

# **POLICY ADVISORY BODY OF NOMINET**

## **CODE OF CONDUCT (JANUARY 2007)**

### **1. INTRODUCTION TO THE CODE**

#### **1.1 Who we are**

The role of the PAB is to assist with policy decision-making at Nominet. Members of the Policy Advisory Body ("PAB") represent the interests of the wider stakeholders who include Nominet and its staff, its members, .uk domain name registrants, internet users, the PAB members' employers, or the organisations they represent, fellow PAB members ("PAB Members"), civil society, industry and the government.

#### **1.2 Why have a code of conduct?**

The PAB represents the differing interests of a wide range of stakeholders. A code of conduct strives to balance those interests, and provide guidance to the PAB members as to what may and may not be considered acceptable conduct. It is important for the integrity of the PAB and, ultimately, Nominet that PAB members conduct themselves in an appropriate manner and in adherence with a set of common values.

#### **1.3 Relationship with Nominet and other stakeholders**

The PAB advises and supports Nominet in the development of policy. PAB Members therefore have a responsible and important role. They are accountable to those who elected or appointed them, as well as to Nominet and to all .uk stakeholders.

#### **1.4 What the code deals with**

The code attempts to deal with the key matters considered important in achieving an efficient, trusted, and valuable advisory body, and includes guidance for PAB members in their communications with the public and media and sets out "Core Values" and a structure for dealing with complaints.

The code is not intended to be exhaustive, but is intended to provide general guidance. PAB members are expected to act in accordance with the spirit of the code.

The code is not intended to prevent PAB members expressing their own opinions or of those whom they represent, but this should be done in line with the Core Values.

The code may be reviewed, and amended from time to time as and when the PAB considers it appropriate. Stakeholders can request a review by writing to the PAB Chair

### **2. THE CODE**

#### **2.1 Core Values**

The PAB aims to achieve the highest standards possible. Its Core Values are:

- 2.1.1 PAB Members are expected to seek to act in the interests of the wider community of internet users in relation to PAB business;
- 2.1.2 PAB Members are expected to exercise sound, rational judgement to do with PAB business;

- 2.1.3 PAB Members are expected to show appropriate respect and consideration when communicating with fellow PAB Members and stakeholders, both inside and outside of meetings;
- 2.1.4 PAB Members are expected to act with moral integrity and honesty, and in an ethical and honourable manner;
- 2.1.5 In order to ensure transparency in all matters to do with the PAB, PAB Members are expected to act in an open and responsible manner and be prepared to be accountable for their actions;
- 2.1.6 In the conduct of PAB business, PAB Members are expected to conduct themselves with objectivity, and in a calm and professional manner, influenced as little as possible by personal prejudices;
- 2.1.7 PAB Members are expected to respect confidentiality in any information which they have accepted to have been imparted to them in confidence, to show prudence and self restraint in their communications.

PAB Members are expected to keep these Core Values in mind when dealing with PAB business.

## **2.2 Equal Opportunities and Discrimination**

Whilst promoting free and open discussion, the PAB will not tolerate a discriminatory environment or harassment of any PAB Member or other stakeholder in any form. Any complaints of discrimination and/or harassment should be referred in the first instance to the PAB Chair (or if appropriate, to the Chief Executive or Chairperson of Nominet).

The PAB promote equal opportunities and as such does not discriminate in any respect on the basis of gender, sexual orientation, marital or civil partner status, gender reassignment, race, religion or belief, colour, nationality, ethnic or national origin, disability, age, pregnancy or any other basis protected by law.

## **2.3 Active Participation**

PAB Members are expected to attend PAB meetings regularly and contribute fully to the meetings as best they can. Any PAB Member who is unable to attend a PAB meeting should, when possible, send apologies in advance to the PAB Chair and the PAB Secretariat.

## **2.4 Conflicts and the Register of Interests**

PAB Members are expected to abide by the policy on declaration of interests, as amended from time to time.

PAB Members are expected not to misuse their positions or information acquired on PAB business to further private interests. Possible conflicts of interest should be declared as soon as possible and appropriate action taken to resolve them.

PAB Members are encouraged to discuss unresolved concerns, doubts or

queries relating to potential or perceived conflicts of interest, with the PAB Chair or their employer or the organisation they represent.

A Register of Interests is kept by the PAB Secretariat and a copy will be made available to any person on request. Such requests should be sent to the PAB Secretariat in writing or e-mail and will be responded to within a reasonable time.

## **2.5 Confidentiality**

The default position is that communications between the PAB and stakeholders, including Nominet, will be public. This is to promote openness and transparency as well as to keep all PAB Members informed.

At times it may be necessary to disclose information to PAB Members on condition that they accept an obligation of confidence, but it is envisaged that this should be the exception, not the norm. Where a communication is to be kept confidential, then this should be clearly flagged up prior to disclosure, along with the length of the period of confidentiality. Where it is expected that material should remain confidential for more than a year, PAB Members may be asked to sign a non-disclosure agreement as a condition of disclosure.

No PAB Member shall be obliged to accept an obligation of confidentiality or to sign a non-disclosure agreement, but if they do not then they must exclude themselves from the relevant discussions.

Relevant documents should be clearly marked to show that it has been disclosed "in confidence". PAB Members who accept such information in confidence will respect confidentiality. Unauthorised disclosure of such confidential information will be regarded as a breach of this Code.

It is noted and accepted that PAB Members who are public servants will be subject to the Freedom of Information Act, and may be obliged to disclose information in response to requests under the relevant legislation. Any such duty overrides the requirements of confidentiality in this code of conduct.

For avoidance of doubt any such obligations relating to confidential information will continue for so long as material accepted in confidence remains confidential.

## **2.6 Communications with Stakeholders**

PAB Members are expected to bear in mind that a communication from a PAB member may be misconstrued as a communication from, or with the approval of, Nominet. Care to avoid or minimise such confusion should be exercised. PAB members are expected to exercise good judgement, discretion and common sense in this regard.

## **2.7 Individual opinion**

PAB members are independent and free to offer their opinions on policy issues affecting .uk, but in doing so are expected to bear the Core Values in mind. In particular (but without prejudice to the generality of this statement) a PAB Member's opinion should be offered in a respectful and professional way, such as to avoid possible harm to the reputation of the PAB, Nominet or any stakeholders. Personal attacks, libellous and insulting comments should, of course, be avoided at all times.

Before publicly expressing any opinion on Nominet operational matters or a

Nominet staff member, PAB Members would where appropriate be expected to raise the matter with Nominet's senior management and give reasonable time and opportunity for line management processes to resolve the issue.

## **2.8 Contentious Disputes**

PAB Members are expected to seek to avoid dialogue about such disputes with people who are threatening or engaged in ongoing DRS cases or litigation with Nominet, except in normal course of the PAB Member's routine business. Care must be taken to avoid conflict of interest. Any substantive involvement in a DRS case or litigation with Nominet is a declarable "interest" and should be put on the Register of Interests.

Correspondence on behalf of the PAB (if necessary at all) will at all times be channelled through the PAB Chair.

PAB Members are encouraged to discuss unresolved concerns, doubts or queries relating to potential or perceived conflicts of interest, with the PAB Chair in advance where practicable.

## **2.9 Media Attention**

PAB Members are not obliged nor encouraged to respond to media requests in relation to Nominet, and are expected to refer any such approach to the PAB Chair or Nominet's Director of Communications, or inform them of it as soon as reasonably possible.

PAB Members who do decide to respond to any such approach are expected to exercise sound judgement, discretion and common sense, and to make it clear that they are speaking as individuals and not on behalf of the PAB.

PAB Members should also be aware that this distinction may not be reported accurately, and are expected to consider the likely impact of their comments. The Core Values must, of course, be borne in mind.

## **2.10 Expenses**

PAB Members are entitled to recover legitimate expenses as provided for in the PAB expenses policy, as amended from time to time. Submitting a false or fraudulent expenses claim will be regarded as a breach of this Code.

## **2.11 Complaints and Breaches of the Code**

PAB Members are expected to regulate their own behaviour, and it is to be hoped that formal references under the complaints process will be extremely rare.

Any allegation of a breach of the Code or any grievance concerning the conduct of the PAB or any of its PAB Members must be made in writing to the PAB Chair, or if the PAB Chair is the named subject of that complaint to the Chair of Nominet's board of directors.

Sanctions for breach of this Code are:

- (i) a "Reprimand" (which would be held on record for [12] months),
- (ii) a "Severe Reprimand" (which would be held on record for [12] months),
- (iii) Suspension from attending one PAB meeting, or
- (iv) Expulsion from the PAB.

Depending on the circumstances, including the severity of the breach, the

sanctions may not follow the above pattern and instead a more serious sanction may be imposed from the outset, and for example in cases of gross misconduct, the defaulting PAB member may be expelled immediately.

Upon receipt of a written complaint, the PAB Chair (or as the case may be, the Chair of Nominet) shall investigate the allegation and, if they decide to uphold it, determine what sanction (if any) to impose. As part of the investigation, the PAB Chair will provide a copy of the complaint to the PAB Member(s) involved and invite their comments. The decision will be in writing, and will be copied to the PAB Member against whom the complaint has been made, the PAB Secretariat and the person making the complaint within 30 days, of completing the investigation.

If the sanction to be imposed is expulsion, it will be subject to a confirmatory vote of the PAB, in accordance with the PAB rules. **[NOTE: PAB Rules to be amended as a consequence. 75% majority; open issue as to quorum]**

An appeal against the decision or the sanction (or both) can be made, in writing, to the PAB who will appoint from among their members a sub-committee of at least three PAB members (which shall not include the PAB Member under investigation or the PAB Chair) to consider the matter.

Such an appeal must give reasons in writing why the decision or the sanction should be overturned, and be made within 5 working days of notification of the original sanction decision. The decision of the PAB sub-committee shall be in writing, shall include reasons, and shall be final. A copy of it shall be sent to the PAB Member under investigation, to the PAB Secretariat and to the person who made the original complaint within 30 days of the appeal process being finalised

A record of all sanctions imposed will be kept, in confidence and in compliance with relevant data protection requirements, by the PAB Secretariat.