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BRIEFING NOTE ON THE ADMINISTRATION
OF CF POLICY ON
SEXUAL ORIENTATION

AIM

1. The aim of this brief is to outline the procedures used in the administration of CF policy on sexual orientation as it applies to officers.

BACKGROUND

2. Policy on sexual orientation is that practicing homosexuals will not knowingly be enrolled or retained in the CF. The final career decision concerning a serving officer to whom CFAO 19-20 applies is reached after a review of the case at each level within the chain of command in accordance with and taking into account the orders and policies contained in CFAO 19-20 (Flag A), and the Interim Policy on Homosexuality (Flag B). Since the promulgation of the interim policy, there have been four officers reviewed by the Special Career Review Board as the result of

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homosexual perpsensity or conduct. OPM 114-2 (Flag C) reflects the procedures which were in place prior to the introduction of this interim policy. Since the introduction of the interim policy (Flag B) and CANFORGEN (Flag D), the Special Career Review Board format which is modelled on the NCM OPM, has been adopted for use by officers.

3. Prior to the promulgation of CANFORGEN 049/90 (Flag D), the Commanding Officer of a unit, upon receiving information that an officer of his unit is a homosexual or has participated in a homosexual act or acts, would review the allegations to determine if there was sufficient justification to formally investigate the matter to determine the facts and whether the allegations were substantiated. The investigations were then carried out by the SIU.

CURRENT

4. Since the promulgation of the CANFORGEN, the Commanding Officer (in consultation with NDHQ (DPC Col or DPCO)) determines the type of investigation required. DPC Col and DPCO would consult with DPLS as part of the process if need be. The Base Commander's investigation

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would be conducted in such a manner as to ensure maximum confidentiality and protection of the member's privacy and dignity. Admission of homosexuality or confirmed participation in homosexual acts is required to substantiate any allegation of homosexuality.

5. From this point on procedures remain similar to those used prior to promulgation of Flag D. Once the CO has substantiated the allegations, the case is summarized and then forwarded with career recommendations to Command Headquarters. CHQs review the case, add their recommendations and forward the case to NDHQ/DPC Col or DPCO as applicable.

6. Upon receipt of a case, DPC Col and DPCO determine if the case has sufficient substantiation (along with DPLS as required) to warrant a Special Career Review Board (SCRB).

7. If it is determined, that a submission to the review board is warranted, the career manager in consultation with DPCAO 2-3 prepares the file for review by the Special Career Review Board. The Board is composed of DGPCO, DPLS, DMTS and DPC COL/DPCAO (as appropriate). A

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synopsis of the case is prepared and the officer's entire file is reviewed by each member of the Board for their comments and recommendations.

8. In that the number of cases sighted in the officer corps are so few and none have been conducted since promulgation of CANFORGEN 049/90 a detailed breakdown of Board members consideration has never been promulgated. However, with each submission the Board reviews the case and the circumstances relating to the admitted or confirmed act. The statements of the Commanding Officer, the recommendations submitted throughout the chain of command and any medical statements are considered.

9. In assessing a case involving a homosexual act where an admission is not made, the Board takes into account remoteness in time of the act, the extent to which the act could be considered an isolated incident, the degree to which the act may have been out of character for the member, the extent to which the member was a willing participant in the act, the age of the member, and if involvement with alcohol or drugs could have been a factor. Most importantly, the Board considers the actual homosexual incident or act that occurred. The final decision is based

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on the member's actual conduct as opposed to any statements concerning the member's alleged sexual propensity. All Board members are familiar with the guidelines of CFAO 19-20, the interim policy on homosexuality and the importance they play on the Board arriving at a decision.

10. The Board must come to a consensus in determining if CFAO 19-20 applies. If the Board determines that the provisions of CFAO 19-20 do not apply, the Command, unit and the officer are informed, and no career action is taken. Should the Board determine that CFAO 19-20 is applicable, the officer is served with a Notice of Intent to Recommend Release under QR&O 15.01 item 5d. Should the member accept the 5d release, the case is submitted to ADM(Per) for approval. However, should the officer object, he/she will be retained with career restrictions. It should be noted that there are no officers being held at this time nor ever held under this interim policy.

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CONCLUSION

11. The administration of the policy on sexual orientation within the officer corps, as that of the NCM, is based on the requirements of CFAO 19-20, and the interim policy on homosexuality. Each case is reviewed by all levels of command and the Special Career Review Board whose members must reach a consensus before a final career decision can be taken.

LIST OF FLAGS

Flag A - CFAO 19-20

Flag B - Interim Policy on Homosexuality

Flag C - CPCS A OPM 114-2

Flag D - CANFORGEN 049/90

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