

February 28, 2009

Via Email

ICANN Board of Directors  
Peter Dengate Thrush, Chair  
Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way, Suite 330  
Marina Del Rey, California 90292

Re: CyberSafety Constituency Petition and Charter

Dear Chairman Dengate Thrush and the ICANN Board,

Pursuant to the processes established by the ICANN staff, please accept the attached Petition and Charter for the CyberSafety Constituency (CSC) within the Non-Commercial Stakeholders Group (NCSG). As the original Notice of Intent to Form the CyberSafety Constituency (NOIF) explains:

The focus of the new constituency is Internet safety issues. I am concerned that, as Internet policies are developed at ICANN, the interests of families, children, consumers, victims of cybercrime, religions and cultures become better represented. For the new technology society, we need carefully to craft mechanisms involving law and industry that balance unfettered free speech and anonymity with some protections against exploitation of the most vulnerable, the ability to address and reduce criminal activity, and . . . the right of Internet users to have choices in the nature of their access.

This new constituency will be organized around both an interest in Internet security, and around a community of previously unrepresented users, including parents, children, women, cultural organizations, religions, and others.

The CSC Constituency may also provide home for law enforcement, consumer protection groups, and other concerned about Internet abuse.

The CSC Constituency is committed to broad outreach and recruitment in addition to those who have already become involved. The NOIF explains:

This constituency will be committed to two efforts. First, it will engage [and continue] in a formal recruiting and outreach program. . . . The constituency will seek representatives from each global region, and especially underdeveloped nations.

Second, this constituency will affirmatively seek for input directly and indirectly through research and education to become fully aware of the security issues of non-commercial users in various cultures and regions.

The CSC fills a significant gap in the breadth of representation within the NCSG. The NOIF explains:

This new constituency will add another much-needed dimension to the discussion of issues impinging on safety *in the GNSO structure*. The primary policies advocated by the existing representative organization for non-commercial users are unfettered free expression and anonymity. Along with these issues, other values need to be considered in the mix. This constituency will advocate for policies that fairly consider safety implications and that represent a previously absent, but significant, group of Internet users.

On behalf of those who have expressed an interest in being involved in the CSC, I request your acceptance of our petition and proposed charter.

Very truly yours,

Cheryl B. Preston  
Edwin M. Thomas Professor of Law  
Brigham Young University  
CP80 Foundation

Attachments:

CyberSafety Constituency Petition and Charter  
CyberSafety Notice of Intent to Form a New Constituency



# New Constituency Petition and Charter

## CyberSafety Constituency Petition

### Important Notices:

(1) The purpose of this document is to formally petition the ICANN Board for approval to form a new GNSO constituency consistent with the ICANN Bylaws. Its submission, receipt, acceptance, or acknowledgement should not be construed as implicit or explicit Board approval of the proposed constituency.

(2) In addition to the Board, this submission will be provided to the GNSO Council and constituencies and will be publicly posted [Note: phone and fax numbers supplied below are for contact purposes only and will not be shared publicly].

Submit to ICANN Board at [new-constituency@icann.org](mailto:new-constituency@icann.org) [Note: If you do not receive a confirmation after submittal or have questions, please contact [policy-staff@icann.org](mailto:policy-staff@icann.org)].

Constituency Name:	CyberSafety Constituency (CSC)
Your Name:	Cheryl B. Preston
Your Company/Organization:	Brigham Young University
Tel. Number:	[Redacted]
Fax Number:	[Redacted]
Email Address:	[Redacted]
Submission Date:	23 February 2009

### Purpose and Guidance

*This template was assembled by ICANN Policy Staff to help a new constituency construct a comprehensive charter document. It was distilled from a detailed analysis of existing GNSO constituency charters and a selection of common structures, topics, and relevant components. It is organized into major thematic headings with individual sections containing keywords/phrases intended to suggest specific content that, when completed, would describe the constituency's rules, procedures, and/or practices for that element. To clarify the intended substance of each title/heading, the Staff has added guiding questions, explanatory notes, and suggested content/topics. In a few instances, language extracted from an existing constituency charter has been inserted for illustrative purposes and to stimulate other useful ideas.*

*At first review of this template and its exhaustive array of topics, the prospect of constructing one may appear to be a daunting challenge. Two points should be kept in mind when working with this template: (1) the Board recognizes that, as a practical matter, charter documents often evolve over extended time periods as membership expands, leaders change, and experiences are gained; and (2) it is not required that every sub-section be completely addressed before petitioning the Board for constituency recognition and approval.*

# CyberSafety Constituency (CSC)

## Charter

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## 1.0 Mission, Structure, and Principles.

- 1.1 ICANN Bylaws.** The CyberSafety Constituency (CSC) is a recognized entity within the Generic Names Supporting Organization (GNSO) Non-Commercial Stakeholder Group (NCSG), formed according to Article X (5) of the International Corporation for Assigned Names and Numbers (ICANN) bylaws.
- 1.2 Mission.** The purpose of the CSC is to represent Internet users, as well as organizations that study and advocate for Internet users, whose interest is balancing free speech and anonymity with the values of protection and safety in developing Internet policy within ICANN. The CSC will contribute to the consensus model of policy development, while advocating that ICANN policies and the technical development of the Internet should not unduly impair the lawful rights of governments and other organizations of authority to take steps to protect their citizens and members from illegal activity conducted on or through the Internet.
- 1.3 Structure.** The CSC shall consist of Members, an Executive Committee, a Policy Committee, and Council Representatives.
- 1.3.1 Members.** Large Organizations, Small Organizations, and individuals may be admitted as Members of the CSC. The qualifications, rights, and duties of CSC Members are set out in Paragraph 5.1 for organizations and 5.2 for individuals.
- 1.3.2 Executive Committee (EC).** Members of the CSC may elect an EC. The qualifications, rights, and duties of the EC are set out in section 2.0.
- 1.3.3 Policy Committee (PC).** Members of the CSC may elect a PC. The qualifications, rights, and duties of the PC are set out in Paragraph 4.1.
- 1.3.4 GNSO Council Representatives (CRs).** Members of the CSC may elect one or more persons to fill the GNSO Council Seats allocated to the CSC. The qualifications, rights, and duties of the CRs are set out in section 3.0.
- 1.4 Guiding Principles for Leaders, Representatives, and Members.** The CSC is committed to:
- 1.4.1** Carrying out its mission in a fair, open and transparent manner, and ensuring that new participants may easily access and understand its operations and processes;
- 1.4.2** Establishing and maintaining service standards for leadership positions including impartiality, accountability, and avoidance (or disclosure and CSC Members' consent) of potential conflicts of interest;
- 1.4.3** Establishing and maintaining participation standards for eligibility to vote;

- 1.4.4 Establishing and maintaining professional standards of behavior for all constituency members and participants including: adhering to ICANN bylaws/policies; supporting the bottom-up consensus model; treating others with dignity, respect, courtesy, and civility; listening attentively to understand others; acting with honesty, sincerity, and integrity; and maintaining good community standing; and
- 1.4.5 Providing balanced and fair representation of the significant, legitimate issues of safety and protection of non-commercial Internet users.

## **2.0 Executive Committee (EC).**

### **2.1 Composition, Eligibility, and Terms of Office.**

**2.1.1 Composition.** As long as there are sufficient willing participants, the EC shall consist of the following seven (7) officers:

- a. Chair;
- b. Chair-elect;
- c. Past Chair (if any);
- d. Secretary/Treasurer;
- e. Membership Officer;
- f. Policy Development Committee Chair; and
- g. Communications Officer.

In the event that fewer than seven (7) individuals are willing to serve in these capacities, the duties of the Past Chair, Communications Officer, and Membership Officer may be assumed by the EC as a whole.

**2.1.2 Eligibility.** To be eligible for an official leadership position, candidates must:

- a. Have been an Individual Member of the CSC or an OR of an Organization Member, in good standing, for a period of at least six (6) months.
- b. Not already hold a CSC officer position except as authorized under Paragraph 2.1.1;
- c. Not currently be serving as a CR;



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- d. Not be Chair if serving on the ICANN Nominating Committee, as an officer of another ICANN constituency, or as an officer of ALAC.
- e. Have established a record of diligence and loyalty to the constituency as well as active participation per the requirements of section 10.2.

**2.1.3 Elections.** All officers comprising the EC shall be elected by the Members as provided in Paragraph 2.4.1, with the exception of the Chair, the Past Chair, and the PCC. In the ordinary course, the Chair-elect becomes the Chair in the term following service as Chair-elect, and the Chair becomes the Past Chair in the term following service as Chair.

**2.1.4 Term Limits.**

- a. Members of the EC will be elected for one-year terms.
- b. No person shall serve for more than five (5) years in any ten (10) year period as any of the following: Chair, Membership Officer, or Policy Committee Chair (PCC).
- c. Any officer of the EC can be removed for good cause and in accordance with the disciplinary provisions in Paragraph 10.1.3 before the end of his or her term.

**2.1.5 Vacancies, Resignations, Suspensions, and Removals.**

- a. If at any point in time a member of the EC leaves the membership of the CSC for any reason, he/she shall immediately cease the function of his or her office as well.
- b. If the office of the CSC Chair becomes vacant, then the Chair-elect shall become acting Chair until an election for the Chair can be held.
- c. If a vacancy occurs with respect to an Officer, other than the Chair, with
  - i. Six (6) or more months left in the term, the CSC Chair shall direct the EC to hold an election to replace such officer in accordance with the procedures described in section 2.4.1; or
  - ii. Less than six (6) months left in the term, the CSC Chair, in consultation with the EC, shall appoint an individual to fill the vacancy until the term is expired.

**2.2 Duties of the Members of the Executive Committee.**

**2.2.1 The CSC Chair (Chair) shall:**

- a. Organize and conduct meetings and teleconferences of the CSC, including a meeting of all CSC Members during the ICANN public meetings on a day selected by the EC to maximize the CSC's potential to influence GNSO Council and ICANN Board decisions;
- b. Determine the agenda and meeting schedule of the EC and the CSC;
- c. Liaison with other stakeholder group representatives, advisory committees, the ICANN Board, and ICANN staff on administrative and substantive matters;
- c. Establish guidelines for EC participation requirements in accordance with section 10.2 and may request the Membership to replace any member of the EC who is inactive or who prevents the execution of tasks and duties required by this Charter;
- d. Ensure that timelines and standards for the work of the officers and Committees are set and met; and
- e. Advise and assist the other members of the EC.

**2.2.2 The Past Chair and Chair-Elect shall:**

- a. Perform such duties of the Chair or other EC officers as are delegated to such person by vote of the EC or by the Chair;
- b. Participate in EC decision making;
- c. Participate in outreach, recruiting, liaison, and networking efforts; and
- d. Advise and assist the CSC Chair and the other members of the EC.

**2.2.3 The Secretary/Treasurer shall:**

- a. Submit an annual budget, and any amendments if needed, to the EC for approval;
- b. Seek sources of support from ICANN, grants, and other donations pursuant to Section 11;
- c. Manage all funding and expenditures in accordance with the budget;
- d. Report to the Members of the CSC at the end of each annual budget period on all funding and expenditures during that year; and
- e. Advise and assist the CSC Chair and the other members of the EC.





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## **2.2.4 The Membership Officer shall:**

- a. Devise and conduct recruitment and outreach programs;
- b. Establish and assure compliance with the new Member application process;
- c. Receive and review Member applications and, if the information in the application is not sufficient to warrant acceptance, notify the applicant and request additional information;
- d. Accept new Members who qualify in accordance with this Charter;
- e. Maintain the list of Members with contact information;
- f. Determine the voting status of CSC Member Organizations;
- g. Determine the ICANN geographical Region(s) represented by each Member. This determination will be made based on citizenship, residence, duration of residency or experience within a Region, depth of involvement in Internet matters in the Region, and other criteria as contained in the ICANN Bylaws or approved by the ICANN Board;
- h. Upon receipt from the EC of a notice of an upcoming CSC election, confirm the identity and status of CSC Members eligible to vote and run for office at least forty (40) days prior to the beginning of such election;
- i. Accept nominations for offices to be filled by such election and, in the case of more than four (4) nominations for any office, determine the top four (4) candidates, who will be included on the ballot. In the case of a dispute about this determination, any interested party may appeal the decision to the EC;
- j. Notify the EC of the names of the candidates for each office at least ten (10) days prior to the deadline for providing ballots to CSC Members eligible to vote in such election; and
- k. Advise and assist the CSC Chair and the other members of the EC.

## **2.2.5 The Policy Committee Chair (PCC) shall:**

- a. Serve as Chair of the PC according to Paragraph 4.1.2;
- b. Establish and monitor working groups, if any, that are convened by the EC to address policy issues;
- c. Keep the EC informed on the work and conclusions of:

- i. The PC;
  - ii. Working groups, if any, that are convened by the EC to address policy issues; and
  - iii. The work of the CRs.
- d. Serve as liaison between the CRs and the PC; and
  - e. Advise and assist the CSC Chair and the other members of the EC.

**2.2.6 The Communications Officer shall:**

- a. Establish and manage all public communications facilities as described in section 7.0, in accordance with the list of Members' contact information provided by the Membership Officer;
- b. Establish and manage the CSC website, including access to membership application forms;
- c. Provide timely notice on the Public List of all CSC meetings, agendas, and minutes or other reports;
- d. Post a Notice of Election and Request for Nominations on the Public List for at least sixty (60) days prior to an upcoming election. The Notice of Election will include a Request for Nominations to be submitted to the Membership Officer;
- e. Take minutes of public meetings and EC meetings;
- f. Make a reasonable effort to post notices of CSC activities on websites, blogs, and other forums for publicity and recruitment;
- g. Maintain all records and documents of the CSC; and
- h. Advise and assist the CSC Chair and the other members of the EC.

**2.3 EC Communications.** The EC may have a private communication organ, which shall be archived and available to the public upon request.

**2.4 Duties of the Executive Committee (EC).**

**2.4.1 Conduct Elections.** The EC shall:



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- a. Request from the Membership Officer at least thirty-five (35) days prior to an election a list of the Members eligible to vote in such election and their status/vote allocation;
- b. Establish and oversee a secure, confidential, and accurate balloting procedure;
- c. Obtain from the Membership Officer the names of candidates for each office to be elected;
- d. Collect and post on the Public List a statement of qualifications and intentions of all candidates on the ballot;
- e. Create and provide ballots to each CSC Member eligible to vote at least thirty (30) days prior to the close of voting for such election; and
- f. Count votes and notify Members of the results.

## **2.4.2 Manage Funding and Expenditures.** The EC shall:

- a. Obtain and monitor funding for the CSC from ICANN, CSC Members, individuals and organizations that are not CSC Members, and other sources;
- b. Approve a budget proposed by the Secretary/Treasurer at least annually and approve reports on expenditures at the end of each budget period; and
- c. Keep records and make such accountings as are necessary to satisfy the requirements of any funding source or grant.

## **2.4.3 Make Appointments.** The EC shall appoint or recommend CSC candidates, as requested, to serve on, or as liaison with, other ICANN structures, including without limitation the ICANN Nominating Committee.

## **2.4.4 Establish Additional Committees and Working Groups.**

- a. The EC may propose to the CSC Members requests to establish additional temporary or permanent committees or working groups. The EC shall post such a request on the Public List. The request shall:
  - i. Explain the need for and intended purpose of such entity;
  - ii. Propose committee formation criteria, eligibility requirements for members of the committee, and committee functions and procedures in addition to those stated in section 4.2;

iii. State a date, not less than thirty (30) days after the request is posted, on which such entity will be formed, unless three (3) or more Members request in writing on the Public List that the EC request to create a new committee or working group be put to Member vote.

b. Upon a sufficient request for a Member vote, the EC shall conduct a vote on approving the request in accordance with the procedures for an election set forth in section 6.0.

c. Any committee or working group established pursuant to this Paragraph shall comply with the requirements of Paragraph 4.2.

**2.4.5 Resolve Disputes.** The EC shall hear and resolve disputes among Members and any appeal from a decision of the Membership Officer.

**2.4.6 Perform with Diligence and Loyalty.** All officers have a duty to perform their roles with diligence and loyalty to the CSC, and are bound to meet the minimum participation requirements set forth in section 10.2.

a. All officers may be removed before the end of their terms in accordance with the disciplinary procedures of Paragraph 10.1.3.

b. All officers shall promptly notify the EC, and CSC Members, of any potential conflict of interest that may arise during their term.

**2.4.7 Support education and Outreach.** All officers shall create opportunities for the Members of the CSC to keep current with literature, research, and discussion of Internet issues relating to safety and protection on the Internet and to the kinds of policies being developed in the GNSO.

**2.4.8 Make Decisions.** All members of the EC will participate in making decisions. A quorum of at least five (5) members of the EC is required for making decisions not otherwise delegated to an individual officer. Decisions will be made by consensus as described in Paragraph 6.2.3 when possible. If the EC cannot resolve a decision by consensus, the Chair shall conduct a vote. All members of the EC, including the Chair, have a vote. In the case of a tie, the EC shall conduct a vote of CSC Members.

### **3.0 GNSO Council Representatives (CRs).**

**3.1 Elections.** CRs will be elected by CSC Members pursuant to Paragraph 6.2.1.

**3.2 Regional Representation.** The CSC shall seek to recruit and elect CRs from a variety of global Regions. Determination of which Region(s) are represented by CRs is made by the



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Membership Officer according to the criteria set forth in Paragraph 2.2.4(g) and any geographic diversity needs or requirements communicated by the NCSG.

## 3.3 Duties of the CRs.

**3.3.1. Participation in the CSC.** Each CR shall actively and faithfully participate with the EC and the CSC Members in considering policy issues.

**3.3.2 Participation in the GNSO.** Each CR shall actively and faithfully participate in the activities of the GNSO Council and in advancing the goals of the CSC in every aspect of the GNSO Policy Development Process.

**3.3.3 Communication.** Each CR shall inform, in a timely manner and by use of the Public List, all CSC Members of:

- a. The initiation of new Working Groups or Policy Development Processes within ICANN;
- b. The content of Working Group charters;
- c. ICANN public comment periods;
- d. Any final vote by the GNSO Council, at least two (2) weeks in advance of the scheduled vote; and
- e. Any other matter reasonably pertinent to permitting the full involvement in ICANN policy development by CSC Members.

**3.3.4 CSC Representation.** Each CR shall represent in the GNSO Council the goals and priorities of the CSC Members to the best of his/her ability and in accordance with the principle of consensus building, as follows:

- a. Positions that reach consensus within the CSC are presumptively binding on the CRs' votes. This presumption may be rebutted only with the consent of the Members of the CSC and in the event of very significant countervailing concerns, which concerns must be disclosed to the Members;
- b. On issues without CSC consensus, CRs are authorized to vote on GNSO Council matters as they think best with a reasonable effort to reflect the positions held by Members of the CSC.

## 4.0 Committees.

## **4.1 Policy Committee (PC).**

**4.1.1 Composition.** The PC is comprised of:

- a. The Policy Committee Chair (PCC);
- b. The GNSO CRs elected by the CSC;
- c. A CSC Member from each ICANN geographical region elected by CSC Members for one-year terms; and
- d. Up to five additional participants who are CSC Members and are elected for such service by the CSC Members for one-year terms.

**4.1.2 Policy Committee Chair (PCC).** The members of the PC shall elect a PCC annually. In addition to his or her obligations with respect to the EC, the PCC shall:

- a. Develop PC agendas;
- b. Schedule and conduct PC meetings;
- c. Keep minutes of PC meetings and records of PC decisions;
- d. Involve CSC Members in policy development activities; and
- e. Maintain a private communication organ, which shall be archived and available to the EC. The EC may make all or part of this archive available to CSC Members upon request.

**4.1.3 Duties.** The PC shall:

- a. Supervise, develop and approve policy statements issued in the name of the CSC;
- b. Initiate GNSO policy development research and proceedings on behalf of the CSC;
- c. Identify and recruit CSC Members or supporters to serve on GNSO Working Groups, task forces, and drafting teams;
- d. Strive to develop policy-position consensus among CSC Members;
- e. Create mechanisms for properly and accurately reflecting minority positions in CSC policy development; and
- f. Devise practical, policy and voting strategies for the CSC CRs.



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- g. Take reasonable steps to be informed and consider the range of relevant significant, legitimate issues of safety and protection of non-commercial Internet users who are currently under-represented in the CSC.

**4.1.4 Policy Liaison.** The PC shall meet at least twice annually with a liaison (if any have been appointed) from the At-Large Advisory Committee, the Commercial Users Stakeholder Group, and the Government Advisory Council.

**4.1.5 Make Decisions.** All members of the PC will participate in making decisions. A quorum of at least three-quarters (3/4) of the members of the PC is required for making significant decisions. Decisions will be made by consensus as described in Paragraph 6.2.3 when possible. If the EC cannot resolve a decision by consensus, the PCC shall conduct a vote. All members of the PC, including the Chair, have a vote. In the case of a tie, the PC will request the EC to resolve the dispute.

## 4.2 Other Committees.

**4.2.1 New Committees.** The EC may establish new committees and working groups if the need arises and in compliance with Paragraph 2.4.4. Each new committee shall be subject to the requirements of this Paragraph.

**4.2.2 Volunteers.** The EC shall post on the Public List a call for volunteers to serve on newly created committees and working groups for at least seven (7) days. The EC will try to reach a consensus on who will be included in the committee or working group, but if a consensus cannot be reached, the EC will initiate a formal election for these positions pursuant to section 6.0.

**4.2.3 Chair.** The members of each committee shall elect a chair annually. The chair shall:

- a. Develop agendas;
- b. Schedule and conduct meetings;
- c. Keep minutes of committee meetings and records of committee actions;
- d. Involve CSC Members in the activities of the committee; and
- e. Maintain a private communication organ, which shall be archived and available to the EC. The EC may make all or part of this archive available to CSC Members upon request.

## **5.0 Eligibility for Membership.**

### **5.1 Organizations.**

**5.1.1 Eligible Organizations.** To be eligible to be a Member of the CSC, a Large or Small Organization must be:

- a. Either:
  - i. An organization incorporated or otherwise legally established as a non-commercial entity (in countries that have such a provision in their corporation law); or
  - ii. An unincorporated organization, or organization operating in a country without provisions for non-commercial incorporation, that operates on a non-profit basis, primarily for non-commercial purposes, and has at least ten (10) members; or
- b. The exclusive user of at least one (1) domain name used primarily for non-commercial purposes; or
- c. Engaged in activities that are primarily non-commercial and public service oriented, including but not limited to, policy advocacy, educational, religious, charitable, scientific, or artistic purposes.

**5.1.2 Ineligible Organizations.** An organization is not eligible to be a CSC Member if it:

- a. Is a political organization whose primary purpose is to elect government officials;
- b. Exists as an association of, or for the benefit of, commercial entities (even if it is non-profit in form), such as industry trade associations;
- c. Provides a service under a contract or memorandum of understanding with ICANN; or
- d. Is currently represented in ICANN through another Supporting Organization or GNSO Stakeholder Group. Organizations that participate in ICANN with the At Large Advisory Committee (ALAC) are not excluded by this criterion.

**5.1.3 Organization Official Representation.** Each organization, in its application for membership in the CSC, shall appoint an individual to serve as the Organization's Official Representative (OOR).





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- a. Each OOR shall have the powers to vote and speak publicly on behalf of the Member Organization within the CSC.
- b. Each OOR must be formally authorized to represent the Member Organization by the president, director, or other principal of that Organization.
- c. A Member Organization may change its OOR if the president, director, or other principal of the Member Organization:
  - i. Notifies the EC of the change; and
  - ii. Authorizes a new OOR following the resignation of the prior OOR.
- d. A new OOR appointed in accordance with this Charter does not assume an elected or appointed office in the CSC held by the prior OOR. The Membership Officer may, at its discretion, hold an election to replace the prior OOR.

**5.1.4 Organization Additional Representation.** A Member Organization may also designate one or more Additional Representative(s) (AR) to the CSC following the same processes as for designating an OOR, set forth in Paragraph 5.1.3.

- a. ARs do not vote on behalf of the Member Organization, but may otherwise participate in CSC listservs and mailing lists, discussions, meetings, committees, working groups, and task forces.
- b. The EC may establish eligibility guidelines for, and limits on the number of, ARs that will be applicable to all Member Organizations in the CSC.

**5.1.5 Status and Vote of Large Organization or Small Organization.**

- a. An organization with fifty (50) or more employees, or membership organizations with five hundred (500) or more individual members, shall be classified as a “Large Organization” and afforded three (3) votes in all CSC elections.
- b. An organization not qualifying as a Large Organization under the prior Paragraph, and with five (5) or more employees, or membership organizations with fifteen (15) or more individual members, shall be classified as a “Small Organization” and afforded two (2) votes in CSC elections.

**5.1.6 Determinations of Organization Eligibility and Status.** The Membership Officer may establish, subject to EC approval, guidelines for determining membership eligibility, voting status, and ongoing eligibility of Member Organizations, including, but not limited to, the form of membership application, the nature and amount of information necessary to determine an organization’s use of a domain name, the appropriate authority for designating an OOR or AR, the organization’s employee and

member size, and the level of participation necessary to remain eligible for membership and for voting as an organization.

## **5.2 Individuals.**

**5.2.1 Eligible Individuals.** To be eligible to be a Member of the CSC, an individual must:

- a. Own at least one domain name for personal or family use of a predominantly non-commercial nature;
- b. Demonstrate substantial history, experience or knowledge about, or advocacy for, policy development with respect to the Internet or the interests of a substantial category of non-commercial Internet users, including but not limited to families, children, religions, educational institutions, crime victims, spam victims; or
- c. Be employed by, or a member of, a large non-commercial public interest organization, such as a university, college, or non-government organization that qualifies as an Organization under this Charter and is not a Member Organization of the CSC.
- d. Identify on her/his membership application which one or more of the three (3) above categories in this subsection apply.

**5.2.2 Ineligible Individuals.** An individual is not eligible to be a Member of the CSC if he/she:

- a. Is currently represented in ICANN through another Supporting Organization or GNSO Stakeholder Group. Individuals that participate in ALAC are not excluded by this criterion;
- b. Owns domain names for, or is concerned with domain name policy primarily with regard to, business or commercial purposes, including without limitation, investors in the domain name market, for-profit professionals, sole proprietors, and professional consultants. An individual who falls into this subsection, but is otherwise qualified to be a CSC Member, may be considered eligible by the Membership Officer, subject to approval by the EC, upon finding substantial evidence that such individual's primary concern in participating in ICANN processes is with respect to non-commercial public interest aspects of domain name policy and that their membership would advance the mission of the CSC; or
- c. Is, based on the Membership Officer's determination subject to appeal to the EC, linked organizationally and financially to the Internet policy-related lobbying activities of commercial firms.



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**5.2.3 Individual Votes.** Individual members are afforded one (1) vote in CSC elections.

## **5.3 Applications for Membership.**

**5.3.1 Applications.** Prospective Members shall complete either an Organization or Individual Member Application form, which will be available on the CSC's website, and submit it to the Membership Officer. Before the Membership Officer may reject an applicant, he or she must notify the applicant and give the applicant an opportunity to supply additional relevant information. A denial of an application may be appealed to the EC.

**5.3.2 Effective Date.** Membership is effective upon written notification from the Membership Officer posted on the CSC Public List.

## **5.4 Member Rights.**

Each Member of the CSC in good standing shall have the right to:

**5.4.1 Vote.** Vote in each election to elect the members of the EC and GNSO Council Representatives;

**5.4.2 Participate in Elections.** Run for, or nominate other Members to, positions elected by CSC Members by complying with the election procedures described in Paragraph 2.4.1, and as determined by the Membership Officer;

### **5.4.3 Receive Communications.**

a. Have access to the Social Network Site, Public List, or any other organ of communications established pursuant to section 7.0; and

b. Be given timely notice on the Public List of all meetings called by the Chair of the EC or of the PC; of all policy development processes, position papers or advices to be considered by the PC; and of all decisions to accept or reject an Application for Membership.

**5.4.4 Comment.** Be afforded an opportunity to comment on all policy and administrative issues for which notice is given on the Public List;

**5.4.5 Submit Agenda Items.** Submit agenda items for CSC and PC meetings. If there are too many agenda items to include in the time available, the CSC Chair, or the PCC respectively, may limit the agenda to items to those submitted at least ten (10) days prior to the scheduled meeting and those seconded by a member of the EC; and

**5.4.6 Participate in Other Entities.** Join up to three (3) Constituencies within the NCSG at one time.

**5.4.7 Receive Mentoring.** Upon request, a new CSC Member will be assigned a mentor by the Chair to answer questions and give direction.

## **6.0 Elections and Voting.**

**6.1 Elections.** The EC shall conduct an election at least once each year pursuant to Paragraph 2.4.1 for the members of the EC and for CRs to represent the constituency on the GNSO Council.

### **6.2 Voting.**

**6.2.1 Cumulative Voting for CRs.** Each CSC Member may cast a Status Vote (as calculated based on the Member's status as a Large Organization, Small Organization, or Individual pursuant to Paragraphs 5.1.5 and 5.2.3), for CRs as follows:

- a. One Status Vote for each of the Council seats subject to election; or
- b. All or fewer of the Status Votes (based on number of Council seats subject to election) for one or more of the candidates.

### **6.2.2 Committee and Meeting Voting.**

- a. Voting shall normally be by a show of hands or call of Aye or Nay (For or Against) in a teleconference. Electronic voting shall also be permitted where the Chair indicates that this manner of voting shall be used.
- b. When the result of a vote is in doubt, the Chair may take a second vote by a roll-call. A vote by roll-call shall also be taken if it is requested by not less than three (3) CSC Members before the voting takes place.
- c. When an amendment to a proposal is moved, the amendment shall be voted on first.
- d. When two or more amendments to a proposal are moved, the amendment deemed by the Chair to be furthest removed in substance from the original proposal shall be voted on first, and then on the amendment next furthest removed there from, and so on, until all the amendments have been put to a vote.



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- e. If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.
- f. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

**6.2.3 Consensus.** The CSC and each committee and working group shall endeavor to decide issues before it by general agreement. Voting shall be relied upon only to the extent that is necessary in cases where general agreement cannot be reached. Where a vote on a non-procedural question shall be required, the measure shall be carried if it receives a two-thirds (2/3) vote of those Members present and voting.

## 7.0 Communications.

### 7.1 Social Network Site.

**7.1.1 Member Information.** Each Member of the CSC shall maintain a visible node in that site that includes current, accurate information about such Member, and its OOR and ARs if any, including:

- a. Contact information;
- b. Status (i.e. Large Organization, Small Organization, or Individual);
- c. A link to any other constituencies of which such Member, and its OOR and ARs if any are members, which link must be removed within a reasonable time after a Member, and its OOR or ARs, if any, leave such constituency;
- d. Listing of all elected and appointed positions within ICANN structures, including the GNSO, the NCSG, constituencies within the NCSG, and the CSC.

**7.1.2 Use of Site.** Membership use of the Social Network Site must comply with the publication policies set forth in section 7.3.

**7.2 Public List.** The Public List, as the basic communication organ of the CSC, shall be established and maintained by the EC.

**7.2.1 Purpose.** The Public List shall be used, among other things, for making announcements and for discussion of CSC policies and practices.

**7.2.2 Archive.** The EC shall archive and make available the Public List to the public.

**7.3 Publication Policies.** The following publication policies apply to all CSC communication organs:

**7.3.1 Appropriate Content.** Content that is acceptable is defined as:

- a. Discussion on ICANN-related policy issues;
- b. Discussion of CSC-related policy issues;
- c. Discussion of CSC administrative matters; and
- d. Announcements of conferences, events, or activities related to ICANN matters.

**7.3.2 Inappropriate Content.** Inappropriate postings include, but are not limited to:

- a. Unsolicited bulk e-mail;
- b. Discussions of subjects unrelated to ICANN policy, meetings, activities, or technical concerns;
- c. Unprofessional language or commentary, regardless of the general subject;
- d. Postings that are libelous or are used to abuse, harass, stalk, or threaten others;
- e. Postings that are knowingly false, ad hominem, or misrepresentative of another person's statements or positions;
- f. Postings that violate an obligation of confidentiality;
- g. Postings that violate the privacy of others; and
- h. Announcements of conferences, events, or activities that are not related to Internet governance and ICANN policy matters.

## **8.0 Meetings.**

### **8.1 General Membership Meetings.**

**8.1.1 Format.** The CSC shall meet physically at all ICANN meetings, and virtually by mailing lists and conference calls.

**8.1.2 Members not in Attendance.** When Members cannot attend the meetings, they will provide their position/views on the agenda issues in advance in a written form (e.g. via an email list, the Social Network Site or Public List).



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- 8.1.3 Minutes.** The Communications Officer shall post the minutes from any general membership meeting to the Public List within five (5) days of such meeting.
  - 8.1.4 Public.** Meetings shall be open to the public unless otherwise decided by the EC or the PC in extraordinary circumstances.
  - 8.1.5 Procedure.** Meetings may be conducted informally or in accordance with Robert's Rules of Order, as appropriate for the size of the group and topic being discussed.
  - 8.1.6 Translation and Remote Participation.** Upon request, the EC will make a reasonable effort to facilitate translation and remote participation services.
  - 8.1.7 Duties of Participants.** All participants in meetings shall make a diligent effort to listen to, fairly consider, discuss, and explain reasons for approval or disapproval of issues and ideas raised by other participants.
- 8.2 Committee Meetings.** The Chair of any committee shall consult the committee members and make determinations on how committee meetings are conducted with respect to the issues listed in Paragraph 8.1 above.
- 8.2.1 Format.** Committee meetings may be informal in nature and conducted through email, wiki, or online commons mechanisms.
  - 8.2.2 Appeal.** Any decision regarding the conduct of committee meetings may be appealed to the Chair, and then appealed to the EC.

## 9.0 Outreach.

- 9.1 Outreach Policies.** The objective of the CSC is to be as inclusive and representative as possible of non-commercial Internet users with a commitment to online safety, child protection, and the other aspirations of the CSC Mission statement in Paragraph 1.2.
- 9.1.1 Recruiting Emphasis.** Particular emphasis in recruiting should be focused on increasing representation from:
- a. Each geographical region, especially those regions that have been traditionally under-represented in ICANN structures;
  - b. Countries, communities, and areas characterized by recent access to the Internet, unsophisticated or economically challenged users, large generational gaps in technological knowledge and skills, and lack of political clout;

- c. A variety of disciplines of study and research, including without limitation technology, law, social science, information policy, governance, law enforcement, political science and privacy, especially those disciplines that have been traditionally under-represented in ICANN structures; and
- d. A variety of experience, including without limitation those working for or with universities, schools, hospitals, governments, churches, political parties, and other large non-commercial Internet users; researchers and scholars; child-protection advocates; parents; consumers; domain name registrants; and public service organizations.

**9.1.2 Broad Reach.** Particular emphasis in recruiting shall be focused on broad-based advertising and invitations to participate, rather than merely recruiting others similar to existing Members and officers.

**9.2 Role of Membership Officer.** The Membership Officer is responsible for raising money, conducting advertising, networking, and otherwise developing information and activities to encourage participation, recruit new members, and publicize the activities of the CSC.

**9.3 Outreach Meetings.** Budget permitting, the Membership Officer of the CSC will hold an outreach meeting at each ICANN public meeting to recruit new CSC Members, orient individuals who are new Members or have expressed an interest in participation in CSC, and educate and recruit participants from the local community in which the meeting is held.

## **10.0 Participation Standards and Discipline.**

**10.1 Members.** Members of CSC are considered qualified to vote in any CSC election if they meet both the qualitative and quantitative measures of participation listed below.

**10.1.1 The qualitative commitments** of participation are:

- a. Thoughtfully reading and commenting on posts on the Public List and any other online forums;
- b. Participating in CSC conference calls;
- c. Thoughtfully participating in the discussions at CSC, NCSG, and ICANN meetings either in person or via remote access;
- d. When asked, thoughtfully considering issues being discussed by CSC or the PC and providing feedback;





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- e. Serving as a liaison for the interests of the CSC to the public and other ICANN structures;
- f. Supporting the efforts of and working constructively with other CSC Members and officers;
- g. Strictly observing and promoting the CSC principles and standards in Paragraph 1.4; and
- h. Making a reasonable and good faith effort to reach consensus in decision making.

## **10.1.2 The quantitative requirements are:**

- a. Participating in at least half (1/2) of the CSC and committee conference calls in any six (6) month period, and with respect to calls missed, providing input in advance on the Public List on the issues to be discussed and promptly reading notes or minutes;
- b. Attending at least one (1) of the CSC sessions at the ICANN meeting physically or by remote access in any nine (9) month period; and
- c. Providing comments and feedback on at least half (1/2) of the policy issues submitted for Member consideration on the Public List.

## **10.1.3 Consequences for Members.** If a Member fails to meet the participation and activity requirements of this section 10.1, the CSC Chair will privately encourage the Member to resign or immediately come into compliance with the requirements. If neither occurs within fourteen (14) days from that communication,

- a. The Member will be suspended and the Chair will formally so notify the Member;
- b. The Member will become ineligible to cast a vote in any CSC election; and
- c. A message may be copied to the Public List, stating that such Member is suspended until reinstated.

## **10.1.4 Reinstatement.** A suspended Member may at any time petition the EC for reinstatement. Reinstatement shall be granted if the EC determines sufficient evidence has been submitted to believe that such Member will conform to the participation requirements of this Paragraph

## **10.2 Officers, Committee Members, and CRs.**

**10.2.1 Duty.** In addition to the participation obligations of Members in section 10.1, CSC officers, committee members, and CRs must faithfully and diligently perform their obligations as set forth in this Charter and assignments from the EC.

**10.2.2 Consequences.** If a Member files a complaint that an officer, committee member, or CR fails to meet the participation requirements of this section 10 and the duty stated in Paragraph 10.2.1, the CSC Chair shall request information from such person and other officers and committee chairs with respect to the alleged failure.

- a. After investigation, the Chair will take a vote of the EC, excluding the officer being investigated. If the two-thirds (2/3) of the EC support a recommendation to recall such officer, committee member, or CR, the CSC Chair will privately encourage such leader to resign or immediately come into compliance with the requirements.
- b. If neither resignation nor compliance occurs within fourteen (14) days from that communication:
  - i. The Chair shall formally notify such person of removal from office;
  - ii. A message MAY be copied to the Public List, stating that such person is being removed pursuant to this Paragraph; and
  - iii. The EC shall call an election to fill such vacancy pursuant to Paragraph 2.1.5.

**10.3 Limits on Communication Privileges.** In addition to the above obligations and consequences, the Communications Officer has the right to suspend or restrict a Member's right to post to or on any of the communication organs of the CSC and, alternatively, to delete a comment or link.

**10.3.1 Delete.** Before exercising the right to delete, the Communications Officer must make a good faith determination that such Member has posted material that is inappropriate.

**10.3.2 Suspend or Restrict.** Before exercising the right to suspend or restrict, the Communications Officer must make a good faith determination that such Member's posting of inappropriate material represents a pattern of abuse.

**10.3.3 Notice.** The Communications Officer must give notice to such Member if he or she takes action to suspend, restrict, or delete. Upon request, the Communications Officer must provide a statement of reasons.

**10.3.4 Appeal.** A determination by the Communications Officer to suspend, restrict, or delete may be appealed to the EC.



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## 11.0 Finances.

- 11.1 Reasonable Fees.** The CSC shall make every reasonable effort to avoid imposing more than minimal fees as a condition of participation.
- 11.2 Funding Sources.** Members shall take reasonable efforts to assist Secretary/Treasurer in procuring financing for the CSC:
- 11.2.1** From any organizations, institutions, and employers with which Members are affiliated;
  - 11.2.2** In the form of grants, research funding, and public funds available from such sources as the Pew Foundation, governments, and so forth.
  - 11.2.3** From major actors in the industry, including without limitation, registrars, registries, Internet service providers, and so forth;
  - 11.2.4** From the Non-commercial Stakeholders Group and ICANN;
- 11.3 Conflicts of Interest.** Any funding obtained from sources within ICANN and from industry groups represented in the GNSO must be balanced across sources, given without obligations to engage in particular activities or to support particular positions, and free of conflicts of interest. The Secretary/Treasurer shall post on the Public List proposed financing sources and a statement of potential conflicts of interest for two (2) weeks for Member approval before accepting financing. If two (2) Members object to a source of financing, the EC shall put the issue to a Member vote as provided in Section 6.
- 11.4 Accounting and Transparency.** The CSC accounting period is fiscal, June 1 to May 31. The proposed budget for each year and the year end summary of accounts will be posted on the Public List.





# Notice of Intent to Form a New GNSO Constituency

## Important Notices:

(1) This form's purpose is limited to notifying the ICANN Board, community, and public of the applicant's intention to form a new GNSO constituency. It is not a substitute for, or replacement of, formal petition requirements stipulated in the ICANN Bylaws nor does its receipt, acceptance, or acknowledgement represent an implicit or explicit Board approval.

(2) In addition to the Board, this form will be provided to the GNSO Council and constituencies and will be publicly posted [Note: phone and fax numbers supplied below will be removed].

Submit to ICANN Board at [new-constituency@icann.org](mailto:new-constituency@icann.org) [Note: If you do not receive a confirmation after submittal or have questions, please contact [policy-staff@icann.org](mailto:policy-staff@icann.org)].

Your Name:	Cheryl B. Preston
Your Company/Organization:	CP80.org Foundation
Tel. Number:	[redacted]
Fax Number:	[redacted]
Email Address:	[redacted]
Submission Date:	October 20, 2008

## Section 1.0: Constituency Mission/Purpose

- 1.1 What name/title do you propose to give the new constituency and in which Stakeholder Group are you recommending that it be associated, including rationale?

The tentative name is: Cybersafety Constituency. I propose it be included in the Non-commercial Stakeholder Group because the focus of this constituency will be Internet safety for individuals and non-commercial entities.

- 1.2 What is the intended purpose of the new constituency?

The focus of the new constituency is Internet safety issues. I am concerned that, as Internet policies are developed at ICANN, the interests of families, children, consumers, victims of cybercrime, religions and cultures become better represented. For the new technology society, we need carefully to craft mechanisms involving law and industry that balance unfettered free speech and anonymity with some protections against exploitation of the most vulnerable, the ability to address and reduce criminal activity, and, among other things, the right of Internet users to have choices in the nature of their access.

- 1.3 How will the addition of this constituency improve the GNSO's ability to carry out its policy-development responsibilities?

At the present time, all non-commercial users are represented by the NCUC, and thus subject to the capture of that constituency by narrow policy objectives. Although ICANN makes decisions about the technical coordination and function of the Internet, sometimes these policies have an impact on bigger social issues. For instance, ICANN makes policies that have the potential to



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thwart, encourage, or be irrelevant to any present and future efforts by parents, governments, industry and other global policy makers to address the cultural, moral, and political implications of the Internet. For instance, some policies hold significant ramifications for efforts to protect children online, stop the flow of child pornography and hardcore obscenity, reduce cybercrimes, and trace predators, sex traffickers, phishers, pharmers, and other abusers of the Internet.

In addition to a focus on Internet security, the new constituency will seek to provide broad representation of particular categories of users, such as parents and children.

- 1.4 How will the establishment of this new constituency augment, complement, and otherwise contribute differential or unique value to the GNSO and ICANN's existing structures?

This new constituency will add another much-needed dimension to the discussion of issues impinging on safety. The primary policies advocated by the existing representative organization for non-commercial users are unfettered free expression and anonymity. Along with these issues, other values need to be considered in the mix. This constituency will advocate for policies that fairly consider safety implications and that represent a previously absent, but significant, group of Internet users.

## Section 2.0: Membership

- 2.1 What connection do you have to this proposed constituency and what membership representation do you propose (e.g. market/interest-area/community; expertise/knowledge of members).

I am involved with two non-commercial entities that have an interest in balancing Internet safety, the CP80.org Foundation and Brigham Young University. I have been a member of the NCUC and actively followed ICANN work. I have taken the initiative to identify and involve others. When we are organized as a constituency, we will hold elections of officers. I have no vested interest in being anything other than a member of this constituency.

This new constituency will be organized around both an interest in Internet security, and around a community of previously unrepresented users, including parents, children, women, cultural organizations, religions, and others.

- 2.2 If this constituency will be formed from other pre-existing entities, please describe current memberships, including size/reach, and any public exposure offered (e.g. websites, email lists).

This constituency will not be formed from any pre-existing entity.

- 2.3 What organizations/entities would be eligible/ineligible to join this constituency?

Membership will be open to individuals and non-commercial entities who share an interest in Internet safety. Specific criteria for eligibility has not yet been formulated, but no restrictions are anticipated, as long as the applicant shares a commitment the principles articulated by the constituency mission statement, or represents an existing organization with a significant share of its activities devoted to issues of families, children, and Internet safety.



## Notice of Intent to Form a New GNSO Constituency

### 2.4 How would the Constituency adequately represent its membership on a global basis?

This constituency will be committed to two efforts. First, it will engage in a formal recruiting and outreach program. I have begun with circulating flyers in hard-copy and online, posting email notices and announcements, publishing articles in journals, and other requests for participation. I have contacted a list of public policy organizations. The constituency will seek representatives from each global region, and especially underdeveloped nations.

Second, this constituency will affirmatively seek for input directly and indirectly through research and education to become fully aware of the security issues of non-commercial users in various cultures and regions.

### 2.5 What plans for recruitment/expansion do you envision for the constituency?

As discussed above, the constituency will devote a reasonable portion of its attention to discovering and including people, organizations, and ideas. Recruitment initially will be targeted at civil society organizations, participants at the WSIS Internet Governance Forums, global academic organizations, and other international policy consortiums. We will request contacts and suggestions for members from other ICANN participants residing in various parts of the globe at ICANN meetings. A more complete agenda for recruitment has not yet been developed, but breadth of representation is a strong commitment. Issues of Internet safety carry significant importance to all regions of the world, especially developing nations.