



Dear Ayden,

Thanks for your letter, and for bringing this to our attention. We take matters regarding possible violations of the NCUC Operating Procedures very seriously, and are committed to promoting a positive environment for ICANN engagement. As such, we consider the matters that you have raised as within our purview to investigate.

However, it is our understanding that you currently have a case with the ICANN Ombudsman ongoing which addresses similar issues regarding the same person. The EC has discussed the matter, and concluded that it would be inappropriate to commence our own independent investigation while the Ombudsman's process is ongoing, even if this is not directly related to this specific incident. There are several reasons for this.

First and foremost, we are concerned with the potential that our own process could interfere with the Ombudsman's work, as it would require us to contact all relevant parties, including the subject of the complaint. At the very least, this could serve to sow confusion among individuals who are participating in parallel processes, but we feel there is also a substantial possibility that it could negatively impact any attempts at mediation or resolution by the Ombudsman. Second, we note that the Ombudsman is far better equipped and more experienced at dealing with possible harassment or standards of behaviour violations. As such, his conclusions, when they become available, will likely be of value to our own investigation and deliberations, hence it makes more sense to wait until these are available - even if the specific fact you want to see addressed is not the object of the formal complaint -, especially since he will likely have access to material and resources which we do not. Third, we note that his investigation, once completed, may render our own work moot, given the similarity of potential remedies available.

Important to note that this is not, by any means, an EC refusal to act on this complaint or with regards to the object of it.

Although we understand your position that the specific exchange at issue has not yet been provided to the Ombudsman, we nonetheless consider the matter to be part of the same pattern of conduct which is the subject of your original complaint. Moreover, we feel that the most appropriate course of action would be for you to provide that additional material to the Ombudsman, so that he has a full record of the exchanges which have taken place for his investigation.

Please note that this is not in any way a rejection of your complaint. We take the alleged conduct seriously, and would certainly be willing to take the matter up once the Ombudsman's investigation is concluded, if you still feel it is necessary.

The EC has also decided that, at this time, it would not be appropriate to publish this exchange on the EC NCUC mailing list, in consideration of the privacy interests of both you and the subject of the complaint, and in respect of the ongoing Ombudsman investigation.

Yours Sincerely,

The NCUC EC