

# Codidact Arbitration & Review Panel

## Governing Rules

### PREAMBLE

The Arbitration & Review Panel is a panel of Codidact users whose function is to adjudicate on certain matters that are important to Codidact-hosted communities. It adjudicates independently to make clear that these processes are transparent and accountable; involved parties, including Codidact itself, have input to the processes but do not make the decisions, helping to eliminate inherent bias.

The Panel's primary duties are reviewing moderator actions, or, in more serious cases, reviewing whether a moderator is suitable for the role or should be removed. This doesn't mean that the Panel is the *only* group who can do those things – in all cases, attempts should be made to resolve disputes at the lowest level possible (for instance, by posting in the relevant Meta category or by a moderator team working together to resolve a dispute). By the time a matter is brought to the Panel, there should already be records of attempts to solve it in other ways.

This document contains the rules that govern how the Panel works and is run.

### TITLE 1 ELECTION

#### **ARTICLE 1**

The Panel consists of 7 members of the Codidact network, who are elected for two-year terms in the same manner as the community board positions. Each year the community elects enough members to bring the panel to 7. In the first election, the three members with the lowest vote scores shall be elected for one-year terms only. Members may be elected again for one additional consecutive term, after which they are ineligible to serve again for a period of one term.

#### **ARTICLE 2**

Anyone who is eligible to become a member of the Codidact board is also eligible for election to the Panel.

#### **ARTICLE 3**

Nobody who has been suspended within the last year and has not successfully appealed that suspension shall be eligible for membership on the Panel.

#### **ARTICLE 4**

After every election, the Panel elects one member as chairperson.

## TITLE 2

### GENERAL RULES OF PROCEDURE

#### **ARTICLE 5**

The Panel will assign one member as a reporter to the case, who shall investigate it and submit a report with recommendations to the Panel. The reporter will be temporarily granted admin rights, if necessary, on the site or sites that the question relates to.

#### **ARTICLE 6**

The Panel will hear all involved parties. They shall be kept regularly up to date about the state of the proceedings. Private means of communication shall be established between the Panel and any party.

## TITLE 3

### APPEALS

#### **ARTICLE 7**

The panel decides on appeals against moderator actions, including those by the Codidact team.

#### **ARTICLE 8**

Anyone who has been affected by a moderator action can, as a last resort, appeal to the panel to claim that it was illegitimate, malicious or unwarranted. This must be explained with arguments.

#### **ARTICLE 9**

If the appeal is obviously unreasonable, the reporter can suggest to reject it summarily. It is rejected summarily, if at least one other panel member agrees and no member objects within 7 days.

#### **ARTICLE 10**

In other cases, the panel will try the appeal based on the report and on questions asked to all involved parties and on facts found in activity logs. If the appeal is found to be valid, the moderator action in question is reversed.

## TITLE 4

### MODERATOR REVIEW

#### **ARTICLE 11**

The panel is solely responsible for reviewing moderator conduct for possible violation of Codidact's rules and deciding whether the moderator shall be removed from office for such violations.

#### **ARTICLE 12**

Moderator Review Proceedings can be initiated by the Codidact team (for example based on user complaints) or any fellow moderator on the site concerned. Efforts should be made to resolve differences directly before invoking this process.

#### **ARTICLE 13**

In moderator review proceedings, the Panel has no authority to remove the moderator status of members of the Codidact team, but it can escalate complaints and it can disallow members to use moderator powers outside of their official Codidact duties.

#### **ARTICLE 14**

The panel can decide, on the suggestion of the reporter, that the moderator status of the moderator under question shall be temporarily revoked during the proceedings.

#### **ARTICLE 15**

The moderator under review has the right to respond to all accusations and to be heard by the panel before any negative decision.

#### **ARTICLE 16**

Based on the report, the statements by the initiators of the proceeding and the moderator under review, and on recent activity logs and other evidence, the panel will decide whether the moderator violated the Codidact rules or not. Decisions against the moderator require a majority of  $\frac{2}{3}$  of the panel.

#### **ARTICLE 17**

In making decisions on moderator review cases, the Panel shall have the option to (a) absolve the moderator of wrongdoing; (b) acknowledge wrongdoing but issue no penalty; (c) acknowledge wrongdoing and issue a formal warning; or (d) acknowledge wrongdoing and remove the moderator from office on the site that the case pertains to. In all cases a permanent note shall be made on the moderator's account that a moderator review was conducted and what its outcome was. In cases of egregious violations of the rules, the panel can, by  $\frac{2}{3}$  majority, decide that the user is ineligible to be elected or appointed moderator anywhere in the Codidact network, in which case the moderator shall be removed from all moderator positions.

#### **ARTICLE 17.1**

If the Panel elects to acknowledge wrongdoing, then before deciding on penalties, the Panel checks the moderator's record for previous reviews and their outcomes. The Panel should take previous warnings into account when deciding the outcome of a review..

#### **ARTICLE 18**

The panel has the sole power to remove moderators for Codidact rule violations. In emergency situations the Codidact team can temporarily remove or suspend a moderator, but they need to initiate a proceeding and move a panel decision for removal and continuing the temporary removal within two working days. In cases of legal obligations or other exceptional circumstances dictating that a moderator be removed, the Codidact team can remove the status, but must explain their reasons to the moderator in question and offer the moderator the chance to step down voluntarily. If the moderator does not choose to step down, the reasons for the removal must also be shared with the panel.

## TITLE 5

### OTHER QUESTIONS

#### **ARTICLE 19**

The panel is also responsible for disputes between moderators and for the review of moderator selections on complaints against their validity.

#### **ARTICLE 20**

The panel decides based on the report and the statements of all involved parties.

## TITLE 6

### DECISIONS OF THE PANEL

#### **ARTICLE 21**

The decisions of the panel are sent to all involved parties. Those which are not summary rejections are published on a Codidact website with personal data redacted. Lists of summary rejections shall be published for transparency purposes (possibly aggregated).

#### **ARTICLE 21.1**

The Panel shall preserve records and evidence of prior proceedings. It may use them in future cases if applicable.

#### **ARTICLE 22**

Panel decisions are binding to every community member, to the moderators and the Codidact team, except for cases where the Codidact team determines that it cannot follow the judgment for legal reasons or because the panel decision is obviously outside of its

authority (*ultra vires*). If it does so, it must submit its reasons to the panel, which may publish it with personal or private information redacted.

#### **ARTICLE 23**

For every decision, the panel shall give an explanation of the reasons for it. If deemed necessary, it can give a short summary, which can be used as guidance for future disputes.

#### **ARTICLE 24**

All questions about the proceedings of the panel that are not determined by this document can be decided by the panel itself.

#### **ARTICLE 25**

All panel decisions are made by majority vote, unless otherwise noted in this statute.

## TITLE 7

## IMPARTIALITY

#### **ARTICLE 26**

Members of the panel who feel that they cannot act impartially in a specific case shall recuse themselves. A member who has initiated the proceeding or who is under review is automatically recused.

#### **ARTICLE 27**

Any involved party may move to recuse any member of the panel who they think is not impartial enough to guarantee a fair trial.

#### **ARTICLE 28**

The panel, without the rejected member, decides whether the motion is reasonable. If it is, the member is recused.

#### **ARTICLE 29**

Every recused member is replaced by a replacement chosen randomly from a set of eligible users.

#### **ARTICLE 30**

Eligible as replacement are: (1) all moderators of unaffected sites and (2) users eligible to be elected as Panel members (per Articles 2 and 3) who have signed up on an annual list for possible replacements.

## TITLE 8

### OTHER PROVISIONS

#### **ARTICLE 31**

This document may be changed by the Codidact team, after 14 days' notice has been given and discussions with the community about the merit of the change have been held. Changes only apply to future proceedings and are not retroactive.

#### **ARTICLE 32**

The Panel has no authority to bind Codidact, moderators, or users, except as otherwise noted in this document.