

## BRIEFING NOTE FOR ADM(PER)

## DEVELOPMENT OF CFAO 19-36: SEXUAL MISCONDUCT

## BACKGROUND

1. As part of the follow-up process to the proposed deletion of CFAO 19-20, "Homosexuality- Sexual Abnormality Investigation, Medical Examination And Disposal", a working group has been preparing a new CFAO 19-36; "Sexual Misconduct". The process has now progressed to the point where the new policy has started to take shape.

## AIM

2. To outline the basics of the new CFAO.

## MAIN POINTS OF THE NEW CFAO

3. The order prescribes the CF career policy and procedures applicable to cases of sexual misconduct. It does not deal with disciplinary procedures, which are satisfactorily covered in existing documents.

4. Various other CFAOs are cross-referenced (e.g. Personal Harassment, Conduct of Officers & WOs).

5. Sexual Misconduct is defined as:

a. an act which has a sexual purpose or which is of a sexual or indecent nature and which constitutes an offence under the Criminal Code or the Code of Service Discipline; or

b. an act of sexual harassment contrary to CFAO 19-36.

6. The CF policy is clearly stated that: "sexual misconduct is unacceptable and will not be tolerated".

7. The CFAO describes the actions required by a CO when an allegation is made that a CF member has engaged in sexual misconduct, outlines the kind of investigation which must be carried out, the circumstances when a case may be handled locally and when a report must be made ~~made~~ to NDHQ in order to ensure the consistent application of the new policy.

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8. The CFAO applies to the total force.

9. Details of the process for NDHQ review, including the membership and actions of a Special Career Review Board, and the factors to be considered when recommending retention or release of the member concerned *are covered.*

#### CURRENT SITUATION

10. The draft CFAO has been reviewed by CPRM and CPCD and is now in final revision for presentation to ADM(Per).

11. Following senior management approval, it proposed to issue the new CFAO in message form, pending publication.

12. In preparation for the SCONDVA meeting of 22 Oct 91, the Associate MND was briefed as above on the progress to date. A further briefing note will be prepared to keep ministers informed.

Prepared By: CPRM

21 Oct 91

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