

MEMORANDUM

1605-19-36 (ADM(Per))

26 Feb 87

CDS

POLICY AND PROCEDURE
INAPPROPRIATE SEXUAL CONDUCT
NEW CFAO 19-36

1. The attached draft CFAO 19-36 is forwarded for your approval. It is a revised version of the draft Order previously submitted to you to form the basis of discussions with the MND.
2. As you may recall, the original draft contained several provisions which are unique in their application to members who engage in inappropriate sexual behaviour. Specifically, a committee at NDHQ is provided for to review these cases, made up of DGPCO or DGPCOR as appropriate as chairman and DPLS and DMTS as members. Also, in the case of members whose inappropriate conduct is of a homosexual nature, they all, regardless of rank, status, or length of service, must be given a Notice of Intent to Recommend Release, with the consequential right to submit a rebuttal protesting their release within 14 days. Finally, such members must be informed of their right to seek redress by means of the grievance process.
3. These safeguards have been maintained in the latest draft Order. The only material change from the previous version is that, in the case of inappropriate conduct which constitutes sexual harassment solely, the commanding officer now has a discretion as to whether the case should be forwarded to NDHQ or not. This change was considered necessary in view of the wide range of circumstances, varying from comparatively innocuous to extremely serious, which may fall within the definition of sexual harassment in the Order.
4. As soon as your approval is given to the attached version of the draft Order, action will be taken to issue a CANFORGEN pending formal promulgation. The date that the new Order becomes effective, the former CFAO 19-20 will be cancelled, and action will be initiated to deal with

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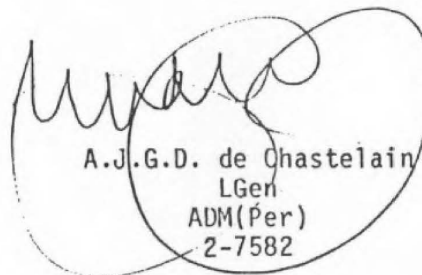
* CDS.

you
 I recognize that I do not wish to proceed precipitously — we will await direction. I would you to be aware of the reviewed committee's deliberations.

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the backlog of cases awaiting disposition. In the meantime, JAG will be asked to certify the new Order as to form and legality.



A.J.G.D. de Chastelain
LGen
ADM(Per)
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