



Purpose of this Operating Procedure

1. The purpose of this Operating Procedure is to define procedures for disciplinary measures against members of the HPAC/ACVL.

Reasons for Taking Disciplinary Measures

2. The HPAC/ACVL BoD may invoke disciplinary measures against a member whose conduct has been determined by the Directors to be improper or likely to endanger the interest or reputation of the HPAC/ACVL or the sports of hang gliding and paragliding. This includes, but is not limited to:
 - a. committing financial impropriety with funds of the HPAC/ACVL;
 - b. committing election fraud;
 - c. making representation in the name of the HPAC/ACVL without proper authorization from the BoD;
 - d. participating in flying-related activities that are deemed to endanger the safety of persons or property;
 - e. participating in activities that are deemed to diminish the image and/or reputation of the sport or of its participants in the eyes of the public or public officials;
 - f. participating in activities that are detrimental to the ongoing availability of HPAC insurance or significantly affecting the underwriter's assessment of risk;
 - g. initiating a lawsuit naming HPAC/ACVL or any Named Insured or Additional Insured in the HPAC/ACVL insurance policy as a defendant; and/or
 - h. participating in any activities that are deemed to risk continued access to a flying site.

Types of Disciplinary Measures

3. The HPAC/ACVL BoD can take the following disciplinary measures:
 - a. Expulsion from the Association;
 - b. Withdrawal or down-grading of an instructor rating or tandem endorsement;
 - c. Withdrawal or down-grading of a pilot rating;
 - d. Temporary suspension of rating; and/or

- e. Issuing a demand for an Assurance of Voluntary Compliance.

Expulsion

4. Expulsion from the HPAC/ACVL is the most severe disciplinary measure available to the HPAC/ACVL. The HPAC/ACVL by-laws state that "any Member may be expelled by a resolution to that effect at a meeting of the BoD and shall be carried by an 85% majority of the vote of Directors present."
5. Expulsion from the HPAC/ACVL shall be taken as a last measure when other disciplinary measures have been unsuccessful or when the BoD judges that the action(s) in question warrant an expulsion as the most viable option.
6. The offending Member shall have 30 days from the date of the notification of expulsion to appeal his/her case. It is the responsibility of the Member to submit their appeal to the BoD.
7. An expelled Member cannot re-apply for HPAC/ACVL membership for a period of one year. Reinstatement of an expelled member shall be contingent on approval of the BoD. The BoD may apply conditions for reinstatement.
8. The HPAC/ACVL shall not reimburse the annual membership fee of an expelled member.

Withdrawal or Down-grading of Ratings and Endorsements

9. As a less severe alternative to expulsion, the BoD may withdraw or down-grade a Member's pilot rating, instructor rating and/or tandem endorsement
10. No vote on the withdrawal of a rating or endorsement shall be conducted without giving the offending Member an opportunity to present his/her case verbally to each Director who shall be voting on the resolution. The offending Member shall be given 30 calendar days from the day the resolution is proposed to present his/her case. It is the responsibility of the Member to contact the directors, and the discourse may be conducted in a format (email, regular mail, telephone, in person) mutually agreed between the Member and each Director.
11. The resolution for withdrawal or down-grading of ratings and endorsements must include the conditions by which the member may regain the rating or endorsement that is being affected.

Temporary Suspension of Ratings and Endorsements

12. In exceptional circumstances when public safety is an immediate concern, the BOD can temporarily suspend the ratings of a pilot or instructor's ratings and endorsements pending investigation and prior to further disciplinary measures for a period not exceeding two months. The offending Member shall be given 30 calendar days from the day the resolution is proposed to present his/her case. It is the responsibility of the Member to contact the directors, and the discourse may be conducted in a format (email, regular mail, telephone, in person) mutually agreed between the Member and each Director.
13. The resolution for the suspension of ratings and endorsements must include the conditions by which the member may temporarily regain the rating or endorsement that is being affected.

Assurance of Voluntary Compliance (AVC)

14. The Assurance of Voluntary Compliance (AVC) is an agreement between the HPAC/ACVL and the offending Member that itemizes HPAC/ACVL's concerns and specifies the actions the Member must take and conditions the Member must meet in order to avoid further disciplinary measures. More specifically, the agreement shall include:
 - a. The reason the AVC process has been enacted;
 - b. A description of the situation that must be corrected;
 - c. A list of the specific actions and/or conditions the member must complete or meet;
 - d. The timeframe by which the actions and conditions must be completed and met;
 - e. Any other information pertinent to the situation either as part of the text or as attachment to the AVC;
 - f. The signatures of offending Member.
15. As a disciplinary action, an AVC shall be used only after a representative of the BoD has made reasonable efforts to talk to the offending Member about correcting the offending behaviour, and the Member either expresses no intention to correct that behaviour, or continues to behave inappropriately in spite of words to the contrary. (An offending Member should not be surprised to receive an AVC.)
16. The Executive Director shall be responsible for verifying and confirming in writing to the BoD that all actions and conditions have been met. The AVC process shall be deemed completed once the BoD has received this confirmation, and the AVC shall then be cancelled. Records of AVCs shall be associated with the offending Member's file for future reference.
17. Upon successful completion of an AVC, the HPAC/ACVL BoD shall send a confirmation of compliance letter to the Member for improving his/her actions.
18. If a member fails to meet the conditions specified in the agreement for reasons that are judged to be valid by the HPAC/ACVL appointee, the BoD may elect to modify the terms of the agreement, with the offending Member's concurrence.
19. If a member fails to meet the conditions specified in the agreement for reasons deemed to be invalid by the HPAC/ACVL appointee and by the BoD, the BoD may elect to conclude the AVC process and invoke further disciplinary measures.
 - a. An AVC shall only be employed after all other reasonable means of addressing a particular situation has been tried without success.