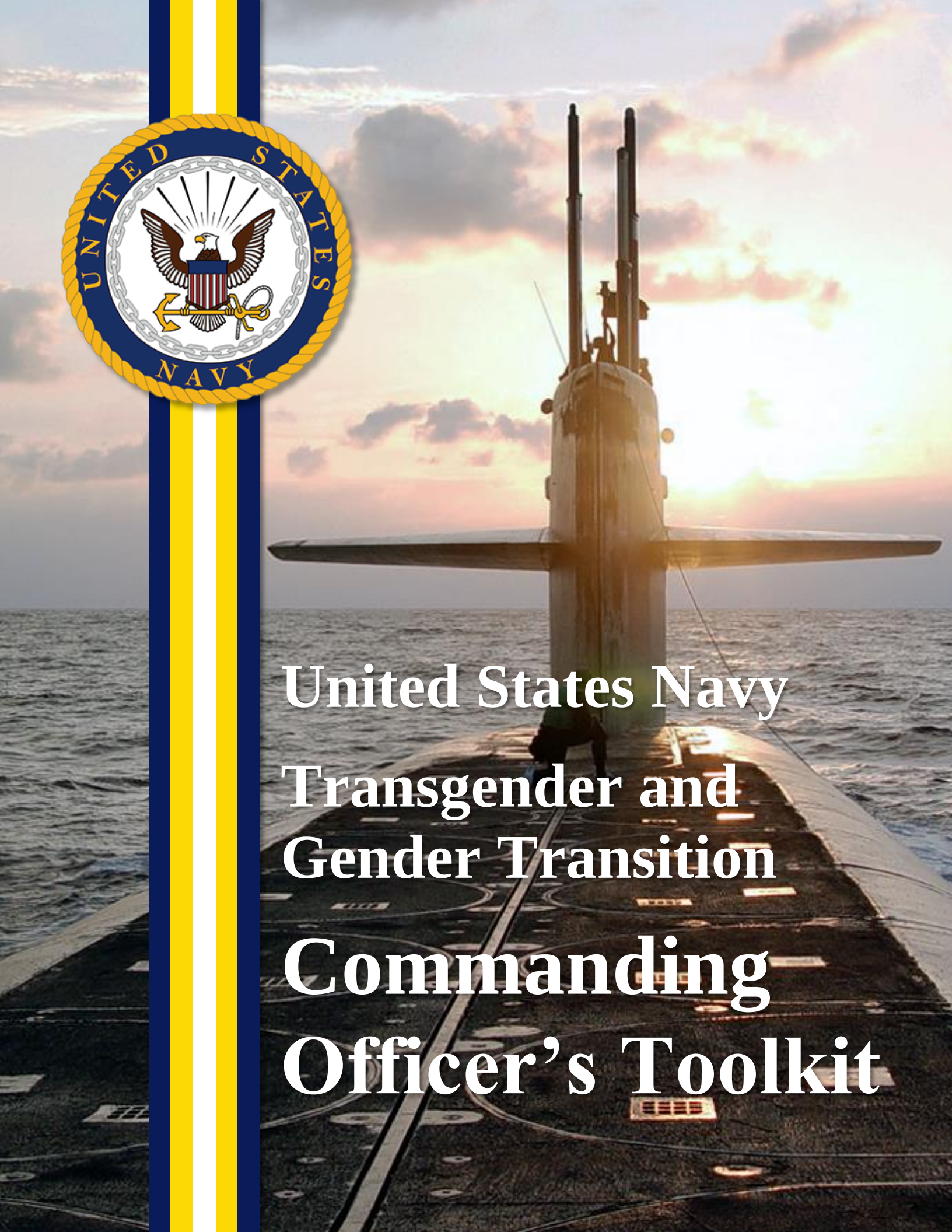


United States Navy

Transgender and Gender Transition

Commanding Officer's Toolkit

This guide is intended as a supplement to the *Transgender Service in the US Military: An Implementation Handbook*. The Department of Defense (DoD) handbook addresses many topics to assist in understanding transgender terms, definitions, and related issues which are not fully repeated in this guide. The DoD guide and this guide are not all-encompassing. Should Commanding Officers have questions or discover situations which are not adequately addressed, they are encouraged to contact the USN Service Central Coordination Cell (SCCC) listed at the end of this guide for policy assistance.

Existing standards of conduct shall continue to apply to all Service Members with the continued expectation of treating each other with dignity, respect, and professionalism.

Commanding Officers should use this opportunity to review their local standards of personal and professional conduct 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. Place special emphasis during such review on the following areas: berthing, shower and head facilities, dress and appearance, and zero tolerance for harassment and hazing. Standards of conduct must clearly address the responsibility of leaders, supervisors, and subordinate personnel to foster unit cohesion, good order and discipline, respect for authority, and mission accomplishment.

Commanding Officers must promote the dignity and respect of all personnel to include transgender Sailors, prevent discrimination and harassment based on gender identity, and provide guidance to command personnel as required regarding gender transition by military personnel.

Understanding the Transition Process

Transition: *Period of time when individuals change from the gender role associated with their sex assigned at birth to a different gender role. For many people, this involves learning how to live socially in another gender role, for others this means finding a gender role and expression that are most comfortable for them. Transition may or may not include feminization or masculinization of the body through cross-sex hormone therapy or other medical procedures. The nature and duration of transition are variable and individualized.*

Gender Transition Process

Though the **Gender Transition** process (the process of changing the physical appearance of an individual to align with their preferred gender identity) involves medical, social, and administrative components, the starting point will always be a medical diagnosis. If a Sailor expresses to command leadership feelings of gender non-conformity, which in some cases can cause significant distress or anxiety, it is important to recognize the Sailor is likely under psychological strain that may place them in a vulnerable position. Assist the Sailor in obtaining an appointment with mental health professionals to obtain a medical diagnosis at the first available opportunity. Leadership needs to assure the Sailor of the command's support, address personal privacy concerns, and reiterate zero tolerance for any discrimination or harassment.

A medical diagnosis is a fundamental first step in a transition process. When a medical diagnosis of **Gender Dysphoria** (a medical diagnosis that refers to distress that some transgender individuals experience due to a mismatch between their birth gender and their sex and that may cause them difficulty in functioning in their social or work environment) indicates Gender Transition is necessary, the Sailor, Military Medical Provider (MMP), and Commanding Officer (CO) will jointly develop a **Transition Plan**.

Gender Dysphoria is a condition that will rarely require emergency care/medical intervention or removal from a command. A diagnosis of Gender Dysphoria involves a multi-visit, comprehensive medical review conducted at an appropriate Military Medical Treatment Facility. Transition will not be initiated simply on the basis of a declaration of a Gender Identity issue by the Sailor. There must be a medical diagnosis and medical treatment plan on record as developed by the MMP in conjunction with the BUMED Regional Transgender Care Team (TGCT) (See BUMEDNOTE 6000).

Medical courses of treatment vary from person to person and may include any or all of the following: behavioral health counseling, cross-sex hormone therapy, surgery, and real-life experience (RLE). Goals are to minimize impact to both the Command and the Sailor, and to maintain the Sailor's fitness for duty, or return the Sailor to duty as quickly as possible following periods of limited duty. A CO may not disapprove medically-necessary Gender Transition care or timing of urgent care, but may work with the Sailor's medical provider and the Sailor to adjust timing of periods of limited duty to support operational or work requirements.

Understanding the Transition Process

The Sailor's CO will approve the Transition Plan, which will include the **Medical Treatment Plan** as outlined and approved by the MMP, guidance regarding the immediacy and timing of recommended treatment, guidance on RLE, operational and mission requirements, length of the treatment plan, discussion on the expectation of maintaining standards based on the gender marker in personnel administrative systems/DEERS, communication requirements to include timing of disclosure to the workforce and taking the Sailor's desires into consideration.

Due to Navy operational requirements, transition should be completed within 18 months and no later than 24-months with waiver following the date the CO approves a Sailor's Transition Plan. However, there is not a standardized transition timeline. Once the Transition Plan is completed, there may be other medical procedures undertaken by the individual but these would be considered as a routine medical procedure and not to be affiliated with the Transition Plan. Each Sailor's transition will be handled on a case-by-case basis with medical determination of fitness for duty the controlling factor. A command-approved Transition Plan will detail the Sailor's anticipated transition timeline based on the individual's diagnosis and Medical Treatment Plan. Similar to other medical conditions, complications or unforeseen issues may arise which alter the treatment plan timeline.

Gender Transition Process: *Gender transition in the military begins when a Service Member receives a diagnosis from a military medical provider indicating that the member's gender transition is medically necessary, and concludes when the Service Member's gender marker in DEERS is changed and the member is recognized in the preferred gender.*

Understanding the Transition Process

Real Life Experience (RLE): *RLE is the phase in the gender transition process during which the individual commences living socially in the gender role consistent with their preferred gender. RLE may or may not be preceded by the commencement of cross-sex hormone therapy, depending on the medical treatment associated with the individual Service Member's gender transition. The RLE phase is also a necessary precursor to certain medical procedures, including gender transition surgery. RLE generally encompasses dressing in the new gender, as well as using preferred gender berthing, bathroom, and shower facilities.*

Real Life Experience

RLE refers to a period of time during transition when a transgender person changes outward gender expression and lives in their preferred gender.

- This will often start prior to an official administrative change of gender during off-duty hours and may include socialization, clothing, and appearance (hair style, cosmetic, etc.) changes. A transgender Sailor may desire to engage in RLE during a leave period or after duty hours.

- RLE expectations and timing must be discussed and codified in the Medical Treatment Plan and the Transition Plan. A Sailor who is undergoing transition and has been approved by the CO to conduct RLE in accordance with the agreement in the Sailor's Transition Plan is not considered to be cross-dressing. A more extensive discussion of cross-dressing and the limitations of such are listed on the Navy Personnel Command website under Support & Services/21st Century Sailor/LGBT Resources.

- There is no ability to conduct RLE shipboard/underway. Clear expectations for RLE in various social settings should be communicated and is typically not authorized at military functions in or out of uniform unless the CO has documented and approved.

- There are three situations where RLE may occur, each with its own considerations or restrictions:

    - Foreign Locations. Commands need to be cognizant of host-nation laws and social norms when considering RLE in an off-duty status in foreign nations. Travel warnings, the State Department's country-specific website, the DoD Foreign Clearance Guide, and any U.S. regional military Commander directives should be reviewed and heeded.

    - Stationed in the United States, Shipboard. When a Service Member is onboard a ship, they are considered in an on-duty status, even after working hours. In accordance with DoDI 1300.28, RLE takes place away from the working environment. As part of the approved Transition Plan, COs may allow for embarkation and debarkation from the ship for Sailors going on liberty to commence after-hours RLE.

Understanding the Transition Process

- Stationed in the United States, Shore Based. When a Service Member is stationed at a shore facility, they may execute RLE away from the workplace.

Transition Process Complete

When the MMP determines that the Medical Treatment Plan is complete, the Sailor obtains the required State or Federal legal documents, as outlined in DoDI 1300.28 (amended passport, updated birth certificate, or court order). Following CO written approval (sample on pg. 25), the Sailor may submit a request to execute the gender marker change in DEERS.

When the Service Member's gender marker in personnel administrative systems/DEERS is changed (as completed per MILPERSMAN 1000-131), apply the preferred gender standards for uniform, grooming, PFA, and Military Personnel Drug Abuse Testing Program **(**MPDATP). The requirement to meet preferred gender standards after the gender marker change must be clearly communicated to the transitioning Sailor so that they are prepared, particularly for the PFA.

Direct the use of military berthing, head, and shower facilities according to the Service Member's gender marker as reflected in DEERS.

Gender Transition Complete: *A Service Member has completed the medical care identified or approved by a military medical provider in a documented medical treatment plan as necessary to achieve stability in the preferred gender. The Service member obtains appropriate documentation and the Commanding Officer provides written permission to change the gender marker in personnel administrative system/DEERS.*

Counseling Tips

Transgender Service Member: *A Service Member who has received a medical diagnosis indicating 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 the preferred gender.*

First Steps for Commanding Officers

When a Sailor Informs the Commanding Officer that they are/suspect they are Transgender

The CO should be supportive, respect privacy concerns, and describe the basic tenets of policies and processes outlined in instruction and the DoD Handbook relevant to Navy transgender personnel. Be cognizant that the Sailor may know very little or have incorrect information about existing DoD and Navy transgender policy, what options are available to them, and what, if any, immediate actions will be taken. Assure the Sailor that any actions regarding performance of duties will be based on readiness and the Sailor's ability to perform tasks as determined by medical evaluations and operational requirements. This will likely be a good opportunity to discuss the basics of how gender transition might typically occur, to include the need for medical diagnosis, a Medical Treatment Plan, and development of a Transition Plan which will detail the steps and timing of the Sailor's gender transition, in the event their personal decision includes transition. Tips for discussion:

- The timing of undergoing transition. There are distinct differences between shipboard and shore-based transitions. Ideally, transitions are conducted in a shore environment to allow greater access to health care, greater opportunity to conduct real-life experience and to reduce the added stressors of operational requirements. The timing discussion should include any potential career implications, especially with regard to sea duty completion, and whether Sailor may prefer transfer or staying in the current command.

- The CO may not deny medically necessary care but may adjust the timing of transition or surgical procedures based on mission unless the care is medically urgent as determined by the MMP. While the care outlined in the Medical Treatment Plan is considered medically necessary, it is typically not medically urgent. This can be verified through the MMP.

Counseling Tips

- If a Sailor desires to remain shipboard during transition, they are required to maintain standards up to and through the legal change (must maintain birth gender grooming and appearance standards and use birth gender head, shower, and berthing facilities until the CO receives medical proof of transition complete and provides the Sailor the written approval to make the DEERS gender marker change per MILPERSMAN 1000-131). Once a Sailor's gender marker is changed in DEERS, they will shift grooming and uniform standards and use the head, shower, and berthing facilities associated with their preferred gender. This shift should be accompanied by communications with shipmates in the work center and shared living spaces. The transitioning Sailor should be consulted on how this will be communicated.

- In either case (shipboard or shore-based transitions), Sailors should be counseled that they will be required to meet all gender standards associated with their gender marker in DEERS. This means that upon completing their transition they are expected to be able to meet their new physical fitness requirements.

- The Navy will allow up to 18 months for gender transition completion. Waivers for an additional 6 months up to two years maximum for transition may be considered. If Sailors desire additional medical procedures after the legal transition is complete, it is considered to be as any other medical procedure but is not considered part of the transition process by the Navy.

Gender Marker: *Data element in DEERS that identifies a Service Member's gender. A Service Member is expected to adhere to all military standards associated with the member's gender marker in DEERS and use military berthing, bathroom, and shower facilities in accordance with the DEERS gender marker.*

Counseling Tips

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.*

- Physical Fitness Assessment (PFA). Since PRIMS gender marker data is fed by personnel systems, there is no ability to change testing standards until the legal gender marker change in DEERS. Personnel will be subject to assessment standards of their birth gender prior to the change in DEERS unless medically waived as required like any other medical condition.

- Sailors requiring adjustments to a Transition Plan may do so with CO approval. CO's may adjust the Transition Plan as required or as it makes sense in consultation with the Sailor.

Communication

Communication between the CO and Sailor is critical throughout the transition process. Discuss who will communicate the Sailor's transition to shipmates - the Sailor, CO, or together. A Department Head or another senior member of the command may also be chosen to communicate to the Sailor's work center, but the CO will want to ensure the message content is appropriately non-stigmatizing.

The goal is to keep the transitioning Sailor and other command members as comfortable as possible throughout the entire process. While the transitioning Sailor's privacy is to be respected, there will be a point where other members of the command will notice changes and communication is necessary.

Grooming and Uniform Standards / Facilities Use

Uniform and Grooming Standards

Standards for uniform and grooming must match the official gender as annotated in DEERS, therefore, a transgender Sailor's shift of uniform and grooming standards will occur concurrently with the administrative change of gender in DEERS. Sailors who transition gender will not receive a special uniform allowance for uniforms of their acquired gender. Service Members will be responsible for purchasing any required uniforms after completing a Gender Transition using their current clothing replacement allowance (CRA). An adjustment in the type of clothing allowance (male-to-female or female-to-male) will be made when DFAS is made aware of a gender change. The rate change may not be reflected in the Service Member's pay account until the next year of their anniversary. Keep in mind the NWU are unisex, there are not male and female versions. Optional items (such as skirts, relax fit jackets, sweaters) are not funded as part of the clothing allowance. Remember that Service uniforms and Service Dress White uniforms have a 24-month wear life and the Service Dress Blue has a 36-month wear life and should be replaced accordingly or as required to maintain a neat and professional appearance. Sailors are provided the full amount of a new uniform in their annual CRA during the wear life of each uniform. The key to this and all important decisions that involve fiscal expenditures is planning.

Berthing

Updated Standard Organization and Regulations Manual (SORM) guidance will be published via NAVADMIN and included at a future date in OPNAVINST 3120.32D. COs should consider developing command modesty policies as required. Courteous behavior and individual privacy of each command member should be addressed. The creation of separate living quarters based on gender identity is prohibited, and the CO is not authorized to establish practices that physically segregate Service Members according to gender identity.

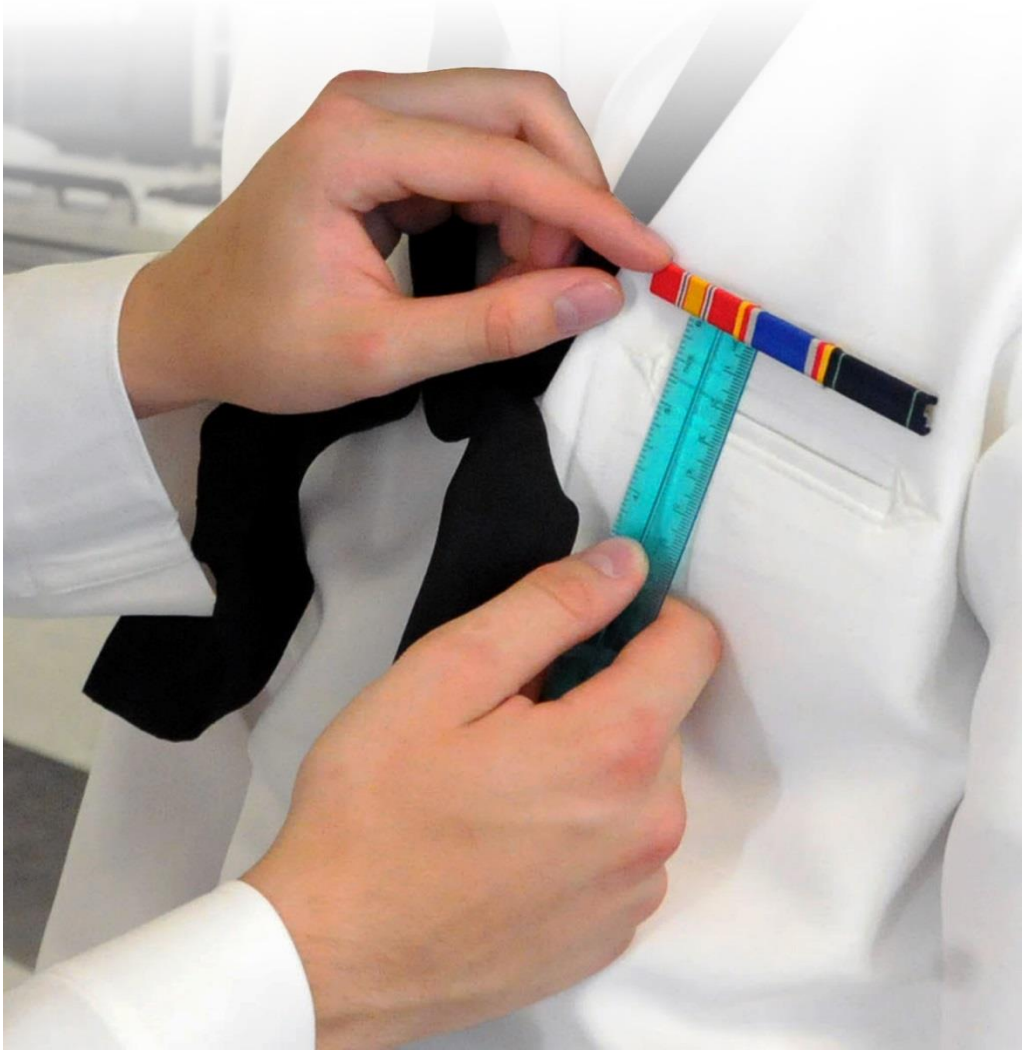
Berthing assignment must match gender as annotated in DEERS, therefore, a transgender Sailor's shift of berthing will occur concurrently with an administrative change of gender in DEERS. Prior to the DEERS gender marker change, the Sailor will be assigned to the corresponding berthing of their birth gender. After the DEERS change, the Sailor will be assigned to the corresponding berthing of their preferred gender.

Preferred Gender: *The gender in which a transgender Service Member will be recognized when that member's gender transition is complete and the member's gender marker in DEERS is changed.*

Grooming and Uniform Standards / Facilities Use

Head/Restroom and Shower Facilities (referred to as "facilities") Usage

Similar to assignment of berthing, head and shower facilities use must match gender as annotated in DEERS, therefore, a transgender Sailor's shift of facilities usage will occur concurrently with administrative change of gender in personnel administrative systems/DEERS upon submission of legal documentation of gender change in accordance with MILPERSMAN 1000-131.



Physical Fitness Assessment (PFA) and Urinalysis

Physical Fitness Assessment (PFA) Program standards

There are no separate or distinct standards for transgender Service Members. Service Members must adhere to applicable fitness program standards commensurate with the gender marker currently reflected in DEERS. Service Members and MMPs must carefully consider the time required to adjust to new PRT standards as part of the medical treatment and transition planning process.

Sailors who complete transition are expected to meet Navy standards of the preferred gender at the same time as the administrative gender marker change in DEERS. MMPs should take this into account when signing off transitioning individuals as complete.

Military Personnel Drug Abuse Testing (Urinalysis) Program (MPDATP)

Transgender personnel are subject to all urinalysis program requirements, and direct observation of urine collection by a trained observer is required. Not all transgender people who transition gender make the full surgical change – therefore, COs retain the discretionary authority in assigning observers to ensure the dignity of the transgender Sailor and the designated observer are upheld while maintaining the requirements of the urinalysis program. An observer is not required to conduct this duty if they are uncomfortable doing so. Examples of allowances include:

- Use of medical personnel as observers if available and/or as authorized by the medical command.

- Finding an observer who is comfortable observing a transgender Sailor who may have different genitalia than the gender marker listed in DEERS.

Transfer / Reassignment

Command Transfer/Reassignment

Recommended duty reassignments based on a medical diagnosis and a treatment plan will be coordinated on a case-by-case basis consistent with other medical conditions that may require transfer for medically indicated reassignment.

As a general rule, Gender Transitions will only be allowable shipboard if a transitioning Service Member can maintain deployability standards, with exceptions for minor convalescent leave periods, up to and through the legal change (birth gender standards up to legal change and then preferred gender standards will apply after the gender marker is changed in DEERS). Berthing and head reassignment will only occur after this point.

During a Gender Transition, Service Members may enter periods of non-deployability during a Gender Transition. Each transition will be different. Timing of a Transition Plan should include consideration of a Sailor's planned rotation date (PRD) and planned deployment/operational requirements. Service Members should normally attempt to finalize transition during one tour to avoid interrupting medical treatment and having to coordinate a new Transition Plan at the next command, where operational requirements may be different. It is the Service Member's and their MMP's responsibility to inform leadership regarding an unforeseen medical condition when, as a result of any medical treatment, the Service Member will or has become non-deployable. For Active Duty Service Members, after a diagnosis has been made, while the treatment and Transition Plan are being created with involvement of the Service Member, their CO, and the MMP, part of the process will be discussing timing of treatment and procedures to minimize impact on potential deployments or mission readiness. Communication between the Service Member/CO and the Service Member's community manager/detailer will also be important. The Service Member may need to discuss with their MMP and CO whether they want to transition while in their current unit or upon arrival at a new unit, as there are advantages and disadvantages to both. Transferring during transition is typically not a good idea as it will require a new Transition Plan signed by the new CO in order to account for the new command's operational requirements.

Career Specialty / Assignment

Community assignment restrictions will be in accordance with the Navy's Bureau of Medicine (BUMED) current assessment of disqualifying medical status. Individuals undergoing medical or surgical treatment may have periods of being restricted from flight duty and diving operations. Refer questions to the BUMED Regional Transgender Care Teams or the SCCC.

Similarly, there are impacts with Service Members who are part of the **Personnel Reliability Program (PRP)** with regards to being diagnosed and initiating a Gender Transition:

- Medication use: If any treatment (not just related to transgender service) involves a new medication, the Service Member will be suspended until the effects of the medication can be understood. For hormone treatment, this may result in a period of 6 months to evaluate the side effects/stability on the medication.

- Mental health: Just like any major life stressor/change, BUMED PRP medical authority requires a mental health evaluation to assess a member's stability and reliability as it relates to PRP.

- Surgery: Just as in any other surgical treatment a member must be pronounced fit for full duty by their surgeon and stable on any pain medication. If the pain medication calls into question a person's attentiveness or may cause sudden or subtle incapacitation, this medication would be grounds for suspension. With regards to surgery, not every transition includes sex reassignment surgery (SRS).

- Suspension is the term that is used for anything from being SIQ for a day or an issue that could last for one year. After one year, the member must be decertified. Decertification is NOT permanent but does require a board for reinstatement.

Cross-sex Hormone Therapy: *The use of feminizing hormones in an individual assigned male at birth based on traditional biological indicators or the use of masculinizing hormones in an individual assigned female at birth. A common medical treatment associated with gender transition.*

Initial Entry Education / Training

Gender Transitions are generally not supportable during entry-level training due to the rigorous military requirements and schedule. In general, the compressed training timeline does not permit transitions to be accommodated at Recruit Training Command (RTC), U.S. Naval Academy (USNA) or in a Reserve Officers Training Corps (ROTC) program though situations will be evaluated on a case-by-case basis.

RTC

A Service Member is subject to separation in an entry-level status during the period of initial training (defined as 180 days per DoDI 1332.14) based on a medical condition that impairs the Service Member's ability to complete such training.

Transitioning USNA and ROTC Midshipmen

Midshipmen must continue to meet medical accession standards while at USNA or enrolled in ROTC. If midshipmen do not maintain the standards for appointment into the U.S. Military Services, a one-year Medical Leave of Absence (MLOA) may be warranted as determined by the Secretary of the Navy or designee. When an MLOA is recommended, a medical record review will determine whether the health-related incapacity or condition presents clear evidence that, following medical treatment, the midshipman will be able to meet the physical standards for appointment into the Navy within a reasonable period of time. USNA midshipmen who cannot meet medical accession standards and become medically disqualified may be disenrolled in accordance with DoDI 1322.22.

Reserve Component Applicability

DoD and Navy policies regarding accessing and retaining transgender personnel are applicable to both Active Component (AC) and Reserve Component (RC) Sailors. Unique aspects of policy application and execution for the Reserve Component are listed below.

Medical Diagnosis

In accordance with DoDI 6025.19 Individual Medical Readiness, Sailors must report significant health information to their chain of command. RC Sailors must consult with a MMP concerning the potential impact on military readiness of any medical diagnosis and proposed treatment. Any member receiving a diagnosis of Gender Dysphoria must report the diagnosis and submit relevant medical information to their Navy Reserve Activity (NRA) Medical Department Representative (MDR), in addition to informing their Reserve Unit leadership. Once the NRA CO receives a Gender Transition request, the member becomes Temporarily Not Physically Qualified (TNPQ) and the MPQ (temporarily not physically qualified for mobilization) Manpower Availability Status (MAS) code will be applied to the member. The MPQ MAS code will indicate the member is awaiting validation of the diagnosis and treatment plan. The medical diagnosis and treatment plan for Gender Dysphoria may be provided by a civilian medical provider but must be forwarded for validation to the BUMED Medical Support Cell that services the USN Service Central Coordination Cell (SCCC). Once the diagnosis and Medical Treatment Plan are approved, a Transition Plan can be developed.

Transition Plan Approval

The Transition Plan (see *Create a Transition Plan* section) serves as documentation of the Reserve Sailor's anticipated timeline for the medical, social, and administrative aspects of Gender Transition in the Navy. The NRA CO with administrative responsibility for mobilization readiness is the approval authority for a transitioning Reserve Sailor's Transition Plan. The plan must be developed by the NRA CO in coordination with the Navy Reserve Force Surgeon (COMNAVRESFORCOM N9), the Reserve Unit CO, and the Sailor.

Reserve Component

Readiness Implications

Individual Medical Readiness (IMR) status will be determined on a case-by-case basis as dictated by the Transition Plan. Generally, the MPQ MAS code will remain in effect until the Reserve Sailor's Transition Plan is completed, or if at any time during the transition a medical condition arises to warrant a change in medical status, or if the Transition Plan is not approved. Administration of the Temporarily Not Physically Qualified (TNPQ) status is well established and supports documentation of readiness for many different medical conditions. The MPQ MAS code will be applied in accordance with RESPERSMAN 6000-010.

Entitlement Participation (IDT/AT) and Assignment

The inherent flexibility of entitlement participation, to include rescheduling Inactive Duty Training (IDT) periods, granting Authorized Absences (AAs), and waiving Annual Training (AT), should be maximized to provide the Sailor an opportunity to achieve satisfactory participation and unit readiness during the transition process. In certain situations where significant operational tasking is anticipated, reassignment to a different Reserve Unit may best enable a smooth transition. Guidelines for assignment flexibility will be in accordance with RESPERSMAN articles 1570-010 and 1570-020. Sailors will not be summarily assigned to the IRR unless that is the Sailor's choice.

Restrictions on Mobilization and Other Participation

Once the NRA CO receives a Gender Transition request, the member initially becomes TNPQ and the MPQ MAS code (temporarily not physically qualified for mobilization) will be applied to the member in accordance with RESPERSMAN 6000-010. This appropriately identifies the member as having a medical condition and supports documentation of readiness in the same manner as other medical conditions. The Service Member's mobilization status will be reviewed monthly to determine their physical readiness status. Transitioning Sailors may have periods of ineligibility for participation, including AT and other active duty assignments (Active Duty for Training (ADT), Active Duty for Special Work (ADSW), and definite recalls) due to planned medical procedures in accordance with the approved treatment plan. Members classified as TNPQ may be authorized drill participation but are limited to performing IDT drills and completing correspondence courses. They may not perform any other type of training or active duty orders including AT, ADT, ADSW, IDTT, or recall in accordance with BUPERSINST 1001.39F. However, RESPERSMAN article 6000-010 allows members in a TNPQ status to request consideration for Inactive Duty Training Travel (IDTT), AT, and ADT on a case-by-case basis for periods of less than 29 days within CONUS.

Reserve Component

RC Sailors on Temporary Active Duty Orders

RC Sailors serving on active duty orders (e.g., ADT, ADSW, mobilization, definite recall) for a finite period will generally be precluded from beginning the Gender Transition process. Comparable to AC Sailors, RC Sailors may also be released from active duty based on a medical determination. Determinations will be made on a case-by-case basis by the chain of command in coordination with the USN Service Central Coordination Cell (SCCC) and the BUMED Medical Support Cell.

Implication of Transferring Between AC and RC

Members will be treated according to the same medical standards as any other Sailor transferring from AC to RC. Members should be counseled on the physical qualification processes and timing of affiliation with the Navy Reserve per MANMED 15-22.

IRR to SELRES

Members transferring from the IRR to SELRES are subject to the same affiliation policies and medical standards as any other member.

Privacy Concerns

Personal privacy is a concern for all Service Members. Members of the Armed Forces accept living and working conditions that are often austere, primitive, and characterized by close quarters with little or no privacy. Consistent with current policy, COs retain discretion to alter berthing or billeting assignments to maintain morale and good order and discipline when consistent with mission accomplishment in accordance with Service policy. The creation of separate head and shower facilities or living quarters for transgender personnel is prohibited. During development of the Sailor's Transition Plan, there should include discussion regarding Service Member and unit privacy concerns. There may be points where communication with the work force is necessary to attempt to ensure that all Sailors' privacy needs are being met. Ask the transgender Sailor how they would like to do this to include them in the decision making.

Personally Identifiable Information (PII)

The Navy is required to protect personally identifiable information (PII) at all times in accordance with instruction and annual training. For transgender personnel specifically, when a Sailor's Gender Transition is complete, there should be no requirement to communicate the individual's transgender status when transferring commands. This should be left up to the individual.

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

Health Insurance Portability and Accountability Act of 1996 (HIPAA) only applies to the "covered entity" or in other words the medical facility or health care provider. Once the information is released pursuant to a HIPAA exception to an outside entity (i.e. CO), HIPAA no longer applies and only the Privacy Act would apply to further releases by a CO. Health care providers can only release the "minimum necessary" medical information to COs. In the case of transgender personnel, providers will be able to coordinate with COs the timing of the treatment plan and the effect that such treatment will have on the member's ability to perform his/her duties, but will not be able to release specific medical information.

Records

Service records, awards, FITREPS, and Evaluations are considered historical documents and any previous name/gender used will not be changed. All documents created after the DEERS gender marker change will reflect the preferred gender. Navy Personnel Command already incorporated board precept language into board proceedings to prohibit discrimination based on gender identity or taking into account an individual's transgender status as relevant.

Other Considerations

Standards of Conduct

A CO has a powerful role in setting the tone and defining the degree of inclusion within your Command. Your leadership and attitude towards transgender Service Members will have a strong impact on whether transgender Service Members feel they can be themselves in the command, and how others treat them.

Protect the Service member's privacy consistent with their wishes. Some will prefer socialization of their desire to transition with shipmates and others will not. Information management is very important.

Listen to the Service Member's wishes with respect to disclosure to the workcenter and the broader command.

Be open with your transitioning Sailor. Feel free to ask them questions.

Exceptions to Policy (ETP)

Service Members shall comply with all standards of the gender marker currently in Navy personnel administrative systems/DEERS. Individual Service Members and COs may request exceptions to policy (ETP) via the first Flag Officer in the chain of command to Deputy Chief of Naval Operations for Manpower, Personnel, Training, and Education (DCNO N1) for any service policy waivers as part of the approved Transition Plan in accordance with DoDI 1300.28 and SECNAVINST 1000.11, when it is in the best interest of the individual and as it makes sense for good order and discipline within the command. Examples of ETPs requiring DCNO N1 approval include grooming, uniform and appearance standards, change of berthing, head and shower facilities, and preferred gender urinalysis observation, prior to completion of the gender marker change in DEERS. Physical readiness testing, body composition assessment standards or deployability determinations require medical waivers.

Pronoun Usage

Pronoun usage can be a confusing issue for people when addressing someone who is transitioning gender. Since the transitioning Sailor is required to be in birth gender standards prior to the gender marker change (unless the Sailor has an OPNAV N1-approved exception to policy for uniform, grooming and appearance standards), it is appropriate to retain birth gender pronouns and shift to preferred gender pronouns after the gender marker change.

Other Considerations

Discuss this topic with the transitioning Sailor and remind them that people may make mistakes for a bit but also remind coworkers that it is inappropriate to intentionally mix pronoun usage.

If there is an ETP (as described above) in place, then it would be appropriate to use preferred gender pronouns. Discuss the Sailor's preferences, in this case, on name and pronoun usage and help them communicate that to the workforce.

Addressing Foreign Port Visits and/or Cultures that may Present Challenges when Sailors are Ashore (in a Duty or Liberty Status)

Service Members will continue to be eligible for world-wide assignment without consideration of gender identity. Existing Commander's authority and discretion in enforcing guidelines for appropriate civilian attire during liberty remains unchanged.

Moral and Religious Concerns/Freedom of Speech Policy Changes

None. Existing policies remain in place.

Security Clearances

Any change in a Service Member's status (e.g. marriage, divorce, addition of dependents) is reportable to the command security manager in order to maintain a national security clearance. This includes changes to name and gender. A Standard Form 86 Certification (SF 86C) allows reporting of changes in previously reported information on the SF 86.

Create a Transition Plan

Transition Plan

A notification of intention to undergo transition obligates the Navy to consider a transgender member's needs. This requires a Transition Plan tailored to the coordination of each individual on a case-by-case basis to ensure diagnosis, treatment timeline, operational requirements, and medical, social, and administrative needs. Communication between the transitioning Sailor and the CO is an integral part of this process. The Transition Plan will outline anticipated stages of the transition process which includes but is not limited to:

Starting the Process

- Visit to Military Treatment Facility
- Diagnosis of Gender Dysphoria
- Develop Medical Treatment Plan with the MMP

Medical Treatment Plan and Timeline

- Plan must be approved by the CO, considering personal readiness and operational schedule / deployability impact, if any
- Hormone Replacement Therapy and resulting personal readiness impact, if any
- Other anticipated medical procedures and resulting personal readiness impact, if any

Social Transition

- Timing and strategy for engagement with non-military family and friends
- Strategy, timing, and manner of engagement with remaining Command personnel
- Off-duty RLE prior to administrative change in gender
- Timing for a change in berthing, facilities (heads), uniform/grooming standards, PFA standards (gender marker change or ETP)

Create a Transition Plan

Administrative

- Only ONE of the following is required: amended passport, updated birth certificate, or court order. No other federal or state documentation is considered sufficient. https://travel.state.gov/content/passports/en/passports/information/gender.html
- CO written approval certifying a Sailor as transition complete and eligible to make the gender marker change in DEERS
- Change in personnel administrative systems/Defense Enrollment Eligibility Reporting System (DEERS) Gender Marker per MILPERSMAN 1000-131

Transition Plan Draft Sample

5000

From: Commanding Officer, COMMAND
To: Sailor Y, USN

Subj: GENDER TRANSITION PLAN

Ref: (a) Directive-type Memorandum (DTM) 16-005
(b) DODI 1300.28 In-Service Transition for Transgender Service Members
(c) ALNAV 053/16 dtg 051937Z AUG 16 SUBJ/SERVICE OF TRANSGENDER SAILORS AND MARINES INTERIM GUIDANCE
(d) Your request of DD MON YR

1. In accordance with references (a) through (c), I approve your request to transition gender.

2. In accordance with reference (b), you must complete the following steps prior to requesting my approval for your gender marker to change in the Defense Enrollment Eligibility Reporting System (DEERS). Report completion of each step through your chain of command and provide copies of any relevant supporting documentation.

a. Establish a medical treatment plan with your military medical provider.

b. Live in your preferred gender while in an off-duty status, off the ship and off base, for a timeframe as recommended by your military medical provider.

c. Submit any leave requests necessary for gender reassignment procedures in advance to minimize impact to Command readiness.

d. Receive a determination from your military medical provider that you are stable in your preferred gender.

e. Legally record your gender change with the appropriate state vital records department.

f. Submit your gender marker change to DEERS via the Command Admin Department after receiving my written approval.

Create a Transition Plan

Transition Plan Draft Sample (Continued)

3. You may seek guidance from your chain of command, your *medical provider, psychologist, or Command Judge Advocate.*

A. B. Charlie

_____

Date:_____

FIRST ENDORSEMENT

From: Sailor Y, USN
To: Commanding Officer, COMMAND

I acknowledge receipt of the above Gender Transition Plan and agree to the terms and milestones contained therein.

X. Z. Yankee

Sample CO Approval Letter

5000
Ser XXX/XXX
DD MM YY

ENDORSEMENT on LT John V. Doe, XXX-XX-XXXX/XXX, USN, ltr of DD MM YY

From: Commanding Officer, USS Neversail (XXX XX)
To: NSIPS HELPDESK

Ref: (a) DoD Instruction 1300.28
(b) SECNAVINST 1000.11
(c) MPM 1000-130

Encl: (1) LT Doe ltr of DD MM YY
(2) Copy of State or Federal document with preferred gender (as appropriate)

1. Forward recommending approval.

2. Pursuant to references (a) and (b) and in accordance with reference (c), LT Doe has my approval to request a gender marker change via the Navy Standard Integrated Personnel System (NSIPS) help desk.

3. In consultation with LT Doe's Military Medical Provider, I determined that LT Doe completed the command-approved transition plan.

4. My admin point of contact in this matter is LCDR XXXXX, who can be reached by email at xxxx.xxxx@navy.mil or by phone at XXX-XXX-XXXX.

J. P. Jones

Frequently Asked Questions

Q1: What are the reasons behind this policy change?

A1: In July 2015, the Secretary of Defense directed the Department of Defense to identify the practical issues related to transgender Americans serving openly in the military and to develop an implementation plan that addresses those issues consistent with military readiness. On June 30, 2016, the Secretary announced a new policy allowing open service of transgender Service Members and outlined three reasons for this policy change:

1) The Army, Navy, Air Force, Marine Corps, and Coast Guard need to avail themselves of all available talent in order to remain the finest fighting force the world has ever known. The mission to defend this country requires that the Services do not have barriers unrelated to a person's qualification to serve or preventing the Department of Defense (DoD) from recruiting or retaining Service Members.

2) There are transgender Service Members in uniform today. DoD has a responsibility to them and their commanders to provide clearer and more consistent guidance.

3) Individuals who want to serve and can meet the Department's standards should be afforded the opportunity to compete to do so.

Q2: Will the military pay for the transition costs?

A2: Medical care for Gender Transition is managed in the same way as other medical conditions. The military will pay for all medically necessary care to resolve any feelings of Gender Dysphoria and any ongoing cross-sex hormone therapy and mental health requirements. Additional procedures are considered elective and may be covered in the MTF on a space-available cost basis as with any other Service Member who desires an elective medical procedure. Reserve health care requirements are typically accomplished through a civilian health care provider.

Q3: What about my privacy rights?

A3: To the extent feasible, a commander may employ reasonable accommodations to protect the privacy interests of all Service Members, while avoiding a stigmatizing impact to any Service Member. This is a common question from Sailors who will be required to share berthing, head, and shower facilities with transgender Sailors who may not make the full surgical change. Most transgender personnel will want to be accepted fully in their preferred gender and will likely attempt to maintain personal privacy so as not to be seen as different from their preferred gender counterparts.

Frequently Asked Questions

The Navy SORM is being updated to require a minimum standard of coverage for all personnel in berthing, head, and shower facilities. The new language is outlined in the policy NAVADMIN until the SORM can be updated. Bottom line, this is a leadership issue that requires conversation to further understanding of transgender personnel and may take time to achieve a level of comfort with this policy change. Commanders are encouraged to consult with their SCCC for guidance.

Q4: How do exceptions to policy work?

A4: In cases where a transitioning Service Member is unable to meet standards or requests an ETP during the Gender Transition there are actions that may be taken to balance the needs of the individual Service Member and unit readiness. A Sailor may request an ETP through the CO and the first flag officer in the chain of command to Deputy Chief of Naval Operations for Manpower, Personnel, Training and Education (DCNO N1) for adjudication. ETP requests for application of standards for uniforms and grooming, MPDATP participation (urinalysis observation) and the use of berthing, bathroom, and shower facilities may be requested. Questions on ETPs may be addressed to the SCCC after review of Navy policy.

Resources and References

Service Central Coordination Cell (SCCC): *Service-level cell of experts created to provide multi-disciplinary (e.g., medical, legal) advice and assistance to commanders regarding transgender Service Members and gender transition in the military.*

Navy Transgender Service Central Coordination Cell (SCCC)

The SCCC was established to assist COs in the execution of the DoD, and Navy policies and procedures on transgender service, and to provide multi-disciplinary (e.g., medical, legal) expert advice to COs regarding service by transgender Service Members and Gender Ttransition in the military. Individuals are encouraged to work with their chain of command prior to contacting the SCCC.

For questions contact the SCCC:

Office of the Chief of Naval Personnel
Transgender Service Central Coordination Cell
701 South Courthouse Road
Room 3R180
Arlington VA 22204

SCCC email address:

usn_navy_sccc@navy.mil

Navy 311 contact information:

1-855-628-9311

1-855-NAVY311

NAVY311@navy.mil

US Navy LGBT Resources:

http://www.public.navy.mil//bupers-npc/support/21st_Century_Sailor/lgbt/Pages/default.aspx

On-line training for all personnel will also be available on the LGBT Resources website:

http://www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/lgbt/Pages/default.aspx

Resources and References

Commander's Toolkit References

The references below were used to develop the content of the Commanders Toolkit. Additional information can be found by following the Web links.

American Psychological Association Website:

http://www.apa.org/topics/lgbt/transgender.aspx

HRC Workplace Gender Transition Guidelines:

http://www.hrc.org/resources/workplace-gender-transition-guidelines

Kime, Patricia. "Advocates: Transgender care costs not a barrier to service." Aug 31, 2015. Military Times

http://www.militarytimes.com/story/military/benefits/health-care/2015/08/07/advocates-transgender-care-costs-not-barrier-service/31285327/

Lewis, Tanya. "Bruce Jenner's Transition: How Many Americans Are Transgender?" Live Science Website. Apr 27, 2015

http://www.livescience.com/50635-bruce-jenner-transgender-prevalence.html

Monash University of Medicine, Nursing, and Health Sciences Website

http://www.med.monash.edu.au/gendermed/identity.html

Resources and References

DoD Instructions

Department of Defense Directive-type Memorandum (DTM) 16-005, "Military Service of Transgender Service Members"

Department of Defense Instruction (DoDI) 1300.28, In-Service Transition for Transgender Service Members, October 1, 2016

Department of Defense Instruction (DoDI) 1322.22, Service Academies, September 24, 2015

DoDI 6130.03 Incorporating Change 1, Effective September 13, 2011, "Medical Standards for Appointment, Enlistment, or Induction in the Military Services"

MILPERSMAN Instructions

MILPERSMAN 1000-130, Name Change of Member

MILPERSMAN 1000-131, Member Gender Marker Change

SECNAV Instructions

Secretary of the Navy Instruction (SECNAV) 1000.11 Service of Transgender Sailors and Marines

Secretary of the Navy Instruction (SECNAV) M-5510.30 Secretary of the Navy Security regulations

OPNAV Instructions

OPNAV Instruction 3120.32E, "Standard Organization and Regulations of the U.S. Navy"

OPNAV Instruction 5354.1 Series, "Navy Equal Opportunity Policy"

OPNAV Instruction 5350.4D4E, "Navy Alcohol and Drug Abuse Prevention and Control"

BUMED Instructions

BUMED Note 6000, Medical Treatment of Transgender Service Members – Interim Guidance