DEPARTMENT OF THE ARMY
HEADQUARTERS, 7TH INFANTRY DIVISION & FORT CARSON
6101 WETZEL AVENUE, BLDG. 1430
FORT CARSON, COLORADO 80913-4145

REPLY TO
ATTENTION OF

AFZC-CG 1 November 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Homosexual Conduct Policy File #7

1. REFERENCES.

a. Army Regulation 600-20, Army Command Policy, Chapter 4, Para 4-19.
b. Memorandum, Undersecretary of Defense (Personnel Readiness), 12 August 1999, Subject: Guidelines for Investigating Threats Against Service Members Based on Alleged Homosexuality.
c. ODCSPER ALARACT Message 101700Z January, Subject: Homosexual Conduct Policy.

2. APPLICABILITY. This policy applies to all Fort Carson units, commands, activities, and personnel, whether assigned or attached to Fort Carson. If outside commands or other parent organizations establish conflicting policies, such policies may apply on Fort Carson only if approved by me.

3. PURPOSE. To establish Fort Carson policy regarding Homosexual Conduct.

4. HOMOSEXUAL CONDUCT POLICY.

a. I am committed to the fair application of the policy on homosexual conduct in the military. Every Army member deserves to work and live in an environment that is free of discrimination and harassment. Accordingly, harassment, threats or ridicule of individuals or groups based upon their real or perceived differences, including sexual orientation, have no place on Fort Carson and within the Mountain Post community. My intent is that Fort Carson will set the standard for treating everyone (military, family member and civilian employee) with dignity and respect.

b. Commanders shall not ask, and Soldiers shall not be required to reveal whether they are heterosexual, homosexual or bisexual. However, upon receipt of credible information of homosexual conduct, commanders may ask Soldiers if they engaged in such conduct.

c. Homosexual conduct is to be investigated only upon receipt of credible evidence that it has occurred. Homosexual conduct is a homosexual Statement, Act and/or Marriage (SAM) by a Soldier that demonstrates a propensity or intent to engage in homosexual acts, the solicitation of another to engage in a homosexual act, or a homosexual marriage or attempted marriage.

d. The report of a threat or harassment should result in the prompt investigation of the threat or harassment. Investigators should not solicit allegations concerning the

sexual orientation or homosexual conduct of the threatened or harassed person. Members who are subjected to harassment based on alleged or perceived homosexuality must be able to report that they are victims of this behavior without fear that they themselves will become the subject of an inquiry. If, during the course of the investigation, information is received that the Soldier has engaged in homosexual conduct, commanders shall carefully consider the source of that information and the circumstances under which it was provided when assessing its credibility. Such information does not negate the need to investigate the harasser(s).

e. I expect that every leader will ensure all Soldiers and civilians assigned to their organization clearly understand the Army and Fort Carson Homosexual Conduct Policy. Commanders are expected to take prompt, appropriate action against individuals who engage in harassment. A full array of technical assistance and expertise is available to unit commanders. The Staff Judge Advocate (SJA) is the subject matter expert and will be contacted with questions or concerns. Commanders may also contact their unit chaplain, EO Advisor, or the IG for assistance. Soldiers having personal questions that they want addressed outside their chain of command should contact their unit chaplain or the Legal Assistance Office. Commanders will contact their SJA point of contact for guidance prior to initiating an inquiry. I caution all leaders to be diligent in protecting the rights of the victim and accused.

5. Homosexual conduct is grounds for separation from the Army under the terms set forth in AR 600-20. AR 635-100, AR 635-200, AR 135-175, and AR 135-178, govern Army separation policies. If a commander has credible evidence of possible criminal conduct, he or she will follow the procedures outlined in AR 27-10 and AR 195-2 for consideration of charges under the UCMJ.

6. SUPERSESSION. This policy letter supersedes Commanding General Policy #6, dated 3 February 2003.

7. EXPIRATION. This policy letter will remain in effect until superseded or rescinded.

8. POC for Sexual Harassment is EO, 526-9487/3385.

ROBERT W. MIXON, JR.
Major General, US Army
Commanding

DISTRIBUTION: A