

**CANFORGEN 089/24 CPCC 012/24 191450Z JUN 24**  
**IMPLEMENTING RECOMMENDATIONS 1 AND 2 OF THE IECR (CORRECTED COPY)**

UNCLASSIFIED

REFS: A. [INDEPENDENT EXTERNAL REVIEW](#) OF THE DEPARTMENT OF NATIONAL DEFENCE AND THE CANADIAN ARMED FORCES

B. [DAOD 9005-1](#), SEXUAL MISCONDUCT RESPONSE

C. [DAOD 5019-0](#), CONDUCT AND PERFORMANCE DEFICIENCIES

D. [DAOD 5012-0](#), HARASSMENT PREVENTION AND RESOLUTION

E. [CRIMINAL CODE OF CANADA](#)

1. THE PURPOSE OF THIS MESSAGE IS TO NOTIFY PERSONNEL OF UPCOMING OFFICIAL POLICY CHANGES TO DEFINITIONS IN DAOD 9005-1 (REF B). WHEN DAOD 9005-1 IS RE-PUBLISHED THIS YEAR, THE FORMAL DEFINITION OF SEXUAL MISCONDUCT WILL BE REMOVED, AND A DISTINCT DEFINITION OF SEXUAL ASSAULT WILL BE INCLUDED
2. RECOMMENDATION 1 OF THE IECR CALLS FOR THE FORMAL DEFINITION OF SEXUAL MISCONDUCT IN THE DAOD 9005-1 AND OTHER POLICIES TO BE ABOLISHED
3. THE BROAD DEFINITION OF THE TERM QUOTE SEXUAL MISCONDUCT UNQUOTE LED TO VARIED LEVELS OF BEHAVIOUR, RANGING FROM SEXUALIZED JOKES TO CRIMINAL ACTS, BEING GROUPED TOGETHER. THIS HAD THE EFFECT OF MINIMIZING THE SEVERITY OF THE SEXUAL AND GENDER-BASED VIOLENCE EXPERIENCED BY VICTIMS WHEN DISCIPLINARY OR ADMINISTRATIVE RATHER THAN CRIMINAL PROCESSES WERE USED TO ADDRESS CRIMINAL BEHAVIOUR
4. ALL CAF POLICIES THAT CURRENTLY USE THE TERM SEXUAL MISCONDUCT WILL BE UPDATED TO REMOVE THE TERM. THREE TERMS THAT REFLECT THE ASSOCIATED DISCIPLINARY AND ADMINISTRATIVE PROCESSES, CONFLICT SOLUTIONS, AND CRIMINAL JUSTICE PROCESSES PREVIOUSLY CAPTURED BY THE UMBRELLA TERM SEXUAL MISCONDUCT WILL BE USED INSTEAD IN ALL APPLICABLE CAF POLICIES: CONDUCT DEFICIENCIES OF A SEXUAL NATURE, HARASSMENT OF A SEXUAL NATURE, AND CRIMES OF A SEXUAL NATURE
5. CONDUCT DEFICIENCIES (REF C) OF A SEXUAL NATURE ARE INAPPROPRIATE BEHAVIOURS AND ACTS OF A SEXUAL NATURE THAT NEGATIVELY IMPACT CAF ORGANIZATIONAL CULTURE, OPERATIONS, AND PERSONNEL WHERE THE ACT OR BEHAVIOUR IS CAUSING, OR IS REASONABLY EXPECTED TO CAUSE, HARM TO OTHERS. IT INCLUDES, BUT IS NOT LIMITED TO, ANY SERVICE INFRACTION OF A SEXUAL NATURE, AND ANY SERVICE OFFENCE OF A SEXUAL NATURE WHEN THE ACT OR OMISSION IS NOT PUNISHABLE UNDER THE CRIMINAL CODE
6. HARASSMENT OF A SEXUAL NATURE REFERS TO DAOD 5012-0 (REF D)
7. CRIME OF A SEXUAL NATURE REFERS TO ALL SEXUAL ASSAULT AND OTHER CRIMINAL OFFENCES OF A SEXUAL NATURE UNDER THE CRIMINAL CODE. THE CRIMINAL CODE SHOULD BE CONSULTED

8. RECOMMENDATION 2 OF THE IECR CALLS FOR SEXUAL ASSAULT TO BE INCLUDED AS A STANDALONE ITEM IN THE DEFINITION SECTION OF THE RELEVANT CAF POLICIES, WITH THE FOLLOWING DEFINITION: SEXUAL ASSAULT: INTENTIONAL, NON-CONSENSUAL TOUCHING OF A SEXUAL NATURE
9. AFTER EXTENSIVE CONSULTATIONS WITH PERSONS WITH LIVED EXPERIENCE, THE SEXUAL MISCONDUCT SUPPORT AND RESOURCE CENTER, SUBJECT MATTER EXPERTS AND DEFENCE INTERESTED PARTIES, THE CANADIAN ARMED FORCES IS IMPLEMENTING RECOMMENDATION 1 AND 2 OF THE INDEPENDENT EXTERNAL COMPREHENSIVE REVIEW (IECR) (REF A)
10. GENDER-BASED ANALYSIS PLUS WAS APPLIED IN THE REVIEW OF THE DEFINITIONS OF SEXUAL ASSAULT AND SEXUAL MISCONDUCT IN CAF POLICIES. THIS RESULTED IN PLACING EQUITY AT THE FOREFRONT OF THE TERMINOLOGY UPDATE BY CONSIDERING HOW DIVERSE GROUPS OF WOMEN, MEN, AND GENDER-DIVERSE PEOPLE MAY EXPERIENCE THIS POLICY CHANGE. IDENTITY FACTORS THAT INTERSECT WITH SEX AND GENDER WERE CONSIDERED AND ANALYZED, INCLUDING RACE, ETHNICITY, RELIGION, AGE, RANK, DISABILITY, GEOGRAPHY, CULTURE, INCOME, SEXUAL ORIENTATION, EDUCATION, AND MORE
11. ALL DND/CAF POLICIES THAT INCLUDE AN OUTDATED DEFINITION OF SEXUAL ASSAULT OR SEXUAL MISCONDUCT ARE BEING UPDATED
12. UNTIL THE POLICY UPDATES ARE COMPLETED, ALL CAF/DND POLICIES REFERENCING THE EXPRESSION QUOTE SEXUAL MISCONDUCT UNQUOTE, SHALL NOW BE UNDERSTOOD TO CONTAIN THE THREE TERMS DEFINED ABOVE: CONDUCT DEFICIENCIES OF A SEXUAL NATURE, HARASSMENT OF A SEXUAL NATURE, AND CRIMES OF A SEXUAL NATURE
13. ALL CAF/DND POLICIES REFERENCING SEXUAL ASSAULT SHALL USE, AS OF NOW, THE DEFINITION OF SEXUAL ASSAULT PROVIDED IN THE IECR AND THEN REFER TO THE CRIMINAL CODE (REF E) AS THE APPLICABLE LAW REGARDING SEXUAL ASSAULT