

CFAO 19-20 - POLICY AND PROCEDURE - SEXUAL ACTIVITY INVOLVING PERSONS
OF SAME GENDER

PURPOSE

1. THIS ORDER PRESCRIBES THE POLICY APPLICABLE TO THE ENROLMENT AND
EMPLOYMENT OF PERSONS IN RESPECT OF WHOM THERE ARE INDICATIONS OF SEXUAL
ACTIVITY INVOLVING PERSONS OF THEIR OWN GENDER. *is evidence*

GENERAL

2. THE PRESERVATION OF A HIGH STANDARD OF MORALE AND COHESION IS
ESSENTIAL TO THE MAINTENANCE OF THE EFFECTIVE OPERATIONAL CAPABILITY OF
THE CF. EXPERIENCE AND EXPERT OPINION HAVE SHOWN THAT COHESION AND
MORALE AND HENCE OPERATIONAL CAPABILITY WOULD BE REDUCED TO AN
UNACCEPTABLE DEGREE SHOULD ACTIVITY OF THE NATURE DESCRIBED IN PARAGRAPH
1 OF THIS ORDER OCCUR WITHIN THE CF.

3. ANY ACTION TAKEN OR INVESTIGATION CONDUCTED PURSUANT TO THIS ORDER
SHALL BE IN SUCH A MANNER AS TO ENSURE MAXIMUM CONFIDENTIALITY, AND TO
PROTECT THE PRIVACY AND DIGNITY OF ANY MEMBERS INVOLVED.

PROCEDURE

4. IF A COMMANDING OFFICER HAS REASON TO BELIEVE THAT A MEMBER OF THE
CF HAS ENGAGED IN ACTIVITY OF A NATURE REFERRED TO IN PARAGRAPH 1 OF
THIS ORDER, HE SHALL CAUSE A PRELIMINARY INVESTIGATION TO BE MADE.

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5. A CO MAY ORDER THAT A PRELIMINARY INVESTIGATION BE CONDUCTED IN ANY MANNER HE DEEMS APPROPRIATE. HOWEVER, A MEMBER SHOULD NOT BE QUESTIONED ON MATTERS RELATED TO THIS ORDER OTHER THAN BY, OR IN THE PRESENCE OF, A MEMBER OF THE SAME GENDER.

6. WHEN A PRELIMINARY INVESTIGATION DISCLOSES EVIDENCE OF ACTIVITY OF THE NATURE DESCRIBED IN PARAGRAPH 1 OF THIS ORDER, OR INDICATES THAT FURTHER INVESTIGATION IS REQUIRED, THE CO SHALL REQUEST THAT THE SPECIAL INVESTIGATION UNIT (SIU) CONTINUE THE INVESTIGATION, AND PREPARE A REPORT.

7. WHEN THE REPORT OF A PRELIMINARY INVESTIGATION OR SIU INVESTIGATION DOES NOT CONTAIN REASONABLE SUBSTANTIATION OF WILLING PARTICIPATION IN ACTIVITY REFERRED TO IN PARAGRAPH 1 OF THIS ORDER, UNIT PERSONNEL RECORDS OF SUCH INVESTIGATION, AND ANY REFERENCE TO THE CIRCUMSTANCES WHICH LED TO THE INVESTIGATION, SHALL BE DESTROYED. IN ANY OTHER CASE, THE CO SHALL FORWARD A CONFIDENTIAL REPORT OF ALL RELEVANT DETAILS TO NDHQ/DGPCO OR DGPCOR, AS APPROPRIATE. HE SHALL ALSO CONSIDER INITIATING A CHANGE OF CIRCUMSTANCES REPORT IN ACCORDANCE WITH A-SJ-100-001/AS-000, SECURITY ORDERS FOR THE CANADIAN FORCES.

8. UPON RECEIPT AT NDHQ OF THE CONFIDENTIAL REPORT REFERRED TO IN PARAGRAPH 8 ABOVE, AN ADVISORY COMMITTEE COMPOSED OF DGPCO OR DGPCOR AS APPROPRIATE AS CHAIRMAN, AND DPLS AND DMTS AS MEMBERS, SHALL CONVENE AS SOON AS PRACTICABLE TO REVIEW THE REPORT AND CONSIDER THE CAREER

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DISPOSITION OF THE MEMBER INVOLVED.

9. WHEN THE COMMITTEE CONCLUDES THAT THERE IS NOT REASONABLE CERTAINTY THAT THE MEMBER CONCERNED HAS ENGAGED IN ACTIVITY OF THE NATURE DESCRIBED IN PARAGRAPH 1 OF THIS ORDER, THE COMMITTEE SHALL RETURN ALL COPIES OF THE INVESTIGATION REPORT TO THE MEMBER'S CO, WITH INSTRUCTIONS THAT THE ACTION DESCRIBED IN PARAGRAPH 7 ABOVE IS TO BE TAKEN WITH REGARD TO DESTRUCTION OF RECORDS. IN ANY OTHER CIRCUMSTANCE, THE COMMITTEE SHALL TAKE THE FOLLOWING ACTION:

(A) IF THE ACTIVITY IS DETERMINED TO HAVE OCCURRED UNDER UNUSUAL CIRCUMSTANCES, SUCH AS BEING AN ISOLATED INCIDENT WHICH IS OUT OF CHARACTER, OR INVOLVING OTHER THAN WILLING PARTICIPATION, SUBMIT A REPORT TO ADM(PER) RECOMMENDING THAT THE MEMBER BE RETAINED; OR

(B) IN ANY OTHER CIRCUMSTANCES, RECOMMEND THE RELEASE OF THE MEMBER FROM THE CF, NORMALLY UNDER ITEM 5(D) OF THE TABLE TO QR&O 15.01, NOT ADVANTAGEOUSLY EMPLOYABLE, OR, WHERE DISCIPLINARY OR CRIMINAL MISCONDUCT IS INVOLVED, SUCH LESS FAVOURABLE RELEASE ITEM AS THE COMMITTEE MAY DEEM APPROPRIATE.

10. UPON RECEIPT OF THE REPORT OF THE COMMITTEE PURSUANT TO PARAGRAPH 9 ABOVE, ADM(PER) SHALL PERSONALLY:

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(A) IF THE REPORT IS SUBMITTED UNDER SUBPARAGRAPH 9(A), APPROVE THE RECOMMENDATION OF THE COMMITTEE AND AUTHORIZE THE MEMBER'S RETENTION IN THE CF, UNLESS COMPELLING REASONS EXIST WHICH IN THE OPINION OF ADM(PER) RENDER THE MEMBER'S CONTINUED SERVICE WHOLLY UNACCEPTABLE. IN THE LATTER CASE, HE SHALL TAKE THE ACTION DESCRIBED IN (B) BELOW; OR

(B) IF THE REPORT IS SUBMITTED UNDER SUBPARAGRAPH 9(B), TAKE THE ACTION PRESCRIBED BY PARAGRAPH 11 OF THIS ORDER.

11. WHEN ADM(PER) DETERMINES THAT THERE IS SUFFICIENT EVIDENCE TO SUBSTANTIATE THE INITIATION OF RELEASE PROCEEDINGS, HE SHALL CAUSE A NOTICE OF INTENT TO RECOMMEND RELEASE TO BE DELIVERED TO THE MEMBER, REGARDLESS OF THE STATUS, RANK OR LENGTH OF SERVICE OF THE MEMBER, SHALL ENSURE THAT THE MEMBER IS ACCORDED THE OPPORTUNITY TO MAKE REPRESENTATIONS THEREON IN ACCORDANCE WITH QR&O ARTS 15.21 OR 15.36 AS APPROPRIATE, AND SHALL PERSONALLY TAKE THE DECISION AS TO WHETHER THE MEMBER SHALL BE RETAINED IN OR RELEASED FROM THE CF. WHEN ADM(PER) APPROVES RELEASE OF A MEMBER IN ACCORDANCE WITH THIS ORDER, THE CO SHALL ENSURE THAT THE MEMBER IS AWARE OF HIS OR HER RIGHT TO APPLY FOR REDRESS OF GRIEVANCE UNDER THE PROVISIONS OF SECTION 29 OF THE NATIONAL DEFENCE ACT AND QR&O ART 19.26.

12. NOTWITHSTANDING ANYTHING CONTAINED IN THIS ORDER, IF AT ANY STAGE OF PROCEEDINGS INITIATED UNDER THIS ORDER, A MEMBER TO WHOM THIS ORDER

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MAY HAVE APPLICATION REQUESTS HIS OR HER VOLUNTARY RELEASE FROM THE CF ,
SUCH REQUEST SHALL BE GIVEN FAVOURABLE CONSIDERATION AND SHALL BE DEALT
WITH AS ANY OTHER APPLICATION FOR VOLUNTARY RELEASE. UPON APPROVAL, ALL
PROCEEDINGS INITIATED UNDER THIS ORDER SHALL BE TERMINATED.

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