

## **Policy Name: Co-Chair Recall**

**ID: (To be Assigned by AFRINIC)**

**Submission Date: 24 Nov 2020**

**Version: 1.0**

**Author(s):**

**Abdul Rauf Yamta,**

**Moriam Sulaimon**

### **1. Summary of the problem being addressed by this proposal**

The current CPM does not have a full mechanism in place to complete a recall process. A Recall is a method of election in which voters can oust elected officials before their official terms have ended. The current process is ambiguous and does not ensure that PDWG Chair(s) will not be arbitrarily distracted, it also does not also spell out the process of recall after the board might have agreed to the recall, The current process does not also spell out the recall process because a recall cannot take place without a vote from the community that elected the chairs in the first place. Therefore, the process outlined in this document would help with the entire recall process.

### **2. Summary of how this proposal addresses the problem**

The proposal addresses the problem by defining clear and explicit procedures and guidelines for co-chair recall.

### **3. Proposal**

Current	Proposal
<p data-bbox="188 1473 469 1503">3.5 Conflict Resolution</p> <p data-bbox="188 1541 772 1872">1. A person who disagrees with the actions taken by the Chair(s) shall discuss the matter with the PDWG Chair(s) or with the PDWG. If the disagreement cannot be resolved in this way, the person may file an appeal with an Appeal Committee appointed by the AFRINIC Board of Directors. An Appeal can only be filed if it is supported by three (3) persons from the Working Group who have participated in the discussions.</p> <p data-bbox="188 1910 772 2038">2. The appeal must be submitted within two weeks of the public knowledge of the decision. The Appeal Committee may direct that the Chair(s) decision be annulled if the Policy</p>	<p data-bbox="799 1473 1080 1503">3.5 Conflict Resolution</p> <p data-bbox="799 1541 1377 1872">1. A person who disagrees with the actions taken by the Chair(s) shall discuss the matter with the PDWG Chair(s) or with the PDWG. If the disagreement cannot be resolved in this way, the person may file an appeal with an Appeal Committee appointed by the AFRINIC Board of Directors. An Appeal can only be filed if it is supported by three (3) persons from the Working Group who have participated in the discussions.</p> <p data-bbox="799 1910 1377 2038">2. The appeal must be submitted within two weeks of the public knowledge of the decision. The Appeal Committee may direct that the Chair(s) decision be annulled if the Policy</p>

Development Process has not been followed.

3. Anyone may request the recall of a Working Group Chair at any time, upon written request with justification to the AFRINIC Board of Directors. The request must be supported by at least five (5) other persons from the Working Group. The AFRINIC Board of Directors shall appoint a recall committee, excluding the persons requesting the recall and the Working Group Chairs. The recall committee shall investigate the circumstances of the justification for the recall and determine the outcome.

Development Process has not been followed.

3. Anyone may request the recall of a Working Group Chair at any time, upon written request with justification to the AFRINIC Board of Directors (“Board”), but such request to recall the PDWG Chair(s) shall only be limited to 1 time during the tenure of the PDWG Chair(s) so as to maintain stability of the Working Group. The request must be supported by at least five (5) other persons from the Working Group.

(A) The Board shall first investigate into the recall request within 4 weeks upon receiving the recall request and decide whether the recall request is justified or not, after having consulted with the community’s opinion in the mailing list.

(B) After the investigation, if the Board decides the recall request is not justified, then the Board shall dismiss the recall request by publishing an announcement of its decision in the mailing list.

(C) Whereas, if the Board decides there is reasonably justified grounds for the recall, the Board shall proceed to appoint (within 4 weeks from the date the Board deems the recall request justified) the Recall Committee to further investigate the recall request.

(D) In the event the Board requires more time to investigate the recall request, the Board shall publish an extension of time required by the Board in the mailing list as a brief update. For the avoidance of doubt, the Board shall have the absolute discretion to decide whether the recall request is justified or not, upon after carrying out its own investigation and after having consulted with the community’s opinion in the mailing list.

(E) Once the Recall Committee members are appointed by the Board, the Board shall proceed to publish all of the names of the Recall Committee members in the mailing list to allow an opportunity for the community to assess and challenge the integrity of each Recall Committee members for at least 2 weeks from the date of publication of the Recall Committee members’ names.

(F) The Recall Committee members (i) must be composed of 7 individuals with integrity not necessarily from within the community without

having any conflict of interest with the PDWG Chair(s) and the persons who submitted the recall request (“Complainant”, shall also mean to include those who support the recall request), and, (ii) must not consist of the PDWG Chair(s) and the Complainant.

(G) If any of the Recall Committee member’s integrity is challenged by at least 3 person from the community(by requesting to the Board), the Board shall proceed to investigate, for a maximum period of 4 weeks from the date of receiving the request challenging, the integrity of the Recall Committee member(s) in question in order to determine whether such Recall Committee member(s) should remain or be replaced in the Recall Committee or not. If the Board determines the challenged Recall Committee member(s) shall not be in the Recall Committee, then the Board shall proceed to publish the new names of the Recall Committee members in the mailing list and allow another 2 weeks for the community to assess and challenge the integrity of the newly listed Recall Committee members. Whereas, if the Board determines that the challenged Recall Committee member(s) shall remain in the Recall Committee, then the challenged Recall Committee member(s) shall continue to remain in the Recall Committee.

(H) Once the Recall Committee is appointed and accepted by the Board and the community respectively, the Recall Committee shall have at least 8 weeks upon being duly established to investigate all issues mentioned in the recall request made by the Complainant to decide if a recalling of the PDWG Chair(s) is required or not. The recall committee must allow for fair hearing from the co-chair. The report of the committee must also be endorsed by super majority of the seating board members for the board to allow for an election recall. The board must reach a verdict within 4 weeks of the committee submitting its report.

(I) If the Recall Committee decides there is no need to recall the PDWG Chair(s), then the recall request shall be deemed to be duly dismissed and shall not be further challenged by the Complainant, to which the Recall Committee shall submit a report of its findings (containing its reason for the decision) and publish such report to the mailing list.

(J) If the Recall Committee decides there is a need to recall the PDWG Chair(s), then the Recall Committee must publish its report findings(containing its reason for the decision) in the mailing list, in which the Recall Committee shall also inform in the mailing list that a vote to recall must take place withing the community at least 6 weeks after the Recall Committee has published its report findings in the mailing. A vote to recall the PDWG Chair(s) is only established if a supermajority vote is achieved by the community to recall the PDWG Chair(s). For the avoidance of doubt, a supermajority vote is achieved by the community if there are at least 70% and above votes acquired for a decision. For better clarity, the qualification for the community to participate in the vote to recall shall be the same as that when the current PDWG Chair(s) was previously elected at that time. If such qualification is unable to be implemented due to unforeseen and/or exceptional circumstances, then such qualification for the community to participate in the vote to recall shall abide to the same requirements as that when the previous PDWG Chair(s) was elected at that time.

(K) During the 6 weeks prior to the day of the vote to recall by the community, the PDWG Chair(s) must be given an opportunity to prepare and defend himself and must also be given at least 1 attempt of the right to appeal to the Board against the Recall Committee's decision. If Board deems it fit and appropriate, the Board may uphold the appeal submitted by the PDWG Chair(s) and shall have the power to override the report findings of the Recall Committee with reasons, to which the recall request will be effectively deemed dismissed and shall not be further challenged by the Complainant.

(L) After 6 weeks from the date of the Recall Committee's report findings is published in the mailing list is over and if the Board rejects the appeal submitted by PDWG Chair(s) during the 6 weeks, then a vote to recall shall take place among the community, The Vote shall be online if it is not within 1 month of a public policy meeting. If not the vote shall take place during a Public policy meeting. If the vote would be online only members on the mailing list as at the date the request was submitted would be able to vote. If during a physical meeting only those who are present shall be able to vote or in

	<p>line with those eligible to elect a chair..</p> <p>(M) At the end of the vote, if supermajority vote is achieved by the community to recall the PDWG Chair(s), then a re-election of the PDWG Chair(s) must take place within 8 weeks after the day of the supermajority vote is achieved, in which the recalled PDWG Chair(s) shall also have the chance to reapply for the same position.</p> <p>(N) Whereas, if supermajority vote is not achieved by the community to recall the PDWG Chair(s), then the recall request made by the Complainant shall be deemed duly dismissed and shall not be further challenged by the Complainant.</p>
--	---