



The United States Hang Gliding and Paragliding Association, Inc.

Policy on Revocation and Reinstatement of Ratings, Certifications, and Appointments

Standard Operating Procedure 12-07
Last Amended January, 2010

12-07.01 Introduction

The possession of a proficiency rating, instructor certification or rating official appointment is a privilege granted to a USHPA member for the benefit of the USHPA. It imposes upon the member a responsibility to consistently exercise and demonstrate those skills and level of judgment that are required to retain that rating, certification or appointment. Failure to do so, or any of a number of other violations of USHPA rules may result in the revocation of a rating, certification or appointment.

This SOP describes the process for carrying out a revocation, for appealing the decision, and for reinstating a rating, certification or appointment after it has been revoked.

Determination of when to invoke the procedures described herein is left to the sole discretion of the revoking official.

Some certifications and appointments expire automatically as described in SOP 12-02 and SOP 12-10. The expiration of a certification or appointment is not considered to be a revocation, and re-certification or re-appointment is not required by any appointing official.

12-07.02 Ratings, Certifications and Appointments

A. Ratings

Ratings are pilot ratings, special skill ratings or the AeroTug Pilot rating as described in SOP 12-02 and SOP 12-10, for either hang gliding or paragliding. Ratings include:

1. Student
2. Beginner
3. Beginner-Tandem
4. Novice
5. Intermediate
6. Advanced
7. Master
8. Tandem 1
9. Tandem 2
10. Tandem Instructor
11. AeroTug Pilot

The Controlling Committee for Student, Beginner, Novice, Intermediate, Advanced and Master ratings is the Safety & Training Committee. The Controlling Committee for Tandem 1, Tandem 2 and Tandem Administrator ratings is the Tandem Committee. The Controlling Committee for the AeroTug Pilot rating is the Tow Committee.

The United States Hang Gliding and Paragliding Association, Inc.

B. Certifications

Certifications are Instructor certifications as described in SOP 12-05, for either hang gliding or paragliding. Certifications include:

1. Basic Instructor
2. Advanced Instructor

The Controlling Committee for Basic Instructor and Advanced Instructor certifications is the Safety & Training Committee.

C. Appointments

Appointments are rating official appointments as described in SOP 12-05 and SOP 12-10, for either hang gliding or paragliding. Appointments include:

1. Observer
2. Examiner
3. Mentor
4. Instructor Administrator
5. Tandem Administrator
6. Towing Supervisor
7. Towing Administrator
8. Aerotow Supervisor
9. Aerotow Administrator

The Controlling Committee for Observer, Examiner and Instructor Administrator appointments is the Safety & Training Committee. The Controlling Committee for the Tandem Administrator appointment is the Tandem Committee. The Controlling Committee for Towing Supervisor, Towing Administrator, Aerotow Supervisor and Aerotow Administrator appointments is the Tow Committee.

12-07.03 Causes for Revocation

There are a number of possible causes for a revocation action. In all cases, the decision to revoke a rating, certification or appointment is left to the revoking official, subject to review by the Controlling Committee. Not all causes for revocation warrant a revocation action. The severity of the infraction(s) and the penalty to be imposed are to be judged by the revoking official in his or her sole and exclusive discretion.

- A. Conduct demonstrating a lack of judgment and maturity commensurate with the rating, certification or appointment.
- B. Conduct under the auspices of the rating, certification or appointment that unreasonably endangers the persons or property of others. This includes unsafe instruction, flight operations that endanger others (such as “buzzing” spectators or waking other pilots in the air), and awarding of ratings, certifications or appointments to people who would be dangerous to themselves or others operating within the limits of the rating, certification or appointment.
- C. Obtaining a rating, certification or appointment under false pretenses. This includes, but is not limited to, forged log books, forged ratings forms, applications or memberships made under aliases, failure to disclose a previous revocation that would have an effect on the rating,

The United States Hang Gliding and Paragliding Association, Inc.

certification or appointment being applied for, and misrepresentations to USHPA officials regarding the rating, certification or appointment.

- D. Flight or instructional operations conducted during mental or emotional distress sufficient to impair flight operation.
- E. Flight or instructional operations conducted in violation of the FAA CFR Part 91.17 Alcohol or Drugs, as follows:
 - No person may act as pilot or passenger of a hang glider or paraglider
 - (1) Within 8 hours after the consumption of any alcoholic beverage;
 - (2) While under the influence of alcohol;
 - (3) While using any drug that affects the person's faculties in any way contrary to safety; or
 - (4) While having an alcohol concentration of 0.04 or greater in a blood or breath specimen. Alcohol concentration means grams of alcohol per deciliter of blood or grams of alcohol per 210 liters of breath.
- F. Violations of federal, state or local laws that jeopardize a flying site or site access.
- G. Other actions that jeopardize a flying site.
- H. Conduct materially and seriously prejudicial to the purposes and interests of the USHPA, including but not limited to giving false or misleading statements to a Controlling Committee or revoking official.
- I. Violations of the Federal Aviation Regulations, including but not limited to FAR part 103 and violations of the airspace usage requirements.
- J. Misrepresentation regarding ratings, certification and/or appointments held.
- K. Refusal to execute a copy of the USHPA Release, Waiver and Assumption of Risk Agreement at the request of the USHPA Board of Directors, the USHPA Executive Director or his or her designee.
- L. Instructing without following USHPA instructional guidelines.
- M. Issuing of ratings, certifications or appointments when the issuing official is aware that (or a reasonable person in the official's position should have been aware that) the candidate for the rating, certification or appointment had not completed the requirements.
- N. Actions that jeopardize the USHPA pilot or instructor liability insurance policy or policies, or that threaten to substantially increase the premium for these policies.
- O. Carrying a tandem passenger who is not a USHPA member.
- P. Reproduction, distribution or copy of copyrighted rating tests or answer keys for the tests except as provided in SOP 12.05.02.D without prior written permission of the USHPA.

12-07.04 Revoking Officials

The following officials are authorized to take actions to revoke a rating, certification or appointment:

A. Appointing Official

Any official issuing a rating, certification or appointment can revoke that rating, certification or appointment.

The appointing official can use any of the three methods in section 12-07.04 to revoke a rating.

The United States Hang Gliding and Paragliding Association, Inc.

B. Controlling Committee

The Controlling Committee, as defined in 12.07.01, has the authority to revoke any rating, certification or appointment under control of the Controlling Committee.

The Controlling Committee can only use the methods in sections 12-07.04(B) and 12-07.04(C) to revoke a rating.

C. Directors

Regional Directors and Directors-At-Large authorized to act as Regional Directors as defined in SOP 12-05.01(A).2 have authority to revoke the following ratings, certifications or appointments:

1. Any pilot rating or special skill, as defined in 12-07.01(A).
2. Any certification, as defined in 12-07.01(B).
3. Observer, Examiner or Mentor appointments.

Directors can only use the methods in sections 12-07.04(B) and 12-07.04(C) to revoke a rating.

D. Tandem Administrator

Tandem Administrators have authority to revoke the following ratings:

1. Tandem 1, Tandem 2 or Tandem Instructor pilot ratings.

Tandem Administrators must use the methods in sections 12-07.04(B) and 12-07.04(C) to revoke a rating.

Notwithstanding these provisions, no person may function as a revoking official or participate on the Controlling Committee for the purposes of a revocation procedure if that person has a conflict of interest as defined in SOP 12-07.06.

12-07.05 Types of Revocations

There are three types of revocations:

A. Revocation Without Cause by Appointing Official

The revocation of a rating, certification or appointment by the USHPA rating official who issued the rating, certification or appointment can be made without cause and is non-prejudicial. The rating, certification or appointment can be revoked only if it has not been superseded by a higher rating, certification or appointment made by another rating official. The pilot is not limited in any way from seeking re-appointment of the revoked rating, certification or appointment from another rating official.

B. Temporary Revocation

A temporary revocation is a maximum 30 day revocation of a rating, certification or appointment. After 30 days, the rating, certification or appointment is automatically restored unless a Full Revocation proceeding is in process and the revoking official that issued the Temporary Revocation issues an extension of the Temporary Revocation.

Temporary Revocations can be extended only if a Full Revocation proceeding is in process. Temporary Revocations may be extended until the conclusion of a Full Revocation proceeding.

C. Full Revocation

A full revocation remains in effect until the conditions for restoring the rating defined by the revoking official at the time of revocation, certification or appointment are met. Restrictions are

The United States Hang Gliding and Paragliding Association, Inc.

removed when a rating, certification or appointment is restored. A full revocation can be permanent.

12-07.06 Revocation Procedures

A. Revocation Without Cause by an Appointing Official

1. Revocation Process

- a. The appointing official is also the revoking official. The revoking official shall notify the pilot of the revocation. The revocation takes affect as soon as the pilot is notified.
- b. The revoking official shall notify the USHPA Executive Director and the Chair of the Controlling Committee within one business day of the revocation.
- c. The Controlling Committee shall decide within five business days of the revocation whether to accept or deny the revocation. The Chair of the Controlling Committee notifies the Executive Director of the decision to accept or deny the revocation. If the Chair makes no notification, the revocation is accepted.
- d. If the revocation is accepted, the USHPA Executive Director shall mail a letter confirming the revocation to the pilot's address as maintained in the USHPA official membership records.
- e. If the revocation is denied, the Chair of the Controlling Committee notifies both the revoking official and the pilot.

2. Appeal Process

- a. There is no appeal of a revocation without cause by the appointing official.

A revocation can occur even if the appointing official no longer holds the certification or appointment giving authority to issue the rating, certification or appointment being revoked.

B. Temporary Revocation for Cause

1. Reasons for Revocation

- a. The revoking official decides both the facts of the case and the actions warranted. The revoking official may use submitted evidence and may also independently obtain information used to make this decision.
- b. Revocation may be based on any cause for revocation described in SOP 12-07.02. Evidence of conduct justifying revocation may include one or more of the following types of evidence:
 - i. First-hand observations by the revoking official.
 - ii. Oral statements recounting first-hand observations of the conduct by the witness.
 - iii. Written statements recounting first hand observations of the conduct by the writer. Such writings may not be anonymous.
 - iv. Photographs of the conduct.
 - v. Videos of the conduct.

The United States Hang Gliding and Paragliding Association, Inc.

- vi. Oral statements, writings, photographs, videos, marketing materials, and other items apparently authored by the pilot.

2. Revocation Process

- a. The revoking official shall notify the pilot of the revocation and provide a summary of the evidence upon which the revocation is made. The revocation takes affect as soon as the pilot is notified.
- b. The revoking official shall provide a summary of the evidence upon which the revocation is made to the USHPA Executive Director and the Chair of the Controlling Committee within one business day of the revocation.
- c. The Controlling Committee shall decide within five business days of the revocation whether to accept or deny the revocation. The Chair of the Controlling Committee notifies the Executive Director of the decision to accept or deny the revocation. If the Chair makes no notification, the revocation is accepted.
- d. If the revocation is accepted, the USHPA Executive Director shall mail a letter confirming the revocation to the pilot's address as maintained in the USHPA official membership records.
- e. If the revocation is denied, the Chair of the Controlling Committee notifies both the revoking official and the pilot within one business day of this decision.

3. Appeal Process

- a. There is no appeal of temporary revocations.

C. Full Revocation for Cause

1. Reasons for Revocation

- a. The revoking official decides both the facts of the case and the actions warranted. The revoking official may use submitted evidence and may also independently obtain information used to make this decision.
- b. Revocation may be based on any cause for revocation described in SOP 12-07.02. Evidence of conduct justifying revocation may include one or more of the following types of evidence:
 - i. First-hand observations by the revoking official.
 - ii. Oral statements recounting first-hand observations of the conduct by the witness.
 - iii. Written statements recounting first hand observations of the conduct by the writer. Such writings may not be anonymous.
 - iv. Photographs of the conduct.
 - v. Videos of the conduct.
 - vi. Oral statements, writings, photographs, videos, marketing materials, and other items apparently authored by the pilot.

2. Revocation Process

Upon making an initial determination that a revocation may be appropriate, the revoking official shall initiate the following process:

The United States Hang Gliding and Paragliding Association, Inc.

- a. The revoking official shall set a date for making the final determination of revocation. This date should be no sooner than 30 days and no later than 90 days from the date notice of potential revocation is mailed to the pilot.
- b. Upon making the initial determination that a revocation might be appropriate, the revoking official shall provide a written notification of the potential revocation addressed to the pilot. The revoking official shall not mail that notice to the pilot, but instead shall forward that notice to the USHPA Executive Director and the Chair of the Controlling Committee. Included in that notification are the following:
 - i. That the revoking official has made an initial determination that a revocation may be appropriate.
 - ii. The effective date(s) of the proposed revocation.
 - iii. The cause(s) for revocation under SOP 12-07.02 that may justify a revocation.
 - iv. A summary of the evidence upon which the revoking official has made an initial determination that a revocation may be appropriate.
 - v. Notice of the date on which a final determination will be made.
 - vi. An invitation to have the pilot present evidence to the revoking official in opposition to the proposed revocation. This invitation should solicit documentary evidence and may, at the sole discretion of the revoking official, solicit oral testimony as well.
 - vii. A statement that in the absence of any response by the pilot, the proposed revocation will become a final determination of revocation as of the effective date set out in the notice.
- c. Upon receipt of the written notice at the USHPA office, the USHPA Executive Director shall mail the notice to the pilot's address as maintained in the USHPA official membership records.
- d. Upon receipt of any evidence submitted by the pilot, the revoking official shall review and consider such evidence.
- e. The revoking official shall make a final determination on the date set forth in the notice of potential revocation and shall notify the USHPA Executive Director and Chair of the Controlling Committee within one business day of making the final determination. This notification shall contain a draft letter addressed to the pilot stating the results of the final determination and providing a statement of the reason(s) for the revocation.
- f. The Controlling Committee shall decide within five business days of the final determination whether to accept or deny the revocation. The Chair of the Controlling Committee notifies the Executive Director of the decision to accept or deny the revocation. If the Chair makes no notification, the revocation is accepted.
- g. If the revocation is accepted, the USHPA Executive Director shall mail the revocation letter, authored by the revoking official, to the pilot's address as maintained in the USHPA official membership records.
- h. If the revocation is denied, the Chair of the Controlling Committee shall notify both the revoking official and the pilot within one business day of this decision.

The United States Hang Gliding and Paragliding Association, Inc.

3. Restrictions and Conditions

Revocations can, at the discretion of the revoking official, be in whole or in part. As such, revocations may impose restrictions in the pilot's exercise of the rating, certification or appointment. Revocations may also impose conditions for re-acquiring the revoked rating, certification or appointment.

4. Appeal Process

- a. If the pilot suffering the revocation chooses to appeal, the pilot must notify the Chair of the Controlling Committee in writing. The written request for appeal must be received by the USHPA office within thirty days of the effective date of the revocation. Requests for appeals received after thirty days will not be considered.
 - b. Appeals must be presented in writing. At the discretion of the Chair of the Controlling Committee, the pilot may present oral arguments at the committee meeting.
 - c. Pending appeal, a revocation will be in effect. However, at the discretion of the Chair of the Controlling Committee, the revocation may be stayed pending appeal.
 - d. The pilot is permitted to present only that information and documentation which disavows or proves false the reasons for the revocation action as specified in the letter from the revoking official.
 - e. Appeals are heard by the Controlling Committee at the first USHPA Board of Directors' meeting subsequent to the notice of appeal.
 - f. The revoking official is permitted to provide information in the appeal.
 - g. The appeal shall be decided on the basis of reasonableness of the revoking official's actions. The appeal is not a de novo consideration of the revocation action, and the Controlling Committee should not substitute its own judgment in place of that of the revoking official, unless it determines that no reasonable revoking official could have reached the same conclusion as the revoking official.
 - h. If the Controlling Committee determines that no reasonable revoking official could have determined that 1) revocation was appropriate, or 2) that the restrictions or conditions placed on the revocation were appropriate, then the Controlling Committee may overturn the revocation in its entirety, or modify the revocation's restrictions and/or conditions.
 - i. The decision of the appeal by the Controlling Committee is final and not subject to further appeal.
 - j. The decision of the Controlling Committee shall be in writing and submitted to the Executive Director within five business days of the Controlling Committee's determination. The Executive Director shall mail the decision to the pilot using the last known address given to the USHPA.
5. Notices. Unless stated otherwise in this SOP, notices may be oral. Unless stated otherwise in this SOP, written notices may be delivered using any method reasonably calculated to result in actual delivery to the intended recipient, including, but not limited to email, fax, US Mail, commercial delivery service, and hand delivery.

The United States Hang Gliding and Paragliding Association, Inc.

An action to revoke a certification or appointment may continue even if the certification or appointment in question has expired.

12-07.07 Effect of Revocation

- A. The revocation of a rating shall have the effect of nullifying the rating and lowering the pilot's rating level to the next lower rating level that has not been revoked.
- B. The revocation of a certification or appointment shall have the effect of nullifying the certification or appointment.
- C. No pilot who has had a rating, certification or appointment revoked shall claim to hold that rating, certification or appointment while the revocation is in effect. Doing so is grounds for further revocation of a rating, certification or appointment, civil legal action by the USHPA, and, in extreme cases, expulsion of the member under Article V, Section 4(b) of the USHPA Bylaws.
- D. In a case where a rating revocation which is in force or upheld causes the affected pilot's requirements to hold any other ratings or appointments (ex. Tandem or Instructor) to fall below the requirements needed to hold those ratings, those ratings are also nullified until such time as the pilot regains the requirements necessary to possess those ratings.
- E. A pilot who has had a rating, certification or appointment revoked may not regain the rating, certification or appointment by the normal process of initially obtaining such a rating, certification or appointment. The USHPA office will not process applications in violation of this rule.
- F. A revocation may contain one or more restrictions and conditions that must be met prior to reinstatement.
- G. Revocations may be permanent, in which case they cannot be undone by completion of conditions.

12-07.08 Conflict of Interest

A **conflict of interest** is a situation where:

- A. The revoking official has a pre-existing relationship with the individual under investigation or consideration for revocation which would have the appearance of biasing the outcome of the proceeding.
- B. The revoking official will experience a direct benefit as a result of the outcome of the proceeding. For example, 1) the revoking official and the pilot compete for the same business in the same geographical marketplace, or 2) the revoking official employs the pilot as an employee or independent contractor..
- C. There are other relationships or circumstances that create actual conflicts of interest.

Any revoking official or Controlling Committee member having a conflict of interest must recuse himself or herself from the revocation and appeals processes.

If the pilot believes the Revoking Official has a conflict of interest, the pilot must assert that claim before the date of the final determination by the Revoking Official, by mailing a written statement to the USHPA Executive Director. The assertion must state all the facts on which the pilot bases his or her claim that the Revoking Official has a conflict of interest. If the pilot fails to assert a claim of conflict of interest before the release of the final determination by the Revoking Official, all claims of conflict of interest are waived. The Executive Director makes the determination of whether a conflict of interest exists.

The United States Hang Gliding and Paragliding Association, Inc.

12-07.09 USHPA Notifications

The USHPA shall publish a notice of a revocation of a tandem rating, certification or appointment in its national publication(s).

Upon any revocation of rating, certification or appointment taking effect, or of any decision following an appeal of a revocation of rating, the USHPA Office will immediately notify the Regional Director(s) for the region in question. Upon the revocation of a certification, the USHPA Office will immediately notify all IP administrators in the USHPA. These notifications may be oral, by electronic communications or by postal mail.

Nothing in this section shall be construed as limiting the ability of the USHPA to disclose that a revocation of a rating, certification or appointment is being considered or has occurred. The USHPA may disclose the fact that a revocation is under consideration, that a revocation has been made, and the terms and conditions of any revocation, in the USHPA's discretion to whomever and in whatever manner the USHPA sees fit.

12-07.10 Reinstatement of Revoked Ratings, Certifications or Appointments

A reinstatement occurs when a revocation ceases to be in effect. This can happen in two ways: by completion of the conditions imposed at the time of revocation, or by a proceeding that reinstates a rating, certification or appointment notwithstanding the failure to complete the conditions.

A. Reinstatement by Completion of Conditions

1. At the time of a revocation, the revoking official (or appeals committee) may impose conditions for reinstatement and specified in a letter sent to the pilot.
2. Determination of the completion of these conditions is to be made by the revoking official or his designee, at the request of the pilot suffering the revocation.
3. If the revoking official or designee certifies that the conditions have been met, the revoking official notifies the Executive Director. The revocation ceases to be in effect and the rating, certification or appointment that was revoked is reinstated to the level before the revocation.
4. If the revoking official is no longer in a position to evaluate the completion of the conditions for any reason, the Chair of the Controlling Committee shall, at the request of the pilot suffering the revocation, appoint someone else to make the evaluation.
5. There is no appeal from a denial of certification of completion of conditions, but a pilot may file a petition to reinstate under 12-07.09(B) if he or she feels the denied certification of completion of conditions is unreasonable.
6. A pilot who has been denied certification of completion of conditions may reapply for certification 60 days after the date of the denied petition.

B. Reinstatement Notwithstanding Failure to Complete Conditions

1. A pilot suffering a revocation of a rating, certification or appointment may petition the Controlling Committee to reinstate the rating, certification or appointment even though the conditions for reinstatement have not been completed. This is the only method to reinstate a permanently revoked or reduced rating, certification or appointment.

The United States Hang Gliding and Paragliding Association, Inc.

2. A petition to reinstate may not be made less than one year after the revocation, and may not be made less than one year after the most recent petition to reinstate the same revoked rating, certification or appointment.
3. The petition must be made in writing. On the request of the pilot suffering the revocation, but at the discretion of the revoking official or Chair of the Controlling Committee, the petition may be heard orally.
4. Reinstatement notwithstanding failure to complete the conditions should be granted at the sole and exclusive discretion of the Controlling Committee and then only in exceptional circumstances.
5. There is no appeal from a denial to reinstate notwithstanding failure to complete conditions.

12-07.11 Record Keeping

The USHPA Office shall keep a record of all ratings, certifications or appointments revoked and review new and renewed ratings, certifications and appointments to insure that they do not circumvent actions of such revocation processes. For full revocations, the USHPA office shall keep a record of any restrictions and conditions imposed for reinstatement of a revoked rating, but the determination of the satisfaction of these restrictions and conditions shall be made by the revoking official as described in 12-07.05(C), not by the USHPA office.