

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, 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 through the Panel shall be eligible for membership of the Panel.

ARTICLE 4

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

TITLE 2

APPEALS

ARTICLE 5

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

ARTICLE 6

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 7

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 on the site that the appeal relates to.

ARTICLE 8

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 48 hours.

ARTICLE 9

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 3

MODERATOR REVIEW

ARTICLE 10

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

ARTICLE 11

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 12

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 13

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 on the site that the moderator review relates to.

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 shall be regularly kept up to date about the state of the proceedings by the reporter. They have the right to respond to any accusations against them and to be heard by the panel before any negative decision, and private communication channels between the panel and the moderator shall be established for this purpose.

ARTICLE 15.1

The person or persons who initiated the proceedings shall likewise have the right to be heard by the panel, and a private communication channel between the panel and the initiator(s) shall be established for this purpose.

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 they hold.

ARTICLE 17.1

If the Panel elects to acknowledge wrongdoing, the account of the moderator under review shall be checked for notes of previous reviews and their outcomes. If a review was previously conducted and a formal warning issued within the two preceding years, the Panel shall not have use of option (c) of Article 17.

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 4

OTHER QUESTIONS

ARTICLE 19

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

ARTICLE 20

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 21

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

TITLE 5

DECISIONS OF THE PANEL

ARTICLE 22

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.

ARTICLE 23

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 24

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 25

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

ARTICLE 26

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

TITLE 6

IMPARTIALITY

ARTICLE 27

Members of the panel who feel that they cannot act impartially in a specific case shall recuse themselves.

ARTICLE 28

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 29

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

ARTICLE 30

If at least $\frac{1}{3}$ of the panel is recused, for every recused member, the panel votes for an impartial replacement from the moderators of the unaffected sites.

ARTICLE 31

In the exceptional case of more than $\frac{2}{3}$ of the panel recusing themselves or being recused, the Codidact team selects replacements until the panel is at $\frac{2}{3}$ strength, after which the resulting panel votes for the remaining replacement members.

TITLE 7

OTHER PROVISIONS

ARTICLE 32

This document can 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 33

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