



OFFICE OF THE NATIONAL COMMANDER
CIVIL AIR PATROL
UNITED STATES AIR FORCE AUXILIARY
MAXWELL AIR FORCE BASE, ALABAMA 36112-5937

ICL 18-03
6 March 2018

MEMORANDUM FOR ALL CAP UNIT COMMANDERS AND INSPECTOR GENERALS

FROM: CAP/CC

SUBJECT: Interim Change Letter – CAPR 20-2, *Complaint Resolution*

1. CAPR 20-2 became effective 15 February 2018 but changes are made here for clarification. The expiration date on this interim change letter is 5 April at which time these clarifications will replace the current corresponding paragraphs in 20-2.
2. The intent of this interim change letter is to clarify existing requirements, and ensure the complaint process remains confidential.
3. CAPR 20-2 is amended as follows.

12.8.2. The purpose of an IG investigation is to establish the facts. To accomplish this, complainants, subjects, and witnesses who are CAP members are required to fully cooperate. Failure to respond with truthful and complete information, unauthorized disclosure, or any action to impede the process of the IG investigation in any way will be documented and provided to the offender's commander (except when member's commander is the subject of the investigation and in those cases, the next superior commander will be provided the documentation) for disciplinary action up to and including membership termination, as permitted under CAPR 35-3, Membership Termination, and other appropriate CAP regulations.

12.8.3. CAP members contacted by the IG or IO regarding an IG complaint will not discuss the complaint, analysis, investigation, or findings with any other person. Unauthorized disclosure outside of CAP could potentially result in 3rd party legal claims regarding defamation.

4. Any questions should be directed to Col Cheryl Fielitz-Scarborough, CAP/IG, at cfielitzscarborough@cap.gov.

A handwritten signature in black ink that reads "Mark E. Smith".

MARK E. SMITH
Major General, CAP
Commander

CC:
CAP/CV/COO/COA/XO/NOC
All CAP Region and Wing CC/CV/CS
CAP-USAF/CC/CV/IG/JAG



CAP REGULATION 20-2

15 FEBRUARY 2018

INCLUDES ICL 18-03 6 MARCH 2018

Inspector General

COMPLAINT RESOLUTION

This regulation implements policies, procedures, and directives established by the USAF and Board of Governors (BoG), related to Civil Air Patrol (CAP) Complaint Resolution (CR). It includes Fraud, Waste, and Abuse (FWA), Whistleblower Protection, and procedures for submitting complaints against all CAP members acting in their volunteer capacity and against the corporate entity. This program is managed by the CAP Inspector General (CAP/IG) and does not apply to Command Directed Investigations (CDIs).

SUMMARY OF CHANGES. This document replaces CAPR 123-2, *Complaint Resolution Program*. This regulation has been extensively revised and needs to be reviewed in its entirety.

Table of Contents

- 1. Overview 1
- 2. Roles and Responsibilities..... 2
- 3. Waivers 2
- 4. Operating Instructions (OIs) and Supplements to this Regulation 2
- 5. The Civil Air Patrol Complaint Investigating Officer's Guide..... 2
- 6. Protecting Privacy Interests 2
- 7. Whistleblower Protection 3
- 8. Sexual Abuse Complaints and complaints Involving Criminal Conduct 3
- 9. Complaints Processed Under Other Regulations..... 3
- 10. Complaints and the Chain of Command 4
- 11. Complaint Submission 4
- 12. Complaint Processing..... 6
- 13. Protection of Inspector General Records 10
- 14. Disposition of Records 10
- 15. Commander Directed Investigations (CDIs)..... 10
- ATTACHMENT 1 - COMPLIANCE ELEMENTS 12
- ATTACHMENT 2 - GLOSSARY..... 14

1. Overview. Civil Air Patrol CR is designed to prevent and identify any fraud, waste, and abuse (FWA), mismanagement or deficiency, acts of reprisal or restriction, or cadet protection issues. The purpose of the CAP Inspector General CR is to establish an independent, impartial, and objective procedure to:

1.1. Effectively communicate to the commander suggestions regarding appropriate systematic, programmatic, or procedural weaknesses to ensure resources are used effectively and efficiently as well as the necessity for prompt and objective progress of corrective action.

1.2. Assist commanders through CR to discover and correct problems affecting the productivity and morale of assigned personnel. Resolving the underlying cause of a complaint may prevent more severe symptoms or costly consequences, such as reduced performance, accidents, poor quality work, poor morale, loss of resources or costly litigation. Even though allegations may not be substantiated, the evidence or investigation findings may reveal systemic, morale, or other problems impeding efficiency and mission effectiveness.

2. Roles and Responsibilities.

2.1. The core role of IG CR is to operate procedures to prevent and identify:

2.1.1. Fraud.

2.1.2. Waste.

2.1.3. Abuse.

2.1.4. Mismanagement or deficiency.

2.1.5. Cadet protection issues.

2.1.6. Abuse of authority.

2.1.7. Reprisal against a member for making a protected communication.

2.1.8. Restriction of a member from making protected communications.

2.2. [Inspectors General \(IG\)](#) and Appointed [Investigating Officers \(IO\)](#). Trained and qualified IGs and IOs will examine all allegations affecting integrity, efficiency, discipline, and readiness. Examinations, inquiries, and investigations shall be conducted in an independent and professional manner, without command influence, pressure, or fear of reprisal from any level. The IG functions as an ombudsman, fact-finder, and honest broker in the resolution of complaints.

2.3. Members. CAP members have a responsibility to report FWA, violations of directives; abuse (including abuse of authority), cadet protection issues, or misconduct to an appropriate commander or IG. In addition, CAP members should report any known violations of law relating to these issues.

3. Waivers. Waivers to this regulation require the approval of the CAP/IG and Civil Air Patrol – United States Air Force Inspector General (CAP-USAF/IG). Waiver requests may be sent through the CAP member's commander or appropriate IG.

4. Operating Instructions (OIs) and Supplements to this Regulation. Supplements and OIs pertaining to this regulation are not authorized.

5. The Civil Air Patrol Complaint Investigating Officer's Guide. The CAP Complaint Investigating Officer's Guide (IO Guide) shall be the principal document for guidance in CR. The templates contained in the IO guide are the only ones authorized and will be used in the processing of a complaint. The region and wing IGs will use the Complaint Resolution Quality Control Checklist (CRQCC) to ensure all necessary documents have been uploaded. All references to procedures mentioned in this regulation are found in the IO Guide and will be followed. The IO Guide is a living document as it will periodically undergo updates and revisions.

6. Protecting Privacy Interests.

6.1. Other than as permitted in [section 14](#) of this regulation, no IGs, IOs or any other officials having knowledge or involvement in CR will provide copies of complaints, investigative reports, or related documents to witnesses, subjects or other third parties or allow those parties to read any complaint filed

through IG channels without prior written approval of the CAP/IG and the CAP National Commander (CAP/CC) after consultation with the CAP/General Counsel (GC).

6.2. Other than as permitted in this regulation, no IGs, IOs or any other officials having knowledge or involvement in CR will release the complaint, materials or information provided by the complainant, or the response to the complainant, to a third-party requester or the respondent, without the complainant's written consent or a valid subpoena or notice to produce documents issued by a court of law.

6.3. No IG complaint correspondence, or related documents, including reports of investigation (ROI), will be filed in an individual's unit file, personnel record, or any other system of record other than the system established by this regulation, and/or the CAP/IG.

7. Whistleblower Protection.

7.1. Applicable to all CAP members and serves to protect against reprisal or abuse of authority toward members who file an IG complaint. (e.g. expose fraud, waste, mismanagement, deficiency, cadet protection issues, abuse of authority, or discrimination).

7.1.1. Restriction. No person shall restrict a member of CAP from making a protected communication. Protected Communication (PC) is defined in [attachment 2, para 48](#).

7.1.2. Reprisal. No person shall reprise against a member for making or preparing to make a PC.

7.1.3. Restriction and/or Reprisal are in violation of CAP Whistleblower Protection and may result in administrative and/or disciplinary action. The IO will conduct an acid test to determine reprisal.

7.1.4. A Whistleblower complaint is considered an administrative action. Adverse Member Action appeals, related to the Whistleblower Complaint, cannot be made to the Membership Action Review Panel (MARF) until the IG has resolved the complaint. Whistleblower Complaint is defined in [attachment 2, para 59](#).

8. Sexual Abuse Complaints and Complaints Involving Criminal Conduct. The commander or IG receiving a complaint of alleged sexual abuse, as described in the [CAPR 60-2, Cadet Protection Program](#), or involving criminal conduct shall give immediate notification to CAP/GC and CAP/CC. Any further action or investigation into these complaints by CAP must be specifically authorized by CAP/GC and CAP/CC.

9. Complaints Processed Under Other Regulations. CAP CR may not be used for matters addressed through other established grievance or appeal channels. If a directive provides a specific means of redress or appeal of a grievance, complainants must exhaust those procedures before filing an IG complaint. However, complaints of a potential directive violation as to how one of the previous programs are managed or handled may be an IG issue. These complaints include but are not limited to:

9.1. Complaints involving allegations of discrimination or violations of the Civil Air Patrol Nondiscrimination Policy. [CAPR 36-2, Complaints Under the Civil Air Patrol Nondiscrimination Policy](#), governs such investigations.

9.2. Reports of Survey conducted under [CAPR 174-1, Property Management and Accountability](#).

9.3. Suspensions of CAP flying privileges, appeals, reinstatement, and damages under [CAPR 70-1, Flight Management](#).

9.4. Complaints against CAP employees who have specific appeal rights under law or other CAP policies.

10. Complaints and the Chain of Command.

10.1. To provide an opportunity for the internal resolution of disputes, unit commanders are encouraged to maintain an “open-door policy” for the members of their respective units.

10.2. Members should follow the chain of command, except for situations where the subject of the complaint is in the chain of command. In this situation see para 11.4 below. Commanders and members should make every attempt to resolve problems, conflicts, and disputes within CAP at the lowest unit level possible.

10.3. Prior to presenting a complaint, complainants shall first consider whether their complaint may be resolved more quickly and simply by contacting the unit commander, legal officer, or chaplain.

10.4. A member's use of the procedures set forth in this regulation will be free from reprisal by any other member. However, CAP members must understand that when submitting complaints, they are making official statements within CAP channels. Therefore, CAP members may receive administrative or disciplinary action under appropriate CAP regulations for knowingly making false statements or filing a “frivolous complaint/allegation, (see [attachment 2, para 32](#)).” Any commander who reasonably believes a complainant has submitted a knowingly false statement should consult with their legal officer before taking any action.

10.5. Members are advised of their duty to use appropriate channels and grievance systems to resolve complaints at the lowest possible level and will not send copies of complaints or correspondence relating to complaints, or otherwise communicate complaint information to other CAP members, including CAP staff or members of the CAP BoG. This should not be interpreted as restricting a member's right to communicate with any CAP commander, elected or regulatory federal, state, and local governmental officials or legal counsel.

11. Complaint Submission.

11.1. CAP IGs receive and process complaints from CAP members, USAF members, and parents or legal guardians on behalf of their cadet members (including anonymous complaints), via any medium; however, members are encouraged to utilize the CAPF 20, *IG Personal and Fraud, Waste & Abuse Complaint Registration* form. IGs will maintain a record of all contacts and the rationale for selecting the resolution strategy: [referral](#), [transfer](#), [dismissal](#), [assistance](#), or [investigation](#).

11.2. All allegations of FWA may be accepted regardless of the source. Complaints submitted under CR must be filed using the procedures established in this regulation.

11.2.1. All complaints will be written and submitted in English, dated, and signed by the complainant (unless submitted anonymously). Signature on the complaint is deemed to be an affirmation and is evidence that all information in the complaint is true and correct to the best of the complainant's knowledge. Complainants providing information through the CR are submitting official statements within official CAP channels. Therefore, complainants who are CAP members remain subject to adverse administrative action for knowingly making false statements and/or communications.

11.2.2. The receiving IG must obtain a CAPF 20 from the complainant prior to the completion of the complaint analysis. CAPF 20 is the summary page for the complaint and should indicate the CAP

standard(s) (e.g. an identifiable directive, regulation, or statute) alleged to have been violated. Complaints must be accompanied by all available documentation in the possession or control of the complainant.

11.2.3. If no CAPF 20 is received the IG will advise the complainant that they have 14 days after an IG request for information to submit the form, along with other clarifying information. If no CAPF 20 or clarifying information is received, the complaint may be dismissed. Resubmissions may be allowed if they fall within the 60-day limit.

11.2.4. Verbal (in-person or telephonic) complaints must be followed-up with a written submission, signed by the complainant (unless anonymous) and dated and submitted to the IG (postmarked, emailed or hand delivered) within 14 days of the original notification along with CAPF 20.

11.2.5. Emailed complaints are considered written complaints but must be followed up with a signed CAPF 20 (unless anonymous email address) prior to the completion of the complaint analysis.

11.3. Complainants may submit complaints anonymously. Anonymous complaints may be filed through the [CAP FWA webpage](#), or directly with an IG. Verbal (telephonic) and email complaints filed anonymously do not require a written follow up or a completed CAPF 20. Anonymous complaints may only be acted upon if the evidence provided by the anonymous complainant and the complaint analysis reveal credible evidence of a violation of CAP directives. A complaint, by itself, from an anonymous complainant cannot be used as evidence of a violation of CAP standards or regulations unless substantiated.

11.4. Where to File a Complaint.

11.4.1. Complaints should be submitted to the IG of the wing or region to which the complainant is assigned.

11.4.2. Complaints against the CAP/IG are submitted directly to the CAP/CC, unless the CAP/CC is a party (complainant, subject or witness) to the complaint. If the CAP/CC is a party to a complaint against the CAP/IG, the complaint will be submitted to the BoG Executive Secretary (CAP/COO). The CAP/CC or BoG Executive Secretary will forward informational copies of complaints filed against the CAP/IG to the CAP-USAF/IG.

11.4.3. Complaints against a wing or region IG or senior level official holding the grade of colonel or above will be submitted directly to the CAP/IG.

11.5. Time Limits for Filing a Complaint.

11.5.1. The complainant shall submit the complaint within 60 days of the occurrence or action upon which the complaint is based or within 60 days of the complainant becoming aware of the occurrence or action upon which the complaint is based.

11.5.2. An IG is not required to consider a complaint if a complainant has failed to present the matter within 60 days. IGs, in consultation with their appointing authority, may accept and refer complaints that exceed the above requirements if the complaint is of special CAP interest or the complainant is able to demonstrate that he/she was unable to meet the time requirements due to unforeseen or extraordinary circumstances and such circumstances justify the delay.

11.6. Delivery of an IG Complaint.

11.6.1. Complaints may be delivered personally, or by mail, telephone, fax, or email. The date of actual receipt or 5 days following the date of the postmark, whichever is earlier, is the effective date of the complaint.

11.6.2. To properly establish annotation of complaints that are received via USPS, the receiving IG will not dispose any of the original documents. This includes the envelope containing the original postmark. All documents are to be considered a part of the complaint, and must be retained.

11.6.3. The effective date of telephone, fax or email complaints will be the date of actual receipt only if a written follow-up, with signature, is submitted (postmarked, emailed or hand delivered) within 14 days following the date of the initial communication.

11.6.4. For anonymous complaints, the effective date will be the date the complaint is received or 5 days following the date of the postmark, whichever is earlier, if the complaint is mailed.

11.7. Under the Cooperative Agreement and Statement of Objectives; Objective #4: Documentation relating to the complaints process will be filed in a system of record (SoR) mandated by CAP regulations and available for review by CAP-USAF/IG.

12. Complaint Processing.

12.1. Complaint Acknowledgement. Receipt of a complaint shall be acknowledged (unless anonymous) in writing or phone call (and noted in case notes in SoR) by the IG within 30 days of the effective date of the complaint.

12.2. Complaint Clarification. The IG will conduct a clarification interview with known complainant, victim or other members listed on the CAPF 20 to determine if there were allegations of regulatory violations as set forth in the facts in the CAPF 20. Interview will be documented in SoR.

12.3. Completing a Complaint Analysis (CA). The IG will complete a CA to determine the most effective resolution strategy to resolve the issues raised by the complainant's allegations. The CA results in a formal decision document from which the IG may: assist, refer, transfer, dismiss or investigate the complaint. The CA documents regulatory violations necessitating an IG investigation. The CA will be documented in SoR.

12.3.1. If the CA results in Refer to Command, the commander may use the information gathered in the CA that shows a violation of a standard giving him the opportunity and discretion of further remedial action.

12.3.2. Any copies (electronic media or written) of the CA provided to the commander/appointing authority (AA) must either be returned to the IO for inclusion in the case file or destroyed with a written notice of destruction given to the IO. This written notice will be included in SoR in the case file.

12.3.3. If the complaint is dismissed, referred, or closed with an Assist, the IG will write a case closure letter to the known complainant explaining the actions as justified by the results of the complaint analysis. If the complaint is transferred, the complainant will receive a transfer letter noting where the complaint has been transferred. This letter will be copied to the AA.

12.4. Frivolous Complaints/Allegations. If a complaint or allegation is determined to be frivolous, the person filing the complaint may be subject to disciplinary action. The CAP/IG will make this determination. A complaint that is submitted outside those requirements defined in the protected communication definition, is not eligible for Whistleblower Protection.

12.5. Appointment of an Investigating Officer (IO). If it is determined through a CA that an IG investigation is warranted, the AA shall appoint a qualified IO, using the template provided by the IG, to properly compose an appointment letter. This letter provides the IO indemnification in accordance with [CAPR 112-10, Indemnification](#).

12.6. IG Investigation Notifications. When it is determined by CA that an IG investigation is warranted, and an IO has been properly appointed, notifications will be made to the complainant, AA, subject's commander (if not the AA) and the subject.

12.7. Conflict of Interest. The IG or IO selected to conduct an IG investigation must certify in writing to the AA that no conflicts of interest exist. This certification document will be entered in SoR.

12.8. Conducting an IG Investigation.

12.8.1. IG investigations are administrative in nature--they are fact finding rather than judicial proceedings. They are not criminal proceedings in which proof beyond a reasonable doubt is required. Rather, the standard of proof that applies is proof by a preponderance of the evidence (an allegation that is not substantiated is one that is not supported by a preponderance of the evidence). Investigations require formal collection of evidence, taking statements from complainants, witnesses and subjects, and documentation of the findings in a Report of Investigation (ROI). An investigation is an evidence-gathering process to substantiate or not substantiate an allegation. Once an investigation is determined to be warranted, and is therefore in IG channels, only the AA's IG or an IG at the next higher level may terminate this procedure prior to its normal conclusion.

12.8.2. The purpose of an IG investigation is to establish the facts. To accomplish this, complainants, subjects, and witnesses who are CAP members are required to fully cooperate. Failure to respond with truthful and complete information, unauthorized disclosure, or any action to impede the process of the IG investigation in any way will be documented and provided to the offender's commander (except when member's commander is the subject of the investigation and in those cases, the next superior commander will be provided the documentation) for disciplinary action up to and including membership termination, as permitted under [CAPR 35-3, Membership Termination](#), and other appropriate CAP regulations.

12.8.2.1. Exception: No member shall be required to cooperate or provide information if he/she reasonably believes that the information requested or the answer to be provided might tend to self-incriminate. For the purposes of this regulation, a fact or answer "tends to self-incriminate" a person if the fact or answer would provide evidence that suggests the commission of a crime by the declarant. The failure to answer questions based on this defense will be documented in the case file.

12.8.2.2. Individuals providing evidence in an IG investigation shall be requested either to sign the Read-In Document or an attestation that the individual agrees that all information provided in the IG investigation is true and correct and is based on the personal knowledge of the individual. A failure of a CAP member to sign the Read-In Document or an attestation does not preclude the member from being interviewed and the results of the interview from being included in the ROI. The member's refusal to sign the Read-in Document shall be documented in the ROI.

12.8.2.3. There is no requirement for legal representation, recorded statement, a formal hearing, or application of the rules of evidence. CAP/GC and legal officers represent the Corporation and are prohibited from representing interviewees.

12.8.2.4. If the subject or witness fails to appear after being properly notified, the IG investigation should continue without his/her input. The refusal of the complainant(s) to participate in the IG investigation may cause the IG investigation to be closed.

12.8.3. CAP members contacted by the IG or IO regarding an IG complaint will not discuss the complaint, analysis, investigation, or findings with any other person. Unauthorized disclosure outside of CAP could potentially result in 3rd party legal claims regarding defamation.

12.8.4. If a member of the USAF, USAF Reserve, Air National Guard or a CAP Employee are to be interviewed, the IO will follow the respective policies for interviewing these individuals. These policies are contained in the IO Guide.

12.9. IG Investigation Progress Reports and SoR updates.

12.9.1. Beginning 60 days after the date of the appointment letter, and every 60 days thereafter, the IO will send reports to both the complainant (except for anonymously filed complaints) and the AA indicating what step in the investigative process the complaint has reached. Specific issues or information relating to or derived from the IG investigation will not be discussed.

12.9.2. From the time the complaint is entered into SoR the wing and region IGs will provide oversight of the process by making a case note in SoR every 30 days of the status of the complaint.

12.10. The Report of Investigation (ROI).

12.10.1. Upon completion of an IG investigation, the IG will submit written findings of the ROI to the appointing authority. The ROI must be a stand-alone document--all the essential facts, documents, portions of regulations, interviews, etc., must be included in the report so that a reviewer can arrive at a determination without reference to information outside the report.

12.10.2. The signature of a legal officer attesting that a legal sufficiency review of the ROI has been conducted must be documented in writing and will be included as an attachment to the ROI. However, a legal officer may not perform a legal sufficiency review of a report of investigation (ROI) for an investigation in which they are investigating officers.

12.10.3. The findings and conclusions section of the ROI will include a classification for each allegation. A classification (substantiated or not substantiated) for each of the allegations, is derived from the facts or lack of facts and conclusions, that support the classification. If the IG considers an unsubstantiated complaint without merit, the complaint may be submitted to the CAP/IG as potentially frivolous.

12.10.3.1. SUBSTANTIATED -- an allegation is "substantiated" when the investigation reveals "a preponderance of evidence" in support of the allegation. The findings of the IO shall be based upon preponderance of evidence.

12.10.3.2. NOT SUBSTANTIATED -- The investigation determined that the allegation did not occur, was not justified according to applicable directives, or that there was not a preponderance of evidence to support the allegation.

12.10.4. The ROI is prepared for the commander/AA and shall remain confidential, subject to the provisions of this regulation.

12.10.5. IOs will NOT make written recommendations concerning administrative, disciplinary, or other corrective actions to commanders in the ROI. IOs may make recommendations concerning systemic problems noted/encountered during the investigation.

12.10.6. Generally, the CAP command level conducting an IG investigation shall pay the costs incurred during investigations (exceptions may be agreed upon by the command levels involved). The IG or assigned IO will not personally pay for expenses related to any IG investigation.

12.10.7. After the ROI has been submitted to the AA, the IO will send notification to the complainant and the subject informing them the AA has the ROI. Once the ROI has been submitted to the AA, it is the AA's responsibility to communicate with the complainant until the case is officially closed. This includes providing the complainant with 60-day updates. These updates will be provided to the IO for inclusion in the SoR case file.

12.11. The Commander/AA and the ROI.

12.11.1. The commander/AA may accept or reject the findings of the IO, or may direct further IG investigation.

12.11.2. Upon receipt of the findings and when the AA is satisfied that the complaint has been fully investigated, the AA will provide the complainant (except for anonymously filed complaints), subject's commander (if not the AA) and the subject each with a written notification stating the classification of the allegations of the complaint.

12.11.2.1. The AA will issue the closure letter. Included in the closure letter will be "corrective action was considered and/or taken for each specification presented". Additionally, the IG, IO, or legal officer may assist with the preparation of these documents.

12.11.2.2. Upon receipt of a copy of the closure letter from the AA and entry by the IO into the CAP SoR System, the IG investigation will be officially closed.

12.11.2.3. If the commander, after consultation with the legal officer, elects to impose an administrative action against a member, the subject's commander may refer to the factual basis for the substantiated misconduct, as the justification for taking the adverse action.

12.11.2.3.1. The notification to the member of the decision and proposed action of the commander must be in accordance with the regulation under which the proposed action is taken. This notification will not be given to the IO nor included in the case file in SoR.

12.11.2.3.2. Any copies (electronic media or written) of the ROI provided to the commander/ AA must either be returned to the IO for inclusion in the case file or destroyed with a written notice of destruction given to the IO. This written notice will be included in SoR in the case file.

12.11.3. IG Investigation Review. If a complainant or subject believes that the IG investigation was improperly conducted, not valid or inadequate for some reason(s), he/she may request that the CAP/IG review the case. This review will focus on the complaint procedure and the information on which the IO based the findings.

12.11.3.1. Simply disagreeing with the findings or conclusions will not constitute sufficiency for additional IG review.

12.11.3.2. This request must occur within 60 days of receiving the closure letter from the AA.

12.11.3.3. The request for a review must be in writing, give specific reasons why the complainant or subject believes the original IG investigation was not valid or adequate, and provide additional information to justify a review on previously considered issues.

12.11.3.4. The CAP/IG may delegate an IG Investigation Review to the Region IG or another NHQ staff IG.

13. Protection of Inspector General Records.

13.1. Complaints to an IG, or complaints worked in IG channels, are confidential in nature and are CAP Confidential documents. All records, reports, and related documents provided by a complainant must be marked "COMPLAINANT PROVIDED." Having this marking on a document clarifies that the document is not the official record obtained from an office of primary responsibility but rather a document provided by the complainant.

13.2. Inspector general reports may be provided to the CAP-USAF/IG or CAP-USAF/CC at their request.

14. Disposition of Records.

14.1. Upon completion of an IG investigation, the IO shall consolidate a copy of all documentation, including handwritten notes and closure letter from the commander/AA. This shall constitute the case file. The complete case file shall be uploaded into the SoR database. Storage, protection, and disposition of such files will be in accordance with this regulation and [CAPR 10-2, Files Maintenance and Records Disposition](#) and maintained by CAP/IGQ with concurrence of CAP/GC and CAP/IGJA. Designated inspection team members may review these files for completeness during Compliance Inspections (CI), in accordance with [CAPR 20-3, Compliance Inspection Program](#).

14.2. ROI and case files are privileged information documents as stated in [section 6](#) of this regulation. Except as noted in paragraph 14.3, they will not be released (in whole or in part), reproduced or given additional dissemination (in whole or in part) outside of IG or legal officer channels without prior written approval of the CAP/IG and the CAP/CC, after consultation with the CAP/GC.

14.3. Following the completion of an IG investigation of a complaint against a [CAP senior level official](#), a copy of the final ROI will be forwarded to CAP/GC, CAP-USAF/IG and CAP/CC within 30 days. Any copies (electronic media or written) of the ROI provided must either be returned for inclusion in the case file or destroyed with a written notice of destruction given to the IG conducting the investigation.

15. Commander Directed Investigations (CDIs).

15.1. All commanders possess inherent authority to investigate matters or incidents under their jurisdiction unless preempted by a higher authority. The primary purpose of a CDI is to gather, analyze, and record relevant information about matters of primary interest to command authorities. There is a CDI Guide available for commanders to use as a resource.

15.2. Commanders will not:

15.2.1. Cite this regulation as authority to conduct CDIs.

15.2.2. Investigate allegations of reprisal, restriction or Fraud, Waste, and Abuse. Commanders will refer such allegations to the IG at the appropriate command level for investigation.

15.2.3. Appoint IGs or IG staff members as inquiry or investigating officers for CDIs.

15.2.4. Conduct any investigation into allegations against CAP senior level officials.

MARK E. SMITH
Major General, CAP
Commander

ATTACHMENT 1 - COMPLIANCE ELEMENTS

Type	#	Topic/Detailed Question	How to Verify Compliance	Discrepancy Write-Up	How to Clear
CI	4	Are SoR case files maintained IAW this regulation? SoR CASE FILE: Sample Check for inclusion and quality (based on sampling) for the following documents in SoR FILE SAMPLED, NOTE: all sub steps required for each file for overall YES	A sample of SoR cases will be reviewed and compared against the Complaint Resolution Quality Control Checklist (CRQCC)	All) (Discrepancy): [xx] (E3 Question 4) Wing SoR case files are not maintained IAW (specific paragraphs below)	All) Attach a plan of action, approved by Wing/CC, to prevent reoccurrence to the discrepancy in the Discrepancy Tracking System (DTS).
		a) Were the templates used and documents in the case file verified by the CRQCC?		CAPR 20-2, para 5	
		b) Does each case contain the original complaint? (Y/N)		CAPR 20-2, para 11.1	
		c) Does each case contain a CAPF 20 (unless anonymous)? (Y/N)		CAPR 20-2, para 11.2.2	
		d) Was the complaint acknowledgement sent or noted in case notes in SoR. (Y/N)		CAPR 20-2, para 12.1.	
		e) Was a complaint clarification interview conducted? (Y/N)		CAPR 20-2, para 12.2	
		f) Does the file contain a written complaint analysis? (Y/N)		CAPR 20-2, para 12.3.	
		g) Is there documentation confirming destruction of any copies of the CA provided to Commander/AA? (Y/N)		CAPR 20-2, para 12.3.2	

Type	#	Topic/Detailed Question	How to Verify Compliance	Discrepancy Write-Up	How to Clear
		h) If the case was closed at the complaint analysis stage, is there a case closure letter? (Y/N)		CAPR 20-2, para 12.3.3	
		i) If an investigation, was the IO qualified? (Y/N)		CAPR 20-1, para 12.5	
		j) If an investigation, was there a proper Appointment Letter? (Y/N)		CAPR 20-2, para 12.5.	
		k) Is there documentation showing no conflict of interest? (Y/N)		CAPR 20-2, para 12.7.	
		l) If an investigation, was there a report of investigation? (Y/N)		CAPR 20-2, para 12.10.1	
		m) If an investigation, was there a signed statement by the Legal Officer? (Y/N)		CAPR 20-2, para 12.10.2	
		n) Once the ROI has been submitted has the commander documented communication with complainant until case closed? (Y/N)		CAPR 20-2, para 12.10.7	
		o) Did the file contain a closure letter from the commander/AA? (Y/N)		CAPR 20-2, para 12.11.2.1.	
		p) Is there documentation confirming destruction of any copies provided to the commander/AA? (Y/N)		CAPR 20-2, para 12.11.2.3.2.	

ATTACHMENT 2 - GLOSSARY

GLOSSARY OF TERMS USED FOR COMPLAINT RESOLUTION

1. Abuse. The intentional, wrongful, or improper use of CAP resources such as the misuse of rank, position or authority that causes the loss or misuse of resources such as tools, vehicles, computers, copy machines, etc.
2. Abuse of Authority. A capricious exercise of power by a CAP member that adversely affects the privileges of membership and results in personal gain or advantage to himself or herself.
3. Acid Test. A test that an investigating officer uses to determine if reprisal, abuse of authority or a frivolous complaint/allegation has occurred.
4. Adverse Information. Information that constitutes:
 - 4.1. A violation of CAP directives, instructions, policies, law, other agency directives, instructions, polices that are applicable to CAP.
 - 4.2. An abuse of authority, especially when an element of personal benefit accrues to the official, a family member or an associate.
 - 4.3. Fraud, waste and abuse or mismanagement governed by the applicable directives.
 - 4.4. A matter not included above which may reflect adversely on the individual's judgment.
5. Allegation. A postulated assertion (assumed without proof) framed by an inspector general or investigating officer concerning an individual or a detrimental condition. An allegation is a hypothetical statement containing four elements, all of which must be proved by a preponderance of evidence to be true for the allegation to be substantiated. A properly framed allegation will contain the following elements:
 - 5.1. When, (in what time frame did the improper conduct or behavior occur),
 - 5.2. Who, (a person, identified by as much information necessary to uniquely identify),
 - 5.3. What was improperly done, (the specific behavior or conduct that was improper and represents the adverse information),
 - 5.4. What standard, law, or regulation was violated?
 - 5.5. A properly framed allegation is constructed as follows: When (on or about 10 January 2012), Who, (Major John A. Smith, XX Sq/CC) did what, (verbally hazed cadet William Tell), in violation of what standard (in violation of CAPR 60-2 para 2.2)
6. Appointing Authority. Commanders (wing and above) have the authority to write an appointment letter to indemnify IGs for investigations in the IG channel and approve reports of investigations directed under their authority. A commander will not be the AA for an investigation he/she is the subject of. IGs can appoint investigating officers (IOs) as needed, provided that the authority is granted in the official appointment letter.

7. Assertion. A declaration, maintaining a charge is true.
8. Assist. An IG assist is the process of making phone calls, asking questions, or soliciting helpful information from appropriate offices or agencies or putting complainants in touch with people, offices or agencies that can address their concerns. Assistance is used when there is no evidence or assertion of personal wrongdoing by a CAP member. Assistance is the IG giving aid or support to quickly resolve a member's real or perceived problem. Once the assist is complete, the case will be closed in SoR and noted as an assist.
9. Assistant Inspector General (IGA). A CAP member who has been appointed by the wing or region IG, with concurrence of their respective commander, as an IGA. IGA's must have completed the Introduction to Inspections, The Inspection Augmentee Qualification (IAQ), and Investigating Officer (IO) courses and be enrolled in the IG Specialty Track.
10. Authentication. The process of having a document (correspondence, personal notes, computer records, etc.) verified as genuine.
11. Cadet Protection Issue. See [CAPR 60-2, CAP Cadet Protection](#).
12. CAP Directive. As used in this program, directive means any CAP regulation, or Supplements to CAP regulations or operating instructions (OI).
13. CAP Member. See [CAPR 39-2, Civil Air Patrol Membership](#).
14. CAP Senior Level Official. CAP members in the grade of CAP colonel and above (temporary or permanent), other agents/representatives as appointed under Article XII, and CAP appointed members of the Board of Governors.
15. Capricious. Given to sudden and unaccountable changes of mood or behavior.
16. Case File. A compilation of documents relevant to an inspector general complaint that are gathered/prepared during Complaints Resolution, such as the complaint and complainant provided documents.
17. Closed. A case that results in an IG investigation will be considered closed after all required reviews and approvals are completed, the subject's commander or subject, as appropriate, is notified of the results and the complainant receives a final response, and a copy of the closure letter is received by the IO and entered in SoR.
18. Commander Directed Investigation (CDI). An inquiry initiated by a commander in accordance with a commander's inherent authority to investigate matters or incidents under his/her jurisdiction, unless preempted by a higher authority. The conduct of CDIs does not fall under the authority of the Inspector General.
19. Complainant. One who identifies a possible violation of a CAP directive, violation of law, misconduct, or FWA and brings it to the attention of the IG or a person in a position of leadership or authority.
20. Complaint. A formal assertion concerning a wrong; or violation of law, regulation, or rule; or report of conditions detrimental to the operation, mission, or reputation of CAP.
21. Complaint Analysis (CA). A preliminary review of assertions and evidence to determine the potential validity and relevance of the assertion to CAP and to determine what action, if any, in IG, supervisory or

other channels is necessary. A CA results in a formal decision document for the appointing authority. The CA decision document is used to record the rationale for the selected complaint resolution strategy.

22. Complaint Clarification. The process of interviewing the complainant to ensure the intent of the complaint is verified.

23. Complaint Resolution. The procedure followed to describe actions required to resolve a complaint from receipt through closure.

24. Conflict of Interest. A situation in which a person has a private, personal, or financial interest in the outcome of an event, including an investigation pertaining to CAP activities, such that it would influence in any way the objective exercise of his/her judgment to be other than impartial, independent, professional and without bias.

25. Contact. A member reaching out to an IG in the form of a complaint/disclosure (written or oral).

26. Discrimination. See [CAPR 36-1, Civil Air Patrol Nondiscrimination Program](#).

27. Dismiss. A complaint is dismissed if a thorough complaint analysis determines the allegations did not violate CAP directives.

28. Employee. A person who is a paid employee of CAP.

29. Evidence. Information or data upon which a conclusion or judgment may be based. Evidence is simply information that tends to prove the existence of a fact.

30. Fact. Facts are not conclusions, but rather information or data that have actual existence or occurrence.

31. Fraud. Any intentional deception for inducing CAP action, inaction, or reliance on that deception; depriving CAP of something of value; or securing from CAP a benefit, privilege, or consideration to which the member is not entitled. Such practices include, but are not limited to:

31.1. The offer, payment or acceptance of bribes or gratuities, or evading or corrupting inspectors or other members.

31.2. Making false statements, submitting false claims, or using false weights or measures.

31.3. Deceit, either by suppressing the truth or misrepresenting material facts, or to deprive CAP of something of value.

31.4. Adulterating or substituting materials, falsifying records and books of accounts.

31.5. Use of CAP credit cards for personal benefit.

31.6. Conspiring to carry out any of the above actions.

32. Frivolous Complaints and/or Allegations. Any allegations contained in a signed complaint filed in the IG channel or on a CAPF 20 which is:

32.1. Filed in a negligent manner without basis in fact of a violation of CAP directives or law;

32.2. Determined to have been brought forward in bad faith to cause harm, harass, annoy or embarrass a member, or to disrupt the missions of CAP. Harm includes, but is not limited to, maliciously attacking a member's reputation, publicly posting harmful or false information, or making false claims about or against a member or the organization;

32.3. Groundless, or false (see [item 33](#));

32.4. Determined to be created to detract from a directives violation committed by the complainant;

32.5. Repeated submission of an allegation to CAP that was previously presented and closed as dismissed, invalid, or unsubstantiated;

32.6. The filing of multiple complaints by the same member that are dismissed or unsubstantiated. These complaints need not be regarding the same incident or issue.

33. Groundless, or False. As applied to frivolous complaints/allegations:

33.1. A complaint with statements that appear to be intentionally incomplete, unclear, unsupported, unjustified, or irrational.

33.2. A complaint that contains intentionally false statements or allegations.

34. Hostile Environment. Exists when one's behavior within a unit creates an atmosphere in which it is difficult or uncomfortable for other people to accomplish CAP's missions. A threatening atmosphere includes, but is not limited to, repeated emotional and/or physical abuse, hazing, stalking, bullying, and offensive language.

35. Impartiality. A principle holding that decisions should be based on objective criteria, rather than based on bias, prejudice or preferring the benefit to one person over another for improper reasons.

36. Improper Conduct. Conduct (acts or omissions) found to violate an identifiable directive, instruction, policy, regulation, rule, statute or other standard applicable to CAP, without regard to knowledge, motive, or intent.

37. Inspector General (IG). A CAP member who is appointed by the National Commander to the position of Civil Air Patrol Inspector General (CAP/IG) or who has been appointed to the position of region or wing inspector general by his/her respective region or wing commander. The appointed member must have fulfilled the requirements for the respective echelon he/she is being appointed to.

38. Investigating Officer (IO). An officer or NCO, assigned in writing by an AA to perform a specific IG investigation or to assist in an investigation. An IO must have at least completed the IO portion under IG courses in the Learning Management System (LMS).

39. Investigation. A duly authorized, systematic, detailed examination to uncover the facts and determine the truth of a matter.

40. Legal Sufficiency Review. A review of an ROI by a CAP legal officer, before the ROI is transmitted to the appointing authority, to ensure by a preponderance of evidence that there is factual and regulatory support for the findings of substantiated or not substantiated of the allegations of a complaint.

41. Member of Congress. A United States Senator or Representative, or any member of their staff.

42. Misconduct: Improper conduct (acts or omissions) undertaken:

42.1. With the knowledge that the conduct violates a standard (an identifiable directive, instruction, policy, regulation, rule, statute or other standard without regard to knowledge, motive or intent) or willful disregard for that possibility, or

42.2. For the intention of harming another or willful disregard of that possibility, or

42.3. For the purpose of personal profit, advantage or gain.

43. Mismanagement. The management of resources or programs within one's assigned responsibilities in such a manner as to create or perpetuate waste or abuse, or to contribute to acts of fraud.

44. Ombudsman. An official appointed to receive and investigate complaints made by individuals against other members regarding abuses or capricious acts; investigates reported complaints, reports findings and helps to achieve equitable resolution of complaints.

45. Personnel Action. Any administrative action taken which changes a member's status within CAP or that affects or has the potential to affect that member's CAP position or career.

46. Preponderance of Evidence. The standard of proof for IG investigations. The preponderance standard means: When it is more likely than not that events have occurred as alleged, there is a preponderance of the evidence and the IO may consider the events proven.

47. Priority Investigation. An investigation directly involving cadet protection issues, Whistleblower Complaint, loss of life or CAP tangible assets. These investigations are critical and will take precedence over all other pending investigations.

48. Protected Communication. Any lawful communication to a Member of Congress (or their staff), a Department of Defense Inspector General, a CAP Inspector General (national, region or wing) or CAP General Counsel. Those communications that are willfully false or made publicly with the ostensible purpose of harassment, intent to cause harm, annoy, embarrass, or disrupt the missions of Civil Air Patrol do not meet the definition of a Protected Communication.

49. Read-In Document or Attestation. An initial document setting out the expectations of truthfulness and confidentiality by those individuals giving evidence in an investigation which is signed by the individual. If it is not signed, the investigation continues, and a note is made in SoR.

50. Referral. A referral is a complaint that is determined to be more appropriately handled by an organization or agency outside the CAP IG program. Refer to command, safety, operations or law enforcement are examples and not an all-inclusive list.

51. Report of Investigation (ROI). An ROI is the final report written by the respective IG or the assigned IO outlining the findings and conclusions of the investigation.

52. Reprisal. Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action on a CAP member for making or preparing to make a protected communication. Reprisal may also be known as retaliation or retribution.

53. Restriction. Preventing or attempting to prevent members of Civil Air Patrol from making or preparing to make a protected communication.

54. Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to the conduct:

54.1. Is made a term or condition of membership in CAP or membership privileges/benefits;

54.2. Is a basis for decisions affecting CAP membership and or membership privileges/benefits;

54.3. Creates an intimidating, hostile or offensive volunteer work environment; or

54.4. Has the purpose/effect of unreasonably interfering with an individual's volunteer work.

55. Subject. A person who is asserted or alleged to have committed a violation of a CAP directive, a violation of law or misconduct.

56. System of Record (SoR). An online database that is the primary CAP inspector general tool for the capture of IG investigative and administrative activity CAP-wide.

57. Transfer. A complaint is transferred when the IG receiving the complaint determines a CAP IG other than the one receiving the complaint should resolve it.

58. Waste. The extravagant, careless, or needless expenditure of CAP funds or consumption of CAP resources that results from deficient practices, system controls or decisions.

59. Whistleblower Complaint. A complaint by a CAP member or parent or legal guardian of a cadet member, alleging reprisal for making or preparing to make a protected communication or who exposes any fraud, waste, mismanagement, deficiency, cadet protection issue, abuse of authority or discrimination.

60. Witness. A person who provides statements and information during an investigation.