

AFO 5000-8

Hateful Conduct

Identification

Date of Issue	2020-10-16
Application	This order applies to members of the Canadian Armed Forces (CAF) and to civilian employees of the Department of National Defence (DND) who are posted, deployed, attached, tasked or seconded to establishment positions in the Royal Canadian Air Force (RCAF) and the Chief of the Air Force Staff.
Approval Authority	This Air Force Order (AFO) is issued by the Commander (Comd) RCAF under the authority of the Queen's Regulations and Orders (QR&O) 4.12 and Canadian Forces Organization Order (CFOO) 9954 and by the Chief of the Air Force Staff (C Air Force) under the authority of QR&O 3.20
Enquiries	Director Air Personnel Management (D Air Pers Mgt) for military members and Civilian Human Resources Planning and Programs Officer for DND employees.

Definitions

Hate Incident	The DND/CAF define a Hate Incidents as any allegation of Hateful Conduct that has been reported to, or documented by the Chain of Command (CoC).
Hateful Conduct	An act or conduct, including the display or communication of words, symbols or images, by a CAF member, that they knew or ought reasonably to have known would constitute, encourage, justify or promote violence or hatred against a person or persons of an identifiable group, based on their national or ethnic origin, race, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics or disability.

Harassment	The DND/CAF define harassment as any improper conduct by an individual that is directed at and offensive to another person or persons in the workplace, and that the individual knew or ought reasonably to have known it would cause offence or harm. It comprises any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat. It includes harassment within the meaning of the <i>Canadian Human Rights Act</i> .
Racism	Racism is prejudice, discrimination, or antagonism directed against a person or people on the basis of their membership in a particular racial or ethnic group, typically one that is a minority or marginalized.
Discrimination	Discrimination is an action or a decision that treats a person or a group badly for reasons such as their race, age or disability. These reasons, also called grounds, are protected under the <i>Canadian Human Rights Act</i> .
Micro-aggression	A statement, action, or incident regarded as an instance of indirect, subtle, or unintentional discrimination or prejudice against members of a marginalized group such as a racial minority. (Termium Plus).

Policy Direction

Context	The RCAF team relies upon the mutual trust, support, and respect for the dignity and rights of every person to be successful regardless of the mission. To ensure a respectful work environment that ensures operational readiness and deployability, racism, discrimination, harassment and Hateful Conduct must be eliminated from our ranks, practices and biases. Within the CAF, Hateful Conduct is contrary to Canadian military ethos and erodes our institutional credibility and it calls into question the CAF's ability to act on behalf of the people of Canada, degrades its relevance, and breaks the public trust.
RCAF Policy and Direction	The RCAF is committed to providing our Air Force team with a workplace that is free of harassment and discrimination;

there is no place in our team for any form of Hateful Conduct. Commanders, managers and leaders are accountable to ensure that the RCAF is characterized by mutual trust, support and respect for the dignity of every person in the workplace. We must stand together and make it clear that racism, bullying, discrimination and any other disrespectful behaviour will not be tolerated. Our institution is stronger when we support each other.

RCAF leadership is dedicated to leading change across the Air Force. Acknowledging that there are biases built into our systems and policies, we are focussed on making meaningful changes over the short and long terms. Our goal is to ensure everyone on our team, civilian and military, have an opportunity to thrive and reach their full potential in a diverse, inclusive and respectful environment. Our Air Power is built upon a foundation of dignity and respect for all our personnel.

Framework

The elimination of Hateful Conduct in the RCAF is built upon the following components:

Prevention

Personal conduct must be aligned with the DND and CAF Code of Values and Ethics and Duty with Honour in the RCAF. Failing to prevent hateful acts, comments or displays that demean, belittle, or cause personal humiliation or embarrassment, or any act of intimidation or threat has detrimental and devastating effect on the organization and its members. Combating this improper conduct and behaviour is a CoC responsibility which requires a concerted effort by the entire RCAF team. Professional training and education will assist the CoC in raising situational awareness of Hateful Conduct and communicating expectations as well as outlining roles and responsibilities of RCAF members in addressing situations in a timely manner. This includes opening and maintaining dialogue, creating awareness, and enhancing bystander training to prevent Hateful Conduct.

Responsiveness

Hateful Conduct severely damages morale and leads to a negative work environment that affects individual well-being and team effectiveness. Decisive action will be taken by the CoC to address, resolve, hold members accountable and

eliminate these types of behaviour and conduct when they occur. Members at all levels are expected to intervene and/or report incidents.

Special attention will be dedicated to identifying vulnerable and at risk CAF members who are, or may be leaning towards a hateful ideology and/or are exhibiting troubling conduct which may indicate an escalation of conduct as identified in the Hateful Conduct spectrum.

Failure to act in addressing Hateful Conduct is considered complicity in the event. Responses to all Hate Incidentss will be timely, fair and in accordance with due process while always ensuring that adequate support is provided to those affected by these incidents

The response to each situation will depend upon its own facts and circumstances. Annex A provides a guide to assist in the determination of prohibited behaviours.

Support and Monitoring

Leaders must provide appropriate support and facilitate services for those members affected by Hateful Conduct. When a member has been affected by a Hate Incident, early support and resolution is essential.

In order to address a situation, members are encouraged to seek advice/support from:

- The Chain of Command;
- Unit Administration Officer or Adjutant;
- Unit Ethics Coordinators;
- Conflict and Complaint Management Services (CCMS);
- Human Resources branch representative;
- Union representative;
- Workplace Relations Advisor of your choice;
- Sexual Misconduct Support Centre;
- CAF Member Assistance Program;
- Healthcare professionals;
- RCAF Harassment and Hateful Conduct Awareness and Prevention Website; and
- Positive Space Ambassadors.

Concurrently, the CoC will ensure they document incidents in CAF-wide reporting mechanisms to monitor, track and assess these types of incidents. Such mechanisms are essential in shaping cultural and institutional change in order to eliminate Hateful Conduct.

Strong leadership and understanding, coupled with persistent efforts towards the prevention, response and monitoring of incidents will enable and guide the RCAF towards the elimination of Hateful Conduct which will in turn increase operational effectiveness.

Roles and Responsibilities

Comd	Responsible for the overall prevention and elimination of Hateful Conduct in the RCAF.
DComd RCAF, 1 and 2 Cdn Air Div Comds, Comd RCAF AWC	<p>Responsible for:</p> <ul style="list-style-type: none">• championing awareness, prevention and monitoring Hateful Conduct within their authority;• reporting to the Comd on the status of the Hate Incidents within their respective commands IAW this Air Force Order (AFO);• ensuring education and training with respect to Hateful Conduct is incorporated during all occupational, leadership, pre-deployment training for RCAF members and annual professional development training dialogues (live or virtual); and• incorporating the principles of treating members with dignity and respect at the forefront of any leadership engagements and town halls (live or virtual).
D Air Pers Mgt (L1 Hateful Conduct Policy Advisor)	<p>Responsible for:</p> <ul style="list-style-type: none">• strategic administration and management of program implementation;• providing tools, education, training and support materials to Wing/Unit;• maintaining the RCAF Harassment and Hateful Conduct Prevention website and administration of Hateful Conduct Incident Tracking System (HCITS) national database; and• liaising with D Air CBM to ensure that the RCAF Hateful Conduct Awareness and Prevention is referenced annually through the business plan.

RCAF L2 Hateful Conduct Program Coordinator

Responsible for:

- day-to-day coordination, oversight and implementation of RCAF Hateful Conduct files;
- compiling and reporting annually the progress of the RCAF Hateful Conduct files; and
- providing tools, support materials and advice to Wing/Unit coordinators.

L3/ Wing Commanders, Directors and L4/ Commanding Officers

Responsible for:

- responding to Hate Incidents in an appropriate, timely and decisive manner;
- tracking and/or seeking updates/follow-up to cases that are referred to a police authority;
- championing the elimination of Hateful Conduct at the Wing/Unit by increasing awareness of what behaviour constitutes Hateful Conduct and warning signs;
- ensuring appropriate administrative resources to manage programs and complaints;
- promulgating personal expectations for behaviour in the workplace and advising RCAF members on their responsibilities under this order;
- establishing and maintaining a work environment in which Hateful Conduct and behaviours are identified and eliminated. This includes conducting training and education, as a minimum, on an annual basis using training resources from Directorate of the Defence Ethics Programs;
- facilitating access to related resources;
- encouraging reporting and a reprisal-free environment; and
- incorporating the principles of treating members with dignity and respect at the forefront of any leadership engagements and town halls (live or virtual).

Individual RCAF Members – CAF and DND

Responsible for:

- contributing to a harmonious and ethical work environment by refraining from all inappropriate behaviour and promptly reporting any Hateful Conduct experienced or observed;
- actively participating in training, education and dialogue;

- being respectful of the diversity of others in the workplace (prohibited grounds of discrimination prescribed in the *Canadian Human Rights Act*);
- being familiar with the Hateful Conduct policies and complying with them;
- intervening, responding to and reporting on incidents of Hateful Conduct; and
- providing feedback and suggestions to their CoC.

Hateful Conduct Process

Reporting of Hate Incidents by RCAF Members

All incidents of Hateful Conduct will be promptly and thoroughly reported and investigated following all policies and procedures. A flowchart of the Hateful Conduct Incident Management Decision Tree is enclosed at Annex B.

In accordance with QR&O article 19.56, Report of Arrest by Civil Authority, QR&O subparagraph 4.02(1)e, General Responsibilities of Officers and QR&O paragraph 5.01e, General Responsibilities of Non-Commissioned Members; every CAF member is required to report to the proper authority, as applicable:

- a Hate Incident by another RCAF or CAF member whether performed individually or in association with a hate group; or
- their own arrest by a civil authority.

Notification

RCAF members can comply with this requirement by reporting to:

- the chain of command;
- the Military Police; or
- Assistant Deputy Minister (Review Services), Director of Special Examinations Inquiries, as applicable

Proactive Response IAW reference CF Mil Pers Instruction 01/20, any CoC that becomes aware of a Hate Incident is directed to take a proactive response. Accordingly, the CoC does not need to receive a written complaint before examining and gathering evidence related to any concerns. As soon as a member witnesses or is notified of an alleged incident, the CoC is responsible to gather the facts and if it is determined that an investigation is required, engage the Legal Advisor in order to receive advice on the type of investigation(s) that should be initiated.

Incident Reporting and Tracking

Initial Reporting All Hate Incidents shall be reported and tracked. Regardless of how the CoC becomes aware of the incident, the following actions must be taken:

- as soon as possible after becoming aware of a hate incident, the chain of command must report the conduct, suspected or confirmed, to the CAOC indicating who, what, where, when and why (as readily available) and that an SIR will follow. This information may be passed by phone or e-mail; the greater priority being the passage of initial notification. The CAOC may be reached at AOCDDWO@forces.gc.ca, or at (204) 833-2500 #2650. Unless it is acknowledged by the CAOC within 10 minutes of being sent, a voice message or an email is not considered as having met the notification intent, the next level of the chain of command must be advised. The CAOC will ensure that the information is passed on to the Comd RCAF.
- as soon as possible, but within 24 hours, the CoC submit a SIR to the Canadian Forces Integrated Command Centre and the Director Professional Military Conduct (Operation HONOUR) and Info to

DMCA 2 as outlined in DAOD 2008-3 when the Hate Incidents involves the following:

- formation commanders, COs and their Chief Warrant Officers.
- a member who has been taken into custody or against whom charges have been laid.
- incidents with potentially significant media interest which could cause discredit to the RCAF or CAF.
- a breach of this policy that prevents Commanders from achieving their mission.

Tracking

All Hate Incidentss will be entered into the Hateful Conduct Incident Tracking System (HCITS) within 48 hours and will be continuously updated as new information becomes available. An RCAF Standard Operating Procedure on HCITS is enclosed at Annex C. NOTE: At this time, only L1 staff have access to HCITS. As such L2s are required to liaise with L1 staff to coordinate HCITS tracking requirements.

Once a Hate Incidents has been concluded or resolved, the CO must ensure all records pertaining to the member's conduct are placed on the member's personnel record file. It is important that the member's personnel file accurately reflect all disciplinary, legal and administrative action related to Hateful Conduct.

Privacy Considerations

The CAF must only collect personal information for which it has a demonstrable need. All parties involved in the handling of personal information related to Hateful Conduct must limit the discussion and dissemination of this information to those who have a need to know. If possible, personal information must be collected directly from the individual to whom it relates. All personal information collected, used, disclosed and retained by the CAF must be dealt with in accordance with the Privacy Act. Commanders at all levels must treat information regarding Hateful Conduct in a discreet and sensitive manner and in accordance with the proper handling of personal information, in accordance with DAOD 1002-0, Administration of the Privacy Act.

Actions Following Initial Reporting

Once the initial reporting is complete, the CO or CoC must ensure that the Hate Incidents is appropriately investigated from both a disciplinary and administrative perspective. Annex B contains a detailed Hateful Conduct Incident Management Decision Tree which must be followed to ensure proper management of the situation. The following factors should be considered when managing any situation:

- COs must ensure that the police force with jurisdiction has declined to investigate prior to conducting unit investigations;
- administrative actions are based on a balance of probability while disciplinary actions are based on reasonable doubt and are independent of one another. Annex D contains disciplinary and administrative actions options for COs;
- chains of command must consult with the Legal and Human Resource Advisors, as required, to obtain advice throughout the process;
- chains of command must ensure the health and safety of all affected team members. This includes considering temporary work re-assignments, requirements to relieve members from supervisory, instructional or command positions, being mindful to ensure that no further marginalization occurs;
- chains of command must ensure that affected team members are provided necessary support (chaplaincy, health services, Defence Advisory Group (DAG) etc.); and
- CoCs must prevent reprisals IAW QR&O article 19.15, *Prohibition of Reprisals*. Accordingly, a CO must investigate any reports of threatening, intimidating, ostracizing, or discriminatory behaviour taken in response to a Hate Incidents report. Any CAF member participating in such behaviour will be subject to administrative and/or disciplinary action.

Relief from Performance of Military Duty

Given the gravity of such incidents and the impacts on affected individuals and unit cohesion, in accordance with QR&O articles 19.75 and 101.09, the designated authority may consider the relief from performance of military duty of a CAF member. In so doing, the designated authority should consider relief of a member only after concluding that other administrative measures are inadequate in the circumstances. In determining whether to relieve a member,

an authority must balance the public interest, including the effect on operational effectiveness and morale, with the interests of the member. A CO must monitor each case to ensure that appropriate action is taken if there are changes in the circumstances on which the decision to relieve a member was based.

In accordance with QR&O articles 19.75 and 101.09, prior to relieving the respondent from the performance of military duty while an investigation is ongoing, the authority will provide the member with the following:

- the reason why the decision to relieve the member from the performance of military duty is being considered; and
- a reasonable opportunity to make representations.

The authority who relieves an officer or non-commissioned member from the performance of military duty will, within 24 hours of relieving the member from the performance of military duty, provide the member with written reasons for the decision.

Service Tribunal or Civilian Court Proceedings

If a CAF member is charged with an offence with respect to a Hate Incidents, the CO must obtain and keep on file as part of their investigation, upon the conclusion of the service tribunal or criminal court proceeding, the documents listed as follows:

If the CAF member is ...	The CO must obtain....
Found Guilty	<p>Any documented order issued by the court which may include but are not limited to the following:</p> <ul style="list-style-type: none"> • sentencing order or court transcript; • probation order; • prohibition order; and • certificate of conviction and conduct sheet (see QR&O article 19.61, Certificate of Conviction, and

Administrative Action

	QR&O article 19.62, Action Following Conviction by Civil Authority)
Discharged or found not guilty	<ul style="list-style-type: none">• court transcript; and• the decision of the court.

Notwithstanding any other provision of DAOD 5019-2 or 5019-4 and in order to ensure consistent CAF-wide application of CF Mil Pers Instruction 01/20, the CO of any member convicted of an offence motivated by hate either by summary trial, court martial or criminal court—must consult DMCA 2, at [++DMCA 2 - 2 DACM@CMP DMCA@Ottawa-Hull](#), to determine if a Notice of Intent (NOI) to recommend release should be issued by the unit CO. DMCA 2 will conduct an AR in accordance with DAOD 5019-2 if a NOI to recommend release is issued.

Grievances

If the member was found not guilty of a charge, was discharged, or charges were not proceeded with, a review of the facts of the case is still required by the CoC to determine whether there is reliable evidence that establishes, on a balance of probabilities, that Hateful Conduct has occurred. A guilty finding is not required to recommend release or impose other administrative actions.

Any person not satisfied with the outcome of a Hate Incidents may file a grievance. RCAF members may seek a redress of grievance in accordance with the appropriate Act, order and policy directives. Civilians may file a grievance under the established Staff Relations Grievance Procedure.

Performance Measurement

General

In order to ensure the RCAF is successful in its efforts to eliminate Hateful Conduct and behaviours and foster a culture of inclusion and respect, there is a requirement to be able to objectively measure and report on specific areas as they relate to Hateful Conduct. These include measures of:

- Culture;

- Incident Response;
- Support of Affected Members;
- Incident Reporting and Tracking; and
- Continual Improvement.

Annual Reports

Each L2/Division Commander is responsible to report annually to the Comd via D Air Pers Mgt concerning the status of their strategy on Hateful Conduct within their respective Divisions with respect to the five specific areas of performance measurement.

Performance measurements will be accomplished through the annual Air Force Ethics Program reporting (Annex C of the AFO 5000-5).

The annual report will include information about the tools used during the year, statistics from the HCITS, activities planned for the next year to increase prevention awareness, and suggestions for improvement of policies, processes and procedures as well to inform the development of enabling CMP policy.

Publications

Frequency of Publication

Annual Reviews and updates, as required.

Errors/Omissions or Suggestions

Users of this AFO are encouraged to bring any errors, omissions or suggested orders to the attention of Director Air Personnel Management 3-5.

Source References

[Canadian Charter of Rights and Freedoms](#)
[Criminal Code](#)
[Canadian Human Rights Act](#)
[QR&O article 1.03, Persons Subject to QR&O](#)
[QR&O article 1.04, Words and Phrases – How Construed](#)
[QR&O article 4.02, General Responsibilities of Officers](#)
[QR&O article 4.11, Reports of Unusual Incidents](#)
[QR&O article 5.01, General Responsibilities of Non-Commissioned Members](#)
[QR&O article 15.01, Release of Officers and Non-Commissioned Members](#)
[QR&O Chapter 19, Conduct and Discipline](#)

[QR&O article 101.09, Relief from Performance of Military Duty – Pre and Post Trial](#)
[QR&O Chapter 106, Investigation of Service Offences](#)
[DAOD 1002-0, Administration of the Privacy Act](#)
[DAOD 2008-3, Issue and Crisis Management](#)
[DAOD 5012-0, Harassment Prevention and Resolution](#)
[DAOD 5016-0, Standards of Civilian Conduct and Discipline](#)
[DAOD 5019-0, Conduct and Performance Deficiencies](#)
[DAOD 5019-2, Administrative Review](#)
[DAOD 5019-4, Remedial Measures](#)
[DAOD 7024-0, Disclosure of Wrongdoings in the Workplace](#)
[CF Mil Pers Instruction 01/20, Hateful Conduct](#)
[AFO 5000-5 RCAF Ethics Program](#)
[DND and CF Code of Value and Ethics](#)
[Duty with Honour: the Profession of Arms in Canada](#)
[CDS Guidance to Commanding Officers and their Leadership Teams](#)
[National Defence Security Orders and Directives](#)
[CANFORGEN 121/19 CMP 068/19, Direction and Guidance for Tattoos](#)
[CANFORGEN 016/18 CMP 008/18, CDS Direction on Military Conduct](#)

Related References

[DAOD 5516-0 Human Rights – Discrimination](#)
[DAOD 5019-5, Sexual Misconduct and Sexual Disorders](#)
[DAOD 5026-0, Civilian Grievances](#)

Annex

Annex A: Examples of Hateful Conduct
Annex B: Hateful Conduct Incident Management Decision Tree
Annex C: RCAF HCITS Standard Operating Procedure
Annex D: Administrative Action and Disciplinary Action Options

Annex A - Examples of what may or may not constitute Hateful Conduct

The following are examples of what may or may not constitute Hateful Conduct. Please take note that these types of behaviors will not be tolerated. Every member of the Air Force Team will be held to the highest ethical standard with the expectation that intelligent and informed ethical decisions are made. The Comd RCAF expects all RCAF leaders to ensure they condemn hateful behaviour of any form, encourage the legitimate moral voice of every RCAF team member and fully expect and support a reprisal-free work environment.

Remember that each case is unique and should be examined in its own context and according to the surrounding circumstances as a whole.

PROHIBITED BEHAVIOURS

CF Mil Pers Instruction 01/20, Hateful Conduct provides concrete examples of behaviours that are deemed Hateful Conduct, including:

- engaging in hate propaganda offences as set out in the Criminal Code of Canada;
- accessing information that promotes hate on the Defence IT infrastructure, except as required for RCAF work-related purposes;
- being a member or otherwise participating in the activities of any organization or group which is known, or ought to be known by the CAF member, to promote or encourage violence, or hatred against a person or any identifiable group, based on a prohibited ground of discrimination;
- making statements, sharing or endorsing information verbally, in writing, or online; that promotes violence or hatred against a person or any identifiable group based on a prohibited ground of discrimination;
- acts of violence or intimidation stemming from hate against a person or any identifiable group based on a prohibited ground of discrimination; and
- displaying tattoos that communicate, constitute, encourage, justify or promote violence or hatred against a person or any identifiable group based on a prohibited ground of discrimination.

Organizations and Groups. To further clarify behaviours related to organizations or groups, the following activities are considered Hateful Conduct:

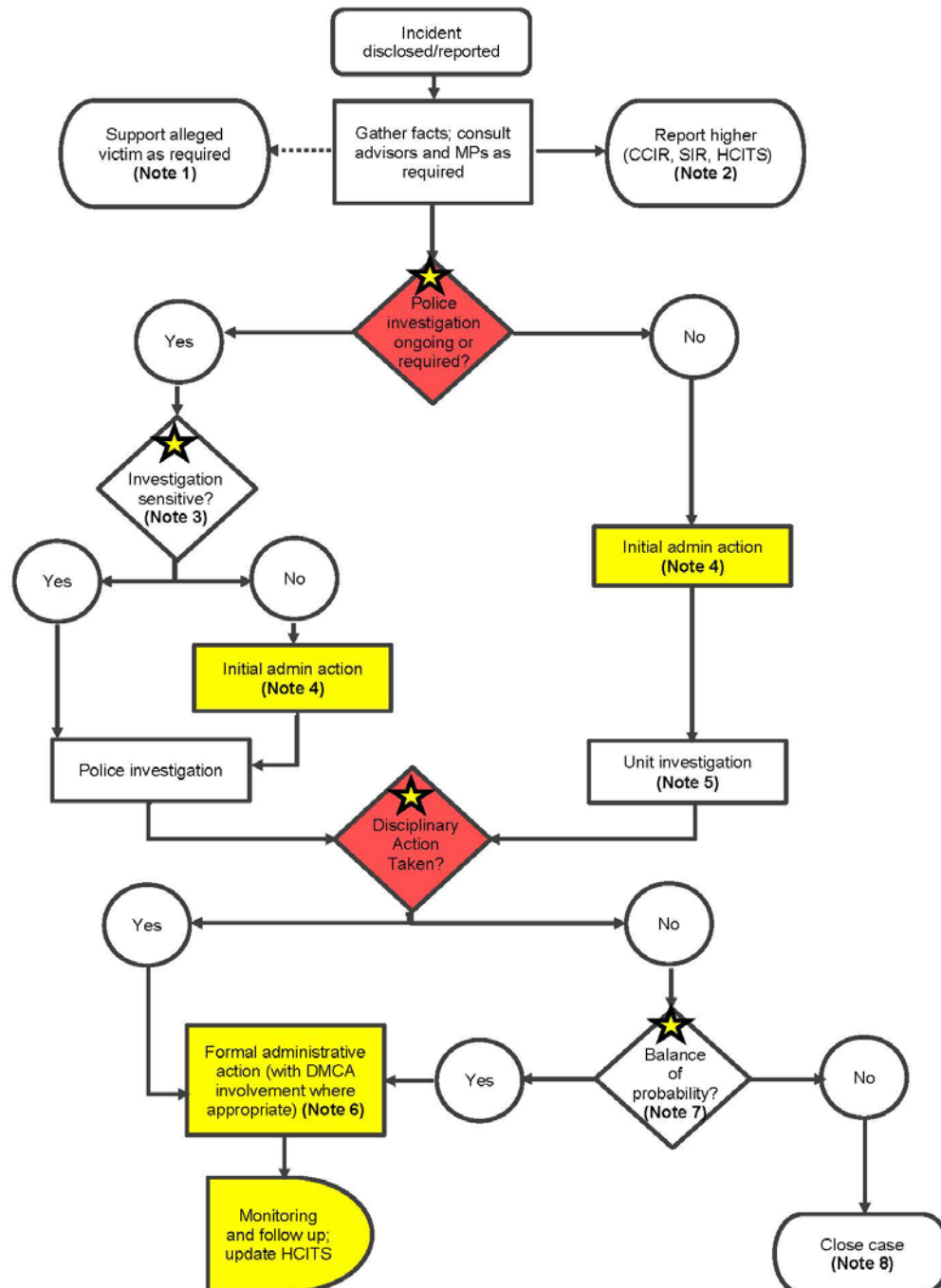
- becoming or being a member of the group or organization;

- encouraging membership or participation in the group or organization;
- making, publishing, distributing, displaying, sharing or issuing communications of the group or organization (e.g. including online);
- donating or raising funds for the group or organization;
- speaking or communicating on behalf of the group or organization;
- providing assistance in the form of goods, services, equipment or facilities to the group or organization;
- transporting personnel or materiel on behalf of the group or organization;
- displaying on a Defence establishment or in a public place any sign, emblem, symbol, tattoo or other paraphernalia representative of the group or organization;
- attending meetings or rallies for the purpose of supporting the group or organization; and
- running or holding office in the group or organization.

These examples are not exhaustive, but are more than adequate for all RCAF members to understand the types of behaviours that are prohibited. There is zero tolerance for Hateful Conduct in the RCAF.

Annex B – Hateful Conduct Incident Management Decision Tree

Hateful Conduct Incident Management Decision Tree



Notes

Note 1 – In addition to the general support of the CoC and peers, alleged victims must be made aware of other support resources. A full listing of resources is available on the [Hateful Conduct Website](http://cmp-cpm.mil.ca/assets/CMP_Intranet/docs/en/support/military-personnel/help-for-hc-incident.docx) at http://cmp-cpm.mil.ca/assets/CMP_Intranet/docs/en/support/military-personnel/help-for-hc-incident.docx

Note 2 – HCITS must be proactively updated through the L1 throughout the process as new information becomes available.

Note 3 – If the member implicated in the incident is part of a larger investigation being conducted by CFNIS, CFNCIU or other police agency, taking action against a member may compromise that investigation. If this is the case, the CoC should discreetly monitor the member to ensure the health, safety and security of others.

Note 4 – Initial administrative actions should be aimed at ensuring the health, safety and security of all members, including the accused perpetrator while protecting the integrity of the investigation. Chains of command should consider the requirement to recommend or apply temporary relief of duties of the accused perpetrator until the investigation and/or follow up has concluded. This includes considering the requirement to remove the member from supervisory, instructional or command positions, in order to ensure unit safety and security. Consideration should also be given to submitting a [change of circumstances](#) to address any concerns which could cast doubt on a member's ability to safeguard information, assets and resources afforded them for their position.

Note 5 – The appropriate type of investigation will depend on the circumstances of each individual situation and could include disciplinary, summary, harassment, or informal investigation. Chains of command must consult their legal, human resources, harassment, civilian labour relations and/or other type of advisor to determine the type of investigation necessary.

Note 6 – All administrative measures must be applied and monitored IAW the applicable DAOD(s).

Note 7 – Regardless of whether disciplinary action was taken, including, but not limited to the fact that an accused perpetrator was found not guilty, charges were stayed, not preferred or dismissed, the CoC must make an administrative determination based on a 'balance of probability' to determine if the accused perpetrator engaged in Hateful Conduct.

Note 8 – If anyone is not satisfied with the outcome, there are options including raising the complaint to the next level of the CoC, filing a harassment complaint, filing a grievance, contacting the Integrated Conflict Complaint Management Centre or contacting the CAF Ombudsman.

Annex C - RCAF HCITS Standard Operating Procedure

Hateful Conduct Incident Tracking System

Hateful Conduct incidents will now be recorded and tracked using the HCITS application. This application is accessed through the Operation HONOUR Tracking and Analysis System (OPHTAS). As HCITS is in its early stage of implementation, this document provides interim direction.

Reporting

As directed by MILPERSCOM, access to HCITS will be limited to Level 1. It is acknowledged this is not an ideal situation and discussions are underway with MILPERSCOM to decentralize the application.

Once a CCIR or SIR has been initiated, the unit where the incident is first reported is responsible to submit the HCITS Form and becomes the primary case owner. While this will generally be the unit of incident, the incident could also be reported through the respondent CoC which may be different from the unit of incident. Incidents reported to investigating agencies which do not submit HCITS reports / updates (military police, civilian police, DGICCM) will be recorded by the first unit being notified of the situation.

The first HCITS case report will be completed and sent to D Air Pers Mgt 3-5 within 48 hours using the form provided on the RCAF Harassment and Hateful Conduct Awareness & Prevention website: <http://rcaf.mil.ca/en/harassment/harassment-main.page>

NOTE - THIS FORM MUST BE CIRCULATED USING ENCRYPTED E-MAILS.

Upon reception of the required information, the D Air Pers Mgt 3-5 will create the HCITS case and circulate back the HCITS Case Number.

In the circulation of the HCITS Case information, particular attention must be paid to the CoC notification fields. While it is mandatory to report in HCITS the identity of both the accused perpetrator and alleged victim if they are known and are 18 years of age or more, there will be circumstances where the CoC of these personnel is not notified, or not notified immediately. In particular, the investigating organization may not want the alleged perpetrator, victim or their CoC to be made aware until some investigative steps are completed. It is crucial that the CoC notification be completed accurately and used to determine which organizations will be made aware of the case.

NOTE – IF THE ALLEGED PERPETRATOR OR ALLEDGE VICTIM ARE UNDER 18 YEARS OF AGE, DO NOT CIRCULATE THEIR INFORMATION

All Hateful Conduct Incidents must be actively track and reported to the CoC and through HCITS. Cases **MUST** be updated as new information becomes available, until

the situation is resolved (either a determination that the allegation was unfounded, or the implementation of administrative or disciplinary measures). In order to maintain situational awareness in a system not visible to L2 to L4 organizations, all updates will be circulated through the case owner unit, which will send updates to the L1 representatives through their CoC. These updates will be submitted by re-sending the initial report template with the additional information included. As new information in the form cannot be highlighted, the e-mail will list which sections have been updated.

For example:

Good day,

Attached is an updated HCITS form for case 1234. The following sections were updated:

- Investigation results; and
- Administrative action.

Regards

Cases of alleged criminal conduct or proceeding to military or civilian trials may remain open for several years. It is essential that these cases be a part of the handover during a change in involved personnel at the owner's unit to ensure the follow-up is completed as required.

Information Use

It must be noted that HCITS is a recording tool, not a reporting tool. It is designed to gather statistical information on occurrences of Hateful Conduct in order to better inform our leadership, future directives, orders and policies. Recording a case in HCITS does not replace normal CoC notifications, administrative or disciplinary measures, where required. The information in the database will be employed at L0 to produce aggregated statistical reports without any identifying information. In particular, HCITS will not be used to take any measures, formal or informal, against an alleged complainant or respondent.

All Privacy and Access to Information requests regarding information entered in HCITS will be referred to MILPERSCOM for their reply.

Disambiguation

Until further direction is provided by MILPERSCOM, any incident that has both an Operation HONOUR and Hateful Conduct nexus must be recorded in both OPHTAS and HCITS with the appropriate case number recorded in the notes section of the other database.

OPI

D Air Pers Mgt 3-5

Annex D - Administrative Action and Disciplinary Action Options

The chain of command may pursue one or more of the following options, as appropriate:

Options	CO Actions
Administrative Actions	<ul style="list-style-type: none">• Initiate an AR under DAOD 5019-2• Issue remedial measures in accordance with DAOD 5019-4• Where a CO recommends release, the file is to be forwarded to DMCA for completion of the AR• As context requires, forward the Commander's Critical Information Requirements (CCIR) to the Personnel Security Screening Officer (PSSO).
Disciplinary Actions	<ul style="list-style-type: none">• Contact the military police as required;• Conduct a unit disciplinary investigation in accordance with QR&O Chapter 106, <i>Investigation of Service Offences</i>
Criminal Investigation	<ul style="list-style-type: none">• Contact the military police