

Internet Service Provider and Connectivity Providers Operating Procedures

This document contains the Operating Procedures for the Internet Service Provider and Connectivity Providers Constituency hereafter referred to within this document as the 'ISPCP'.

It provides an additional level of detail to that contained within the ISPCP Charter in order to facilitate clear operational practices and procedures required to ensure the efficient and effective management and day to day running of the Constituency.

As such, this is viewed as a living document that can be updated by the Constituency as agreed by the membership. (See section 10 of this document for further details).

1. Background and membership of the ISPCP

ISPs and Connectivity Providers are key enablers of the Internet and the ISPCP have participated within ICANN continuously since its formation at the ICANN meeting held in Berlin, May 1999. Under the ISPCP Charter, membership of the Constituency was originally opened to ISP and connectivity providers who comply with the following criteria, namely;

1. they are in the business of operating Name Servers as a service for 3rd parties other than companies affiliated with the respective provider and
2. they
 1. operate an Internet backbone network based on TCP/IP or
 2. provide transit to either Internet users or 3rd party's Internet content.

Proposals to expand the membership to incorporate trade associations representing ISPs and Connectivity Providers were submitted to ICANN for their consideration and approval following the GNSO review undertaken in 2009. This has yet to be formally agreed.

All new members must complete and return an application form supplied by the Secretariat which will then be passed to the Credentials Committee to deal with. (See section 3 of this document for further details).

Applicants will be asked to declare whether the entity is a member of another GNSO constituency or will participate in ICANN policy formulation in ways other than their ISPCP membership.

Applicants representing entities which do participate elsewhere are required to demonstrate that their ISPCP membership will be divisionally oriented meaning that separate individuals will represent those divisions in ICANN affairs, and that the entity will only represent ISP and Connectivity Providers perspectives within the ISPCP.

In the interest of transparency, members are required to provide information to the secretariat whenever there are any material changes to their status or that of their organisation.

2. Roll and purpose of the ISPCP

In line with its Charter the ISPCP seeks to ensure the views and opinions of ISPs and Connectivity Providers across the globe are actively aware of and contribute toward fulfilling the aims and goals of ICANN. In order to achieve that goal, Constituency members will actively participate in many Supporting Organizations, Advisory Committees, Task Forces and Working Groups within ICANN's diverse structure.

The ISPCP will take all steps possible to ensure that policy development and operational aspects directly impacted by ICANN's unique role, guarantees and enhances the operational stability of the Internet, which is so essential to ISPs and Connectivity Providers. On broader issues that fall under

the remit of ICANN the ISPCP will also safeguard the interests and concerns of the ISP and connectivity industry.

3. Credentials Committee

All membership applications will be reviewed by a Credentials Committee which shall comprise the Constituency Chairman, members of the ISP Executive Committee and the two ISPCP representatives on the GNSO Council. The Credentials Committee has discretion to assure itself of the bone fides of any applicant both at the time of application and at any time after.

Membership may be reviewed by the Credentials Committee at any time, if there is a change in the circumstances of the member that may impact on its qualification for membership, or if the member engages in behaviour not consistent with the Charter or Operating Procedures of the ISPCP. A review may be undertaken following a request by any member and at the discretion of the Executive Committee. A review must include a thorough examination and may include a review of supporting documentation. A review is not limited to but may be indicated when:

- there is a potential conflict of interest
- a member engages in acts which appear to be inappropriate for the stability, functionality or bona fide reputation of the Constituency
- a member is or threatens to be a vexatious litigant
- a member's change in circumstance is such that it would be grounds for a refusal of an initial application

After such review the Credentials Committee by simple majority may apply the following depending on the circumstances:

- a formal written warning
- a period of suspension of all Constituency privileges
- termination of membership in the Constituency. Except for instances where the member would no longer qualify for membership, termination must be preceded by at least one other disciplinary action.

Before any disciplinary action may take effect the member subject to the action will have:

- an opportunity to review the complaint
- an opportunity to provide a response to the Committee
- an opportunity within 14 days of notification to request a reconsideration of any action.

Credentials and Executive Committee members who are affected by the disputed behaviour will recuse themselves from the discipline process.

4. Membership fees

The ISPCP aim to cover relevant costs of conducting Constituency activities required to meet their charter through fees levied on the membership. The level of fees is initially proposed by the officers of the Constituency but requires ratification by the membership. The ISPCP will not levy fees with the aim of building up a reserved fund for unspecified activities.

Members will receive an invoice from the secretariat when fees are due and will be expected to settle the invoice within 60 days of date initially sent.

5. Representation

ISPCP members will be appointed by the Constituency to represent them on the GNSO council, various stakeholder bodies and working groups. When representing the Constituency it is beholden on those members to ensure other members of the ISPCP are kept informed of the work and progress of the groups they are involved in and are consulted prior to key decisions being taken. Members appointed by the ISPCP to represent their views shall also be bound to follow any agreed approaches that support ISPCP agreed positions.

The appointment of individual members to officially represent the ISPCP on GNSO committees and working groups does not preclude the involvement of any other members in a personal capacity. In cases where there is no formally appointed ISPCP representative, other involved parties will be invited to provide and update to the ISPCP during ISPCP scheduled conference calls or at scheduled meetings.

Members of the ISPCP who are elected to the GNSO Council shall represent the views of the Constituency wherever there is an agreed ISPCP position. If at any time they make statements that represent their personal opinions this must be made clear. When voting on Council Resolutions the ISPCP representatives to the GNSO shall support the agreed Constituency position at all times. If Council representatives hold an alternative opinion they may state that when casting their vote, but must not deviate from the agreed position by voting for/against the motion or abstaining.

6. Code of conduct

Full compliance with ICANN's Core Values and Expected Standards of Behaviour (<http://www.icann.org/en/transparency>) is required by all members of the ISPCP.

Members of the ISPCP are required to;

- Act within the mission of ICANN and in the spirit of the values contained in the Bylaws
- Adhere to the spirit of the conflict of interest policy laid out in the Bylaws by declaration of any potential or actual conflict of interest related to the Constituency
- Treat all members of the ICANN community equally, irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age, or sexual orientation
- Treat each other with civility both face to face and online
- Act in a reasonable and informed manner when participating in any discussions and decision-making processes
- Listen to the views of all stakeholders and seek to understand their points of view
- Work to build consensus with other stakeholders in order to find solutions to the issues that fall within the areas of ICANN's responsibility
- Act fairly and in good faith with other participants in the ICANN process.

7. Outreach and engagement

The ISPCP will undertake best efforts to broaden participation and awareness of the Constituency and its activities wherever possible and with the resources at its disposal. All ISPCP members should be expected to assist with this goal within their own sphere of activities and flag opportunities for outreach to the Executive Committee.

8. Representation privacy of personal data

The Secretariat and members of the Constituency shall ensure care of personal data and compliance with prevailing privacy laws.

9. Grievance procedures

Any member of the ISPCP may raise any issue of grievance related to the operation and processes adopted by the ISPCP with the Executive committee, either in writing or via email. Any member of the Executive Committee conflicted in any way shall immediately recuse themselves from any further involvement. The Executive Committee shall consider any issue raised, seek further clarification and background to the issue as required and respond back to that member within 14 days detailing any proposed course of action. If that response is considered unacceptable to the member initiating the grievance they retain the right to demand a special meeting of the Constituency to discuss the issue and agree a way forward, or take any other action set out within the ICANN Bylaws.

10. Changes to the ISPCP Operating Procedures

As a living document changes to the ISPCP Operating Procedures can be proposed at any time in order for the Constituency to maintain its efficacy.

Any member of the Constituency or the Executive Committee can propose changes.

All proposals from members shall be submitted to the ISPCP executive committee for their initial consideration.

The Executive Committee shall review proposals and make a recommendation(s) to the full membership of the ISPCP.

In the event of 10% of the voting membership of the Constituency objecting to the Recommendation(s) proposed by the Executive Committee, they will not be implemented.

Proposals for amendment that are not supported by the Executive Committee require a proposer and expressions of support from 25% of members before being progressed or put to a vote.