GNSO Working Group Guidelines

(Version 7 January 2009)

STATUS OF THIS DOCUMENT

These are the proposed GNSO Working Group Guidelines, prepared by the Working Group Work Team with the support of ICANN Staff, that have been posted for public comment on [TBC]. A Final Version will be prepared following the closure of the public comment period before submission to the Policy Process Steering Committee (PPSC).

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1.   GENERAL

1.1.   Background

As part of the GNSO Improvements Process, which has as its objective to improve the structure and operations of the Generic Names Supporting Organization (GNSO), a Policy Process Steering Committee (PPSC) was created in January 2009. The PPSC is ultimately responsible for reviewing and recommending processes used within the GNSO for developing policy and recommending any changes deemed appropriate for GNSO Council consideration. To facilitate this work, two sub-teams were created: the Policy Development Process (PDP) Work Team and the Working Group (WG) Work Team. This latter group was tasked with developing a Working Group Model which should become the focal point for policy development and enhance the policy development process by making it more inclusive and representative, and – ultimately – more effective and efficient.

To this end, the WG WT has developed this document, entitled 'Working Group Guidelines', which brings together two different elements of the Working Group process; one the one hand it addresses what should be considered in creating, purposing, funding, staffing, and instructing/guiding a WG to accomplish the desired outcome (the chartering process), and; secondly, what guidance should be provided to a WG on elements such as structuring, norming, tasking, reporting, and delivering the outcome(s) as chartered (the working group process). For further information on the WG WT's activities and deliberations, please visit the WG WT workspace. Following the public comment period, the WG WT intends to review the comments received and determine if and how this document should be updated before being submitted to the PPSC for its consideration.

1.2.   Purpose

The objective of this document is to assist Working Groups to optimize productivity and effectiveness by providing a set of guidelines, checklists, templates, and other 'best practice' materials that they can consider and/or utilize, as appropriate, in the process

of establishing the WG and throughout its life cycle.

1.3.   Intended Audience

This document is intended to inform the (potential) members of GNSO Working Groups that have been created or are in the process of being created by a Chartering Organization (e.g. GNSO Council) to achieve or accomplish one or more objectives or outcomes.

1.4.   Revisions

As further experience is developed in the management, operation and practice of Working Groups, it is intended that this document will be updated when appropriate. Any proposals for updates or changes should be submitted to the GNSO Council for consideration (please contact the GNSO Secretariat for further information).

Proposal for consideration by the PPSC: Once all WT documents have been finalized and approved, the GNSO Council should commit to the annual review of these documents to ensure that documents stay up to date. If the Council review determines that it would be timely and appropriate to make changes to these documents, an ad-hoc committee should be formed to make concrete proposals for such changes.

2.   ROLES & RESPONSIBILITIES

2.1.   Introductions and Team Formation

2.1.1. 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 could be explored:

- 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.

- 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 importance 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.

2.1.2. Membership Applications

The GNSO Secretariat will be tasked to gather expressions of interest to participate in a WG. Following the submission of an expression of interest, the GNSO Secretariat will verify that the submission has been received from a 'real person'. If the expression of interest has been made on behalf of a company or organization, a primary point of contact and alternate will be required in order to be eligible for WG membership. Following the 'real person' verification, the GNSO Secretariat will send a confirmation

of receipt together with a request for a Statement of Interest (SOI), using the model below, and any additional guidance as to whether a Disclosure of Interest (DOI) is expected to be submitted.

Statement of Interest Template

[**Editorial Note:** **As developed by the OSC GNSO Operations Work Team. To be cross-referenced and updated once Operations Work Team has finalized the language**]

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.

The GNSO Secretariat shall post all SOIs, DOIs, any other self-selection disclosures or other related team member documents that have been received to the WG's workspace (or alternate).

If a member of the Working Group still has not submitted a SOI after three reminders from the GNSO Secretariat, that member shall be removed from the WG mailing and membership list, unless the Chair of the WG decides that there are extenuating circumstances that allow for additional time for the member in question to submit the missing documents. Once the member in question has submitted the missing SOI, his or her membership will be reinstated.

2.1.3. Planning the First Meeting

The responsible ICANN Staff member will coordinate with the Chair, Interim Chair or Chartering Organization (as appropriate) on the timing and proposed agenda for the first meeting of the WG. In addition, the ICANN Staff member is expected to provide the members of the WG with the relevant background information, including any relevant historical data, and recommended materials for review prior to the first meeting.

Once a date and time has been identified, the GNSO Secretariat will send out the call-in details to all the members of the WG.

2.1.4. First Meeting of the Working Group

2.1.4.1.   Introductions

For team-building purposes, to understand its resources and capabilities and, potentially, to help with prospective assignments, members of the Working Group should be provided with the opportunity, at the start of the first meeting, to share information regarding interests, background, skills, experience, especially as related to any requirements in the Charter,

Members of the Working Group should be informed that 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.

2.1.4.2.   Election of the WG Chair

Unless a Chair has already been named by the Chartering Organization, normally a Chair will be selected at the first meeting of the WG. Until that time, the Chartering Organization's liaison may fulfill the role of interim Chair. A Working Group can elect to have co-chairs, vice-chairs or request ICANN Staff to perform the role of Chair. Once selected, a Working Group Chair will need to be confirmed by the Chartering Organization (CO). The newly elected Chair will act on a provisional basis until the Chartering Organization has confirmed the appointment. If there are any objections to the selected Chair, the CO will conduct a vote to establish whether there is majority support for the selected Chair. If there is no majority support, the Working Group will be requested to reconsider their choice for Chair and return to the CO with a new proposal.

2.1.4.3.   Items for Review

At the first meeting of the WG or as soon thereafter as practicable, the following documents should be reviewed in order to ensure all members have a common understanding of the WG's mission, goals, objectives, deliverables, decision-making process and timeframes: Working Group Guidelines and any other documents relevant for the WGs discussion (e.g. Policy Development Process Guidebook, Issues Paper). It is advisable that WGs develop a work plan that outlines the necessary steps and expected timing in order to achieve the milestones set out in the WG Charter.

The WG Chair may use the checklist in Annex I for further details.

2.2.   Team Member Roles and Responsibilities

The following is a description of standard WG roles. Typically the Charter will outline the desired qualities and skills a WG Chair should possess, the role and name of the official liaison to the Chartering Organization, and any key Staff or other experts assigned to the WG. Any additional roles that are not included here should be listed in the WG Charter, including a description and minimal set of functions / duties to the extent that the chartering organization might wish to specify them.

A suggested procedure to conduct elections can be:

- Nominations or self-nominations;

- Vote by simple majority;

- Notification of and subsequent confirmation by the Chartering Organization of results of actions.

- **Chair** - The purpose of a Chair is to call meetings, preside over team deliberations, manage the process so that all participants have the opportunity to contribute, and report the results of the Working Group to the Chartering Organization. The Chair should underscore the importance of achieving representational balance on any sub-teams that are formed. The Chair should always encourage and, where necessary, enforce the ICANN Standards of Behavior (see 3.0 Norms).

- **Co-Chairs or Vice-Chairs** – Appointing a co-chair(s) or vice-chair(s) can facilitate the work of the Chair by ensuring continuity in case of absence, sharing of workload, and allowing the Chair to become engaged in a particular debate.

- **Secretary** - Note taker and recorder of the WG's activities (Note: this role could also be fulfilled by ICANN Staff).

- **Liaison** - A Member of the Chartering Organization (CO) can be 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.

- **Staff –** ICANN Staff performs the following two basic functions for any WG, namely secretariat (fundamentally a support function covering logistics) and policy liaison (a support function providing WG assistance in a neutral manner,

including drafting, if required, which should reflect faithfully the deliberations of the Working Group). In addition, ICANN Staff can perform the following distinct roles for a WG as requested and appropriate:

- Expertise (technical, legal, economic, etc.)
- 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)

2.3.   Use of Sub-Teams

The WG may decide to employ sub-teams as an efficient means of delegating topics or assignments to be completed. Sub-team members need to have a clear understanding of issues they work on as well as the results to be achieved. The members of sub-teams report their results to whole team for review and approval. The WG should indicate whether or not it would like to have meetings of the sub-team recorded and/or transcribed.

Any member of the WG can serve on any sub-team; however, depending upon the specific tasks to be accomplished, the Chair should ensure that the sub-team is properly balanced with the appropriate skills and resources to ensure successful completion. It is recommended that the sub-team appoints a co-ordinator who heads up the sub-team and is responsible for providing regular progress updates to the Working Group. There is no need for formal confirmation by the CO or WG of such a co-ordinator.

The lifespan of a sub-team should not extend beyond that of the Working Group.

Decisions made by sub-groups should always be shared with the larger team and a call for consensus must be made by the entire WG.

3. NORMS

3.1.   Participation

Members of a WG are expected to be active participants, either on the WG mailing lists and/or in the WG meetings, although some might opt to take an observer approach (monitor mailing lists and/or meetings). The WG Chair is expected to make an assessment at the start of every meeting whether a 'quorum' has been reached to proceed with the meeting and discussions. A quorum has not been defined in exact numbers in this context, but should be understood as having a representative number of WG members present. For example, the Chair may decide that there is no quorum to make decisions, but that there is a quorum to have initial discussions on a certain issue and following those initial discussions encourage members on the mailing list to share their views before a decision is made at a subsequent meeting.

If there is lack of participation resulting in meetings being cancelled and/or decisions being postponed, the Chair is expected to explore the reasons (e.g. issues with the schedule of meetings, conflict with other activities or priorities) and attempt to address them (e.g. review meeting schedule). If there is no obvious way to address the situation, the Chair should approach the Chartering Organization, GNSO Stakeholder Groups, or Constituencies for assistance (e.g. request for additional volunteers to the WG) on whether there is enough / sufficient interest from the community / delay work.

3.2.   Representativeness

Ideally, a Working Group should mirror the diversity and representativeness of the GNSO community by having representatives from most, if not all, GNSO Stakeholder Groups and/or Constituencies. It should be noted that certain issues might be more of interest to one part of the community than others. The Chair, in cooperation with the GNSO Secretariat and ICANN Staff, is expected to assess whether the WG has sufficiently broad representation, and if not, which groups should be approached to encourage participation. Similarly, if the Chair is of the opinion that there is over-representation to the point of capture, he/she should inform the Chartering

Organization.

3.3.   Process Integrity

WGs are encouraged to focus and tailor their work efforts to achieve the identified goals of the Charter. While minimum attendance and participation requirements are not explicitly recommended, a Chair is expected, as outlined above, to take the necessary measures to ensure that all WG members have an opportunity to provide their input on issues and decisions. WG members should be mindful that, once input/comment periods have been closed, discussions or decisions should not be resurrected unless there is group consensus that the issue should be revisited in light of new information that has been introduced.

Members should be encouraged to consider whether, if they cannot participate faithfully in the WG's process (e.g. attending meetings, providing input, monitoring discussions), they should formally withdraw. It should be noted that there are no rules or requirements as to what constitutes sufficient or adequate 'participation'; this is an assessment that each WG member should make individually.

3.4.   Individual/Group Behavior and Norms

ICANN's Expected Standards of Behavior are outlined in the ICANN Accountability and Transparency Framework, see http://www.icann.org/transparency/acct-trans-frameworks-principles-10jan08.pdf for further details. [1]

If a WG member feels that these standards are being abused, the affected party should appeal first to the Chair and Liaison and, if unsatisfactorily resolved, to the Chair of the Chartering Organization. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such.

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[1] Other best practices that can be considered include the 'Statement on Respectful Online Communication', see http://www.odr.info/comments.php?id=A1767_0_1_0_C. [Editorial note: others can be added as deemed appropriate]

However, it is expected that WG members make every effort to respect the principles outlined in ICANN's Expected Standards of Behavior as referenced above.

3.5.   Rules of Engagement

This section contains procedures for handling any member that is perceived to be persistently and continually obstructing the Working Group's efforts.

The Chair, in consultation with the Chartering Organization liaison(s), is empowered to restrict the participation of someone who seriously disrupts the Working Group. Any such restriction will be reviewed by the Chartering Organization. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed. This restriction is subject to the right of appeal as outlined in section 3.7.

3.6.   Standard Methodology for Making Decisions

The Chair will be responsible for designating each position as having one of the following designations:

- Unanimous consensus
- Rough consensus - a position where a small minority disagrees but most agree
- Strong support but significant opposition
- No consensus

In the case of rough consensus, strong support or no consensus, the WG Chair is encouraged to facilitate that minority viewpoint(s) are stated and recorded.

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 CO liaison(s). The Chair must explain his or her reasoning in the response. If the liaison(s) supports the Chair's position, forward the appeal to the CO. The liaison(s) must explain his or

her reasoning in the response. If the CO liaison disagrees with the Chair, forward the appeal to the CO. The liaison(s) and chair must both explain their reasoning in the response.

3. If the CO supports the Chair and liaison's position, attach a statement of the appeal to the Board report. If the CO does not support the Chair and liaison's position, the CO should recommend remedial action to the Chair. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO. [2]

Based upon the WG's needs and/or the Chair's direction, WG participants may request that their names be associated explicitly with each view/position (optional).

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 the WG Charter.

Consensus calls should always involve the entire Working Group. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion. However, if disagreement persists, members of the WG may use the above noted process to challenge the designation.

3.7.   Appeal Process

Any WG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the WG or CO should first discuss the circumstances with the WG Chair. In the event that the matter cannot be resolved satisfactorily, the WG member should request an opportunity to discuss the situation with the Chair of the Chartering Organization.

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[2] It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.

4.   LOGISTICS & REQUIREMENTS

4.1.   Session Planning – General Meeting Logistics

The Chair will normally work with ICANN Staff and/or the GNSO Secretariat to coordinate the logistics for the WG meetings. Online tools are available that can be used to find a day and time that is convenient for most WG participants. It should be noted, however, that scheduling tools should follow the preference of the majority and accommodate those that are in different time zones. Alternating meeting times should be considered as an option if the same members of the WG are always 'inconvenienced' by a standing meeting time. WGs should decide how often they would like to meet (e.g. weekly, every two weeks) and for how long (e.g. 1 hour, 1.5 hours).

The GNSO Secretariat is responsible for communicating the timing and dial-in details for meetings that take place by conference call. Universal Standard Time (UTC) is used as a standard reference (local times can be found using www.timeanddate.com). For most countries, toll free dial-in numbers will be provided. The GNSO Secretariat will also be able to assist with providing dial-out support if required by a WG member(s). As described above, meetings are normally recorded and transcribed. To facilitate remote participation and sharing of documents, WGs can make use of various online connect services.

WGs can opt to organize face-to-face meetings during ICANN meetings to take advantage of those members attending and to open its session to the broader ICANN community. It should be noted that not all WG members may attend an ICANN meeting, a factor that should be weighed in deciding whether to arrange a face-to-face session. Remote participation facilities might be available for those not attending an ICANN meeting in person.

Apart from face-to-face sessions during ICANN meetings, WGs might decide that it is vital for its deliberations and/or reaching consensus to meet in person for a certain

amount of time (e.g. day, two days). If funding is required to organize such a meeting (e.g. travel expenses), a request should be made to the Chartering Organization for approval.

A WG may request additional tools or applications if considered necessary to achieve the objectives set out in its Charter.

The Chair, with support of ICANN Staff, if required, is expected to circulate the agenda to the WG ideally at least 24 hours in advance. At the start of a meeting, the Chair can review the agenda and WG members can propose items to be added or changed.

Following the meeting, an MP3 recording and transcript will be made available for those who were not able to attend and/or other interested parties. In addition, a WG can consider using action items and/or notes from the meeting to record the main decisions or follow-up items from a meeting. The action items or meeting notes should be circulated in a timely manner in order to allow for sufficient preparation or response ahead of the next meeting.

4.2.   Communication/Collaboration Tools

Each Working Group will have a dedicated mailing list. Working Group mailing lists are publicly archived on the GNSO web site (http://gnso.icann.org). In addition, WGs can make use of collaborative workspaces such as Wikis (see https://st.icann.org/). WGs are free to make use of different document formats, but it might be helpful to come to an agreement, in advance, to ensure that all members are able to work with them. [**Editorial Note: applicable recommendations made by other teams such as the OSC Communications Team may be added once available, as appropriate.]**

4.3.   Translation

ICANN uses the following translation principles:

ICANN will provide timely and accurate translations, and move from an organisation

that provides translation of texts to one that is capable of communicating comfortably with a range of different languages. The translation framework comprises a four-layer system:

- The bottom layer contains those specific documents and publications that address the organisation's overall strategic thinking. They will be translated into an agreed block of languages.

- The next layer contains a class of documents that ICANN undertakes to provide in different languages to allow interaction within ICANN processes by non-English speakers.

- The third layer comprises documents suggested by ICANN staff as being helpful or necessary in ongoing processes; and documents requested by the Internet community for the same reasons. These documents will be run through a translation approval system.

- The top layer is where the community is encouraged to use online collaborative tools to provide understandable versions of ICANN materials as well as material dynamically generated by the community itself. ICANN will provide the technology for community editing and rating, and a clear and predictable online location for this interaction to occur. It will also seek input from the community to review the tools.

English will remain the operating language of ICANN for business consultation and legal purposes.

Every effort will be made to ensure equity between comments made in languages other than English and those made in English. If it is not possible to arrange the release of particular documents in the agreed languages at the same time, then each language will be provided with the same time period in which to make comments.

ICANN will adopt the International Organisation for Standardisation's 639-2 naming system for identifying and labeling particular languages.

[**Editorial Note: additional recommendations made by other teams or committees such as the OSC Communications Team or the Public Participation Committee may be**

added once available, as appropriate].

4.4.   Briefings and Subject Matter Experts

If the WG determines that it needs additional educational briefings occurring upfront or as issues emerge during deliberations, it should identify its specific requests to the CO including subject matter(s), type(s) of expertise, objectives, and costs. If additional costs are involved, prior approval must be obtained from the CO.

Additionally, a WG may, at any stage throughout its deliberations, decide to seek input from self-formed groups and/or individuals with the aim of further informing WG members about matters that fall within the remit of the WG and which are of interest to the ICANN community.

5.   PRODUCTS & OUTPUTS

The products and outputs of a Working Group may be prescribed by the Charter such as a report, recommendations, guidelines, self-assessment or defined by the process under which the WG operates (e.g. Policy Development Process). In addition, the Working Group might decide that additional products or outputs are required in order to carry out its Charter in an efficient and productive manner such as a statement of work or a project plan. Working Groups should be encouraged to review products and outputs from other WGs and/ or consult with ICANN Staff to decide with additional products or outputs would be advisable to develop. Links to some examples of products and outputs produced by other GNSO Working Groups can be found hereunder:

- Initial Report – IRTP Part A WG Initial Report

- Final Report – GNSO Final Report on Domain Tasting

- Public Comment Review Sheet – Fast Flux Public Comments Review

- Recommendations / Guidelines – New gTLDs Principles, Recommendations & Implementation Guidelines

- Constituency Statement Template – IRTP Part B Constituency Statement Template

- Public Comment Announcement Text – Post-Expiration Domain Name Recovery Public Comment Announcement

- Self Assessment template (to be developed)

[*Placeholder for description of PDP WGs once PDP-WT has finalized its activities, if any products or timelines are prescribed by by-laws*]

6.   CHARTER GUIDELINES

This section of the document 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 6.1: Contains suggestions and recommendations related to the implementation of Working Groups within the GNSO.

SECTION 6.2: 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 6.3: Contains background information informing the effort to create this document.

6.1.   General Working Group Implementation Guidelines

<u>Introduction</u>

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.

6.1.1. 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.

6.1.2. 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.

6.1.3. 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.

6.1.4. 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)

6.2.   Working Group Charter Template

<u>Introduction</u>

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.

6.2.1. 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*

6.2.2. Mission, Purpose, and Deliverables

6.2.2.1. 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.

6.2.2.2. 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.

6.2.2.3. 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.

6.2.3. Formation, Staffing, and Organization

6.2.3.1.   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.

6.2.3.2.   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.

6.2.3.3.   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.

6.2.3.4.   Statements of Interest (SOI) and Disclosure of Interest [As developed by the OSC GNSO Operations Work Team. To be cross-referenced and updated once Operations Work Team has finalized the language]

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:

5. *Current vocation, employer and position*

6. *Type of work performed in #1 above*

7. *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.*

8. *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.

6.2.4. 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 section 3 of this document.

6.2.4.1. Decision Making Methodologies

The standard methodology for making decisions is incorporated in section 3.6 of this document and should be reproduced in the WG's charter. 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.

6.2.4.2. 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.

6.2.4.3.   Problem/Issue Escalation and Resolution Processes

The standard methodology for problem / issue escalation and resolution is incorporated in section 3.4, 3.5 and 3.7 of this document and should be reproduced in the WG's charter. 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.

6.2.4.4.   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.

6.2.5. 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.

6.3.   Background

6.3.1. Background

- For further information on the WG WT deliberations and activities, please see the WG WT Workspace.

- For further information on the PPSC deliberations and activities, please see the PPSC workspace.

- For further information on the PDP WT deliberations and activities, please see the PDP WT workspace.

- For further information on the OSC Communication team deliberations and activities, please see the OSC Communication Team workspace.

- For further information on the OSC GNSO Operations team deliberations and activities, please see the OSC GNSO Operations team workspace.

6.3.2. 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).

6.3.3. 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.

ANNEX I - CHAIR CHECKLIST

Checklist	Yes/No
Have all WG members submitted their Statements of Interest?	
Introduction of WG members	
Inform members that WG will operate under the principles of transparency and openness (i.e. mailing lists are publicly archived, meetings are recorded / transcribed)	
Review of WG's mission, goals, objectives, deliverables, decision-making process, timeframes and any other documents relevant for the WGs discussion	
Development of a work plan	
Schedule for future meetings of the WG	