Civil Air Patrol Governance

Student Guide

The E&T program uses the flipped classroom format where students read the material before class and come prepared to discuss the topics. All students are required to come prepared to participate, which includes completing the reading and all assignments in advance.

Work submitted for this assignment should reflect your own knowledge, analysis, and effort. AI tools may be used to support research, brainstorming, and editing, but should not replace your original work. Any AI-generated content included in the submission should be appropriately acknowledged in accordance with course requirements and the Volunteer University Academic Integrity Standards.

Lesson Objective: As the United States Air Force (USAF) civilian auxiliary and a nonprofit corporation, Civil Air Patrol (CAP) faces high expectations for public trust. Executive-level leaders need to understand how the organization's governance structure functions.

Desired Learning Objectives (DLO):

1. Explain the roles, responsibilities, and selection process of the Board of Governors (BoG), including their roles in selecting CAP leadership and providing oversight.
2. Discuss the membership and functions of the CAP Senior Advisory Group (CSAG) and the CAP Command Council.
3. Discuss the roles and responsibilities of corporate officers and identify the corporate officers in CAP.
4. Explain the role of the Membership Action Review Panel (MARP).
5. Explain how the Constitution and Bylaws can be changed.

Suggested Time to Complete Module (reading, discussions, and assignments):
Synchronous onsite/ViR classes: 105-120 minutes
Asynchronous online: 90-105 minutes

Required Reading:

- Student Guide
- 10 U.S.C. §9497 - available at 10 USC 9497: Board of Governors
- 10 U.S.C. §9498 - available at 10 USC 9498: Regulations

- 36 U.S.C. §40302 - available at 36 USC 40302: Purposes
- CAP Constitution & Bylaws (skim) - available at https://www.gocivilairpatrol.com/about/governance/guidance
- CAPR 30-1, Organization of Civil Air Patrol, paragraphs 1-3
- CAPR 35-8, Membership Action Review Panel
- CAPR 35-9, Board of Governors and Region and Wing Region Commander Selection Procedure

Introduction

Civil Air Patrol (CAP) is a large and complex organization. CAP is a nonprofit corporation and can also be the civilian auxiliary of the United States Air Force when conducting certain operations. Each CAP program is led by an office of primary responsibility (OPR). OPRs are often, but not always, employees of the corporation. Some OPRs, like the Chief of Chaplains, are volunteers. Volunteers and employees work side by side to accomplish the work of Civil Air Patrol as One Team. Volunteer commanders also lead at the organization's flight, squadron, group, wing, and region levels. The National Commander/Chief Executive Officer (CEO) leads both the volunteers and employees. Civil Air Patrol has a Board of Governors that provides oversight, along with other groups that perform essential organizational functions.

1. Explain the roles, responsibilities, and selection process of the Board of Governors (BoG), including their roles in selecting CAP leadership and providing oversight.

Congress, the Air Force, and the Board of Governors

10 U.S.C §9497 defines the BoG as the governing body of CAP, establishes the composition of the BoG, prescribes the selection of the chair and vice chair, sets terms of office, and defines the powers and limitations of the body. The BoG has the authority to change only CAP's Constitution and Bylaws. It can also direct the National Commander to change regulations that govern CAP. The BoG cannot affect law or Air Force Instructions.

Until 1995, CAP was an organization, albeit a nonprofit, residing within the Department of the Air Force. Its employees included military and civil servants, along with today's volunteer structure. In FY96, CAP separated from the Air Force organizational structure, and civil servants could remain in government service or transition to civilian employment. In the mid-to-late 1990s, CAP underwent several audits and investigations that identified many deficiencies. As a result, in 2000, Congress established the Board of Governors to oversee and direct the corporation's affairs.

Because the BoG governs CAP, only a few documents reference it; however, these documents provide significant guidance. The first is CAP's Constitution and Bylaws.

The second is Air Force Instruction (AFI) 10-2701, which describes the overall program as permitted by law, lists who within the Air Force has responsibilities and authorities, and defines the relationship between the Air Force and CAP. The third document is AFI 10-2702, the Air Force's summary of the BoG, which mostly gathers language from 10 U.S.C. §9497 and CAP's Constitution and Bylaws. Finally, Congress added 10 U.S.C. §9498, requiring the Secretary of the Air Force (SECAF) to "prescribe regulations for the administration of this chapter." Some might question how the Federal government (e.g., Air Force) can tell a private, nonprofit corporation what to do. This statute authorizes SECAF to issue such regulations. Furthermore, there are certain authorities the Air Force (via CAP-USAF/CC as the program manager) has over CAP as a federal grant recipient.

The BoG is responsible for the operation of CAP as a federally chartered nonprofit organization and shall govern, direct, and manage the corporation's affairs. This can be noted in three taskings. The BoG reviews and determines long-range plans and programs for CAP; directs improvements in CAP programs, financial positions, legislative relations (consistent with law), asset allocations, and membership development, among other things; and serves as a pool of expert advisors, either individually or in groups, to various CAP activities. Among their responsibilities, the BoG is responsible for key personnel actions:

- Selecting, retaining, and removing the CAP National Commander (CAP/CC) and Chief Operating Officer (COO)
- Confirming the selection of and removing the CAP National Deputy Commander (CAP/CD)
- Overseeing the Inspector General (IG) program; approving the selection of and removing CAP/IG
- Approving the selection of and removal of the Chief Financial Officer (CFO) and General Counsel (GC)
- Removing *CAP*-selected at-large members and coordinating the removal of appointed BoG members
- Overseeing and confirming Membership Action Review Panel members
- Making discretionary appointments of other agents and representatives of the corporation
- Selecting Governors Emeriti

The BoG is also responsible for establishing policy and amending CAP's Constitution and Bylaws. The BoG inquires into any aspects of the CAP volunteer and corporate activities, as it sees fit, as authorized under public law. The BoG reports regularly, and not less than annually, to the SECAF on the status of CAP as the Air Force auxiliary.

The BoG is also responsible for appointing standing committees as required to perform the statutory and regulatory requirements of their responsibilities.

The BoG may create one or more committees of the Board of Governors and appoint members of the BoG to serve on them. Each committee shall have two or more members who serve at the pleasure of the Board of Governors. The creation of a committee and appointment of members to it must be approved by a majority of all the members in office when the action is taken.

The BoG also carries out any powers granted to the corporation by law, including:

- Adopt/amend a constitution, bylaws, and regulations
- Adopt/alter a corporate seal
- Establish/maintain offices in Washington, DC, and U.S. states, territories, and possessions to conduct its affairs
- Acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation
- Sue and be sued
- Perform any other act necessary and proper to carry out the purposes of the corporation

The main missions of CAP are codified in 36 U.S.C. §40302. From this document, we derive our three missions: Aerospace Education (AE), Cadet Programs (CP), and Emergency Services (ES). CAP does the following:

- Encourage and aid U.S. citizens in contributing their efforts, services, and resources in developing aviation and in maintaining air supremacy (AE)
- Encourage and develop by example the voluntary contribution of private citizens to the public welfare (All)
- Provide aviation education and training, especially to its senior and cadet members (AE & CP)
- Encourage and foster civil aviation in local communities (AE)
- Provide an organization of private citizens with adequate facilities to assist in meeting local and national emergencies (ES)
- Assist the Department of the Air Force in fulfilling its noncombat programs and missions (All)

Limitations of the Board of Governors

- Neither the BoG nor any other component of CAP may modify or terminate any requirement or authority outlined in 10 U.S.C. §9497.

- The BoG has no authority to establish or exercise authority over any Air Force policy, mission, or activity.
- BoG members may not vote by proxy.

Members of the Board of Governors

CAP has several levels of governance and different groups that provide leadership. The BoG consists of eleven members. The Board appoints these eleven members in three categories, and they serve three-year terms. A member of the Board of Governors may be invited to extend the member's current appointment by a period of not less than one year and not to exceed three years.

- The first category is Air Force appointees. The Secretary of the Air Force (SECAF) appoints these four members, usually retired Air Force officers.
- The second category is Interested Organizations. These three members are appointed jointly by the SECAF and the CAP/CC.
- The third category of appointees is CAP Members at Large, with four members appointed to serve in this position.
    - These are CAP members in good standing in the grade of major or above, or chief master sergeant.
    - Members must have earned the Paul E. Garber Award and served five years in CAP to be eligible.
    - Each interested member seeking a position on the BoG must self-nominate and be selected by the CAP Senior Advisory Group (CSAG), as outlined in CAPR 35-9.
    - Members at Large must meet some restrictions to be appointed and remain on the BoG. They may not hold any other concurrent positions as:
        - A commander, deputy commander, chief of staff, or command chief at national, region, or wing level or the National Executive Officer;*
        - A member of the National Commander's staff;
        - A corporate employee; or
        - A former National Commander with less than six years since the conclusion of their term.

        ** Vice changed to deputy at all levels on 7 Oct 2024, by Interim Change Letter (ICL) 24-07 to CAPR 30-1. In this context, command chief is used as a general term to include any Senior Enlisted Leader (SEL) at the national, region, or wing level.*

Board of Governors Leadership

A chair and a vice chair lead the BoG. The chair and vice chair positions for the BoG rotate on two-year terms between Air Force-appointed members and CAP Members at Large. If the chair is Air Force appointed, the vice chair will be a CAP Member at Large. In the next cycle, the roles will switch.

The BoG also appoints standing committees to carry out its statutory and regulatory responsibilities. The BoG has several standing committees on which members serve, including the Personnel Committee, the Governance Committee, and the Audit Committee. The BoG may create one or more committees of the Board of Governors and appoint members of the BoG to serve on them. Each committee shall have two or more members who serve at the pleasure of the Board of Governors. The creation of a committee and appointment of members to it must be approved by a majority of all the members in office when the action is taken.

Review a few of the more recent BoG meeting minutes, available in eServices under Resources>National Agenda/Meeting Minutes. What are some of the topics they discussed? What in the agenda/minutes surprised you? Consider how the BoG discussions impact CAP and your current and future roles.

2. Discuss the membership and functions of the CAP Senior Advisory Group (CSAG) and the CAP Command Council.

The CAP Senior Advisory Group

The Civil Air Patrol Senior Advisory Group (CSAG) consists of the National Commander, National Deputy Commander, National Executive Officer, and eight Region Commanders. The COO and the Commander, CAP-USAF, serve as non-voting members. The National Commander may also appoint other advisors as non-voting members.

This group recommends policy to the National Commander, carries out such additional duties as may be delegated by the Board of Governors, proposes amendments to the Constitution and Bylaws to the BoG, receives applications for and selects the Member at Large positions of the BoG (per Article IX of the Constitution), approves life memberships, approves Bronze and Silver Medals of Valor, and approves Hall of Honor nominees. It also sets, increases, and lowers national dues for all membership categories. The CSAG usually meets in person twice each year and virtually as needed. The CSAG often works in small teams with staff members on projects. The CSAG is mainly strategic, but region commanders also have some operational duties.

Review a few of the more recent CSAG meeting minutes, available in eServices under Resources>National Agenda/Meeting Minutes. What are some of the topics they

discussed? What in the agenda/minutes surprised you? Think about how the CSAG discussions impact CAP and your current and future roles.

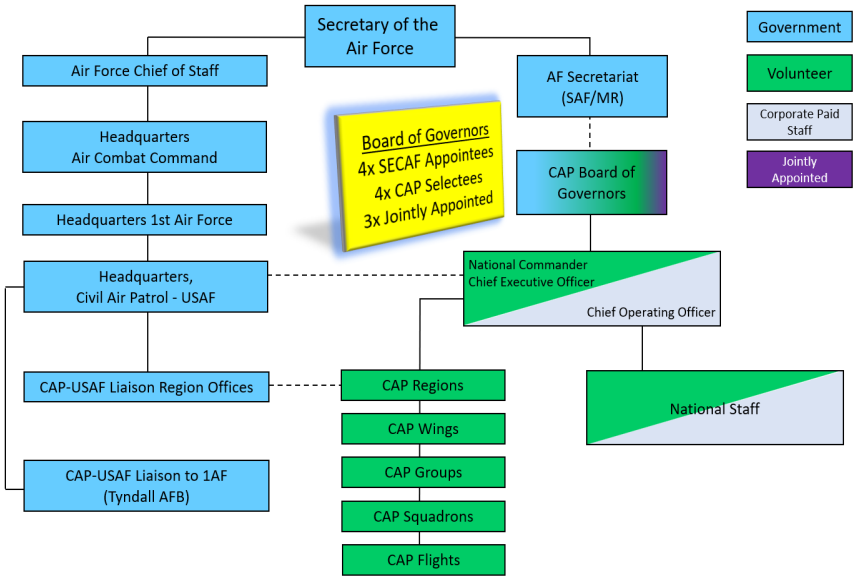


Figure 1: The CAP Senior Advisory Group

The Command Council

The Command Council advises the National Commander and focuses on operational issues related to our missions. The Command Council consists of all 52 wing commanders, the eight region commanders, the National Executive Officer, the National Deputy Commander, and the National Commander. The Command Council generally meets in person twice each year. These meetings usually occur with the National Conference and National Legislative Day. Members of the Command Council are often included in small teams and working groups.

3. Discuss the roles and responsibilities of corporate officers and identify the corporate officers in CAP.

Corporate officers are positions designated in the Bylaws with authority to obligate the Corporation (i.e., CAP). These staff members can sign contracts and agreements on behalf of CAP. Like many organizations, CAP has a short list of corporate officers, which are identified in the CAP Constitution and Bylaws.

The Corporate Officers and how they are selected are:

- National Commander/Chief Executive Officer - selected by the Board of Governors,

- National Deputy Commander - selected by the National Commander/confirmed by the BoG,
- Chief Operating Officer - selected by the BoG,
- Chief Financial Officer - selected by the COO/approved by the BoG,
- General Counsel - selected by the COO/approved by the BoG.

4. Explain the Role of the Membership Action Review Panel (MARP).

Members who have been subject to a final adverse membership action and have exhausted all administrative remedies within CAP shall have a right to appeal the action to the Membership Action Review Panel (MARP). Members can appeal to the MARP in limited circumstances. This may be for cases where members are removed from command of a region or wing, are demoted, have their membership suspended for more than 60 days due to regulatory infractions or misconduct not giving rise to a criminal investigation or criminal charges or proceedings, or have their membership terminated. CAPR 35-8 is the regulation that governs the MARP.

The MARP is often chaired by the Chief of the CAP Legal Officer Corps, who is a volunteer. The chair is a non-voting member of the MARP. Membership consists of eight voting members, one from each region. Membership is limited to those serving in the grade of colonel or higher and not currently serving as a commander or deputy commander at any level. Each region commander will nominate a slate of candidates for the MARP. The National Commander will select one candidate from each region, and the BoG will confirm them. MARP members serve a four-year term, with terms staggered. Members are not eligible for reappointment. Members will not hear appeals from their region and will withdraw from the case if there is a conflict of interest.

A copy of the final MARP decision is sent to each commander in the member's chain of command. Additionally, the Chief of the CAP Legal Officer Corps is required to annually publish a written summary report of all final decisions and make it available to the membership. This report is available in the eServices main menu under Personnel >Other Resources >Membership Action Review Panel. Cases settled before the MARP renders a decision shall not be published.

Review these cases and identify some reasons the MARP decided not to hear an appeal or overturned a personnel action. How can this information help you as a supervisor or commander?

5. Explain how the Constitution and Bylaws can be changed.

Amendments to the Constitution and Bylaws will be in compliance with Article XIX of the Civil Air Patrol Constitution. The Constitution or Bylaws may be amended at any time by the approval of a majority of the members of the BoG at a duly constituted meeting. The BoG or the CSAG may initiate amendment proposals. These initiatives shall be routed through the Constitution and Bylaws Committee before being routed back to the BoG for final approval or disapproval.

The Constitution and Bylaws Committee is outlined in the CAP Bylaws Section 18. Voting members are the Chief, CAP Legal Officer Corps, and two additional members appointed by the National Commander. Non-voting members are the General Counsel as Chairman and the CAP Chief of Personnel and Member Actions. Their responsibility is to review and make recommendations to the Board of Governors concerning any changes to the Constitution or Bylaws referred to it by the BoG, CSAG, any member of the BoG, any member of the CSAG, or the Chief Operating Officer.

Assignment:

Review paragraph 6 in CAPR 35-9 for the requirements and process for selection of the Member at Large positions on the BoG. Identify three actions, duty positions, and/or activities that would help you to be competitive for this appointment at a time in the future that you choose (5, 10, 20 years?).

Write a plan to accomplish these items on a timeline that you determine.

Instructions for Synchronous Onsite/ViR Classes

Submit your plan to your instructor for evaluation and feedback.

Instructions for Asynchronous Online Students

1. Upload your BoG assignment to Absorb for an instructor to evaluate and provide feedback.
2. Answer the following review questions in a separate document and upload for grading:
    a. Who selects CAP's leadership? What positions are included?
    b. Who selects members of the BoG? How many are in each category?
        i. From your review of the BoG minutes, what are some of the topics on the agenda?
        ii. What in the agenda/minutes surprised you?
        iii. How do the BoG discussions impact CAP and your current and future roles?

c. Who are the members of the CSAG? What is the role of this body?
    i. From your review of the CSAG minutes, what are some of the topics on the agenda?
    ii. What in the agenda/minutes surprised you?
    iii. How do the CSAG discussions impact CAP and your current and future roles?
d. Who are the members of the Command Council? What is the role of this body?
e. What positions within CAP are considered corporate officers? What is their unique role?
f. What is the role of the MARP?
    i. What are the conditions under which a member can appeal to the MARP?
    ii. What are some reasons a member can appeal to the MARP?
    iii. What are some reasons the MARP voted not to hear an appeal?
    iv. What are some of the reasons the MARP overturned a personnel action?
    v. How does this information help you as a commander or supervisor?
g. From the list of the groups in this module, select a group that you would be interested in serving sometime in the future.
    i. In which of these groups are you interested in serving?
    ii. What about this group interests you?
    iii. What qualifications or experience can you bring to the group, if you were a member?
    iv. What experiences can you pursue to prepare for the future?

Aim Higher! (optional activities)

- Expand your plan to include any additional items to help you prepare for this role. Or develop a plan to prepare yourself for command at a higher level. Share this plan with your mentor and execute the plan.
- Participate in a Volunteer University continuing education seminar on preparing for wing command or applying for the Board of Governors.

- Complete the Region Command Course.
- Visit a BoG, CSAG, or Command Council meeting to observe. These meetings rotate around the country, so they may be available near you. For example, the spring BoG meeting is usually attached to a wing conference. The summer Command Council is usually held the day before the National Conference. CSAG meetings are usually limited to invited guests, so check with your region commander. Some or parts of these meetings may be closed sessions.

Lesson Summary and Closure

Civil Air Patrol has several vital groups that contribute to the organization's leadership. These groups include the BoG, corporate officers, the CSAG, the Command Council, and the MARP. Each group helps lead and govern the organization in accordance with the Civil Air Patrol Constitution and Bylaws. CAP's governance has evolved to help the organization prosper and grow as a trusted nonprofit.

Acronyms and Abbreviations Used in this Document

- AE: Aerospace Education
- AFI: Air Force Instruction
- BoG: Board of Governors
- CAP: Civil Air Patrol
- CAP/CC: Civil Air Patrol National Commander
- CAP/CD: Civil Air Patrol National Deputy Commander
- CAP-USAF/CC: Civil Air Patrol-United States Air Force Commander
- CAPR: Civil Air Patrol Regulation
- CEO: Chief Executive Officer
- CFO: Chief Financial Officer
- COO: Chief Operating Officer
- CP: Cadet Programs
- CSAG: CAP Senior Advisory Group
- DLO: Desired Learning Objective
- ES: Emergency Services
- GC: General Counsel

- ICL: Interim Change Letter
- IG: Inspector General
- MARP: Membership Action Review Panel
- OPR: Office of Primary Responsibility
- SECAF: Secretary of the Air Force
- SEL: Senior Enlisted Leader
- USAF: United States Air Force
- U.S.C.: United States Code
- ViR: Virtual In-Residence