

CFAO 19-20 - POLICY AND PROCEDURE - SEXUAL ^{ACTIVITY} ~~BEHAVIOUR~~ 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} ~~WHO HAVE WILLINGLY ENGAGED IN ONE OR MORE ACTS OF~~ ^{OF SEXUAL ACTIVITY} ~~A SEXUAL NATURE~~ INVOLVING PERSONS OF THEIR OWN GENDER.

POLICY

2. PERSONS TO WHOM PARAGRAPH 1 OF THIS ORDER APPLIES SHALL NOT BE ENROLLED, OR RETAINED IF ALREADY SERVING, IN THE CF.

GENERAL

2. ~~3.~~ 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 PERSONS ^{ACTIVITY OF THE NATURE DESCRIBED} ENGAGING IN THE ACTS REFERRED TO IN PARAGRAPH 1 OF THIS ORDER ~~BE ENROLLED OR EMPLOYED WITHIN THE CF.~~ ^{OCUR} ~~WITHIN THE CF.~~

3. →

PROCEDURE

4. ~~A.~~ IF A COMMANDING OFFICER HAS REASON TO BELIEVE THAT A MEMBER OF THE CF HAS ENGAGED IN ^{ACTIVITY} ~~ANY ACT~~ 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. ~~5.~~ 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} ~~OF SEXUAL ACTIVITY~~ OTHER THAN BY, OR IN THE PRESENCE OF, A MEMBER OF THE SAME GENDER.

6. ~~6.~~ 6. WHEN A PRELIMINARY INVESTIGATION ^{DISCLOSES EVIDENCE OF ACTIVITY OF} ~~CONFIRMS THAT ONE OR MORE ACTS OF A~~ ^{THE} NATURE DESCRIBED IN PARAGRAPH 1 OF THIS ORDER, ~~MAY HAVE OCCURRED~~, OR INDICATES THAT FURTHER INVESTIGATION IS REQUIRED, THE CO SHALL REQUEST THAT THE SPECIAL INVESTIGATION UNIT (SIU) CONTINUE THE INVESTIGATION, AND PREPARE A REPORT.

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

7. ~~8.~~ 8. WHEN THE REPORT OF A PRELIMINARY INVESTIGATION OR SIU INVESTIGATION DOES NOT CONTAIN REASONABLE SUBSTANTIATION OF ^{WILLING PARTICIPATION IN} ~~AN ACT OR ACTS~~ ^{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.

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8.9. UPON RECEIPT AT NDHQ OF THE CONFIDENTIAL REPORT REFERRED TO IN
AN ADVISORY COMMITTEE
PARAGRAPH 8 ABOVE, A BOARD 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 ~~MAKE FINDINGS AND RECOMMENDATIONS~~ ^{CONSIDER}
~~CONCERNING~~ THE CAREER DISPOSITION OF THE MEMBER INVOLVED.

9. 10. WHEN THE ~~BOARD~~ ^{COMMITTEE} DOES NOT CONCLUDE WITH REASONABLE CERTAINTY THAT THERE IS NOT
A ACTIVITY THE
MEMBER CONCERNED HAS ENGAGED IN ONE OR MORE SEXUAL ACTS OF A NATURE
DESCRIBED IN PARAGRAPH 1 OF THIS ORDER, THE ~~BOARD~~ ^{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 ~~BOARD~~ ^{COMMITTEE}
SHALL TAKE THE FOLLOWING ACTION:

(A) IF THE ~~ACT OR ACTS ARE~~ ^{ACTIVITY IS} DETERMINED TO HAVE OCCURRED UNDER
UNUSUAL CIRCUMSTANCES, ^{SUCH AS BEING} ~~CONSTITUTING~~ AN ISOLATED INCIDENT
WHICH IS OUT OF CHARACTER, ^{INVOLVING} ~~WITH THE MEMBER'S NORMAL BEHAVIOUR,~~ ^{OR A OTHER THAN WILLING}
^{SUBMIT A REPORT} ~~A REPORT SHALL BE SUBMITTED TO ADM(PER) RECOMMENDING THAT THE~~
^{PARTICIPATION,} MEMBER BE RETAINED; AND COUNSELLED BY HIS CO THAT ANY FURTHER
INVOLVEMENT OF THAT NATURE ON HIS PART WILL RESULT IN HIS
RELEASE FROM THE CF; 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

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DISCIPLINARY OR CRIMINAL MISCONDUCT IS INVOLVED, SUCH LESS
FAVOURABLE RELEASE ITEM AS THE ~~BOARD~~^{COMMITTEE} MAY DEEM APPROPRIATE.

^{COMMITTEE}
~~10~~ 11. UPON RECEIPT OF THE REPORT OF THE ~~BOARD~~^{COMMITTEE} PURSUANT TO PARAGRAPH ~~10~~⁹
ABOVE, ADM(PER) SHALL PERSONALLY:

(A) IF THE REPORT IS SUBMITTED UNDER SUBPARAGRAPH ~~10~~⁹(A), APPROVE
THE RECOMMENDATION OF THE ~~BOARD~~^{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 ~~10~~⁹(B), ~~DIRECT~~^{TAKE}
~~THE ACTION PRESCRIBED BY PARA 11 OF THIS~~
~~ORDER.~~
~~THAT THE MEMBER, REGARDLESS OF RANK OR LENGTH OF SERVICE, BE~~
~~GIVEN NOTICE OF INTENT TO RECOMMEND RELEASE, AND BE DEALT~~
~~WITH ACCORDING TO THE PROVISIONS OF QR&O ART 15.21 OR 15.36~~
~~AS APPROPRIATE. FINAL APPROVAL FOR RELEASE SHALL IN ALL~~
~~CASES BE GIVEN BY ADM(PER) PERSONALLY.~~

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