morale and welfare, and good order and discipline of the unit.
2. Brigade-level commander is required to notify the SCCC when a request for approval is received.
3. After balancing the needs of the Soldier and the needs of the Army, and consulting the military medical provider and the SCCC, the brigade-level commander may delay the Soldier's gender reassignment surgery until after the deployment.
4. The brigade level commander may also assign the Soldier to home-station duties as he would any other temporarily non-deployable Soldier.

**The Soldier must notify the commander of any changes to individual medical readiness that may impact the ability to meet standards. The Soldier, commander, and military medical provider must maintain open communication**



## **Vignette 5: Mission Readiness**

### **Female to Male transition**

#### **Vignette:**

A Soldier assigned female at birth transitioned to male as is reflected in the gender marker in DEERS. The Soldier has recently undergone medically necessary sex reassignment surgery. Unfortunately, he has developed severe complications related to the recent surgical procedure. These complication will require additional procedures and an extended period of non-deployable time.

#### **Considerations and Responsibilities:**

1. Transgender Soldiers will be treated the same as any other Soldier with a medical condition and will be provided all medically necessary care, before and after a change in the Soldier's gender marker.
2. If the military medical provider finds that the Soldier's condition may permanently interfere with his ability to serve on active duty, either the brigade-level commander or the military medical provider may refer the Soldier for a determination of fitness in the disability evaluation system in accordance with AR 635-40, Physical Evaluation for Retention, Retirement, or Separation. A transgender Soldier whose ability to serve is adversely affected by a medical condition related to his or her gender identity must be treated, for purposes of separation and retention, in a manner consistent with any other Soldier whose ability to serve is similarly affected.

Transgender Soldiers whose ability to serve is adversely affected by a medical condition must be treated, for purposes of separation and retention, in a manner consistent with any other Soldier whose ability to serve is similarly affected.



## Vignette 6: Pregnancy Transition Complete

### Vignette:

A Soldier has completed Army gender transition from female to male as indicated in DEERS.

The Soldier did not ~~to~~ have sex-reassignment surgery, and recently stopped taking male hormones in order to try and start a family.

Today, the Soldier approached his commanding officer to discuss his newly confirmed pregnancy.

### Considerations and Responsibilities:

1. Soldiers must always notify the chain of command of any change to individual medical readiness (IMR). A Soldier's IMR requirements may not coincide with what is listed in the personnel data system.
2. Understand that Soldiers who have transitioned gender may remain susceptible to medical conditions associated with their birth gender. Transgender Soldiers will be treated the same as any other Soldier with a given medical condition.
3. All pregnant Soldiers will receive prenatal care and are entitled to all relevant medical care, administrative entitlements, and leave prescribed under Service policies. Commanders and units will comply with all policies related to pregnant Soldiers.

Transgender Soldiers with a medical condition, including pregnancy, will be treated the same as any other Soldier with that condition.



## Vignette 7: Reserve Component Female to Male Transition

### Vignette:

A Soldier is a member of the individual ready reserve (IRR) and does not have access to a military medical provider. She is transitioning to male and has changed her birth certificate and driver's license to male. The Soldier wants to be considered male by the Army.

### Considerations and Responsibilities:

1. All IRR Service members have a responsibility to maintain their health and fitness, meet readiness requirements, and report to their chain of command any medical readiness issues
2. The Soldier must submit medical documentation that supports the diagnosis of gender dysphoria to the Commander, US Army Human Resources Command (USAHRC), accompanied by a projected schedule for medical treatment with an estimated date for a change in the Soldier's gender marker, and a request that the Commander, USAHRC approve the timing of the medical treatment
3. Soldier must also notify the Commander, USAHRC in the event of any change to the projected schedule for such treatment, or the estimated date for the change in the Soldier's gender marker.
4. After the timing of medical treatment is approved by the Commander, USAHRC, and once the Soldier's medical provider determines the Soldier has completed medical treatment necessary to achieve stability in the preferred gender, the Soldier may request to the Commander, USAHRC approval of a change to the Soldier's gender marker

**Soldiers must notify the commander of any changes to their individual readiness, whether a member of the Active or Reserve Component.**

***For RC Soldiers using a civilian medical provider, diagnosis and treatment will be subject to validation by a military medical provider***



## Vignette 8: Use of Showers Transition Complete

### Vignette:

A Soldier transitioned from male to female as indicated in DEERS. The Soldier did not have sex-reassignment surgery. The transgender Service member is using the female showers and has expressed privacy concerns regarding the open bay shower configuration. Similarly, other Soldiers have expressed discomfort showering with a female who has male genitalia.

### Considerations and Responsibilities:

1. Soldiers should discuss concerns about privacy with their chain of command.
2. Soldiers must accept living and working conditions that are often austere, primitive, and characterized by little or no privacy.
3. All Soldiers will use the billeting, bathroom, and shower facilities associated with their gender marker in DEERS.
4. Commanders have discretion to employ reasonable accommodations when a Soldier voices concerns about privacy. Steps may include:
  - Facility modifications, such as installing shower curtains and placing towel and clothing hooks inside individual shower stalls.
  - Authorize alternative measures to respect personal privacy, such as adjusting shower schedules or changing facilities.
  - Facilities will not be designated, modified, or constructed to make TG only areas. Any modifications made must be available to all Soldiers to use. Accommodations cannot isolate or stigmatize the TG Soldier.
  - Commanders should contact the SCCC for assistance.

**Soldiers should discuss concerns about privacy with their chain of command**



## Vignette 9: Urinalysis Transition Complete

### Vignette:

A Soldier transitioned from female to male as indicated in DEERS. The Soldier did not have sex-reassignment surgery. The transgender Soldier is randomly selected to undergo a urinalysis test at his new command.

### Considerations and Responsibilities:

1. The Soldier should discuss circumstances with command leadership during sign-in period to determine options and allow the commander the ability to ensure observers are properly trained.
2. Commanders may consider alternate observation options if a request from a transgender Service member or an observer is made. Options could include observation by a different observer or medical personnel
3. Consult with the SCCC; if unable to make special accommodation, spend time discussing the situation with both the observer and the Service member.
4. Ensure the integrity of the MPDATP is maintained.

The commander must adhere to procedures outlined in the Military Personnel Drug Abuse Testing Program (MPDATP) and Army policy.



## Vignette 10: Assignment Considerations Transition Complete

### Vignette:

A transfemale Soldier arrived in the CENTCOM Area of Responsibility (AOR) to serve as an advise-and-assist mentor to female police officers. The country of assignment specifically requires female trainers for their female police officers. The country has wide-spread anti-LGBT sentiment and criminal penalties for violations of social norms. This female Soldier may or may not have had sex reassignment surgery.

### Considerations and Responsibilities:

1. The Soldier must be mindful of challenges presented by beliefs and norms in the AOR and potential dangers unique to transgender status
2. This situation is unique in that close proximity with women and men in foreign countries may be more complicated than in the U.S.
3. Commander should consult with the local SJA and the SCCC to ensure knowledge of host nation laws and customs prior to deploying a transgender person OCONUS

Contact JAG and SCCC to ensure knowledge of host nation laws and customs prior to deploying a transgender person OCONUS