

Civil Air Patrol National Board Agenda

(As of 16 February)



**4-5 March 2011
Washington DC**

4-5 March 2011

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**CIVIL AIR PATROL
NATIONAL BOARD MEETING
4-5 March 2011
Washington DC**

OPEN SESSION

CALL TO ORDER	Maj Gen Amy S. Courter, CAP
INVOCATION.....	Ch, Col Whitson B. Woodard, CAP
PLEDGE OF ALLEGIANCE	CMSgt Lou Walpus, CAP
WELCOME.....	Maj Gen Amy S. Courter, CAP
ROLL CALL.....	Mr. Don R. Rowland, HQ CAP/EX
INTRODUCTIONS	Maj Gen Amy S. Courter, CAP
SAFETY BRIEFING	Col Robert Diduch, CAP
EXECUTIVE DIRECTOR REMARKS.....	Mr. Don R. Rowland, HQ CAP/EX
CAP-USAF COMMANDER REMARKS.....	Col William R. Ward, USAF
NATIONAL COMMANDER REMARKS.....	Maj Gen Amy S. Courter, CAP
SPECIAL GUEST REMARKS	Maj Gen Amy S. Courter, CAP

NATIONAL BOARD

(As of 20 January 2011)

The National Board is comprised of the National Commander, National Vice Commander, National Chief of Staff, National Finance Officer, National Legal Officer, National Controller, National Inspector General, National Chief of Chaplains Corps, Commander, CAP-USAF, the 8 region commanders, and 52 wing commanders.

NATIONAL OFFICERS

*Maj Gen Amy S. Courter, CAP	Nat'l Commander
*Brig Gen Charles L. Carr, Jr., CAP	Nat'l Vice Commander
**Col William R. Ward, USAF	CAP-USAF Commander
*Col Russell E. Chazell, CAP	Nat'l Chief of Staff
*Col C. Warren Vest, CAP	Nat'l Finance Officer
*Col Barry S. Herrin, CAP	Nat'l Legal Officer
*Col William S. Charles, II, CAP	Nat'l Controller
**Col Merle V. Starr, CAP	Nat'l Inspector General
**Ch, Col Whitson B Woodard, CAP	Chief Chap. Corps

MIDDLE EAST REGION

*Col Joseph R. Vazquez, CAP	Region Commander
Col Eugene L. Egry, III, CAP	Delaware
Col John M. Knowles, CAP	Maryland
Col Richard J. Cooper Jr., CAP	National Capital
Col Roy W. Douglass, CAP	North Carolina
Col Hubbard J. Lindler Jr., CAP	South Carolina
Col David A. Carter, CAP	Virginia
Col Dennis D. Barron, CAP	West Virginia

NORTHEAST REGION

*Col, Christopher J. Hayden CAP	Region Commander
Col Cassandra B. Hutchko, CAP	Connecticut
Col Daniel M. Leclair, CAP	Maine
Col William H. Meskill, CAP	Massachusetts
Col William J. Moran, CAP	New Hampshire
Col David L. Mull, CAP	New Jersey
Col Jack J. Ozer, CAP	New York
Col Mark A. Lee, CAP	Pennsylvania
Col Bryan W. Cooper, CAP (Acting)	Rhode Island
Col Thomas P. Benckert Jr., CAP	Vermont

GREAT LAKES REGION

*Col Robert M. Karton, CAP	Region Commander
Col Gordon A. Larson, CAP	Illinois
Col Richard L. Griffith, CAP	Indiana
Col Robert J. Koob, CAP	Kentucky
Col Leo J. Burke, CAP	Michigan
Col David M. Winters, CAP	Ohio
Col Clarence A. Peters, CAP	Wisconsin

SOUTHEAST REGION

*Col James M. Rushing, CAP	Region Commander
Col Lisa C. Robinson, CAP	Alabama
Col Christian F. Moersch, III, CAP	Florida
Col Tonya R. Boylan, CAP	Georgia
Col Carlton R. Sumner, Jr., CAP	Mississippi
Col Rafael C. Roman, CAP	Puerto Rico
Col George B. Melton, CAP	Tennessee

ROCKY MOUNTAIN REGION

*Col Donald G. Cortum, CAP	Region Commander
Col Edward D. Phelka, CAP	Colorado
Col David A. Guzman, CAP	Idaho
Col Herbert C. Cahalen, CAP	Montana
Col Jerry E. Wellman, CAP	Utah
Col John E. Mitchell, CAP	Wyoming

NORTH CENTRAL REGION

*Col Sean P. Fagan, CAP	Region Commander
Col Ronald J. Scheitzach, CAP	Iowa
Col Regena M. Aye, CAP	Kansas
Col Thomas B. Theis, CAP	Minnesota
Col Erica R. Williams, CAP	Missouri
Col David E. Plum, CAP	Nebraska
Col Dean F. Reiter, CAP	North Dakota
Col Teresa L. Schimelfening, CAP	South Dakota

PACIFIC REGION

*Col Larry F. Myrick, CAP	Region Commander
Col Charles R. Palmer, CAP	Alaska
Col Kenneth W. Parris, CAP	California
Col Roger M. Caires, CAP	Hawaii
Col Ralph L. Miller, CAP	Nevada
Col Brian L. Bishop, CAP	Oregon
Col David G. Lehman, CAP	Washington

SOUTHWEST REGION

*Col Joseph C. Jensen, CAP	Region Commander
Col John M. Eggen, CAP	Arizona
Col Lewis D. Alexander, CAP	Arkansas
Col Cecil A. Scarbrough, CAP	Louisiana
Col Richard F. Himebrook, CAP	New Mexico
Col Robert H. Castle, CAP	Oklahoma
Col Joe R. Smith, CAP	Texas

*Voting Members of National Executive Committee - 14

** Nonvoting members of NEC and National Board - 3

CORPORATE TEAM

Mr. Don R. Rowland	Executive Director
Mr. John A. Salvador	Assistant Executive Director
Mr. Johnny Dean	Director, Plans & Requirements
Mr. John Desmarais	Interim Director, Operations
Ms. Susan Easter	Chief Financial Officer
Mr. Larry Kauffman	Assistant to Executive Director for Fleet Management
Mr. Jim Mallett	Director, Educational Programs
Mr. Rafael Robles	General Counsel
Mr. Gary Schneider	Director, Logistics & Mission Resources

AGENDA ITEM 1

REPORTS

**SUBJECT: Advisor, Executive, Staff and Committee Reports
CAP/CS – Col Chazell**

Perfunctory Reports:

- | | |
|--|-----------------|
| 1. (Staff) CAP National Safety Officer | Col Diduch |
| 2. (Executive) Finance Committee Report | Col Vest |
| 3. (Executive) Chaplain Corps Report | Ch, Col Woodard |
| 4. (Executive) National Legal Officer's Report | Col Herrin |
| 5. (Executive) Inspector General | Col Starr |
| 6. (Executive) National Controller | Col Charles |
| 7. (Advisor) Senior Advisor, Support | Col Guimond |
| 8. (Advisor) Senior Advisor, Operations | Col Murrell |
| 9. (NHQ) Regulations Update Report | Mr. Rowland |

Additional Reports, time permitting:

- | | |
|---|------------------|
| 10. (Advisor) National Advisory Council | Brig Gen du Pont |
| 11. (Advisor) National Cadet Advisory Council | C/Col Coogan |
| 12. (Staff) Historian Report | Col Blascovich |
| 13. (Staff) National Health Services Officer | Col McLaughlin |
| 14. (Committee) Hall of Honor | Maj Gen Wheless |
| 15. (Committee) Constitution and Bylaws | Col Herrin |
| 16. (Committee) Public Trust | Col Kavich |
| 17. (Committee) Organizational Excellence | Col Pearson |
| 18. (Staff) VSAF | SMSgt Gregory |

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AGENDA ITEM 2

EX

Action

**SUBJECT: Approval of the September 2010 National Board Minutes
CAP/CS – Col Chazell**

INFORMATION BACKGROUND:

The minutes of the September 2010 National Board meeting were distributed in draft form. This allowed the National Board members a chance to review the minutes for any discrepancies.

PROPOSED NATIONAL BOARD ACTION:

That the National Board approve the September 2010 National Board Meeting minutes.

ESTIMATED FUNDING IMPACT:

None.

CAP NATIONAL HEADQUARTERS' COMMENTS:

None.

CAP-USAF HEADQUARTERS' COMMENTS:

None.

ADVISOR / NATIONAL STAFF COMMENTS:

None.

REGULATIONS AND FORMS AFFECTED:

None.

NATIONAL BOARD ACTION

**SUBJECT: Changes to the MARB
CAP/NLO – Col Herrin**

Author: C&B Cmte

INFORMATION BACKGROUND:

The Fall 2010 National Executive Committee approved a proposal to change Article XVI of the Constitution concerning the Membership Action Review (MARB) as follows:

The Membership Action Review Board (MARB) shall consist of nine members, one from each region and the NLO, or his designee, who shall be a non-voting ex officio member of the MARB. Membership is limited to those members serving in the grade of Colonel or higher and not currently serving as a commander or vice commander at any level. Each Region Commander will nominate a slate of candidates for the MARB and the National Commander will select one from each region for appointment. The members of the MARB must be confirmed by the Board of Governors and will serve a term of 4 years. The terms shall be staggered and a member shall not be eligible for reappointment. Two new members shall be appointed per year. The Chair of the MARB will be the National Legal Officer or designee. A MARB member shall not consider a review from an applicant from the region he/she represents. Five voting members shall constitute a quorum.

PROPOSED NATIONAL BOARD ACTION:

The Constitution and Bylaws Committee recommends the National Board approve forwarding this proposal to the Board of Governors with the following additions:

- (1) If the individual appealing to the MARB is assigned at the National level, all eight voting members of the MARB will participate in the appeal.
- (2) In the event of a tie vote on any appeal action, the MARB will automatically sustain the commander's action.
- (3) Region Commanders may only nominate members assigned to units within their Region. When this change becomes effective all eight members of the MARB will be selected. The selected Region representatives will then draw lots to determine the length of their initial term. Two regions representatives will serve one year, two will serve two years, two will serve three years and two will serve four years. This will enable the following 4 year terms to be completed on a staggered basis. If a MARB member is removed or resigns prior to the end of his term, a new representative will be selected to complete the original term in order to preserve the staggered terms.
- (4) For the initial selection of the 8 members, individuals who have previously served as members of the MARB may be considered, provided they meet the other criteria for selection. Once the new 8 member Board has been instituted no other member may serve more than one term.

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ESTIMATED FUNDING IMPACT:

None.

CAP NATIONAL HEADQUARTERS' COMMENTS:

Concur.

CAP-USAF HEADQUARTERS' COMMENTS:

Concur.

ADVISOR / NATIONAL STAFF COMMENTS:

Item submitted by the Constitution & Bylaws Committee.

REGULATIONS AND FORMS AFFECTED:

CAP Constitution and Bylaws, CAPR 35-8, *Membership Action Review Board*

NATIONAL BOARD ACTION

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AGENDA ITEM 4

GC

Action

SUBJECT: Conflict of Interest Policy

Author: Public Trust Cmte CAP/CC – Maj Gen Courter

INFORMATION BACKGROUND:

Civil Air Patrol has taken pride in strengthening its fiscal responsibility over the past few years. The result of its efforts has been an unqualified audit for the last two years. This shows that CAP is serious about the trust it seeks from its members and the American people. Another area that CAP can improve its trust is by establishing a conflict of interest policy that applies to all executive leaders of CAP. The attached conflict of interest policy is patterned after an IRS policy that is applicable to non-profit organizations. It should apply to all leaders of CAP from National Board members to the Board of Governors and would be further proof of CAP's desire to continue to enjoy the trust of its members and tax payers who support CAP. It ensures that all senior leaders have agreed to abide by a common conflict of interest policy and it establishes a mechanism for recording any future conflict of interest discussions.

PROPOSED NATIONAL BOARD ACTION:

That the National Board adopt the attached Conflict of Interest Policy for all CAP corporate officers and that the National Board forward it to the Civil Air Patrol Board of Governors with the recommendation that they adopt it as their policy.

ESTIMATED FUNDING IMPACT:

There will be minimal cost to CAP.

CAP NATIONAL HEADQUARTERS' COMMENTS:

Recommend the Governance Committee review this after consulting with the vendor that is chosen for the Governance Study.

CAP-USAF HEADQUARTERS' COMMENTS:

Concur. This is a policy already in wide use today. Adopting it now would strengthen public trust and provide proper boundaries for CAP's senior leaders.

After adoption, it should still be within the scope of review for the Governance Study and should be included. Further, while under review, recommend consideration for defining or providing guidance to analyze "detrimental to the Corporation" as used in, "a conflict of interest that is detrimental to the Corporation." Also consider extending the conflict of interest policy to include transacting or negotiating with any former corporate officer, member of the Board of Governors, or member of a committee with the National Board, National Executive Committee, or Board of Governors within the last X years.

ADVISOR / NATIONAL STAFF COMMENTS:

None.

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REGULATIONS AND FORMS AFFECTED:

None.

NATIONAL BOARD ACTION

**CIVIL AIR PATROL
CONFLICT OF INTEREST POLICY**

Article 1. Purpose

The purpose of this conflict of interest policy is to protect the interests of Civil Air Patrol (Corporation) when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a corporate officer or Member of the Board of Governors of the Corporation. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

Article 2. Definitions

Section 2.1 Interested person:

Any corporate officer of the Corporation as defined in Article XII of the Constitution or Member of the Board of Governors or member of a committee with National Board, National Executive Committee, or Board of Governors delegated powers, who has a financial interest, as defined below, is an interested person.

Section 2.2 Financial interest:

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family member (spouse, descendant, ancestor, sibling, spouse of descendant or sibling, or estate or trust benefiting these family members):

- a. an ownership or investment interest in any entity with which the Corporation has or is negotiating a transaction or arrangement,
- b. a compensation arrangement with the Corporation or with any entity or individual with which the Corporation has or is negotiating a transaction or arrangement,
or
- c. a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Corporation has or is negotiating a transaction or arrangement.

Section 2.3 Compensation:

Direct and indirect remuneration of any kind, whether in cash or in kind, or a gift or favor that is not insubstantial.

Section 2.4 Governing board:

Board of Governors, National Executive Committee, or National Board of the Corporation, as applicable.

A financial interest is not necessarily a conflict of interest. Under Section 3.2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists that is detrimental to the Corporation.

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Article 3. Procedures

Section 3.1 Duty to Disclose:

In connection with any actual or potential conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the members of the applicable governing board and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

Section 3.2 Determining Whether a Conflict of Interest Exists:

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he or she shall recuse himself or herself from the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists that is detrimental to the Corporation.

Section 3.3 Procedures for Addressing the Conflict of Interest:

a. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he or she shall recuse himself or herself from the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.

b. The chairperson of the governing board or committee shall, if appropriate in the judgment of the governing board or committee, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

c. After exercising due diligence, the governing board or committee shall determine whether the Corporation can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of its disinterested voting members (meaning those members with no actual or potential conflict of interest) whether the transaction or arrangement is, notwithstanding any actual or potential conflict of interest, in the Corporation's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

Section 3.4 Violations of the Conflicts of Interest Policy:

a. If the governing board or committee has reasonable cause to believe a member has failed to disclose any actual or potential conflict of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

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b. If, after hearing the member's response and after making any further investigation the governing board or committee determines in its discretion may be warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or potential conflict of interest, it shall take appropriate disciplinary and corrective action, up to and including a recommendation for termination of membership in the Corporation.

Article 4. Records of Proceedings

The minutes of the governing board and all committees with governing board delegated powers shall contain:

Section 4.1 The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or potential conflict on interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest detrimental to the Corporation in fact existed; and

Section 4.2 The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Article 5. Compensation

Section 5.1 A member of the governing board or committee with board delegated power who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.

Section 5.2 A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.

Section 5.3 No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Corporation, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Section 5.4 If a voting member of any committee whose jurisdiction includes compensation matters has a family member (as defined in Section 2.2) who receives compensation, directly or indirectly, from the Corporation for services shall be treated as receiving the compensation himself or herself for purposes of this policy.

Article 6. Annual Statements

Each interested person shall annually sign a statement in which he or she affirms that he or she:

- a. has received a copy of the conflict of interest policy,

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- b. has read and understands the policy,
- c. agrees to comply with the policy, and
- d. understands the Corporation is charitable and in order to maintain its federal tax exemption, it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Article 7. Periodic Reviews

To ensure the Corporation operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Corporation's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit, or in an excess benefit transaction (all as defined by the Internal Revenue Code and the regulations and interpretive guidance promulgated pursuant thereto).

Article 8. Use of Outside Experts

When conducting the periodic reviews as provided for in Article 7, the Corporation may, but need not, use outside experts. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring that the Corporation conducts periodic reviews.

**SUBJECT: Non-Disclosure Agreements
CAP/NC - Col Charles**

INFORMATION BACKGROUND:

CAP's corporate officers, officials, and others possess information relating to CAP's business, including data, know-how, reports, records, specifications, proposals, studies, business plans, strategy and analyses, research and development, concepts, members or potential members, vendors or potential vendors, financial information and projections, and personnel information.

CAP members have a duty to use such information only as appropriate to their position in the corporation and they have a further duty to protect such information from inappropriate use or improper disclosure.

PROPOSED NATIONAL BOARD ACTION:

That the National Board adopt as policy the protection of CAP Confidential Information ("Confidential Information") as defined in CAP's Non-Disclosure Agreement ("NDA") by:

1. The implementation of an NDA. The policy of NDA usage and Confidential Information protection shall be included in appropriate series 35 and other regulations, including a list by duty positions of those who would be required, by office, to execute NDAs with CAP.
2. That each member of the National Board sign the attached NDA signifying acknowledgement of the responsibility to preserve and protect Confidential Information as required by their fiduciary duties to the Corporation (duty of care, duty of obedience, duty of loyalty).
3. That, before appointment, every CAP corporate officer will execute an NDA, and before disclosure of Confidential Information, Recipients of the Confidential Information who have not already signed an NDA will execute an NDA.

ESTIMATED FUNDING IMPACT:

None.

CAP NATIONAL HEADQUARTERS' COMMENTS:

Concur.

CAP-USAF HEADQUARTERS' COMMENTS:

Concur. This is essential for good governance

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ADVISOR / NATIONAL STAFF COMMENTS:

None.

REGULATIONS AND FORMS AFFECTED:

CAPR 35-10, *Ethics Policy*

NATIONAL BOARD ACTION

NONDISCLOSURE AGREEMENT

This Nondisclosure Agreement is made this ___ day of _____, 2011 (the "Effective Date"), by Civil Air Patrol, a nonprofit organization chartered by Congress ("CAP"), and the undersigned ("Recipient").

The undersigned hereby agrees that the following terms and conditions shall apply whenever Recipient receives Confidential Information (as hereafter defined):

1. CAP, through its other corporate officers, officials and others having CAP Confidential Information, possess information relating to CAP's business, including, but not limited to, data, know-how, reports, records, specifications, proposals, studies, business plans, strategy and analyses, research and development, concepts, members or potential members, vendors or potential vendors, financial information and projections, and personnel information (hereinafter "Confidential Information"). Confidential Information does not include information or material that the Recipient can establish, by clear and convincing evidence:
 - (a) at the time of disclosure has been published, patented or is otherwise publicly available; or
 - (b) after disclosure, becomes publicly available other than through a breach of this Agreement; or
 - (c) is known by the Recipient prior to receipt from CAP; or
 - (d) becomes known to Recipient from a source that legally obtained such information without an obligation of confidentiality or nondisclosure; or
 - (e) is disclosed pursuant to law, regulation or lawful order or process. In the event Recipient is subject to such law, regulation, order or process, Recipient will timely notify CAP (in the persons of the National Commander and the Executive Director) of the disclosure requirement in advance of the required disclosure, as described in paragraph 4 of this Nondisclosure Agreement, so as to permit CAP to oppose or limit such disclosure.
2. From and after the Effective Date, CAP (through its other corporate officers, officials, and others having CAP Confidential Information) may disclose Confidential Information to the Recipient for the purpose of the Recipient's performance of duties in accordance with his or her membership and assignments in CAP. Recipient is willing to receive Confidential Information from CAP and to hold, use and return Confidential Information in accordance with the terms and conditions set forth below.

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3. When CAP (through its other corporate officers, officials and others having Confidential Information) discloses Confidential Information to the Recipient in connection with or during the course of Recipient's service within CAP:
 - 3.1. The Recipient shall not, except as allowed by this agreement, disclose Confidential Information to any Third Party and shall use all reasonable means, which shall not be less than the care a reasonable business person would use under similar circumstances, to prevent disclosure of Confidential Information by another person to a Third Party. For purposes of this Nondisclosure Agreement, "Third Party" is defined as anyone not in the same control group. For example, confidential information shared in the CAP Board of Governors is to remain confidential to that body.
 - 3.2. Except as provided in Section 3.3 below, for so long as the Recipient is a member or Governor of CAP and for a period of two (2) years after the Recipient ceases to be a member or Governor of CAP, the Recipient will not disclose CAP's Confidential Information to any Third Party without first having obtained the express written consent of the CAP National Commander and the CAP National Legal Officer.
 - 3.3. The Recipient may disclose Confidential Information to his or her subordinates who are members or employees of CAP and whose CAP duties or functions justify their need to know such Confidential Information, and who have been clearly informed of the obligations of care, confidentiality, non-disclosure and non-use contained in this Agreement. However, the subordinate shall not have the authority, under any circumstances other than with the express written authority from the CAP National Commander and the CAP National Legal Officer, to disclose the Confidential Information to any other individual or entity. In addition, if the subordinate becomes legally compelled to disclose any of the Confidential Information, the subordinate shall immediately inform CAP (through either the individual who disclosed the information to the subordinate or to the National Commander and the Executive Director) so that CAP may seek a protective order or other appropriate remedy. The subordinate shall agree in writing to all the obligations in this NDA.
4. If the Recipient, or any person or entity to which the Recipient has transmitted Confidential Information becomes legally compelled to disclose any of the Confidential Information, the Recipient shall provide CAP (through the National Commander and the Executive Director) with prompt notice of the request for the Confidential Information so that CAP may seek a protective order or other appropriate remedy. If such protective order or other remedy is not obtained, or if CAP waives compliance with the foregoing provision in writing, the Recipient will disclose only that portion of the Confidential Information that the Recipient is advised by opinion of counsel is required to

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- be so disclosed and the Recipient shall exercise its reasonable efforts to procure confidential treatment of the Confidential Information so disclosed.
5. All Confidential Information shall remain CAP's exclusive property. Nothing in this Agreement, and no disclosure made hereunder, shall be construed as granting the Recipient any rights by license or otherwise, either express or implied, in the Confidential Information, except as expressly set forth in this Agreement, or in any trade secret or other intellectual property right now or hereafter owned, obtained or licensable by CAP.
 6. The Parties agree that any breach of this Agreement by the Recipient could cause irreparable damage to CAP, that CAP's legal remedies (such as monetary damages) would be inadequate and that, in the event of such breach, CAP (acting through its National Commander) shall have, in addition to any and all remedies at law or in equity available to CAP in general (including the ability to obtain an injunction), the right to (a) terminate the Recipient as a corporate officer, (b) terminate the membership of the Recipient, or (c) take any other action against the Recipient permitted by the governing documents of CAP. The Recipient shall notify CAP (through the National Commander and the Executive Director) in writing immediately upon the occurrence of any unauthorized disclosure of Confidential Information or other breach of which he or she is aware.
 7. If any provision or term of this Agreement, or the application thereof to any Party, shall for any reason be adjudged by any court or other legal authority of competent jurisdiction to be invalid, void, or voidable, such judgment shall not affect the remainder of this Agreement which shall continue in full force and effect and the offending provision or term shall be severed or amended in such manner as renders the remainder of this Agreement valid and enforceable unless the whole commercial object to this Agreement is thereby frustrated.
 8. Failure of either Party at any time to require the performance of any provision of this Agreement shall not affect the right of that Party to require full performance thereafter and a waiver by either Party of a breach of any of the provisions of this Agreement shall not be taken or held to be a waiver of any further or similar breach or as nullifying the effectiveness of such provision.
 9. The provisions of this Agreement do not apply to Recipient if Recipient is (when receiving or disclosing Confidential Information) acting in his or her capacity as an attorney for CAP. CAP's and Recipient's obligations regarding the use and/or disclosure of Confidential Information are in those circumstances governed exclusively by the attorney-client relationship and the attorney-client privilege.

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IN WITNESS WHEREOF, CAP and the Recipient have executed this Agreement in their individual capacities (in the case of individuals) or through officers or agents with full and complete authority to bind their principals (in the case of entities), as of the day and year first written above. (Signature by National Commander is not necessary, NDA may be a unilateral agreement signed only by the Recipient).

CIVIL AIR PATROL

By: _____

Name: _____

Title: National Commander

Name: _____

Title: _____

**SUBJECT: Wreaths Across America
ME WG/CC – Col Leclair**

INFORMATION BACKGROUND:

For the past five years the Civil Air Patrol has been a partner of Wreaths Across America (WAA). This organization has as its mission to “Remember our Veterans – Honor those who serve & their families, and Teach our children the value of freedom.” Each year, WAA collects sponsorships for wreaths to be placed on veterans graves at over 500 cemeteries around the country and overseas, including Arlington National Cemetery.

The Civil Air Patrol in partnership with WAA jointly carries out the following activities:

- Squadron wreath sponsorship
- Unit participation in wreath ceremonies at cemeteries, veteran memorials, and the international bridge crossing with Cadets Canada
- Wreath escort week to Arlington
- WAA day at Arlington Cemetery (24,000 wreaths placed last year and 270,000 planned for 2011)

Civil Air Patrol hosts a reception for dignitaries at the Women’s Memorial in Arlington National Cemetery. Last year it included the USAF Chief of Staff.

In 2010, we had an approximate 50% increase in the number of wreath sponsorships obtained over 2009 which is a significant number in any sales endeavor. However, we only see about 10-15% of our units participating. This year, we are seeking the support of the National Board to increase the number of participating units and to increase our public relations activities on behalf of our partnership with the Wreaths Across America.

PROPOSED NATIONAL BOARD ACTION:

1. That the National Board adopt the attached Wreaths Across America resolution.
2. That the National Board aid in increasing activities by all Region, Wings, Groups, and Squadrons for wreath fundraising and memorial activities.

ESTIMATED FUNDING IMPACT:

In 2010, WAA sponsorship activities provided \$139,000 in funds mostly to squadrons. An increase to the number of wreaths sponsored will also provide much needed additional funding to our units, create goodwill within our communities through Remember – Honor - Teach, and serve to create more awareness of the Civil Air Patrol.

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CAP NATIONAL HEADQUARTERS' COMMENTS:

We hope CAP will continue to increase its participation in this important community service project.

CAP-USAF HEADQUARTERS' COMMENTS:

We concur and applaud CAP's valiant effort in supporting this worthy cause.

ADVISOR / NATIONAL STAFF COMMENTS:

Senior Advisor Support – Concur.

Senior Advisor Operations – Concur.

This item was prepared with the assistance of the Advisor for Member Affairs who concurs with the items presented, as will be shown in the briefing that will be conducted when this item is presented for discussion.

REGULATIONS AND FORMS AFFECTED:

None.

NATIONAL BOARD ACTION

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Proposed WAA Resolution

WHEREAS, Civil Air Patrol is committed to honor the sacrifices of America's military veterans and their families; and

WHEREAS, Civil Air Patrol, since 2006, has supported Wreaths Across America in its mission to recognize veterans who paid the ultimate price by placing remembrance wreaths on their graves annually during the month of December; and

WHEREAS, Civil Air Patrol finds Wreaths Across America's goals of "remember, honor, teach" conducive to and appropriate for its cadet program; and

WHEREAS, Civil Air Patrol has committed to making Wreaths Across America a primary community service project; and

WHEREAS, Civil Air Patrol has steadily increased its wreaths sponsorship sales and participation by supplying color and honor guards and leadership in support of Wreaths Across America observances:

THEREFORE, BE IT HEREBY RESOLVED, that Civil Air Patrol will recommit to its efforts in advancing Wreaths Across America by increasing:

its outreach to secure wreath sponsorships,
the number of squadrons participating, and
its level of leadership in conducting observances and supplying color and honor guards,
in furtherance of Civil Air Patrol's commitment to honor and respect America's heroes who have sacrificed in the service of their country.

NOW, THEREFORE: I, Major General Amy S. Courter, national commander of Civil Air Patrol, make this pledge and encourage all Civil Air Patrol members to do likewise with my signature this ____ day of _____, 2011.

[PERSON SIGNING WILL INSERT STANDARD SIGNATURE BLOCK AND SEAL HERE]

**SUBJECT: Non-CAP Passenger Approvals
MT WG/CC - Col Cahalen**

INFORMATION BACKGROUND:

Non-CAP passenger approval process is not standardized across the Civil Air Patrol or within CAP-USAF. Approval authority for non-CAP passengers on CAP-USAF approved missions currently rests solely with the CAP-USAF/CC (CAP-USAFI 10-2701, paragraph 3.5.2.7.2), yet overall mission approval authority for CAP training missions is delegated to the CAP-USAF Liaison Region (CAP-USAFI 10-2701, paragraph 2.6.2). Currently CAP-USAF instructions make separate and distinct the passenger approval authority from the mission approval authority on training missions (A4, A5, A7, A99 SD/CAP-USAF access).

With this split in approval authority levels, it is entirely possible for a CAP training mission to be approved by the Liaison Region while the approval authority for the non-CAP passengers is pending coordination with CAP-USAF/CC. To make matters worse, it is also possible for a CAP wing to mistakenly think they have been approved to fly non-CAP passengers when they have in fact not been granted that authority, even after the mission has been approved.

WMIRS automatically sends out an e-mail when the wing submits a training request stating that non-CAP passenger approval is separate from mission approval, but there isn't anything automated within WMIRS to assist in the passenger approval process. Nor is there anything automated to ensure that a mistake is not made regarding flying non-CAP passengers.

There are just too many loopholes right now that could end up with possibly a compromising situation where a non-CAP passenger is flown without specific Air Force approval.

Currently, there is no guidance or standardization for how CAP wings should submit names and information on non-CAP passenger requests. Some wings list their passenger information in a separate e-mail to CAP-USAF, some submit it directly to the National Operations Center, some write them in their Operations Plans and other wings annotate the information directly into the Mission Scenario block of the WMIRS setup page. There is no continuity across CAP or CAP-USAF and it appears CAP is spending a lot of excess time reinventing the wheel every time CAP wants to fly a non-CAP passenger.

PROPOSED NATIONAL BOARD ACTION:

- A. That the National Board recommend a change to CAP-USAFI 10-2701 to make the approval authority for non-CAP passengers the same as the mission approval authority.
- B. That the National Board direct HQ CAP/DO to automate passenger approval process in WMIRS.

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a. WMIRS should include a field within the mission setup page that lists the minimum required information on the non-CAP passengers. The information should include:

- i. Passenger Name
- ii. Duty Position or Title
- iii. Organization
- iv. Contact Information (phone, e-mail)
- v. Justification for flying

b. WMIRS should automatically send out e-mail notification to the CAP-USAF approval authorities (State Director, LR/CC and CAP-USAF/CC) stating that a specific mission request is awaiting approval for non-CAP passenger(s). A second e-mail should automatically be generated to CAP-USAF and CAP authorities notifying them that the passengers have been approved or disapproved to fly.

ESTIMATED FUNDING IMPACT:

To be determined.

CAP NATIONAL HEADQUARTERS' COMMENTS:

If CAP-USAF concurs with this proposal, automating the non-CAP process for CAP and CAP-USAF within WMIRS is possible, but for missions requiring external approval like AFNORTH, this would still be cumbersome.

CAP-USAF HEADQUARTERS' COMMENTS:

Non-concur with change recommendation to CAP-USAFI 10-2701. The passenger approval authority for CAP-USAF approved missions in CAP-USAFI 10-2701 is appropriate and designed to be distinct from the mission approval authority due to federal liability risks and for proper oversight and visibility. While the operational aspects of the mission are appropriately delegated to the LR/SD level for approval, the CAP-USAF/CC has legal counsel at the HHQ-level to assist in assessing the legal implications of the non-CAP passenger request.

CAP-USAF supports any efforts by CAP to streamline and standardize the non-CAP passenger approval process in WMIRS.

ADVISOR / NATIONAL STAFF COMMENTS:

NLO – Do not concur. I have no problem with streamlining a process to approve non-CAP passengers on training flights. However, in my view there is no real reason to practice flying actual non-CAP passengers, and the ordinary approval process for VIPs and others should suffice for non-AFAM flights.

Senior Advisor Support – The process should be more uniform, and the Support Section will work with our NHQ partners to achieve this goal. We have no control over the

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USAF approval process; however, we can provide an electronic method of submission and notification of approval within the scope of the AFI and customer requirements.

Senior Advisor Operations – No doubt there are reasons for flying non-CAP personnel during a training mission and I agree the approval process should be more consistent; however, this is a CAP-USAF decision.

REGULATIONS AND FORMS AFFECTED:

CAPR 60-1, *CAP Flight Management*

CAPR 60-3, *CAP Emergency Services Training and Operational Missions*

NATIONAL BOARD ACTION

**SUBJECT: Enhancement of eServices Capabilities
MS WG/CC – Col Sumner**

INFORMATION BACKGROUND:

Although the CAP has made great strides towards electronic processing features including online record keeping and online training courses, there are still several “paper intensive” administrative items that could be incorporated into eServices. Currently eServices has the ability to process and record: promotions; transfers; specialty tracks; duty assignments; online training courses and most personal actions to name just a few. In an effort to go “paperless” or at least to follow the lead of the government with their Paperwork Reduction Act of 1995, we should make every effort to fold all remaining processing and record keeping functions into eServices. One example of this would be to create a new eServices module which would have the capability to process and maintain a record of all awards and decorations. Currently all CAPF 120 nominations can be generated, processed and approved electronically [via email transmittals], yet a hard copy still has to be maintained in a CAPF45. To go “paperless” in this example all that would be needed is a simple module in eServices so that the applicable approving authority could make a data entry in the member records section. The system would also be required to accept and store an electronic upload of the approved CAPF 120 [e.g. in a pdf format]. Furthermore, for any other remaining personnel actions that currently requires a CAP form in a hard copy [e.g. certain CAPF2 & CAPF2A requests], either create a module(s) in eServices to accomplish and record those requests, and/or – develop a way for eServices to accept and store an electronic upload of the final/approved documents [similar to those files currently uploaded and stored in Ops Qualls]. This would create a 100% online personnel file - eradicating the need for a CAPF 45 and CAPF 66 entirely.

Ultimately this will not only save trees in the long run, but will continue the positive efforts and steps the corporation has made in making membership less arduous when it comes to the paperwork aspect of being a member.

PROPOSED NATIONAL BOARD ACTION:

That the National Board recommend and support CAP/NHQ in developing the enhancement of eServices to be able to process and record all personnel, operational and administrative documents and actions.

ESTIMATED FUNDING IMPACT:

Cost unknown. Time required for CAP/IT staff to create the various modules required in eServices and acquisition of adequate online storage capacity.

CAP NATIONAL HEADQUARTERS’ COMMENTS:

Recommend approval. Easing volunteer workload, simplifying work processes and increasing accountability are the central focus of eServices. Achieving an almost completely paperless environment is a key milestone on the road to achieving a fully

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operational suite of online applications to support our members. We will continue to work diligently to bring all personnel, operational and administrative actions online and strongly support this measure.

CAP-USAF HEADQUARTERS' COMMENTS:

Concur with NHQ comments.

ADVISOR / NATIONAL STAFF COMMENTS:

Senior Advisor Support – Concur. The NHQ comments above clearly outline staff goals. It will be important to remember, however, that our existing IT capabilities are already stretched, and the overall goal will require substantial time to achieve.

Senior Advisor Operation – Concur with corporate staff and Senior Advisor Support.

REGULATIONS AND FORMS AFFECTED:

CAPR 35-5, CAP Officer and NCO Appointments and Promotions
CAPR 39-2, CAP Officer and NCO Appointments and Promotions
CAPR 39-3, Award of CAP Medals, Ribbons, and Certificates
CAPR 50-17, CAP Senior Member Professional Development Program
CAPR 52-16, Cadet Program Management
CAPF 45, Senior Member Master Record
CAPF 66, Cadet Master Record

NATIONAL BOARD ACTION

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AGENDA ITEM 9

SE

Action

SUBJECT: Acute and Chronic Health Conditions

Author: National Safety Team

CAP/CS – Col Chazell

INFORMATION BACKGROUND:

In this past year, there have been mishap trends related to pre-existing conditions, both chronic and acute.

In some cases, there was not an adequate way to communicate these conditions or they were not communicated at all.

It is highly-recommended that a committee be assembled to be co-chaired by a member of the National Safety Team and a member of the National Medical Officer's team. Recommend the committee include a minimum of the National Legal Officer or his designee, a representative from CAP's three mission areas, and NHQ Safety and Health Services. The committee would review a method in which pre-existing conditions can be shared, but that would not publicly identify or announce this condition.

PROPOSED NATIONAL BOARD ACTION:

That the National Board approve the assembly of a committee, as recommended, to review and develop a method of communicating pre-existing medical conditions that is non-invasive, but has a mandatory participation element to it. This proposal should be approved by the National Safety Officer, the National Health Services Officer, the National Legal Officer, and General Counsel before being presented back to the summer national board of 2011.

ESTIMATED FUNDING IMPACT:

None at this time.

CAP NATIONAL HEADQUARTERS' COMMENTS:

Concur. It is recommended that this committee focus on the process of implementation of already established methods to ensure members at all CAP activities benefit.

CAP-USAF HEADQUARTERS' COMMENTS:

No comment.

ADVISOR / NATIONAL STAFF COMMENTS:

NLO – Do not concur, as this is reinventing a perfectly good wheel. There is currently a CAP medical form that contains medical history information and that has already been approved by the National Board in 2009 with the revision of CAPR 160-1 (which is still in coordination), and a policy that permits activity commanders to request certain medical information prior to member participation. Consequently, the wiser course would be to accelerate implementation of the already approved policy. Should

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additional information be required, such policy could require members to have mandatory physical exams at least every 3 years so that CAP has good data (rather than self-reported data) on member medical conditions.

Senior Advisor Support and Member Affairs Advisor – We believe that the comments of the NLO and NHQ closely parallel one another. Rather than direct the establishment of new regulations we believe that the implementation of previously approved policy must be expedited.

REGULATIONS AND FORMS AFFECTED:

CAPR 160-1, *The CAP Health Service Program*

CAPR 62-1, *CAP Safety Responsibilities and Procedures*

NATIONAL BOARD ACTION

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AGENDA ITEM 10

ED

Action

SUBJECT: Temporary Inactive Membership Status

Author: Maj Winter

MD WG/CC – Col Knowles

INFORMATION BACKGROUND:

With the increase of ancillary training requirements to our members, subordinate wings, groups, and units often are identified as non-compliant in meeting our required training. Often times the members who continue to show up as non-compliant are those members who have taken a leave of absence because of active duty military training/deployments, senior cadets who have gone off to pursue higher education in a full time status, and members who wish to take a temporary leave of absence. In all of these cases our members enjoy the full membership benefits and prefer not to enter a patron membership status.

During this membership status, our members will not be allowed to participate in CAP activities.

When the member wishes to reenter the active membership category they must complete all required ancillary training prior to final approval of full membership status. In addition, if the members FBI screening expires (XX years) the member will be required to completed a new member application, as is the case when a member allows their membership to lapse.

As a safeguard to ensure that our members and their respective commanders do not abuse this status and continue to participate as a full members or allow for 100 percent compliance with training within the subordinate unit the approval authority and the conditions under which a member may be granted inactive membership would be the responsibility of the members Wing Commander and the individual member who may request not to be placed in this membership status.

PROPOSED NATIONAL BOARD ACTION:

That the National Board approve a new membership category of temporary inactive membership.

ESTIMATED FUNDING IMPACT:

Minor technology enhancement/adjustments to create a toggle switch in e-Services which will activate a temporary membership category.

CAP NATIONAL HEADQUARTERS' COMMENTS:

Suggest this agenda item be considered as input or as an update to the "*Old Business*" Action Item 12A which was refer it to a committee. This would be considered a change of policy regarding the training requirement for inactive members.

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CAP-USAF HEADQUARTERS' COMMENTS:

Membership categories are primarily a corporate concern. While there are many individual circumstances to be accommodated by these categories, there is definitely risk involved in a membership structure that is too complicated and presents the opportunity for abuse, particularly approaching a compliance inspection or other graded activity.

ADVISOR / NATIONAL STAFF COMMENTS:

NLO – Do not concur. Such “hat-switching” will make it virtually impossible to determine whether a member is permitted to undertake activities without resorting to running an e-services report for every CAP activity.

Senior Advisor Support & Member Affairs Advisor – This AI is one of several dealing with membership status and training requirements. We agree with the sponsor of this Item that problems have been identified which must be addressed. While reviewing this item we have also identified other similar issues, several addressed by other AIs for this NB, and we believe that it is very important to address all of these issues in a comprehensive manner. We therefore suggest that a National Commander's Committee be appointed to address all of these issues and develop recommendations for the NB's consideration. Members of the committee should include the AI presenters, representatives from the volunteer staff (Ops and support), representative from NHQ, representative for the National IG, and legal counsel.

REGULATIONS AND FORMS AFFECTED:

CAPR 39-2, *Civil Air Patrol Membership*

NATIONAL BOARD ACTION

**SUBJECT: Reserve Membership
FL WG/CC – Col Moersch & AL WG/CC - Col Robinson**

INFORMATION BACKGROUND:

All wings are faced with how to properly handle members who wish to continue their membership to provide financial support to CAP at the National, Region, Wing, and local levels. However, these members do not actively participate and, many times, fail to complete minimum required training such as OPSEC, CPPT, Safety, etc. Some wings have begun to utilize the XX000 at-large units to place inactive members who have not completed required training. These members are typically not allowed to participate in any activities other than social events. However, regulations concerning minimum required training do not currently exempt these members from these requirements. Wings that are using the at-large units in this manner could conceivably be cited during inspections for having members that have not completed required training.

PROPOSED NATIONAL BOARD ACTION:

That the National Board approve a change in policy and regulation to create a new membership category for Reserve Members by adding the following to CAPR 39-2.

RESERVE MEMBERS

General. The Reserve membership category is established to allow active senior members who are no longer able to participate on a regular basis to retain their membership in the local squadron without the normal training and participation requirements. Reserve members may participate as outlined below:

- a. Reserve members will pay annual national membership dues in the same manner as active senior member. The normal renewal procedures apply.
- b. They will receive a specially annotated membership card.
- c. They will remain assigned to their home membership unit.
- d. They may only attend unit social functions, wing, region or national conferences and participate in local public relations activities, if requested by the commander concerned. Reserve members may not participate in emergency services missions, actual or training, aerospace education activities, cadet activities, or professional development training. They may not ride in a corporate aircraft or vehicle.
- e. They may wear any of the CAP distinctive uniforms (blazer combination, white aviator shirt and gray slacks, etc.) but will not wear the CAP Air Force-style uniform.
- f. Reserve members will retain their last CAP grade earned but will not earn grade, awards/decorations, or individual qualifications while in Reserve status. Any

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operational qualifications which may expire while the member is in reserve status must be re-earned upon return to active status.

- g. Reserve members are exempt from minimum training requirements.

Membership Eligibility. Senior Members wishing to transfer to reserve status must have served as an active senior member, completed Level I training and the membership screening process.

Application Procedures. Individuals wishing to be placed in reserve status must request the change through their unit commander. The unit commander will make the change through the appropriate eservices application.

Membership Year. The membership year remains the same as the individual's active membership and neither the date of service nor date of grade is affected by this transition. The membership renewal policy outlined for senior members in Chapter 4 of CAPR 39-2 also applies to Reserve members.

Operations Qualifications. OpsQuals will exclude any Reserve Member from entering or renewing OpsQual data, and it will not allow a CAPF101 to be generated for that individual. Furthermore, any Reserve Member will not show up on any OpsQuals Reports.

Transfer to Active Membership. Reserve members may transfer back to active status at any time with the approval of their unit commander. However, the member must complete any training or participation requirements required of active senior members prior to returning to leaving Reserve status. The commander will make the change in status using the appropriate eServices application.

ESTIMATED FUNDING IMPACT:

Minor technology enhancement/adjustments in eServices.

CAP NATIONAL HEADQUARTERS' COMMENTS:

Suggest this agenda item be considered as input or as an update to the "*Old Business*" Action Item 12A which was refer it to a committee. This would be considered a change of policy regarding the training requirement for inactive members.

CAP-USAF HEADQUARTERS' COMMENTS:

Membership categories are primarily a corporate concern. While there are many individual circumstances to be accommodated by these categories, there is definitely risk involved in a membership structure that is too complicated and presents the opportunity for abuse, particularly approaching a compliance inspection or other graded activity.

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Reserve members, as described above, don't seem particularly distinct from Patron members. If Patron member status needs to be adjusted and renamed to

accommodate the concerns raised here, that may be a cleaner option. If there is a need for a status within active membership that acknowledges a temporary situation, that can also be accommodated without creating an entirely new membership category. These issues may best be resolved by a committee investigating all the various concerns regarding membership circumstances.

ADVISOR / NATIONAL STAFF COMMENTS:

NLO – See comments below for my suggested changes:

d. They may only attend unit social functions and CAP wing, region or national conferences. Reserve members may not participate in emergency services missions (whether actual or training), aerospace education activities, cadet activities, professional development training, or any other CAP activities other than the ones authorized above. They may not ride in a corporate aircraft or vehicle at any time, even when properly attending one of the activities authorized above.

e. only the CAP distinctive blazer combination or white aviator shirt and gray slacks uniform combinations when attending authorized activities. Reserve members will not wear any other type of CAP or military style uniform when participating in an activity as a reserve member.

f. Reserve members will retain their last CAP grade earned but will not earn grade, awards/decorations, time in service for purposes of fifty year membership or additional clasps to the Red Service Ribbon, or individual qualifications while in Reserve status. Any operational qualifications which may expire while the member is in reserve status must be re-earned upon return to active status.

Transfer to Active Membership. Reserve members may transfer back to active status at any time with the approval of their unit commander. However, the member must thereafter complete any training or participation requirements required of active senior members. The commander will make the change in status using the appropriate eServices application.

Other Parameters. Members may only transfer to reserve status once and therefore may only transfer to active membership from reserve status once.

Senior Advisor Support & Member Affairs Advisor – This AI is one of several dealing with membership status and training requirements. We agree with the sponsor of this Item that problems have been identified which must be addressed. While reviewing this item we have also identified other similar issues, several addressed by other AIs for this NB, and we believe that it is very important to address all of these issues in a comprehensive manner. We therefore suggest that a National Commander's Committee be appointed to address all of these issues and develop recommendations for the NB's consideration. Members of the committee should include the AI presenters,

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representatives from the volunteer staff (Ops and support), representative from NHQ, representative for the National IG, and legal counsel.

REGULATIONS AND FORMS AFFECTED:

CAPR 39-2, *Civil Air Patrol Membership*

NATIONAL BOARD ACTION

A. September 2010 National Board Meeting: Agenda Item 26C

Clarification of Training Regulation for the Wing At-Large Units

AL WG/CC – Col Robinson

COL ROBINSON/AL MOVED and COL MOERSCH/FL seconded that the National Board approve a change in policy to allow members assigned to at-large (XX000) units to be exempt from all minimum training requirements. Further that those members assigned to that unit will not be allowed to participate in any activities, including unit meetings, until required training has been completed and the member transferred back the local unit. (This would not include social events such as Christmas parties, etc.).

Following discussion on the possible impact of the proposed motion, the following amendment was made:

COL ROBINSON/AL MOVED TO AMEND and COL PARRIS/CA seconded the amendment to approve the creation of a 998 unit which, according to regulation and policy, is for only inactive members that are non-participating and are not required to complete training requirements.

COL WINTERS/OH MOVED and COL JENSEN/SWR seconded to refer to committee.

THE MOTION TO REFER TO COMMITTEE CARRIED

FOLLOW-ON ACTION: Referral to committee, to include membership and IG.

ACTION
March 2011 National Board Meeting

B. September 2010 National Board Meeting: Agenda Item 12

Standardize Procedures through the use of Supplements and Operating Procedures

WY Wg/CC – Col Skrabut

INFORMATION BACKGROUND:

In CAPR 5-4, Publications and Forms Management, there are specific procedures for how and why to create and use supplements, operating instructions, and policy letters. According to CAPR 5-4:

- para 1g, “Operating Instructions” announce local policies or procedures, and direct actions of a local nature within one unit (charter number) or office.
- para 1m, “Supplements” are auxiliary publications that augment higher headquarters directives and apply to all members of the issuing headquarters and all subordinate units.
- According to CAPR 5-4, para 4, interim change letters are a temporary measure to be incorporated into a regulation or supplement within 90 days.

However, in CAPR 173-1, para 3 “Supplements and/or Operating Instructions. Supplements and Operating Instructions are not authorized. Units at all levels may issue specific Financial Management Procedures or Policies specific to their wing dealing with fiscal matters pursuant to this regulation. Examples of Financial Management Procedures may be found under the Financial Management section on the NHQ website.”

This guidance in CAPR 173-1 is inconsistent with guidance provided in CAPR 5-4. The organization is now creating another description for instruction. We should be looking to consolidating and standardizing processes rather than creating new terms. Because there are no instructions how to create a “procedure” in CAPR 5-4, this is creating multiple variations on what was once a standardized process.

PROPOSED NATIONAL BOARD ACTION:

That the National Board approve that locally created instructions be prepared in accordance with CAPR 5-4.

ESTIMATED FUNDING IMPACT:

Time required by staff to make necessary adjustments to regulations.

CAP NATIONAL HEADQUARTERS' COMMENTS:

Do not concur. Recommend day-to-day operations guidance for finance to continue to be Financial Management Procedures.

Civil Air Patrol finance regulations (CAPR 173 series) provide the minimum level of financial management and internal controls within a region, wing or unit in order to

safely guard financial resources at each level. Each region, wing and unit in Civil Air Patrol is unique in the manner in which day-to-day management of financial procedures is conducted. In standard accounting practice, businesses typically have a policy which outlines how the business will conduct finance from paying bills, billing customers, closing the general ledger, making entries, etc. To allow for the region, wing or unit to individually conduct the finance function to suit their respective needs, Financial Management Procedures (FMP) are written to advise the staff of the respective region, wing or unit detailed procedures of how the regulation requirements will be met on a day to day basis. At a minimum, FMPs are required to address areas that have been financial weaknesses in the past: payment approvals, credit cards, recurring expenses, bank transfers and travel. Because of frequent changes in banks, staff or personnel, data processing, payment methods, activities, etc., each CAP organization needs an expeditious manner in which to make changes to the day-to-day procedures and methods of meeting the regulation minimum.

CAPR 5-4 paragraph 3a (1) requires "each supplement to be forwarded to the next higher level of command for review immediately upon publication." If local procedures to manage finance are written in a regulation supplement, the wing will be required to review and approve all of their subordinate unit financial procedures, as the regions will be required to approve their subordinate wing financial procedures and NHQ will approve the region financial procedures. The wing will be required to approve numerous (one for each unit, flight or group) different methods of how each unit conducts financial business. The Regions will approve 5-8 different methods of conducting wing finance and NHQ will approve 8 different methods of conduction region finance. Higher level offices are not familiar with the idiosyncrasies of the day to day operations in each subordinate office. This would force the higher level approver to make a decision on whether or not the supplement is the best manner for the subordinate to conduct business. Not only would this be required at each anniversary of the supplement, but also at each change the subordinate wishes to make which could be as many as 6 per year.

Writing day-to-day operations as supplements would place an unnecessary burden on the next level of command to approve a document of which they do not have the knowledge resources to form an opinion as to the best manner to conduct financial operations for that location. Subordinates will be forced to defer enacting changes to their operations, which may be needed immediately in some cases, until the higher approval is completed.

Within an organization as large as CAP, we need to provide flexibility for each CAP unit to conduct the finance regulatory minimums, while maintaining consistency, timeliness

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and accuracy. Allowing each respective CAP unit the flexibility to quickly write procedures in which to conduct the financial function at their location has greatly contributed to the unqualified audit opinion of CAP's financial statements. In fact, when CAP regulations previously allowed supplements in the past, finance was not successful. If we do not establish flexible working procedures for CAP units, our audit could be at risk. The external auditors currently rely heavily on the finance regulations and oversight while conducting our audit; furthermore, they sample the Financial Management Procedures from each Wing as part of the national audit. To make a change that will affect every CAP units could jeopardize finance at all levels, and have a major impact on our audit.

CAPR 173-1 is intended to safeguard CAP's financial assets and prepare reliable financial reporting while complying with numerous laws, regulations, appropriated funding and GAAP financial reporting requirements. We recommend the day-to-day operations guidance for finance in each respective location remain Financial Management Procedures.

CAP-USAF HEADQUARTERS' COMMENTS:

Concur with NHQ comments.

ADVISOR / NATIONAL STAFF COMMENTS:

Senior Advisor – Support: Concur with NHQ comments.

NFO: Concur with NHQ comments.

REGULATIONS AND FORMS AFFECTED:

CAPR 5-4, *Publications and Forms Management*
CAPR 173-1, *Financial Procedures and Accounting*

NATIONAL BOARD ACTION

COL SKRABUT/WY MOVED and COL LARSON/IL seconded that National Board refer this item to committee for the purpose of providing proper financial management instructions on how units are to provide guidance for the members, to make sure the units are doing it correctly, and to ensure that there is proper oversight.

THE MOTION CARRIED UNANIMOUSLY

FOLLOW-ON ACTION: Gen Courter stated that this would be referred possibly to the National Finance Committee or some financial body. Col Skrabut concurred. Inclusion in winter 2011 NB agenda.

FEBRUARY 2011 NHQ RESPONSE:

After further discussion, we still do not concur with the suggestion that all Financial Management Policies specified in 173-1 be required to be in the format of supplements to the regulation. The intent of the FMP's is to allow the Wings and Squadrons to have maximum flexibility to manage financial resources and to update policies immediately when personnel or situations change. The process to approve new regulation supplements is too cumbersome to allow such changes to be implemented in a timely manner. If, however, the Board votes to support the elimination of the FMP's, we will try to develop specific forms that can accomplish this.

ACTION
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C. September 2010 National Board Meeting: Agenda Item 14

Suspension of Membership

MA Wg/CC – Col Meskill

INFORMATION BACKGROUND:

CAPR 123-2 (IG process) states in paragraph 8, “Investigations should be completed within 180 days unless there is a justifiable reason for delay.” However CAPR 35-1 states in paragraph 2-2a that the maximum suspension is 60 days, with additional extensions requiring next higher command level approval.

This disconnect causes three suspension actions to be required just to support the normal 180 day IG investigation process. This causes additional work and monitoring of suspensions which if missed will cause members to be reinstated in error. Additionally it presents a false picture to the individual being suspended, who is informed in writing that the suspension is for 60 days, when it will almost certainly be longer.

Time frames for IG investigations are well defined, and we have no control over civil litigations.

PROPOSED NATIONAL BOARD ACTION:

That the National Board align these regulations by modification to CAPR 35-1, to permit suspensions of membership, due to IG investigations or criminal litigation, to be made by commanders for a term of up to 60 days, or the completion of the associated IG investigation or Civil Litigation.

ESTIMATED FUNDING IMPACT:

Minimal.

CAP NATIONAL HEADQUARTERS’ COMMENTS:

Do not concur. CAPR 35-1 currently allows for suspensions to be continued beyond the 60 day period in the event criminal actions are pending or further internal investigation is required. It simply requires the commander to take a specific action to extend the suspension beyond the initial 60 day period. The National Board approved this policy in March 2008 stating that requiring extensions to be justified to higher headquarters serves as a check in the system. The importance of timely resolution and of strong justification was purposely emphasized by placing a ceiling at 180 days without approval by NEC. The IG regulation states that investigations should be completed within 180 days but they can be continued past that time. To allow an “open ended” suspension could leave a member in limbo for some time. The requirement to take

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specific action to extend a 60 day suspension ensures that all involved are monitoring the situation on a regular basis.

CAP-USAF HEADQUARTERS' COMMENTS:

Non-concur. Current language in CAPR 35-1 meets the agenda item recommendation and ensures periodic reviews by higher authorities at pre-determined intervals so a suspended member doesn't remain in a suspended status without justification.

CAPR 35-1 (18 Mar 09), para. 2-2a, does not specify a "maximum" suspension time but rather allows a unit commander or higher to suspend a member for "up to" 60-days. Furthermore, CAPR 35-1 provides an avenue to extend the suspension upon appropriate review by the next higher authority.

ADVISOR / NATIONAL STAFF COMMENTS:

Senior Advisor Support and Member Affairs Advisor believe the wording in its present state is too broad. CAPR 35-1 does require a review every 60 days to protect the rights of the member involved. In all cases of a substantial nature the NHQ staff telephones the commander affected prior to the expiration of the suspension to remind them of this requirement. An open ended standard may well leave a member suspended for an excessive period of time without proper review. We also suggest that the Legal Officer and General Counsel review the applicability of civil litigation to the action since the existing regulation does not address it.

REGULATIONS AND FORMS AFFECTED:

CAPR 35-1, *Assignment and Duty Status*.

NATIONAL BOARD ACTION

COL MESKILL/MA MOVED and COL LeCLAIR/ME seconded that the National Board align these regulations by modification to CAPR 35-1, to permit suspension of membership, due to IG investigations or pending criminal litigation to be made by commanders for a term of up to 180 days for the completion of the associated IG investigation or indefinitely for Criminal Litigation.

During discussion, there was a determination that the motion needed to be reviewed by legal staff for accuracy of intent and brought back later in the meeting.

LATER IN THE MEETING, COL MESKILL/MA MOVED A SUBSTITUTE MOTION and COL HERRIN/NLO seconded that the National Board approve modification of CAPR 35-1, CAPR 35-8, and the Constitution and Bylaws be modified to permit suspensions of membership due to Inspector General investigations or pending criminal charges for up to 180 days. Suspension in excess of 180 days for pending criminal charges may be approved by the commander of the next higher echelon. Continuation of a suspension during an Inspector General investigation

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in excess of 180 days would require National Executive Committee approval as currently required.

COL DAVIDSON/NH MOVED and COL PARRIS/CA SECONDED that this matter be referred to the Constitution and Bylaws Committee because of the complexity of this issue.

THE MOTION TO REFER CARRIED

FOLLOW-ON ACTION: Referral to the Constitution and Bylaws Committee. Include in winter 2011 National Board agenda and June 2011 BoG agenda.

ACTION

March 2011 National Board Meeting

Interim Report from Col Herrin – Constitution and Bylaws Committee Chair.

D. September 2010 National Board Meeting: Agenda Item 22

CAP Chaplain Qualifications

UT Wg/CC – Col Wellman

INFORMATION BACKGROUND:

Is the goal of the CAP chaplain program to provide chaplains to the USAF or to provide chaplains to members of the CAP?

Current qualifications for a CAP chaplain are at such a professional level that seems to be counterproductive or beneficial to CAP members. Rather than holding CAP chaplains to a USAF standard and issuing an exemption to the lesser qualified, let's re-define the CAP chaplaincy to allow qualified and endorsed members of the ministry to benefit CAP and then ENCOURAGE additional qualifications needed if a CAP chaplain DESIRES to be of USAF service. Not every CAP chaplain desires or has the time to be a fully qualified, but volunteer, military chaplain.

A CAP chaplain is a needed function to help guide members, especially our youth, in value development. However, that same chaplain may not legally (in many states) handle confessions, conduct marriages or do "normal" functions associated with someone who is a military chaplain -- is this level of expectation required for CAP? If our goal is to provide value guidance, let's not place roadblocks and make it so difficult to qualify a chaplain, local clergy simply say "no."

Many religions allow endorsement in the ministry without requiring extensive theological education. This is the case, for example, with Catholic and Baptist deacons. These potential CAP chaplains will have both religious and value foundation to benefit CAP members. These persons are currently accepted by their local community churches to conduct services and are endorsed by their denominations, yet must meet significant additional requirements to serve as a CAP chaplain. Many of these people are not in the religious vocation and simply do not have the time or funding or desire to obtain advance education in theology.

Are these advanced and somewhat stringent chaplaincy requirements beneficial to CAP members?

PROPOSED NATIONAL BOARD ACTION:

That the National Board approve a complete re-design of the requirements needed to become a CAP chaplain with an eye to benefiting CAP members and allowing more local clergy to serve. Our current policy is overly restrictive resulting in a lengthy and cumbersome process that discourages an element of our community that would be of great benefit to CAP.

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ESTIMATED FUNDING IMPACT:

Cost to be determined depending on what is developed in the re-design of requirements.

CAP NATIONAL HEADQUARTERS' COMMENTS:

Concur with the Chief of Chaplain Corps comments.

CAP-USAF HEADQUARTERS' COMMENTS:

Non-concur. Chief of Chaplain Corps comments provide thorough background into the rationale for current policy.

ADVISOR / NATIONAL STAFF COMMENTS:

NLO - I believe this is contrary to the current agreement between the CAP chaplain corps and the USAF Chaplain corps. However, we already have a category for "mission chaplain" that we could adapt to those chaplains meeting USAF requirements, and only mission chaplains (as redefined) would be able to participate in AFAMs (including assistance to active and reserve forces). That should make the chaplaincy available to more faiths and not restrict our ability to provide assistance to the military services.

Chief of Chaplain Corps: The Chaplain Corps Advisory Council considered this proposed action and unanimously expressed their opposition for the following reasons:

1. The qualifications for appointment as a CAP chaplain have been long established from our inception and have become the model for other vocational chaplaincies. This is one of the uniquely distinctive ways that Civil Air Patrol is known to be an exceptional organization.
2. We already have a waiver provision in circumstances in which prospective chaplains have documented significant and credible pastoral experience. These chaplains are restricted only from direct support to the military, which is a very small percentage of our overall chaplain ministry. Our primary mission continues to focus on cadet programs, aerospace education and emergency services.
3. Lowering the current criteria could place some chaplains in legal jeopardy, particularly in situations of confidentiality and counseling.
4. Utilization of chaplains who do not meet meaningful criteria places the CAP Corporation in legal jeopardy if, for example, it is alleged that counseling is performed by those who do not possess adequate ministerial credentials.
5. Lowering our current standards would result in a corresponding reduction in the quality of our Chaplain Corps. We feel that our cadets and senior members are entitled to professionally competent chaplain services.

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6. In our culture, it is possible for someone to purchase an ordination certificate online that would allow them to perform marriages and etc. for about \$35 dollars; and purchase a bogus graduate degree for as little as \$195, from unprincipled organizations that have chartered themselves as a church or school. Lowering the accredited educational requirements for chaplaincy would invite even more chaplain applicants who lack either the education or experience to bring competent ministry to CAP members.

7. We must have a concrete objective criterion for evaluation of chaplain candidates. The lower the bar, the more subjective it becomes.

8. It is doubtful that a reconsideration of the qualifications for CAP chaplaincy would in fact result in the recruitment of more chaplains. Competent ministers are often wary of ministries that are known to have inadequate qualifications. In CAP, character development instructors who meet only very limited and basic criteria were instituted to facilitate moral leadership discussions, yet we have significantly more chaplains than CDIs.

9. There are many aspects of ministry that are unique to chaplaincy and some ministers are not suited for it. An important feature of chaplaincy is the ability to work together on a team in a pluralistic setting. Not every clergy person is equipped for this kind of ministry. Our long established chaplain criteria are essential to the effectiveness of our chaplaincy.

10. The current criteria for appointment of a CAP chaplain have earned the respect of the Air Force, resulting in specific inclusion of CAP chaplain support in the AFIs. The Chaplain Corps is the only portion of CAP to enjoy this degree of collegial relationship with the Air Force. Our Memorandum of Agreement with the Air Force Chaplain Corps requires us to conform to the standards of DODI 1304.28, which prescribes the educational criteria for chaplaincy.

Lowering the standards for chaplains in order to increase their number is somewhat akin to meeting a need for more physicians by declaring that EMTs will be doctors. Competent ministers are the result of years of study, training and proven commitment. We might rather see the need to be even more careful in our selection of chaplains than ever before. It is our conviction that the currently established standards for the appointment of CAP chaplains should not be degraded in any way.

REGULATIONS AND FORMS AFFECTED:

CAPR 265-1, *The Civil Air Patrol Chaplain Corps*.

NATIONAL BOARD ACTION

COL WELLMAN/UT withdrew this item and asked that the National Commander appoint a committee or task force to review the process involved in the chaplain appointment process and that this committee be comprised of both chaplains and board members, with a report back to the National Board.

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MAJ GEN COURTER stated that some changes are already in progress for the chaplain appointment process, and noted that at National Headquarters the Chaplain Corps has been moved into the Professional Development area.

FOLLOW-ON ACTION: Naming of committee or task force by the National Commander. Inclusion in the winter 2011 National Board agenda.

ACTION

March 2011 National Board Meeting

Interim Report from Col Chris Hayden – Ad Hoc Committee Chair

E. September 2010 National Board Meeting: Agenda Item 23

Extension of Professional Appointments and Promotions to Include Homeland Security and Emergency Management Professionals

WY Wg/CC – Col Skrabut

INFORMATION BACKGROUND:

From time to time, new academic disciplines may emerge having curriculum content highly relevant to the Civil Air Patrol mission. It is beneficial to the organization to periodically assess the Professional Appointment and Promotion procedures to consider inclusion of newly arising fields of study, in order to encourage membership by individuals trained and credentialed in such fields.

Individuals completing degrees in Emergency Management or Homeland Security will have skills highly contributory to the organization.

PROPOSED NATIONAL BOARD ACTION:

That the National Board approve the establishment of guidelines similar to those for chaplains, character development instructors, health service personnel, legal officers, aerospace education officers, and finance officers for appointments and promotions for persons demonstrating experience and education in the fields of Homeland Security and/or Emergency Management.

ESTIMATED FUNDING IMPACT:

No direct associated costs, other than administrative cost to change regulation.

CAP NATIONAL HEADQUARTERS' COMMENTS:

Without specific criteria, it would be hard to make a judgment on the validity of this item. NHQ suggests that this be referred to a volunteer committee to establish proposed criteria and then resubmit the item to the November 2010 NEC meeting with recommendations.

CAP-USAF HEADQUARTERS' COMMENTS:

Agree with all CAP NHQ and National Staff comments. On the surface this proposal appears prudent; however, recommend it be sent to committee to develop recommendations for the next policy-making meeting.

ADVISOR / NATIONAL STAFF COMMENTS:

NLO – Understanding that rank and other uniform matters are surrogates for payroll in CAP; I would concur with this proposal if the guidelines only permit credit for experience and/or credentials that are compatible with CAP mission requirements. We should also rethink whether persons with NASAR credentials (e.g., SARTEC I and II) should be exempt from certain ground team leader/member training along these same lines.

Senior Advisor – Support and PD Advisor are concerned with the broad wording of this AI. At present, there is no experience based criteria for professional development and promotion in the CAP. The existing metrics require a degree or other professional recognition such as an FAA pilot certificate or instructor certificate, advanced degree, CPA certificate, etc. The HLS and Emergency Management fields are growing so rapidly that we believe it would be impractical for local, Wing, Region, or even National personnel officers to review an application without specific metrics for a specific field of expertise.

Senior Advisor – Operations: If, indeed, there are elevating degrees in these disciplines and those degrees can directly contribute to and support CAP's missions in those areas, I concur that this should be considered.

REGULATIONS AND FORMS AFFECTED:

CAPR 35-5, *CAP Officer and Noncommissioned Officer Appointments and Promotions.*

NATIONAL BOARD ACTION

COL SKRABUT/WY MOVED and COL LEE/PA seconded the PROPOSED NATIONAL BOARD ACTION.

COL BURKE/MI MOVED TO AMEND and COL LARSON/IL seconded the amendment to identify professional certifications that are nationally recognized and allow those to also automatically qualify for CAP emergency services roles.

COL MURRELL/CS PROXY MOVED TO REFER and COL CARR/GLR seconded that this item be moved to committee in order to explore and develop appropriate criteria.

THE MOTION TO MOVE TO COMMITTEE CARRIED UNANIMOUSLY

FOLLOW-ON ACTION: Referral to committee with guidance from Col Herrin/NLO to consider all national emergency services qualifications that people currently hold to develop some table of equivalencies or some idea whereby CAP doesn't have to have highly trained people repeat the same training just to check boxes on the forms. There was additional guidance from Col Guimond that the committee needs to be comprised of both operational and support people since this item involves promotion and advancement as well as operational issues.

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ACTION
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Interim Report from Col Brian Bishop – Ad Hoc Committee Chair

F. October 2010 NEC Minutes: Item 5d

High Performance Aircraft Checkout Requirements

MER/CC - Col Vazquez

INFORMATION BACKGROUND:

At the August 2006 National Board, a New Business item was approved that tasked the National Operations Committee to develop language removing the prohibition against cadet primary flight instruction in Cessna 182s. A related agenda item was submitted to the November 2006 NEC permitting cadet primary flight instruction in C-182s, which resulted in the current rules in CAPR 60-1 exempting student pilots from the minimum time requirements for that model aircraft.

The student pilot exemption was based on the policy at that time of purchasing only C-182 aircraft to replace CAP's fleet, impacting the availability of C-172s in the future. It was felt that low time pilots could be trained to fly C-182s as easily as any other aircraft, especially if this was the only aircraft type a student pilot would be flying.

In light of industry standards, recent changes in CAP fleet replacement, flight instructor feedback and the characteristics of the C-182, CAP should reverse its decision to permit primary student pilot flight instruction in high performance (C-182) aircraft. The list of reasons includes the following:

1. Industry standards. A review of 7 flight schools selected at random nationwide revealed that checkout standards ranged from a low of 100 hours total time with 5 hours make and model to a high of 200 hours total time with 5 hours make and model to fly fixed gear non-turbo charged C-182s. At no point was student pilot primary flight instruction found to be permitted in C-182s.
2. CAP recently started to refurbish older C-172 aircraft in lieu of purchasing new C-182s. This should result in better availability of C-172s for future student pilot training, without the need to commit to using C-182s for the task.
3. National Operations recently formed a committee of Region and Wing Stan/Eval officers to provide feedback on whether or not student pilots should be trained in C-182 aircraft. Out of 7 committee members, only one indicated approval for continuing C-182 primary flight instruction.
4. Aircraft damage potential is high with C-182s, particularly due to bad landings. As stated in the October 2010 issue of AOPA Pilot Magazine (page 82), regarding C-182 aircraft:

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“The Skylane is, in fact, a nose-heavy airplane, and the careless can be timid in the landing flare. The results show up in logbooks as bent engine mounts, buckled firewalls, and cryptic log entries for propeller, engine, and nose gear replacements.”

Primary student pilots spend a predominate amount of training learning to land. Training aircraft have to be forgiving of bad landing attempts, an attribute that is not true of the C-182.

Lastly, it was reported that in 2010, all five National Flight Academies used C-172 aircraft only for cadet flight instruction. Elimination of the student pilot exemption for C-182s in CAP will not impact this important cadet activity. It will improve the safety of flight by providing a minimum standard all pilots operating this complicated aircraft model should possess.

PROPOSED NEC ACTION:

That the National Executive Committee approve that the National Operations staff revise CAPR 60-1 to eliminate the existing student pilot exemption and present that revision to the Winter National Board for final approval.

ESTIMATED FUNDING IMPACT:

No funding impact is anticipated.

CAP NATIONAL HEADQUARTERS' COMMENTS:

Concur.

CAP-USAF HEADQUARTERS' COMMENTS:

Non-concur with the proposal as written. Procedurally, the NEC and NB are charged to make policy. The national staff then codes that policy into appropriate regulatory form. It's unnecessary to draft regulatory language in order to have it approved by a policy making body.

On the substance of the amendment we agree with the concerns of both Senior Advisors. Rather than prohibit (or allow) the use of C-182 aircraft in all circumstances, the policy could acknowledge the added risk and state a general prohibition with a described waiver procedure (approved at the wing commander level or higher) to account for special circumstances.

ADVISOR / NATIONAL STAFF COMMENTS:

National Chief of Staff: While I appreciate the opinions of the author and the sponsor, I do not see the need to change this regulation. There already exists a mechanism for wing and region commanders to use their judgment regarding these issues. As the RMR Commander, I co-sponsored the initial change to 60-1 which this proposal seeks to reverse. The Senior Advisor for Operations and the current NEC at that time

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approved the changes. Since the promulgation of the original change, the circumstances have not changed for those regions – like RMR – that do not use C-172s for operational missions. The need to train new pilots has not changed. FAA pilot requirements for flying high-performance aircraft have not changed. Commanders should be allowed to exercise that discretion. I believe now, as I believed then, that the commander in the field, the check pilot, and the flight instructor in the cockpit are the best judges of whether or not to approve flight training and Forms 5. We need to keep the onus on those best able to make reasoned decisions in light of local conditions. Again, I do not think this regulation requires a change. The flexibility to utilize the fleet to best advantage should be retained.

Senior Advisor – Operations: I concur that C172s will provide for a better flight training platform than the C182 for a number of reasons; including the fact the C182 was not built to be a primary trainer. That being said, although I encourage the use of C172s whenever possible, even with the planned retention of C172s in the fleet there may be some regions of the country where a C172 may not be available. In an effort to retain a cadet flight training opportunity, if a C172 cannot be available, I suggest consideration of a waiver process that would give the Region Commanders the opportunity to approve flight training and subsequent checkout in a C182 aircraft on an individual basis, as final authority based on information presented up the chain-of-command.

Senior Advisor - Support: Concur with the concept of this proposal; however, we have concerns that the complete elimination of the exemption will prevent some qualified and deserving cadets from being able to participate in flight training. Suggest that a provision be included in any new policy which would allow a Wing Commander to request approval, through channels, to use a C-182 for cadet training based upon documentation that a C-172 is not practically available for the mission.

REGULATIONS AND FORMS AFFECTED:

CAPR 60-1, *CAP Flight Management*

NEC ACTION:

COL VAZQUEZ/MER MOVED and COL KARTON/GLR seconded that the NEC direct the National Operations Staff to investigate hazards related to student pilot instruction in High Performance Aircraft and develop a program to mitigate those hazards. Staff to present the program to the winter 2011 National Board Meeting for final approval.

THE MOTION CARRIED

FOLLOW-ON ACTION: National Operations staff action. Include in the winter 2011 National Board agenda.

FEBRUARY 2011 NHQ RESPONSE:

There are currently 3 cadets listed in Ops Qual, as qualified in C182's. Two of them are G1000 qualified.

The Safety department reports:

From FY07 – FY10 there were 11 Flight Training Mishaps. All 11 were in C-172's.

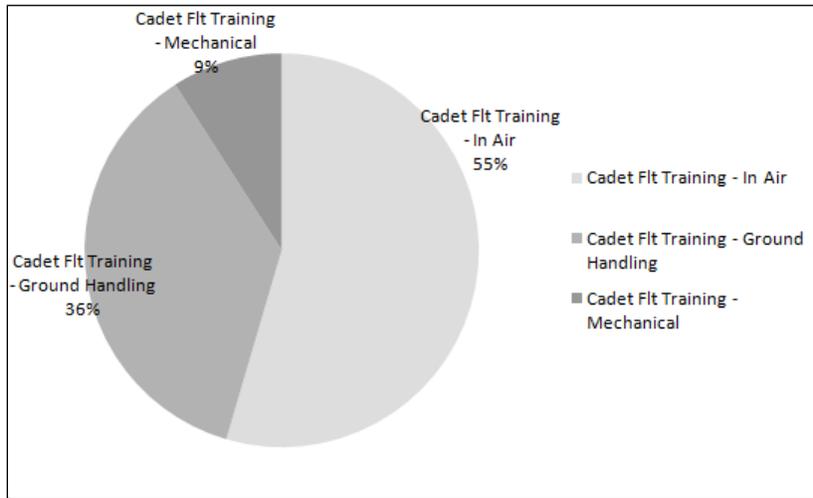
Of 9,305 (C16) cadet training hours flown, 1,143 were in Cessna 182's with zero mishaps.

Approximately 12% of the total flight training was done in C182's with no mishaps.

Safety Statistics – Cadet Flight Training

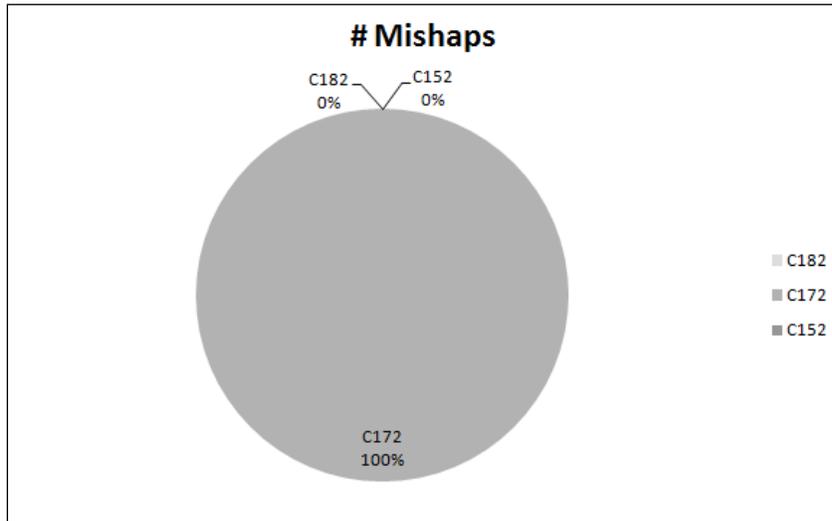
Data Analysis from FY07 – FY10

Total Flight Training Mishaps:	11	
Total Cadets Involved:	15	
Total Cadet Flight Training Mishaps – Aircraft Operations:	6	
Total Cadet Flight Training Mishap – Mechanical:	1	
Total Cadet Flight Training Mishaps – Ground Handling:	4	



Cadet Mishap Analysis by Aircraft Type:

C182: 0
C172: 11
C152: 0



ACTION **March 2011 National Board Meeting**

Interim Report from Col Joe Vazquez – Ad Hoc Committee Chair

G. October 2010 NEC Minutes: Item 6b

Program Representation during Compliance Inspections

CAP-USAF/CC - Col Ward

INFORMATION BACKGROUND:

CAPR 123-3 states in para. 7. b.2., "All wing program directors should be present for wing inspections. Should a director be unavailable, someone knowledgeable in his/her functional area must represent the absent director." Many wings inspected during the Cycle 3 round of compliance inspections do not have program directors showing up for interviews or the designated representative is not able to showcase the entire program to the inspectors. Recently, one wing did not have program directors available for 10 of the 18 inspected programs.

Significant capital is invested by the CAP and the Air Force in terms of man-hours and finances to comply with this Statement of Work inspection requirement. In addition, assessments are vital to the CAP National Commander and CAP-USAF Commander in providing an independent evaluation of organizational readiness, efficiency and effectiveness. It is vital that Wing Commanders ensure knowledgeable program representation is present for all compliance inspections.

PROPOSED NATIONAL BOARD ACTION:

That the National Executive Committee form a committee to study the impact of wing program directors' failure to attend the compliance inspection or prepare a knowledgeable substitute to present the program in his/her absence. This study should include guidance on how to assess programs which do not provide either functional representation or the representative is not able to address all aspects of the program. It should also recommend sanctions for wings that fail to adequately engage the quadrennial requirement for inspection. This committee should include both CAP and CAP-USAF members and will report back to the National Board no later than Feb 2011.

ESTIMATED FUNDING IMPACT:

Administrative costs for the committee to provide the study.

CAP NATIONAL HEADQUARTERS' COMMENTS:

Out of the 396 interviews thus far in cycle 3, 16 (4%) did not have the primary director present. Nine of those interviews resulted in ratings of Successful, three resulted in Marginals, and four resulted in Unsatisfactories.

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CAP-USAF HEADQUARTERS' COMMENTS:

Concur. If this shortfall is not adequately addressed it may lead to Unsatisfactory compliance inspection ratings.

ADVISOR / NATIONAL STAFF COMMENTS:

CAP-IG: Do not concur with the proposal as written. We do not view this as an inspection problem, rather a manning/staffing problem. While we experience a continuing problem both in inspecting unmanned positions and/or substitutes with no or limited knowledge of the subject, we inspect programs rather than people. If the program can show adequate supporting documentation and some semblance of management, it is graded accordingly. The IG sees this whole problem as an organization mired in a 1950s organizational structure with commander's who are not able to man some programs with experienced, capable people. I thank CAP-USAF for bringing this issue forward for everyone to see a problem throughout the organization.

REGULATIONS AND FORMS AFFECTED:

CAPR 123-3, *Civil Air Patrol Compliance Assessment Program*

NATIONAL BOARD ACTION

COL WARD/CAP-USAF/CC MOVED and COL MYRICK/PCR seconded the PROPOSED NATIONAL BOARD ACTION.

BRIG GEN CARR/CV MOVED TO AMEND and COL CHAZELL/CS seconded the amendment to add the words: "request the National Commander" between the words "Committee" and "form" on the first line.

THE MOTION TO AMEND CARRIED

THE AMENDED MOTION CARRIED

FOLLOW-ON ACTION: The National Commander name a committee including CAP-USAF personnel, the IG, a member of the NEC, at least one wing commander, a member of Col Guimond's team, and a representation of National Headquarters. There was guidance to the committee to also consider the issue of leadership and in the context of manning, organizational structure, and personnel as well as electronic continuity books. Include in the winter 2011 National Board agenda.

ACTION
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Interim Report from Col Bill Meskill – Ad Hoc Committee Chair

H. February 2010 NB Minutes: Item 5

Governance

COL VERRETTE/PCR/VC & Legal Officer and Chairman of the CAP Governance Review Committee, presented a slide briefing prior to the board's consideration of those items under Agenda 5.

COL CARR/GLR MOVED and COL VAZQUEZ/MER seconded that the National Board refer all items under Agenda Item 5 (a., b., c., d., e., f., g., h. i., and j.) to the Governance Review Committee (working with the Public Trust Committee and Constitution and Bylaws Committee) for review and report back to the National Board.

COL HERRIN/NLO MOVED TO AMEND and COL JENSEN/SWR seconded that Items 5.c, 5.d, and 5.j. be deleted from referral to the Governance Review Committee.

THE MOTION TO AMEND CARRIED

The amended motion reads: "That the National Board refers items 5.a., 5.b., 5.e., 5.f., 5.g., 5.h., and 5.i. under Agenda Item 5 to the Governance Review Committee (working with the Public Trust Committee and Constitution and Bylaws Committee) for review and a report back to the National Board.

THE AMENDED MOTION CARRIED

FOLLOW-ON ACTIONS:

Referral to committee;

By request of committee chair, two other corporate officers to be named to committee;

By request, names of committee members provided to National Board;

Comments from National Board members will be sent to the committee chair (contact information to be provided to board members);

ACTION March 2011 National Board Meeting

Report from Col Tim Verrett – Governance Committee Chair

AGENDA ITEM 13

New Business

Action

1.

2.

3.

4.

5.

6.