

Canadian Cadet Organizations

Policy

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CATO 13-24 Annex B – Complaint Submission and Assessment and Course of Action

1. Every complaint of harassment shall be dealt with in an expeditious, impartial and sensitive manner.
2. Although it is recognized that the normal chain of command is responsible for the welfare of those placed under its command and control, it must be appreciated that a person who reports harassment is often reluctant to address the problem through the normal chain of command. Consequently, a complaint may be submitted either within or outside of the chain of command. A complainant may choose to submit a complaint to or seek advice from any of the following:
 - a. his/her immediate supervisor;
 - b. the UCCMA, DCCMA or RCCMA; or
 - c. the CO/OIC and/or any member in a position of authority.

ADDITIONAL RESOURCES

3. The Canadian Forces Member Assistance Program (CFMAP) is a confidential, free service available 24 hours a day, 7 days a week. CFMAP may provide counselling sessions for cadets. The contact number for CFMAP is 1-800-268-7708.
4. The Kids Help Phone is a civilian service, which provides support to young people 24 hours a day, 7 days a week. Calls to 1-800-668-6868 are answered by counsellors who provide information and, if appropriate, referral to a local community or social service agency.

COMPLAINT SUBMISSION

Elements of a Complaint

5. In order for a complaint to be addressed, the complainant must provide the following information:
 - a. name of respondent(s);
 - b. alleged behaviour(s) to include approximate time, date, and location of incident(s);
 - c. name of witnesses (if any); and
 - d. complainant's expectations.

Receiving a Complaint

6. The role of the individual receiving a complaint is to serve in a neutral, unbiased capacity.
7. An individual who receives a complaint shall, within the scope of their authority, take immediate action to put a stop to any unacceptable behaviour.

COMPLAINT ASSESSMENT

8. Based on the information presented in the complaint, the individual receiving a complaint shall:
 - a. conduct a preliminary review; and
 - b. determine if he/she has the authority to resolve the issue or if the complaint needs to be referred to higher authority.

Preliminary Review

9. A preliminary review will determine if the allegation, as stated, meets the definition of harassment as described in this order.
10. The harassment criteria are:
 - a. the alleged behaviour represents improper conduct;
 - b. the alleged behaviour is directed at and offensive to another person or persons;
 - c. the alleged behaviour happens while the cadet is on duty; and
 - d. the individual knew or ought reasonably to have known that the alleged behaviour would cause offence or harm.
11. The preliminary review will lead to three possible conclusions:
 - a. there is a possibility of a criminal infraction;
 - b. all harassment criteria are met; or
 - c. harassment criteria are not all met.

12. If assistance is required in conducting the preliminary review, advice may be sought from a higher authority or the UCCMA.

13. Once the preliminary review is completed, the allegation shall be addressed in accordance with the guidelines provided in the following paragraphs.

COURSE OF ACTION

Possibility of a Criminal Infraction

14. In situations where a possible criminal infraction is alleged, the CO/OIC shall ensure that the appropriate police authority and the Detachment/Region are immediately informed. On DND property, the military police shall be contacted.

15. Pending the intervention of the police, appropriate action to separate the respondent and the complainant shall be taken. No further fact finding or interviewing shall be conducted until the police conclude their involvement.

16. The police will be responsible for informing the parents/guardians. However, notwithstanding the responsibility of the police, and in the case of a cadet who is minor, the CO should inform the the alleged offender's parents and the victim's parents that an investigation is ongoing and provide the police POC's coordinates. A cadet is a minor until he or she reaches the age of majority. In Canadian provinces, the age of majority is 18 or 19. The CO/OIC shall consult the applicable province's age of majority legislation to determine whether 18 year old cadets are still minors or whether they have reached the age of majority.

17. If the police decide not to proceed with an investigation or if a determination is made not to lay a criminal charge, action to address the complaint shall be taken by the CO/OIC in consultation with the DCCMA or RCCMA.

18. If criminal charges are laid, the alleged offender shall be suspended pending final outcomes from the court. If the individual is found not guilty, action to address the complaint shall be taken by the CO/OIC in consultation with the DCCMA or RCCMA. If the individual is found guilty, his/her corps/squadron CO shall terminate his/her membership in accordance with CATO 15-21.

Harassment Criteria Are Met

19. Minor harassment incidents between cadets should be addressed informally at the lowest appropriate level using ADR techniques as described in CATO 13-25.

20. Where an incident cannot be addressed at a lower level, the CO/OIC shall:

- a. ensure that the complainant and the respondent are informed of their responsibilities and rights;
- b. ensure that every attempt is made to resolve the complaint using ADR when appropriate;
- c. if ADR is unsuccessful or not appropriate, take another appropriate course of action (i.e. decisions by the chain of command, education, disciplinary measures, etc.) to address the situation;
- d. if an administrative investigation is necessary, refer the matter to the Detachment/RCSU;
- e. ensure that the respondent is given the opportunity to respond either verbally or in writing to the allegations;
- f. decide whether the complainant and respondent should be separated during the complaint resolution process, based on what is both practical and in the best interests of both parties;

NOTE

Care should be taken to avoid any perception that such action constitutes retaliation or premature judgement of the case.

- g. ensure that the parties are kept informed of developments in the resolution process;
- h. in the event of any significant incident involving a cadet that is a minor, notify the parents or legal guardians immediately; and

NOTE

A cadet is a minor until he or she reaches the age of majority. In Canadian provinces, the age of majority is 18 or 19. The CO/OIC shall consult the applicable province's age of majority legislation to determine whether 18 year old cadets are still minors or whether they have reached the age of majority.

- i. monitor and follow-up on the situation until satisfied that the situation is addressed and remains addressed.

Harassment Criteria Are Not Met

21. If the harassment criteria are not met, the CO/OIC shall ensure that the matter is addressed appropriately (separate from this policy) and that the complainant and respondent are informed of this assessment in a timely manner.

Incident Report Form

22. An incident report form, as found at Annex C to this order, shall be completed in the following situations:

- a. possibility of criminal infraction;
- b. repetitive non-compliant behaviour;
- c. disclosure of child abuse (refer to CATO 13-29);
- d. parents are expected to escalate the situation;
- e. media interest is expected; and
- f. any other situation that may be elevated to the Detachment/RCSU.

Complaints Involving More Than One Corps/Squadron

23. In a situation where more than one corps/squadron is participating in a local authorized activity and a complaint arises involving individuals from different corps/squadrons, all involved COs/OICs and/or UCCMAs shall work together in the complaint resolution process.

24. For CSTCs and regionally or nationally directed activities, the CO/OIC shall assume responsibility for the complaint resolution process while the activity is ongoing. If there is no resolution by the end of the activity or if a complaint arises after completion of the activity, the matter shall normally be referred to the RCSU CO where the activity was conducted.

25. Regions are required to provide information regarding situations in which cadets or staff from different regions are involved. A copy of the incident report form and/or any other relevant information shall be forwarded to the respective region.

Bad Faith Complaints

26. Complaints made in bad faith are those where the complainant knows the complaint to be false. While such cases are uncommon, they are considered serious and may be dealt with through administrative and/or disciplinary measures against the complainant. The procedures as detailed in CATO 15-22 shall be followed.

Re-establishing Positive Relationships

27. Once a harassment situation has been addressed, it may continue to have effects on morale and productivity. Everyone has a responsibility to work together to restore good relationships for a positive, harassment-free environment once a situation has been addressed.

28. All parties involved are expected to demonstrate mutual respect during and after a resolution process. Everyone shall avoid participating in gossip, rumours and speculations.

FILE DESIGNATION, MANAGEMENT AND CONSERVATION

29. All files shall be designated "Protected B", handled and stored in accordance with National Defense Security Instructions, and retained for a minimum of five years after the last administrative use of the information in accordance with the *Privacy Act Regulations*.

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