

Vignettes

The following training vignettes consist of hypothetical, policy-related teaching scenarios that Commanders and leaders can use to assist them in implementing the change in policy. They are not meant to provide all the “correct” outcomes, but serve to illustrate approaches to a sample of issues that may arise should 10 U.S.C. § 654 be repealed. The vignettes will assist leaders in addressing potential issues related to repeal in order to:

- Reinforce expectations of exemplary conduct and professionalism from all Marines
- Achieve minimum disruption through practical examples
- Provide Commanders with common examples of personal and professional behavior

Talking Points

- As a general guide, Marines should attempt to resolve issues at the lowest level of the chain of command appropriate for the situation. Leaders should mentor Marines in means of resolving individual disagreements and conflict by instilling in their subordinates a willingness to properly confront and, where required, correct improper behavior.

The best way to work through most conflict is to clarify the situation and seek understanding with the other person. Most of the time, talking with the individual will clear up the misunderstanding. If an informal meeting does not address the concern, have a formal meeting that includes, for example, a senior mentor, outside observer, or chaplain. Try to be developmental, not punitive. If these meetings do not resolve the issue, then bring in the chain of command. Hold people accountable when they misuse their authority for any reason. If the chain of command cannot resolve the issue, then the IG and other grievance processes are available and appropriate to use when other options are exhausted.

Vignette 1

SITUATION: You are the Executive Officer of your unit. While shopping at the local mall over the weekend, you observe two junior male Marines in appropriate civilian attire assigned to your unit kissing and hugging in the food court.

Issue: Standards of Conduct. Is this within standards of personal and professional conduct?

Discussion: Standards of conduct regarding public displays of affection (PDA) are sexual orientation-neutral. If the observed behavior crosses acceptable boundaries as defined in the standards of conduct for your unit and the Marine Corps, then an appropriate correction should be made. Your assessment should be made without regard to sexual orientation.

Vignette 2

SITUATION: A Marine has been observed entering, leaving, and generally “hanging around” a gay bar. The Squadron Commander is notified of the observations but isn’t sure what action, if any, she should take.

Issue: Standards of Conduct. What should the Commander do? Can the Commander take administrative disciplinary action and charge the Marine for going to a gay bar? Should she conduct a Commander’s inquiry?

Discussion: In this case, the Commander should take no action. Unless the establishment is designated off-limits by the installation Commander or there is evidence of behavior by the Marine that is counter to standards of conduct for your unit and the Marine Corps, there is no prohibition against going to a gay bar.

Talking Point

Installation Commanders can place an establishment off-limits for certain reasons, such as known or suspected criminal activity or drug use. An establishment would not be placed off-limits just for catering to gay clientele.

Vignette 3

SITUATION: A Warrant Officer is watching the local TV news coverage of a gay rights parade when he notices a female Marine assigned to his unit marching in the parade in civilian clothes, carrying a handmade placard. As the television camera zooms in on the Service member’s sign, the Warrant Officer can clearly read the handwritten words “Support Gays and Lesbians in the Military!” The next morning, he reports the incident to his Company Commander.

Issue: Standards of Conduct. Is this prohibited activity? Should the Commander inquire into what meaning this Marine had intended to convey by carrying that particular sign in the gay rights parade?

Discussion: A Marine's participation and carrying a banner or sign in a gay rights activity would not in and of itself constitute misconduct unless her actions are otherwise prohibited or would discredit the military. For example, participating in uniform or while on duty hours would be prohibited unless approved by authorized command authorities.

Talking Point

The parade was a local community-sanctioned event and was not a protest or dissident activity prohibited by existing policy. The Marine chose to carry a sign that acknowledged positive support for gay and lesbian Service members serving in the military. Furthermore, the Marine was off-duty and in civilian clothes. Participation in the parade as described is within the Marines right of expression and consistent with good order and discipline. However, if there is any doubt about participating in any off-base event, the Commander should contact the SJA for advice.

Vignette 4

SITUATION: You are the SNCOIC at a high tempo recruiting office. Your top notch, high performing recruiter who has served in the military for 14 years asks to meet with you. Due to his personal religious beliefs, he tells you he cannot process an outstanding applicant who voluntarily states he is gay.

Issue: Accessions and Recruiting Policy. What actions should the SNCOIC do? Has the Marine committed misconduct?

Discussion: As the Marine's supervisor, you counsel him on the new policy, informing him that sexual orientation is not a bar to military service, and his duty is to recruit the best qualified applicants within the enlistment standards set by Marine Corps. Marines are expected to obey lawful orders and could be subject to discipline or adverse administrative action if they refuse orders, even if such refusal is based on strong, sincerely held, moral or religious beliefs.

Talking Points

Normally, counseling and education should be your first course of action. Positive leadership with a focus on professional obligations to uphold the policy while recruiting the best qualified applicants should be reinforced. Due to the Marine's stated religious concern, you may suggest that he/she meet with the chaplain or another spiritual advisor.

However, if the Marine's performance and professionalism is otherwise high, and the Marine is able to carry out assigned duties, but still cannot resolve the conflict with his personal beliefs,

the SNCOIC could work with the chain of command to explore their available options to include possible reassignment. In all situations, leaders are expected to enforce standards and correct behaviors that undermine unit cohesion.

Vignette 5

SITUATION: You are the SNCOIC/OIC of a Marine who wants to file a complaint against a chaplain. The Marine informs you that she attended a worship service at the base chapel over the weekend and the chaplain's sermon included several direct statements that homosexuality is a sin and that marriage should be only between a man and woman. The Marine disagreed with the chaplain's remarks and felt they were discriminatory and biased and should not be allowed.

Issue: Moral and Religious Concerns. Can the Marine file a complaint of discrimination or harassment against the chaplain? Should chaplains revise their sermons to avoid the perception of discrimination? What alternatives are available to assist the member or the chaplain?

Discussion: Chaplains have the right to express their religious beliefs during their conduct of a service of worship or religious study. Unless a chaplain's speech is otherwise prohibited, such as publically maligning senior leaders, their sermons and/or teachings cannot be restricted, even with regard to socially controversial topics.

Talking Point

Chaplains facilitate the free exercise of religion for all personnel, regardless of the religious affiliation of either the chaplain or the individual. Regulations recognize that chaplain's minister to members in accordance with, and without compromising the tenets of their faith. These boundaries are not always clearly defined. You could offer to meet with your Marine and the chaplain to facilitate a discussion on the topic. The Marine may request assistance from the chaplain's office in finding a different religious service to attend. If either the chaplain or the Marine feels that due to their religious views, speech, or practice, they have been improperly treated, redress is available through their chain of command, existing policies, or the IG if necessary.

Vignette 6

SITUATION: You are the SNCOIC at a high tempo recruiting office. Your top notch, high performing recruiter from Situation 4 has been doing a good job for the past couple of months after your discussion with him about DADT. He requested a reassignment, but it was denied. The recruiter asks to see you and informs you that while he appreciates how the situation was handled, he has tried but he cannot resolve his personal beliefs with the repeal of DADT. He has two years remaining on his current enlistment and wants to know how he can request an early separation.

Issue: Release from Service Commitments. What actions should the SNCOIC do? Can the recruiter be released early from his service commitment?

Discussion: Marines with obligated service remaining on their contract may request early, voluntary discharge via their chain of command. HQMC does not permit the early discharge of Marines based upon their opposition to a new policy, to include the repeal of DADT. Granting these types of requests is at the discretion of the Secretary of the Navy and is granted only when the early separation would be in the best interest of the Marine Corps.

Talking Point

Your best option would be to keep your chain of command informed of the situation and contact the legal office for advice on pursuing early separation within existing policies.

Vignette 7

SITUATION: You are the Platoon Sergeant of your unit. A hard-charging LCpl, who is known to be a lesbian, approaches you and states she can no longer tolerate her heterosexual roommate. Through counseling and mentorship, you attempt to resolve the issue at the lowest level in the chain of command. However, you notice that she and her roommate are making derogatory comments to other Marines about each other. The behavior has become disruptive to the entire unit and others are starting to complain. She puts in a request to be re-assigned to another barracks room.

Issue: Privacy and Cohabitation. What options does the Platoon Sergeant have to address conflicts between roommates? What actions should the chain of command take to address this issue?

Discussion: The Platoon Sergeant should counsel the individuals and help them to resolve their personal differences. A clear message must be received by both, that respecting each other's rights within a closed space is critical to maintaining good order and discipline. Standards of conduct apply equally to all Marines and inappropriate conduct by either roommate should be corrected appropriately.

Talking Point

The Platoon Sergeant must take a very active and positive leadership approach with a focus on conflict resolution and professional obligations to uphold the policy. If the issue cannot be resolved and alternative berthing arrangements can be made within command policy and without degrading good order and discipline of the unit, the Commander may consider reassignment of roommates.

Vignette 8

SITUATION: You are a NCO. After a company run, you witness two Marines in the locker room joking and having a loud inappropriate conversation about gays and lesbians. The comments were directly related to their refusal to be naked and shower in front of a gay Marine.

Issues: Standards of Conduct and Privacy. How do you address this situation? Is there a violation of the Standards of Conduct?

Discussion: You should advise them of the Marine Corps' policy and inform them that discrimination or harassment against any Marine for any reason is inappropriate. As a leader, you are expected to dispassionately enforce standards and correct behaviors that undermine unit cohesion.

Talking Points

Leaders at all levels are responsible for maintaining trust, cohesion, effectiveness, and readiness of the unit. If a request is made to avoid showering with an individual, Commanders have the discretion to grant personal requests within unit policies and if the mission is not unacceptably impacted. As a general rule, the person making the request would have the burden of adapting to a different schedule. Publicly joking about this issue is inappropriate behavior.

Vignette 9

SITUATION: A junior officer complains to her Company Commander that she believes the reason for her non-selection to a much-desired school was due to her sexual orientation. The Company Commander informs the Marine that the selection board had no knowledge of her sexual orientation, but he would check into the situation and get back to her. After an informal inquiry, the Company Commander concludes that the selection process used was fair and equitable. The Marine is still not satisfied and wants to know what other course of action she can take. You refer her to the Battalion XO who understands the Marine has a right to redress suspected wrongs in the selection process, but is unsure if this is a matter for the Equal Opportunity Advisor, the IG, or the chain of command.

Issue: Equal opportunity. The Commander wonders if this is an issue under the Military Equal Opportunity Program, the IG, or something the chain of command should be made aware of to determine if the selection board acted appropriately.

Discussion: In this case, the MEO program is not appropriate for resolution because sexual orientation is not specified as a class eligible for the MEO complaint resolution process.

Talking Point

If the supervisor's attempt to resolve the complaint through informal inquiry did not satisfy the Marine's concerns, the Marine should attempt to continue to resolve the complaint within the chain of command, if possible. If the complaint is not satisfactorily resolved within the chain of command, the Marine can seek resolution through the Inspector General or other established means.

Vignette 10

SITUATION: You are the Sergeant Major. A Marine with 16 years of service requests to see you about her next assignment. Due to a medical concern of her same-sex partner, she would like to request a base where there is access to the medical care required. She states that if she cannot get the care, she intends to turn down her next assignment. She wants to know if she can receive any assignment priority based on the needs of her partner.

Issue: Duty Assignments. What actions should the Sergeant Major take? Can the assignment monitor take into consideration the Marine's honest acknowledgement concerning her partner and assign her to the desired location? Can the Marine decline assignment orders without consequences?

Discussion: Marines are assigned permanent change of station orders based on the needs of the Marine Corps. A Marine's sexual orientation should have no bearing on the assignments process. Marines can share personal information with Monitors for consideration in making assignment.

Talking Point

Marines can share personal information with assignment monitors for PCA/PCS consideration. Monitors will continue to assign personnel orders within existing policies. The Marine could also share her concerns with the Sergeant Major, who could provide input to the assignment process. If the assignment can be made within existing policies and the meets the needs of the Marine Corps, then this request could be considered. The Marine has the option to refuse orders and separate at the end of her enlistment or retire if eligible. If the Marine has further

questions about the assignment priority based on her situation, she should utilize her chain of command to help resolve the situation.

Vignette 11

SITUATION: An applicant comes into a recruiting station and says that he would like to enlist. In accordance with DoD policy, the recruiter does not ask any questions about the applicant's sexual orientation; however, the applicant reveals of his own accord that he is gay.

Issues: Accessions and Recruiting Policy. What should the recruiter do after hearing the applicant's statement?

Discussion: If an applicant comes into a recruiting office and volunteers a statement that he or she is gay or lesbian, the recruiter should explain to the applicant that sexual orientation is considered a personal and private matter and the applicant is not required to declare their sexual orientation. The recruiter should continue to administer the application unless the applicant is otherwise ineligible for service in the Marine Corps.

Talking Point

Sexual orientation is a personal and private matter. Applicants will not be asked or required to reveal their sexual orientation during the accession process.

Vignette 12

SITUATION: You are the admin chief of a personnel admin center. A Captain reports to the unit with the expectation of starting his BAH at the "with dependent" rate. He informs you that he got married while executing PCS orders. Upon reviewing the marriage documents, you notice the Captain was married to his same-sex partner in Vermont where same-sex marriage is legal. The newly-reported member informs you he thought he would receive BAH at the "with dependent" rate once DADT was rescinded.

Issue: Benefits. What entitlements are available to same-sex partners?

Discussion: You inform the Marine that he's not entitled to BAH at the "with dependent" rate based on a marriage to a same-sex partner. Since the Federal government does not recognize same-sex marriages, a Marine cannot claim dependency for a same-sex partner, for BAH purposes.

Talking Point

If the Marine has a qualifying dependent such as a dependent child, then he is eligible for BAH at the "with dependent" rate. For further explanation of the law and current entitlements available to the Marine and his family, refer the Captain to the Legal Office or Family Support Center.

Vignette 13

SITUATION: You are a civilian working in the housing office. A Marine who is known to be gay, recently adopted a son and reports to your office to discuss his Military Family Housing application. He requests to be assigned specific quarters that are more isolated than others, for concerns of potential harassment of his family. He also requests that his same-sex partner, who is his son's primary care provider, occupy the quarters as well.

Issues: Benefits and Standards of Conduct. Are there guidelines for same-sex partners occupying Military Family Housing? How should the housing office consider the request for specific quarters?

Discussion: You should inform the Marine that because he has a qualifying dependent son that he is indeed authorized Military Family Housing. Local policies regarding live-in child care providers or other non-dependents living in base housing should be followed for the same-sex partner. You explain to him that in accordance with the Military Family Housing assignment policy, he will be given several options pertaining to assignment of quarters, but his special request to be assigned isolated quarters may not necessarily fall within the guidelines of "special considerations." If quarters are found inadequate for his needs, he has the option to obtain outside housing or discuss the issue with his chain of command.

Talking Point

Since the Marine also expressed a concern about harassment, it would be appropriate to refer him to his chain of command to discuss these concerns. Harassment for any reason is not tolerated within the Marine Corps and should be appropriately reported and corrected at all times.

Vignette 14

SITUATION: A Marine requests emergency leave after receiving a Red Cross message concerning the critical condition of his same-sex partner.

Issue: Benefits. Is the Marine eligible for Emergency Leave?

Discussion: The Marine may be eligible for emergency leave. The sexual orientation of the Marine's partner has no bearing on the decision. DoDI 1327.06 states that emergency leave may be appropriate in the following circumstance: The Marine's failure to return home places a severe or unusual hardship on the service member, his or her household or immediate family. Commanders may grant up to 30 days of emergency leave.

Talking Point

The 1stSgt should meet with the Marine to obtain information about the emergency and verify that his presence can resolve or alleviate the situation. If in doubt, the 1stSgt should seek legal advice and consult the chain of command. If circumstances and the military mission warrant granting emergency leave, the Commander should ensure swift processing of the request. If

the situation does not fall within the guidelines of emergency leave and the mission will not be unacceptably impacted, every attempt should be made to resolve the situation swiftly and compassionately through other authorized alternatives. Considerate, professional understanding is the humane approach to granting leave requests, regardless of the situation or circumstances.