

1 APRIL 1997

Personnel Procedures

REMOVAL OF NATIONAL COMMANDER OR NATIONAL VICE COMMANDER

This regulation establishes procedures for the removal of the National Commander or National Vice Commander. Authority: *Constitution and Bylaws of the Civil Air Patrol (CAP)*, Article XIII, adopted August 14, 1994.

1. Policy. The National Commander or National Vice Commander may be removed from office only by a vote of two-thirds of the authorized positions of the National Board at a duly constituted regular or special meeting of the Board. The vote of the required number of National Board members shall be obtained by votes in person or by proxy at such duly constituted meeting. Mail or fax ballots may not be used to vote on removal of the National Commander or National Vice Commander. The action of the National Board is final.

2. Definition of Terms. For the purpose of this regulation, the following definitions apply:

a. "Constitution" means the CAP Constitution as amended.

b. "Personal Misconduct" means activity involving moral turpitude or misconduct which creates an appearance of serious impropriety to the public or which may discredit or embarrass the Civil Air Patrol and/or the United States Air Force.

3. Procedures Preliminary to Convening National Board.

a. Charges of personal misconduct by the National Commander or National Vice Commander must be forwarded immediately to the National Legal Officer who must promptly notify the National Commander, National Vice Commander, and Commander CAP-USAF, and cause the charges to be investigated. The National Legal Officer, within 45 days, shall make findings and determine if "probable cause" exists; that is, whether the charges, if true, are sufficient to warrant removal and, if so,

are supported by any facts. Promptly upon completion of the findings and determination, the National Legal Officer in all cases shall promptly provide all members of the National Board with copies of the charges, results of the investigation, findings, and determination. A copy shall also be provided promptly to the SAF/MIR.

b. If the National Legal Officer determines the existence of probable cause, the National Board shall convene within 45 days to consider and vote on the issue of removal, and the subject officer shall be in a suspended status until the issue is decided by the National Board.

c. If the National Legal Officer determines that no probable cause exists, a ballot shall be furnished to each member of the National Board by which the members of the National Board may vote to convene to consider and vote on the issue of removal. Ballots must be returned to the National Legal Officer within 5 business days following the date on which the ballots are sent. If more than 50 percent of the members of the National Board vote in favor of convening, then the National Board shall convene within 45 days to consider and vote on the issue of removal, and the subject officer shall be in a suspended status until the issue is decided by the National Board. If more than 50 percent of the members of the National Board fail to vote in favor of convening, then all considerations of removal shall be concluded. The ballots shall be kept under seal by the National Legal Officer who shall report only the total vote for and against convening.

d. Before the National Board may consider removal of the National Commander or National Vice Commander for reasons other than personal misconduct, a petition to remove,

setting forth the reasons, must be signed by a majority of the members of the National Board and presented to the National Legal Officer. After approval as to form by the National Legal Officer, the National Board shall convene within 45 days to consider and vote on the issue of removal. The subject officer shall be in a

suspended status until the matter is decided by the National Board.

4. Convening National Board. The National Commander or officer serving in his stead shall set the time and location of the meeting of the National Board within the time limits described in Section 3 of this regulation.



DAVID L. MILLER
Chief, Administration

PAUL J. ALBANO, SR.
Colonel, CAP
Executive Director

PAUL M. BERGMAN
Brigadier General, CAP
National Commander