



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

SECNAVINST 1730.8B CH-1
ASN (M&RA)/N097
28 March 2012

SECNAV INSTRUCTION 1730.8B CHANGE TRANSMITTAL 1

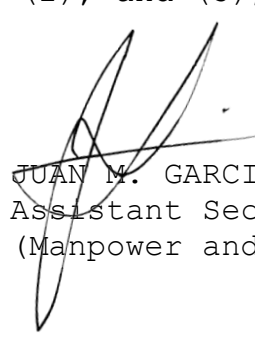
From: Secretary of the Navy

Subj: ACCOMMODATION OF RELIGIOUS PRACTICES

Encl: (1) Revised Page 3
(2) Revised Page 4
(3) Revised Page 8

1. Purpose. To transmit new pages 3, 4, and 8 of the basic instruction replacing obsolete language relative to dietary accommodation and clarifying the factors commanders consider when making determination to grant a request for religious accommodation thereby ensuring that commanders do not treat requests for religious accommodation as personal requests for general accommodation but afford such requests the proper consideration due their religious nature.

2. Action. Remove pages 3, 4, and 8 of the basic instruction and replace with enclosures (1), (2), and (3), respectively, of this change transmittal.


JUAN M. GARCIA III
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

Distribution:

Electronic only, via Department of the Navy Issuances Web site:
<http://doni.daps.dla.mil/>



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

SECNAVINST 1730.8B
N097
02 October 2008

SECNAVINST 1730.8B

From: Secretary of the Navy

Subj: ACCOMMODATION OF RELIGIOUS PRACTICES

Ref: (a) DoD Directive 1300.17, of 3 Feb 88
(b) U.S. Navy Regulations, 1990
(c) DoD 7000.14-R, Vol. 7A, of Feb 02
(d) DoD Directive 5154.24, of 3 Oct 01
(e) Title 10, United States Code

1. Purpose. To provide policy and guidance for the accommodation of religious practices within the Department of the Navy (DON) under reference (a). The DON recognizes that religion can be as integral to a person's identity as one's race or sex. The DON promotes a culture of diversity, tolerance, and excellence by making every effort to accommodate religious practices absent a compelling operational reason to the contrary. During a service member's career in the DON, he or she will be exposed to a wide variety of religious expressions from both chaplains and other service members. It is DON policy to foster mutual respect for diverse religious expressions, which includes accommodating as many of them as possible at the command level. Chaplains are the Navy's only trained professional religious accommodators. Assisted by religious program specialists, they provide for and facilitate the religious needs of authorized personnel. The Chaplain Corps' capabilities are critical to the commander's ability to successfully meet the requirement for the free exercise of religion set forth in the U.S. Constitution.

2. Cancellation. SECNAVINST 1730.8A.

3. Applicability. The policies and procedures in this instruction apply solely to the accommodation of religious practices within the DON and no other context.

4. Definitions

a. Department of the Navy. The DON, for purposes of this instruction, includes applicants for entry to, and members of, the Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, as

well as midshipmen at the U.S. Naval Academy and in the Reserve Officer Training Corps, and officers and officer candidates in all officer accession programs.

b. Religious Observance. Religious observances include participating in worship services and following other doctrinal requirements on Sabbath and holy days.

c. Religious Dietary Observances. Religious dietary observances include doctrinal or traditional requirements on types of foodstuffs allowed or the means of food preparation.

d. Religious Apparel. Religious apparel is defined as articles of clothing worn as part of the doctrinal or traditional observance of the religious faith practiced by the service member. Hair and grooming practices required or observed by religious groups are not included within the meaning of religious apparel.

e. Religious Medical Practices. Religious medical practices include doctrinal or traditional objections to receiving immunizations and providing Deoxyribonucleic Acid (DNA) specimen samples.

5. Policy. DON policy is to accommodate the doctrinal or traditional observances of the religious faith practiced by individual members when these doctrines or observances will not have an adverse impact on military readiness, individual or unit readiness, unit cohesion, health, safety, discipline, or mission accomplishment.

a. Accommodation of a member's religious practices cannot be guaranteed at all times and is subject to military necessity. Determination of necessity rests entirely with the commanding officer.

b. The guidelines in this instruction shall be used in the exercise of command discretion concerning the accommodation of religious practices. Nothing in these guidelines, except as expressly provided herein, shall be interpreted to require a specific form of accommodation in individual circumstances.

c. All requests for accommodation that can be approved by the commanding officer shall be approved or denied, absent unusual circumstances, within 1 week of the date of request.

Requests that require approval from the headquarters level shall be approved or denied within 30 days of the date of request for cases arising in the United States, and within 60 days for all other cases. Exceptions to these deadlines shall be limited to unusual circumstances.

d. Any request for accommodation that is denied is subject to appeal as follows.

(1) The requesting member shall be informed by the commanding officer of the right to appeal the decision up the chain of command.

(2) Requests denied by the commanding officer shall be appealed to the next higher level of command. Subsequent appeals shall be made at successive levels of command up to and including the Chief of Naval Operations (CNO) or Commandant of the Marine Corps (CMC) as appropriate.

(3) The next level of command will either overturn or uphold the contested decision within 30 days of the date of appeal for cases arising in the United States, and within 60 days for all other cases. Absent unusual circumstances, exceptions to these deadlines shall be limited.

(4) Denied requests regarding the wear of religious apparel shall be appealed directly to the CNO or the CMC per reference (a). The CNO and CMC will provide an information copy of the approval or denial to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN(M&RA)).

(5) The decision of the CNO or CMC shall not be subject to appeal.

6. Religious observances shall be accommodated, except by reason of necessity, as provided in reference (b). In scheduling, commanders should be mindful of major religious observances.

7. Dietary Observance. Commanders afloat and ashore should accommodate religious dietary observances to the fullest possible extent within the limits and guidelines established by this policy. Commanders normally accommodate religious dietary observances through a standard core menu that supports many

religious dietary requirements, and or by issuing Meals Ready to Eat, Religious (MRE-R), or through other appropriate means. To the extent that health, safety, or readiness in the unit is not compromised, commanding officers should authorize individuals to provide their own supplemental food rations at sea or in the field environment to accommodate their religious dietary observances.

8. Immunizations. Immunization requirements may be waived when requested by the member based on religious objection.

a. The religious objection of the service member must be balanced against the medical risk to the member and the military unit, and military requirements such as alert status, deployment potential, and availability of the member for reassignment to units requiring full medical readiness. To provide for consistent application of these guidelines, immunization waivers will be decided by the Surgeon General of the Navy (CNO (N093)) or headquarters level designee. Individual requests shall be submitted to Chief, Bureau of Medicine and Surgery (MEDCOM-24), via the commanding officer and Deputy Chief of Naval Operations, Manpower, Training and Education (CNO (N1)) or CMC Deputy Chief of Staff for Manpower and Reserve Affairs (DCS (M&RA)), as appropriate.

b. Commanding officers may subsequently revoke waivers for service members at imminent risk of disease due to exposure or to conform to international health regulations incident to foreign travel or unit deployment. The guidance in paragraph 11e on irresolvable differences must be considered in such circumstances.

9. Deoxyribonucleic Acid (DNA) Specimen Sampling

a. Requests for waiver of the DNA specimen sample requirement will be decided by CNO (N1) or CMC (DCS (M&RA)). Individual requests shall be submitted to CNO (N1) or CMC (DCS (M&RA)), as appropriate, via the commanding officer.

b. When determining whether to grant a request for waiver based on religious medical practices, the five factors contained in paragraph 11c as supplemented by the following shall be considered:

(1) DNA analysis fulfills the military requirement of quickly and accurately identifying the remains of service members under reference (d). DNA analysis is not conducted on the specimen unless necessary for identification of remains or for other narrowly defined purposes. The specimen sample will be destroyed at the request of the member upon completion of service.

(2) The cumulative impact of repeated accommodations of a similar nature and previous treatment of similar requests may set a precedent that could adversely impact other Department of Defense (DoD) medical policies and programs, including mandatory pre-deployment processing, medical screening activities, Human Immunodeficiency Virus testing and medical surveillance program serum collection.

10. Uniforms

a. When approved by competent military authority, religious apparel not visible or otherwise apparent may be worn with the uniform, provided it does not interfere with the performance of the member's military duties or interfere with the proper wearing of any authorized article of the uniform.

b. When approved by competent military authority, visible items of religious apparel will be authorized for wear with the uniform, except when the item is not neat and conservative, its wearing will interfere with the performance of the member's military duties, or is specifically prohibited in subparagraphs 10d and 10e. In the context of the wearing of a military uniform, "neat and conservative" items of religious apparel are those that:

(1) Are discreet, tidy, and not dissonant or showy in style, size, design, brightness or color.

(2) Do not replace or interfere with the proper wearing of any authorized article of the uniform.

(3) Are not temporarily or permanently affixed or appended to any article of the uniform.

(4) Do not obscure the identity of the wearer or interfere with communication.

c. The standards in subparagraph 10b, and the prohibitions in subparagraphs 10d and 10e, are intended to serve as a basis for determining a service member's authorization to wear religious apparel with the uniform. Unless prohibited by subparagraph 10d or 10e, religious apparel shall be authorized.

d. Whether an item of religious apparel interferes with the performance of the service member's military duties depends on the characteristics of the item, the circumstances of its intended wear, and the particular nature of the member's duties. Factors in determining if an item of religious apparel interferes with the military duties include, but are not limited to, whether the item may:

(1) Impair the safe and effective operation of weapons, military equipment, or machinery.

(2) Pose a health or safety hazard to the wearer or others.

(3) Interfere with the wearing or proper functioning of special or protective clothing or equipment (e.g., helmets, flak jackets, flight suits, camouflage uniforms, gas masks, wet suits, and crash and rescue equipment).

(4) Otherwise impair the accomplishment of the military mission.

e. Visible items of religious apparel shall not be worn while wearing historical or ceremonial uniforms; participating in review formations, parades, honor or color guards and similar ceremonial details or functions.

f. Jewelry bearing religious inscriptions or otherwise indicating affiliation or belief may be worn subject to the same uniform regulations prescribed for jewelry that is not of a religious nature.

g. Chaplains may wear any religious apparel required by their religious organizations with the uniform while conducting public worship services and during the performance of rites and rituals distinct to their faith groups.

h. Service members may wear any required religious apparel distinct to their faith group with the uniform while in attendance at public worship services.

i. Subject to the guidelines in subparagraph 4d, and the limitations in subparagraphs 10b, 10d, and 10e, commanding officers shall approve individual requests for wearing visible religious apparel with the uniform in circumstances other than attendance at public worship services. Visible items of religious apparel may not be worn with the uniform until approved.

j. A member whose request to wear a visible item of religious apparel has been approved by their commanding officer must again request approval when reporting to a new command or when a new commanding officer reports.

11. Responsibilities

a. Members seeking religious accommodation must submit their request in writing through their chain of command to their commanding officer, commander, or as otherwise specified in this instruction.

b. Commanders will respond to requests for accommodation in a just and timely manner, supporting religious freedom and respect for religious diversity within the Sea Services.

c. Commanders and commanding officers shall approve requests for religious accommodation within the guidelines of this instruction. To promote standard procedures for the accommodation of religious practices, commanding officers shall consider the following factors:

(1) The importance of military requirements, including individual readiness, unit readiness, unit cohesion, health, safety, morale, discipline, and mission accomplishment.

(2) The religious importance of the accommodation to the requester.

(3) The cumulative impact of repeated accommodations of a similar nature.

(4) Alternative means available to meet the requested accommodation.

(5) Previous treatment of the same or similar requests, including treatment of similar requests made for other than religious reasons. Religious requests should be considered at least as favorably as non-religious requests. A request for religious accommodation should not be denied simply because a similar non religious request was denied.

d. When requests are precluded by military necessity, commanders should seek reasonable alternatives.

e. When requests for accommodation are not in the best interests of the unit but continued tension between the unit's requirements and the individual's religious beliefs is apparent, administrative action is authorized, including but not limited to: reassignment, reclassification, or separation consistent with Secretary of the Navy (SECNAV) and Service regulations.

f. Commanding officers shall report each decision to approve or deny a request for religious accommodation up the chain of command to CNO (N1) or CMC (DSC (M&RA)) as appropriate.

g. Nothing in this instruction precludes action under the Uniform Code of Military Justice in appropriate circumstances.

h. The Chief of Chaplains will annually report to the SECNAV, the CNO and the CMC on religious demographics and religious diversity in the DON.

i. The Chief of Chaplains will provide procedures for commanders to record and report their decisions regarding requests for accommodation.

12. Information and Education

a. The CNO and CMC shall provide DON policy on accommodation of individual religious practices and military requirements in paragraphs 5 and 5a of this instruction to applicants for commissioning, enlistment and reenlistment, and shall require the member's signature acknowledging the DON policy.

b. The CNO and CMC shall incorporate relevant materials on religious traditions, practices, policies, this instruction, and reference (e), in curriculum for command, judge advocate, chaplain and similar courses of instruction and orientation.

13. Action

a. ASN(M&RA) is responsible for overall policy control and program execution.

b. The CNO and CMC shall implement the policies and procedures in this instruction.

c. The CNO and CMC shall review Service regulations governing uniforms, food service, separate rations, immunizations, and DNA sampling and revise them as necessary in order to conform to this instruction within 90 days from the date of this instruction and provide copies of each such regulation revision to ASN(M&RA).

d. CNO (N1) and CMC (DCS (M&RA)) shall collect, maintain and make available to the Chief of Navy Chaplains (CNO (N097)) the data concerning religious diversity, religious demographics and statistics related to the approval and denial of requests for religious accommodation.

14. Records Management. Records created by this instruction, regardless of media and format, shall be managed in accordance with SECNAV Manual 5210.1.



Donald C. Winter

Distribution:

Electronic only, via Department of the Navy Issuances Web site
<http://doni.daps.dla.mil/>