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IMPLEMENTING INCLUSIVE POLICY FOR NON-BINARY SERVICE MEMBERS IS STRAIGHTFORWARD AND WOULD PROMOTE MILITARY READINESS

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Context: As of 2021, the military's inclusive policy for transgender personnel did not allow non-binary members to serve openly and honestly, in that all troops had to be managed as men or as women, but nothing else. Palm Center scholars anticipated that, in future public debates, opponents of non-binary inclusion would cast implementation of inclusive policy as more difficult and complex than it would actually prove to be. In 2021, we were invited to provide input into a study of non-binary service that had been commissioned by the military, for which we provided this research memo.

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1) Important overall principles

a) No separate or ‘third’ standards: Allowing non-binary service members to serve openly does not require the formulation or implementation of *any* separate or ‘third’ standards, the development or even discussion of which would be extremely counter-productive. For example, creating a gender-X option in DEERS is consistent with the notion of treating all service members equally because all service members should be able to declare their gender honestly. Using a consultation among commanders, doctors, and service members to ascertain whether male or female fitness standards would be most appropriate for assessing fitness is no more of a separate standard than using a consultation to accommodate a temporary physical limitation after injury or illness, or to work out a gender transition plan.

b) Emphasize military readiness: Allowing non-binary service would enhance readiness by (1) promoting retention and recruitment by making military service more attractive to a younger generation accustomed to broader gender expression; (2) promoting personal and organizational integrity, a critical component of readiness, as Admiral Mullen emphasized during the [conversations](#) over repealing DADT and the transgender ban; (3) reducing stigma against women service members by reinforcing the many steps that the military has taken over the past generation to minimize gender distinctions; (4) enhancing the ability of non-binary service members to do their jobs, just as the repeal of DADT and the transgender ban enhanced the ability of LGBT service members to serve effectively; and (5) enhancing the wellness of non-binary service members.

c) Implementation is straightforward: Implementation issues associated with inclusive policy for non-binary service members are not complicated. During the repeal of DADT and the transgender ban, some thought leaders insisted that implementation would be complicated. By treating everyone according to the same standard, however, and (in the case of inclusive policy for transgender troops) treating gender dysphoria just like any other medical condition, the military found that implementation was not complex. The same is true here because the military has long been moving in the direction of gender neutrality, and for those handful of issues that involve gender distinctions that the military sees as unmovable (addressed below), the military has extensive experience using consultations (also addressed below) to implement policy.

2) Implementation issues should be distinguished among three categories

a) Some implementation issues associated with non-binary service do not require formulating any new policy. For example, Military Equal Opportunity Policy already prohibits discrimination on the basis of gender identity. Thus, no new policies on harassment, bullying, or discrimination are required. Or, to take another example, the military already has just the right standard for *utility wear / camouflage* in that service members can opt for any utility uniform. Women can choose men's uniforms, and uniforms designed for women can be a better fit for some men.

b) Some implementation issues associated with non-binary service are best addressed by moving the forces in the direction of gender neutrality. We mentioned above that the military already has just the right standard for *utility wear*. For *office wear*, men's and women's uniforms are nearly identical, and the military could easily treat office wear the same as utility wear, in other words allow any service member to opt for any office wear. (Hence, women could wear ties with their shirts). The one exception (addressed below) would be that adjusting dress standards in this direction need not allow men to wear skirts. Or, to take another example, hair standards have been evolving to address comfort and style, and that trend could continue. For example, standards for men and women who have short hair are not that different now. A gender-neutral standard would allow men to have slightly longer hair around the neck and ears -- exactly as women can -- but with the same neat appearance. Since there is no longer a minimum hair length for women (buzz cuts allowed), a similar and small expansion of grooming choice for men would accommodate many non-binary individuals. (We address long hair that extends beyond the collar below.) DoD could emphasize that the services make adjustments like this all the time, such as the recent [Air Force decision](#) to adjust its standards to let men have longer hair, more like the female standard.

c) The handful of implementation issues that involve gender distinctions that the military sees as immovable can be addressed via a consultation model to determine which gendered standard should apply. The military has extensive experience in the use of consultations to identify solutions based on individual service members' circumstances, for example when commanders, doctors, and service members jointly determine how temporary physical limitations will be accommodated after injury or illness, or how gender transition plans will work. The same approach could be used to address gender distinctions that the military sees as immovable. For example, if the Army moves away from [gender-neutral general fitness standards](#) and reverts to gender-specific fitness standards, then a consultation model could be used in which the commander, doctor, and service member determine the most applicable standard. Critically, we believe that the list of immovable gender distinctions is short (long hair that extends below the collar, skirts in office wear and formal wear, grooming standards that pertain to cosmetics and some accessories/jewelry, possibly general fitness standards depending on how the Army's policies evolve, housing, showers, locker rooms). A single consultation could resolve all of these issues for a non-binary service member.