



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

ICL 23-03
25 September 2023

MEMORANDUM FOR ALL CAP UNIT COMMANDERS

FROM: CAP/CC

SUBJECT: Interim Change Letter – CAPR 20-2 (30 November 2020), *Complaint Resolution*

1. This interim change letter immediately changes CAPR 20-2, *Complaint Resolution*, and will remain in effect until CAPR 20-2 is revised. Compliance with this letter is mandatory.

2. CAPR 20-2, Section 6, *Whistleblower Protection*, is replaced with the following:

6.1 Whistleblower protection is applicable to all CAP members and serves to protect against reprisal or abuse of authority toward members who disclose information they reasonably believe to be evidence of gross mismanagement, gross waste of funds, abuse of authority, a violation of law, rule, or regulation related to the Grant/Cooperative Agreement Award, or a substantial and specific danger to public health or safety to any of the persons or bodies listed below:

6.1.1 A Member of Congress or a representative of a committee of Congress

6.1.2 An Inspector General (i.e., DoD, AF, CAP-USAF)

6.1.3 The Government Accountability Office (GAO)

6.1.4 An employee of the Department of Defense (DoD) responsible for grant oversight or management (i.e., the Air Force Program Office (CAP-USAF) or the Grants Officer)

6.1.5 An authorized official of the Department of Justice or other law enforcement agency

6.1.6 A court or grand jury

6.1.7 A management official or other employee of CAP who has the responsibility to investigate, discover, or address misconduct

6.2 The following paragraphs apply to protected communication (PC) with any of the persons or bodies listed under 6.1.

6.2.1 Restriction – No person shall restrict or threaten to restrict a member of CAP from making a PC.

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

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

6.2.4 A Whistleblower complaint is handled as a special case investigation separate from any other related investigation(s). Adverse Member Action appeals, related to the Whistleblower Complaint, cannot be made to the Membership Action Review Panel (MARF) until the NCRO has resolved the complaint.

3. CAPR 20-2, Attachment 2, *Glossary*, adds new definitions at 30 and 31, Gross Mismanagement and Gross Waste of Funds, respectively. Remaining definitions are renumbered starting at 32.

30. Gross Mismanagement. A management action or inaction that creates a substantial risk of significant adverse impact on CAP's ability to accomplish its mission. The matter must be significant and more than simple wrongdoing or negligence. It does not include management decisions that are merely debatable among reasonable people.

31. Gross Waste of Funds. An expenditure that is significantly out of proportion to the benefit reasonably expected to accrue to Civil Air Patrol or the government (i.e., reasonableness).

4. This change ensures compliance with the Grant/Cooperative Agreement Award regarding CAP's Whistleblower Protection policy. For comments or questions regarding this Interim Change Letter, contact CAP/IG at ig@capnhq.gov.



EDWARD D. PHELKA
Major General, CAP
CEO National Commander



NATIONAL HEADQUARTERS CIVIL AIR PATROL

CAPR 20-2

30 NOVEMBER 2020

Inspector General

COMPLAINT RESOLUTION

This regulation implements policies, procedures, and directives established by CAP-USAF and the Board of Governors (BoG), related to Civil Air Patrol (CAP) Complaint Resolution (CR). It includes procedures for submitting complaints against CAP members acting in their volunteer capacity and against the corporate entity. This program is managed by the CAP Inspector General (CAP/IG).

SUMMARY OF CHANGES. This document replaces CAPR 20-2, *Complaint Resolution*. This regulation has been extensively revised and needs to be reviewed in its entirety.

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1. **Overview.** CAP CR process is designed to provide procedures that expose and identify fraud, waste, abuse, (FWA) mismanagement and deficiency, cadet protection issues, abuse of authority, reprisal against a member for making a protected communication (PC), and restriction of a member from making a PC. The purpose of the CAP CR is to establish an independent, impartial, and objective procedure to:

- 1.1. Effectively communicate to the commander issues regarding systematic, programmatic, or procedural weaknesses.
- 1.2. Offer suggestions to ensure resources are used effectively and efficiently as well as the necessity for prompt and objective progress of corrective action.
- 1.3. Assist commanders in discovering and correcting 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 CAP/IG, appointed [National Complaint Resolution Officer \(NCRO\)](#), [National Review Panels](#) and Commanders.

2.1.1. The CAP/IG will:

- 2.1.1.1. Develop, publish, and oversee the training of the IG Corps,
- 2.1.1.2. Develop, publish, and oversee Whistleblower Protection,
- 2.1.1.3. Determine frivolous complaints and/or allegations,
- 2.1.1.4. Investigate all Whistleblower complaints against members of the national staff, national commander, region commanders and members of region staff,
- 2.1.1.5. Analyze and investigate alleged violations of policy and regulations,
- 2.1.1.6. Conduct Eagle Look reviews of units as may be appropriate to determine systemic problems (issues) or concerns which adversely affect the conduct of unit activities, missions, and members.
- 2.1.1.7. Appoint members to the NCRO and National Review Panel teams.

2.1.2. NCROs will:

- 2.1.2.1. Complete the required training noted in CAPR 20-1 to be qualified to process complaints.
- 2.1.2.2. Examine allegations affecting integrity, efficiency, discipline, readiness, and of violations of policy and regulations.
- 2.1.2.3. Conduct examinations, inquiries, and investigations in an independent and professional manner, without command influence, pressure, or fear of reprisal from any level. The NCRO functions as a factfinder in the resolution of complaints.

2.2. Associate NCROs (ANCRO) will:

- 2.2.1. Be assigned to complete at least two CAs under the mentorship of an NCRO on two separate cases using the process outlined in Attachment 3 of this document.

2.2.2. Conduct and complete a Report Of Investigation (ROI) Eagle Look Report and/or an ROI under the mentorship of an NCRO on at least two separate cases using the process outlined in Attachment 3 of this document.

2.3. National Review Panels (NRP) will:

2.3.1. Perform qualitative and legal reviews of CAs, ROIs, and Eagle Looks and return them to the assigned IOs for rework, as necessary.

2.3.2. May request a Frivolous Complaint/Allegation review.

2.4. Commanders in the CR process will:

2.4.1. Be able to initiate an inquiry into issues within their command following the process outlined in para 11 and 12 of this regulation.

2.4.2. Be involved at the appropriate stage of the process and work with both the NCRO and their Legal Officer (LO).

2.4.3. Not bring undue command influence into the CR process,

2.4.4. Ensure sufficient funding and support is available if the complaint is investigated.

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

3. **Waivers.** Waivers to this regulation require the approval of the CAP/IG. Waiver requests shall be sent through the CAP member's commander and appropriate level IG.

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

5. **Protecting Privacy Interests.**

5.1. IGs, NCROs, NRPs, LOs, CCs and any other official having knowledge of or involvement in CR will not provide copies of complaints, investigative reports, or related documents to witnesses, subjects or other third parties. The aforementioned persons are not allowed to release any complaint documents 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). Upon receipt of a valid subpoena or notice to produce documents issued by a court of law, CAP/GC will be notified for further direction.

5.2. IG complaint correspondence, or related documents, including ROIs, will not be filed in an individual's unit file, personnel record, or any other repository other than the SoR.

6. **Whistleblower Protection.**

6.1 Whistleblower protection is applicable to all CAP members and serves to protect against reprisal or abuse of authority toward members who disclose information they reasonably believe to be evidence of gross mismanagement, gross waste of funds, abuse of authority, a violation of law, rule, or regulation related to the Grant/Cooperative Agreement Award, or a substantial and specific danger to public health or safety to any of the persons or bodies listed below:

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6.1.2 An Inspector General (i.e., DoD, AF, CAP-USAF)

6.1.3 The Government Accountability Office (GAO)

6.1.4 An employee of the Department of Defense (DoD) responsible for grant oversight or

management (i.e., the Air Force Program Office (CAP-USAF) or the Grants Officer)

6.1.5 An authorized official of the Department of Justice or other law enforcement agency

6.1.6 A court or grand jury

6.1.7 A management official or other employee of CAP who has the responsibility to investigate, discover, or address misconduct Action appeals, related to the Whistleblower Complaint, cannot be made to the Membership Action Review Panel (MARF) until the NCRO has resolved the complaint.

6.2 The following paragraphs apply to protected communication (PC) with any of the persons or bodies listed under 6.1.

6.2.1 Restriction – No person shall restrict or threaten to restrict a member of CAP from making a PC.

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

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

6.2.4 A Whistleblower complaint is handled as a special case investigation separate from any other related investigation(s). Adverse Member Action appeals, related to the Whistleblower Complaint, cannot be made to the Membership Action Review Panel (MARF) until the NCRO has resolved the complaint.

7. Abuse Complaints and Complaints Involving Criminal Conduct.

7.1. The commander or IG receiving a complaint of alleged abuse against a cadet, as described in the [CAPR 60-2, Cadet Protection Program](#), will report the allegation IAW instructions found in that regulation.

7.2. The commander or IG receiving complaints of alleged abuse or acts 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, CAP/CC, and CAP/IG.

7.3. Complaints submitted using the online form are assigned to the appropriate NCRO noting the need to have CAP/GC notified IAW CAPR 60-2. The NCRO will inform the responsible commander who will then notify CAP/GC.

8. Complaints Processed Under Other Regulations.

8.1. 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:

8.1.1. 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.

8.1.2. Complaints that would not fall under Paragraph 8 (above) or [CAPR 60-2, Cadet Protection Program](#), should be handled in accordance with [CAPR 60-1, Cadet Programs Management](#).

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

Accountability.

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

8.1.5. Complaints against CAP employees should be submitted to HQ CAP General Counsel (GC).

9. Complaints and the Chain of Command.

9.1. To provide an opportunity for the internal resolution of disputes, unit commanders are encouraged to be available and approachable for their respective unit's members. Commanders and members should make every attempt to resolve problems, conflicts, and disputes within CAP at the lowest unit level possible.

9.2. 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 members are encouraged to file an online complaint.

9.3. 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.

9.4. 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](#)).

9.5. 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.

10. Complaint Submission.

10.1. An IG can receive and process complaints from CAP members, USAF members, and parents or legal guardians on behalf of their cadet members (including anonymous complaints). Members are encouraged to utilize the Online Electronic Complaint Submission System. The website for electronic complaint submission system is: <https://civilair.ethicspointvp.com/custom/civilair/forms/complaint>. However, if the complainant does not have access to internet, the CAPF 20 must be mailed to NHQ CAP/IGC, 105 S. Hansell St, Maxwell AFB, AL, 36112.

10.1.1. The acknowledgement 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 process are submitting official statements within official CAP channels. Therefore, complainants who are CAP members remain subject to adverse administrative action for knowingly making false or frivolous statements and/or communications.

10.1.2. A complainant's acknowledgement/affirmation on the Electronic Complaint Submission System (ECSS) will be considered to be a signature.

10.1.3. On the ECSS, an anonymous complaint shall be considered unacknowledged regardless of whether or not the complainant affirms the complaint in the system.

10.1.4. On the ECSS, complaints will be written and submitted in English, dated, and "signed" by the complainant.

10.1.5. Verbal (in-person or telephonic) complaints shall be followed-up with an electronic or CAPF 20, *"IG Personal and Fraud, Waste & Abuse Complaint Registration"* submission and signed or acknowledged by the complainant (unless anonymous) within 14 days of the original notification.

10.1.6. Emailed complaints must be followed up with an acknowledged electronic submission or signed CAPF 20 (unless anonymous email address) prior to the completion of the complaint analysis.

10.1.7. Written complaints may be delivered in person or by postal mail (UPS, FedEx, and other delivery sources that can confirm delivery), telephone, fax, or email. The date of actual receipt or 5 days following the date of the mail postmark, whichever is earlier, is the effective date of the complaint.

10.1.8. 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 mail postmark. All documents are to be considered a part of the complaint and shall be retained. The receiving IG will forward any documents received to CAP/IGQ.

10.1.9. The effective date of telephone, fax or email complaints will be the date of actual receipt only if an electronic complaint or CAPF 20 is submitted within 14 days following the date of the initial communication.

10.2. Time Limits for Filing a Complaint.

10.2.1. 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.

10.2.2. A complaint will not be accepted if a complainant has failed to present the matter within 60 days. After review by the NRP, such complaints may be accepted 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.

10.2.3. If after review, there is concurrence between the NRP and CAP/IG, the complaint should not be accepted, the CAP/IGQ will upload documentation reflecting this mutual decision and close the case. The CAP/IG will then send a letter to the complainant explaining why the complaint has not been accepted.

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

10.4. Anonymous complaints may be filed directly with the IG. Verbal (telephonic) and email complaints filed anonymously do not require a follow up but must be forwarded through the online system.

10.4.1. 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.

10.4.2. A complaint, by itself, from an anonymous complainant cannot be used as evidence of a violation of CAP standards or regulations unless substantiated with corroborating evidence.

10.4.3. If the complaint is mailed, the effective date is 5 days following the date of the mail postmark.

10.4.4. Anonymous complaints do not require an acknowledgement letter.

10.5. Suspended Status Members.

10.5.1. Members on suspended status issued as an adverse member action must wait until the completion of their suspension term before filing an IG complaint. Any submission must take place within 30 days after the conclusion of the suspension. The 60-day rule (see para 11.2.1) will be waived in this circumstance.

10.5.2. Members on suspended status pending the outcome of an investigation must wait until the suspension is lifted before filing an IG complaint. Any submission will take place within 30 days after the conclusion of the suspension. The 60-day rule (see para 11.2.1) will be waived in this circumstance.

10.5.3. Members on suspended status, as an adverse member action including termination, shall not file an IG complaint until they have exhausted the administrative appeal process, including MARP. Members may file an IG complaint within 14 days after the appeal process is complete. The 60 day rule, (para 11.2.1) will be waived. Administrative action and IG action shall not be accomplished concurrently. IG processes may begin when any administrative action is complete.

10.5.4. After completion of the Reprisal Checklist, the NCRO will determine if the complaint qualifies as a Whistleblower Complaint. Members may file Whistleblower Complaints at any time, regardless of their status.

10.6. Complaints against the CAP/IG are to be 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. **Complaint Processing.**

11.1. Assignment and appointment of an NCRO. Once a CAPF 20 is received, the CAP/IG shall appoint an NCRO, using the template provided in the NCRO Guide. This appointment letter provides the NCRO indemnification in accordance with [CAPR 112-10, Indemnification](#).

11.2. Complaint Acknowledgement. Receipt of a complaint shall be acknowledged (unless anonymous) in writing by the NCRO assigned to the case using the Acknowledgement of Receipt of Complaint template. This acknowledgement will occur within 30 days of the effective date of the complaint.

11.3. Conflict of Interest. The NCRO shall certify in writing to the CAP/IG or IGQ that no conflicts of interest exist. The CAP/IG may issue a waiver if there is a disclosure and no parties object to the NCRO conducting the investigation. Both of these parties and the CAP/IG will sign off stating – no objection. Both of these documents shall be uploaded in the SoR.

11.4. Complaint Clarification. The NCRO will conduct a clarification interview (CI) with known complainant, victim or reporter listed on the complaint submission. The CI is to determine if there were allegations of regulatory violations as set forth in the facts in the complaint. The interview will be documented and uploaded into the SoR. If the interviewee is a cadet, the NCRO will ask if the cadet has discussed the complaint with his/her parents/guardians. Any documentation sent to the cadet shall be copied to the parents/guardians. The cadet may have his/her parents/guardians listen in on the CI and other interviews with the cadet. Reference para 12.8.3 below.

11.5. Completing a Complaint Analysis (CA). The NCRO will complete a CA to determine the most effective resolution strategy for the issues raised by the complainant's allegations. The CA results in a formal decision document from which the NCRO may assist, refer, dismiss, or investigate the complaint. Prior to any decision being made, the CA will be sent to the NRP for review and

endorsement. After NRP review, the CA is sent to the responsible commander for review and concurrence. This review and endorsement shall be completed with all deliberate speed.

11.5.1. If the CA results in Refer to Command, the commander may use the information gathered in the CA that supports a violation of a standard thus giving him/her the opportunity and discretion of further remedial action. An Eagle Look may be used by the NCRO in cases where the CA shows no violation of regulations. The Eagle Look shall remain confidential until the case is closed and the recommendation for release is made from the NRP to the CAP/IG.

11.5.2. Any copies (electronic or written) of the CA provided to the commander must be destroyed with a written notice of destruction given to the NCRO. This written notice will be uploaded in the SoR.

11.5.3. If the complaint is referred or closed with an assist, the NCRO will write a case closure letter to the known complainant explaining the actions as justified by the results of the CA.

11.5.4. The commander may concur or non-concur with the results of the CA. If the commander notes non-concurrence, he/she will notify the CAP/IG who will then coordinate a response with the CAP/CC.

11.5.5. NCROs will include in the SoR any entry pertaining to all contacts and the rationale for selecting the resolution strategy from among: [refer](#), [assist](#), [dismiss](#), or [investigate](#).

11.6. 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 determine if a complaint or allegation is frivolous. A complaint/allegation that is determined to be frivolous is not eligible for Whistleblower Protection. The CAP/IG will forward the frivolous determination to the appropriate commander.

11.7. IG Investigation Notifications and Progress Reports.

11.7.1. When it is determined by CA that an IG investigation is warranted, notifications will be made to complainant, subject's commander, and the subject by the NCRO.

11.7.2. Beginning 30 days after the notifications of an investigation have been sent, and every 30 days thereafter, the NCRO will send reports to the complainant (except for anonymously filed complaints), the responsible commander and NRP 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.

11.8. Conducting an IG Investigation.

11.8.1. 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 documented 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 CAP/IG may terminate this procedure prior to its normal conclusion.

11.8.2. The conduct of an investigation requires complainants, subjects, and witnesses who are CAP members 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.

11.8.2.1. 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 felony or misdemeanor by the declarant. The failure to answer questions based on this defense will be documented in the case file.

11.8.2.2. Individuals providing evidence in an IG investigation shall be requested to sign either 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.

11.8.2.3. 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.

11.8.2.4. If the subject or witness fails to appear after being properly notified, the IG investigation will continue without his/her input. The refusal of the complainant(s) to participate in the investigation may cause the IG investigation to be closed. Personnel who willingly fail to cooperate with an IG investigation may be subject to adverse membership action up to and including termination.

11.8.3. Once a complaint has been submitted into the IG channel or when CAP members have been contacted by the NCRO regarding an IG complaint, CAP members will not discuss the complaint, analysis, investigation, or findings with any other person. Disclosure of the above information could subject the member to adverse member action for misconduct. Exception: Cadets may discuss the complaint with their parents or legal guardians but no other CAP members. The NCRO contacting a cadet’s parent or guardian shall inform them (if non-CAP members) that further release of investigation information could deny the cadet’s protected communication privilege and could compromise the integrity and outcome of the investigative process.

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

11.9. SoR updates in the CR process.

11.9.1. From the time the complaint is entered into the SoR the CAP/IG and/or IGQ will provide oversight of the process. The NCRO will upload documentation as it is received or completed and enter a case note every 30 days regarding the status of the complaint.

11.9.2. The NRPs will use the CRQCC to ensure the quality of the documentation being uploaded throughout the process as well as to ensure timely progress is being made.

11.10. The Report of Investigation (ROI).

11.10.1. The ROI must be a stand-alone document. It will fully explain all the essential information collected by the NCRO and will validate the findings to enable a reviewer to arrive at a determination without reference to information outside the report.

11.10.2. The NCRO will submit the ROI to the NRP to conduct a quality and legal sufficiency review.

11.10.3. 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 to be without merit, the complaint may be submitted to the CAP/IG as potentially frivolous.

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

11.10.3.2. 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.

11.10.4. The ROI is prepared for the commander and shall remain confidential, subject to the provisions of this regulation. An Eagle Look Report may be included with the ROI.

11.10.5. NCROs will NOT make written recommendations concerning administrative, disciplinary, or other corrective actions to commanders in the ROI. NCROs will make recommendations concerning systemic problems (Eagle Look) noted/encountered during the investigation.

11.10.6. Generally, the CAP command level, where an IG investigation is conducted, shall pay the costs incurred during investigations (exceptions may be agreed upon by the command levels involved). The assigned NCRO will assess all expenses incurred to the command level conducting the investigation.

11.10.7. After the ROI has been submitted to the commander, the NCRO will send notification to the complainant and the subject informing them the commander has the ROI. Once the ROI has been submitted to the commander, it is the commander's responsibility to communicate with the complainant until the case is officially closed. This includes providing the complainant with 30-day updates. These updates will be provided to the NCRO for inclusion into the case file in the SoR.

11.11. The Commander and the ROI.

11.11.1. The commander may concur or non-concur with the results of the ROI or may direct further IG investigation. If the commander notes non-concurrence, he/she will notify the CAP/IG who will then coordinate a response with the CAP/CC.

11.11.2. When the commander is satisfied that the complaint has been fully investigated, the commander will provide the complainant (except for anonymously filed complaints), subject's commander and the subject each with a written notification stating the classification of the allegations of the complaint.

11.11.3. The commander will issue the closure letter including, as applicable, "corrective action was considered and/or taken for each allegation presented". The NCRO or legal officer may assist with the preparation of these documents. The commander may keep their copy of the closure letter.

11.11.3.1. The notification to the member of the decision and proposed action of the commander shall be in accordance with the regulation under which the proposed action is taken.

11.11.3.2. Any copies (electronic or written) of the ROI provided to the commander must either be returned to the CAP/IGQ for inclusion in the case file or destroyed with a written notice of destruction given to the CAP/IGQ. The written notice shall be uploaded in the

case file in the SoR.

11.11.4. Upon receipt of a copy of the closure letter from the commander and an entry by the NCRO into the SoR, the IG investigation will be officially closed.

11.11.5. Unless there is a justifiable reason, the CR process must not exceed 180 days. This is calculated from the time the CAPF 20 is received and through the closure letter.

12. **Upper Level Review (ULR).** The NRP conducts an initial ULR before the case has been closed and is used only to ensure the CR process has met the standard of section 11 above.

12.1. The opportunity to request an ULR will be noted in the closure letter. The CAP/IG may delegate the ULR to a NRP team member.

12.1.1. Simply disagreeing with the findings or conclusions will not constitute sufficient reason for additional IG review. The complainant or subject must show the specific part of the process that was conducted improperly.

12.1.2. This request shall occur within 30 days of receiving the closure letter from the commander.

12.1.3. The request for a review shall be in writing. The complainant or subject shall provide additional information to justify a review of previously considered issues.

13. **Protection of Inspector General Records.**

13.1. Complaints to an IG, or worked in IG channels, are confidential in nature and are CAP confidential documents. All records, reports, and related documents provided by a complainant, subject, witness, or other members involved in the case shall be marked on the evidence log "COMPLAINANT, SUBJECT, WITNESS OR OTHER PROVIDED." Having this marking clarifies that the document is not the official record obtained from an office of primary responsibility but rather a document provided by the complainant.

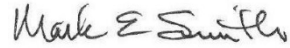
13.2. No person shall be granted access to the SoR without explicit written approval from the CAP/IG. If granted, the written approval shall be placed in the SoR.

13.3. Documentation relating to the complaints process will be filed in the SoR and be available for review by CAP-USAF/IG.

14. **Disposition of Records.**

14.1. Throughout the CR process as documents are completed, they shall be uploaded into the SoR. Upon completion of an IG investigation, the IO/IG shall place any remaining documents into the SoR to include the closure letter and certification of destruction letter from the commander. The NCRO will make a case note stating they have destroyed any documents they had in their possession. This shall constitute the case file. 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.

14.2. ROI and case files are privileged information documents as stated in [para 6](#) of this regulation. The ROI and case files shall not be released (in whole or in part), reproduced or given additional dissemination (in whole or in part) outside of the IG channel without prior written approval of the CAP/IG and the CAP/CC, after consultation with the CAP/GC. Legal officers may request the evidence log for review prior to an appeal hearing.



MARK E. SMITH
Major General, CAP
Commander

ATTACHMENT 1 - COMPLIANCE ELEMENTS

This regulation has no compliance items.

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. The use of power not IAW regulations by a CAP member that adversely affects the privileges of membership.
3. Acid Test. A test that a NCRO uses to determine if reprisal, abuse of authority, whistleblower, or a frivolous complaint/allegation has occurred.
4. Allegation. A postulated assertion (assumed without proof) framed by an IG or NCRO concerning an individual or a detrimental condition. An allegation is a hypothetical statement containing four elements, all of which must be substantiated by a preponderance of evidence. A properly framed allegation will contain the following elements:
 - 4.1. When, (in what time frame did the conduct or behavior occur),
 - 4.2. Who, (a person, identified by as much information necessary to uniquely identify),
 - 4.3. What was done, (the specific behavior or conduct),
 - 4.4. Which standard, law, or regulation was violated?
 - 4.5. 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 which standard (in violation of CAPR 60-2 para 2.2)
5. Appointing Authority. The CAP/IG has the authority to write appointment letters to indemnify NCROs.
6. Assertion. A declaration, maintaining a charge is true.
7. Assist. The NCRO works with the complainant to find a way to bring resolution without continuing the CR process.
8. Cadet Protection Issue. See [CAPR 60-2, CAP Cadet Protection](#).
9. CAP Directive. As used in this program, directive means any CAP regulation, ICL, or Supplements to CAP regulations or operating instructions (OI).
10. CAP Member. See [CAPR 39-2, Civil Air Patrol Membership](#).
11. CAP Senior Level Officer. (SLO) CAP members in the grade of CAP colonel and above (temporary or permanent) and CAP appointed members of the Board of Governors.
12. 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, witness, and subject provided documents.
13. Closed. An administrative function wherein all reviews and analyses are complete IAW this regulation.

14. 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.
15. 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.
16. Complaint Analysis (CA). A preliminary review through a clarification interview of allegations and evidence to determine the potential validity and relevance to CAP and to determine what action is necessary. A CA results in a formal decision document for the responsible commander is used to record the rationale for the selected complaint resolution strategy.
17. Clarification Interview (CI). The process of interviewing the complainant to ensure the intent of the complaint is verified. This will be completed prior to the completion of the CA.
18. Complaint Resolution (CR). The procedure followed defining the actions required to resolve a complaint from receipt through closure.
19. Complaint Resolution Quality Control Checklist (CRQCC). A document used by the case reviewer to ensure that the documents are completed properly, and the CR process was accomplished according to regulations and policy.
20. 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 adversely influence the objectivity of his/her judgment to be other than impartial, independent, professional and without bias. The CAP/IG will determine the existence of a conflict of interest.
21. Contact. Anyone interacting with an IG in the form of a complaint/disclosure (written or oral).
22. Cultural issues. Procedures and processes that are viewed as command-specific or activities conducted outside the usually accepted style of management.
23. Dismiss. A disposition where the NCRO did not find that the subject's actions were in violation of the regulations and there was no merit for the complaint. The complaint may still be reviewed for potentially frivolous.
24. Eagle Look. A comprehensive examination of an allegation with a deep examination towards identifying systemic and/or cultural issues in a program, process or procedure.
25. Employee. A person who is a paid staff member of CAP.
26. 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.
27. Facts. A piece of information presented as having object reality and not conclusions.
28. 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:
 - 28.1. The offer, payment or acceptance of bribes or gratuities, or evading or corrupting inspectors or other members.
 - 28.2. Making false statements, submitting false claims, or using false weights or measures.
 - 28.3. Deceit, either by suppressing the truth or misrepresenting material facts, or to deprive CAP of something of value.
 - 28.4. Adulterating or substituting materials, falsifying records and books of accounts.

28.5. Use of CAP credit cards for personal benefit.

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

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

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

29.2. Determined to have been brought forward in bad faith to cause harm, harass, annoy or embarrass a member, or to disrupt/detract from 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.

29.3. Groundless or false.

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

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

29.4. 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.

30. Gross Mismanagement. A management action or inaction that creates a substantial risk of significant adverse impact on CAP's ability to accomplish its mission. The matter must be significant and more than simple wrongdoing or negligence. It does not include management decisions that are merely debatable among reasonable people.

31. Gross Waste of Funds. An expenditure that is significantly out of proportion to the benefit reasonably expected to accrue to Civil Air Patrol or the government (i.e., reasonableness).

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

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

34. Improper 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.

35. 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 level to which he/she is being appointed.

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

37. NRP Legal Officer. A member who is qualified IAW CAPR 111-1 and assigned to review the CA and ROI to provide legal opinion as to the sufficiency of the document and in what manner it is inadequate as far as assessing facts and the application of CAP standard to those facts. At a minimum the NRP legal officer must consider reviewing:

37.1. The (a) complaint, (b) allegations as restated by the NCRO, and (c) ROI or CA to verify the

complaint should not be dismissed (i.e. the complaint, if true, would violate a CAP rule, regulation or standard).

37.2. The ROI to determine if the classification for each allegation in the complaint is supported by the preponderance of evidence.

37.3. The standards cited in the CA or ROI to determine whether their interpretation is consistent with known CAP policy guidance.

38. Legal Sufficiency Review. A review of a CA or Report of Investigation (ROI) by a NRP legal officer before the CA or ROI is transmitted to the commander, to ensure by a preponderance of evidence that there is factual and regulatory support for the findings to determine the dispositions of the CA. The NRP legal officer will ensure there is a preponderance of evidence which provides factual and regulatory support for the findings of substantiated or not substantiated of the allegations of a complaint in an ROI

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

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

40.1. 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

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

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

41. 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.

42. National Complaint Resolution Officer (NCRO). An IG who has a master-rating and experience in processing complaints; who has been assigned by the CAP/IG to the National Complaint Resolution Officer Team. NCROs handle all of the Inspector General Complaints. An assigned Associate NCRO is in the process of obtaining a master rating but is otherwise highly qualified.

43. National Review Panel (NRP) A group of highly qualified CR Officers who serve to conduct an upper level review (ULR) of Complaint Analyses and Reports of Investigation for quality and legal reviews. Members of the NRP are appointed by the CAP/IG.

44. 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.

45. 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 NCRO may consider a CAP standard or regulation violated.

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

47. Protected Communication (PC). 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), CAP General Counsel, CAP Legal Officer, or CAP Chaplain. 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 PC.

48. 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 to be signed by

the individual. If it is not signed, the investigation continues, and a note is made in SoR.

49. Refer. A disposition under the following circumstances:

49.1. When information provided by the complainant establishes the preponderance of evidence without the need for further investigation. The case is referred to the commander for action.

49.2. When the allegation is a violation in which the regulations specifically places it in the hands of the commander.

50. Report of Investigation (ROI). The final report written by the assigned NCRO outlining the findings and conclusions of the investigation.

51. Reporter. See complainant.

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 PC. Reprisal may also be known as retaliation or retribution.

53. Responsible Commander (For the purposes of CAPR 20-2). Refers to the individual to whom the NCRO will be presenting the findings of the complaint resolution process for action and/or information.

54. Restriction. Preventing or attempting to prevent members of Civil Air Patrol from making or preparing to make a PC.

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

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

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

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

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

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

57. 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.

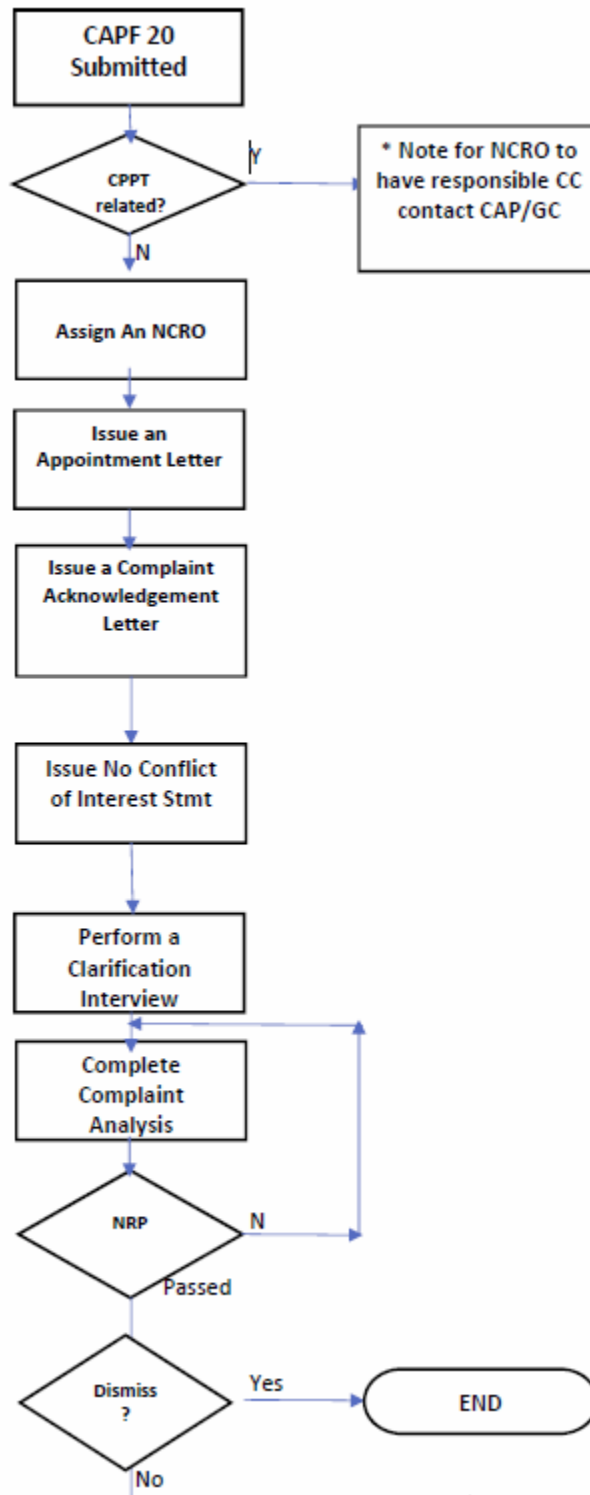
58. Systemic Issues. The CA shows there were significant underlying procedural or cultural issues that hinder the mission of the particular unit, program or activity.

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

60. 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 PC or who exposes any fraud, waste, mismanagement, deficiency, cadet protection issue, abuse of authority or discrimination.

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

ATTACHMENT 3 - COMPLAINT RESOLUTION PROCESS



ATTACHMENT 3 - COMPLAINT RESOLUTION PROCESS (Cont.)

