

Training for:

**BUPERSINST 1730.11**

**STANDARDS AND PROCEDURES GOVERNING THE  
ACCOMMODATION OF RELIGIOUS PRACTICES**

This training supports BUPERSINST 1730.11, STANDARDS AND PROCEDURES GOVERNING THE ACCOMMODATION OF RELIGIOUS PRACTICES. This training is not intended to be a substitute for the instruction and so BUPERSINST 1730.11 should be read and reviewed in its entirety.

## **Religious Liberty and Religious Accommodation**

Religious Liberty is more than freedom to worship. It includes the freedom to integrate one's religion into every aspect of one's life. Religion is integral to the identity and well-being of many Sailors, contributing to their moral and physical courage, toughness, and resilience. Service in the Navy, both at home and abroad, can inhibit the free exercise of religion for Sailors and their families. The Department of the Navy has a Chaplain Corps to provide for the free exercise of religion by those serving within or under its auspices. The Navy supports Religious Liberty through policy, regulations, and doctrine that call for robust command religious programs that are responsive to religious needs through the various capabilities of the Chaplain Corps.

When a Sailor's religious practices conflict with the policies or procedures of the Navy, the Navy works to accommodate the Sailor's religious practices to the broadest extent possible within the bounds of military readiness, unit cohesion, good order, discipline, health, and safety. The vast majority of Sailors' religious practices are not generally impinged upon by Navy policies and procedures and therefore do not require waivers.

The foundational intent of BUPERSINST 1730.11, fully reflective of law and higher policy, is that COs will support the free exercise of religion to the greatest extent possible within mission parameters. As such, COs will not deny or recommend denial of a religious accommodation unless the denial or partial denial furthers a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

## **Compelling Governmental Interest and Least Restrictive Means**

The Navy has a compelling governmental interest in meeting mission requirements. When faced with a request for religious accommodation, commanders must answer the question, "Can my unit meet mission requirements if I approve this request for religious accommodation?"

- If the answer is yes, then the request should be approved.
- If the answer is no, the commander must choose the course of action that least burdens the Sailor's free exercise of religion while meeting mission requirements.

## **Substantial Burden**

According to the Attorney General's memorandum, "Federal Law Protections for Religious Liberty," dated October 6, 2017, the government is not competent to determine the reasonableness of a religious belief. When a Sailor submits a request for religious accommodation the assumption is the Sailor's free exercise of religion is being substantially burdened, meaning that the religious practice being impinged upon is of such importance as to significantly decrease or prohibit the Sailor's ability to meet their religious obligations. Since the government is not competent to determine the reasonableness of a religious belief, the command may not make a determination of how important the request for religious

accommodation is to the Sailor or the Sailor's religion. The Sailor making the request is the only one able to determine the importance of the request to their practice of religion.

## **Scope and Applicability of BUPERSINST 1730.11**

BUPERSINST 1730.11 applies to the following:

- Active and reserve status Sailors;
- Midshipmen (USNA and NROTC);
- All those in accession programs (RTC, OCS, etc.). Prospective accessions may submit a request for religious accommodation before entering the Navy. The pre-accession request must be adjudicated before the requestor enters the service.

BUPERSINST 1730.11 does NOT apply to the following:

- Conscientious objectors: See DoDI 1300.06 for guidance.
- Peyote use: See Assistant Secretary of Defence for Force Management Policy Memorandum of 25 April 1997, *Sacramental Use of Peyote by Native American Service Members* for guidance.
- Immunization waiver requests not associated with a religious accommodation: these non-religious requests will continue to be adjudicated by the Sailor's local health care provider.
- Sailors serving with the USMC or other services: adjudication of requests from Sailors under the direct report of another US Military Service (e.g. Sailors serving in USMC units) are processed through the unit's Military Service. For instance, Sailors serving in USMC units will submit requests for religious accommodation through the USMC religious accommodation process.

## **Policy Compliance During Request Process**

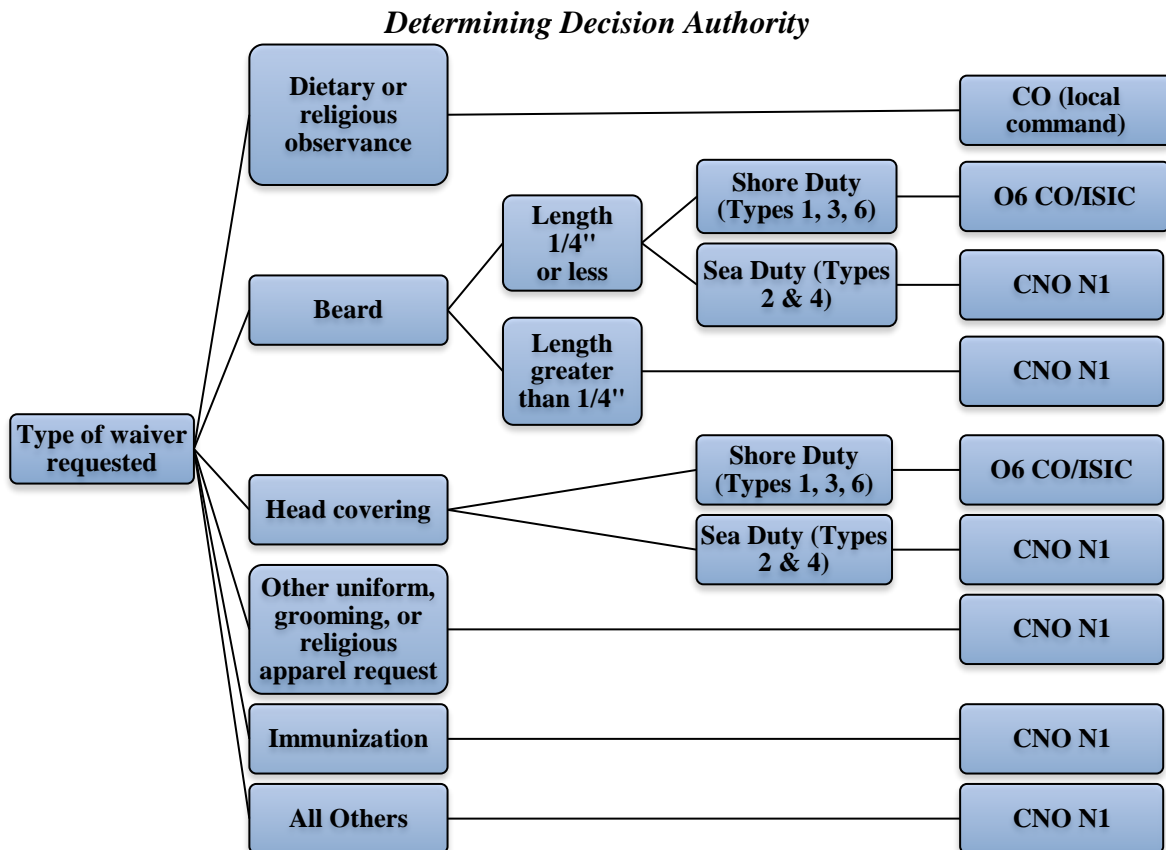
Sailors requesting a religious accommodation will comply with the policy or procedure from which they are seeking exemption while their request is being processed. For instance, if a Sailor requests to grow and maintain a beard as a religious practice, they will remain clean-shaven per Navy grooming standards until their request is approved by the appropriate decision authority. Failure to adhere to the relevant policy or procedure while the request is being processed can lead to disciplinary actions in accordance with the UCMJ.

## **Determining Decision Authority**

There are three levels of decision authority for religious accommodation requests: *COs* (the local command), *O6 CO/ISIC* (the first O6 in the chain of command), and *CNO NI*.

- *COs* may approve requests concerning dietary practices and religious observances. Often these requests are addressed informally. For instance, most religious dietary practices are accommodated through a standard core menu or by the issuing of Meals Ready to Eat, Religious. Most requests for accommodating religious observances are addressed through personnel management resources such as but not limited to: coordination of duty/watch bills and special liberty.
- *O6 CO/ISIC* and *CNO NI* are the decision authorities for religious accommodation requests requiring a waiver to Navy policy. Determining which authority is required for a particular request for religious accommodation requires understanding the type and

nature of the request and, in some cases, the type of duty (sea or shore duty) the requestor is assigned to. The chart below provides a guide for determining who has approval authority for a particular request for religious accommodation. For instance, if a Sailor requests to grow a beard as a religious practice, the first step is to determine the intended length of the beard. If the intended length of the beard is ¼ inch or less, then the next step is to determine what kind of duty the Sailor is assigned to. If the Sailor is assigned to shore duty (duty type 1, 3, or 6), then the approval authority resides in the *O6 CO/ISIC*. *CO/ISIC*.



**NOTE:** The *O6 CO/ISIC* has approval authority only. In the event the *O6 CO/ISIC* determines that due to a compelling governmental interest the request for accommodation should be denied, the request is to be routed to *CNO N1* with a recommendation for denial by the *O6 CO/ISIC*.

## Initiating a Religious Accommodation Request

The Sailor requesting a religious accommodation must initiate the request.

- For *accommodations all COs can approve*, the request may be verbal or written at the discretion of the command. Often written requests of this type are processed as special liberty chits.
- For *accommodations requiring waivers to policy*, the Sailor submits their request using the template found in enclosure (1) of BUPERSINST 1730.11.

**Religious accommodation request packages must contain the following:**

Requests all COs may approve: No request package is required.

Requests Requiring *O6 CO/ISIC* Approval:

- Written request from the requestor – enclosure (1)
- Chaplain Interview Checklist – enclosure (2)
- Chaplain Memorandum for the Record – enclosure (3)
- CO Recommendation (if CO is O5 or junior) – enclosure (4)
- *O6 CO/ISIC* Decision – enclosure (4)

Requests Requiring *CNO NI* Approval:

- Written request from the requestor – enclosure (1)
- Chaplain Interview Checklist – enclosure (2)
- Chaplain Memorandum for the Record – enclosure (3)
- CO Recommendation (if CO is O5 or junior) – enclosure (4)
- *O6 CO/ISIC* Recommendation – enclosure (4)

## **Chaplain Interview and Memorandum**

It is the responsibility of the command to ensure a Navy Chaplain interviews the requestor. The chaplain's interview and memorandum is an assessment of the Sailor's sincerity. It also serves to advise the command in understanding the nature of the request. The chaplain is to refrain from assessing the reasonableness of the underlying religious belief. At the beginning of the interview, the chaplain must explain that the interview will not be a confidential communication.

- Requests for religious accommodation for dietary purposes or religious observances that can be approved by the local command do not need a chaplain interview or memorandum. This does not bar a CO from seeking a chaplain's advisement, nor the requestor discussing their request with a chaplain.
- Chaplain interviews and memorandums are required for religious accommodation requests requiring a waiver to Navy policy. Such requests for religious accommodation include, but are not limited to: growing and maintaining a beard, wear of head covering in uniform, any other uniform, grooming, or religious apparel request, and immunization requests.
- Chaplain interviews may be conducted remotely via video or telephone in situations where in-person interviews are unreasonable due to geographic location or mission requirements. The chaplain conducting the interview does not have to be a chaplain assigned to the command through which the request is being routed. The chaplain must be a Navy Chaplain and may be either from the active or reserve components.

## **Criteria Considered for Approval/Disapproval of Request**

All requests for accommodation of religious practices are assessed on a case-by-case basis. COs will consider each case on its unique facts, the nature of the requested accommodation, the cumulative impact of similar accommodations, the impact it may have on the personal health and safety of the individual and/or others, any alternative means available to meet the accommodation, and its effect on mission accomplishment, including military readiness, health, good order, discipline, and unit cohesion.

Factors used to determine whether an accommodation would interfere with military duties include, but are not limited to, whether the accommodation would:

- Impair the safe and effective operation of weapons, military equipment, or machinery.
- Pose a health or safety hazard to the Service member and/or others.
- Interfere with the wear or proper function of special or protective clothing or equipment (e.g., helmets, flak jackets, flight suits, camouflaged uniforms, protective masks, wet suits, and crash and rescue equipment).
- Otherwise impair discipline, morale, unit cohesion, or accomplishment of the military mission.

In most cases, especially in non-operational environments and during non-operational training periods, there is no impact to performance of member's current military duties and no adverse effect on mission accomplishment.

## **Enduring Waivers**

Waivers to policy in support of religious accommodation will "follow" the Sailor from command to command.

- At each new duty station or change of circumstance (i.e. deployment) the command should review all waivers currently in effect and those of new gains. The command may modify, temporarily suspend, or revoke such waivers in accordance with the procedures laid out in the instruction and described below.
- Sailors with an approved waiver are required to inform their chain of command upon check-in as part of the religious needs assessment and will keep a copy of the approved waiver readily available.

## **Waiver Suspension and Revocation**

COs have the authority to temporarily suspend an approved waiver in whole or in part at any time upon a change in the circumstances upon which the initial religious accommodation was based. If the commander determines that a compelling governmental interest requires suspension of the religious accommodation, the command must notify the Sailor in writing. The CO may temporarily modify or suspend an accommodation if operational circumstances or safety concerns arise that require immediate compliance by the Sailor. For instance, if a Sailor has a waiver to wear religious headgear in uniform and a circumstance arises requiring the immediate removal of headgear for safety reasons, the Sailor is to comply immediately.

The authority to revoke permanently a waiver resides with the same level of authority at which the religious accommodation waiver was granted. For instance, if CNO N1 approved the waiver, only CNO N1 can revoke the waiver, but a CO may temporarily suspend the waiver due to emergent circumstances.

## **Appeals for Disapproved Requests**

Upon notification of religious accommodation request disapproval, Sailors can appeal the disapproval to the CNO. The CNO's decision to approve or disapprove the request is considered final action for the Sailor at his or her current duty station and duty type (1, 2, 3, 4, or 6). Sailors

are permitted to submit a new religious accommodation request upon rotation to a new duty station, or if the Sailor subsequently experiences a change in the duties, environment, or mission.

## **Religious Needs Assessment**

BUPERSINST 1730.11 tasks COs to include a religious needs assessment (RNA) as part of a Sailor's command check-in process. RNAs provide the command visibility of the religious needs of its Sailors. Religious accommodation waivers are a specific type of religious need and must be notated on a Sailor's RNA form.

- Currently the RNA process is tracked via paper forms at the command level as there are no means to conduct RNAs via NSIPS. There is no plan to incorporate RNAs within NSIPS as the Navy is anticipating a program to replace NSIPS in the near future.
- The following RNA form is the prescribed instrument to meet this requirement.
- If a Sailor receives an approved religious accommodation waiver after checking into the command and completing a RNA, the approved waiver should be noted in the Sailor's RNA.

## RELIGIOUS NEEDS ASSESSMENT

The following information is collected to deliver a Command Religious Program that meets the specific religious needs of this command throughout the operational cycle. The command is required to offer this survey to each member. Your voluntary participation is important to assist in meeting your religious needs. Thank you for your cooperation.

[ ] I prefer not to disclose any information.

**1. My Faith Group(s)** (If yours is not listed, check other and write in Faith Group name):

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Advent Christian Church                | <input type="checkbox"/> Church of Christ                            | <input type="checkbox"/> Lutheran Churches, Other               |
| <input type="checkbox"/> Adventist, Seventh Day                 | <input type="checkbox"/> Church of Christ, Scientist                 | <input type="checkbox"/> Methodist, Free Ch of North America    |
| <input type="checkbox"/> Adventist, Other                       | <input type="checkbox"/> Church of God (Anderson, IN)                | <input type="checkbox"/> Methodist, United                      |
| <input type="checkbox"/> African Methodist Episcopal            | <input type="checkbox"/> Church of God (Cleveland, TN)               | <input type="checkbox"/> Methodist Churches, Other              |
| <input type="checkbox"/> African Methodist Episcopal Zion       | <input type="checkbox"/> Church of God in Christ                     | <input type="checkbox"/> Native American                        |
| <input type="checkbox"/> Anglican Catholic Church               | <input type="checkbox"/> Church of God in Prophecy                   | <input type="checkbox"/> New Age Religions (specify in 'Other') |
| <input type="checkbox"/> Assemblies of God                      | <input type="checkbox"/> Church of Jesus Christ of Latter-day Saints | <input type="checkbox"/> Non-Denominational Christian           |
| <input type="checkbox"/> Associated Gospel Churches             | <input type="checkbox"/> Church of the Nazarene                      | <input type="checkbox"/> Orthodox, Eastern                      |
| <input type="checkbox"/> Baptist, American                      | <input type="checkbox"/> Congregational Churches                     | <input type="checkbox"/> Orthodox, Greek                        |
| <input type="checkbox"/> Baptist, Free Will                     | <input type="checkbox"/> Eastern Religions (specify in 'Other')      | <input type="checkbox"/> Orthodox, Other                        |
| <input type="checkbox"/> Baptist, Fundamental                   | <input type="checkbox"/> Episcopal Church                            | <input type="checkbox"/> Pentecostal Church of God              |
| <input type="checkbox"/> Baptist, National                      | <input type="checkbox"/> Episcopal Churches, Other                   | <input type="checkbox"/> Pentecostal Holiness Church Int'l      |
| <input type="checkbox"/> Baptist, Southern                      | <input type="checkbox"/> Episcopal, Reformed                         | <input type="checkbox"/> Pentecostal Churches, Other            |
| <input type="checkbox"/> Baptist, Other                         | <input type="checkbox"/> Evangelical Covenant Church                 | <input type="checkbox"/> Presbyterian Church, Evangelical       |
| <input type="checkbox"/> Bible Protestant Church                | <input type="checkbox"/> Evangelical Free Church in America          | <input type="checkbox"/> Presbyterian Church, Reformed          |
| <input type="checkbox"/> Brethren Churches                      | <input type="checkbox"/> Evangelical Churches, Other                 | <input type="checkbox"/> Presbyterian Church, in America (PCA)  |
| <input type="checkbox"/> Buddhism                               | <input type="checkbox"/> Full Gospel                                 | <input type="checkbox"/> Presbyterian Church, USA               |
| <input type="checkbox"/> Catholic Church, Roman                 | <input type="checkbox"/> Hinduism                                    | <input type="checkbox"/> Reformed Church in America             |
| <input type="checkbox"/> Catholic Churches, Other               | <input type="checkbox"/> Holiness Churches                           | <input type="checkbox"/> United Church of Christ                |
| <input type="checkbox"/> Christian & Missionary Alliance        | <input type="checkbox"/> Islam                                       | <input type="checkbox"/> Wesleyan Church                        |
| <input type="checkbox"/> Christian Church (Disciples of Christ) | <input type="checkbox"/> Jewish                                      | <input type="checkbox"/> Wicca                                  |
| <input type="checkbox"/> Christian Church & Churches of Christ  | <input type="checkbox"/> Lutheran, Evangelical Church in America     | <input type="checkbox"/> Other _____                            |
| <input type="checkbox"/> Christian Methodist Episcopal Church   | <input type="checkbox"/> Lutheran Church (Missouri Synod)            | <input type="checkbox"/> Declined to Respond                    |

**2. Faith Group participation:**

On a scale of 0-10 how often do you participate in your Faith Group activities? 10 being I participate very frequently in my Faith Group activities, 0 being I do not participate in Faith Group activities. \_\_\_\_\_

**3. With regard to a Faith Group, I am:**

- [ ] Interested in increasing my involvement or growth  
[ ] Content with my spirituality or world view

**4. I would like to participate in (check all that apply):**

- [ ] Faith-specific studies and/or discussion groups  
[ ] Trips to religious/historic sites  
[ ] Religious Community Service projects as an expression of my faith  
[ ] Classes/discussions about different religious traditions  
[ ] Musical accompaniment for services/events  
[ ] Other: \_\_\_\_\_

**5. I intend to participate in worship services/Faith Group activities while at this command:**

- [ ] Yes [ ] No/NA

**6. I am interested in representing my Faith Group as a Command Religious Lay Leader:**

- [ ] Yes (please include contact information) [ ] No/NA

**7. I have a previously approved religious accommodation waiver:**

- [ ] Yes (state type of waiver in question 8) [ ] No/NA

**8. Please write any questions or religious accommodation waivers/concerns you have. Previously approved religious accommodation waivers may need to be reviewed. A representative of the Command Religious Program will contact you.** (please include contact information)

---

---

---

---

---

**9. Contact Information:** (This information is necessary for accountability purposes and is managed per SECNAVINST 5211.5E)

Name: (Last, First M.I.)	Dept./Division/Directorate:	Date Checked In:
E-mail:		Phone/J-Dial: