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**Sexual Misconduct: Our Permanent Foe**

**JCSP 47**

**Exercise Solo Flight**

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**Sexual Misconduct: Our Permanent Foe**

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## **SEXUAL MISCONDUCT: OUR PERMANENT FOE**

### **INTRODUCTION**

Sexual Misconduct, or harmful and inappropriate sexual behaviour (HISB) has been a hot topic of concern within the Canadian Armed Forces (CAF) and across the media since the Deschamps Report was released in 2015. It is what started the CAF being labelled as having a sexualized culture and that sexual harassment and assault were prevalent amongst the ranks, especially the lower ranks.<sup>1</sup> The MacLean's articles of 1998, "Rape in the Military" and "Of Rape and Justice" show that harmful sexual behaviour has been going on for a lot longer and has caused significantly more damage than just in the past seven years though.<sup>2,3</sup> The CAF has taken a variety of actions to attempt to combat HISB throughout the years from the Standard of Harassment and Racism Prevention (SHARP), Duty with Honour: Profession of Arms in Canada, the foundational work for the military ethos, Operation HONOUR and most recently the creation of a new Level 1 (L1) Command, Professional Conduct and Culture. It appears every time one of these policies approaches the end of its useful cycle it becomes an old policy and later replaced with something else. All these policies, and others, have had meaningful impact within the CAF, although none to date have been able to rid the CAF of what seems to be its permanent foe, sexual misconduct.

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<sup>1</sup> Department of National Defence. External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces, Ottawa: The Government of Canada, 27 March 2015.

<https://www.canada.ca/en/department-national-defence/corporate/reports-publications/sexual-misbehaviour/external-review-2015/culture-caf.html>

<sup>2</sup> Jane O'Hara, Brenda Branswell, John Geddes, Shanda Deziel, Sharon Doyle Driedger, and Stephanie Nolen "Rape in the Military", Maclean's 25 May 1998, accessed 19 April 2022.

<https://www.macleans.ca/news/canada/rape-in-the-military/>

<sup>3</sup> Jane O'Hara, Shanda Deziel and John Nicol "Of Rape and Justice", Maclean's, 14 December 1998, access 19 April 2022.

<https://www.macleans.ca/news/canada/of-rape-and-justice/>

This paper will review the former policy, Operation HONOUR analyzing the strengths and weaknesses that the policy created. It will also analyze the CAF's current efforts of the creation of the Chief of Professional Conduct and Culture. Using the Walt and Gilson policy formation model, an analysis will be conducted to examine the current policies.<sup>4</sup> From this analysis, this essay will argue that the changes to new policy and the creation of the Chief of Professional Culture and Conduct have been and should continue to be beneficial to the CAF, repairing institutional and national credibility, while implementing true organizational culture change. Additionally, this paper will argue that full elimination of systemic misconduct is not possible without future changes to the recruiting process and those solutions should be considered.

## **THE TOOLS FOR ANALYSIS**

The Walt and Gilson policy triangle provides four key factors to solving wicked problems.<sup>5</sup> The factors considered the context, why is the policy required; the content, what is the policy; the process, how the policy was created and implemented; and the actors, who participated and influences the policy.<sup>6</sup>

## **OPERATION HONOUR**

In 2015, then Chief of Defence Staff (CDS) General Tom Lawson responded in an interview with CBC's Peter Mansbridge following the release of the Deschamps Report, "people are biologically wired in a certain way...and there will be those who believe it is a reasonable

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<sup>4</sup> Walt, Gill, and Lucy Gilson. "Reforming the health sector in developing countries: the central role of policy analysis." *Health Policy and Planning* 9, no. 4, 1994.  
<http://cfc.idm.oclc.org/login?url=https://doi.org/10.1093/heapol/9.4.353>

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

thing to press themselves and their desires on others...men will see themselves as able to press themselves on our women members".<sup>7</sup> Statements such as this highlight both the *context* and *content* that exist(ed) within the CAF that have caused some of the most harm to victims. Victims who not only had to endure sexual trauma, but then continue to exist within an organization that accepted that sexual misconduct was a fact of our organization because, well *boys will be boys*. Within one month of these comments General Jonathan Vance was appointed the new CDS, and by Aug 2015 he had signed and issued the Operation Order for Operation HONOUR.<sup>8</sup> Operation HONOUR was the *process* response to the Deschamps Report, noting that harmful and inappropriate sexual behaviours was a readiness issue, a problem combating the effectiveness of our soldiers and against our military ethos.<sup>9</sup> Operation HONOUR was written as that of a military operation order; intended to communicate orders, an intent, mission and fall under the same concept of mission command that all our other operation orders do.

Operation HONOUR had many positives. The implementation of the opening of the Sexual Misconduct Response Center (SMRC) to support those affected by HISB, leadership driven culture change (which one could argue has always been the responsibility of a leader), and a connection back to the upholding of military ethos and the respect and dignity of all persons.<sup>10</sup> It also brought a spotlight to a long-standing issue within the CAF of sexual misconduct and assault happening. This empowered victims, one of the primary *actors*, to have a platform and a voice that was listening to report sexual misconduct to. Figures 1 and 2 below show the annual

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<sup>7</sup> General Tom Lawson, televised interview with Peter Mansbridge, 16 June 2015. <http://www.cbc.ca/news/politics/military-sexual-misconduct-due-to-biological-wiring-gen-tom-lawson-tells-cbc-news-1.3115993>

<sup>8</sup> Department of National Defence, CDS Op Order – Op HONOUR, Ottawa: Chief of Defence Staff, 14 August 2015.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

reported contacts to SMRC on an annual basis since it began reporting in 2016.<sup>11,12</sup> These numbers are not insignificant, over 2,500 people have been given a place to submit a complaint report sexual misconduct, ask questions or get support, where they did not feel they could have within their Chain of Command.



Figure 1: Contacts reported by the SMRC 2020-2021 Annual Report

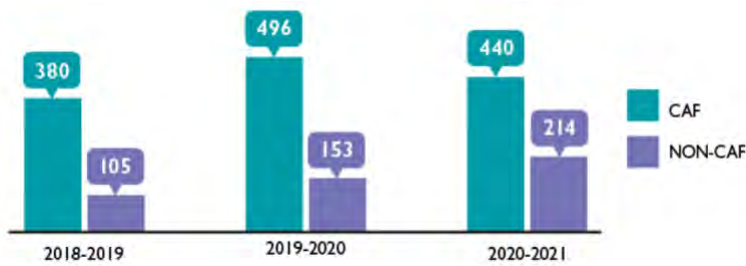


Figure 2: Contacts reported by SMRC 2020-2021 Annual Report

Operation HONOUR was lacking in a few key areas of its policy. Firstly, no oversight organization was created to monitor and track the handling of HISB. This was both a missing *process* and missing *actors* within this policy. It left the handling of reported sexual misconduct

<sup>11</sup> Department of National Defence, Sexual Misconduct Response Center, Annual Report 2018-2019, 21 December 2020. <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/smrc-annual-report-2020.html>

<sup>12</sup> Department of National Defence, Sexual Misconduct Response Center, Annual Report 2020-2021, 23 December 2021. <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/smrc-annual-report-2020-2021.html>

completely up to the discretion of unit Commanding Officers (CO's), without any insight into uniformed responses to similar cases, or confirmation that cases were being dealt with appropriately at all. The intent of this was promulgated in the CDS's order, including leadership driven culture change, and that Commanders were responsible to oversee the communication and application of discipline.<sup>13</sup> The Deschamps Report also indicated that the problem mostly existed and was a problem within the junior ranks of the CAF.<sup>14</sup> As recent history has taught us, by the number of Senior Officers and members that have been removed from both position and the CAF this was simply not true.<sup>15</sup> Operation HONOUR was also lacking a plan to address high profile allegations and sexual misconduct from the senior level. This created some panic within the CAF when allegations aimed at senior members started to surface, but it has also created a further cultural and trust divide between the junior ranks and senior ranks within the CAF.

In early 2021 the CAF had all but deemed Operation HONOUR a failure. Numerous allegations against some of our most senior officers. Since February 2021, several senior Canadian Military Officers have been "sidelined" due to investigations into sexual misconduct, including the creator of Operation HONOUR, General Vance.<sup>16</sup> From Former CDS, to replacement CDS, incoming Army Commander, Commanders (x2) of Military Human Resources, Commander of Canadian Special Operations Forces Command (CSOF) and several

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<sup>13</sup> Department of National Defence, CDS Op Order – Op HONOUR, Ottawa: Chief of Defence Staff, 14 August 2015.

<sup>14</sup> Department of National Defence. External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces, Ottawa: The Government of Canada, 27 March 2015.  
<https://www.canada.ca/en/department-national-defence/corporate/reports-publications/sexual-misbehaviour/external-review-2015/culture-caf.html>

<sup>15</sup> Ashley Burke and Murray Brewster, "A Military in Crisis: Here are the senior leaders embroiled in sexual misconduct cases" CBC News, 21 October 2021, Accessed 15 April 2022.

<https://www.cbc.ca/news/politics/sexual-misconduct-military-senior-leaders-dnd-caf-1.6218683>

<sup>16</sup> Ibid.

others, their careers have been painted black by either accusations or guilt of committing sexual misconduct or supporting those that have been found guilty.

Besides the leadership failure that Operation HONOUR had become in 2021, Operation HONOUR became a laughingstock within the ranks of the military. In late 2015, cadets from the Royal Military College (RMC) dubbed Operation HONOUR, “Hop On her” mocking the CDS’s plan to eradicate sexual misconduct.<sup>17</sup> The culture changes that the Operation was attempting to achieve was not possible with the current blackmarks that existed on it.

### **A NEW L1, PROFESSIONAL CONDUCT AND CULTURE**

In April 2021, the CDS the Deputy Minister (DM) issued the Initiating Directive for the creation of a new L1 within the CAF; Professional Conduct and Culture and appointed Lieutenant-General Jennie Carignan as the Chief.<sup>18</sup> It was understood that although Operation HONOUR set the ground work for the changing of culture the CAF was at an inflection point and work was still needed to change the culture within the CAF and continue to deal with not only the sexual misconduct but other hateful conduct as well.<sup>19</sup> The initiating directive brought forward a new term ‘systemic misconduct’ to refer to all type of misconduct; sexual, hateful, discrimination, harassment, violence, employment inequity and abuse of power.<sup>20</sup> This along with the CAF Diversity Strategy set the new plan and *process* for creating a safe and inclusive

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<sup>17</sup> <https://nationalpost.com/news/canada/operation-honour-dubbed-hop-on-her-by-soldiers-mocking-militarys-plan-to-crack-down-on-sexual-misconduct>

<sup>18</sup> Canada. Department of National Defence, CDS Initiating Directive for Professional Conduct and Culture, Ottawa: Chief of Defence Staff, April 2021.

<https://www.canada.ca/en/department-national-defence/corporate/policies-standards/dm-cds-directives/cds-dm-initiating-directive-professional-conduct-culture.html>

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.



workplace that is reflective of Canadian society and its values based. It also brings a new *context* to light.<sup>21</sup> Professional Conduct and Culture, although based on some of the work that was already achieved with Operation HONOUR will continue to improve of what was working and changes and implements new strategies to continue to be able to grow, change culture and be an organization that Canadians can once again trust and have respect for.

What is remaining constant?

The fact that we continue to recognize that change is required for our military society to be a professional organization that embodies our values and ethos, and those of Canadian society is unchanged. The SMRC continues to exist as an external body to provide a place for victims and impacted people to get support and provides advice to the Defence Team on addressing sexual misconduct.<sup>22</sup> As stated earlier in this paper the SMRC was one change from Operation HONOUR that has had incredible impact to those impacted by sexual misconduct and ensuring that continues to exist is paramount.

What is changing?

Firstly, the fact that the CDS and DM created a new L1 shows the level at which they feel the change is needed. An L1 responsible for being the unifying voice and powerhouse behind aligning the Defence culture and professional conduct, shows it is equally as important to our institution as the L1's responsible for force generation and force employment of our CAF

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<sup>21</sup> Canada, Department of National Defence, Canadian Armed Forces Diversity Strategy, Ottawa: Chief of Defence Staff, May 2016.

<sup>22</sup> Canada. Department of National Defence, CDS Initiating Directive for Professional Conduct and Culture, Ottawa: Chief of Defence Staff, April 2021.

<https://www.canada.ca/en/department-national-defence/corporate/policies-standards/dm-cds-directives/cds-dm-initiating-directive-professional-conduct-culture.html>

members. This was a similar intent behind giving Operation HONOUR a named Operation, but possibly with a different impact through a large organizational change instead of only a signed order. Although many might ask why an L1 is needed for this, that the change should be happening within the existing organization of the existing L1's, this act alone breaks the *institutional inertia* that the CDS speaks of and demands that what we have done in the past has not worked and we need to adapt and move forward.<sup>23</sup>

Secondly, it has broadened the stakeholders and *actors* of those impacted from what was in place with Operation HONOUR. Understanding that the voices of past members and previous victims need to be heard and help guide us to the correct course of action and solutions.<sup>24</sup> Although former members and victims were not completely left out of Operation HONOUR, they were factors after the fact. We have learned that their voices need to be heard and need to be a part of the conversation now to develop our future solution.

Thirdly, an organization that can provide oversight to monitor and track cases as they come forward. This I noted as something that Operation HONOUR was missing. Professional Conduct and Culture with DND/CAF has initiated the review of the Complaints Management System to help ensure conflict prevention, resolution and achieving fair and trusted responses to cases.<sup>25</sup> This along with the intent to turn cases of sexual assault and offences that are sexual in

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<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Canada. Department of National Defence, Professional Conduct and Culture, change progress tracker Ottawa; Conduct and Culture, 30 Mar 2022, accessed 20 May 2022. <https://www.canada.ca/en/department-national-defence/campaigns/conduct-and-culture/conduct-and-culture-tracker.html>

nature under the Criminal Code to civilian authorities to investigation and provide justice on should help resolve the missing *process* from Operation HONOUR.<sup>26</sup>

The last change that I want to discuss, although there are many more that could be discussed, is the focus on culture change. Operation HONOUR spoke of a requirement to change culture however nothing tangible ever came from it. There has been education, mostly in the form of DLN course such as Introduction to Aboriginal Awareness and Bystander Intervention Training, however and online course where members who are already not overly keen to change their way of thinking likely got very little from the training. Online training does little to add to the importance of the topic. The Professional Conduct and Culture has taken a different approach. The approach has been to learn and listen before recommending and implementing change. This is seen through gaining an understanding of what is the current culture the Defence Team Conduct and Culture Consultation that ran from October 2021 until February 2022, engaging members of the Defence Team to understand share experiences from all members and ranks of the DND team.<sup>27</sup> This was done by not only members of the Professional Conduct and Culture team, but by external professional consultations on diversity and inclusion.<sup>28</sup> Culture change has extended to vetting and holding senior officers and members accountable prior to promotions. General and Flag Officers now conduct three psychometric assessments prior to National Selection Boards where their competencies are assessed and a senior DND civilian executive is now a voting member of the board.<sup>29</sup> This along with vetting for previous

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<sup>26</sup> Ibid.

<sup>27</sup> Canada. Department of National Defence, Professional Conduct and Culture, Defence Team Conduct and Culture Consultation Ottawa; Conduct and Culture, 23 Mar 2022, accessed 20 May 2022. <https://www.canada.ca/en/department-national-defence/campaigns/conduct-and-culture/join-the-discussion-defence-team-conduct-and-culture-consultation.html>

<sup>28</sup> Ibid.

<sup>29</sup> Canada. Department of National Defence, Professional Conduct and Culture, change progress tracker Ottawa; Conduct and Culture, 30 Mar 2022, accessed 20 May 2022.

misconduct is all done prior to promotions and appointments to senior roles, a change for holding senior officers accountable, learning from our mistakes of assuming that the junior ranks are where the sexual misconduct issues mostly existed.<sup>30</sup>

## **IS ELIMINATION POSSIBLE?**

Both Operation HONOUR and the CDS initiating directive for Professional Conduct and Culture have highlighted the elimination of sexual misconduct as an underlying goal, or *the* goal. In Operation HONOUR it was the mission.<sup>31</sup> In the CDS initiating directive for Professional Conduct and Culture it is a strategic message.<sup>32</sup> The question exists though, is true elimination of sexual misconduct, or systemic conduct possible?

There is no doubt that all people, regardless of workplace deserve a safe and inclusive workplace. Even more valid in the CAF where a portion of our job is to be the arm of the government that inflicts violence on others, when required, on behalf of the Canadian Government, that our members should not be doing harm and inflicting violence onto each other. Soldiering and military teams need to exist based on trust, mutual respect, teamwork, and cohesion, that absolutely can not co-exist when some members choose to harm others.

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<https://www.canada.ca/en/department-national-defence/campaigns/conduct-and-culture/conduct-and-culture-tracker.html>

<sup>30</sup> Ibid.

<sup>31</sup> Department of National Defence, CDS Op Order – Op HONOUR, Ottawa: Chief of Defence Staff, 14 August 2015.

<sup>32</sup> Canada. Department of National Defence, CDS Initiating Directive for Professional Conduct and Culture, Ottawa: Chief of Defence Staff, April 2021.

<https://www.canada.ca/en/department-national-defence/corporate/policies-standards/dm-cds-directives/cds-dm-initiating-directive-professional-conduct-culture.html>

The Canadian Armed Forces Diversity Strategy states that the CAF should be reflective or representative of Canadian society.<sup>33</sup> When we look at this concept through a positive light, of the CAF reflecting the diversity that exists across our nation, this makes sense and is logical. But I argue that that same viewpoint needs to be considered when we look at it through a more negative lens. In Canadian society criminals and predators exist. People are raped, harassed, and bullied not only in the CAF but across our country and the world. The logic extends that if these people exist within society, then being reflective of society, the CAF will also have criminals and predators.

Our current recruiting process requires that all potential new recruits be screened based on aptitude, personality assessment, medical examination, fitness evaluation and a reliability check followed by an interview to assess personal qualities and life experiences.<sup>34</sup> Criminals and predators, if they have a criminal record would get picked up through this process. But what if they haven't either been caught to have a criminal record yet, or haven't yet conducted an act that causes grievous harm to another? Until the CAF recruiting process changes, I argue that the elimination of systemic misconduct is not possible.

A recommendation that the recruiting process include some form of psychological evaluation to remove predators, or potential predators from joining the CAF would help to eliminate systemic misconduct. A psychological evaluation potentially could not only limit sexual predators, but extremists, bullies, and other type of predators from joining the ranks of the CAF. This comes at a cost though, not only in fiscal resources to put something like this into the

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<sup>33</sup> Canada, Department of National Defence, Canadian Armed Forces Diversity Strategy, Ottawa: Chief of Defence Staff, May 2016.

<sup>34</sup> Canada, Joining the Forces, Ottawa. Accessed 25 May 2022.  
<https://forces.ca/en/how-to-join/#st>

recruiting process, but the acknowledgement that there are already several efforts ongoing to reduce the current timeliness of recruiting process. Is the priority of eliminating systemic misconduct, worth the additional time and effort that would need to go into recruiting new members?

## **CONCLUSION**

Systemic misconduct continues to have no place in the CAF. The creation of the Professional Conduct and Culture L1 is evident that the CAF is learning from its past mistakes and committed to creating a healthy and safe environment for all our members to work in. This essay has analyzed Operation HONOUR and the new policies under the Chief of Professional Conduct and Culture. Although Operation HONOUR had run its course, it has set the baseline conditions for positive culture and growth to continue. This positive growth and culture is set up for success under the new L1, Chief of Professional Conduct and Culture. If an environment can be created to truly understand the culture that exists within the CAF and its subcomponents and roll out culture change to the other L1 organizations, it is likely to succeed as it adapts and expands in the years to come. The CAF leadership should temper its expectations on whether elimination of systemic misconduct is achievable. Could prevention and support when required be enough to achieve the goals at lower cost and resources to the institution. As Lt(N) Heather MacDonald stated in her interview with Mercedes Stephenson on the West Block stated, “We have to stop hurting our people, we don’t have so many people that we can continue to do so.

And we need a fair process that everyone can believe in.”<sup>35</sup> The current policy may just get us there yet.

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<sup>35</sup> West Block, interview with Lt(N) Heather MacDonald, 28 March 2021, accessed 25 May 2022. [https://www.youtube.com/watch?v=qW1OL0\\_Vp0M](https://www.youtube.com/watch?v=qW1OL0_Vp0M)

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