



# New Constituency Petition and Charter

---

## Consumers Constituency Petition

**Important Notices:**

*(1) The purpose of this document is to formally petition the ICANN Board for approval to form a new GNSO constituency consistent with the ICANN Bylaws. Its submission, receipt, acceptance, or acknowledgement should not be construed as implicit or explicit Board approval of the proposed constituency.*

*(2) In addition to the Board, this submission will be provided to the GNSO Council and constituencies and will be publicly posted [Note: phone and fax numbers supplied below are for contact purposes only and will not be shared publicly].*

**Submit to ICANN Board at [new-constituency@icann.org](mailto:new-constituency@icann.org) [Note: If you do not receive a confirmation after submittal or have questions, please contact [policy-staff@icann.org](mailto:policy-staff@icann.org)].**

Constituency Name:	Consumers Constituency
Your Name:	Beau Brendler
Your Company/Organization:	Consumer Reports/WebWatch
Tel. Number:	<i>[Redacted]</i>
Fax Number:	<i>[Redacted]</i>
Email Address:	<i>[Redacted]</i>
Submission Date:	10 April 2009

# Consumers Constituency

## Charter

### Table of Contents

<b>1.0 MISSION, STRUCTURE, AND PRINCIPLES.....</b>	<b>3</b>
<b>2.0 EXECUTIVE COMMITTEE (EC).....</b>	<b>4</b>
<b>3.0 GNSO COUNCIL REPRESENTATIVES (CRS).....</b>	<b>10</b>
<b>4.0 COMMITTEES.....</b>	<b>11</b>
<b>5.0 ELIGIBILITY FOR MEMBERSHIP.....</b>	<b>13</b>
<b>6.0 ELECTIONS AND VOTING. ....</b>	<b>17</b>
<b>7.0 COMMUNICATIONS.....</b>	<b>18</b>
<b>8.0 MEETINGS. ....</b>	<b>20</b>
<b>9.0 OUTREACH.....</b>	<b>21</b>
<b>10.0 PARTICIPATION STANDARDS AND DISCIPLINE. ....</b>	<b>22</b>
<b>11.0 FINANCES.....</b>	<b>24</b>



# New Constituency Petition and Charter

---

## 1.0 Mission, Structure, and Principles.

- 1.1 **ICANN Bylaws.** The Consumers Constituency is a recognized entity within the Generic Names Supporting Organization (GNSO) Non-Commercial Stakeholder Group (NCSG), formed according to Article X, Section 5 of the International Corporation for Assigned Names and Numbers (ICANN) Bylaws.
- 1.2 **Mission.** The purpose of the Consumers Constituency is to be the conduit for public interests as they relate to ICANN's legal mandate in maintaining safety and stability of the Internet. Major areas of consumer interest are fraud, spam, phishing, identity theft, and privacy. The focus of the Consumers Constituency is to ensure that safety, security and stability regarding the Domain Name System (DNS) are adequately represented within ICANN policy development
- 1.3 **Structure.** The Consumers Constituency shall consist of Members, an Executive Committee, a Policy Committee, and Council Representatives.
  - 1.3.1 **Members.** Large Organizations, Small Organizations, and Individuals may be admitted as Members in accordance with the eligibility criteria in Section 5.0. The qualifications, rights, and duties of Members are set out in Paragraph 5.1 for organizations and 5.2 for individuals.
  - 1.3.2 **Executive Committee (EC).** Members of the Consumers Constituency may elect an EC. The qualifications, rights, and duties of the EC are set out in section 2.0.
  - 1.3.3 **Policy Committee (PC).** Members of the Consumers Constituency may elect a PC. The qualifications, rights, and duties of the PC are set out in Paragraph 4.1.
  - 1.3.4 **GNSO Council Representatives (CRs).** Members of the Consumers Constituency may elect one or more persons to fill GNSO Council Seats allocated to the Constituency by the Non-Commercial Stakeholder Group (NCSG). The qualifications, rights, and duties of the CRs are set out in section 3.0.
- 1.4 **Guiding Principles for Leaders, Representatives, and Members.** The Consumers Constituency is committed to:
  - 1.4.1 Carrying out its mission in a fair, open and transparent manner, and ensuring that new participants may easily access and understand its operations and processes;
  - 1.4.2 Establishing and maintaining standards for leadership positions including impartiality, accountability, and avoidance (or disclosure and Members' consent) of potential conflicts of interest;
  - 1.4.3 Establishing and maintaining participation standards for eligibility to vote;

- 1.4.4 Establishing and maintaining professional standards of behavior for all constituency members and participants including: adhering to ICANN bylaws/policies; supporting the bottom-up consensus model; treating others with dignity, respect, courtesy, and civility; listening attentively to understand others; acting with honesty, sincerity, and integrity; and maintaining good community standing; and
- 1.4.5 Providing balanced and fair representation of the significant, legitimate issues of safety and protection of non-commercial Internet users.

## **2.0 Executive Committee (EC).**

### **2.1 Composition, Eligibility, and Terms of Office.**

**2.1.1 Composition.** As long as there are sufficient willing participants, the EC shall consist of the following six (6) officers:

- a. Chair;
- b. Vice-Chair;
- c. Secretary/Treasurer;
- d. Membership Officer;
- e. Policy Development Committee Chair; and
- f. Communications Officer.

In the event that fewer than six (6) individuals are willing to serve in these capacities, the duties of the Communications Officer and Membership Officer may be assumed by the EC as a whole.

**2.1.2 Eligibility.** To be eligible for an official leadership position, candidates must:

- a. Have been an Individual Member of the Consumers Constituency or an Organization Official Representative (OOR), in good standing, for a period of at least six (6) months.
- b. Not already hold an officer position except as authorized under Paragraph 2.1.1;
- c. Not currently be serving as a CR;
- d. Not be Chair if serving on the ICANN Nominating Committee, as an officer of another ICANN constituency, or as an officer of ALAC.



# New Constituency Petition and Charter

---

**2.1.3 Elections.** All officers comprising the EC shall be elected by the Members as provided in Paragraph 2.4.1, with the exception of the Policy Committee Chair (PCC).

**2.1.4 Term Limits.**

- a. Members of the EC will be elected for one-year terms.
- b. No person shall serve for more than five (5) years in any ten (10) year period as any of the following: Chair, Vice-Chair, Membership Officer, or Policy Committee Chair (PCC).

**2.1.5 Vacancies, Resignations, Suspensions, and Removals.**

- a. If at any point in time a member of the EC leaves the membership of the Constituency for any reason, he/she shall immediately cease the function of his or her office as well.
- b. If the office of the Chair becomes vacant, then the Vice-Chair shall become acting Chair until an election for the Chair can be held.
- c. If a vacancy occurs with respect to an Officer, other than the Chair, with
  - i. Six (6) or more months left in the term, the Chair shall direct the EC to hold an election to replace such officer in accordance with the procedures described in section 2.4.1; or
  - ii. Less than six (6) months left in the term, the Chair, in consultation with the EC, shall appoint an individual to fill the vacancy until the term is expired.

**2.2 Duties of the Members of the Executive Committee.**

**2.2.1 The Chair shall:**

- a. Organize and conduct meetings and teleconferences of the Constituency, including a meeting of all Members during the ICANN public meetings on a day selected by the EC to maximize the Constituency's potential to influence GNSO Council and ICANN Board decisions;
- b. Determine the agenda and meeting schedule of the EC and the Consumers Constituency;
- c. Liaison with other stakeholder group representatives, advisory committees, the ICANN Board, and ICANN staff on administrative and substantive matters;

- c. Establish guidelines for EC participation requirements in accordance with section 10.2 and may request the Membership to replace any member of the EC who is inactive or who prevents the execution of tasks and duties required by this Charter;
- d. Ensure that timelines and standards for the work of the officers and Committees are set and met; and
- e. Advise and assist the other members of the EC.

**2.2.2 The Vice-Chair shall:**

- a. Perform such duties of the Chair or other EC officers as are delegated to this position by vote of the EC or by the Chair;
- b. Participate in EC decision making;
- c. Participate in outreach, recruiting, liaison, and networking efforts; and
- d. Advise and assist the Chair and the other members of the EC.

**2.2.3 The Secretary/Treasurer shall:**

- a. Submit an annual budget, and any amendments if needed, to the EC for approval;
- b. Seek sources of support from ICANN, grants, and other donations pursuant to Section 11;
- c. Manage all funding and expenditures in accordance with the budget;
- d. Report to the Members of the Consumers Constituency at the end of each annual budget period on all funding and expenditures during that year; and
- e. Advise and assist the Chair and the other members of the EC.

**2.2.4 The Membership Officer, in accordance with the provisions of Section 5.0-Eligibility, shall:**

- a. Devise and conduct recruitment and outreach programs;
- b. Establish and assure compliance with the new Member application process;
- c. Receive and review Member applications and, if the information in the application is not sufficient to warrant acceptance, notify the applicant and request additional information;



# New Constituency Petition and Charter

---

- d. Accept new Members who qualify in accordance with this Charter;
- e. Maintain the list of Members with contact information;
- f. Determine the voting status of Constituency Member Organizations;
- g. Determine the ICANN geographical Region(s) represented by each Member. This determination will be made based on citizenship, residence, duration of residency or experience within a Region, depth of involvement in Internet matters in the Region, and other criteria as contained in the ICANN Bylaws or approved by the ICANN Board;
- h. Upon receipt from the EC of a notice of an upcoming election, confirm the identity and status of Constituency Members eligible to vote and run for office at least forty (40) days prior to the beginning of such election;
- i. Accept nominations for offices to be filled by such election and, in the case of more than four (4) nominations for any office, determine the top four (4) candidates, who will be included on the ballot. In the case of a dispute about this determination, any interested party may appeal the decision to the EC;
- j. Notify the EC of the names of the candidates for each office at least ten (10) days prior to the deadline for providing ballots to Constituency Members eligible to vote in such election; and
- k. Advise and assist the Chair and the other members of the EC.

## **2.2.5 The Policy Committee Chair (PCC) shall:**

- a. Establish and monitor working groups, if any, that are convened by the EC to address policy issues;
- b. Keep the EC informed on the work and conclusions of:
  - i. The PC;
  - ii. Working groups, if any, that are convened by the EC to address policy issues; and
  - iii. The work of the CRs.
- c. Serve as liaison between the CRs and the PC;
- d. Advise and assist the Chair and the other members of the EC; and
- d. Perform other duties as specified in Paragraph 4.1.2.

**2.2.6 The Communications Officer shall:**

- a. Establish and manage all public communications facilities as described in section 7.0, in accordance with the list of Members' contact information provided by the Membership Officer;
- b. Establish and manage the Consumers Constituency website, including access to membership application forms;
- c. Provide timely notice on the Public List of all Constituency meetings, agendas, and minutes or other reports;
- d. Post a Notice of Election and Request for Nominations on the Public List for at least sixty (60) days prior to an upcoming election. The Notice of Election will include a Request for Nominations to be submitted to the Membership Officer;
- e. Take minutes of public meetings and EC meetings;
- f. Make a reasonable effort to post notices of Constituency activities on websites, blogs, and other forums for publicity and recruitment;
- g. Maintain all records and documents of the Constituency; and
- h. Advise and assist the Chair and the other members of the EC.

**2.3 EC Communications.** The EC may have private communications mechanisms (e.g. email lists), which shall be archived and available to the public upon request.

**2.4 Duties of the Executive Committee (EC).**

**2.4.1 Conduct Elections.** In accordance with the provisions in Section 5.0-Eligibility, the EC shall:

- a. Direct the Membership Officer to announce a call for candidate nominations at least thirty-five (60) days prior to an election and establish a list of the Members eligible to vote in such election including their status/vote allocation;
- b. Establish and oversee a secure, confidential, and accurate balloting procedure;
- c. Obtain from the Membership Officer the names of candidates for each office to be elected;
- d. Collect and post on the Public List a statement of qualifications and intentions of all candidates on the ballot;





# New Constituency Petition and Charter

---

- e. Create and provide ballots to each Constituency Member eligible to vote at least thirty (30) days prior to the close of voting for such election; and
- f. Supervise the vote count for accuracy and ensure that Members are notified of the results in a timely and transparent manner.

## **2.4.2 Manage Funding and Expenditures.** The EC shall:

- a. Obtain and monitor Constituency funding from ICANN, Members, individuals and organizations that are not Members, and other sources;
- b. Approve a budget proposed by the Secretary/Treasurer at least annually and approve reports on expenditures at the end of each budget period; and
- c. Keep records and make such accountings as are necessary to satisfy the requirements of any funding source or grant.

## **2.4.3 Make Appointments.** The EC shall appoint or recommend Constituency candidates, as requested, to serve on, or as liaison with, other ICANN structures, including without limitation the ICANN Nominating Committee.

## **2.4.4 Establish Additional Committees and Working Groups.**

- a. The EC may propose to the Constituency Members requests to establish additional temporary or permanent committees or working groups. Such requests may originate from within the EC itself or from any Constituency Member. The EC shall post such a request on the Public List. The request shall:
  - i. Explain the need for and intended purpose of such entity;
  - ii. Propose committee formation criteria, eligibility requirements for members of the committee, and committee functions and procedures in addition to those stated in section 4.2;
  - iii. State a date, not less than thirty (30) days after the request is posted, on which such entity will be formed, unless three (3) or more Members request in writing on the Public List that the EC request to create a new committee or working group be put to Member vote.
- b. Upon a sufficient request for a Member vote, the EC shall conduct a vote on approving the request in accordance with the procedures for an election set forth in section 6.0.
- c. Any committee or working group established pursuant to this Paragraph shall comply with the requirements of Paragraph 4.2.

d. **Volunteers.** The EC shall post on the Public List a call for volunteers to serve on newly created committees and working groups for at least seven (7) days. The EC will try to reach a consensus on who will be included in the committee or working group, but if a consensus cannot be reached, the EC will initiate a formal election for these positions pursuant to section 6.0.

**2.4.5 Resolve Disputes.** The EC shall hear and resolve disputes among Members and any appeal from a decision of the Membership Officer.

**2.4.6 Perform with Diligence and Loyalty.** All officers have a duty to perform their roles with diligence and loyalty to the Consumers Constituency, and are bound to meet the minimum participation requirements set forth in section 10.2. All officers shall promptly notify the EC, and Constituency Members, of any potential conflict of interest that may arise during their term.

**2.4.7 Support education and Outreach.** All officers shall create opportunities for the Members of the Consumers Constituency to keep current with literature, research, and discussion of Internet issues relating to safety and protection on the Internet and to the kinds of policies being developed in the GNSO.

**2.4.8 Make Decisions.** All members of the EC will participate in making decisions. A quorum of at least five (5) members of the EC is required for making decisions not otherwise delegated to an individual officer. Decisions will be made by consensus as described in Paragraph 6.2.3 when possible. If the EC cannot resolve a decision by consensus, the Chair shall conduct a vote. All members of the EC, including the Chair, have a vote. In the case of a tie, the EC shall conduct a vote of the Members.

### **3.0 GNSO Council Representatives (CRs).**

**3.1 Elections.** CRs will be elected by the Constituency's Members pursuant to Paragraph 6.2.1.

**3.2 Regional Representation.** The Consumers Constituency shall seek to recruit and elect CRs from a variety of global Regions. Determination of which Region(s) are represented by CRs is made by the Membership Officer according to the criteria set forth in Paragraph 2.2.4(g) and any geographic diversity needs or requirements communicated by the NCSG.

**3.3 Duties of the CRs.**

**3.3.1. Participation in the Constituency.** Each CR shall actively and faithfully participate with the EC and the Constituency Members in considering policy issues.



# New Constituency Petition and Charter

---

- 3.3.2 Participation in the GNSO.** Each CR shall actively and faithfully participate in the activities of the GNSO Council and in advancing the goals of the Constituency in every aspect of the GNSO Policy Development Process.
- 3.3.3 Communication.** Each CR shall inform, in a timely manner and by use of the Public List, all Constituency Members of:
- a. The initiation of new Working Groups or Policy Development Processes within ICANN;
  - b. The content of Working Group charters;
  - c. ICANN public comment periods;
  - d. Any final vote by the GNSO Council, at least two (2) weeks in advance of the scheduled vote; and
  - e. Any other matter reasonably pertinent to permitting the full involvement in ICANN policy development by Constituency Members.
- 3.3.4 Constituency Representation.** Each CR shall represent in the GNSO Council the goals and priorities of the Members to the best of his/her ability and in accordance with the principle of consensus building, as follows:
- a. Positions that reach consensus within the Constituency are presumptively binding on the CRs' votes. This presumption may be rebutted only with the consent of the Members and in the event of very significant countervailing concerns, which concerns must be disclosed to the Members;
  - b. On issues without Constituency consensus, CRs are authorized to vote on GNSO Council matters as they think best with a reasonable effort to reflect the positions held by Members of the Constituency.

## 4.0 Committees.

### 4.1 Policy Committee (PC).

**4.1.1 Composition.** The PC is comprised of:

- a. The Policy Committee Chair (PCC);
- b. The GNSO CRs elected by the Constituency;

- c. A Constituency Member from each ICANN geographical region elected by the Members for one-year terms; and
- d. Up to five additional participants who are Constituency Members and are elected for such service by the Members for one-year terms.

**4.1.2 Policy Committee Chair (PCC).** The members of the PC shall elect a PCC annually. In addition to his or her obligations with respect to the EC (see Paragraph 2.2.5), the PCC shall:

- a. Develop PC agendas;
- b. Schedule and conduct PC meetings;
- c. Keep minutes of PC meetings and records of PC decisions;
- d. Involve Constituency Members in policy development activities; and
- e. Maintain a private communication mechanism, which shall be archived and available to the EC. The EC may make all or part of this archive available to Members upon request.

**4.1.3 Duties.** The PC shall:

- a. Supervise, develop and approve policy statements issued in the name of the Constituency;
- b. Initiate GNSO policy development research and proceedings on behalf of the Constituency;
- c. Identify and recruit Constituency Members or supporters to serve on GNSO Working Groups, task forces, and drafting teams;
- d. Strive to develop policy-position consensus among Constituency Members;
- e. Create mechanisms for properly and accurately reflecting minority positions in Constituency policy development; and
- e. Devise practical policy and voting strategies for the Constituency's CRs.
- f. Take reasonable steps to be informed and consider the range of relevant significant, legitimate issues of safety and protection of non-commercial Internet users who are currently under-represented in the Constituency.



# New Constituency Petition and Charter

---

**4.1.4 Policy Liaison.** The PC shall meet at least twice annually with a liaison (if any have been appointed) from the At-Large Advisory Committee, the Commercial Users Stakeholder Group, and the Government Advisory Council.

**4.1.5 Make Decisions.** All members of the PC will participate in making decisions. A quorum of at least three-quarters (3/4) of the members of the PC is required for making significant decisions. Decisions will be made by consensus as described in Paragraph 6.2.1 when possible. If the EC cannot resolve a decision by consensus, the PCC shall conduct a vote. All members of the PC, including the Chair, have a vote. In the case of a tie, the PC will request the EC to resolve the dispute.

## 4.2 Other Committees.

**4.2.1 Chair.** The members of each committee shall elect a Chair annually who shall:

- a. Develop agendas;
- b. Schedule and conduct meetings;
- c. Keep minutes of committee meetings and records of committee actions;
- d. Involve Constituency Members in the activities of the committee; and
- e. Maintain a private communication mechanism, which shall be archived and available to the EC. The EC may make all or part of this archive available to Constituency Members upon request.

## 5.0 Eligibility for Membership.

### 5.1 Organizations.

**5.1.1 Eligible Organizations.** To be eligible to be a Member of the Consumers Constituency, a Large or Small Organization must be:

- a. Either:
  - i. An organization incorporated or otherwise legally established as a non-commercial entity (in countries that have such a provision in their corporation law); or
  - ii. An unincorporated organization, or organization operating in a country without provisions for non-commercial incorporation, that operates on a non-profit basis, primarily for non-commercial purposes, and has at least ten (10) members; or

- b. The exclusive user of at least one (1) domain name used primarily for non-commercial purposes; or
- c. Engaged in activities that are primarily non-commercial and public service oriented, including but not limited to, policy advocacy, educational, religious, charitable, scientific, or artistic purposes.

**5.1.2 Ineligible Organizations.** An organization is not eligible to be a Consumers Constituency Member if it:

- a. Is a political organization whose primary purpose is to elect government officials;
- b. Exists as an association of, or for the benefit of, commercial entities (even if it is non-profit in form), such as industry trade associations;
- c. Provides a service under a contract or memorandum of understanding with ICANN; or
- d. Is currently represented in ICANN through another Supporting Organization or GNSO Stakeholder Group. Organizations that participate in ICANN with the At Large Advisory Committee (ALAC) are not excluded by this criterion.

**5.1.3 Organization Official Representation.** Each organization, in its application for membership in the Constituency, shall appoint an individual to serve as the Organization's Official Representative (OOR).

- a. Each OOR shall have the powers to vote and speak publicly on behalf of the Member Organization within the Constituency.
- b. Each OOR must be formally authorized to represent the Member Organization by the president, director, or other principal of that Organization.
- c. A Member Organization may change its OOR if the president, director, or other principal of the Member Organization:
  - i. Notifies the EC of the change; and
  - ii. Authorizes a new OOR following the resignation of the prior OOR.
- d. A new OOR appointed in accordance with this Charter does not assume an elected or appointed office within the Constituency held by the prior OOR. The Membership Officer may, at its discretion, hold an election to replace the prior OOR.



# New Constituency Petition and Charter

---

**5.1.4 Organization Additional Representation.** A Member Organization may also designate one or more Additional Representative(s) (AR) to the Constituency following the same processes as for designating an OOR, set forth in Paragraph 5.1.3.

- a. ARs do not vote on behalf of the Member Organization, but may otherwise participate in Constituency listservs and mailing lists, discussions, meetings, committees, working groups, and task forces.
- b. The EC may establish eligibility guidelines for, and limits on the number of, ARs that will be applicable to all Member Organizations.

**5.1.5 Status and Vote of Large Organization or Small Organization.**

- a. An organization with fifty (50) or more employees, or membership organizations with five hundred (500) or more individual members, shall be classified as a “Large Organization” and afforded three (3) votes in all Constituency elections.
- b. An organization not qualifying as a Large Organization under the prior Paragraph, and with five (5) or more employees, or membership organizations with fifteen (15) or more individual members, shall be classified as a “Small Organization” and afforded two (2) votes in Constituency elections.

**5.1.6 Determinations of Organization Eligibility and Status.** The Membership Officer may establish, subject to EC approval, guidelines for determining membership eligibility, voting status, and ongoing eligibility of Member Organizations, including, but not limited to, the form of membership application, the nature and amount of information necessary to determine an organization’s use of a domain name, the appropriate authority for designating an OOR or AR, the organization’s employee and member size, and the level of participation necessary to remain eligible for membership and for voting as an organization.

## 5.2 Individuals.

**5.2.1 Eligible Individuals.** To be eligible to be a Member of the Consumers Constituency, an individual must:

- a. Own at least one domain name for personal or family use of a predominantly non-commercial nature;
- b. Demonstrate substantial history, experience or knowledge about, or advocacy for, Internet policy development on behalf of non-commercial Internet users; or
- c. Be employed by, or a member of, a large non-commercial public interest organization, such as a university, college, or non-government organization that

qualifies as an Organization under this Charter and is not a Member Organization of the Constituency.

- d. Identify on her/his membership application which one or more of the three (3) above categories in this subsection apply.

**5.2.2 Ineligible Individuals.** An individual is not eligible to be a Member of the Consumers Constituency if he/she:

- a. Is currently represented in ICANN through another Supporting Organization or GNSO Stakeholder Group. Individuals that participate in ALAC are not excluded by this criterion;
- b. Owns domain names for, or is concerned with domain name policy primarily with regard to, business or commercial purposes, including without limitation, investors in the domain name market, for-profit professionals, sole proprietors, and professional consultants. An individual who falls into this subsection, but is otherwise qualified to be a Constituency Member, may be considered eligible by the Membership Officer, subject to approval by the EC, upon finding substantial evidence that such individual's primary concern in participating in ICANN processes is with respect to non-commercial public interest aspects of domain name policy and that their membership would advance the mission of the Constituency; or
- c. Based on the Membership Officer's determination subject to appeal to the EC, is linked organizationally and financially to the Internet policy-related lobbying activities of commercial firms.

**5.2.3 Individual Votes.** Individual members are afforded one (1) vote in Constituency elections.

### **5.3 Applications for Membership.**

**5.3.1 Applications.** Prospective Members shall complete either an Organization or Individual Member Application form, which will be available on the Consumers Constituency website, and submit it to the Membership Officer. Before the Membership Officer may reject an applicant, he or she must notify the applicant and give the applicant an opportunity to supply additional relevant information. A denial of an application may be appealed to the EC.

**5.3.2 Effective Date.** Membership is effective upon written notification from the Membership Officer posted on the Constituency's Public List.

### **5.4 Member Rights.**





# New Constituency Petition and Charter

---

Each Member of the Consumers Constituency in good standing shall have the right to:

- 5.4.1 Vote.** Vote in each election to elect the members of the EC and GNSO Council Representatives;
- 5.4.2 Participate in Elections.** Run for, or nominate other Members to, positions elected by Constituency Members by complying with the election procedures described in Paragraph 2.4.1, and as determined by the Membership Officer;
- 5.4.3 Receive Communications.**
  - a. Have access to the Social Network Site, Public List, or any other communications mechanisms established pursuant to Section 7.0; and
  - b. Be given timely notice on the Public List of all meetings called by the Chair of the EC or of the PC; of all policy development processes, position papers or advices to be considered by the PC; and of all decisions to accept or reject an Application for Membership.
- 5.4.4 Comment.** Be afforded an opportunity to comment on all policy and administrative issues for which notice is given on the Public List;
- 5.4.5 Submit Agenda Items.** Submit agenda items for Constituency and PC meetings. If there are too many agenda items to include in the time available, the Chair, or the PCC respectively, may limit the agenda to items to those submitted at least ten (10) days prior to the scheduled meeting and those seconded by a member of the EC; and
- 5.4.6 Participate in Other Entities.** Join up to three (3) Constituencies within the NCSG at one time.
- 5.4.7 Receive Mentoring.** Upon request, a new Constituency Member will be assigned a mentor by the Chair to answer questions, offer guidance, and provide direction.

## 6.0 Elections and Voting.

- 6.1 Elections.** The EC shall conduct an election at least once each year pursuant to Paragraph 2.4.1 for the members of the EC and for CRs to represent the constituency on the GNSO Council.
- 6.2 Decision-Making.**

**6.2.1 Consensus.** The Constituency and each committee and working group shall endeavor to decide issues by general agreement. Voting shall be relied upon only to the extent that is necessary in cases where general agreement cannot be reached. Where a vote on a non-procedural question shall be required, the measure shall be carried if it receives a two-thirds (2/3) vote of those Members present and voting.

**6.2.2 Cumulative Voting for CRs.** Each Constituency Member may cast a Status Vote (as calculated based on the Member's status as a Large Organization, Small Organization, or Individual pursuant to Paragraphs 5.1.5 and 5.2.3), for CRs as follows:

- a. One Status Vote for each of the Council seats subject to election; or
- b. All or fewer of the Status Votes (based on number of Council seats subject to election) for one or more of the candidates.

**6.2.3 Committee and Meeting Voting.**

- a. Voting shall normally be by a show of hands or call of Aye or Nay (For or Against) in a teleconference. Electronic voting shall also be permitted where the Chair indicates that this manner of voting shall be used.
- b. When the result of a vote is in doubt, the Chair may take a second vote by a roll-call. A vote by roll-call shall also be taken if it is requested by not less than three (3) Constituency Members before the voting takes place.
- c. When an amendment to a proposal is moved, the amendment shall be voted on first.
- d. When two or more amendments to a proposal are moved, the amendment deemed by the Chair to be furthest removed in substance from the original proposal shall be voted on first, and then on the amendment next furthest removed there from, and so on, until all the amendments have been put to a vote.
- e. If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.
- f. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

## **7.0 Communications.**

### **7.1 Social Network Site.**



# New Constituency Petition and Charter

---

- 7.1.1 Member Information.** Each Member of the Constituency shall maintain a visible node in that site that includes current, accurate information about such Member, and its OOR and ARs if any, including:
- a. Contact information;
  - b. Status (i.e. Large Organization, Small Organization, or Individual);
  - c. A link to any other constituencies of which such Member, and its OOR and ARs if any are members, which link must be removed within a reasonable time after a Member, and its OOR or ARs, if any, leave such constituency;
  - d. Listing of all elected and appointed positions within ICANN structures, including the GNSO, the NCSG, other constituencies within the NCSG, and the Consumers Constituency.
- 7.1.2 Use of Site.** Membership use of the Social Network Site must comply with the publication policies set forth in section 7.3.
- 7.2 Public List.** The Public List, as the basic communication mechanism of the Constituency, shall be established and maintained by the EC.
- 7.2.1 Purpose.** The Public List shall be used, among other things, for making announcements and for discussion of Constituency policies and practices.
- 7.2.2 Archive.** The EC shall archive and make available the Public List to the public.
- 7.3 Publication Policies.** The following publication policies apply to all Constituency communications regardless of media:
- 7.3.1 Appropriate Content.** Content that is acceptable is defined as:
- a. Discussion on ICANN-related policy issues;
  - b. Discussion of Constituency-related policy issues;
  - c. Discussion of Constituency administrative matters; and
  - d. Announcements of conferences, events, or activities related to ICANN matters.
- 7.3.2 Inappropriate Content.** Inappropriate postings include, but are not limited to:
- a. Unsolicited bulk e-mail;

- b. Discussions of subjects unrelated to ICANN policy, meetings, activities, or technical concerns;
- c. Unprofessional language or commentary, regardless of the general subject;
- d. Postings that are libelous or are used to abuse, harass, stalk, or threaten others;
- e. Postings that are knowingly false, ad hominem, or misrepresentative of another person's statements or positions;
- f. Postings that violate an obligation of confidentiality;
- g. Postings that violate the privacy of others; and
- h. Announcements of conferences, events, or activities that are not related to Internet governance and ICANN policy matters.

## **8.0 Meetings.**

### **8.1 General Membership Meetings.**

- 8.1.1 Format.** The Constituency shall meet physically at all ICANN meetings and, at other times, virtually via mailing lists and telephone conference calls.
- 8.1.2 Members not in Attendance.** When Members cannot attend the meetings, they will provide their position/views on the agenda issues in advance in a written form (e.g. via an email list, the Social Network Site or Public List).
- 8.1.3 Minutes.** The Communications Officer shall post the minutes from any general membership meeting to the Public List within five (5) days of such meeting.
- 8.1.4 Public.** Meetings shall be open to the public unless otherwise decided by the EC or the PC in extraordinary circumstances.
- 8.1.5 Procedure.** Meetings may be conducted informally or in accordance with Robert's Rules of Order, as appropriate for the size of the group and topic being discussed.
- 8.1.6 Translation and Remote Participation.** Upon request, the EC will make a reasonable effort to facilitate translation and remote participation services.
- 8.1.7 Duties of Participants.** All participants in meetings shall make a diligent effort to listen to, fairly consider, discuss, and explain reasons for approval or disapproval of issues and ideas raised by other participants.



# New Constituency Petition and Charter

---

**8.2 Committee Meetings.** The Chair of any committee shall consult the committee members and make determinations on how committee meetings are conducted with respect to the issues listed in Paragraph 8.1 above.

**8.2.1 Format.** Committee meetings may be informal in nature and conducted through email, wiki, or online commons mechanisms.

**8.2.2 Appeal.** Any decision regarding the conduct of committee meetings may be appealed to the Chair, and then appealed to the EC.

## 9.0 Outreach.

**9.1 Outreach Policies.** The objective of the Consumers Constituency is to be as inclusive and representative of non-commercial Internet users as possible, with particular focus on categories of users who are not represented elsewhere within ICANN. The Constituency will conduct primary outreach to other consumer groups around the world who serve a collective purpose representing the interests of consumers and, secondarily, to individuals who have demonstrated interest and expertise in consumer issues on the Internet.

**9.1.1 Recruiting Emphasis.** Particular emphasis in recruiting should be focused on increasing representation from:

- a. Each geographical region, especially those regions that have been traditionally under-represented in ICANN structures;
- b. Countries, communities, and areas characterized by recent access to the Internet, unsophisticated or economically challenged users, large generational gaps in technological knowledge and skills, and lack of political clout;
- c. A variety of disciplines of study and research, including without limitation technology, law, social science, information policy, governance, law enforcement, political science and privacy, especially those disciplines that have been traditionally under-represented in ICANN structures; and
- d. A variety of experience, including without limitation those working for or with universities, schools, hospitals, governments, churches, political parties, and other large non-commercial Internet users; researchers and scholars; child-protection advocates; parents; consumers; domain name registrants; and public service organizations.

**9.1.2 Broad Reach.** Particular emphasis in recruiting shall be focused on broad-based advertising and invitations to participate, rather than merely recruiting others similar to existing Members and officers.

**9.2 Role of Membership Officer.** The Membership Officer is responsible for raising money, conducting advertising, networking, and otherwise developing information and activities to encourage participation, recruit new members, and publicize the activities of the Constituency.

**9.3 Outreach Meetings.** Budget permitting, the Membership Officer of the Constituency will hold an outreach meeting at each ICANN public meeting to recruit new Members, orient individuals who are new Members or have expressed an interest in participating in the Constituency, and educate and recruit participants from the local community in which the meeting is held.

## **10.0 Participation Standards and Discipline.**

**10.1 Members.** Members of the Constituency are considered qualified to vote in any election if they meet both the qualitative and quantitative measures of participation listed below.

**10.1.1 The qualitative commitments** of participation are:

- a. Thoughtfully reading and commenting on posts on the Public List and any other online forums;
- b. Participating in Constituency conference calls;
- c. Thoughtfully participating in the discussions at Constituency, NCSG, and ICANN meetings either in person or via remote access;
- d. When asked, thoughtfully considering issues being discussed by the Constituency or the PC and providing feedback;
- e. Serving as a liaison for the interests of the Constituency to the public and other ICANN structures;
- f. Supporting the efforts of and working constructively with other Constituency Members and officers;
- g. Strictly observing and promoting the Constituency's principles and standards in Paragraph 1.4; and
- h. Making a reasonable and good faith effort to reach consensus in decision making.



# New Constituency Petition and Charter

---

## 10.1.2 The quantitative requirements are:

- a. Participating in at least half (1/2) of the Constituency and committee conference calls in any six (6) month period, and with respect to calls missed, providing input in advance on the Public List on the issues to be discussed and promptly reading notes or minutes;
- b. Attending at least one (1) of the Constituency sessions at the ICANN meeting physically or by remote access in any nine (9) month period; and
- c. Providing comments and feedback on at least half (1/2) of the policy issues submitted for Member consideration on the Public List.

**10.1.3 Consequences for Members.** If a Member fails to meet the participation and activity requirements of this section 10.1, the Chair will privately encourage the Member to resign or immediately come into compliance with the requirements. If neither occurs within fourteen (14) days from that communication,

- a. The Member will be suspended and the Chair will formally so notify the Member;
- b. The Member will become ineligible to cast a vote in any Constituency election; and
- c. A message may be copied to the Public List, stating that such Member is suspended until reinstated.

**10.1.4 Reinstatement.** A suspended Member may at any time petition the EC for reinstatement. Reinstatement shall be granted if the EC determines sufficient evidence has been submitted to believe that such Member will conform to the participation requirements of this Paragraph

## 10.2 Officers, Committee Members, and CRs.

**10.2.1 Duty.** In addition to the participation obligations of Members in section 10.1, Constituency officers, committee members, and CRs must faithfully and diligently perform their obligations as set forth in this Charter and assignments from the EC.

**10.2.2 Consequences.** If a Member files a complaint that an officer, committee member, or CR fails to meet the participation requirements of this section 10 and the duty stated in Paragraph 10.2.1, the Chair shall request information from such person and other officers and committee chairs with respect to the alleged failure.

- a. After investigation, the Chair will take a vote of the EC, excluding the officer being investigated. If the two-thirds (2/3) of the EC support a recommendation to recall such officer, committee member, or CR, the Chair will privately encourage such leader to resign or immediately come into compliance with the requirements.
- b. If neither resignation nor compliance occurs within fourteen (14) days from that communication:
  - i. The Chair shall formally notify such person of removal from office;
  - ii. A message MAY be copied to the Public List, stating that such person is being removed pursuant to this Paragraph; and
  - iii. The EC shall call an election to fill such vacancy pursuant to Paragraph 2.1.5.

**10.3 Limits on Communication Privileges.** In addition to the above obligations and consequences, the Communications Officer has the right to suspend or restrict a Member's right to post to or on any of the Constituency's communications mechanisms and, alternatively, to delete a comment or link.

**10.3.1 Delete.** Before exercising the right to delete, the Communications Officer must make a good faith determination that such Member has posted material that is inappropriate as specified in Paragraph 7.3.2.

**10.3.2 Suspend or Restrict.** Before exercising the right to suspend or restrict, the Communications Officer must make a good faith determination that such Member's posting of inappropriate material represents a pattern of abuse.

**10.3.3 Notice.** The Communications Officer must give notice to such Member if he or she takes action to suspend, restrict, or delete. Upon request, the Communications Officer must provide a statement of reasons.

**10.3.4 Appeal.** A determination by the Communications Officer to suspend, restrict, or delete may be appealed to the EC.

## **11.0 Finances.**

**11.1 Reasonable Fees.** The Constituency shall make every reasonable effort to avoid imposing more than minimal fees as a condition of participation.





# New Constituency Petition and Charter

---

- 11.2 Funding Sources.** Members shall take reasonable efforts to assist Secretary/Treasurer in procuring financing for the Constituency:
- 11.2.1** From any organizations, institutions, and employers with which Members are affiliated;
  - 11.2.2** In the form of grants, research funding, and public funds available from such sources as foundations, governments, and others.
  - 11.2.3** From major actors in the industry, including without limitation, registrars, registries, Internet service providers, and so forth;
  - 11.2.4** From the Non-Commercial Stakeholders Group (NCSG) and ICANN;
- 11.3 Conflicts of Interest.** Any funding obtained from sources within ICANN and from industry groups represented in the GNSO must be balanced across sources, given without obligations to engage in particular activities or to support particular positions, and free of conflicts of interest. The Secretary/Treasurer shall post on the Public List proposed financing sources and a statement of potential conflicts of interest for two (2) weeks for Member approval before accepting financing. If two (2) Members object to a source of financing, the EC shall put the issue to a Member vote as provided in Section 6.
- 11.4 Accounting and Transparency.** The Constituency's accounting period is fiscal, June 1 to May 31. The proposed budget for each year and the year end summary of accounts will be posted on the Public List.