

# UKRAC Code of Conduct

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## Code of Conduct for Councillors of the .uk Registry Advisory Council

### 1. INTRODUCTION TO THE CODE

#### 1.1 Who we are

The role of the UKRAC is to foster the long-term sustainable success of the .UK namespace ensuring it remains safe, secure and competitive. The UKRAC shall undertake the following activities in order to promote the reputation and success of the .UK ccTLD:

- Contribute industry insight, expertise and perspective to the Board through written advice on issues in scope and meet with the Board as appropriate
- Survey Nominet members or other stakeholders as required to inform their discussions and advice

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

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

#### 1.3 Relationship with Nominet and other stakeholders

The UKRAC advises and supports Nominet in the development of policy. UKRAC councillors 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 UKRAC councillors in their communications 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. UKRAC councillors are expected to act in accordance with the spirit of the code. The code is not intended to prevent UKRAC councillors 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 UKRAC considers it appropriate. Stakeholders can request a review by writing to the UKRAC Chair.

### 2. THE CODE

#### 2.1 Core Values

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

2.1.1 UKRAC councillors are expected to seek to act in the interests of the wider community of internet users in relation to UKRAC business;

2.1.2 UKRAC councillors are expected to exercise sound, rational judgement to do with UKRAC business;

2.1.3 UKRAC councillors are expected to show appropriate respect and consideration when communicating with fellow UKRAC councillors and stakeholders, both inside and outside of meetings;

2.1.4 UKRAC councillors 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 UKRAC, UKRAC councillors 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 UKRAC business, UKRAC councillors 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 UKRAC councillors 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. It is understood that UKRAC councillors have responsibilities with other organisations, including their employers. Where this might have brought them into conflict with this code, they should proceed with caution and with due consideration as to how their actions may nevertheless be associated with the UKRAC. UKRAC councillors are expected to keep these Core Values in mind when dealing with UKRAC business.

## 2.2 Equal Opportunities and Discrimination

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

The UKRAC promote equal opportunities and as such does not discriminate in any respect on the basis of gender identity, 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

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

## 2.4 Conflicts and the Register of Interests

UKRAC councillors are expected to abide by the policy on declaration of interests, as amended from time to time. Conflicts can take two forms, either a general conflict based on the councillor's current employment or a more specific conflict based on the discussions before the UKRAC meeting. UKRAC councillors are expected not to misuse their positions or information acquired on UKRAC business to further private interests. Possible conflicts of interest should be declared as soon as possible and appropriate action taken to resolve them and new conflicts declared at the next UKRAC meeting.

UKRAC councillors are encouraged to discuss unresolved concerns, doubts or queries relating to potential or perceived conflicts of interest, with the UKRAC Chair or their employer or the organisation they represent.

A Register of Interests, including a five year period prior to election, is kept by the UKRAC Secretariat, published on the Hub and a copy will be made available to any person on request. Such requests should be sent to the UKRAC 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 UKRAC and stakeholders, including Nominet, will be public. This is to promote openness and transparency as well as to keep all UKRAC councillors informed.

At times it may be necessary to disclose information to UKRAC councillors 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, UKRAC councillors may be asked to sign a non-disclosure agreement as a condition of disclosure.

No UKRAC councillor 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". UKRAC councillors who accept such information in confidence will respect confidentiality. Unauthorised disclosure of such confidential information will be regarded as a breach of this Code.

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

UKRAC councillors are expected to bear in mind that a communication from a UKRAC councillor may be misconstrued as a communication from, or with the approval of, Nominet. Care to avoid or

minimise such confusion should be exercised. UKRAC councillors are expected to exercise good judgement, discretion and common sense in this regard.

## 2.7 Individual opinion

UKRAC councillors 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 UKRAC councillor's opinion should be offered in a respectful and professional way, such as to avoid possible harm to the reputation of the UKRAC, Nominet or any stakeholders. Personal attacks, libellous and insulting comments should, of course, be avoided at all times.

Before publicly expressing any criticism of Nominet operational matters or a Nominet staff member, UKRAC councillors 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

UKRAC councillors 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 UKRAC councillor'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 UKRAC (if necessary at all) will at all times be channelled through the UKRAC Chair. UKRAC councillors are encouraged to discuss unresolved concerns, doubts or queries relating to potential or perceived conflicts of interest, with the UKRAC Chair in advance where practicable.

## 2.9 Media Attention

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

UKRAC councillors 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 UKRAC.

UKRAC councillors 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

UKRAC councillors are entitled to recover legitimate expenses as provided for in the UKRAC 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

UKRAC councillors 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 UKRAC or any of its UKRAC councillors must be made in writing to the UKRAC Chair (or if the UKRAC Chair is the named subject of that complaint to the Chair of Nominet's board of directors) using the form located on the (Nominet Community) or by using this <link>.

### Initial Inquiry

The UKRAC Chair will investigate a complaint and compile a report of initial findings. This report will outline the nature of the complaint or breach, the salient facts and any mitigating circumstances.

On the basis of these initial findings the Councillor may agree with the UKRAC Chair that the matter can be fully and satisfactorily resolved without further action.

If the matter cannot be fully and satisfactorily resolved with the Councillor or requires further investigation and/or input from other parties, the UKRAC Chair may initiate a full inquiry.

### Full Inquiry

The UKRAC Chair will notify the Councillor concerned if a full inquiry is initiated about them.

The full inquiry will normally be completed within 30 working days from the date of notification to the Councillor. In exceptional circumstances (eg if the matter being investigated is complex) the duration of the inquiry may be extended. A further period of a maximum of 7 working days may elapse between the completion of the full inquiry and the notification of any sanction to be applied.

The inquiry aims to determine whether a breach has occurred and, if it has occurred, the reasons for that breach. The inquiry will also seek to ascertain any mitigating actions taken by the Councillor in relation to the breach. The inquiry will verify that the UKRAC has acted correctly and consistent with its agreed procedures.

All evidence collected as part of the inquiry will be recorded, auditable and disclosable to the Councillor subject to the inquiry.

The UKRAC will produce a report on the suspected breach. The UKRAC Chair is responsible for ensuring that the inquiry has been conducted appropriately and that the conclusions reached in the report are consistent with the evidence considered in the full inquiry. The UKRAC Chair will approve the final report and send a copy to the Councillor.

## 2.12 Sanctions and Remedies

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 UKRAC meeting, or
- (iv) Expulsion from the UKRAC.

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 UKRAC councillor may be expelled immediately.

If the sanction to be imposed is expulsion, it will be subject to a confirmatory vote of the UKRAC, in accordance with the UKRAC rules.

An appeal against the decision or the sanction (or both) can be made, in writing, to the UKRAC who will appoint from among their members a sub committee of at least three UKRAC members (which shall not include the UKRAC councillor under investigation or the UKRAC 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 UKRAC subcommittee shall be in writing, shall include reasons, and shall be final. A copy of it shall be sent to the UKRAC councillor under investigation, to the UKRAC 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 UKRAC Secretariat.

UKRAC Secretariat June 2022

NEXT REVIEW DATE: no later than February 2023