

1992

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Distribution List

CFAO 19-36 -
SEXUAL MISCONDUCT

Reference: CDS XXX XXXXXXXZ XXX 92 (CANFORGEN XXX/XX
CANRESGEN XX/XXX)

1. As advised by the reference, a new order on inappropriate sexual conduct will be issued shortly. The new order will be identified as CFAO 19-36 and will be entitled "Sexual Misconduct". It is expected that distribution will begin on ~~1992~~ 1992 through normal channels. An advance copy is enclosed for your information.

2. Sexual misconduct is unacceptable and will not be tolerated in the Canadian Forces. The CFAO defines sexual misconduct and provides related CF career policy and procedures. The order is directed at all sexual misconduct, both heterosexual and homosexual. It does not deal with disciplinary procedures as these are sufficiently covered in existing regulations and orders. Other significant features of the new order are:

- a. the CFAO describes the obligations of a commanding officer when there is an allegation of sexual misconduct, outlines the type of investigation that must be conducted, and provides guidance on the types of cases that may be handled at the unit level and those that must be referred to NDHQ for a decision. In general, cases where there is a victim will normally be referred to NDHQ;
- b. within the order, there is extensive provision for procedural fairness. In general, individuals will know what allegations have been made, will have access to the information on which an administrative decision is based, and will have an opportunity to make written representations on their own behalf; and
- c. the order, when promulgated, will apply equally to the Regular Force and the Reserve Force.

3. In summary, the order reflects CF non-tolerance of sexual misconduct and establishes consistent investigative and administrative procedures to deal with it. Commanders at all levels will be expected to take an active role both in communicating and enforcing the policy.

A.J.G.D. de Chastelain
General

Enclosure: 1

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