

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 in the spirit of self-regulation.

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/ACVL 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 activities that violate the SOPs and/or Transport Canada Regulations.

Types of Disciplinary Measures

3. The HPAC/ACVL BoD can take the following disciplinary measures:
 - a. Written Warnings
 - b. Expulsion from the Association;
 - c. Withdrawal or down-grading of an instructor rating or tandem endorsement;
 - d. Withdrawal or down-grading of a pilot, instructor or tandem rating either temporarily or indefinitely.
 - e. Entering into a signed Assurance of Compliance agreement.

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 a 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. Re-instatement 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 with a majority vote 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 regain the rating or endorsement that is being affected.

Assurance of Compliance (AoC)

14. The Assurance of Compliance (AoC) 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 AoC 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 time frame 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 AoC;
 - f. The signature of the offending Member.
15. If the behaviour continues the offending Member risks further action which can include downgrading of rating or membership and rating revocation
16. The Administrator shall be responsible for verifying and confirming in writing to the BoD that all actions and conditions have been met. The AoC process shall be deemed completed once the BoD has received this confirmation, and the AC shall then be cancelled. Records of AoCs shall be associated with the offending Member's file for future reference.
17. Upon successful completion of an AoC, 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.

Standard Disciplinary Process

20. The HPAC/ACVL is committed to maintaining the highest standards of safety and conduct among its members. The following disciplinary process has been established to ensure these standards are upheld uniformly. This process allows for a progressive approach to discipline while also giving the Board of Directors (BOD) the discretion to escalate actions based on the severity of the infraction.
- a. Written Warnings: Depending on the nature of the violation, one or two written warnings will be issued to the member, outlining the specific breach and required corrective actions.
 - b. Assurance of Compliance (AoC) Letter: For continued non-compliance or serious infractions, an AoC Letter will be sent, requiring the member to formally assure their intention to comply with SOPs henceforth.
 - c. Rating Downgrade or Suspension: Continued non-compliance or serious violations may result in a downgrade of the member's rating or suspension (temporary or indefinite) from organization activities.
 - d. Member Expulsion: In cases of extreme violation or when previous steps have failed to correct behavior, expulsion from the organization may be considered.
21. Right to Escalate: The BOD reserves the right to bypass earlier steps and escalate the disciplinary action to more severe measures based on the infraction's severity. This ensures that the disciplinary process remains flexible to appropriately address all forms of violations. For example but not limited to

an accident or incident that involves the general public or death, immediate suspension pending review and investigation would be implemented at the discretion of the BOD.

Written Warnings

22. Written warnings serve as an initial step in addressing breaches of conduct within the HPAC/ACVL. This measure aims to correct behavior without resorting to more severe disciplinary actions.

Criteria for Issuance

23. A written warning may be issued for, but not limited to, the following reasons:
- a. Violations of SOPs or Transport Canada Regulations.
 - b. Actions that could potentially harm the reputation or operations of the HPAC/ACVL.
 - c. Behaviors that are in contradiction to the values and ethics upheld by the association.

Process

24. Identification of Violation: An initial review of the member's actions is conducted to ascertain if they constitute a breach warranting a written warning.
25. Documentation: The written warning shall detail the specific violation, referencing relevant SOP sections or guidelines.
26. Expectations for Correction: The document will outline required corrective actions and a timeframe for compliance.
27. Record Keeping: A copy of the warning will be retained in the member's file for future reference.

Follow-Up

28. Failure to comply with the directives of a written warning may result in further disciplinary measures, as outlined in the SOP. These may include, but are not limited to, rating downgrades, suspension, or expulsion.