

2018 Fall Reports of the Auditor General of Canada to the Parliament of Canada

Independent Auditor's Report

Report 5—Inappropriate Sexual Behaviour— Canadian Armed Forces

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Introduction

Background

Canadian Armed Forces

5.1 The Canadian Armed Forces consists of the Canadian Army, the Royal Canadian Air Force, and the Royal Canadian Navy. In the 2016–17 fiscal year, National Defence spent approximately \$18.6 billion and employed approximately 66,000 regular force members, 22,400 civilian members, and 21,800 primary reserve force personnel to deliver its mandate.

5.2 Members of the military live, work, train, socialize, and engage in missions together. Camaraderie, trust, and cohesion among members is fundamental for the Forces to carry out its operations and missions.

Inappropriate sexual behaviour

5.3 The issue and the impact of **inappropriate sexual behaviour**¹ in the Canadian Armed Forces are not new. They were highlighted in investigative media reports in the late 1990s and again in 2014. In response, the Chief of the Defence Staff, the head of the Canadian Armed Forces, requested an external independent review of the Forces' policies, procedures, and programs on inappropriate sexual behaviour. Former Supreme Court of Canada Justice Marie Deschamps carried out the review and reported her findings and recommendations in a March 2015 report entitled External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces.

5.4 The External Review found that the Forces faced a significant risk to effective operations: inappropriate sexual behaviour. It noted that there was a sexualized culture in the Forces that was hostile to women and lesbian, gay, bisexual, transgender, and queer members, and that was conducive to more serious incidents of sexual harassment and assault. It also noted that the Forces was founded on respect for dignity of all persons, a principle that is embodied in the Forces' policies and enforceable through administrative and disciplinary action. Yet, there was a contrast between the high professional standards in the Forces' policies on inappropriate sexual behaviour and the reality that many members lived.

5.5 The External Review made 10 recommendations, and the Forces publicly agreed to fully implement all of them. The Forces developed an action plan and created the Strategic Response Team on Sexual Misconduct to implement the recommendations. As part of this effort, in August 2015, the Chief of the Defence Staff launched Operation HONOUR, a top-down, institution-wide military operation to eliminate inappropriate sexual behaviour. He stated that any more limited goal was not morally defensible, and that the Canadian Armed Forces must be held to a higher standard. He issued a clear message to all members that the behaviour was to stop immediately.

5.6 Soon after the External Review was released, the Forces began to implement some of the recommendations, such as creating a Sexual Misconduct Response Centre as a first step to improve victim support. The Forces also requested that Statistics Canada collect information from members on their experiences with and perceptions of inappropriate sexual behaviour.

5.7 **National Defence.** National Defence is composed of the Department of National Defence and the Canadian Armed Forces. The National Defence Act gives the Chief of the Defence Staff (the head of the Canadian Armed Forces) the power to issue orders related to the organization, training, discipline, efficiency, administration, and government of the Forces. The Act also includes the Code of Service Discipline, which sets out service offences. Offences that may lead to charges under the Code include those found in the Criminal Code of Canada, such as sexual assault, and in other federal acts.

5.8 **Chain of command.** The commanders and senior Canadian Armed Forces leadership make up the “chain of command.” They are accountable and responsible for

- providing leadership and coordinating initiatives related to Operation HONOUR through the Strategic Response Team on Sexual Misconduct;
- overseeing the discipline, education, training, practice, orders, and policies on inappropriate sexual behaviour; and
- executing the orders of the Chief of the Defence Staff and providing updates.

5.9 **Canadian Forces Provost Marshal and Canadian Forces National Investigation Service.** The Canadian Forces Provost Marshal ensures that any changes to policies and practices related to Military Police investigations, training, or professional standards are informed by approaches developed by the Strategic Response Team on Sexual Misconduct. Under the Provost Marshal’s authority, the Military Police investigates alleged offences under the Code of Service Discipline and the Criminal Code. The Canadian Forces National Investigation Service investigates alleged offences of a serious and sensitive nature with the support of the Military Police and has the authority to lay charges.

5.10 **Chief of Military Personnel and Military Personnel Command.** The Chief of Military Personnel is responsible for the recruitment, management, care, support, and recognition of Canadian Armed Forces members. Some key officials within Military Personnel Command with direct responsibilities for Operation HONOUR include the following:

- Director Military Careers Administration,
- Canadian Defence Academy,
- Chaplain General,
- Surgeon General,
- Military Personnel Generation,
- Director General Morale and Welfare Services, and
- Director General Military Personnel Policy.

5.11 This audit focused on whether the Canadian Armed Forces adequately responded to inappropriate sexual behaviour through actions to respond to and support victims and to understand and prevent such behaviour. Operation HONOUR's success depends on achieving significant cultural change over the long term; we examined the progress of the Operation during the third year of implementation. The audit identified areas for improvement to help ensure that the organization is on track to achieve the Operation's objectives.

5.12 This audit is important because inappropriate sexual behaviour is wrong. It undermines good order and discipline, goes against the professional values and ethical principles of the Department of National Defence and the Forces, and weakens cohesion within the Forces. As the Chief of the Defence Staff stated in a 2016 special report, "the problem's eventual consequences on the Canadian Armed Forces are much more profound than on almost any other organization. ... For a professional fighting force, the impact of weakened trust and cohesion is often loss of life as well as decreased reliability on operations." Moreover, if inappropriate sexual behaviour persists, it could negatively affect the Forces' recruitment and retention efforts.

5.13 We did not examine how the military justice system processed cases of inappropriate sexual behaviour once charges had been laid. This was examined as part of the 2018 Spring Reports of the Auditor General of Canada to the Parliament of Canada, Report 3—Administration of Justice in the Canadian Armed Forces.

5.14 This audit also did not include the National Defence civilian employee population or the Cadet and Junior Canadian Ranger programs.

5.15 More details about the audit objective, scope, approach, and criteria are in **About the Audit** at the end of this report.

Findings, Recommendations, and Responses

i Overall message

5.16 In August 2015, the Chief of the Defence Staff launched Operation HONOUR and informed all members of the Canadian Armed Forces that he and senior leaders intended to change the culture in the Forces and stop inappropriate sexual behaviour. This set an imperative and expectations for positive change.

5.17 We found that Operation HONOUR increased awareness of inappropriate sexual behaviour within the Canadian Armed Forces. However, the Operation had a fragmented approach to victim support as well as unintended consequences that slowed its progress and left some members wondering if it would achieve the expectations set for it.

5.18 We found that, after the implementation of the Operation, the number of reported complaints increased from about 40 in 2015 to about 300 in 2017. The Forces believed that the increase was an indication that members trusted that the organization would effectively respond to inappropriate sexual behaviour.

5.19 However, we found that some members still did not feel safe and supported. For example, the duty to report all incidents of inappropriate sexual behaviour increased the number of cases reported by a third party, even if the victim was not ready to come forward at that time. Moreover, the Military Police had to conduct an initial investigation of all reports, regardless of a victim's preference to resolve the issue informally. This discouraged some victims from coming forward. Many victims also did not understand or have confidence in the complaint systems.

5.20 Information gathered by Statistics Canada during a 2016 survey indicated that there were many unreported incidents of inappropriate sexual behaviour in the Canadian Armed Forces. In mid-2018, the Forces acknowledged that inappropriate sexual behaviour remained a serious problem and that a significant focus on victim support and the use of external, independent advice were required.

Victim support

The Canadian Armed Forces offered support services to victims, but services were not always easy to access, and not all providers had enough training to respond to victims

What we found

5.21 We found that the Canadian Armed Forces offered or referred members affected by inappropriate sexual behaviour to various victim support and care services, including the Sexual Misconduct Response Centre. However, we found gaps in those services. The Forces did not design and implement Operation HONOUR with a primary focus on victim support, and the services were not well coordinated. Therefore, victims did not always have easy access to the right services at the right time. We also found that not all support service providers had sufficient training to adequately respond to victims.

5.22 Our analysis supporting this finding presents what we examined and discusses the following topics:

- Sources of victim support
- Delivery of victim support services

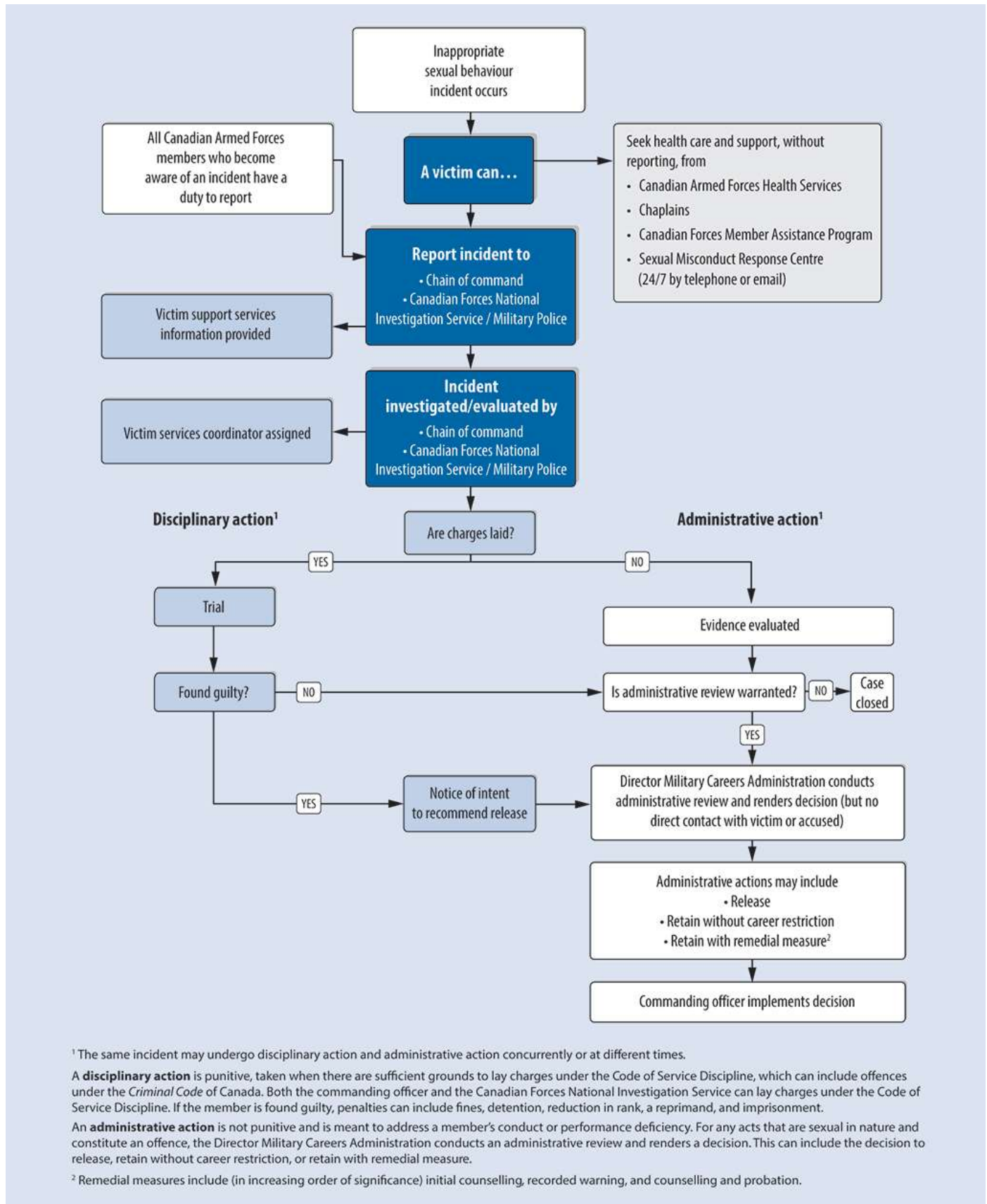
Why this finding matters

5.23 This finding matters because if victims do not have easy access to support services, they may not receive the help they need. Once they access the services, if they do not feel supported by the providers, they may stop using those services and not receive the help they need.

Context

5.24 Exhibit 5.1 shows the victim support services available to a member of the Canadian Armed Forces from the time an incident of inappropriate sexual behaviour occurs.

Exhibit 5.1—Process for reporting and disclosing incidents of inappropriate sexual behaviour



This flow chart shows the process for reporting and disclosing incidents of inappropriate sexual behaviour.

The process starts with an incident occurring.

A victim can seek health care and support, without reporting the incident, from the following:

- Canadian Armed Forces Health Services,
- chaplains,
- the Canadian Forces Member Assistance Program, and
- the Sexual Misconduct Response Centre (by telephone or email, 24 hours a day, 7 days a week).

A victim can report an incident to the chain of command and the Canadian Forces National Investigation Service and Military Police. Victim support services information is provided.

All Canadian Armed Forces members who become aware of an incident have a duty to report.

After an incident is reported, it is evaluated by the chain of command or investigated by the Canadian Forces National Investigation Service and Military Police. A victim services coordinator is assigned.

The next stage in the process depends on whether or not charges are laid. This process may lead to administrative action, disciplinary action, or both. Note that the same incident may undergo disciplinary action and administrative action concurrently or at different times.

If charges are not laid, then evidence is evaluated to determine whether an administrative review is warranted, which may lead to an administrative action. An administrative action is not punitive and is meant to address a member's conduct or performance deficiency. For any acts that are sexual in nature and constitute an offence, the Director Military Careers Administration conducts the administrative review and renders a decision (but with no direct contact with the victim or the accused). Administrative actions may include the decision to release, to retain without career restriction, or to retain with remedial measure. Remedial measures include (in increasing order of significance) initial counselling, recorded warning, and counselling and probation. If an administrative review is not warranted, then the case is closed.

However, if charges are laid, then disciplinary action may occur. Disciplinary action is punitive, taken when there are sufficient grounds to lay charges under the Code of Service Discipline, which can include offences under the Criminal Code of Canada. Both the commanding officer and the Canadian Forces National Investigation Service and Military Police can lay charges under the Code of Service Discipline. If the member is found guilty, then penalties can include fines, detention, reduction in rank, a reprimand, and imprisonment.

The steps to determine whether disciplinary action may be issued are as follows:

- A trial is conducted.
- If the member is found not guilty, then the evidence is evaluated to determine whether an administrative review is warranted. If the answer is no, then the case is closed. If the answer is yes, then the Director Military Careers Administration conducts the administrative review and renders a decision (but with no direct contact with the victim or the accused). The commanding officer then implements the decision.
- However, if the member is found guilty, then a notice of intent to recommend release is issued. The Director Military Careers Administration conducts the administrative review and renders a decision (but with no direct contact with the victim or the accused). The commanding officer then implements the decision.

5.25 To report an incident, victims could approach the chain of command, the Military Police, or the Canadian Forces National Investigation Service, which were the primary sources of reporting when a member had been affected by inappropriate

sexual behaviour. These officials were expected to understand, appropriately respond to and support victims, and prevent incidents. More details about the incident reporting process are shown in Exhibit 5.1.

5.26 Members could also report complaints of inappropriate sexual behaviour to the Integrated Conflict and Complaint Management Program. This program provides members and civilian employees with access to conflict and complaint management services.

5.27 Members could also contact the National Defence and Canadian Forces Ombudsman to report a complaint. This office is external to the Forces and reports to the Minister of National Defence. The Ombudsman is responsible for investigating complaints on a variety of matters, including inappropriate sexual behaviour, when all other complaint options have been exhausted.

Recommendations

5.28 Our recommendations in this area of examination appear at paragraphs 5.40 and 5.41.

Analysis to support this finding

5.29 **What we examined.** We examined whether the Canadian Armed Forces provided victim support and easy access to victim support services.

5.30 **Sources of victim support.** We found that there were many sources of support available to members who had experienced inappropriate sexual behaviour, and the majority were located within the Forces.

5.31 Within the Forces, if victims did not want to report an incident but wanted to talk to someone and receive support, they could approach chaplains on every base. They could also seek care from health services clinics, which included a variety of health care providers, such as physicians, nurses, social workers, and mental health professionals. Since these clinics were not open on evenings and weekends, members could seek care from their provincial or territorial health care plans after hours. On bases across Canada, harassment advisers were available. Victims could also contact the Canadian Forces Member Assistance Program on a 24-hour basis. Since July 2017, victims could consult the Forces' Respect in the Canadian Armed Forces mobile application, which included educational resources on inappropriate sexual behaviour.

5.32 Outside the Forces but within the Department of National Defence, the Sexual Misconduct Response Centre was also a source of victim support. There were no services available in person, but victims could email or call a toll-free number anonymously and receive information and support 24 hours a day. They could also be referred to sources of face-to-face support, such as a local community sexual assault centre.

5.33 The Department, in cooperation with the Forces, created the Sexual Misconduct Response Centre in fall 2015 in response to one of the External Review recommendations. The External Review recommended that the Forces establish an independent victim support centre outside the Forces, staffed by experts. The centre would provide confidential support for victims without the obligation to make a formal report and without fear of reprisal. The External Review also recommended

that the centre be responsible for preventing inappropriate sexual behaviour, coordinating and monitoring training, monitoring accountability, and conducting research, and that it act as a central authority for data collection.

5.34 However, we found that rather than giving the Centre all the responsibilities that the External Review recommended, the Forces gave it responsibility only to provide initial victim support by phone or email, and to give referrals. Most of the remaining responsibilities were given to the Strategic Response Team on Sexual Misconduct within the Forces. This team was created in February 2015, also in response to the External Review recommendations. Although the staff at the Sexual Misconduct Response Centre had the subject matter expertise, the Strategic Response Team had most of the responsibilities.

5.35 We asked the Forces to explain this assignment of responsibilities, given its acceptance of the External Review recommendations. Senior leaders explained that the Forces' leaders must perform the responsibilities that the External Review recommended; otherwise, it would undermine governance and accountability.

5.36 The Forces' Strategic Response Team on Sexual Misconduct and the Sexual Misconduct Response Centre needed to collaborate to ensure that the Centre met the needs of members and to avoid duplication of effort. However, a fall 2017 National Defence internal review of the establishment of the Sexual Misconduct Response Centre reported that members could perceive some of the collaboration between the Centre and the Strategic Response Team as limiting the Centre's independence. The review recommended that the Centre establish a project charter to clarify its mandate, roles and responsibilities, and independence. The Department finalized this charter in fall 2017.

5.37 **Delivery of victim support services.** The 2015 External Review identified several gaps in victim support services. In fall 2016, the Forces conducted a victim support services needs analysis that identified the same gaps.

5.38 We found that the same gaps remained and that it was not always easy for victims to access the services they needed at the right time. Specifically, these gaps were as follows:

- **Lack of awareness of services.** Members were not always aware of all the victim support services available, or they did not know which ones to use in certain circumstances. There was no single, consistent list of these services; therefore, a member might not be aware of a service that was available. The farther away members were from the National Capital Region, the less they were aware of all available support services, including the Sexual Misconduct Response Centre and its mandate.
- **Lack of availability of support services.** Victim support services were not always available to all members because of limited hours of operation or the location to which they were assigned—particularly if they wanted face-to-face support. Also, the Respect in the Canadian Armed Forces mobile application was not always available to members deployed internationally.
- **Lack of subject matter expertise.** We found that investigators with the Canadian Forces National Investigation Service's Sexual Offence Response Team and counsellors in the Sexual Misconduct Response Centre had

specialized training to respond to and provide support for incidents of inappropriate sexual behaviour. However, little specialized training was given to others involved in providing support services, such as physicians, nurses, and chaplains.

- **Lack of coordination.** We found that victim support services were not coordinated effectively. As a result, members (including the chain of command) were not sure which service was a victim support service or a formal reporting body, and they did not always know whom to refer or report to. For example, the Forces' Strategic Response Team on Sexual Misconduct and the Sexual Misconduct Response Centre sometimes overlapped or duplicated effort. The similarity of their names confused members, with the Strategic Response Team often referred to as the Sexual Misconduct Response Team. These and other victim support services operated largely independently of one another. This meant that a victim might have had to consult more than one source before they found the support they needed. Staff from each group tried to clarify and promote their mandates, but despite this, there was a lack of coordination and information sharing among them. However, during the course of the audit, we found that the Centre had begun efforts to improve collaboration with the Forces' victim support service providers.

5.39 We noted that, in fall 2017, the Department of National Defence created a charter to replace the Sexual Misconduct Response Centre's interim mandate. Although this charter was designed to clarify the roles and responsibilities for the Centre and the Strategic Response Team on Sexual Misconduct, we found that it did not resolve members' confusion about the two bodies.

5.40 **Recommendation.** The Canadian Armed Forces should work with the Department of National Defence to review the balance, and clearly define the roles and responsibilities, of the Strategic Response Team on Sexual Misconduct and the Sexual Misconduct Response Centre to improve efficiency and avoid duplication of effort. The Canadian Armed Forces should also ensure that these roles and responsibilities are communicated across the Forces to ensure better understanding for all members.

National Defence's response. Agreed. The role of the Canadian Armed Forces' Strategic Response Team on Sexual Misconduct will be reduced in the domain of victim support. The Sexual Misconduct Response Centre will become the "authoritative voice" on all aspects of victim support and advocacy from the time incidents take place until victim needs have been fully supported and addressed. The Strategic Response Team will be in a position to divest all victim support elements to the Centre by December 2018.

The Centre's charter will be updated to provide authoritative advice and guidance to the Department of National Defence and the Canadian Armed Forces on all aspects of victim support and case management, by the end of the 2018–19 fiscal year. The Strategic Response Team will function as a planning and coordination staff. The Strategic Response Team's terms of reference will be reviewed and updated to focus on institutional reform and the preparation of military staff products to ensure that military direction, research, and analysis reflect the recommendations and guidance provided by the Centre.

5.41 **Recommendation.** The Canadian Armed Forces should establish an integrated, national approach to victim support to ensure that it fully addresses the needs of any member who is affected by inappropriate sexual behaviour. The approach should ensure that members have access to a consistent level of service and specialized support regardless of where they are serving.

National Defence's response. Agreed. The Vice Chief of the Defence Staff will lead the development and implementation of an integrated, national plan to support victims of sexual misconduct. The Sexual Misconduct Response Centre will play a leading role in this effort to ensure that the Department of National Defence and Canadian Armed Forces plan remains focused on victim support and is informed by research and best practices. This will be done in partnership with Forces stakeholders and through consultation with subject matter experts and key external stakeholders.

The plan will identify a minimum level of service to be provided, and by whom, whether through internal or external service providers, and will specify the credentials and training requirements of all victim service providers, as well as quality assurance, evaluation, and complaint mechanisms. The plan will be tailored so that the unique needs of deployed members are considered and addressed as well as those of specialized groups of victims, such as women; members of the lesbian, gay, bisexual, transgender, queer, and two-spirit community; visible minorities; and Indigenous members. Planning for an integrated, national plan to support victims began in September 2018, with a view to producing an implementation plan no later than 1 October 2019.

The Vice Chief of the Defence Staff will also lead the development and implementation of comprehensive and integrated victim case management services as a priority. The Centre will also play a leading role in this effort to ensure that the plan is informed by the Centre's case management experience and analysis of victim requirements. Planning for integrated case management services began in September 2018, with implementation anticipated to begin in the 2018–19 fiscal year.

The Canadian Armed Forces did not always resolve reported cases in a timely, consistent, and respectful manner

What we found

5.42 We found that the Canadian Armed Forces did not always resolve reported cases of inappropriate sexual behaviour in a timely, consistent, and respectful manner. As a result, some victims did not report or they withdrew their complaints, and they had less confidence that the investigations would produce any tangible results.

5.43 Our analysis supporting this finding presents what we examined and discusses the following topics:

- Timeliness of resolving cases
- Consistency of resolving cases
- Respect for victims' needs
- Victims' confidence in the system

Why this finding matters

5.44 This finding matters because if victims do not believe that they will be supported and that timely, appropriate action will be taken, they may withdraw their complaints or may not come forward at all.

5.45 As a result, incidents will be underreported, the Forces will not know the full extent of the problem, and perpetrators will not be held accountable and may continue to sexually harass, assault, or intimidate other victims. Also, underreporting will not help the Forces achieve the changes in beliefs and behaviours it desires.

Context

5.46 Canadian Armed Forces members must report any incident of inappropriate sexual behaviour, whether they experienced it or witnessed it. When a complaint is received, it is investigated. The commanding officer of the relevant unit consults with legal advisers to help determine whether the incident may be a service offence, which can include offences under the Criminal Code. If it is determined that the incident is a service offence, the commanding officer can investigate and lay charges for breaches of the Code of Service Discipline for unacceptable conduct. If the incident of inappropriate sexual behaviour breaches the Criminal Code, it must be referred to the Military Police. Any Forces member who commits an act of inappropriate sexual behaviour is liable to disciplinary action, administrative action, or both. Examples of inappropriate sexual behaviour that could be service offences are shown in Exhibit 5.2.

Exhibit 5.2—Potential service offences related to inappropriate sexual behaviour

Unacceptable conduct ¹		Criminal conduct
Sexualized language, jokes, and innuendo Sexist or sexually demeaning comments Visual display of sexually explicit materials Unwanted sexual attention Pressuring for sexual activity Sexually discriminatory conduct Online sexual misconduct Inappropriate use of social media Unsolicited sexually explicit materials through social media Inappropriate work relationships	Sexual harassment ^{1 2}	Sexual assault ³ Indecent exposure Child pornography Criminal harassment, stalking, threats Sexual exploitation Sexual interference Voyeurism Sharing private images without consent
<p>¹ Depending on the nature of the act, some of these behaviours may also be criminal.</p> <p>² Sexual harassment is any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any member; or that might, on reasonable grounds, be perceived by that member as placing a condition of a sexual nature on service or on any opportunity for training or promotion.</p> <p>³ Sexual assault is assault that is sexual in nature (grabbing, kissing, fondling, and penetration), including sexual assault with a weapon, threats to cause bodily harm, and aggravated sexual assault (wounding or endangering someone's life).</p>		

5.47 The Canadian Forces National Investigation Service investigates inappropriate sexual behaviour cases that are criminal in nature with support from the Military Police and may lay charges (in consultation with the regional military or federal prosecutor). Conviction requires proof beyond a reasonable doubt that an offence occurred. If found guilty, the member is issued a sentence and a notice of intent to recommend release from the Forces. The Director Military Careers Administration then conducts an administrative review of the case to determine whether the member will actually be released.

5.48 Members of the Canadian Armed Forces could also be subject to administrative action for inappropriate sexual behaviour. The commanding officer conducts an initial evaluation and forwards the results and the recommended administrative actions to the Director Military Careers Administration. The Director then reviews the case to determine, on the basis of a “balance of probabilities,” whether it is more likely than not (greater than 50%) that an alleged incident occurred. If the Director determines that it is more likely that an incident did occur, the member can be subject to administrative actions. These actions include remedial measures, such as initial counselling, a recorded warning, or counselling and probation. If the incident is serious enough or involves repeat offences, the Director can release the member from the Forces.

Recommendation

5.49 Our recommendation in this area of examination appears at paragraph 5.63.

Analysis to support this finding

5.50 **What we examined.** We examined whether the Canadian Armed Forces resolved reported cases of inappropriate sexual behaviour in a timely, consistent manner, and respected victims' needs. We considered a resolution timely if it met existing service standards and was not unnecessarily lengthy. We used representative sampling to examine 46 of 380 Military Police cases and 29 of 59 Director Military Careers Administration cases within our audit scope.

5.51 **Timeliness of resolving cases.** We found that the resolution of complaints was not timely. The Military Police's policy required that investigations of potential criminal cases be closed and the results delivered to commanding officers in 30 days or less. "Closed" meant that the investigation was concluded, and the decision about whether to lay charges had been made. The policy also required that investigators provide written justification in the file if the investigation did not meet the 30-day standard.

5.52 Of the 46 Military Police cases of inappropriate sexual behaviour in our sample, 35 were closed. Of those, only 4 were closed in 30 days or less. The remaining 31 cases took an average of seven months to close, and there was no written justification in over half of them. In the 2018 Spring Reports of the Auditor General of Canada to the Parliament of Canada, Report 3—Administration of Justice in the Canadian Armed Forces, we reported that most cases (including those related to inappropriate sexual behaviour) took more than 30 days to investigate, and that there were no written justifications for any of them.

5.53 In July 2018, the Canadian Forces Provost Marshal changed the Military Police's policy so that it no longer included the requirement to close a case within 30 days. The updated policy stated that investigations must be conducted as quickly and efficiently as possible, with regard to both complexity and severity. It also required a written explanation in the file if there had been no meaningful investigative activity for 30 days.

5.54 We found that for cases of inappropriate sexual behaviour reviewed by the Director Military Careers Administration, there was no policy that required them to be completed within a given time frame. On average, it took a year to reach a decision and impose administrative actions. Some delays were out of the Director's control. These included delays in receiving the member's response to the allegation, waiting on legal transcripts, or waiting on the member's medical files. Regardless, if the reasons for delay are not well understood by the victim, it can contribute to their perception that the case is not being taken seriously. Also, delays can prevent the Forces from enforcing prompt discipline and ensuring that justice is carried out in a timely manner.

5.55 **Consistency of resolving cases.** We found that in the majority of the 46 Military Police cases in our sample, not all of the required procedures were followed. For example, in 42 cases, an investigator was assigned, and in 39 cases, victims were contacted to provide a statement on their versions of the incidents. However, in 31 cases, there was no evidence to show that the victim was provided the required support information package, offered support or referral services at the

start of the investigation, or contacted every 30 days until the case's conclusion. Moreover, the Director Military Careers Administration was notified by the Military Police that the investigation was closed in only 12 of the 35 cases. The Director can act only on the information received, and administrative action may not be taken without this notification.

5.56 We found that in the majority of the 29 Director Military Careers Administration cases in our sample, the required procedures were followed. Where members were released or retained without any remedial measures, we found that the decisions were consistent when factors such as rank, incident, and severity were taken into account.

5.57 Once the Director Military Careers Administration makes a decision on a remedial measure, the perpetrator's commanding officer has the discretion to decide what type of activities the perpetrator will do to satisfy the remedial measure. However, because of this discretion, we found that the type of activities the commanding officers implemented, such as written essays and training sessions, varied widely. The Forces was aware of this inconsistency, and the Strategic Response Team on Sexual Misconduct and the Sexual Misconduct Response Centre had recently begun to develop a suggested list of activities that would satisfy the remedial measures. At the time of the audit, this list was not completed, approved, or released. Without clear guidelines to help commanding officers know how to implement these actions, the activities will continue to be implemented inconsistently. This is important because inconsistent activities may not produce the desired behavioural change in perpetrators. Moreover, if the activities vary widely, victims and perpetrators may view the process as unfair.

5.58 We also found that, due to the obligations of the Privacy Act, in many cases, the chain of command did not tell victims whether administrative actions had been taken and why. In these cases, members may believe that no action was taken. Officials recognized this as an issue and began exploring ways to address it, such as requesting that the perpetrator voluntarily apologize and disclose the result of the administrative review to the victim.

5.59 **Respect for victims' needs.** We found that victims' needs were not always respected. Under Military Police procedures, in all cases related to inappropriate sexual behaviour, the investigator must provide the victim information on all local health care and victim support services when the investigator and victim first meet, and provide information about the Military Police Victim Services Program. Also, a victim services coordinator must update the victim on the case's progress every 30 days until the case is closed. We found that in the majority of the Military Police cases in our sample (31 of 46), at least one of these steps was not taken. To fully support victims and reduce the risk that they withdraw from the reporting process, it is important that all of these steps are taken.

5.60 In most of the Military Police cases in our sample (34 of 46), incidents were reported by a third party, not by the victim. In 4 cases, a commanding officer pressured the victim to come forward when the victim did not want to. About one quarter of the cases resulted in charges (10 of 46), while most cases had insufficient

evidence to proceed (28 of 46). Of those 28 cases, we found that the most common causes of insufficient evidence were a victim's unwillingness to provide a statement and a lack of witness testimony.

5.61 **Victims' confidence in the system.** For the 46 Military Police cases and 7 of the 29 Director Military Careers Administration cases, we reviewed the accompanying personnel and sexual harassment complaint files. We found evidence of the impact that reporting had on the victim. In 21 of the 53 cases, the file showed that the victim experienced fear, distress, discomfort, a lack of support, reprisal, or blame, including from the victim's commanding officer, senior leaders, instructors, and colleagues. In addition to the psychological trauma, such outcomes can only reduce victims' confidence in the system and contribute to the belief that there are negative consequences for those who report inappropriate sexual behaviour.

5.62 One primary victim support service provider told us that the Forces could improve support and increase victims' confidence in the system if each victim was assigned a case manager. This individual would have the required knowledge and expertise to support and guide victims through the reporting process.

5.63 **Recommendation.** The Canadian Armed Forces should make victim support a top priority by

- introducing comprehensive and integrated victim case management services from the time the victim discloses an incident to the conclusion of the case; and
- ensuring that members, service providers, and responsible officials have a clear understanding of what the complaint processes are, how they work, and what the possible outcomes are for both the victim and the alleged perpetrator.

National Defence's response. Agreed. The Vice Chief of the Defence Staff will oversee the development of a comprehensive Operation HONOUR campaign plan that will designate victim support and the implementation of an integrated, national case management system as the main effort. The Sexual Misconduct Response Centre will play an active role in the development of this campaign plan. The Centre's charter will be amended to permit broader engagement with Department of National Defence and Canadian Armed Forces senior leaders. The campaign plan will be sent for review and approval by 1 October 2019.

The Canadian Armed Forces will continue the development and publication of new policies, including related Defence Administrative Orders and Directives (DAODs) and an Operation HONOUR manual as a comprehensive source of information on processes as they pertain to inappropriate sexual behaviour. The Forces will continue to evolve the Respect in the Canadian Armed Forces Workshop and provide briefings, updates, and reports to ensure the widest distribution of information. The Strategic Response Team on Sexual Misconduct will ensure that the multiple sources of information (such as the manual, Operation HONOUR website, and Respect in the Canadian Armed Forces mobile application) are up to date with the latest information regarding policies and processes.

The workshop, mobile application, and website are already operational and will continue to be updated as new information, orders, and policies are produced. The manual is in advanced draft form and will be reviewed by the Centre before it is sent to the Deputy Minister and the Chief of the Defence Staff for approval. The new DAOD 5019-5, Sexual Misconduct and Sexual Disorders, is in draft form and will be reviewed by the Centre and sent for formal approval by summer 2019.

The duty to report inappropriate sexual behaviour discouraged some victims from disclosing or reporting an incident

What we found

5.64 We found that the legislative requirement that Forces members report all incidents of misconduct, including inappropriate sexual behaviour, was reinforced through the Operation HONOUR order. Known as “the duty to report,” this requirement meant that commanding officers and members with knowledge of an incident feared significant consequences if they did not report it. Victims were therefore required to report inappropriate sexual behaviour whether or not they wanted to or were ready. This discouraged some victims from disclosing for fear of being forced into a formal complaint process, which contributed to underreporting. Finally, it placed a heavy administrative burden on the chain of command and the Military Police, which had to manage the complaints.

Why this finding matters

5.65 This finding matters because if the duty to report has the unintended consequence of discouraging victims from disclosing inappropriate sexual behaviour, it can contribute to underreporting. Moreover, in the context of the duty to report, it is even more important that victims who come forward are adequately supported, since they do not all report willingly. Finally, if the duty to report is not supported by sufficient resources to respond to increased reporting of incidents, then the investigative units will not be able to respond in a timely manner.

5.66 Our analysis supporting this finding presents what we examined and discusses the following topics:

- Consequences of the duty to report
 - Reporting of incidents
-

Context

5.67 Members of the Canadian Armed Forces are subject to the Code of Service Discipline set out in Part III of the National Defence Act. The code applies to regular force members both inside and outside Canada. It incorporates all offences under the Criminal Code, including sexual assault, all other federal offences, and a number of service offences that are uniquely military in nature, such as cruel or disgraceful conduct, and abuse of subordinates.

5.68 The Queen’s Regulations and Orders for the Canadian Armed Forces require all members to “report to the proper authority” any violation of the law, rules, regulations, orders, and instructions that govern personal conduct according to the Code of Service Discipline. This includes commanding officers and bystanders, and any incidents of inappropriate sexual behaviour.

Recommendation

5.69 Our recommendation in this area of examination appears at paragraph 5.79.

5.70 **What we examined.** We examined the duty to report requirement in the context of the Forces' goals to respond to inappropriate sexual behaviour and to support victims.

5.71 **Consequences of the duty to report.** The duty to report requirement in the Canadian Armed Forces provided no balance between the legal responsibility and the need to support a victim's wish to not proceed with a formal complaint. It treated all complaints equally. We found that the duty to report inappropriate sexual behaviour had unintended consequences—it forced victims to report when they were not ready or did not want to.

5.72 We also found that the duty to report placed commanding officers in an ethical dilemma. They feared significant consequences if they did not report all incidents of which they were aware. However, since victims did not always want to report, commanding officers had to choose between abiding by the duty to report or supporting victims' wishes. In fact, some leaders told us that they decided to not follow the requirement and to deal with the incident informally, as the victim requested.

5.73 We used representative sampling to examine 46 of 380 Military Police cases within our audit scope. Of the cases reported by a third party, we found that in 4 cases, victims stated that they had been ordered or pressured to report. For example, when one victim visited the Military Police detachment, the victim's commanding officer ordered the victim to provide a report of sexual assault, even though the victim did not want to. In another case, the victim felt pressure from the victim's commanding officer to come forward even though the victim had received an apology from the accused and was satisfied. The victim was also told by the victim's commanding officer that not reporting would breach the policies, laws, and ethics that the victim was bound by. In addition, the victim was told that reporting would contribute to positive change, ensure the safety of other members, and maintain the integrity of the Forces.

5.74 We also found that some victims did not want to pursue criminal charges; they just wanted the behaviour to stop. They preferred that the alleged perpetrator's supervisor manage the incident. Some victims simply sought an apology or wanted someone to tell alleged perpetrators that their behaviour was wrong. Our interviews with members and support service providers confirmed that some victims were not comfortable approaching their commanding officers or anyone else who might report, for fear of starting a formal process.

5.75 Subject matter experts argue that victims must decide whether and when to report. If they are forced to report when they are not ready, it can cause further harm and discourage reporting.

5.76 We found that another unintended consequence of the duty to report was increased administrative burden of managing complaints. When Operation HONOUR was launched, reports of inappropriate sexual behaviour increased partly because victims were told it was now safe to come forward and partly because of the duty to report.

5.77 Operation HONOUR's definition of inappropriate sexual behaviour was very broad; it included everything from jokes to sexual assault. This meant that members felt responsible for reporting all types of incidents, which placed a heavy administrative burden on the chain of command to manage the complaints. Also, because the duty to report "to the proper authority" was not clearly defined, some members, including the chain of command, told us that they reported incidents such as inappropriate jokes to the Military Police rather than reporting through the non-criminal, administrative process or resolving incidents at the lowest level.

5.78 The Military Police did not have enough resources to respond to the increased caseload, which caused backlogs and delays. Although the Canadian Forces National Investigation Service received an additional 18 investigators in fall 2016, at the time of the audit, it could not determine whether these new resources would be sufficient to address the increased workload.

5.79 **Recommendation.** The Canadian Armed Forces should establish clear guidance for members on the regulation to "report to the proper authority" in the context of inappropriate sexual behaviour. The guidance should clarify who is considered the "proper authority" under which circumstances. The goal should be to balance the need to protect the organization's safety with the need to support victims by allowing them to disclose and seek support without the obligation to trigger a formal report and complaint process.

National Defence's response. Agreed. The Canadian Armed Forces will examine the relevant regulations and develop an appropriate approach to clarify the obligations relating to the reporting of incidents of inappropriate sexual behaviour. The chosen approach will aim to ensure that the views of the victims concerning the actions to be taken in response to incidents of inappropriate sexual behaviour involving the victims are considered and respected to the extent possible taking into account

- the interest in ensuring that victims receive the support they need;
- the roles and legal obligations of the various individuals and entities that may become aware of such incidents; and
- the need to ensure the operational effectiveness of the Forces and the safety of its members and of the public.

The Canadian Armed Forces will identify and begin developing the chosen approach no later than November 2018 with a view to conclude the process by October 2019.

5.80 **Reporting of incidents.** The Canadian Armed Forces reported that Operation HONOUR, supported by the duty to report, had increased the number of incidents reported by members. We examined the number of reported incidents of inappropriate sexual behaviour from 2015 to 2017 from the Forces' three main bodies responsible for investigating incidents and complaints—the Military Police, the Director Military Careers Administration, and the Integrated Conflict and Complaint Management Program.

5.81 Since the Sexual Misconduct Response Centre was not a reporting centre and recorded its activities on the basis of the number of client contacts (some of which were repeat callers), we did not use its information. The Strategic Response Team also regularly collected information on incidents from all units, but it was not

an investigative body. We also found that we could not rely on the quality of the information so we did not use it (see paragraph 5.113 for details). This meant that the number of incidents reported through the three main reporting and investigative bodies did not represent the total number of incidents of inappropriate sexual behaviour reported during the audit period—only the total number investigated.

5.82 We found that after the start of Operation HONOUR, rates of reporting increased significantly due in part to victims bringing forth incidents that had happened many years ago. The number of criminal sexual offences in the Forces' Military Police database increased from 33 reported in 2015 to 170 reported in 2017. Similarly, the number of cases related to inappropriate sexual behaviour in the Director Military Careers Administration database increased from 4 reported in 2015 to 118 reported in 2017. Finally, the number of cases related to inappropriate sexual behaviour in the Forces' Integrated Conflict and Complaint Management Program database increased from 5 reported in 2016 to 26 reported in 2017.

5.83 Although the numbers from all sources showed an increase in reporting, we heard that underreporting was still common. Lower-ranking members and officials responsible for providing victim support services explained that underreporting continued because some cases were being resolved informally, or because of fear of reprisals or concerns with the complaint process.

5.84 Respondents to the 2016 Statistics Canada Survey on Sexual Misconduct in the Canadian Armed Forces cited the same reasons for underreporting. The survey found the following from April-to-June 2015 to April-to-June 2016:

- 960 members reported experiencing a sexual assault (defined as sexual attacks, unwanted sexual touching, or sexual activity to which the victim was unable to consent); and
- most members (79%, or 44,390) reported that they saw, heard, or were personally targeted by sexualized behaviour.

5.85 We could not directly compare the Forces' reported incidents with those of the 2016 Statistics Canada survey because of differences in how each organization defined inappropriate sexual behaviour. However, given that there are over 87,000 regular force and primary reserve force members, the likelihood that so few incidents of inappropriate sexual behaviour occurred is very low. It is reasonable to presume that, despite the duty to report requirement and the increases in reported cases, underreporting continues to be a problem. This means that the Forces has more work to do to ensure that all victims feel safe and supported to report.

Education and training on inappropriate sexual behaviour

The Canadian Armed Forces offered education and training but did not address the root causes of inappropriate sexual behaviour

What we found

5.86 We found that the policies, education, and training on inappropriate sexual behaviour were not adequate. Although the Forces successfully increased awareness of Operation HONOUR, members' awareness did not always mean that they understood the root causes and effects of inappropriate sexual behaviour, and how to respond to and support victims.

5.87 We found that the chain of command delivered briefings and training that did not increase members' understanding of how to respond to and support victims, but instead created confusion, frustration, fear, and less camaraderie.

5.88 Our analysis supporting this finding presents what we examined and discusses the following topics:

- Education and training provided to leaders and members
 - Understanding of inappropriate sexual behaviour
-

Why this finding matters

5.89 This finding matters because without a clear policy and effective education and training, members' beliefs and behaviours will be more difficult to change. Inappropriate sexual behaviour will continue to be a significant risk to operational effectiveness in the Canadian Armed Forces.

Recommendation

5.90 Our recommendation in this area of examination appears at paragraph 5.104.

Analysis to support this finding

5.91 **What we examined.** We examined whether the Forces' education and training programs related to Operation HONOUR were designed and implemented to educate the chain of command and members on how to better respond to and support victims, and how to understand and prevent inappropriate sexual behaviour. We looked at whether the education and training was evidence-based, designed and delivered by subject matter experts, delivered consistently to all members, and monitored for effectiveness and continuous improvement. We also examined whether the Forces developed a unified policy on inappropriate sexual behaviour and communicated it through education and training to ensure that the chain of command and members understood and knew how to follow it.

5.92 **Education and training provided to leaders and members.** We found that the Forces took some positive actions on education and training on inappropriate sexual behaviour. For example, it conducted a training needs assessment that was used to develop a training strategy on inappropriate sexual behaviour, which was approved in 2016. The chain of command delivered Operation HONOUR briefings and key education and training programs, such as mandatory training on what bystanders should do if they witness inappropriate sexual behaviour, across the Forces.

5.93 However, we found that the education and training on inappropriate sexual behaviour was not developed or delivered by subject matter experts, was not consistently delivered to members, and did not focus on victim support. Therefore, although the training sessions raised awareness of inappropriate sexual behaviour and encouraged members to intervene when they witnessed it, the training did not give them a sufficient understanding of how to effectively respond to and support victims. This was particularly true for the chain of command.

5.94 The 2015 External Review reported that members were skeptical about training delivered by the chain of command. The report stated that there was a common view that in many cases, the trainers were themselves complicit in

inappropriate sexual behaviour. It also stated that members reported that commanding officers were insufficiently trained and could not appropriately assess and respond to inappropriate sexual behaviour.

5.95 We found that during the audit period, the chain of command, who did not have subject matter expertise, delivered most of the education and training related to Operation HONOUR. We also found that the chain of command did not receive the training needed to deliver effective training to their members on inappropriate sexual behaviour. Moreover, the Forces did not assess the chain of command to determine whether they had the skills and abilities to do so. Given the sensitive and complex nature of the subject and the concerns with the Forces' culture that gave rise to Operation HONOUR, such an assessment would be important to mitigate the risk that a leader who had engaged in inappropriate sexual behaviour would deliver the education and training. If this risk is not mitigated, the information and messages delivered to members would have little credibility.

5.96 We also found that training related to Operation HONOUR was developed both at the national and local unit levels. There were also training initiatives developed by the Forces' various training schools. However, there was no organization-wide, systematic monitoring or evaluation to ensure that these initiatives were delivered as intended and that they met the goals of Operation HONOUR.

5.97 We found that the chain of command used different approaches to present prepackaged training materials, which resulted in inconsistent learning. Although members received a consistent message to stop inappropriate sexual behaviour, they received different messages about what constituted such behaviour and how to respond. They also reported experiencing "Operation HONOUR fatigue" after attending multiple briefings and training sessions.

5.98 **Understanding of inappropriate sexual behaviour.** As part of Operation HONOUR's goal to prevent inappropriate sexual behaviour, the Forces developed a definition of what constituted such behaviour (see paragraph 5.3). However, members found it too broad. As a result, not all members had the same understanding of the definition, which led to differences in what they identified and reported. The Forces also failed to develop a single, unified policy to communicate clearly the definitions and rules for inappropriate sexual behaviour to members and what behaviours are expected of them.

5.99 Overall, we found that members did not receive enough information on how to appropriately behave with one another, how to respond to and support victims, and how to fundamentally change their way of thinking about inappropriate sexual behaviour.

5.100 This lack of understanding became apparent during our interviews. When we asked members about the impact of Operation HONOUR, many told us it had created an environment of fear and frustration and reduced camaraderie. Some were afraid of even basic social interaction, for fear of being accused of inappropriate behaviour. Other members (particularly females) told us that they felt isolated because of their peers' fears about interacting with them. These fears may have harmed operational effectiveness—members explained that they were less comfortable and confident working with one another.

5.101 We also heard that for some members, Operation HONOUR drove the problematic behaviour underground, where it became less visible. Members on bases in Canada and those who were deployed told us that they, or others they knew, would adjust their behaviour in settings in which they thought they were being monitored. However, once they believed that they were not being monitored and were in like-minded company, they reverted to their “normal” behaviour.

5.102 The Forces developed a new national training initiative called the Respect in the Canadian Armed Forces Workshop, which was fully implemented in April 2018 but was not mandatory for all members. The workshop was designed and being delivered in collaboration with subject matter experts. It included interactive discussions and covered some areas that were lacking in previous training, such as what behaviour is appropriate and why, individual attitudes and beliefs about inappropriate sexual behaviour, and how to provide effective victim support. In our view, this training represented a more complete approach, as it provided a better understanding of the root causes and effects of inappropriate sexual behaviour, and how to respond to and support victims.

5.103 In June 2018, the Forces conducted an internal assessment of Operation HONOUR’s performance and identified the outstanding requirement to develop a single, coherent policy on inappropriate sexual behaviour.

5.104 **Recommendation.** The Canadian Armed Forces should make it a priority to offer the Respect in the Canadian Armed Forces Workshop to all members in a timely manner. It should also explore other victim-focused education and training options to ensure all members receive appropriate training that supports the goals of Operation HONOUR.

National Defence’s response. Agreed. The Strategic Response Team on Sexual Misconduct will develop a coordinated plan to provide the Respect in the Canadian Armed Forces Workshop for all Forces personnel. The Forces will formally validate all training and education programs on sexual misconduct and inappropriate sexual behaviour. The Sexual Misconduct Response Centre’s charter will be reviewed and amended to provide an explicit mandate to monitor Forces training and education. The charter will also recognize the “authoritative voice” of the Centre in terms of training content. The charter will be revised by the end of the 2018–19 fiscal year.

Oversight of the response to inappropriate sexual behaviour

The Canadian Armed Forces did not adequately monitor the effectiveness of its operation to eliminate inappropriate sexual behaviour

What we found

5.105 We found that the Canadian Armed Forces did not adequately monitor the effectiveness of Operation HONOUR. We also found that the information the organization collected on incidents of inappropriate sexual behaviour and on the Operation’s progress was of poor quality. Therefore, senior management did not have the information they needed to let them know whether the Operation was achieving the intended results and how to continuously improve it.

5.106 Our analysis supporting this finding presents what we examined and discusses the following topics:

- Independent, external oversight
 - Internal oversight
 - Performance measurement, monitoring, and continuous improvement
-

Why this finding matters

5.107 This finding matters because without proper oversight and good-quality performance information, the Canadian Armed Forces could not ensure that Operation HONOUR was making progress against its goal to eliminate inappropriate sexual behaviour.

Recommendations

5.108 Our recommendations in this area of examination appear at paragraphs 5.119 and 5.120.

Analysis to support this finding

5.109 **What we examined.** We examined whether the Canadian Armed Forces adequately oversaw Operation HONOUR to know whether it was working as intended, and whether it was being improved continuously.

5.110 **Independent, external oversight.** In 2016, the Chief of the Defence Staff committed to receiving independent oversight and advice for Operation HONOUR by creating a steering committee and an external advisory council. However, we found that the advisory council had met for the first time only in June 2018, and at the time of the audit, the steering committee had never met.

5.111 The 2015 External Review recommended creating an independent body outside of the Canadian Armed Forces that would be responsible for receiving reports of inappropriate sexual behaviour and act as a central authority for collecting information. In response, the Department of National Defence created the Sexual Misconduct Response Centre, an independent body that reported to National Defence. However, we found that the Centre was not given responsibility for receiving reports or collecting information. Therefore, the Forces had no source of independent, objective information to know how well Operation HONOUR was working.

5.112 **Internal oversight.** The 2015 External Review found that the Forces did not consistently track incidents of inappropriate sexual behaviour. In response, the Forces gave the Strategic Response Team on Sexual Misconduct responsibility for coordinating, monitoring, and reporting on progress for all aspects of Operation HONOUR, including education and training, victim support, and trends on reported incidents of inappropriate sexual behaviour. The Strategic Response Team collected information from across the Forces and provided regular progress reports to the Chief of the Defence Staff and the public.

5.113 We found that the Strategic Response Team did not have good-quality information to support the progress reports that senior management used to understand and make decisions about Operation HONOUR:

- There was no centralized system to collect and track incidents of inappropriate sexual behaviour in a systematic way—the information came from many different databases and was therefore not consistent.
- Some incidents were recorded more than once, in more than one system, resulting in duplication.

- There were insufficient quality control checks on information that was entered manually.
- The information on progress often came from commanding officers' personal assessments of how well Operation HONOUR was working, rather than from independent, objective evaluations. The assessments were also not consistent because each commander reported on different results and not all commanders reported against the same performance measures.

5.114 In 2016, the Forces began developing a centralized information system to monitor reported incidents of inappropriate sexual behaviour across the Forces. The system was implemented in spring 2018.

5.115 However, in 2017, the Forces began to develop another centralized information system to track harassment complaints, including complaints of inappropriate sexual behaviour. Officials from the Strategic Response Team and the Integrated Conflict and Complaint Management Program eventually discovered that their information system needs were similar. As a result, they moved to using the same operating platform for both information systems. Officials told us that the goal was to ensure that, eventually, the systems would be able to fully communicate with each other. However, at the time of the audit, the systems remained separate and the problem of duplicate reporting had not been resolved.

5.116 **Performance measurement, monitoring, and continuous improvement.** We found that the Canadian Armed Forces did not have a performance measurement framework to measure and monitor the results of Operation HONOUR across the organization. As a result, we found that assessments were not always consistent or based on evidence.

5.117 For example, we found that there was a discrepancy between the perceptions of leaders and lower-ranking members about the Operation's success and impact. The leaders had much more positive views than lower-ranking members.

5.118 However, we found that the organization had taken steps to understand members' perceptions of how the Forces was responding to inappropriate sexual behaviour. For example, it requested the Statistics Canada Survey on Sexual Misconduct in the Canadian Armed Forces (conducted in 2016 and planned to be held again in 2018), and a study on victim support (to be held in the 2017–18 fiscal year). It also collected information through an internal members' survey in 2016 and 2017 on Operation HONOUR.

5.119 **Recommendation.** The Canadian Armed Forces should develop a performance measurement framework to measure, monitor, and report on Operation HONOUR. The Forces should use the information it gathers to continuously improve its response to inappropriate sexual behaviour and work toward its goal to eliminate this behaviour across the Forces.

National Defence's response. Agreed. The Strategic Response Team on Sexual Misconduct will develop a new performance measurement framework designed to measure the performance (activities and outputs) as well as effectiveness (outcomes) of the Operation HONOUR campaign plan. The Director General Military Personnel Research and Analysis will support the development of the framework as

well as the broader performance measurement effort through the provision of expert advice and multidisciplinary research. The Sexual Misconduct Response Centre will support Canadian Armed Forces performance measurement by providing independent analysis and advice. The framework will be submitted for review and approval with the campaign plan no later than 1 October 2019.

5.120 **Recommendation.** The Canadian Armed Forces should expand its use of external subject matter experts, in addition to using internal information sources and evidence, to ensure it has a wider variety of performance information, and to ensure it receives an independent assessment of its response to inappropriate sexual behaviour.

National Defence's response. Agreed. The Sexual Misconduct Response Centre's charter will be amended to recognize the Centre as the authoritative external agency with a mandate to ensure that Operation HONOUR is continuously monitored by external subject matter experts. The charter will be revised by the end of the 2018–19 fiscal year. The External Advisory Council will provide independent information and advice to the Executive Director of the Centre to assist in the delivery of this mandate. The Executive Director will be given a broader mandate to advise Department of National Defence and Canadian Armed Forces senior leaders and provide independent analysis and advice on Operation HONOUR plans, performance, and related activities.

Conclusion

5.121 We concluded that the Canadian Armed Forces had not yet fully accomplished what it intended through its actions to respond to and support victims and to understand and prevent inappropriate sexual behaviour. The goal of the audit was not to conclude on the success of Operation HONOUR, but to add value by providing an external review of the Forces' progress at a point in time. We recommended that the Forces make victim support a top priority, provide better education and training on the causes and effects of inappropriate sexual behaviour, and incorporate more independent external advice and review to ensure it achieves the objectives of Operation HONOUR.

About the Audit

This independent assurance report was prepared by the Office of the Auditor General of Canada on inappropriate sexual behaviour in the Canadian Armed Forces. Our responsibility was to provide objective information, advice, and assurance to assist Parliament in its scrutiny of the government's management of resources and programs, and to conclude on whether the Canadian Armed Forces' response to inappropriate sexual behaviour complied in all significant respects with the applicable criteria.

All work in this audit was performed to a reasonable level of assurance in accordance with the Canadian Standard for Assurance Engagements (CSAE) 3001—Direct Engagements set out by the Chartered Professional Accountants of Canada (CPA Canada) in the CPA Canada Handbook—Assurance.

The Office applies Canadian Standard on Quality Control 1 and, accordingly, maintains a comprehensive system of quality control, including documented policies and procedures regarding compliance with ethical requirements, professional standards, and applicable legal and regulatory requirements.

In conducting the audit work, we have complied with the independence and other ethical requirements of the relevant rules of professional conduct applicable to the practice of public accounting in Canada, which are founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality, and professional behaviour.

In accordance with our regular audit process, we obtained the following from entity management:

- confirmation of management's responsibility for the subject under audit;
- acknowledgement of the suitability of the criteria used in the audit;
- confirmation that all known information that has been requested, or that could affect the findings or audit conclusion, has been provided; and
- confirmation that the audit report is factually accurate.

Audit objective

The objective of this audit was to determine whether the Canadian Armed Forces adequately responded to inappropriate sexual behaviour through actions to respond to and support victims and to understand and prevent such behaviour.

Scope and approach

The audit scope included regular and reserve force members of the Canadian Armed Forces. The audit did not include the Department of National Defence civilian employee population or the Cadet and Junior Canadian Ranger programs, as they are not the target population of Operation HONOUR.

The team examined whether the Canadian Armed Forces had a governance process to implement and oversee the leadership-driven institutional cultural change needed to respond to inappropriate sexual behaviour. It also examined whether the Canadian Armed Forces ensured that the education and training it provided on inappropriate sexual behaviour was effective; provided timely, consistent, and reasonable support to members affected by inappropriate sexual behaviour; and had systems and practices to know whether it had effectively responded to inappropriate sexual behaviour, and used that information to continuously improve its response to such behaviour.

The audit did not examine how the military justice system processes cases of inappropriate sexual behaviour once charges have been laid and either a summary trial or court martial has been selected. The administration of military justice was examined in a recent report: 2018 Spring Reports of the Auditor General of Canada to the Parliament of Canada, Report 3—Administration of Justice in the Canadian Armed Forces.

The audit team reviewed documentation and received walk-throughs of relevant information systems and practices. The team also conducted site visits at nine military locations representing the Canadian Army, the Royal Canadian Navy, the Royal Canadian Air Force, two joint operations missions overseas, and key training establishments. During the site visits, the audit team conducted focus groups, face-to-face interviews, and telephone interviews with regular and reserve force members from all ranks. In addition, the audit team interviewed Canadian Armed Forces members and civilian employees who were involved in the implementation of Operation HONOUR, including harassment advisers, military police, investigators with the Canadian Forces National Investigation Service, chaplains, physicians, nurses, and representatives of support groups such as Military Family Resource Centres.

In total, the audit team conducted 125 consultations (interviews and focus groups), which included more than 350 officials across the Canadian Armed Forces. These numbers do not include the consultations held within the National Capital Region, including audit work at the Sexual Misconduct Response Centre.

Finally, for the period of 14 August 2015 to 31 March 2018, the audit team used representative sampling to review 46 Military Police cases from a population of 380, and 29 Director Military Careers Administration cases from a population of 59^{*}, as well as the accompanying human resource data, where available. This sample was sufficient to conclude on the population with a margin of error of +10%, with a confidence level of 90% (18 times out of 20). For the period of 1 October 2016 to 31 March 2018, the team also reviewed all 37 records reported by the Integrated Conflict and Complaint Management Program for inappropriate sexual behaviour and harassment, including four formal complaints. The team also met with nine external subject matter experts, and with current and former regular and reserve force members who were victims of inappropriate sexual behaviour while on active duty with the Canadian Armed Forces during the period covered by the audit.

Criteria

To determine whether the Canadian Armed Forces adequately responded to inappropriate sexual behaviour through actions to respond to and support victims and to understand and prevent such behaviour, we used the following criteria:

Criteria	Sources
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Criteria	Sources
<p>To establish the leadership-driven culture change required to respond to inappropriate sexual behaviour, the Canadian Armed Forces has a governance structure that includes</p> <ul style="list-style-type: none"> • clearly defined and agreed-upon accountabilities and responsibilities; • oversight systems and practices (including monitoring and reporting) to ensure leaders have a correct understanding of, and are fulfilling, their required accountabilities and responsibilities; and • decisive action when leaders do not fulfill their required accountabilities and responsibilities. 	<ul style="list-style-type: none"> • Chief of the Defence Staff Operation (CDS Op) Order—Operation HONOUR, National Defence, 2015 • Fragmentary Order (FRAGO) 001 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 002 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 004 to CDS Op Order—Operation HONOUR, National Defence, 2017 • National Defence Act • Department of National Defence and the Canadian Forces Code of Values and Ethics, National Defence, 2012 • Defence Administrative Order and Directive (DAOD) 5012-0, Harassment Prevention and Resolution, National Defence, 2017 • DAOD 2017-0, Military Grievances, National Defence, 2015 • DAOD 2017-1, Military Grievance Process, National Defence, 2015 • DAOD 5019-0, Conduct and Performance Deficiencies, National Defence, 2007 • DAOD 5019-1, Personal Relationships and Fraternalization, National Defence, 2007 • DAOD 5019-2, Administrative Review, National Defence, 2010 • DAOD 5019-4, Remedial Measures, National Defence, 2010 • DAOD 5019-5, Sexual Misconduct and Sexual Disorders, National Defence, 2008 • DAOD 5046-0, Alternative Dispute Resolution, National Defence, 2005 • DAOD 7023-0, Defence Ethics, National Defence, 2015 • DAOD 7023-1, Defence Ethics Programme, National Defence, 2015 • Chief of the Defence Staff Guidance to Commanding Officers and Their Leadership Teams • Surgeon General's Mental Health Strategy: Canadian Forces Health Services Group, National Defence, 2013
<p>The Canadian Armed Forces has a strategy and supporting business plan(s) to implement Operation HONOUR and related initiatives.</p>	<ul style="list-style-type: none"> • CDS Op Order—Operation HONOUR, National Defence, 2015 • FRAGO 004 to CDS Op Order—Operation HONOUR, National Defence, 2017

Criteria	Sources
<p>To promote the institutional cultural change required to successfully respond to inappropriate sexual behaviour, the Canadian Armed Forces provides education and training to all its members that is</p> <ul style="list-style-type: none"> • evidence-based (that is, the training methods and materials used are based on reliable and relevant evidence derived from qualitative and quantitative research on the elimination of inappropriate sexual behaviour); • designed and delivered by subject matter and education experts in the elimination of inappropriate sexual behaviour; • delivered in a consistent manner; • monitored for effectiveness; and • continuously improved as required. 	<ul style="list-style-type: none"> • CDS Op Order—Operation HONOUR, National Defence, 2015 • FRAGO 001 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 002 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 004 to CDS Op Order—Operation HONOUR, National Defence, 2017 • DAOD 5031-0, Learning and Professional Development, National Defence, 2003 • DAOD 5031-8, Canadian Forces Professional Development, National Defence, 2012 • Policy on Learning, Training, and Development, Treasury Board, 2017 • Relevant training directives
<p>The Canadian Armed Forces responds to and, if required, investigates non-criminal incidents of inappropriate sexual behaviour in a timely, consistent, and reasonable manner.</p>	<ul style="list-style-type: none"> • CDS Op Order—Operation HONOUR, National Defence, 2015 • FRAGO 001 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 002 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 003 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 004 to CDS Op Order—Operation HONOUR, National Defence, 2017 • Integrated Complaint and Conflict Management (IC2M) Program—Strategic Initiating Directive, National Defence, 2016 • Strong, Secure, Engaged: Canada's Defence Policy • DAOD 5012-0, Harassment Prevention and Resolution, National Defence, 2017 • DAOD 5019-5, Sexual Misconduct and Sexual Disorders, National Defence, 2008 • DAOD 2017-0, Military Grievances, National Defence, 2015 • DAOD 2017-1, Military Grievance Process, National Defence, 2015 • DAOD 5046-0, Alternative Dispute Resolution, National Defence, 2005 • DAOD 5019-0, Conduct and Performance Deficiencies, National Defence, 2007 • DAOD 5019-2, Administrative Review, National Defence, 2010 • DAOD 5019-4, Remedial Measures, National Defence, 2010

Criteria	Sources
The Canadian Armed Forces responds to and investigates criminal incidents of inappropriate sexual behaviour in a timely, consistent, and reasonable manner.	<ul style="list-style-type: none"> • CDS Op Order—Operation HONOUR, National Defence, 2015 • FRAGO 001 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 002 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 003 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 004 to CDS Op Order—Operation HONOUR, National Defence, 2017 • National Defence Act • Queen’s Regulations and Orders Volume II—Chapter 106—Investigation of Service Offences • DAOD 5019-5, Sexual Misconduct and Sexual Disorders, National Defence, 2008
The Canadian Armed Forces provides victims of inappropriate sexual behaviour with the support they need in a timely, consistent, and reasonable manner.	<ul style="list-style-type: none"> • CDS Op Order—Operation HONOUR, National Defence, 2015 • FRAGO 001 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 002 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 004 to CDS Op Order—Operation HONOUR, National Defence, 2017 • Sexual Misconduct Response Centre—Charter, National Defence, 2017 • Strong, Secure, Engaged: Canada’s Defence Policy
The Canadian Armed Forces has a performance measurement and monitoring framework to know whether it has effectively responded to inappropriate sexual behaviour.	<ul style="list-style-type: none"> • CDS Op Order—Operation HONOUR, National Defence, 2015 • FRAGO 001 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 002 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 004 to CDS Op Order—Operation HONOUR, National Defence, 2017 • Relevant Group Orders for the Canadian Forces Military Police Group • Sexual Misconduct Response Centre—Charter, National Defence, 2017 • Policy on Results, Treasury Board, 2016

Criteria	Sources
The Canadian Armed Forces collects good-quality performance information and uses it to continuously improve the response to inappropriate sexual behaviour.	<ul style="list-style-type: none"> • CDS Op Order—Operation HONOUR, National Defence, 2015 • FRAGO 001 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 002 to CDS Op Order—Operation HONOUR, National Defence, 2016 • FRAGO 004 to CDS Op Order—Operation HONOUR, National Defence, 2017 • Sexual Misconduct Response Centre—Charter, National Defence, 2017 • Policy on Results, Treasury Board, 2016

Period covered by the audit

The audit covered the period between 14 August 2015 and 30 June 2018. This is the period to which the audit conclusion applies. However, to gain a more complete understanding of the subject matter of the audit, we also examined certain matters that preceded the starting date of this period.

Date of the report

We obtained sufficient and appropriate audit evidence on which to base our conclusion on 14 September 2018, in Ottawa, Canada.

Audit team

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List of Recommendations

The following table lists the recommendations and responses found in this report. The paragraph number preceding the recommendation indicates the location of the recommendation in the report, and the numbers in parentheses indicate the location of the related discussion.

Victim support

Recommendation	Response
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Recommendation	Response
<p>5.40 The Canadian Armed Forces should work with the Department of National Defence to review the balance, and clearly define the roles and responsibilities, of the Strategic Response Team on Sexual Misconduct and the Sexual Misconduct Response Centre to improve efficiency and avoid duplication of effort. The Canadian Armed Forces should also ensure that these roles and responsibilities are communicated across the Forces to ensure better understanding for all members. (5.30 to 5.36)</p>	<p>National Defence's response. Agreed. The role of the Canadian Armed Forces' Strategic Response Team on Sexual Misconduct will be reduced in the domain of victim support. The Sexual Misconduct Response Centre will become the "authoritative voice" on all aspects of victim support and advocacy from the time incidents take place until victim needs have been fully supported and addressed. The Strategic Response Team will be in a position to divest all victim support elements to the Centre by December 2018.</p> <p>The Centre's charter will be updated to provide authoritative advice and guidance to the Department of National Defence and the Canadian Armed Forces on all aspects of victim support and case management, by the end of the 2018–19 fiscal year. The Strategic Response Team will function as a planning and coordination staff. The Strategic Response Team's terms of reference will be reviewed and updated to focus on institutional reform and the preparation of military staff products to ensure that military direction, research, and analysis reflect the recommendations and guidance provided by the Centre.</p>
<p>5.41 The Canadian Armed Forces should establish an integrated, national approach to victim support to ensure that it fully addresses the needs of any member who is affected by inappropriate sexual behaviour. The approach should ensure that members have access to a consistent level of service and specialized support regardless of where they are serving. (5.37 to 5.39)</p>	<p>National Defence's response. Agreed. The Vice Chief of the Defence Staff will lead the development and implementation of an integrated, national plan to support victims of sexual misconduct. The Sexual Misconduct Response Centre will play a leading role in this effort to ensure that the Department of National Defence and Canadian Armed Forces plan remains focused on victim support and is informed by research and best practices. This will be done in partnership with Forces stakeholders and through consultation with subject matter experts and key external stakeholders.</p> <p>The plan will identify a minimum level of service to be provided, and by whom, whether through internal or external service providers, and will specify the credentials and training requirements of all victim service providers, as well as quality assurance, evaluation, and complaint mechanisms. The plan will be tailored so that the unique needs of deployed members are considered and addressed as well as those of specialized groups of victims, such as women; members of the lesbian, gay, bisexual, transgender, queer, and two-spirit community; visible minorities; and Indigenous members. Planning for an integrated, national plan to support victims began in September 2018, with a view to producing an implementation plan no later than 1 October 2019.</p> <p>The Vice Chief of the Defence Staff will also lead the development and implementation of comprehensive and integrated victim case management services as a priority. The Centre will also play a leading role in this effort to ensure that the plan is informed by the Centre's case management experience and analysis of victim requirements. Planning for integrated case management services began in September 2018, with implementation anticipated to begin in the 2018–19 fiscal year.</p>

Recommendation	Response
<p>5.63 The Canadian Armed Forces should make victim support a top priority by</p> <ul style="list-style-type: none"> introducing comprehensive and integrated victim case management services from the time the victim discloses an incident to the conclusion of the case; and ensuring that members, service providers, and responsible officials have a clear understanding of what the complaint processes are, how they work, and what the possible outcomes are for both the victim and the alleged perpetrator. (5.51 to 5.62) 	<p>National Defence's response. Agreed. The Vice Chief of the Defence Staff will oversee the development of a comprehensive Operation HONOUR campaign plan that will designate victim support and the implementation of an integrated, national case management system as the main effort. The Sexual Misconduct Response Centre will play an active role in the development of this campaign plan. The Centre's charter will be amended to permit broader engagement with Department of National Defence and Canadian Armed Forces senior leaders. The campaign plan will be sent for review and approval by 1 October 2019.</p> <p>The Canadian Armed Forces will continue the development and publication of new policies, including related Defence Administrative Orders and Directives (DAODs) and an Operation HONOUR manual as a comprehensive source of information on processes as they pertain to inappropriate sexual behaviour. The Forces will continue to evolve the Respect in the Canadian Armed Forces Workshop and provide briefings, updates, and reports to ensure the widest distribution of information. The Strategic Response Team on Sexual Misconduct will ensure that the multiple sources of information (such as the manual, Operation HONOUR website, and Respect in the Canadian Armed Forces mobile application) are up to date with the latest information regarding policies and processes.</p> <p>The workshop, mobile application, and website are already operational and will continue to be updated as new information, orders, and policies are produced. The manual is in advanced draft form and will be reviewed by the Centre before it is sent to the Deputy Minister and the Chief of the Defence Staff for approval. The new DAOD 5019-5, Sexual Misconduct and Sexual Disorders, is in draft form and will be reviewed by the Centre and sent for formal approval by summer 2019.</p>
<p>5.79 The Canadian Armed Forces should establish clear guidance for members on the regulation to "report to the proper authority" in the context of inappropriate sexual behaviour. The guidance should clarify who is considered the "proper authority" under which circumstances. The goal should be to balance the need to protect the organization's safety with the need to support victims by allowing them to disclose and seek support without the obligation to trigger a formal report and complaint process. (5.71 to 5.78)</p>	<p>National Defence's response. Agreed. The Canadian Armed Forces will examine the relevant regulations and develop an appropriate approach to clarify the obligations relating to the reporting of incidents of inappropriate sexual behaviour. The chosen approach will aim to ensure that the views of the victims concerning the actions to be taken in response to incidents of inappropriate sexual behaviour involving the victims are considered and respected to the extent possible taking into account</p> <ul style="list-style-type: none"> the interest in ensuring that victims receive the support they need; the roles and legal obligations of the various individuals and entities that may become aware of such incidents; and the need to ensure the operational effectiveness of the Forces and the safety of its members and of the public. <p>The Canadian Armed Forces will identify and begin developing the chosen approach no later than November 2018 with a view to conclude the process by October 2019.</p>

Education and training on inappropriate sexual behaviour

Recommendation	Response
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Recommendation	Response
<p>5.104 The Canadian Armed Forces should make it a priority to offer the Respect in the Canadian Armed Forces Workshop to all members in a timely manner. It should also explore other victim-focused education and training options to ensure all members receive appropriate training that supports the goals of Operation HONOUR. (5.98 to 5.103)</p>	<p>National Defence's response. Agreed. The Strategic Response Team on Sexual Misconduct will develop a coordinated plan to provide the Respect in the Canadian Armed Forces Workshop for all Forces personnel. The Forces will formally validate all training and education programs on sexual misconduct and inappropriate sexual behaviour. The Sexual Misconduct Response Centre's charter will be reviewed and amended to provide an explicit mandate to monitor Forces training and education. The charter will also recognize the "authoritative voice" of the Centre in terms of training content. The charter will be revised by the end of the 2018–19 fiscal year.</p>

Oversight of the response to inappropriate sexual behaviour

Recommendation	Response
<p>5.119 The Canadian Armed Forces should develop a performance measurement framework to measure, monitor, and report on Operation HONOUR. The Forces should use the information it gathers to continuously improve its response to inappropriate sexual behaviour and work toward its goal to eliminate this behaviour across the Forces. (5.116 to 5.118)</p>	<p>National Defence's response. Agreed. The Strategic Response Team on Sexual Misconduct will develop a new performance measurement framework designed to measure the performance (activities and outputs) as well as effectiveness (outcomes) of the Operation HONOUR campaign plan. The Director General Military Personnel Research and Analysis will support the development of the framework as well as the broader performance measurement effort through the provision of expert advice and multidisciplinary research. The Sexual Misconduct Response Centre will support Canadian Armed Forces performance measurement by providing independent analysis and advice. The framework will be submitted for review and approval with the campaign plan no later than 1 October 2019.</p>
<p>5.120 The Canadian Armed Forces should expand its use of external subject matter experts, in addition to using internal information sources and evidence, to ensure it has a wider variety of performance information, and to ensure it receives an independent assessment of its response to inappropriate sexual behaviour. (5.110 to 5.111)</p>	<p>National Defence's response. Agreed. The Sexual Misconduct Response Centre's charter will be amended to recognize the Centre as the authoritative external agency with a mandate to ensure that Operation HONOUR is continuously monitored by external subject matter experts. The charter will be revised by the end of the 2018–19 fiscal year. The External Advisory Council will provide independent information and advice to the Executive Director of the Centre to assist in the delivery of this mandate. The Executive Director will be given a broader mandate to advise Department of National Defence and Canadian Armed Forces senior leaders and provide independent analysis and advice on Operation HONOUR plans, performance, and related activities.</p>

Definition:

ⁱ **Inappropriate sexual behaviour**—As defined by the Canadian Armed Forces, including but not limited to, “actions that perpetuate stereotypes and modes of thinking that devalue members on the basis of their sex, sexuality, or sexual orientation; unacceptable language or jokes; accessing, distributing, or publishing in the workplace material of a sexual nature; offensive sexual remarks; exploitation of power relationships for the purposes of sexual activity; unwelcome requests of a sexual nature or verbal abuse of a sexual nature; publication of an intimate image of a person without their consent; voyeurism, indecent acts, sexual interference, sexual exploitation, and sexual assault.”

Source: Chief of the Defence Staff Operation Order—Operation HONOUR, 14 August 2015

Footnote:

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The audit team sampled Military Police cases and Director Military Careers Administration cases from the Canadian Armed Forces' incident reporting databases. However, many of the cases in the Director Military Careers Administration database were related to a known criminal conviction. Those cases were removed from the population, reducing it from 171 to 59 from which our sample of 29 cases was taken.
