ICANN GNSO Working Groups

Implementation and Charter Drafting Guidelines

Introduction

This document, "Working Groups: Implementation and Charter Drafting Guidelines" (WG-ICDG), is intended to assist any GNSO Chartering Organization in its effective implementation of Working Groups by providing a set of guidelines, checklists, templates, and other 'best practice' materials that it can consider and/or utilize, as appropriate, in creating, chartering, staffing, and guiding a Working Group (WG) to accomplish some desired outcome. The term "Chartering Organization" (CO), in this context, can be any formal entity or informal grouping of individuals that wishes to generate a WG Charter document.

These Guidelines are organized into three major sections as follows:

SECTION 1.0: Contains suggestions and recommendations related to the implementation of Working Groups within the GNSO.

SECTION 2.0: Is organized and structured to be a template containing specific elements that are recommended to be considered by any CO intending to produce a specific Working Group Charter document.

SECTION 3.0: Contains background information informing the effort to create this document.

SECTION 4.0: Amendments and revisions table to these Guidelines.

SECTION 1.0: General Working Group Implementation Guidelines

Introduction

This Section contains suggestions and recommendations related to the general implementation of Working Groups within the GNSO. For those engaged in drafting a specific Working Group Charter, please see Section II below for further details.

1.1 Announcement of a Working Group

After a decision has been taken to form a Working Group, it is important to circulate a 'Call For Volunteers' as widely as possible in order to ensure broad representation and participation in the Working Group. Depending upon the scope of the Working Group and its intended subject matter, the following avenues should be explored at a minimum:

- Publication of announcement on GNSO and/or ICANN web site.
- Distribution of announcement to GNSO Stakeholder Groups, Constituencies, and/or other ICANN Supporting Organisations and Advisory Committees.

Additionally, the WG could consider:

- Circulation of announcement to organizations that are considered to have expertise/knowledge in relation to the subject matter of the Working Group.

Ideally, the 'Call For Volunteers' announcement should include the following types of information about the Working Group: its objective(s), expectations concerning activities and timeframes, links to relevant background information including its charter, details on how to sign up as a participant, and the requirement to submit a Statement of Interest (SOI). In addition, a CO might want to include some statement as to the purpose of the activity, that is, why the effort is being undertaken, its criticality, context, and perceived usefulness to the GNSO. While a WG may not "need to know" these elements in order to complete their tasks, it could help in recruitment and sense of purpose.

1.2 Transparency and Openness

All GNSO Working Groups are expected to operate under the principles of

transparency and openness, which means, *inter alia*, that mailing lists are publicly archived, meetings are normally recorded and/or transcribed, and SOIs are required from Working Group participants. It is important that perspective Working Group members are made aware of these principles.

1.3 Purpose, Importance, and Expectations of the Chair

While open Working Groups can offer many benefits in terms of broad participation and support, it is equally important that inclusiveness does not compromise effectiveness. An experienced Chair with strong leadership and facilitation skills will be a key ingredient of a successful outcome. He or she should be able to distinguish between participants who offer genuine reasons for dissent and those who raise issues in an effort to block progress. The Chair should have the authority to enforce agreed upon rules applicable to anyone trying to disrupt discussions and be able to exclude individuals in certain cases, provided an avenue of appeal is available. In addition, the Chair should be able to ensure that anyone joining a Working Group after it has begun has reviewed all documents and mailing list postings and agrees not to reopen previously decided questions. However, if there is support from the Chair to reopen an issue in light of new information that is provided either by a new member or an existing member of the Working Group, this should be possible.

The Chair is expected to assume a neutral role, refrain from promoting a specific agenda, and ensure fair treatment of all opinions and objectivity in identifying areas of agreement. This does not mean that a Chair experienced in the subject manner cannot express an opinion, but he or she should be explicit about the fact that a personal opinion or view is being stated, instead of a 'ruling of the chair'. However, a Chair should not become an advocate for any specific position. The appointment of co-chairs could be considered and is encouraged as a way to share the burden, provide continuity in case of absence of the Chair as well as allowing group leaders to rotate their participation in the discussion.

Ideally, a Chair should have sufficient substantive and process expertise, possess leadership skills and is skilled in consensus building.

The Chartering Organization, working with the Staff, might consider the use of a professional facilitator, in certain circumstances, to help a Chair ensure neutrality and promote consensus or to provide other capabilities and expertise.

1.4 Other Important Roles

There are a number of other roles that a Chartering Organization could consider including:

- Chartering Organization Liaisons – A Member of the Chartering Organization (CO) is appointed to serve as a Liaison to the Working Group. The role of the Liaison consists of reporting to the CO on a regular basis on the progress of the Working Group; assisting the Chair as required with his/her knowledge of WG processes and practices; taking back to the CO any questions or queries the WG might have in relation to its charter and mission; and, assisting or intervening when the WG faces challenges or problems. The liaison is expected to play a neutral role, monitor the discussions of the Working Group and assist and inform the Chair and the WG as required.
- Expert Advisors/Consultants – If deemed necessary to fulfill the charter obligations, a CO may consider inviting one or more expert advisors or consultants to participate in the WG. If there are budget implications related to the participation of such external resources, funding should be confirmed in advance with the appropriate ICANN Staff organization.
- ICANN Staff – the following distinct Staff roles may be assigned to a WG:
  - Expertise (technical, legal, economic, etc.)
  - Secretariat (fundamentally a support function covering both logistics and drafting assistance in a neutral manner reflecting faithfully the deliberations of the Working Group)
  - Operational/Implementation (facilitation with the framework of existing policies and rules)
  - Scoping (for policy matters, internal role of the General Counsel, but possibly distinct, guaranteeing respect of the procedures and competencies of the different structures)

SECTION 2.0: Working Group Charter Template

Introduction

This Section of the Guidelines is organized and structured to be a template containing specific elements that are recommended to be considered by any group intending to produce a specific Working Group Charter document.

Disclaimer: the reader is cautioned that, while this template was designed to be comprehensive in terms of topics that might be applicable to a wide range of circumstances, not all Working Group Charters need to contain each and every section outlined below. Charter drafters are encouraged to consider all of the elements contained herein, but should feel unconstrained in skipping any section(s) that are not relevant to a particular purpose or adding additional sections that are specific to the particular WG effort.

2.1 Working Group Identification

This section of the Charter should identify the name/identity of the Working Group and any sponsoring motion (as well as links/pointers) that establishes the Charter, if applicable. Drafters are also encouraged to identify which version of these Guidelines was referenced in preparing the Charter document. Specific elements that might be included in this section are:

- *Name of WG*
- *Name of Appointed Liaison(s)*
- *Names of Advisers to the WG, if any*
- *Name of WG Chair, if appointed in advance [Note: the Liaison may serve as Interim Chair until a Chair selected by the WG and confirmed by the CO]*
- *URL of any WG Workspace(s) and WG mailing list archives, if available*
- *Links to other ICANN documents or initiatives, including past documents or initiatives, that might have a bearing on the WGs discussions and deliberations*
- *Links to documents and/or decisions that have led to the creation of the WG*

2.2 Mission, Purpose, and Deliverables

2.2.1 Mission and Scope

A well-written mission statement is characterized by its specificity, breadth and measurability.

The Scope of a WG should outline the boundaries within which the WG is expected to operate, e.g. in the context of a GNSO policy development process, the scope of a WG is limited to consideration of issues related to gTLDs and within ICANN's mission.

2.2.2 Objectives and Goals

The objectives/goals should clearly set out the issues that the WG is supposed to address. This could, for example, be in the form of a number of questions that the WG is expected to answer. In addition, objectives/goals could also include specific activities such as the organization of a workshop or production of certain documents. In general, well-defined objectives will structure and facilitate the deliberations of the WG and should be written clearly and concisely to minimize questions and confusion.

A provision should be considered that encourages the WG to request clarity from the CO if it feels it cannot carry out its tasks and responsibilities due to perceived uncertainties or limitations within the Charter. Furthermore, as noted in the WG Guidelines [include reference], a WG has the possibility to renegotiate potential changes to the Charter if deemed necessary in order to achieve the objectives and goals set out.

2.2.3 Deliverables and Timeframes

A Charter is expected to include some, if not all, of the following elements: potential outcomes and/or expected deliverables, key milestones, and a target timeline. Although the identification of specific work tasks, outcomes, and deadlines might be perceived as constraining the WG in its activities, it is also intended to provide guidance to the WG and prevent unintentional scope creep. It should be emphasized that the WG can always ask the CO to reconsider any of the deliverables or renegotiate deadlines identified by providing its rationale.

In certain WGs, such as a Policy Development Process, the milestones and timeline might be prescribed by the ICANN Bylaws. In other situations, sufficient thought should be given to key milestones, realistic timelines, and ways to inform and consult the ICANN Community (such as public comment periods). It should be noted that any changes to milestone dates incorporated in the charter will need to be cleared wit the CO.

2.3 Formation, Staffing, and Organization

2.3.1 Membership Criteria

This section of the charter should contain the chartering organization's guidance to the Working Group in terms of membership/staffing and may specify certain types of knowledge/expertise needed or desired, balance in skills/background/interest, openness to the ICANN community in self-nomination, sizing elements/factors, and any limitations or restrictions to individuals previously banned from participating in a WG for cause.

2.3.2 Group Formation, Dependencies, and Dissolution

This section should outline information about the proper formation and instantiation of the Working Group (e.g. date, place, logistics). It would also indicate any dependencies or relationships with other groups, if applicable. Further information might be included addressing under what conditions the WG is dissolved.

2.3.3 Team Roles, Functions, and Duties

This section is intended to describe the WG Team roles that exist (e.g. Chair, Vice-Chair, Secretary, Liaison, Expert Advisor, Staff). A description of standard WG roles [provide list of standard roles] can be found in the WG Guidelines [include reference]. A reference to this section should be included in the Charter. Any additional roles that are not included in the WG Guidelines should be listed here including a description and minimal set of functions / duties to the extent that the chartering organization might wish to specify them.

2.3.4 Statements of Interest (SOI) and Disclosure of Interest [==As developed by the OSC GNSO Operations Work Team. To be cross-referenced and updated once==

This section will contain guidelines relating to the elements and content of SOIs that each member of the WG is required to supply to the team. The following template is currently used for statements of interest:

1. *Current vocation, employer and position*
2. *Type of work performed in #1 above*
3. *Identify any financial ownership or senior management/leadership interest in registries, registrars or other firms that are interested parties in ICANN policy or any entity with which ICANN has a transaction, contract, or other arrangement.*
4. *Identify any type of commercial or non-commercial interest in ICANN GNSO policy development processes and outcomes. Are you representing other parties? Describe any arrangements/agreements between you and any other group, constituency or person(s) regarding your nomination/selection as a work team member. Describe any tangible or intangible benefit that you receive from participation in such processes. For example, if you are an academic or NGO and use your position to advance your ability to participate, this should be a part of the statement of interest, just as should employment by a contracted party, or a business relationship with a non- contracted party who has an interest in policy outcomes.*

Disclosure of Interest

Relevant Parties shall provide a Disclosure of Interest setting forth any direct or indirect interests that may affect a Relevant Party's judgment, or be perceived to affect a Relevant Party's judgment on an issue that is under review, consideration or discussion.

Additional requirements that should be considered by the chartering organization include where SOIs are to be submitted/posted, indication that only one SOI is needed per individual, and important characteristics of SOIs such as being complete and current. It should be made clear that WG participants are expected to update

their SOI during the course of a WG if there are any significant changes.

Further guidance is provided in the Working Groups Operating Model Guidebook (WG-OMG) on how to deal with any participant that does not provide an SOI despite multiple requests and reminders.

2.4 Rules of Engagement

The intention of this section is to provide a place in the Charter for those situations where a sponsor or chartering organization wishes to emphasize the rules of engagement or impose specific overarching 'rules of engagement' that will apply to the WGs deliberations and activities. The standard rules of engagement, including behavior and norms, are explained in further detail in the WG Guidelines [include reference].

2.4.1 Decision Making Methodologies

The standard methodology for making decisions is incorporated in the WG Guidelines [include reference] and has been quoted below. If a chartering organization wishes to deviate from the standard methodology for making decisions or empower the WG to decide its own decision-making methodology it should be affirmatively stated in this section.

Standard methodology for making decisions [to be updated following review by the WT of this methodology as part of Working Group Guidelines Review]:

The WG is expected to operate under the following model of decision-making in its deliberations under this Charter:

- *The WG shall function on the basis of rough consensus, meaning that all points of view will be discussed until the Chair can ascertain that they have been adequately covered are understood.*
- *The Chair will be responsible for designating each position as having one of the following designations:*
  - *Unanimous consensus*
  - *Rough consensus - a small minority disagrees, but most agree*

- o *Strong support, but significant opposition*
- o *Minority viewpoint(s)*
- o *No consensus*
- *Consensus views should include the names and affiliations of those in agreement with that view.*
- *Anyone with a minority view will be invited to include a discussion in the WG report. A Minority Report should include the names and affiliations of those contributing to it.*
- *If several participants in a WG disagree with the designation given to a position by the Chair or any other rough consensus call, they can follow these steps sequentially:*
  1) *Send email to the Chair, copying the WG explaining why the decision is believed to be in error.*
  2) *If the Chair still disagrees, forward the appeal to the WG appointed Liaison(s). The Chair must explain his or her reasoning in the response. If the Liaison(s) support the Chair's position, forward the appeal to the CO. The Liaison(s) must explain his or her reasoning in the response.*
  3) *If the CO supports the Chair and Liaison positions, attach a statement of the appeal to the board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO.*

2.4.2 Status Reporting

This section of the Charter should stipulate the types of status reports requested (e.g. Chair or Liaison update), frequency of reporting, and any guidance to the WG in terms of expected substance/content, e.g. status of deliberations, significant agreements/disagreements, how often are meetings held, how many active participants are there, role assignments, etc. It should also specify if there is a requirement for status updates at set times, e.g. two weeks prior to an ICANN meeting. If the CO has a standard for reporting, it can be included here by reference.

2.4.3 Problem/Issue Escalation and Resolution Processes

The standard methodology for problem / issue escalation and resolution is

incorporated in the WG Guidelines [include reference] and has been quoted below. If a chartering organization wishes to deviate from the standard methodology for problem/issue escalation and resolution, and empower the WG to decide its problem/issue escalation and resolution methodology it should be affirmatively stated in this section.

Standard Methodology for Problem / Issue Escalation and Resolution ==**[to be updated following review by the WT of this methodology as part of Working Group Guidelines Review]**==:

Any Working Group member may disagree with a Working Group recommendation based on his or her belief that either (a) his or her own views have not been adequately considered by the Working Group, or (b) the Working Group has made an incorrect choice which places the quality and/or integrity of the Working Group's product(s) in significant jeopardy. The first issue is a difficulty with Working Group process; the latter is an assertion of error. These two types of disagreement are quite different, but both are handled by the same process of review. A person who disagrees with a Working Group recommendation shall always first discuss the matter with the Working Group's Chair(s), who may involve other members of the Working Group (or the Working Group as a whole) in the discussion. If the disagreement cannot be resolved in this way, any of the parties involved may bring it to the attention of the CO Liaison. The Liaison shall attempt to resolve the dispute. If the disagreement cannot be resolved by the Liaison, any of the parties involved may then appeal to the CO as a whole. The CO shall then review the situation and attempt to resolve it in a manner of its own choosing. If the disagreement is not resolved to the satisfaction of the parties at the CO level, any of the parties involved may appeal the decision to the ICANN Board. The Board shall then review the situation and attempt to resolve it in a manner of its own choosing.

2.4.4 Closure and Team Self-Assessment

This section of the Charter should describe any instructions for WG Team final closure including any feedback and/or self-assessment that is requested by the Chartering or

chartering organization. This section might also indicate if there is any specific format, template, or prescribed manner in which the feedback is to be provided.

2.5 Charter Document History

This section should record key changes to the WG Charter, that take place after the adoption of the Charter by the CO.

SECTION 3.0: Background

3.1 Background

[To be completed] Cite various references including the PPSC and Working Group Team efforts to create this document.

3.2 Revisions

The original drafters of this document intended that its contents be continually revised and improved as individuals and groups gain experience with Working Groups and utilize these guidelines in writing charter documents. Comments about this document, including suggestions for revision may be directed to: policy-staff@icann.org. When offering suggestions for update, please cite the section, chapter, page number, and specific text along with recommendations for amendment. This document and its prior versions will be available on the GNSO Website (http://gnso.icann.org).

3.3 Applicability

The GNSO Council or any of its sub-groups can decide to utilize a WG anytime they think that community wide participation is advisable for resolving issues. It should be emphasized that WGs are not intended to apply to policy development processes solely.

SECTION 4.0: Amendments and Revisions

Version	Date	Name	Description
1.0	5 Jun 09	Ken Bour	Version posted to WG Team WIKI
2.1	21 Aug 09	Marika Konings	Updated version posted for WG Team review
2.2	27 Aug 09	Marika Konings	Updated version posted for WG Team review
2.3	2 Sept 09	Marika Konings	Updated version posted for WG Team review
2.4	15 Sept 09	Marika Konings	Updated version posted for WG Team review
2.5	21 Sept 09	Marika Konings	Updated version posted for WG Team review
3.0	24 Sept 09	Marika Konings	Clean version for final review