

# Disciplinary Regulations for LACNIC's Elected Bodies

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## 1. Rationale

The Board of Directors has the authority to self-regulate and establish the operating rules for the organization's elected bodies. These rules are accepted by the members of elected bodies, both implicitly when they submit their candidacy, and explicitly when they sign the commitment document after being elected.

Additionally, Articles 10 and 11 of the LACNIC Bylaws grant the Board of Directors authority to impose any applicable disciplinary penalties, as well as the authority to reprimand, suspend, and expel a Member and remove them from any elected positions they may hold in the administrative or control organs. This is a general principle that empowers the Board of Directors to take the "greater or most relevant action." Accordingly, taking a "less relevant action," such as removing a Director who is not a member, is also within its authority.

This document regulates these statutory powers and provisions.

## 2. Scope

These regulations apply to members, candidates, and nominees for candidacy to the Board of Directors, the Fiscal Commission, the Electoral Commission, and the Ethics Committee, as well as to members of any other elected bodies overseen by the Electoral Commission.

**The present regulations do not apply to LACNIC's member organizations, but solely to the individuals specified in the paragraph above.**

## 3. Classification of Disciplinary Violations

The following are considered disciplinary violations:

**3.1 Violation of Bylaws.** This category refers to violations of the Bylaws without justifiable reason.

- a) Acting in contravention of, omitting, or otherwise failing to comply with the LACNIC Bylaws.
- b) Failure to comply with the Code of Ethics or the LACNIC Community Code of Conduct (in the event that the Ethics Committee decides on this non-compliance).
- c) Repeated regulatory violations.

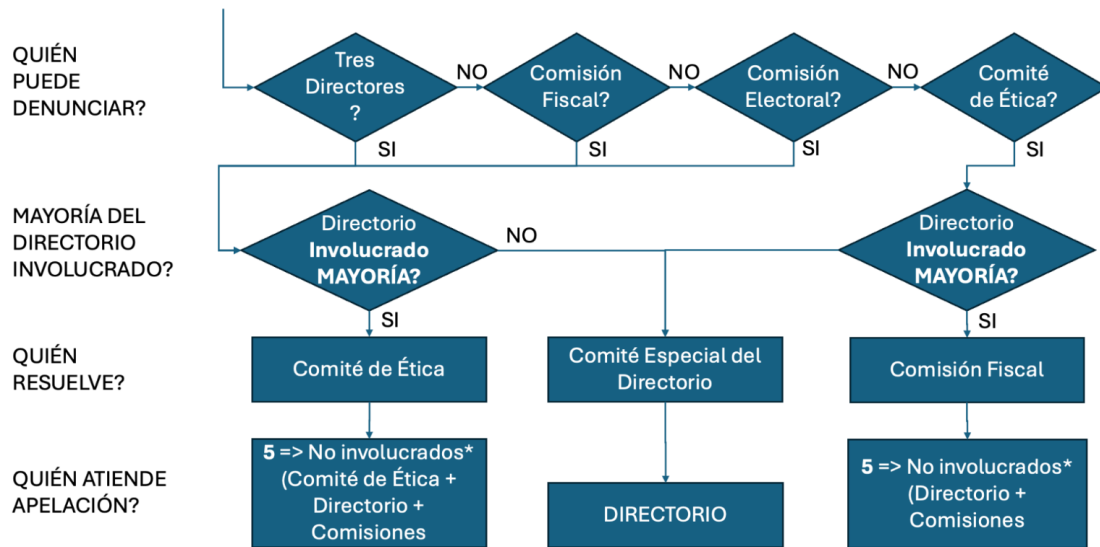
- d) Intentionally causing damage or harm to LACNIC's resources, assets, facilities, or rights (as detailed in the Commitments of the Board of Directors).

**3.2 Violation of Regulations.** This category refers to violations of an internal procedure or regulation.

- a) Unjustified absence from more than 20% of the meetings defined or agreed upon by the elected body in a calendar year (based on the corresponding elected body's Commitments; measurable over any 12-month period).
- b) Unintentionally causing damage or harm to LACNIC's resources, assets, facilities, or rights.
- c) Providing false, incomplete, or outdated information about themselves in institutional processes that:
  - c.1 Has provided them with an advantage over other candidates in electoral processes (regulations on candidate competencies and suitability, forms for submitting nominations, conflicts of interest regulations for election processes); or
  - c.2 Prevents the identification of conflicts of interest in the discussions or decisions of the electoral body (procedure for declaring conflicts of interest).
- d) Participating in a manner inconsistent with the Bylaws or engaging in electoral fraud (regulations regarding incompatibilities).
- e) Influencing discussions or taking part in decisions of LACNIC's elected body where a conflict of interest exists (procedure for declaring relationships and conflicts of interest).
- f) Engaging in actions that contravene the commitments of the elected body in the exercise of institutional roles or positions (internal regulations on commitments of the Board of Directors and the Commissions).
- g) Violating, disregarding, or acting contrary to the procedures and regulations approved by the Board of Directors.
- h) Damaging the image or reputation of LACNIC (internal regulations on the commitments of the Board of Directors and the Commissions).
- i) Failing to comply with the frequency for reporting relationships established in the corresponding procedure, without justification.

## 4. Penalties

Authorities responsible for resolving disciplinary complaints:



\*No involucrados: No son parte de los presuntos infractores. No son parte de la entidad que denuncia.

The Board of Directors is the sole body authorized to interpret and enforce these regulations and to impose penalties in the manner it deems most appropriate. When necessary, the Ethics Committee shall assume the role of the Board of Directors as established in section 6.1.a of these regulations.

The Special Committee of the Board of Directors shall be responsible for resolving complaints in the first instance. This provision delegates to the Ethics Committee or the Special Committee responsible for applying penalties (hereinafter collectively referred to as **The Committee**) the Board of Directors' authority to interpret and enforce these regulations and to impose penalties.

The Board of Directors or **The Committee** shall seek to ensure compliance with the Bylaws and regulations in accordance with the principles of ethics, justice, and equity, making sure that penalties are never disproportionate to the offense committed and that such penalties serve as an educational tool, even if coercive and severe. Under no circumstances shall penalties involve measures that could be considered defamatory.

The Board of Directors or **The Committee** may apply the following penalties:

1. Warning: a disciplinary measure intended to establish a precedent for regulatory violations where there is evidence of justification.
2. Specific action: a measure designed to provide the offender with an opportunity for learning that will allow them to modify future attitudes and behaviors.
3. Limitation, suspension:
  - a) Limitation of activities related to the position (e.g., participation in events of the elected body other than meetings).
  - b) Temporary suspension from the role (for a maximum of one year).
  - c) Permanent suspension from the role (for a period equal to the duration of the offender's term).

- d) Temporary suspension from running for elected positions for a period of twelve to forty-eight months.
- e) Permanent suspension from running for elected positions.
- f) Permanent suspension from participating in the institutional life of LACNIC.

Additionally, when applicable, the Board of Directors or **The Committee** may require moral, economic, and/or material compensation, provided that the damage caused by the offender can be repaired.

## 5. Initiation of the Disciplinary Process

The disciplinary process may be initiated in the following ways:

- 1. At the request of the Ethics Committee (when the Ethics Committee has not issued a resolution or considers that the issue should be resolved by the Board of Directors).
- 2. At the request of at least three members of the Board of Directors (two directors may request the summoning of a Board meeting).
- 3. At the request of a simple majority of the Fiscal Commission.
- 4. At the request of a simple majority of the Electoral Commission.

The party submitting the request shall be considered the **Reporting Body** in this procedure.

When completing the complaint form, the **Reporting Body** declares that the information provided therein is true, complete, and accurate.

## 6. Complaint Process and Resolution

In order to be considered by the Board of Directors, a complaint shall follow the process below:

- 1. Complaints shall be submitted in writing to the Board of Directors, describing the events that occurred. The complaint shall be submitted by the **Reporting Body** to the Board of Directors list or to the Chairman of the Board. The complaint may be accompanied by written testimony or documentary evidence supporting the facts.
  - a) If the complaint involves an absolute majority of the Board of Directors as reported parties, the **Reporting Body** shall forward the complaint to the Ethics Committee. In this procedure, the Ethics Committee shall be referred to as **The Committee**.
  - b) If the complaint involves an absolute majority of the Board of Directors as reported parties, and the **Reporting Body** is the Ethics Committee itself, the complaint shall be forwarded to the Fiscal Commission. In this procedure, the Audit Committee shall be referred to as **The Committee**.
  - c) If the complaint does not involve members of the Board of Directors as reported parties or involves only a minority such that an absolute majority of the remaining members can still consider the complaint, those involved must recuse themselves from participating as provided in the Procedure for Declaring Relationships and Conflicts of Interest.

1. The Board of Directors shall appoint the Special Committee to resolve the complaint, following the ***Procedure for Appointing Special Committees***.
2. Once the Special Committee and its coordinator have been appointed, they shall proceed with the next steps established in this procedure. In this procedure, the Special Committee of the Board of Directors will be referred to as **The Committee**.
2. **The Committee** shall have 30 calendar days to determine whether it can address the complaint.
  - a) If necessary, it may take an additional 30 calendar days to assess the complaint.
  - b) **The Committee** may request additional information to evaluate the complaint.
  - c) If **The Committee** determines it cannot address the complaint, it shall respond to the Reporting Body, providing the corresponding justification.
3. **The Committee** shall then inform the reported parties, in writing either through the elected body's mailing list or by individual email, and request their arguments, documentation, or testimony in defense. The reported parties shall have 15 calendar days to submit their response.
4. **The Committee** may apply provisional measures to the reported parties if it considers them justified and necessary to limit the impact of the reported violations or to address the risk of future violations.
  - a) These provisional measures may be lifted or maintained, as determined by **The Committee**.
  - b) Compensatory measures related to the rights of those affected may not be imposed while the provisional measures remain in effect.
5. **The Committee** shall have a maximum of 60 calendar days from receipt of the documentation supporting their defense as requested in point 5 to obtain all statements related to the case.
6. Once the statements have been obtained, **The Committee** shall have an additional 30 calendar days to decide on the case and, if applicable, notify the penalty to those involved. **The Committee** shall have access to the record of previous penalties in order to determine whether a repeat offense has occurred.
7. Regardless of the resolution and penalties imposed (if any), **The Committee** shall communicate its decision and forward the documentation, including the resolution, to the Ethics Committee so it can be entered into their penalties archive.

## 7. Appeals

Under the LACNIC Bylaws, appeals against a disciplinary measure directed at a member (legal entity) shall have suspensive effect. However, the Bylaws also specify that appeals against disciplinary measures directed at members of elected bodies (individuals) shall not have suspensive effect.

Therefore, given that the scope of these disciplinary regulations applies exclusively to individuals, appeals **shall not have suspensive effect** on resolutions already issued, and resolutions established in a prior instance may only be suspended if the appeals process, once concluded, determines such suspension.

The member of the elected body who has been penalized for a violation under these regulations, or the body that originated the complaint, may file an **appeal** with the Board of Directors\*. The request must be submitted in writing within 15 calendar days of notification of the sanction (sub-section 6.6).

In that case, the Board of Directors\* shall resolve this appeal within **60 calendar days**, taking into account the following considerations:

- a) If the first instance resolution was issued by the Special Committee, the appeal shall be decided by a special majority of the Board of Directors.
- b) If the first instance resolution was issued by the Ethics Committee, an Appeals Committee shall be formed as follows:
  - 1) A random selection process shall be conducted to select 5 members from among the Ethics Committee, Commissions, and Board of Directors (excluding those with conflicts of interest or who were part of the complaining body).
  - 2) The decision shall be made by an absolute majority of this Committee.

Once decided, the Board of Directors or the Appeals Committee shall communicate the resolution to the member of the elected body.

This resolution may only be appealed by the reported party at the first Members' Assembly that is convened. The submission of the appeal shall not suspend its effects.

\*The Board of Directors or the Ethics Committee, as described in 6.1.a.