

Code of Conduct for Nominees

2024 APNIC Executive Council Election

APNIC Electoral Committee

Overview

- 1.1 The APNIC Executive Council (**EC**) serves as the governing body of APNIC, as defined in the APNIC By-laws.
- 1.2 As the representatives of APNIC Members, EC Members have certain duties, including to act honestly and in the best interests of APNIC. Appropriate conduct from nominees for the APNIC EC (**Nominees**) is often a strong indicator of how they will conduct themselves if elected.
- 1.3 The APNIC By-laws require an Electoral Committee to be established which “*has the power to establish and enforce a Code of Conduct for nominees, and the power to exclude a nominee from the relevant election for non-compliance with the Code of Conduct*” (By-law 35C(a)(iv)).
- 1.4 The Electoral Committee appointed for the 2024 APNIC EC Election has adopted this Code of Conduct (**Code**) to ensure that all Nominees conduct themselves in a professional and ethical manner.
- 1.5 This Code of Conduct applies to Nominees from the date nominations open until the declaration of the election results.
- 1.6 References to the ‘Electoral Committee’ includes their delegate, if applicable. The Electoral Committee may request the Secretariat to communicate with Nominees or conduct investigations on their behalf.
- 1.7 References to ‘Digital Platforms’ means the APNIC blog, mailing lists, and social media channels.

2 General provisions

- 2.1 Consistent with the [APNIC Community Code of Conduct](#), it is expected that Nominees behave properly and positively at all times: showing respect and courtesy to others wherever possible, and ensuring a safe and inclusive environment.
- 2.2 All APNIC Members and Nominees should feel welcome and comfortable to participate fully in the election process to ensure that there can be a free and open exchange of ideas in a respectful and positive manner for the benefit of the APNIC community.
- 2.3 To this end, Nominees are required to:
 - (a) act with honesty and integrity at all times in relation to the EC election; and
 - (b) conduct themselves in a manner consistent with that of an EC Member and in a way that promotes integrity in, and respects and complies with, the EC election process.
- 2.4 Nominees must also ensure they do not, directly or through a third party, do any of the following:
 - (a) engage in any of the unacceptable or inappropriate behaviours set out under the Expected Behaviour and Digital Platforms sections of the [APNIC Community Code of Conduct](#), as well as usage of APNIC Digital Platforms for the purpose of sending duplicate messages or messages containing the same or substantially the same phrase or similar phrases;

- (b) make false or misleading statements in their nomination form or any other information they provide to the APNIC Secretariat or Electoral Committee;
- (c) share false or misleading information, including with respect to themselves or other Nominees, or APNIC Members, which they know or ought to know is untrue, including through failing to disclose a conflict of interest the Nominee has in relation to that information or subject matter;
- (d) share or use other Nominees' or APNIC Members' personal information without their express consent;
- (e) use the APNIC Whois Database for the purpose of electioneering or spam through any form of communication (for example, by using whois data to send unsolicited emails), including through the use of third party sources to obtain information likely derived from the APNIC Whois Database;
- (f) provide any monetary benefit, gifts, or other forms of inducement to influence votes or in exchange for inappropriate access to the voting system;
- (g) impersonate others or register multiple accounts on APNIC Digital Platforms to avoid moderation or mislead participants in the EC elections; or
- (h) represent themselves, or their associates, as speaking on behalf of APNIC or in any way endorsed by APNIC including through the unauthorised use of the APNIC logo (noting that nothing in this section prohibits an existing EC Member from carrying out their ordinary duties as an EC Member).

2.5 For the avoidance of doubt, any actions by a third party in support of a Nominee that are not in compliance with this Code may be considered to be the actions of the Nominee.

3 Non-compliance with the Code of Conduct

How to report

3.1 If any person experiences, witnesses, or is aware of any behaviour that is inconsistent with this Code of Conduct, they are encouraged to report the behaviour to election-conduct@apnic.net.

3.2 The Electoral Committee will review reports of non-compliance with this Code (**Reports**).

3.3 All Reports will be handled confidentially while being reviewed. Details of the Report (excluding the personal information of the person making the Report) may be published by APNIC if the Report results in a finding of non-compliance.

3.4 If you make a Report, your personal information will not, without your consent, be provided to the Nominee who is the subject of the Report. The Electoral Committee may need to share with the Nominee specific information you have provided in order to give them an opportunity to respond. Depending on the circumstances, this may result in you being identifiable to the Nominee (e.g. if you were the only witness to the behaviour).

Evaluating a report

3.5 The APNIC Secretariat will support the Electoral Committee in carrying out their duties, including

conducting investigations into Reports on behalf of the Electoral Committee.

- 3.6 Following a review of a Report, the Nominee who is the subject of the Report will be contacted by the Electoral Committee and given an opportunity to respond within at least 48 hours (other than if the Report arises during the APRICOT 2024 Conference, in which case the time period to respond will be at least 24 hours).

Decisions

- 3.7 Before making a decision, the Electoral Committee will consider the information available to it, including:
- (a) the Report;
 - (b) the results of the investigation into the Report (if deemed necessary); and
 - (c) any response received from the Nominee.
- 3.8 In making a decision regarding the Report, the Electoral Committee will consider whether it is more likely than not that the Nominee (either directly or indirectly through a third party, as described in section 2.5) has not complied with this Code.

Impact of non-compliance

- 3.9 If the Electoral Committee reasonably believes that the threshold set out in section 3.8 has been met, the Electoral Committee will decide what action it considers appropriate in the circumstances which may include the exclusion of the relevant Nominee from the election. The Electoral Committee will notify the Nominee of the finding and consequences of that non-compliance prior to publication of the non-compliance.
- 3.10 If a Nominee is the subject of a finding of non-compliance or ineligibility, the Nominee may elect, within 24 hours of being notified of the finding, to withdraw from the election in which case the finding of non-compliance or ineligibility will not be published.
- 3.11 If a Nominee is excluded from the election as a result of non-compliance or ineligibility with this Code after the period for voting has commenced, the Nominee's name may remain on the ballot however any votes cast for that Nominee will not be counted or considered in the final declaration of results.

4 Waiver

- 4.1 A Nominee found by the Electoral Committee to have not complied with this Code waives any right to damages caused directly or indirectly by this decision or by their exclusion from the EC election.
- 4.2 Each Nominee acknowledges that in accordance with section 3.10 they have the opportunity to withdraw their nomination prior to the publication of any findings and as such fully accepts any consequences resulting directly or indirectly from the publication of such findings.