
CLAUDIA RUIZ: Good morning, good afternoon, good evening to everyone. Welcome to the ALS Mobilization work party call on Monday the 15th of June 2020 at 18:00 UTC.

On the call today, we have Alan Greenberg, Maureen Hilyard, Cheryl Langdon-Orr, Pastor Peters, Barrack Otieno, Remmy Nweke, Jacqueline Morris, David Mackey, Amrita Choudhury, Natalia Filina, Yrjö Lansipuro, Alberto Soto, Nadira Al-Araj, and Sarah Kiden.

We have received apologies from Bastiaan Goslings, Justine Chew, Ali Almeshal, Dev Anand Teelucksingh. Also on the call, we have Herb Waye.

From staff, we have Heidi Ullrich, Alperen Eken, and myself, Claudia Ruiz on call management as well as Michelle DeSmyter. Before we begin, I would like to remind everyone to please state their name before speaking for the transcription purposes and to please keep your microphones muted when not speaking to prevent any background noise. Thank you very much, and with this, I turn the call over to you, Alan.

ALAN GREENBERG: Thank you very much. I note Maureen's name is in the attendance list but I don't see her on Zoom. Is she on audio only?

CLAUDIA RUIZ: I believe she's joining right now. I'll confirm in a moment.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

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ALAN GREENBERG:

All right. Then we will get started in a moment. I have a comment I didn't think I'd ever make on an ICANN conference call, but the Adigo operator is very cute. For those who aren't on Zoom, the Adigo operator's picture is a little baby girl with a yellow ribbon in her hair. I think that's adorable. Thank you for brightening our day.

We will be starting, the only item on the agenda is to continue reviewing the document, and we'll continue that. We have a couple of speakers that had their hand up at the end of the last meeting, and that is particularly Sarah and Pastor Peters, and we'll go to them when we come to the item that we were talking about at that point.

If we could have the version 3.1 document. There was a version 3.0 document that was inadvertently distributed. That one does not exist any—well, it exists but we're not going to be using it. And there's a 3.1 which has been updated to reflect all of the decisions we made at previous meetings and with a number of new items added into it.

Seeing no hands, we will start. Let's go to the first item. People keep making comments on sections that we have finalized, and I will honor those at this point, but I hope sometime we'll be able to actually finish items. And there was a question on a [note to a] work party, when reviewing the form, determine which questions are mandatory. Also, if we'll be accepting global nonregional ALSes, the application may need to be adjusted.

Sarah asked the question of, have we determined if the bylaws need to be adjusted? Can't seem to find it. No, we have not. There's a message

to Legal which I am in the process of drafting that hasn't been sent yet, so we don't have that yet.

And another note from Sarah, "Not sure if it matters but I attended an NCSG policy writing course and they referred to ICANN [inaudible] ICANN staff versus staff versus ICANN board versus ICANN community. Should we be consistent throughout our document as it is written differently in different sections?" I believe we always should be using the term "At-Large staff," but if not, that will be corrected as we go forward.

And then we go on to item number three, if we could scroll down to that one. And this is a comment made by Dev who is not on the call with us, but in summary, he says it seems confusing why we have option A, he thinks option B should be sufficient. And the answer was, at least my answer to him was because some RALOs do not involve the ALSes, they choose to do it just within leadership or in some other way, and we are not imposing rules on RALOs in this group.

He had a similar comment on question number four, asking why—he highlighted the first part of the sentence but actually made a comment about the second part of it as to why things may be kept confidential. And the answer is because someone may choose to give a relevant comment which they don't want to see attributed to them and don't necessarily want public but feel it's important that this information not be unknown. This is basically allowed within the current rules as well. Sarah, please go ahead.

SARAH KIDEN:

Hi everyone. Alan, what I was referring to is At-Large staff, so sometimes I see it's initial capital S, sometimes it's lowercase. I don't think it matters, I think it can be cleaned up, but I was just saying that even for At-Large staff we should just be consistent. Thank you.

ALAN GREENBERG:

Yes. Thank you, and I agreed with you. It should be consistent, but to the extent that it isn't, it will be fixed before these things become formal. Thank you for calling attention to it.

All right, and then next item is the discussion of should a RALO be able to put an application on hold for some indefinite amount of time. The discussion last week pretty well agreed—at least I don't think anyone is disagreeing—that we cannot put someone on hold for an indefinite, unspecified amount of time without any particular reason. But acknowledge that perhaps there's a need for it, and I said I would draft something, and in fact I have. What we're looking for is item number five, and it's highlighted in yellow. This is a fourth option for the RALO to recommend to the ALS. The first three options are recommend to accredit, recommend not to accredit, or be silent.

A fourth option, which I don't actually support, but this is I believe in line with what we said, is the RALO recommends that the applicant should not be accredited as an ALS but the applicant should be advised that a resubmission of the application at some specified date in the future will be welcome, along with a rationale for such delay.

My personal preference—but I'll open the floor in a moment—is that although this is a viable thing to do, it should not be a formal

recommendation of the RALO. But if the RALO recommends that it not be accredited—and it of course can give a rationale and it's encouraged to give a rationale, the rationale can be they believe the applicant is not quite ready but they believe at some time in the future it may be appropriate.

So my preference would be to incorporate D as a variant of B, that is, not be accredited but not formally documented as one of the ways they can respond. But of course, it could respond using a rationale that incorporates this reason. Judith, please go ahead.

JUDITH HELLERSTEIN: My question more is, I didn't realize that you were changing documents and put a whole bunch of comments in version 3.0 this afternoon, and I don't think they're in here.

ALAN GREENBERG: No, they are not. They weren't there when I was doing the comments because I was looking for comments there and I didn't see them. So you must have done them after I looked at that document.

JUDITH HELLERSTEIN: Okay. So, could you put them in then? Because I didn't realize you were changing documents.

ALAN GREENBERG: I will put them in for the next time, but of course, not for discussion this week.

JUDITH HELLERSTEIN: Then if it's not for discussion for this week, then we're going to close items and we're going to discuss items, and my comments are not going to be there. What was the purpose of then me spending time doing it?

ALAN GREENBERG: Just as we're talking about things today that people have added for nominally closed items, we can do it again. On the other hand, if you would like to go into that document and call them out as we're going through these things—and we'll go back to number one if necessary—you're free to do so right now. Your call. Either we defer them to next week or we do them right now one by one.

JUDITH HELLERSTEIN: Well, so we're on five now so—

ALAN GREENBERG: I said we will go back to one if necessary. Wherever your comments apply. I don't have them in front of me.

JUDITH HELLERSTEIN: Okay, so I will pull them up and you can go to the next person in the meantime.

ALAN GREENBERG: All right. Eduardo, please go ahead.

EDUARDO DIAZ: I did not participate last time, but I would get rid of D. You are okay with it, you are not, I don't care. [There's C.] So why adding another one? Thank you.

ALAN GREENBERG: I'm adding another one because I said I would try to draft something for discussion of the group. I said at that point I don't support it, but I would, as chair, try to draft something which reflects what the group was saying.

EDUARDO DIAZ: Okay.

ALAN GREENBERG: Thank you very much. That makes two of us. Sarah, please go ahead.

SARAH KIDEN: I do not agree with option D, of not approving. I feel like this would discourage the applicant from resubmitting considering they've already taken time to complete their application. I would like to suggest that we—I think Maureen had a very nice [inaudible] which I can't quite

remember, to say we approve—I can't remember the word, but not probation, just something still we approve but [inaudible].

ALAN GREENBERG:

All right. I listened to the call again today, I don't recall that, but maybe it was something in chat that I didn't look at. If Maureen is on the call, welcome her making a comment. Pastor Peters, please go ahead.

PASTOR PETERS OMORAGBON:

Two quick ones. I am not in support of denying the RALO the power to recommend application for approval or to deny approval. Basically, it is the RALOs that do this with the ALSes. So if I'm not mistaken, it is the recommendation of the RALO that the ALAC works upon. ALAC do not and should not work independently of whatever a RALO says. That is on that aspect.

The other issue I also want to quickly address has to do with Judith's observation that our comments were not highlighted for discussion today. So [inaudible] she should go back or [inaudible] of the discussions for comment for members of this working group since the comment was in the document so that members are not left to think that, yes, some comments are deliberately delisted or some are just deliberately allowed. So that is my observation. Thank you.

ALAN GREENBERG:

Okay. On your first comment, we are not saying anywhere that a RALO cannot recommend approval or not approval. That is not what this discussion—this is a discussion saying, should we have an explicit

option for the RALO to recommend not approval but suggest that the ALS apply later? That is the discussion. The general feeling seems to be no, we should not include that.

With regards to the ALAC not following the recommendation of the RALO, that is something that we have discussed multiple times. It is part of the ICANN bylaws and that is not something that we are going to be able to change within this group. It is not within our mandate or scope to look at that.

With regards to the last comment on people's comments, a version 3.0 of this document was created and created with an error in it. It was distributed to the membership without my knowledge and I didn't realize people had access to that document. So I apologize if people inadvertently made comments to a document that they shouldn't have been working on. Mistakes happen, and there's nothing we can do about it. So there was nothing deliberate on anyone's part. Judith, are you ready again?

JUDITH HELLERSTEIN:

Yes. Okay, so I've put in one comment already in section two with the due diligence. In the section I put in gathering or requesting information on the applicant. I also have thought that I very much liked the process that was used in ISOC where, like when the due diligence is done, or when we send it out to the RALOs, they carry interest from the primary ALS reps and they have some information on these people, they work with the people, they have known these people, it just adds more information about the—

ALAN GREENBERG: Judith, that's already within our rules. That's already within what we have agreed to.

JUDITH HELLERSTEIN: Yeah, but in the section two, in the due diligence, I'm just adding it in the due diligence section.

ALAN GREENBERG: The process that we have agreed to is staff does diligence first, then it goes to the RALO. That's what we've done all along and we continue to do it. If the organization have anything that you send it to, have anything that requires further investigation with the applicant, the process allows that also. So you're suggesting that we go to the ALSes before we have done staff due diligence, and that is not the way we have done it before and I don't believe there's been any interest to change that. If other people support that, then please speak up. But at this point, the first point is staff due diligence, which essentially verifies that the application is complete and is well filled out. That's what the staff due diligence is doing at that point.

JUDITH HELLERSTEIN: Okay. And I will put [the other comments into] this document, but I think it was not on—I think it's on later sections that we have not gotten to yet.

ALAN GREENBERG: All right. You don't have to type them in, you can simply put your hand up.

JUDITH HELLERSTEIN: [Yeah, I can just type them in.]

ALAN GREENBERG: Nadira, you have your hand up.

NADIRA AL-ARAJ: Yeah. Going back to section five—by the way, the comments I provided, some of them, because the first time I read through the whole document, so I just was suggesting things. If you find [these] are not suitable, you can resolve them.

ALAN GREENBERG: I've already incorporated most of them before.

NADIRA AL-ARAJ: Yeah. No problem. But regarding the addition, the section D, it goes without saying, because nothing is [inaudible] organization that an applicant which was denied not to apply again. So that's no use. If they're rejected, not accredited in the first place and they have rationale, maybe in the future they can come forward and apply. There's nothing in the document that says they can't apply another time. That's my point. So there is no need for item D. Thank you.

ALAN GREENBERG: Thank you very much. So if I can summarize, I believe everyone who has spoken or put something in the chat at this point has agreed that D should be struck. David, please go ahead.

DAVID MACKEY: Hi. I believe, in the discussion we had last week, the reason we even talked about the concept of the wording you put in for D was the question of whether there'd be some sort of probationary acceptance.

My position is we should either have a yes or a no, and if there is any question about where does an ALS application fit on that line, the answer should be no.

Now, if we have a no, then the wording came in—if it was a no but we want the ALS to reapply, that's where this wording came in. That was my understanding of why we put in the wording.

I would like a yes or a no, I don't want a probationary yes.

ALAN GREENBERG: Okay. Two things. The term probationary was used in another context altogether, and that comes later in this document. And you are agreeing that we should not have this—now, this doesn't prohibit the ALAC or the ALS to tell the applicant "We think you should reapply." We're just not specifying it ahead of time as one of the specific options. So the options are exactly as you're indicating, yes, no, or they can be silent. We can't force them to say yes or no.

DAVID MACKEY: I'm fine with that. Yeah. So I'm just thinking the reason we put in the wording was because of the—we're good. Thanks, Alan.

ALAN GREENBERG: No, the reason we put this in was because of the request or suggestion from Sarah that the RALO be able to put an application on hold for an indeterminate amount of time.

DAVID MACKEY: Yeah. I have trouble with that. And we did not accept that.

ALAN GREENBERG: Okay. Thank you. All right, so D is gone. The next comments we have are a comment from Nadira saying the RALO leadership may choose to include a rationale for its recommendation. If a rationale is included, the RALO leadership may designate the extent to which the rationale is made public or it only goes to ALAC members. If the RALO does not include a rationale, the ALAC may request such a rationale.

And Nadira says people are entitled to a rationale or a reason why they're being rejected. My recollection—and I asked staff to confirm—is that typically, on the few times we have done a rejection, we have not necessarily given a rationale but we are obliged to provide one if they ask. Is that correct version of history?

EVIN ERODGDU: Alan, from my experience, yeah, I think there's been at least one, and I think the goal has been that we encourage them to maybe reapply when they've met some criteria. So sometimes there may be a rationale, but it's correct that generally, they are notified but they haven't been accredited. But at that stage, there's usually some kind of positive feedback involved.

ALAN GREENBERG: Okay. So what we have here is documenting what happens today. And unless there's a strong indication that we should change it—I understand Nadira's desire to be completely transparent. I will say there have been some occasions in the past when to be transparent would probably cause more problems than it is worth, and we haven't voluntarily provided a rationale. And in those cases, none was asked for. So my strong recommendation from a management standpoint of view is that we leave the procedure as it is today. But I see we have a whole bunch of hands up. Judith.

JUDITH HELLERSTEIN: The issue is the secrecy. I also don't understand why we have the secrecy. People should be transparent. I can understand maybe privacy issues, but then we could have it on a Wiki or page that people have to log into. I don't think we should have a secrecy.

ALAN GREENBERG: Nadira?

NADIRA AL-ARAJ: Thank you. Regarding—in fact, I don't want to complicate the issue. In fact, I'm suggesting also the solution to this. It's kind of a statement, a template which goes with the response. So it is a readymade kind of—sometimes you can deliberate on it and sometimes you don't have to. But if I'm an applicant and I have received your—without reasoning or anything, it doesn't sound good, even from our side as RALO side or At-Large side. So that's why if these a kind of text, we can build a text which can be distributed, [sometimes with a little addition] if needed. That's my point of view.

ALAN GREENBERG: Okay. Nadira, may I ask a question? I'd like a simple answer. Are you saying we must give a rationale every time, or not?

NADIRA AL-ARAJ: Yes. A response, the same as for accepting or not accepting, or for the three cases. Thank you.

ALAN GREENBERG: Okay. Thank you. David, please go ahead.

DAVID MACKEY: Thank you, Alan. Just a very quick comment. I would say in probably 99% of the cases, giving a rationale would make perfect sense. With my experience in different organizations, there are exceptions sometimes where we want the ability to say nothing. So that would be the reason

why I think we should 99% of the time give rationale but not ourselves in.

ALAN GREENBERG: Pastor Peters.

PASTOR PETERS OMORAGBON: I think it is very rationale to give everybody the reason why—if I apply for a job or whatever, you refuse my application. Even schools. In one sentence, I think it is appropriate we give rationale even if we're rejecting the application. The fact that we have the rationale does not mean the applicant can already apply if they're able to correct whatever rationale was made for the rejection [inaudible] and then they can reapply. So they should be given the reason why the application is rejected.

ALAN GREENBERG: Thank you. Remmy, please go ahead.

REMMY NWEKE: Thank you. I think it's important that we give [inaudible]. Thank you.

ALAN GREENBERG: Thank you. Several comments, and then we'll go to Cheryl. I'm closing the queue right now though. With regards to one of the last comments from Pastor Peters of a job application, in many jurisdictions you will never get a rationale because a rationale for a rejection is an

opportunity for someone to sue and take all sorts of action which are not necessarily desired. So in many jurisdictions—maybe in your jurisdiction, people give rationales for not hiring. Certainly in mine, they do not. And you don't have to give any.

In terms of why we would want secrecy in terms of someone making a comment, if my comment is that we shouldn't accept this ALS because the leaders of the ALS are all organized criminals in my country, that is not something I want to have in a Wiki and made public or even privately made to a small number of people and documented. That could threaten my life, it could certainly cause significant problems to me.

Similarly, if we reject an ALS and we reject it for reasons because of private information, it may not be something that we want to put in a public document and responses to an ALS may be public as well, that there are reasons on exceptions—as David Mackey said, there are rare exceptions where you don't want to do this, and we've had legal advice not to do that kind of thing, which is why the exceptions are allowed. Cheryl, please go ahead. I have closed the queue at this point on this question.

CHERYL LANGDON-ORR: Yes, Alan, but you've still got hands up. Did you want to deal with them?

ALAN GREENBERG: I did close the queue. However, let's be all open. Nadira and Peters. And the queue is now closed. Nadira's lowered her hand. Peters' hand is still up. Is that an old one or a new one?

PASTOR PETERS OMORAGBON: Yes. Thank you, Alan. For ICANN, ICANN is a public institution and they are encouraging membership from Internet end users. If we are not going to give the rationale for rejecting an application, then the best option would be for us to let the applicants know areas they need—whatever they need to freshen up or they need to make up for their application to be accepted.

Yeah, okay, the analogy you gave as to if you said they are criminal—I'm not bothered about whether the reasons are made public or not, but my concern is that as a public institution that encourages people to be members, we, even those who are members today cannot sit as lords over anyone coming in, because we have the possibility to be members [inaudible].

So I will say that if an application is rejected, the applicant should be told the areas they need to work on and then they can reapply. [inaudible] that they cannot reapply or they're rejected and they cannot come back to become members of ICANN. Thank you.

ALAN GREENBERG: Thank you. And there's nothing prohibiting us doing that. All I'm saying is in some cases—and in some cultures—it would not be desirable to

put something in writing as to the exact reason why. Cheryl, please go ahead and close this argument.

CHERYL LANGDON-ORR:

I can but try, Alan. Thank you. There's a whole lot of very important things that have been said, and I'm glad I waited to hear them all so that I don't repeat too many of them.

It is a highly desirable characteristic process if one can give appropriate feedback to the applicant. I don't think anyone disagrees with that. Note what I said though: appropriate feedback to the applicant. There would be a difference between, as is only right, saying to an applicant if in particular they ask feedback, "The reason your application was unable to proceed or was rejected—depending on whether it's [inaudible] or earlier in the process—was because of ..." And you give some reasoning.

But there's two things here. And if we could have the document just scrolled up slightly, please. Thank you. A little bit more. Thank you, that's terrific. So there's two things. If the RALO has not given a rationale, the ALAC can accept its recommendation or not. We understand that. It's important that a RALO feels that it can give the ALAC the rationale to help the ALAC inform its vote. I would hate to see a chilling effect on a RALO or RALO leadership if they felt publication of that was going to compromise some working relationships or something else, or something dire, as Alan has outlined.

So that's important to try and make sure we allow that wiggle room. But it shouldn't mean that the rationale should not be in the hands of the

ALAC members so they understand fully. I've got a red line now. I didn't realize there's been a whole two minutes since I started talking. I'll stop. [If you wanted me to say] anything more, Alan, I will.

ALAN GREENBERG:

No, I think you've said it all. I will add one comment that I have no problem on our internal documents to say it is advisable to give rationales to the applicant. But I would not want to see on our public document committing to do that.

There has been a huge number of things in the chat. Has anyone read them to tell me, is there strong disagreement with the position we're taking right now? That is, rationales are allowed, they may be asked for, but they're not necessarily provided automatically.

REMMY NWEKE:

[inaudible].

ALAN GREENBERG:

One moment please.

REMMY NWEKE:

Okay.

ALAN GREENBERG:

Are you answering my question?

REMMY NWEKE: I wanted to make comment. [I didn't see them] because I'm on the call, I'm not on the Zoom. But I wanted to respond to the issue, the concern you raised in terms of [inaudible]. I think it's possible to suggest— personally, I'm suggesting [inaudible] application is rejected is not supposed to be public. It could be directly to the organization making the application. Doesn't need to be public. Because staff have sometimes [inaudible] organization [inaudible] application. So it doesn't need to be public. That's the direction I wanted to make. Thank you.

ALAN GREENBERG: Thank you. That doesn't alter the position that there are times when it may be advisable not to give a rationale. There are cultures where if you give a rationale saying why you're rejecting them, you're shaming them, whereas if you're just saying no, it's acceptable.

JUDITH HELLERSTEIN: [No, but that's not us.]

ALAN GREENBERG: I'm sorry? Sorry, someone just said something but I didn't catch what it was or who it was. Okay.

PASTOR PETERS OMORAGBON: Can I make an observation, Alan, if you don't mind?

ALAN GREENBERG: I sort of would like to get through some work, additional things today, but please go ahead.

PASTOR PETERS OMORAGBON: Yeah. Correct me if I'm wrong. I think the general consensus from all the speakers so far on this subject is that applicants should be given rationale if the application is rejected. So I wanted to correct it, because most speakers have spoken in favor that they should be given rationale for it. So, are we working by the majority position of the group or by the position of the minority?

ALAN GREENBERG: In general, what we do is existing rules stand unless we can come to closer and we're looking for—it is not majority we're looking for but a larger percentage than that. In the chat, I'm seeing significant number of people who are saying that yes, we should normally give a rejection reason, but there are exceptional circumstances where we may choose, decide that it is less appropriate. [That, I believe, is consensus.]

PASTOR PETERS OMORAGBON: Sorry.

ALAN GREENBERG: I will go over the call and look at the chat and come up with a formal chair's ruling. I'm not in a position to do that right now.

PASTOR PETERS OMORAGBON: Yeah, if you don't mind—

ALAN GREENBERG: Cheryl, you want to add another comment?

PASTOR PETERS OMORAGBON: Yeah, please, because I recalled—some of the document that was submitted in the past as a means of [inaudible] agreed on, I could recall you making comments like it was the general consensus that this— [inaudible] minority said no but the general consensus.

So I have to believe that, yes, if in the past we have gone by the position of the general consensus, I do not see why this should now require a further review before we can agree as to what, if the majority are for a particular position.

ALAN GREENBERG: Okay. Consensus is not majority, to start with. Consensus is stronger than majority. And what I said is I'm not in a position at this moment based on all of the comments in the chat to make a chair's ruling as to what the consensus is. I will do that and come back next week with it. Cheryl, last word, please.

CHERYL LANGDON-ORR: Thank you, Alan. I was just going to suggest that whatever wording comes out, that it picks up the necessity, I would say, that exceptional circumstances in this guideline may exist. And Alan, I would suggest we

look to other parts of ICANN, with DIDP processes, etc. that may have wording that has stood the test of legal rigor that we could make some use of here. Thank you.

ALAN GREENBERG: If you can point me to them, I would appreciate it, offline. Thank you.

CHERYL LANGDON-ORR: Shall do.

ALAN GREENBERG: May we move on? Number six, I believe, is the next one. I've lost track of where we are. Okay, now we're looking at the highlighted section that is on the top of the screen right now. This was a follow-on to the discussion of, can an ALS be given provisional status after the RALOs has recommended but before the ALAC has acted on it? And I was asked to draft something or I offered to draft something, and this is what I have.

If a RALO recommends accreditation to the ALAC, it may—the “it” should be the RALO may—but is not required to inform the applicant of this and may grant the organization access to mailing lists and RALO activities pending an ALAC decision. This in no way implies the ALAC will vote for accreditation.

I open the floor. Does this match what people want? Or preferably, let's hear from people who say it doesn't. Yrjö, please go ahead.

YRJÖ LANSIPURO: Yeah. Thank you, Alan. I think that this formulation covers the practice of EURALO. Thank you.

ALAN GREENBERG: Thank you. Anyone else want to comment for or against? With no comments, it will stay. Next item, Judith says, "I agree with Dev, I don't understand why this should be a secret process. If privacy is an issue, it can be accessed only by primary reps but should be available to all."

This is going back, I'm afraid. And I think we've already covered this. There may be reasons which have to do with culture, which have to do with privacy or safety where one does not want to make a comment available to perhaps dozens of people, but they do want it to be understood by the leadership of the RALO prior to making a recommendation.

Judith, you want to speak further to this, or do you accept that?

JUDITH HELLERSTEIN: Yeah, I think we had a whole discussion about this. And if we could find a way to make sure that there is some understanding people get a result. I don't think—I think we—we'd likely put everything down on the Wiki. I think we should be able to get back to people if they ask a question or if the voting is done. I forgot what section we're on, but I think we need to document everything and we shouldn't be hiding everything. It's not job-related or something else. It's people who want to engage in ICANN and get involved. And we want to encourage that. We don't want to diminish that.

ALAN GREENBERG: I think we've already had this discussion that there are exceptional circumstances where things may not be made public, and if they're going to be made public, you will not hear about them at all. And my belief is that there are reasons, but I said I would assess these issues and come back. Peters, please go ahead.

PASTOR PETERS OMORAGBON: I think I'll go along with Judith's position. If there are exceptional circumstances that we think may prevent an ALS application being accepted, I think the position by Maureen on the chat should be considered, whereby circumstances that may warrant a rejection of an application is put out for the applicant to see so that [inaudible] evaluation of their qualification before applying.

But for us to just put a caveat and say there could be exceptional circumstances, who decides the exceptional circumstances? So we must have a general consensus as to what exceptional circumstances would warrant an application to be rejected, not just [blanket] secrets or whatever that could [inaudible] know that before [inaudible] because of these exceptional circumstances we cannot. So that would not promote what ICANN stands for as a public multi-stakeholder organization that encourages the Internet end user involvement. Thank you.

ALAN GREENBERG: Thank you. Maureen, can you confirm that what you said was there should be no exceptions and we should give rationales in all cases?

MAUREEN HILYARD: I just sort of feel that I agree that whatever the rationale, whatever the potential for rationale is, that all those possibilities need to be—and I think we actually do have a list, do we not? Of reasons why applicants might be rejected. Do we not already?

ALAN GREENBERG: I don't think we have any set things. But the question is not do we have a reason, the question is, do we tell the applicant in all cases what the reason is? That's the question on the table right now.

MAUREEN HILYARD: Yeah, I think that if we have got a list—I'm referring it back to this list of reasons why someone may be rejected. The rationale should actually just be one of those reasons.

ALAN GREENBERG: There is no such list right now.

MAUREEN HILYARD: Right. Well, I think that there should be. And that's where that whole transparency thing—I think Peters mentioned it. If people already know what the criteria would be that would actually create a rejection, that they can sort of see that then and one is actually selected, if they want further information, they can request it. That's my view.

ALAN GREENBERG:

Thank you. As a past chair, I can say you're fortunate that you've never had one of those circumstances yet that we're talking about here. I say with a huge sigh. We will continue this discussion again, I'm sure. In terms of the timing for the RALO respond, and given that we pointed out last time that some RALOs need the monthly meeting, then I changed the amount of time the RALO has to make a formal decision is five weeks, which gives them the monthly meeting and a little bit of wiggle room to prepare for that meeting or to make a decision following the meeting. I hope no one will object to that.

Next issue, item number seven. This was a comment from Nadira. It said if there are further questions about the applicant, then they will go to the RALO leadership and potentially to staff for forwarding the applicant. Nadira said staff is in direct contact. The reason it's worded this way is because there may be a question that RALO leadership already has the answer to, and therefore it will only go on to staff for asking the applicant if indeed we need to ask the applicant. So that's the rationale why that step was there.

Any I removed the sentence that we were talking about saying if we ask the applicant further questions, they should respond quickly. That'll be part of the operational part, but not necessarily a formal requirement.

I see no hands. Number nine, at the end of the ALAC review, either with or without additional questions, the ALAC will conduct a vote to decide whether to accredit or not. There's a formulation of the vote there. Decisions are made in accordance with the ALAC's standard rules of procedure. Decision to accredit or to refuse to accredit an ALS may be subject to review as indicated in the bylaws.

Normally, as with other nonpersonal related ALAC votes, the results include how each ALAC member voted. For ALS accreditation votes at the request of any ALAC member, the details of how each member voted may be kept confidential. These details will still be available to staff and the ALAC chair in case a rationale for rejection needs to be formulated.

And there was a comment from Nadira saying we have to tell people what the vote was but not the names, and that is exactly what it says. Normally, we will provide the names, but they may be kept confidential. And there's another "may," including rationale, we will not further discuss that at this point.

And last comment from Peters, "Is there any entity within ICANN that does not enjoy a formal relationship with ICANN? What is our definition of formality in this case?" The definition of formality is it's defined in the bylaws or in some other well published document. The answer is yes, there are entities within ICANN that do not have a formal relationship with ICANN. That does not apply to either the ALAC, RALOs or ALSes, but there are such entities within ICANN. Any further discussion on point number eight? I hear no voices, I see no hands. Number eight is done.

Number nine, except as provided below under suspension of an application by the ALAC, the ALAC and the At-Large staff shall work concertedly to ensure the process to reach a decision to accredit or not to accredit of an At-Large structure shall normally take no longer than 90 days from the date which the application is received to the date which the applicant is notified of the decision. Should it become

apparent that this norm may not be achieved, the applicant shall be notified of the situation.

The 90-day number is what we are currently using. Once we come closer to documenting this whole thing, we'll add up the numbers and see if 90 is still an appropriate overall envelope time. I believe it will be, but it's subject to us actually doing that review. Anyone have any comments on this item?

Number ten, At-Large staff in conjunction with RALO representatives may from time to time provide guidance to the prospective ALSes as part of their ongoing outreach and engagement activities. This in fact I believe is a part of the current bylaws, if I recall correctly, and it's just restated here. I don't think it's controversial.

All right. In that case, we are five minutes before the hour and I don't think we have the time to reopen or to open a new section on suspension of an application. It's not a complex one, but there are some comments. So I think we'll defer that to next week.

Maureen, if you'd like to craft such a list for our discussion, you're welcome to. I can't see how we could have a definitive list of all reasons that we might not want an ALS, but if you can find one, I'm happy to discuss it. We have two hands up, so I guess we will not adjourn yet. Nadira.

NADIRA AL-ARAJ:

Thank you for giving me a chance. It's more like logic-wise that item five, I could see it more after 11 when you read the statement again, the

document again, you might find the reasoning of moving that paragraph to item 11. It follows more logically. Thank you.

ALAN GREENBERG: Which paragraph are we talking about?

NADIRA AL-ARAJ: Yeah, paragraph five, the one we discussed this. The comment is there, so you'll see it during [inaudible].

ALAN GREENBERG: Okay, you're suggesting we move five down to 11. I'll look at that and see if—

NADIRA AL-ARAJ: Yeah. [inaudible].

ALAN GREENBERG: Okay. Thank you. Judith, please.

JUDITH HELLERSTEIN: So my question is on the [inaudible] suspension. I know we're not doing it now, but by suspension, are we talking about before a group becomes an ALS when they're still an applicant, or are we talking about when you're an ALS and they're going to nonactive status?

ALAN GREENBERG: The section is entitled suspension of an application. So I think that's clear, we're talking about the application, not an ALS.

JUDITH HELLERSTEIN: Thank you.

ALAN GREENBERG: Peters, last point.

PASTOR PETERS OMORAGBON: Okay. Just to further support the position of Maureen and just following up on your comment that we cannot have an exhaustive list as to what could constitute exceptional circumstances. That is the reason why [inaudible] we work on whatever list we can develop now, and then let's assess applicants on that basis. If as we move along there are needs for us to improve upon the document, fine. But for us to leave it at the discretion of anybody without a general consensus as to what constitutes a list to warrant a rejection of application and then we just leave it as, we have a caveat that says yes, there could be exceptional circumstances, that is not known or that I as a member of ICANN or even this working group cannot even define, then creates room for suspicion.

So as a public and open organization, it is good we put out [inaudible] criteria they should meet. If they don't meet the criteria, then we can refuse or reject the application, than a vague position called exceptional circumstances that cannot be defined or explained. Thank you.

ALAN GREENBERG: Thank you. Your comment was already recorded. With that, the hour is up and I adjourn the meeting. We'll see you again next week.

JUDITH HELLERSTEIN: Bye all.

CLAUDIA RUIZ: Thank you all for joining the call. Please enjoy the rest of your day.

[END OF TRANSCRIPTION]