

# Impact Analysis for RIPE Meeting Code of Conduct 3.0 Draft

## 1. How we have approached this IA

The following provides an Impact Analysis (IA) for the [RIPE Meeting Code of Conduct 3.0 Draft](#), as was requested by the RIPE Chair. In drafting this analysis, we have not sought to identify every conceivable issue that might arise. Conversely, in certain places where we highlight a lack of clarity, it may be that the community is comfortable with some ambiguity on certain points. Nevertheless, we believe it is important to highlight those areas where such ambiguities arise.

In all cases, we have assumed that both the CoC or the CoC Team's approach can be discussed by the community and revisited at a future time if it is not happy with how this has been working.

## 2. RIPE NCC's Understanding of the Code of Conduct

We understand that the document aims to expand on the existing code of conduct that covers RIPE Meetings (and RIPE mailing lists / the RIPE Forum in a slightly modified form), by describing in more detail the types of behaviour that are not acceptable. The document defines a procedure for people to report violations and explains how they will be handled. The document also describes the duties of a new "CoC Team" (which replaces the existing "Trusted Contacts") that would be responsible for handling reports and explains how this group is formed.

In the RIPE Meeting Code of Conduct 3.0 Draft, the terms "Code of Conduct" and "CoC" are used interchangeably. For the purposes of this analysis, we will refer to it as the "CoC" exclusively. This will also help to avoid confusing this draft with the existing RIPE Meeting Code of Conduct.

### 2.1 Scope

#### Physical and Online Spaces

Our understanding is that while the CoC may have been written with RIPE Meetings in mind, it covers "anyone engaging with the RIPE community either in-person or online" (see "Introduction") and therefore its application is much wider.

The section "Scope" states that the CoC "... applies to all spaces online and onsite at the RIPE Meeting." Included in this are the RIPE mailing lists and the RIPE Forum, as well as third-party software "... (IRC, Slack, Zoom, Skype, etc.)" and social media platforms "... harassment in Twitter direct messages related to the RIPE community can still be covered under this Code of Conduct." The scope further states: "In addition, violations of this code outside our spaces may affect a person's ability to participate in them."

At various places, wording throughout the document can appear to apply the scope to:

1. Physical/online spaces surrounding RIPE Meetings
2. Physical/online spaces involving the RIPE community
3. Physical/online spaces in a much wider sense

While some of this may be left over from previous iterations, we believe this is largely due to the fact that it can be hard to establish clear defining lines. For example, if the CoC was only applied to RIPE Meetings in a strict sense, it might be difficult to establish what constitutes “before” or “after” these twice-yearly meetings.

Regarding online spaces, we understand that the CoC would apply both to RIPE NCC-supported communications channels (mailing lists, the meeting app, etc.) and other third-party channels (Twitter, Facebook, etc.). CoC violations in any online space could potentially result in the person being removed from that online space and/or from the RIPE community more generally, including RIPE Meetings. This could happen even if the person had never attended a RIPE Meeting before. It is worth noting that in some cases, a RIPE NCC service such as the meeting app or a third-party service such as Twitter will already have separate terms and conditions in place. It would be possible for someone to act in a way that violates the CoC but not the terms and conditions for a service.

Therefore, our understanding is that the CoC would apply in roughly in all cases where community members interact with one another, with the caveat that the CoC Team would only really be able to apply sanctions within the context of the RIPE community (i.e. by removing or excluding someone from RIPE Meetings, mailing lists, social media groups, etc.). Depending on the situation, it might also be that in some cases the CoC Team would view reports about conduct in spaces external to the community as “corroborating evidence” to justify acting on a report concerning a more obviously RIPE community space. This would largely be up to the CoC Team and we do not want to speculate on how it would make these determinations.

### **RIPE NCC Events and Regional Communities**

We note that the CoC does not mention other RIPE NCC events such as Member Lunches, RIPE NCC Regional Meetings or RIPE NCC Days. As these are RIPE NCC-managed events, we understand it is intentional to keep these meetings outside the scope of the CoC.

Similarly, our understanding is that the CoC also does not apply to regional meetings such as MENOG, ENOG or SEE. These communities, while located within the RIPE Region and generally considered to be a part of RIPE, have not been directly consulted and may have different feelings about the need for a code of conduct or what it should say. As the document also does not mention these communities or make any provision for the CoC Team to attend their meetings, we understand this to be intentional and possibly something to be addressed by these communities at a later stage.

It is worth noting that attendees at RIPE NCC events and MENOG, ENOG and SEE meetings must adhere to the [Meeting Registration Terms and Conditions](#), which includes the following provision:

“7.1 The Registrant acknowledges, understands and agrees that Meetings are attended by people with different experiences, backgrounds and views. It is expected that ideas will be exchanged in a respectful manner, and that everyone involved, including the Registrant, will demonstrate tolerance and respect to everyone involved with and participating at the Meeting at all times. If the Registrant fails to act accordingly, the RIPE NCC reserves the right to exclude the Registrant from the Meeting without thereby being liable to refund the price of

any Ticket the Registrant may have purchased in order to attend the Meeting or any other damages.”

## **2.2 CoC Team as a part of RIPE**

At various points, the CoC indicates that the CoC Team may interact with other roles within RIPE, such as the RIPE Chair, WG chairs, the RIPE PC or the RIPE NCC. While this is not always clearly defined, we understand that both parties would seek to reach an agreement in these cases. However, while we have faith in the community’s pragmatism, the document does not explain who will make the final decision if agreement cannot be found (more on this in the relevant sections below).

We note that there is an existing [code of conduct](#) for RIPE mailing lists and the RIPE Forum. This was the result of a decision to apply the current RIPE Meeting Code of Conduct to these spaces, with a few adaptations. This contains the following paragraph:

“Chairs are responsible for facilitating and moderating the RIPE community's discussions. At times they may direct an individual to cease a certain type of behaviour. Chairs have the authority to moderate or ban disruptive community members if they decide this is necessary.”

If the CoC is approved, it is not clear to what degree the CoC Team would assume this responsibility. We expect there would be some overlap or that this responsibility would be shared, especially as chairs are responsible for facilitating discussions in their WG, which would be outside the scope of the CoC Team. We believe greater clarity would be valuable, though this does not seem overly complicated and could likely be solved with a few updates to this page after the CoC was accepted.

While the CoC states in several places that the RIPE Chair would be consulted before certain actions are taken, we believe it might help to explain the degree to which they provide oversight – if only to avoid concerns that the CoC Team could become an unaccountable element within the community. We also note that the CoC Team would compile a transparency report for the RIPE Chair to publish. This could help to show that the CoC and CoC Team are working as intended or otherwise support discussions about where changes could be made. We understand that this would greatly support community oversight, even if the CoC does not state this explicitly.

Finally, the document section that describes the process for selecting members of the CoC Team states that “After the four-week call for volunteers has closed, the RIPE Chair will discuss the volunteers with the RIPE Diversity Task Force.” We understand that this creates a permanent role for the task force. However, a defining characteristic of a RIPE Task Force is that it must end at some point. Also, the task force was formed in May 2017, and it is unclear whether the published participant list is up to date. Minutes from 2018 show attendees at task force meetings who are not on the published list of the participants, and this could make it difficult to carry out the selection process in the described timeframe. Greater clarity would be useful on these points.

## **2.3 Procedure and Actions Taken**

### **2.3.1 Reporting Violations and Information to be Included**

We understand that a CoC violation may be reported by the person who was directly affected, by a third-party who witnessed the incident, or by a representative the affected person has nominated to act on their behalf.

The section dealing with reporting CoC violations does not appear to make any distinction between a report from someone who was personally affected and a third-party report. The CoC does not explain whether a third party should first check with the person who was affected before they report the incident, nor does it explain what should be done if this person does not want a report to be made on their behalf.

### **2.3.2 Receiving and Reviewing Reports**

When a report is received, we understand that the CoC Team will confirm its receipt as soon as possible. It will then meet to determine whether a CoC violation took place and what the appropriate action should be. If the report is submitted during a RIPE Meeting, it is not clear whether it will be discussed by the whole team or those who are onsite. Also, the document does not explain how soon this meeting should take place after the report was submitted.

The document states that the CoC Team will respect the wishes of the reporter regarding whether further action is taken, but it is not clear at what point this will be confirmed. If the report was made by a third party, it is also not clear if the affected person will also be informed and asked to confirm whether they wish further action to be taken or not. We especially recommend that this latter point be clarified.

Once the CoC Team has completed its review, we understand that it would result in one of these outcomes:

- Additional information is needed
- There has not been a violation of the CoC
- There has been a CoC violation and action is required
- There has been a CoC violation and action is not required

In all cases, either the CoC Team or designated secretariat would keep a written record of the incident and its review.

### **2.3.3 Report Resolutions**

The section dealing with report resolutions is unclear in terms of the sequence in which both the reporters and violators are contacted, and the timeframes in which this takes place. We understand this would be left up to the discretion of the CoC Team and is intentional.

### **2.3.4 Actions Taken by the CoC Team**

The CoC lists potential actions that range from relatively light (an apology), to quite strong (banning someone from the community). In most cases, it seems to be at the discretion of the CoC Team to decide which action is appropriate. In general, it is not clear how the CoC Team will decide on the action or what steps will be followed if there is disagreement among the team members.

In the event that the CoC Team determines someone should be removed from a RIPE Meeting or banned from future meetings, our understanding is that it will first consult with

the RIPE Chair and the RIPE NCC. The document does not state who will make the final decision if consensus cannot be reached.

We understand that other potential responses include requesting modifications to a presentation, removing it from the website or cancelling a presentation altogether. It is not clear whether the PC will be consulted or notified as part of this process.

Similarly, we understand that as an “online space”, the CoC Team will be able to ban people from mailing lists. While the procedure notes that the CoC Team may work with WG Chairs to gather context or information as part of an investigation, it does not state that they must be consulted or notified before the CoC Team decides to ban someone from their WG.

Further action may be taken in case the violator does not comply with the action the CoC Team took. These actions are not specified, and it is not mentioned after how long from the moment they had to comply with the CoC’s resolution these actions will be taken.

### **2.3.5 Appealing a Resolution**

Either party can appeal the CoC Team’s resolution within five working days. It is our understanding that this would be from the moment the resolution was first communicated to them. Although it is clear when the CoC Team will announce to the reporter their decision on the report, this is not the case for the one who was found to have violated the CoC. It would be good to clarify this point.

It is our understanding that the RIPE Chair and the RIPE NCC will be consulted if the CoC Team determines that someone should be removed from a RIPE Meeting or banned from future meetings. We believe that the document is not clear on what involvement is required from the RIPE Chair and RIPE NCC in these cases and, most importantly, who will ultimately be responsible for making the final decision.

The section “What can happen if the CoC is violated” states that “The action taken is at the discretion of the CoC Team except in cases where a decision is taken to remove a person and prevent future participation from the RIPE Meeting. In this case, the RIPE CoC Team will consult with the RIPE Chair and the RIPE NCC”. Whereas under the “Appealing a decision” section, it seems the decision is already taken and the RIPE NCC has the right to appeal against this.

### **2.3.6 Record of Incidents**

We understand that the CoC Team will be responsible for ensuring that records of all reports, interactions and actions are kept. We wish to highlight the importance of ensuring that these records are archived properly, as they may need to be accessed in the event of future legal action (potentially long after the fact).

If the CoC is accepted, as secretariat we would expect to have a role in establishing or supporting this record-keeping system. Recognising the potentially sensitive nature of any reports, this would need to be handled appropriately within the RIPE NCC (restricted to a small number of staff). Ensuring this was managed properly would be important to ensure both the privacy of those involved and compliance with relevant data protection regulations.

A proper legal review of the record-keeping system would be required to avoid any implications arising from GDPR and possibly other applicable frameworks.

## **2.4 CoC Team Composition, Selection, Objection to a Volunteer and Responsibilities**

We understand that there must be between four and six members of the CoC Team at all times. A call for volunteers will open whenever the size of the team is fewer than six. The call for volunteers will remain open for four weeks and the interested parties will send their motivation to the RIPE Chair directly.

At the end of this period, the name of the interested parties and a summary of their motivations would be shared with the RIPE community via the ripe-list. The RIPE Chair would also discuss the candidates with the RIPE Diversity Task Force. The CoC does not make it clear what the role of the RIPE Diversity Task Force is in this process or why a separate discussion should take place away from the mailing list. As mentioned above, this also appears to create a permanent role for the task force in this process.

After the candidates were published, RIPE community members would then have four weeks to send objections to any of the volunteers to the RIPE Chair directly. It is not clear what criteria the RIPE Chair would use to evaluate any objections and we understand this would be left up to his/her judgement. After the expiry of this second four-week period, the RIPE Chair would then appoint the new CoC Team members from these volunteers. It is our understanding that if no suitable volunteers were found, another call for volunteers would be launched, but we assume that a pragmatic decision would prevent this eight-week process from cycling endlessly if no suitable volunteers were stepping forward.

While the CoC describes the responsibilities of the CoC Team, it does not explain what will happen if any members do not take their responsibilities seriously. There is no explanation of how or for what reasons CoC Team members can be removed. Also, while the document states that the CoC Team will serve two-year terms, it is not stated whether they are able to serve subsequent terms or if there is a limit to the number of terms.

## **3. Impact on RIPE NCC Operations**

### **3.1 RIPE NCC Staff at the Meeting**

The document states that RIPE NCC staff members are subject to the CoC. We appreciate that they are mentioned and we do not wish them to be exempt as we believe they are also part of the RIPE community. Any staff member who was found to have committed a serious violation of the CoC would have broken our internal code of conduct by extension. Depending on the nature of the violation, this could lead to an official warning or even termination of their employment agreement. As part of this, we will explicitly link our internal code of conduct to the RIPE Meeting CoC once the latter document has been finalised.

The CoC states that the RIPE NCC will only be consulted in cases where a person is removed from the RIPE Meeting. As our staff attend RIPE Meetings as part of their job, we would hope to be informed of less serious cases as well. Even if no further action was required, it

would allow us to add a note to their personnel file. This would help us to see if this was part of a recurring pattern. We are comfortable leaving this at the discretion of the CoC Team.

The CoC also states that our staff “... will be happy to help participants contact hotel/venue security or local law enforcement, provide escorts, or otherwise assist those experiencing harassment to feel safe for the duration of the RIPE Meeting.”

We hope that attendees will reach out staff if they feel unsafe and we trust that our staff will help in any way they can. However, it is important to highlight that our staff do not have special training in this regard. Once the CoC has been finalised, we will review the internal information we prepare for RIPE Meetings and see if any improvements can be made (such as identifying key staff members who should be contacted in such cases).

### **3.2 Impact on RIPE NCC Event Logistics**

We do not expect any significant impact on meeting logistics.

We understand that if the CoC Team decided that someone should be removed from a RIPE Meeting, they would notify the RIPE Chair and an appropriate RIPE NCC staff member. This group would then meet to determine whether the person should be instructed to leave.

If so, we would find the person and ask them to leave as soon as possible. We would confiscate their meeting badge and remove their name from the attendee list on the RIPE Meeting website. This person would not be eligible for a refund of their meeting ticket. RIPE NCC staff and other venue staff (e.g. security) would be informed that the person had been expelled from the meeting and should not be permitted to re-enter (just as anyone without a badge may not enter the meeting).

It is important to highlight that while we would be able to remove someone from the meeting, we would have no ability to cancel their hotel registration or cause them to leave the general area. Given that they would probably have their return travel already booked, they might decide to remain in the hotel or general area. Expelling someone from a RIPE Meeting does not guarantee that people will no longer see them for the rest of that week.

If someone was banned from future RIPE Meetings, we would need to receive their name so we could check this against registered attendees in the future. We would not apply any technical checks beyond this and so it is not possible to provide an absolute guarantee that they would not show up at a RIPE Meeting in the future (e.g. if they registered under a different name).

The CoC states that it applies to sponsors, affiliates and exhibitors, noting that exhibitors should take care not create a sexualised environment. If this CoC is accepted, we would have to update the contracts we sign with these parties to reference the CoC and the responsibilities that arise from there for them.

### **3.3 Financial Impact**

We do not expect any significant financial impact.

There would be some cost in terms of supporting this process which would primarily involve staff time. This would include things such as supporting the process to select CoC Team members, editing/publishing transparency reports, record keeping, and managing any legal complications. We do not expect this would be overly significant and this would be within the scope of our secretariat role.

Other costs would likely include external training and liability insurance for CoC Team members.

### **3.4 Legal Impact**

The CoC Team will consist of individuals acting as a non-legally established body. To minimise legal risks both to the members of this team and the RIPE NCC, we expect that the following would be necessary:

- All members of the CoC Team would need to sign agreements with the RIPE NCC confirming that they would treat confidential information appropriately and would assist in the event that the RIPE NCC was involved in legal action relating to the CoC Team's actions (i.e. by attending court proceedings).
- From a personal data protection point of view, it is a legal requirement to provide clear and transparent information regarding who is responsible for processing personal data, for what purposes, and for how long so that it is clear also who is ultimately liable for any kind of infringement. Considering that in the process of filing and handling a report, keeping and maintaining the records of incidents both the CoC Team and the RIPE NCC will be involved, it will be important to establish clear roles and responsibilities among them.
- The RIPE NCC will have to arrange liability insurance for CoC Team members, as their decisions may cause damages to a person considered to have violated the CoC (e.g. travel tickets, accommodation in the event that they are removed from a RIPE Meeting) and/or damages to a person's reputation.

### **4. Miscellaneous**

"As a general rule, meeting staff should not make any public statements about the behaviour of individual people during or after the meeting."

We suspect that this is a typo - as the RIPE NCC we would expect our staff not to make public statements about the behaviour of community members. We wonder if this was meant to read "CoC Team members."