

Volunteers and the Right to Compensation

Currently, the draft lists five rights for volunteers: autonomy, exit, refusal, dignity, and compensation. The right to compensation, as written, could unintentionally suggest that the Wikimedia Foundation or another Movement entity must provide that compensation. The draft text currently reads as follows:

Volunteers may receive compensation, other than salary, in terms of expense reimbursement, prizes, gadgets, support packages, allowance, etc.

This idea of the right seems to be that volunteers are not automatically forbidden from receiving compensation in any of the listed forms. It should be clear, though, that volunteers aren't *entitled* to compensation of some kind. Instead, it can be specified that volunteers remain *eligible* for those kinds of compensation, and should be moved out of the "Rights" section.

Communities

Financial Reporting

The financial reporting requirement currently reads:

Communities that are in some way sponsored or supported by the Wikimedia Foundation are accountable for any reporting associated with the type of support or sponsorship they receive.

This requirement is somewhat unclear as written. It should be clarified to specify which communities are at issue (those which receive financial support from the Wikimedia Foundation) and what their responsibility is (to provide adequate financial documentation and reporting).

Right to Be Consulted

The right to be consulted currently reads:

Communities are consulted for approval when the Wikimedia Foundation and the Global Council make substantial changes in areas impacting their work. This includes changes in interface or software used, or global projects impacting them such as movement strategy, movement charter, or codes of conduct.

The current language might suggest that changes *cannot* occur without consulting with, and gaining approval from, every community that may be impacted by the change. Since communities are somewhat self-generating and self-defining, this will inevitably create situations where it isn't clear who must be consulted and whose approval must be sought for necessary changes. Even more foundationally, this could run into conflict with the

Movement Charter itself – the “Wikimedia Foundation” portion of this draft describes the Foundation as responsible for “the long term sustainability of the Wikimedia projects and its movement,” which may require substantial changes to interface or software, codes of conduct, or other areas which could impact the work of Wikimedia communities. Communities can be candidates for consultation on relevant issues, but the Wikimedia Foundation and Global Council’s decision-making power should not be hampered by a requirement to find and consult with all relevant communities (let alone obtain their approval).

In addition, the MCDC could consider letting relevant bodies delay or dispense with consultation if necessary. The Global Council draft envisioned consultation between the Wikimedia Foundation and the Global Council “outside of emergencies” (under the section “Recognition & Derecognition of Affiliates.”) That recognition of potential emergency situations is prudent, and similar language can be added to the right to consultation to allow the Wikimedia Foundation and Global Council to respond to emergencies. In those situations, the Wikimedia Foundation and Global Council can still choose to consult with relevant communities after the fact to explain its actions and receive advice going forward.

Right to Information

The right to information currently reads:

Information about all updates happening in the Wikimedia movement should be available and discoverable for community members. This includes, but is not limited to: ongoing projects and opportunities, information about WMF and Global Council staff, etc. Communities have the right to adequate documentation consistent with our movement values.

This right should be revised to explicitly exclude information which is confidential, private, proprietary, or impermissible to share under the law. This revision is particularly pertinent given that the right includes “information about WMF and Global Council staff,” as both the Wikimedia Foundation and the Global Council have obligations to protect the privacy of their employees. Similarly, unless it goes too far against the ideals of the Movement, the MCDC may also want to consider explicitly flagging the Wikimedia Foundation and Global Council’s discretion to keep certain information confidential (e.g., in the instance they are handling a sensitive matter that may not be appropriate for broader dissemination).

Movement Bodies

Wikimedia Affiliates

The right to be consulted might benefit from light revision. It currently reads:

An affiliate needs to be consulted on any Hub being proposed in its area of operation (being it the theme or region), and on issues regarding structure and governance of the movement.

The second half of the sentence might benefit from clarifying the meaning of “issues” to refer to those which are relevant to the Affiliate’s area of operation along the following lines:

Wikimedia Affiliates are consulted on any proposal to establish a Hub in its area of operation (whether that be theme or region) and on any proposed changes to structure and governance of the Wikimedia Movement as they impact an Affiliate’s operations.

Wikimedia Foundation

The “Wikimedia Foundation” section of the draft should be revised to clarify its role with respect to the legal and financial needs of the Wikimedia Movement.

The first sentence of this draft section reads:

The Wikimedia Foundation is the international non-governmental organization (INGO) that serves as the legal steward and the host of Wikimedia Movement’s free knowledge platforms and technology.

The term “legal steward” is likely to give rise to confusion. It is ambiguous as it stands whether the term suggests that the Wikimedia Foundation is legally the steward of the Wikimedia Movement’s platforms and technology, or if it suggests the Wikimedia Foundation handles their legal needs (or if it is meant to communicate something else). The language could be clarified to communicate the intention of the MCDC, by for example specifying that the Wikimedia Foundation is “legally responsible for” those platforms and technology.

As a final point, query whether “nonprofit organization” may be more appropriate than “international non-governmental organization” for describing the Wikimedia Foundation.