

Instructor Defense Fund

PRD 730-1 June 12, 2006

- The purpose of this Policy and Regulatory Directive (PRD) is to state how the Instructor Defense Fund of the HPAC/ACVL will be established, maintained and used.
- The motion to establish an Instructor Defense Fund was passed unanimously at the 2004 Annual Director's Meeting held in April 10 -11, in Hamilton Ontario.
- To grant up to \$5000 from the Instructor Defense Fund to any applicant for their immediate legal defense of a instructor or HPAC/ACVL in general.
- A further \$10,000 may be granted to the applicant upon approval of the BOD.
- To set aside up to \$5000 from the excess of each years income above expenses (above a \$10,000 minimum surplus¹) for the Instructor Defense Fund to support our Hang Gliding and Paragliding Instructors.
- The \$5000 includes School insurance fees plus an amount from the general revenue.
- A maximum of \$30,000 will be set as the total HPAC/ACVL contribution.
- Instructor Insurance fees will continue to contribute to the fund beyond \$30,000.
- The amount will be topped up to \$30,000 by HPAC/ACVL if it is drawn down by a applicant, dependant upon finances of HPAC/ACVL.
- Interest will be allowed to top up the Fund, if the Fund is at maximum, the interest will be allowed to stay in the Fund.
- The maximum any applicant may receive is \$15,000 for life.

1.Purpose

- i. The purpose of this directive is to identify the mechanism necessary to establish an Instructor Defense Fund.
- ii. The purpose of the Instructor Defense Fund is to provide immediate and further monetary assistance for the National Hang Gliding and Paragliding Club current Instructors if they require legal assistance in a Hang Gliding or Paragliding matter related to their teaching activities

2.The Instructor Defense Fund- Establishment Mechanism

The Instructor Defense Fund will be established using:

- i. Funds will be realized from the school insurance fee charged by HPAC/ACVL each year to each Instructor. And from general revenue up to \$5000 per year.
- ii. A sum per annum will be decided by the BOD yearly to establish the fund until the fund attains a \$30,000 minimum level.

¹ A previous PRD (550-0) has precedence on the first excess \$5000

- iii. Donations from private, corporate and public sources especially earmarked for the fund will be accepted into it. A charitable tax receipt will be issued for all donations
- iv. The annual HPAC/ACVL contribution will be established at the annual ADM. The fund will be managed by the business manager, the treasurer, and the head of the Instructor Activity Committee to ensure compliance with the eligibility rules.
- v. The fund will be disbursed by the Business Manager upon direction by the Board of Directors.
- vi. The fund will be maintained outside the general bank account of the Association, in a long term interest paying vehicle. This vehicle will be of a secure and guaranteed nature
- vii. Interest earned and not used will be reinvested in the fund.
- viii. The fund is not to be used for the day to day financial concerns of the Association.
- ix. The fund can only be accessed for financial operating account emergency by unanimous approval of all voting members of the board of directors
- x. The Instructor Defense Fund can only be terminated by approval of the general membership at an extraordinary meeting of the association or at the Annual General Meeting
- xi. If the Instructor Defense Fund is terminated the funds will be placed in the regular operating account of the HPAC/ACVL

3. Instructor Defense Fund - Grant Eligibility and Distribution

The Instructor Defense Fund grant will be disbursed to a Instructor upon application and review by the Board of Directors using these criteria:

- i. Application must be accompanied by a copy of legal costs incurred or a invoice for payment in seeking advice or defending themselves in a dispute from a student, landowner, or other claimant.
- ii. Applications for funding must include a description of the incident
- iii. Eligibility will be defined by the instructor applicant:
 - a. Having paid their HPAC/ACVL school insurance fee for the year of the occurrence under dispute.
 - b. Is a HPAC/ACVL member at the time of the occurrence of the episode under dispute.
 - c. The incident must be filed with the HPAC/ACVL Safety Officer according to the Transport Safety Regulations²

² Accident. The TSB definition of an accident is as follows:

· An accident resulting directly from the operation of an aircraft, where:

- a. A person sustains a serious injury* or is killed as a result of
 - Being onboard the aircraft⁷
 - Coming into contact with any part of the aircraft or its contents, or

- iv. The original amount will be up to \$5000 to cover legal costs.
- v. A second grant of up to \$10,000 may be distributed upon approval by the Board of Directors.
- vi. The maximum grant will be \$15,000 to any school or individual for life.
- vii. The Board of Directors must be satisfied the dispute does not arise from gross negligence on the part of the school or applying individual.
- viii. The Board of Directors may stop payment or request a repayment should the claim arise from negligence on the part of the Instructor.
- ix. The Board of Directors will decide on the distribution and size of individual grants.
- x. Administration of the grant will be carried out by the HPAC/ACVL business manager.
- xi. Appeals to the board over refusal of an application will be carried out using Natural Justice Principles³, as laid out in HPAC/ACVL Conflict Resolution prd XXXX (not yet defined)

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- Being directly exposed to the jet blast or rotor downwash of the aircraft.
- b. The aircraft sustains damage or failure that adversely affects the structural strength, performance or flight characteristics of the aircraft and that requires major repairs or replacement of any affected component part; or
 - c. The aircraft is missing or inaccessible.

***Definition.** A serious injury is defined as an injury, other than fatal, that:

- requires hospitalization or medical treatment at any time from injuries received;
- results in the fracture of any bones except simple fractures of fingers or toes;
- involves lacerations which cause severe hemorrhage, nerve, muscle or tendon damage;
- involves injury to any internal organ; or
- involves second or third-degree burns, or any burns affecting more than five percent of body surface.

Incident. The TSB definition of an incident only applies to aircraft with a maximum certificated takeoff weight greater than 5,700 kg. Since we are not aware of any HG or PG that falls under this definition, there is no obligation to report HG or PG incident to the TSB. However, the HPAC/ACVL and is interested in incidents since there are lessons that can be learned from them
 HPAC/ACVL Club Flight Safety Officer Manual Version 1
 19/26.

³ Rules of Natural Justice

- A person has the right to know the case against him or her and must have a chance to reply to it
- A person has the right to a decision from an unbiased decision-maker
- The person who *hears* the case must *decide* the case