

Contents

12.E. HOMOSEXUAL CONDUCT	2
12.E.1. Introduction	2
12.E.1.a. Policy	2
12.E.1.b. Definitions	3
12.E.2. Accession Policy	4
12.E.3. Separation Policy	5
12.E.4. Characterization of Service	6
12.E.5. Procedures	7
12.E.5.a. Commissioned and Warrant Officers	7
12.E.5.b. Enlisted Members	7
FIGURE 12.E.5.1. Sample Notification Letter for Enlisted Members	9
FIGURE 12.E.5.2. Sample Acknowledgment Letter for Enlisted Members	11
12.E.6. Separation Authority	12
12.E.7. Command Inquiries	13
12.E.8. Criminal Investigations	14
12.E.9. Personnel Security Investigations	15
12.E.10. Military Training	15

12.E. Homosexual Conduct

12.E.1. Introduction

The policies contained within this chapter are based upon 10 U.S.C. 654 and encompass the concepts commonly referred to as “Don’t Ask, Don’t Tell.” The phrase “Don’t Pursue, Don’t Harass,” has been subsequently added to better describe its intent. A brief description of these concepts follows:

1. **Don’t Ask.** Commanders, commanding officers and officers-in-charge or appointed inquiry officials shall not ask, and members shall not be required to reveal, their sexual orientation. Additionally, all members of the Coast Guard are expected to adhere to this requirement.
2. **Don’t Tell.** Members shall not be required to reveal their sexual orientation. However, if a member states that he or she is a homosexual or bisexual, or makes some other statement that indicates a propensity or intent to engage in homosexual acts, he or she may be subject to discharge.
3. **Don’t Pursue.** Inquiries regarding sexual orientation may not be initiated unless credible information is discovered. Even then, only certain individuals are authorized to initiate inquiries and must stay within expressed guidelines. (See ☞ Article 12.E.7. regarding Command inquiries.)
4. **Don’t Harass.** The Coast Guard does not tolerate harassment or mistreatment of anyone, whether they are service members, civilian employees, Auxiliarists or members of the public, for alleged or perceived sexual orientation, or any other reason. Harassment can take different forms, ranging from “innocent” comments and jokes causing a hostile climate, to direct verbal or physical abuse. Further guidance regarding harassment can be found in the ☞ Coast Guard Equal Opportunity Program Manual, COMDTINST M5350.4 (series).

12.E.1.a. Policy

1. Sexual orientation is considered a personal, private matter and is not a bar to Service entry or continued service unless manifested by homosexual conduct. Homosexual conduct, as defined in ☞ Article 12.E.1.b., is grounds for separation from the Coast Guard.
2. **At no time will a member, or prospective member, be asked or required to reveal whether he or she is heterosexual, homosexual, or bisexual. Nor will he or she be asked or required to reveal whether he or she has engaged in homosexual conduct, unless independent evidence is received indicating he or she engaged in such conduct or he or she volunteers a statement that he or she is a homosexual, bisexual, or words to that effect.**
3. The general policy on homosexual conduct applies to all active and Reserve officers and enlisted members, **and all accession points.**

4. The policy covers five functional areas: accession, separation, criminal investigations, personnel security investigations, and military training.

12.E.1.b. Definitions

1. Bisexual. A person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.
2. Homosexual. A person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.
3. Homosexual Act.
 - a. Any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires, and
 - b. Any bodily contact **that** a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (a) above.
4. Homosexual Conduct. A homosexual act, a statement by the member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage.
5. Propensity. The likelihood a person engages in or will engage in homosexual acts, beyond a mere abstract preference or desire to engage in homosexual acts.
6. Separation Authority. An official authorized by the Commandant to take final action on a specified type of separation. The authority for most separations resulting from homosexual conduct is Commander (CGPC-opm), (CGPC-epm), or **(CGPC-rpm)**.
7. Sexual Orientation. An abstract sexual preference for persons of a particular sex, distinct from a propensity or intent to engage in sexual acts.
8. Statement a Member Is a Homosexual or Bisexual or Words to That Effect. Language or behavior **that** a reasonable person would believe intends to convey **that** a person engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts. This may include statements such as, "I am a homosexual," "I am gay," "I am a lesbian," and the like.

12.E.2. Accession Policy

1. Homosexual conduct is grounds for barring entry into the Coast Guard as follows:
 - a. An applicant shall be rejected for entry into the Coast Guard if evidence is received indicating he or she engaged in, attempted to engage in, or solicited another to engage in homosexual acts, unless there is a further determination that:
 - (1) Such acts depart from the applicant's usual customary behavior;
 - (2) Under all circumstances they are unlikely to recur;
 - (3) They were not accomplished by using force, coercion, or intimidation; and
 - (4) The applicant does not have a propensity or intent to engage in homosexual acts.
 - b. An applicant shall be rejected for entry into the Coast Guard if he or she states he or she is a homosexual or bisexual, or words to that effect, unless there is a further determination he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. Such a determination will be made in the course of the normal accession process.
 - c. An applicant shall be rejected for entry into the Coast Guard if, in the course of the accession process, evidence is received demonstrating an applicant has married or attempted to marry a person known to be of the same **gender** (evidenced by the external anatomy of the persons involved).
2. Before enlistment, commissioning, or induction, all applicants and inductees will be advised homosexual conduct is grounds for separation from the Coast Guard. Failure to receive such information shall not constitute a defense in any administrative or disciplinary proceeding.
3. Nothing in this accession policy requires rejection for entry into the Coast Guard when it is determined that:
 - a. An applicant or inductee stated, engaged in acts, or married or attempted to marry a person of the same sex to avoid military service; and
 - b. Rejection of the applicant or inductee would not be in the best interest of the Coast Guard.

12.E.3. Separation Policy

The suitability of persons to serve in the Coast Guard will be judged on the basis of their conduct and ability to meet required standards of duty performance and discipline. A member's sexual orientation is considered a personal, private matter and is not a bar to continued service unless manifested by homosexual conduct as described in this article. There are three bases for separation:

1. Homosexual Acts. A Service member shall be separated if he or she has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts, unless there are approved further findings of all these:
 - a. Such acts depart from the member's usual, customary behavior;
 - b. Such acts under all circumstances are unlikely to recur;
 - c. Such acts were not accomplished by using force, coercion, or intimidation;
 - d. Under the particular circumstances of the case, the member's continued presence in the Coast Guard is consistent with the Coast Guard's interests in proper discipline, good order, and morale; and
 - e. The member does not have a propensity or intent to engage in homosexual acts.
2. Statements. A service member shall be separated if he or she states he or she is a homosexual or bisexual, or words to that effect, unless there is a further approved finding the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.
 - a. A member's statement that demonstrates a propensity or intent to engage in homosexual acts is grounds for separation not because it reflects the member's sexual orientation, but because it indicates a likelihood the member engages in or will engage in homosexual acts.
 - b. A member's statement he or she is a homosexual or bisexual, or words to that effect, creates a rebuttable presumption the member engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.
 - (1) The member shall be advised of this presumption and given the opportunity to rebut it by presenting evidence demonstrating he or she does not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts.
 - (2) In determining whether a member has successfully rebutted the presumption that he or she engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts, some or all of the following may be considered; this list is not exhaustive; any other relevant evidence may also be considered:

- (a) Whether the member has engaged in homosexual acts;
 - (b) His or her credibility;
 - (c) Testimony from others about the member's past conduct, character, and credibility;
 - (d) The nature and circumstances of the member's statement; and
 - (e) Any other evidence on whether the member is likely to engage in homosexual acts.
3. Marriage. A service member shall be separated if he or she has married or attempted to marry a person known to be of the same biological sex (evidenced by the external anatomy of the persons involved).

12.E.4. Characterization of Service

Characterization of service will be determined in accordance with ~~CFR~~ Articles 12.A.2. (for officers) and 12.B.2. (for enlisted members) subject to this guidance:

1. For both officers and enlisted members, a discharge shall be characterized as "Honorable" or "General (Under Honorable Conditions)" if the sole basis for separation is homosexual conduct unless aggravating circumstances are included in the findings.
2. For both officers and enlisted members, separation may be characterized as "Under Other Than Honorable Conditions" only if there is also a finding that during the current term of service the member attempted, solicited, or committed a homosexual act under any of these aggravating circumstances:
 - a. By using force, coercion, or intimidation;
 - b. With a person under 16 years of age;
 - c. With a subordinate in circumstances that violate customary military superior-subordinate relationships;
 - d. Openly in public view;
 - e. For compensation;
 - f. Aboard a military vessel or aircraft; or
 - g. In another location subject to military control under aggravating circumstances noted in the finding that adversely affect discipline, good order, or morale comparable to the impact of such activity aboard a vessel or aircraft.

12.E.5. Procedures

12.E.5.a. Commissioned and Warrant Officers

Separation processing shall be conducted in accordance with [☞ Chapter 12.A.](#), subject to the guidance found in this **article**. Notification and acknowledgment will be consistent with **procedures outlined in** [☞ Article 12.A.15.](#)

1. Commissioned Officers (Article 12.A.15.)

- a. Per [☞ Article 12.A.15.h.](#), **a Board of Inquiry may be convened to afford an officer a fair, impartial hearing.** The Board makes findings and recommendations based on a preponderance of evidence. In the case of alleged homosexual conduct, the officer bears the burden of proving throughout the proceedings, by a preponderance of the evidence, that retention is warranted under the limited circumstances described in [☞ Article 12.E.3.](#)
- b. Additionally, nothing in these regulations requires that an officer be processed for separation when a determination is made that:
 - (1) The officer engaged in acts, made statements, or married or attempted to marry a person known to be of the same biological sex to avoid military service; and
 - (2) Separating the officer would not be in the best interest of the Coast Guard.
- c. In cases of alleged homosexual conduct, both the Determination Board and Board of Inquiry shall make specific findings of the reasons warranting retention or not and, if appropriate, stating the character of discharge (in accordance with [☞ Article 12.A.2.f.](#)) to be issued.
- d. A commissioned officer may be considered for separation for all the reasons in [☞ Chapter 12](#) and those set forth in subparagraph c. above; however, separate findings under each applicable section are required for the reasons for separation.

2. Warrant Officers (Article 12.A.21). When Evaluation Boards convene and Board of Inquiry procedures are followed as described in [☞ Article 12.A.15.](#), the conditions described above for commissioned officers apply, as appropriate, to warrant officers.

12.E.5.b. Enlisted Members

Separation processing shall be conducted in accordance with [☞ Chapter 12.B.](#), subject to the guidance found in this **article**. [☞ Figures 12.E.1. and 12.E.2.](#) provide sample notification and acknowledgment letters to initiate the administrative discharge process for enlisted members.

1. Enlisted Members with fewer than 180 days service. (Article 12.B.20) Processing under [☞ Article 12.B.20.](#) will be followed if the member has fewer than 180 days' service on notification of discharge. The member must be informed in writing the reason(s) for separation under the homosexual conduct policy and of his or her rights.

2. Enlisted Members with 180 days' or more service. (Article 12.B.31.) Administrative Discharge Board (ADB) procedures are found in ~~☞~~ Article 12.B.31., and shall be used for enlisted members with 180 days' or more service on notification of discharge, subject to the following:
 - a. The member may waive the ADB.
 - (1) If the member waives the ADB for cases involving homosexual acts and/or homosexual marriage or attempted marriage, the member still has the right to submit a statement on his or her behalf.
 - (2) **In** cases involving **homosexual admissions**, if the member waives the ADB, he or she still has the right to submit a statement on his or her behalf **as well as** an opportunity to rebut the presumption in that **admission** by demonstrating that he or she does not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts.
 - b. ~~☞~~ Article **12.E.7.** contains the fact-finding procedures for inquiries into homosexual conduct. Separation processing shall be initiated if there is probable cause to believe separation is warranted under ~~☞~~ **Article 12.E.3.**
 - c. If the ADB finds the evidence supports one or more of the circumstances authorizing separation under ~~☞~~ **Article 12.E.3.**, the ADB shall recommend separation unless it finds that retention is warranted under the limited circumstances described in ~~☞~~ **Article 12.E.3.1.**
 - d. If the ADB does not find sufficient evidence that one or more of the circumstances authorizing separation under ~~☞~~ **Article 12.E.3.** has occurred, the ADB shall recommend retention unless the case involves another basis for separation of which the member has been duly notified.
 - e. The member bears the burden of proving by a preponderance of the evidence that retention is warranted under the limited circumstances described in ~~☞~~ **Article 12.E.3.**, except in cases where the member's conduct resulted solely from a desire to avoid or terminate military service.
 - f. Findings on whether retention is warranted under the limited circumstances of ~~☞~~ **Article 12.E.3.** are required if the member clearly and specifically raises such limited circumstances.

Figure 12.E.5.1. SAMPLE NOTIFICATION MEMORANDUM FOR ENLISTED MEMBERS

Signature

From: Commanding Officer, [Unit]
To: [Member name]:
Subj: NOTICE OF INITIATION OF ADMINISTRATIVE DISCHARGE PROCESS
Ref: (a) Personnel Manual, COMDTINST MI000.6A, Article 12.E.5.
(b) Personnel Manual, COMDTINST MI000.6A, Article 12.B.31.
(c) Administrative Investigations Manual, COMDTINST M5380.1 (series)

1. You are hereby notified per reference (a), I am initiating procedures for you to be administratively discharged from the United States Coast Guard [Reserve] for homosexual conduct [and other grounds if applicable].

Specific reasons for the action are as follows:

[Sample paragraphs 2 and 3 are formats to use for each type of homosexual conduct defined in reference (a): homosexual statement, homosexual act, or homosexual marriage or attempted marriage. More than one basis for discharge can exist: multiple grounds for discharge can exist, including those unrelated to homosexual conduct. Separately cite and address each basis for separation in this notification letter.]

For cases involving statements:

2a. I have received credible information you have made a statement indicating you are [homosexual/bisexual—whichever is appropriate], or words to that effect. Specifically, you stated on [date] that [describe statement]. Under reference (a), this statement creates a rebuttable presumption you engage in, have a propensity to engage in, or intend to engage in homosexual acts and presents probable cause to believe separation is warranted under reference (a).

3a. Under reference (a), you are entitled to rebut the presumption noted above at an administrative discharge board by presenting evidence demonstrating you are not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. Under references (b) and (c), you have the right to appear in person and present your case before an administrative discharge board of at least three officers. References (b) and (c) outline additional procedures for administrative boards. You have the right to be represented by appointed counsel, or private counsel at no expense to the Government, at such hearing. You may waive this right by submitting a signed statement only after consulting with legally qualified counsel and having a witness countersign that waiver. If you decide to waive a hearing before an administrative discharge board, you still have the right to submit a statement on your behalf and an opportunity to rebut the presumption noted above in the statement by demonstrating you do not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts.

For cases involving homosexual acts:

2b. I have received credible information you have engaged in homosexual acts. Specifically, on [dates] you [describe homosexual acts]. Your homosexual acts present probable cause to believe

separation is warranted under reference (a).

3b. Under reference (a), you are entitled to present evidence to contest the matters noted above about your alleged homosexual act(s). You also are entitled to present evidence your retention in the Coast Guard is warranted because: (1) your act(s) were a departure from your usual customary behavior; (2) your act(s) under all the circumstances are unlikely to recur; (3) your act(s) were not accomplished by using force, coercion, or intimidation; (4) under the particular circumstances of your case, your presence in the Coast Guard is consistent with the Coast Guard's interest in proper discipline, good order, and morale; and (5) you do not have a propensity or intent to engage in homosexual acts. Under reference (a), you have the right to appear in person and present your case before an administrative discharge board of at least three officers. References (b) and (c) outline procedures for administrative boards. You have the right to be represented by appointed counsel or private counsel at no expense to the Government at such a hearing. You may waive these rights by submitting a signed statement only after consulting with legally qualified counsel and having a witness countersign such a waiver. If you decide to waive a hearing before an administrative discharge board, you still have the right to submit a statement on your behalf.

For cases involving homosexual marriages or attempted marriages:

2c. I have received credible information you have [married/attempted to marry] a person of your same biological sex. Specifically, on [date] you [describe marriage or attempted marriage and to whom]. This [marriage/attempted marriage] presents probable cause to believe separation is warranted under reference (a).

3c. Under reference (a), you are entitled to present evidence to contest the matters noted above about your alleged homosexual [marriage/attempted marriage]. Under reference (a) you have the right to appear in person and present your case before an administrative discharge board of at least three officers. References (b) and (c) outline procedures for administrative boards. You have the right to be represented by appointed counsel or private counsel at no expense to the Government at such a hearing. You may waive these rights by submitting a signed statement only after consulting with legally qualified counsel and having a witness countersign such a waiver. If you decide to waive a hearing before an administrative discharge board, you still have the right to submit a statement on your behalf.

4. I will send my recommendation on any proposed administrative discharge to [proper Separation Authority, in most cases the Commander, Coast Guard Personnel Command] for final disposition. The final decision on any type of discharge you may receive rests with [proper Separation Authority].

5. You have until [date: 10 working days from the date of this letter] to consult with a qualified military counsel or a civilian attorney at no expense to the Government and acknowledge receipt of this letter. To do so, indicate your desires on the attached endorsement after either consulting with counsel or waiving such consultation and then return the attached endorsement to me by [same date as above]. If you decide to submit a statement on your own behalf, you also must submit your statement to me by [same date as above] with the attached endorsement. Qualified military counsel is available from [unit provides address and telephone number].

#

Figure 12.E.5.2. SAMPLE ACKNOWLEDGMENT MEMORANDUM FOR ENLISTED MEMBERS

Member's Signature
From: [Member]
To: Commanding Officer, [Unit]
Subj: NOTICE OF INITIATION OF ADMINISTRATIVE DISCHARGE PROCESS
Ref: (a) [letter notifying member of discharge action]

1. I have read reference (a) and hereby acknowledge you are initiating administrative discharge proceedings against me for homosexual conduct [and other grounds if applicable]. I also understand unless I waive such rights in writing:

- a. My case will be heard before an administrative discharge board of at least three officers;
- b. I may appear in person before such an administrative discharge board [unless in civil confinement or otherwise unavailable];
- c. I may be represented by counsel; and
- d. I may submit a statement on my own behalf.

2. I understand [the Separation Authority, in most cases the Commander, Coast Guard Personnel Command] will take final disposition on type of discharge issued, if any.

3. I [do/do not: use only words which apply] waive my right to a hearing before an administrative discharge board. I [am/am not: use only words which apply] submitting a statement on my own behalf.

4a. In coming to my decision, I consulted with [rank, name of qualified military counsel or name of civilian counsel] on [date].

or

4b. I understand my right to consult with qualified military counsel, or civilian counsel at no expense to the Government, on this matter. I hereby waive my right to counsel.

5. I further understand if discharge under other than honorable conditions is issued to me such discharge may deprive me of many or all my rights as a veteran under both Federal and State legislation; and I may expect to encounter substantial prejudice in civilian life in situations in which the type of service rendered in any Armed Forces branch or the type of discharge received from it may have a bearing.

6. I voluntarily sign this statement of my own free will. I have retained a copy of this statement.

#

(Signature and grade of legally qualified counsel; required only if the member elects to waive the administrative discharge board)

12.E.6. Separation Authority

The Separation Authority shall dispose of the Administrative Discharge Board (ADB) case according to these provisions:

1. If the ADB recommends retention, the Separation Authority shall take one of these actions:
 - a. Approve the finding and direct retention; or
 - b. Disapprove the finding and direct separation on the basis that one or more of the circumstances authorizing separation under ☞ **Article 12.E.3.** has occurred.
2. If the ADB recommends separation, the Separation Authority shall take one of these actions:
 - a. Approve the finding and direct separation; or
 - b. Disapprove the finding on the basis of the following considerations:
 - (1) There is insufficient evidence to support the finding; or
 - (2) Retention is warranted under the limited circumstances described in ☞ **Article 12.E.3.1.**
3. If the member has waived the ADB proceedings, the Separation Authority shall dispose of the case in accordance with these provisions:
 - a. If the Separation Authority determines sufficient evidence does not exist to support separation under ☞ **Article 12.E.3.**, the Separation Authority directs retention unless there is another basis for separation of which the member has been duly notified.
 - b. If the Separation Authority determines one or more of the circumstances authorizing separation under ☞ **Article 12.E.3.** has occurred, the member separates unless retention is warranted under the limited circumstances described in ☞ **Article 12.E.3.1.**
4. Nothing in these procedures requires processing a member for separation when a determination is made that:
 - a. The member engaged in acts, made statements, or married or attempted to marry a person known to be of the same biological sex to avoid or terminate military service; and
 - b. Separating the member would not be in the best interest of the Coast Guard.

5. Under these procedures the Coast Guard retains these rights:
 - a. It may retain a member for a limited period of time in the interests of national security as authorized by the Secretary.
 - b. It may separate a member in appropriate circumstances for any other reason set forth in ~~12.E~~ Chapter 12.
 - c. It may court-martial a member in appropriate cases.
 - d. It may require the member to surrender his or her uniform.

12.E.7. Command Inquiries


1. Commanding officers may initiate fact-finding inquiries into alleged homosexual conduct only after receiving credible information a basis for discharge exists.
 - a. Credible information is that which, considering its source and the surrounding circumstances, supports a reasonable belief there is a basis for discharge. It requires a determination based on facts which can be articulated, not just a belief or suspicion.
 - b. A commanding officer personally or a person he or she appoints may conduct a fact-finding inquiry.
2. Credible information about homosexual conduct does not exist if the only information known concerns an associational activity; e.g., going to a gay bar, possessing or reading homosexual publications, associating with known homosexuals, or marching in a gay rights rally in civilian clothes. Such activity, in and of itself, does not provide evidence of homosexual conduct. Credible information does exist, however, if a reliable person states he or she:
 - a. observed a service member engaging in homosexual acts **or heard a service member state that** he or she is a homosexual or bisexual or is married to a person of the same sex;
 - b. heard, observed, or discovered a service member made an oral or written statement a reasonable person would believe intends to convey the fact the service member engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts; or
 - c. has observed behavior that amounts to a non-verbal statement by a service member he or she is a homosexual or bisexual; i.e., behavior a reasonable person would believe is intended to convey the statement the Service member engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts.

3. Service members will not be asked about or required to reveal whether they are heterosexual, homosexual, or bisexual. However, on receiving credible information of homosexual conduct, commanders or appointed inquiry officials may ask members if they engaged in such conduct. These officers first should advise the Service member of the policy on homosexual conduct and of his or her rights under Article 31, UCMJ, if applicable. Should the Service member choose not to discuss the matter further, the commander should consider other available information.
4. Commanders should gather all credible information that directly relates to the grounds for possible separation and limit inquiries to the factual circumstances directly related to the specific allegations. Informal fact-finding inquiries and administrative separation procedures are the preferred method of addressing homosexual conduct. However, Service members may be subject to disciplinary action or trial by courts-martial in appropriate circumstances.
5. This provision allows a commander to question a Service member about any information he or she provided in the course of the fact-finding inquiry or any related proceeding. It does not give the member any basis to challenge the validity of any proceeding or the use of any evidence, including his or her statement, in any proceeding.

12.E.8. Criminal Investigations

1. Criminal investigations **will not be** conducted solely to determine whether a Service member is heterosexual, homosexual, or bisexual. **However, in cases which involve a Service member's admissions or other violations of this policy in regards to homosexual or bisexual activity, the commander may request that the Coast Guard Investigative Service (CGIS) initiate an investigation to determine the validity of allegations of homosexual or bisexual misconduct for use in any subsequent administrative or criminal proceedings.**
2. **Sexual orientation does not bar investigations into alleged adult consensual sexual misconduct (e.g., fraternization or adultery) or violations of law, regardless of whether they involve the question of sexual orientation.**
3. **In the course of an investigation, only credible information regarding sexual orientation may be investigated, only as far as it pertains to the original investigation.**
4. These provisions do not provide a basis to challenge the validity of any administrative or criminal proceeding or exclude the use of any evidence in such proceeding.

12.E.9. Personnel Security Investigations

Sexual orientation has no bearing on security clearances and members will not be asked to divulge such information. If, in the course of a background investigation, such information is discovered and there is a possibility that it may pose a security risk (e.g., possibility of blackmail), personnel security adjudicators and the USCG Personnel Security Officer will follow the national adjudication standards and other guidance provided in the  Coast Guard Military Personnel Security Program, COMDTINST 5520.12 (series).

12.E.10. Military Training

In conjunction with briefings under Article 137, UCMJ, which are required on entry and periodically thereafter, Service members will **receive training concerning** the Coast Guard's policy on sexual conduct, including homosexual conduct. This is a command responsibility, not a procedural entitlement. The member's failure to receive or understand such explanation does not create a bar to separation or characterization.