



NATIONAL HEADQUARTERS CIVIL AIR PATROL

CAP REGULATION 36-1

4 AUGUST 2016

Nondiscrimination

CIVIL AIR PATROL NONDISCRIMINATION PROGRAM

This regulation establishes the background, authority, and purpose of the Civil Air Patrol Nondiscrimination Program. It defines CAP's Nondiscrimination Policy, as specified in the Civil Air Patrol Constitution, and the practices and procedures for ensuring the membership is aware of CAP's intolerance for discrimination in any form. This Program implements provisions of Title VI of the Civil Rights Act of 1964 (PL 88-352), Title III of the Age Discrimination Act of 1975 (PL 94-135), Department of Defense (DOD) Directive 5500.11, *Nondiscrimination in Federally Assisted Programs*, DOD Directive 1020.1, *Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense*, and Air Force Instruction (AFI) 36-2707, *Nondiscrimination in Programs and Activities Assisted or Conducted by the Department of the Air Force*, **DOD Instruction 1300.28, *In-Service Transition For Transgender Service Members*** and other statutes and directives governing nondiscrimination.

SUMMARY OF CHANGES. This revision is an update to CAP's current Policy of Nondiscrimination.
Note: Shaded areas identify new or revised material.

1. Background.

1.1. The Constitution of the Civil Air Patrol, Article VII, states "Discrimination based on age, disability or the provisions of Title VI and VII of the Civil Rights Act of 1964 is prohibited."

1.2. Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

1.3. Title III of the Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

1.4. DOD Directive 5500.11, *Nondiscrimination in Federally Assisted Programs*, is the basic implementing directive for Department of Defense compliance with Title VI of the Civil Rights Act of 1964, and is applicable to the Civil Air Patrol.

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1.5. DOD Directive 1020.1, *Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense*, is the basic implementing directive for DOD compliance with the Rehabilitation Act of 1973, Section 504. It states that no qualified handicapped person in the United States shall on the basis of handicap be excluded from participation in, denied the benefit of, or otherwise subjected to discrimination under any program or activity conducted by the Federal Government or receiving Federal financial assistance.

1.6. AFI 36-2707, *Nondiscrimination in Programs and Activities Assisted or Conducted by the Department of the Air Force*, is the Air Force implementing directive for DOD Directive 5500.11 and DOD Directive 1020.1.

1.7. DOD Instruction 1300.28, *In-Service Transition For Transgender Service Members*, is the Air Force implementing instruction which establishes a construct by which transgender Service members may transition gender while serving. It implements the policies and procedures in Directive-type Memorandum 16-005.

2. Civil Air Patrol Policy of Nondiscrimination. CAP provides an inclusive and welcoming environment for all members and ensures that educational, membership and operational decisions are based on each individual's abilities and qualifications. Consistent with this practice and applicable laws, It is CAP policy that no member shall be excluded from participation in, denied the benefits of, or subjected to discrimination with respect to accessibility to any CAP program or activity on the basis of race, color, sex, age, religion (creed), national origin (ancestry), sexual orientation, gender identity or expression, disability (formerly handicap), marital status, military or veteran status. However, each case is subject to applicable qualifications and ability standards for the CAP program or activity concerned. Further, it is Civil Air Patrol policy that no applicant meeting CAP's minimum age requirement will be denied membership in CAP on the basis of any of the foregoing characteristics. This policy is intended to ensure that only relevant factors are considered and that equitable and consistent standards of conduct and performance are applied.

3. Definitions. For the purposes of CAP regulations in the 36 series:

3.1. "CAP Member" See CAPR 39-2, *Civil Air Patrol Membership*.

3.2. "Qualified Member with a Disability" means a CAP member with a disability who, either with or without reasonable accommodation, can perform the essential functions required by a CAP program or activity that such CAP member desires to participate in without endangering him/herself, other CAP members, or CAP property.

3.3. "Report of Investigation" (ROI) means the final report written by the Equal Opportunity Officer (EOO) or the assigned investigating officer outlining the findings and conclusions of the investigation.

3.4. "Reprise or Reprisal" See CAPR 123-2, *Complaints*.

4. Responsibilities.

4.1. National Headquarters.

4.1.1. The Civil Air Patrol Chief Operating Officer (NHQ/CO) shall appoint a Corporate EOO to manage volunteer programs and address volunteer issues associated with the CAP Nondiscrimination Program.

4.1.2. NHQ/CO shall seek concurrence from the National Commander on the EOO appointment.

4.2. CAP National Commander.

4.2.1. Shall coordinate with NHQ/CO in the selection and appointment of the EOO.

4.2.2. Shall annually issue to all units within CAP a Commander's Statement of Nondiscrimination to include directions for the widest dissemination of the CAP Nondiscrimination Policy.

4.3. CAP Equal Opportunity Officer (EOO).

4.3.1. Shall be responsible for implementing a program for addressing the nondiscrimination concerns of and for the handling of all discrimination allegations/complaints that relate to CAP volunteer members. Complaints relating to CAP employees shall be handled in accordance with the *CAP Corporate Employee Handbook*.

4.3.2. By the fact of his/her appointment, the EOO is directed to conduct, or cause to be conducted, an analytical review of all allegations of discrimination and an investigation of all complaints of discrimination deemed sufficient to require the conduct of such an investigation in as efficient and expeditious manner as possible. Procedures and guidelines for meeting this responsibility are delineated in CAPR 36-2, *Complaints Under the Civil Air Patrol Nondiscrimination Policy*.

4.4. All Commanders.

4.4.1. Are responsible for implementing and enforcing CAP policies, procedures, and directives prohibiting discrimination throughout their respective commands.

4.4.2. Will ensure that the CAP Nondiscrimination Policy is briefed annually to all members within their respective commands.

4.4.3. Will make every effort to ensure diversity in recruiting new members into CAP.

4.4.4. Will maintain such records as they determine necessary to ensure compliance with these directives. These records will be made available for inspection upon request of the EOO, assessment teams (see CAPR 123-3, *CAP Compliance Assessment Program*) or other competent authority.

4.5. CAP Members.

4.5.1. Will comply with the letter and the intent of the CAP Nondiscrimination Policy.

4.5.2. Will cooperate with the EOO, or his/her designated representative, in the investigation and resolution of complaints of discrimination or allegations of violation of the CAP Nondiscrimination Policy.

5. Nondiscrimination Program Management.

5.1. The EOO shall establish programs and procedures to ensure the CAP membership is aware of CAP's Nondiscrimination Policy.

5.2. The EOO shall establish programs and procedures to ensure the CAP members are aware of their rights and responsibilities in filing complaints when violations of CAP's Nondiscrimination Policy occur.

5.3. The EOO shall work in cooperation with functional area managers, both at NHQ CAP and CAP's volunteer leadership, to encourage equal opportunity in recruiting, execution of CAP's missions and programs, promotions, awards and educational opportunities.

5.4. Familiarization with CAP's Equal Opportunity program will be included in all new-member orientation/training programs (i.e. Level I for senior members and phase 1 for cadets).

5.5. The EOO will cause an independent, on-line Equal Opportunity Training (EOT) program to be accessible through the NHQ CAP website. All active senior members (to include cadet sponsor, life and 50-year members) shall complete this on-line EOT program.

5.6. Allegations of violations of the policies delineated in this regulation will be handled in accordance with the provisions of CAPR 36-2.

5.7. The EOO will compile an annual report summarizing the activities of the CAP Equal Opportunity program to include any and all complaints/allegations and their resolutions. This report will be distributed to the CAP Board of Governors, CAP Senior Advisory Group, NHQ/CO and the CAP-USAF Inspector General.

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Commander