Mike O'Connor's comments on the proposed Working Group Guidelines

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; on 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).

My position on the Working Group Guidelines

I support the approach outlined in the Working Group Guidelines and offer the following amendments to the draft.
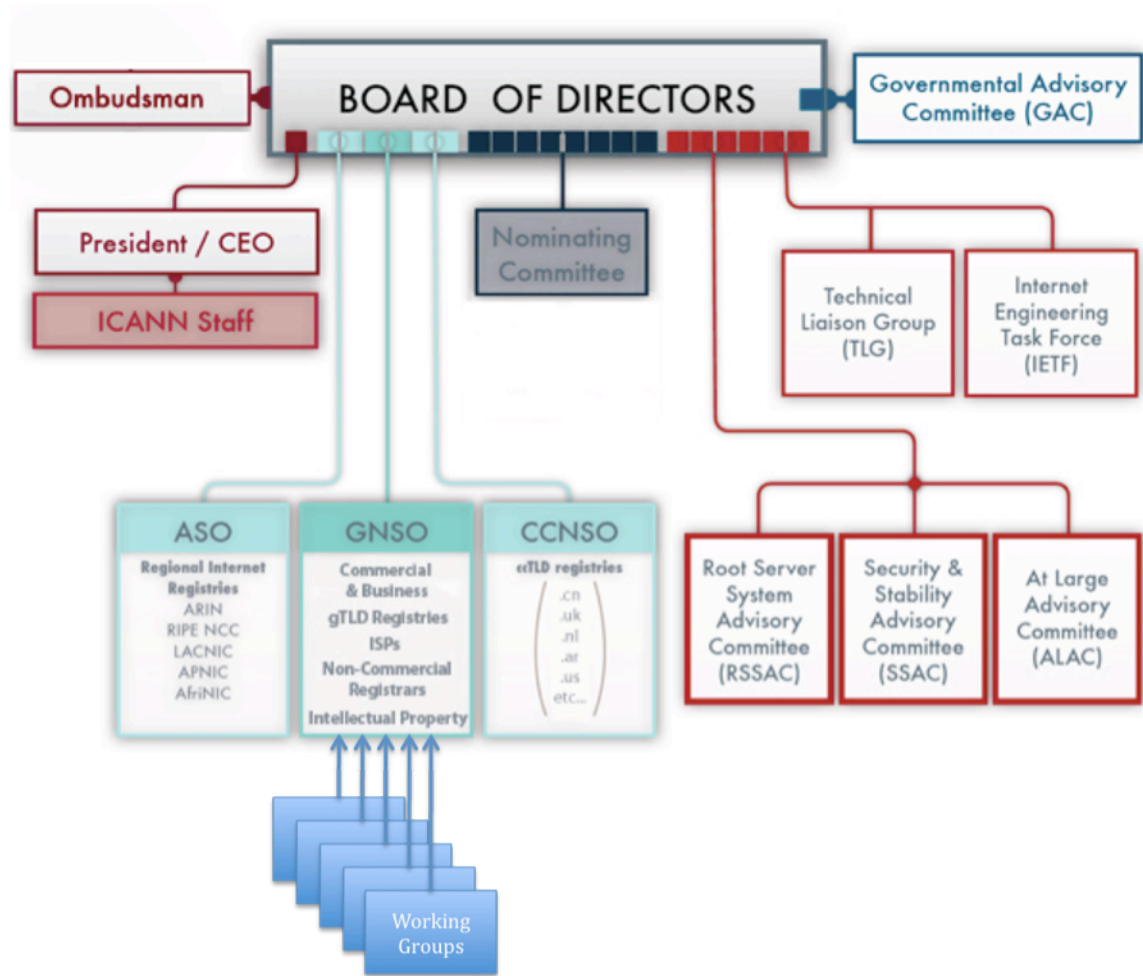
Overall suggestions

1) Insert a Working Group process flow

It would be useful if the final version of the guidelines could include (or refer to) a flowchart that summarizes the steps and sequence of the working group process.   Here is a suggested starting point for this flowchart.
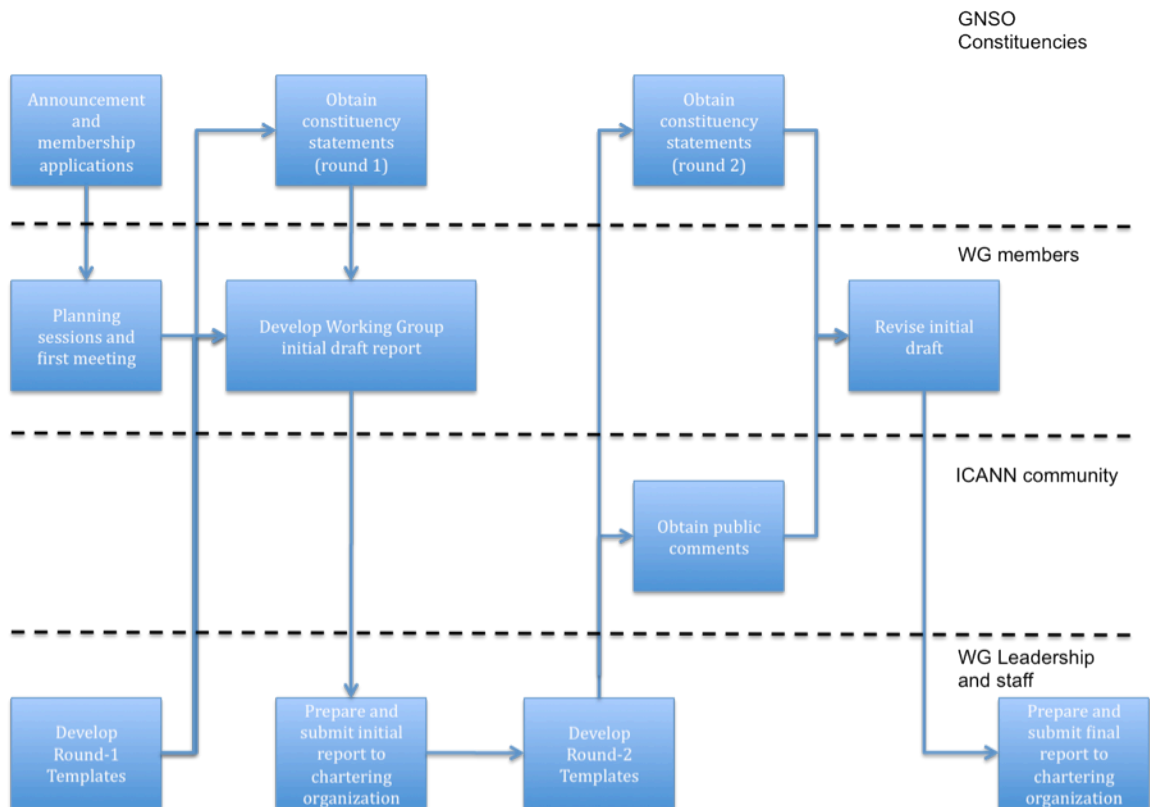
2) Insert a Working Group context diagram

It would also be useful to develop a context diagram that shows how GNSO Working Groups relate to the entire ICANN structure (for example the board, supporting organizations and advisory committees). Perhaps a refinement of this graphic (shamelessly copied from the ICANN website) showing where the Working Group process fits in would fit the bill.

Ombudsman

BOARD OF DIRECTORS

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President / CEO

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Nominating Committee

Technical Liaison Group (TLG)

Internet Engineering Task Force (IETF)

ASO
Regional Internet Registries
ARIN
RIPE NCC
LACNIC
APNIC
AfriNIC

GNSO
Commercial & Business
gTLD Registries
ISPs
Non-Commercial Registrars
Intellectual Property

CCNSO
ccTLD registries
.cn
.uk
.nl
.ar
.us
etc...

Root Server System Advisory Committee (RSSAC)

Security & Stability Advisory Committee (SSAC)

At Large Advisory Committee (ALAC)

Working Groups

3) Provide a "guide for newcomers"

These guidelines could become another avenue to further advance the goal of broadening participation in ICAAN. Developing materials that introduce the Working Group process to newcomers, and encourage their participation, would be a worthy addition to the document overall.

Suggested changes to Section 2.1.4.2 (Election of the WG Leaders) regarding selection of the WG chair.

Rationale

The current wording of in Section 2.1.4.2 is "unless a Chair has already been named by the Chartering Organization, normally a Chair will be selected at the

first meeting of the WG."

Section 2.2 says, "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)."

Section 6.1.3 says, "An experienced Chair with strong leadership and facilitation skills will be a key ingredient of a successful outcome" and then goes on to provide a detailed description of the profile of a good candidate for the WG Chair.

4) Provide a mechanism to ensure that the chair that is selected could live up to those expectations.

> **Suggested Language**
>
> Replace this sentence in section 2.2:
>
>> "Statements of qualifications from candidates"
>
> with:
>
>> "Statements of qualifications from candidates that describes their ability to fulfill the role (described in Section 2.2) and meet the expectations of the job (described Section 6.1.3)"

5) Loosen the requirement that the Working Group elect a Chair during their first meeting.

> Working Group members are often meeting for the first time at the initial meeting which puts many at a disadvantage when it comes to running for, or voting for, Chair.
>
> **Suggested Language**
>
> Replace this language in section 2.1.4.2:
>
>> "unless a Chair has already been named by the Chartering Organization, normally a Chair will be selected at the first meeting of the WG."

with:

> "unless a Chair has already been named by the Chartering Organization, normally a Chair may be selected at the first meeting of the WG. Alternatively, the WG can designate an Interim Chair at the initial meeting to serve until a Chair is elected. However, the WG must select a Chair within 3 weeks of the initial meeting."

Suggested changes to Section 6.1.3 (Purpose, Importance and Expectations of the Chair)

6) Clarify the role of the Chair given the importance of neutrality in that role.

Suggested Language

Replace this sentence

> "However, a Chair should not become an advocate for any specific position."

With:

> "However, a Chair should not become an advocate for any specific position and should not participate in working-group polling or voting."

Suggested changes to Section 2.2 (Council Liaison role) and Section 6.1.4 (Other Important Roles) regarding the role of the Liaison

Current Draft

"Section 2.2 – 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."

"Section 6.1.4 – Other Important Roles - 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."

Suggested Changes

7) Combine, or at least align, these sections. They are somewhat repetitive and inconsistent.

8) Insert the following language fragment into the appropriate section of the Guideline:

> "Chartering Organization will take care to select a Liaison who will play a neutral role in the work of the Working Group, preferably a member who has an open mind regarding policy positions that will be addressed. Members of the Working group can request, through the Chair, that a Liaison be replaced if they determine that the Liaison is allowing positions on issues to impinge on their ability to fulfill the role in a neutral way."

Suggested changes to Sections 2.1.2 (Membership Applications), 2.2 (WG Member role), 3.1 (Participation), 6.1.4 (Other Important Roles), 6.2.3.3 (Team Roles, Functions and Duties [in the WG charter]) regarding the role of working group members.

Rationale

None of these sections, which bear on various roles and responsibilities in the WG, describe the role of Working Group members. It would be useful to take this opportunity to clarify what working group members are actually expected to do while participating in the group.

Once a description of member activities has been added to the appropriate section(s), this list of activities could be used to enhance Sections 2.1.2 (Membership Applications) by asking applicants to describe the skills and experience they bring to the group (by including additional questions to the SOI).

Finally, section 3.1 (Participation) and 3.3 (Process Integrity) do not provide a positive mechanism to address a member who does not consistently participate

in the consensus-building conversation of the group but rather "parachutes in" for critical decisions. This behavior can be extremely disruptive to the working group consensus process (and frustrating to the more consistent participants) and should be more strongly discouraged than the current language in Section 3.3.

Suggested Changes

9) Determine what the duties of a Working Group member are and insert them into the appropriate sections of this Guideline.

> Examples of member responsibilities include:
> - Develop and draft working-group documents,
> - Contribute ideas and knowledge to working group discussions,
> - Act as liaisons between the Working Group and their respective constituencies,
> - Ensure that constituency statements are developed in an informed and timely way,
> - Actively and constructively participate in the consensus decision making process

10) Add a section to the Statement of Interest (Section 2.1.2) requesting applicants to the Working Group to describe the skills, knowledge and experience they contribute to the Working Group.

11) Add language to Section 2.1 (Introductions and Team Formation) that analyses the SOIs received to evaluate the makeup of the Working Group. Describe a mechanism to recruit additional members to fill any gaps (in skills, representation, knowledge, etc.) that are found.

12) Strengthen the language in Section 3.4 (Process Integrity) to reduce gaming by members who haven't actively participated in the consensus-building process.

> Replace this language:

>> "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."

Here is a suggestion for alternate language that would (more strongly) address the "uneven participation" concern.

> "Members are expected to participate faithfully in the WG's process (e.g. attending meetings, providing input, monitoring discussions) and should formally withdraw if they find that they can no longer meet this expectation.   Working group members can request a review by the Chair if a member disrupts the work or decision-making of the group as a result of inconsistent participation."