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YVETTE GUIGNEAUX:

Hello, everyone. Welcome to the NomCom Review Implementation Working Group, Meeting number 85 on August 26, 2021 at 19:00 UTC. Joining today's call from the working group, we have Tom, Arinola, Cheryl, Vanda, and Remmy. Joining today from the ICANN Organization, we have Kristy, Betsy, Larisa, Jia, Teresa Elia, and myself Yvette Guigneaux.

We'd like to remind you, today's call is being recorded. So please state your name prior to speaking for the transcript record and recording. And I'd also like to check if anyone has any updates to their SOI. No? Okay. I think we're good with that. I'll get the agenda on screen. And, Tom, I turn things over to you.

TOM BARRETT:

Thanks, Yvette. Everyone, thanks for joining today. We have a full agenda. So we will go over the implementation steps for the various recommendations, review some draft metrics for the three training recommendations, discuss the standing committee charter, and then, in any other business, we want to talk briefly about a meeting that's been scheduled for next week. And then, we should be done. So why don't we jump right into the implementation steps remaining. Are you going to handle this, Kristy?

KRISTY BUCKLEY:

Sure. Thanks, Tom. Hi, everyone. I'm just going to share my screen. If you recall, on the last RIWG meeting, we discussed a spreadsheet where we were going through the recommendations, remaining

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implementation steps and just wanting to put that all in one place so that we have a really clear understanding of what needs to happen in terms of the remaining months. So can you all see my screen here?

TOM BARRETT: Yes.

KRISTY BUCKLEY: Okay. So this is the same spreadsheet with some additional analysis and organization to it. And as you recall from the last meeting, this spreadsheet is part of a database that we can post publicly to the wiki so that everyone can see where the implementation steps are at and what's the current status of those. So I think it'll be good for overall reporting and transparency.

So we've got the recommendations here. What I did is I just have the RIWG status here and created a little menu of is the implementation complete? Are there steps remaining for the working group? Is the working group role complete but there are roles remaining for Standing Committee, ICANN Org roles, Board roles?

And I've categorized each of the remaining steps in this way. You'll see the approach and notes have a lot more detail in there is based upon conversations with Jia and Teresa from the NomCom support staff, just to make sure that we have a really solid handle on what's already in place and, based upon the recommendation and implementation steps that the working group has outlined, what additional work might be needed.

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So just to give you a sense of the overview, I'll scroll through here quickly. I've organized it so that all of the recs that require additional steps for the RIWG or an additional role here, I've put towards the top. And those are color-coded in yellow. And then, the rest are in orange. It's basically another entity besides the RIWG. So here, we've got the Standing Committee role remaining and Org role remaining. And then, in some places, it's the Board, which is basically just Board action in that case, and then a number of recommendations that are complete towards the end.

So this is the overall organization that we have on this. And maybe I'll just stop here to see if there are any questions or comments about how this is currently organized, any areas for improvement, and then I can go into a bit more detail on the RIWG role and steps remaining? Any questions or comments so far?

VANDA SCARTEZINI: No. Looks great, Kristy. I like it.

KRISTY BUCKLEY: Great. Thanks, Vanda.

CHERYL LANGDON-ORR: I'm going to give you a bloody brilliant from Australia. No. It's an excellent transparency tool. I'm very impressed. Thank you so much.

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KRISTY BUCKLEY:

Sure. Yeah. Happy to. And again, it's going to make the status report—the more detailed one—just super easy because we'll be able to pull this information and give OEC a really clear picture of exactly what steps are remaining, and whose responsibility those are.

And in going through it, it looks like there's not a whole lot of big-left items for the RIWG to work on. So you'll see here, recs two, three, and four are all related to training here. And on the last call, we agreed that ICANN Org would just draft some metrics for assessing the success of these trainings. So you'll see the implementation step for all three of these are the same—determine what metrics applied to determine success of the training program—whether that's evaluation, leadership, or member training.

So this is another area of work. And you can see here from my screen that these are drafted. So this is for discussion on the next agenda item but I just wanted to give you a sense of the fact that this is where the spreadsheet sits and we're plugging away at each of these items as we can.

There's one other area. So yeah. Rec 23, candidate pool data metrics. This is another area where we said staff would propose metrics for this—for the RIWG to discuss. I haven't yet had time to get to that but hopefully we can do that before the next call but that's another ... This is the main area where there's a bit of work and everything else is pending discussion or in progress with the Standing Committee charter. We know "unaffiliated" is pending legal feedback.

And I think what will be really helpful in this spreadsheet is that where we have the Standing Committee role remaining, in some of these,

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you'll see up here this is going to be switched. So once the remaining RIWG steps are complete, we're going to flip this to SC role remaining. You'll see there's a number of steps that the Standing Committee needs to take on.

My proposal for this group was to, once we've done that, we can aggregate all of the areas of work where we've said we think is for the Standing Committee to do and put that in one place. And then, we can cross reference that with the Standing Committee charter to make sure that what we're envisioning as Standing Committee roles, and responsibilities, and areas of ongoing work fits within what we've outlined in the charter.

We don't have to describe every detail or anything but we want to make sure that the parameters that we're setting in the charter align with the work that we're envisioning that the Standing Committee would do. Does that help in terms of the framing and making sure that we've right-sized the charter as well?

TOM BARRETT:

Yeah, Kristy. I think this is a great approach.

KRISTY BUCKLEY:

I can't see the chat here. Any questions or comments that are popping up in the chat?

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TOM BARRETT: I think you're getting support from Cheryl in the chat—vigorous support, as well as with Remmy and others. So I think this is a good approach. And Vanda.

KRISTY BUCKLEY: Well, with that, did you want to move to the next agenda item to talk about the metrics then or are there any other points that you want to raise on the spreadsheet?

TOM BARRETT: So, after we talk about metrics, are we coming back to this?

KRISTY BUCKLEY: We can. It just depends. I've got both of my screens so I can flip back and forth pretty easily if you like.

TOM BARRETT: Sure. Why don't we do the metrics. I did have a chance to review them when they were sent out about an hour ago. I thought they look good. So I think they're great the way they're phrased. Does anyone else have any thoughts or comments? I see Michael's comment.

CHERYL LANGDON-ORR: I was in a meeting so haven't had a look at them. I'm looking at them now because I was in a meeting for the last hour and a bit, unfortunately.

VANDA SCARTEZINI: Yeah. I could not take a look, also. Let's pay attention now.

KRISTY BUCKLEY: This is just to help provide a bit of context. These are not coming out of thin air. We worked with Teresa and Jia to understand what are the surveys that they're already using for these training programs, which are based upon ICANN Learn surveys as well. And then, based upon what they're already asking people, we have framed what the indicators of success would be. So here, we've got higher than 80% response rate.

I noted that Cheryl, I think on the last call or one of the previous calls suggested that we make it mandatory to complete the training. I think there's an open question about how to do that. So maybe that's a further discussion for the Standing Committee to figure out, if they do want to make that mandatory. And I don't know if 80% is the right threshold. In my experience as a researcher, getting above 50% response rate is usually considered pretty good.

VANDA SCARTEZINI: It's good. Yeah.

KRISTY BUCKLEY: So you may want to reconsider that. And then the current survey ...  
Sorry. Go ahead. Did someone want to jump in?

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CHERYL LANGDON-ORR: It's just me. The reason I said making it mandatory was to bump up the responses. So the concept is you do not complete the training unless you complete the survey. And that's a tool that is used in a lot of online learning facilities and I don't see why we shouldn't use it more in ICANN. It's very common that the last module, that you don't get your completion of what you've been trained for. That doesn't kick in until you've done the survey about the course. I'm all for forcing that hand.

VANDA SCARTEZINI: Yeah. I believe that just keeping, "You didn't finish, you didn't finish, you didn't finish," is the only way to get people to get rid of that finish. So I believe that it's—

TOM BARRETT: Thanks, Vanda.

VANDA SCARTEZINI: Yeah. This works. This works because it's so awful to see, "You didn't finish," each time you open, "You didn't finish." So it's something that to get rid of that, people will try to finish quickly.

TOM BARRETT: So I guess there's an implied assumption here that after training, there's always an evaluation survey that takes place. Perhaps we should make that an explicit bullet here, that every training must be followed by an evaluation survey.



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And then, I think Michael made the point that in addition to doing this survey after the training, then it should also occur after the selection process is completed. So certainly, we do have surveys. That's a good point, Michael. I do think we should take a survey at the end of the NomCom cycle. It might not be just about the training itself but about the entire NomCom process. But I agree there should be another survey at the end.

MICHAEL GRAHAM:

Yeah. The reason for that, obviously, is that right after training, you may feel that you've received the preparation necessary. But especially for those who are in their first term on NomCom, you really don't know if it's prepared you until after you've got through the process. So I think, at those two points, it would be interesting to take the survey and then be able to compare the results. But I also agree with you, Tom, that it ought to be broader than just the training. And I think it already is, the survey that we're giving afterwards.

VANDA SCARTEZINI:

Yeah. Michael. I agree with you.

CHERYL LANGDON-ORR:

I think this is also something we discussed, and I thought, agreed upon. That's where we were talking about the extant and other forms of when one does do a survey because it is important to have those separate datapoints. So this is just confirming, in my view—thanks for agreeing, Michael—that we have to have actionable data to make informed

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changes as we evolve a process. And we need to get these things locked in. So I think we're in a reasonable stance here. Thanks.

TOM BARRETT: Thanks, Cheryl and Michael. Vanda, did you want to say something?

VANDA SCARTEZINI: I just agreed with Michael that the survey is necessary.

TOM BARRETT: All right. Thanks, Vanda.

KRISTY BUCKLEY: If I can jump in to clarify, the suggestion is to have a survey, basically as part of the last module of the training, once the training is complete and post-participation on the NomCom, to make sure that the training actually served their role well once they've had a chance to reflect upon it.

TOM BARRETT: Kristy, I wonder if there's another recommendation that would cover the survey at the end of cycle, rather than these three recommendations.

KRISTY BUCKLEY: Oh. Do you want me to flip back to the—

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TOM BARRETT: I think there is. Somewhere else, I think we call for surveys at the end. I don't recall what recommendation would prompt it.

KRISTY BUCKLEY: Okay.

CHERYL LANGDON-ORR: And what's important about that ... And that's very much what Tracy was talking about last meeting, and I believe this is what Michael was making his point about, too. And that is until you've actually done the job, sometimes you can't identify several things. First of all, was the training you received fit for purpose or is there improvement within those areas of training that might be needed for next time. But also, are there shortfalls? It's an opportunity for a gap analysis as well.

KRISTY BUCKLEY: Okay.

TOM BARRETT: Thanks, Cheryl. if we want to cover our bases, Kristy, I guess I would add as a last bullet here that we also want to conduct a survey at the end of the NomCom cycle as a way to assess not only the training but the efficiency of the process itself.

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KRISTY BUCKLEY: Okay. And then, we think that this is related to another recommendation.

TOM BARRETT: Yeah. I feel like we've talked quite a bit about conducting surveys. I got to believe it happens somewhere else. But maybe it's just I in the Standing Committee charter or something.

TERESA ELIAS: Can I jump in here real quick?

TOM BARRETT: Sure.

TERESA ELIAS: Hi. Currently, what happens is ... And yes. We did have a discussion about surveys. And I do remember the last call, Tracy was talking about these items. One of the things that NomCom staff is working on for 2022 ... And Jia, please jump in here if at any time I'm missing any information. We are making sure that there is a survey, absolutely, for all candidates who were successful and not successful for feedback regarding the process.

We are taking note now of a survey for the end of the process to have the NomCom delegate, or the NomCom Committee in its entirety, complete at the end of the process so that's we're getting two different point of views of feedback—one from the delegates to see what tools they were lacking or where the process they see something, there's a

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kink or something could be improved or more efficient, and then from the point of view of the candidates to get feedback on how they felt the process worked for them as well. So these are two action items that NomCom staff will have on their list.

TOM BARRETT: Thanks, Teresa. Any other thoughts on metrics? All right. I think this looks good, Kristy.

KRISTY BUCKLEY: Okay. And if I can find cross-references to any other recommendations or implementation steps, I will add those but we don't need to waste everyone's time on this call doing that. Did we want to flip back to the spreadsheet for anything else?

TOM BARRETT: Yeah. Did you want to highlight some of the other outstanding items that you think the working group needs to address?

KRISTY BUCKLEY: Sure. Yeah. So rec 23 here, candidate pool data metrics. We talked about the staff ... There's a bit of disconnect, I think, perhaps, between the outstanding implementation steps, which is consulting with the wider ICANN community on what datapoints we want. Reach consensus within the RIWG on what data, if any, should be published going forward. I think it's a question, perhaps, to the working group about whether you want to do a broader consultation.

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One idea, just for efficiency purposes, is rather than going with a broader consultation starting with draft zero, we could draft something for the RIWG to consider and then that could go out for broader consultation and feedback. It's always helpful to give people something to react to, in my experience. So that's one area that we thought would be a good place to tee up for next steps for the RIWG.

TOM BARRETT: Yep. Thanks, Kristy. I think a draft would be great. I also would, again, transition many of these to the Standing Committee as well. Cheryl's supporting that in the chat, to draft something.

VANDA SCARTEZINI: Yeah.

TOM BARRETT: Yeah. The editorial comment is that it's very difficult to consult with the wider ICANN community and get any sort of meaningful participation or feedback. So I think it's something that probably the Standing Committee could do on an ongoing basis.

CHERYL LANGDON-ORR: Yeah, Tom. It waxes and wanes, to be honest. But it is a constant battle and not just for things like what we're involved in now. But you look at some of the appallingly-low response rates to vitally-important public comments, it is just a perennial issue. But it is what it is. You just have to keep trying. So I fully support the Standing Committee having a role in

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ongoing outreach and engagement at the level of their charter's work, clearly separated, church and state, from any Nom-Com activities in any given year.

VANDA SCARTEZINI: Yes.

TOM BARRETT: Thanks, Cheryl. Thanks, Vanda. Okay.

KRISTY BUCKLEY: Okay. So the action item here is that ICANN Org will take on the drafting of this. And I've made a note that the Standing Committee could weigh in on this on an ongoing basis.

TOM BARRETT: Yeah.

KRISTY BUCKLEY: Okay. So that was, I think, in terms of where it's really clear RIWG roles or steps are remaining. And then there's of course, the standing committee role remaining or ICANN Org role remaining further down. I think as we review these in greater detail, there may be small bits that we need to elevate to the RIWG so we can do so when those come up. And of course, we'll have an opportunity to summarize all of the Standing committee roles that we're outlining here and then just cross reference that against the charter.

TOM BARRETT: Okay. Great. Should we go to the next agenda item?

KRISTY BUCKLEY: Sure, unless there's any other questions or comments. I'll stop sharing, Yvette, if you want to show the slides again.

YVETTE GUIGNEAUX: I think this is the agenda item we're on because we've covered the implementation steps and we've covered the draft.

TOM BARRETT: Okay. Great.

YVETTE GUIGNEAUX: Unless I got that incorrect.

KRISTY BUCKLEY: And we're hoping that Sam will be able to join for this conversation. I think she is on another call until half past the hour so she may join us a little bit later. But on—I can't remember which call it was. It was the end of July—July 29th call. There was an action item that the RIWG would come back and discuss the decision-making process for the Standing Committee so that that could be drafted in the Standing Committee charter. So we haven't drafted anything yet beyond what was in the last



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version of it. But I wanted to just open it and see if, Tom, you wanted to kick off that conversation.

And then if it's helpful, I did a little bit of background research to just find out what other working groups use for decision-making processes across ICANN. And GNSO has a really strong example so that is something that I'm happy to share, if that would be helpful, to inform conversation. But happy to just hand it over to you to kick it off.

TOM BARRETT: Yeah. No. that would be very helpful to share those. So the current charter really is silent on this. Is that right?

VANDA SCARTEZINI: Yes.

KRISTY BUCKLEY: Yeah. It doesn't provide a lot of detail in terms of the decision-making process.

TOM BARRETT: Okay. So yeah. What are the different scenarios that you uncovered? Sorry. Is someone speaking?

CHERYL LANGDON-ORR: Yeah, Cheryl, with her hand up.

TOM BARRETT: Go ahead, Cheryl.

CHERYL LANGDON-ORR: Tom, I just wondered if, seeing as we'll be joined, hopefully around the half of the hour, did you want to just switch one of your shorter agenda items for this and start this shortly after the half hour? That's all.

TOM BARRETT: Sure. We can do that. Sure.

VANDA SCARTEZINI: Yeah. Good idea.

TOM BARRETT: All right. So we have five minutes to cover something else. Did we want to cover our—

CHERYL LANGDON-ORR: Well, you've got that meeting that you and I are curious about. Particularly, that could take that time.

TOM BARRETT: Yep. So I think, Teresa, you said you might want to talk about—was it Teresa?—talk about this call we have next week?

LARISA GURNICK:                   Actually, it's Larisa.

TOM BARRETT:                    Larisa. Sorry, Larisa.

LARISA GURNICK:                   No worries. It's all pretty confusing. We have so many similar names. In case anybody's wondering, we now have another Yvette that's part of the group. So just keep up with the names is not that easy.

CHERYL LANGDON-ORR:            Oh, wow.

LARISA GURNICK:                   Right. I'm just saying.

CHERYL LANGDON-ORR:            You're going to have start numbering them. That's all I can say.

VANDA SCARTEZINI:               Yeah.

LARISA GURNICK:                   So if that wasn't confusing, the subject matter of this conversation might be even a little bit more confusing. Tom, I think that there's two separate

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things that are going on. It sounds like you are part of some meeting that might be happening, where the members of the GNSO are interested in chatting with those folks from the NomCom Review Implementation Working Group that are of the GNSO. And I think you have the information on that. What I have the information on is maybe like a different variation of a similar them, which I'm happy to talk about after you do your thing.

TOM BARRETT:

Sure. Yeah. I received and invite this week from either Yvette or Chantelle for me to join all the chairs of the SO/ACs that belong to the GNSO to discussion recommendation 10. And it went to all of the members of this group who are from the GNSO. So I guess they first want to have a GNSO-only discussion about recommendation 10. And then later, they want to have a discussion with everyone else within the review working group. So we have that meeting sometime next week. I assume that was prompted by the OEG telling the GSNO chairs that there would be some outreach about these bylaw changes. Is that correct?

LARISA GURNICK:

Yeah. I think that's right, Tom. As you might remember, I think at the last meeting, I gave you guys all an update that the OEC thought it would be a good idea—well, the Board, through the OEC, thought it would be a good idea to bring this issue of rebalancing and possibly some other issues that might be coming out of—or topics that might be coming out of—the implementation work that have broad implications, where maybe it's not totally clear that there is complete alignment and

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agreement—to bring those kinds of issues for informal discussion to the leadership of ICANN SOs and ACs before it moves forward towards the Bylaws amendment process.

So that intent, or that idea, was mentioned at the last SO/AC Roundtable, which is an information call that Göran normally has with the leadership of the SOs and ACs. And Theresa Swinehart provided that quick update on his behalf. So that probably ... I suspect that that prompted people to focus on, “Oh yes. There is the NomCom Review Implementation Working Group. That work is progressing.” And yes. There was some recollection of the proposal and some interest in maybe getting up-to- speed.

So what I also know—because, then, not only is there the meeting of the chair reference but also, we understand from our colleagues that they’d like to see if this group would be open to have a conversation with the leadership of the GNSO stakeholder groups and constituencies. I think in part, it’s because some of the leadership maybe have rotated so not everybody is fully aware or has the full context. I think that might be a part of it.

But I think the other part of it definitely seemed to be just to have a dialog around solutions for the rebalancing and perhaps some concerns that different parts of the GNSO have and also for you to hear them, for them to hear you, so much as to really drive toward an acceptable outcome from this recommendation.

So that’s the part that I wanted to flag. And on the surface, based on our understanding, it seems like a good opportunity to have that sort of

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dialog seems to be only helpful, in addition to whatever the OEC will be working toward for the broader community and [inaudible] here.

TOM BARRETT: Thanks, Larisa. I assume we would repurpose some of the slides that we were presented previously for rec 10 as a way to reoriented some of the new chairs of the SOs and ACs.

LARISA GURNICK: I think that's right, Tom. I think something like that ... My first question is are you all open to doing this? Because, obviously, we didn't want to presume that that would be the case. But seems like it would be a good idea, assuming you are open. And absolutely, we would pick up the slide deck and repurpose it and also, like I said, work with our colleagues, Mary and Chantelle, to make sure that we're communicating with them and focusing the discussion appropriately for what the other folks might want to hear.

So it seems to be part, "Here's what the working group had done toward implementing the recommendation," and some of the things that you all considered as part of your process to help them understand that steps that you've gone through but then also for them to chime in and provide some questions, or concerns, or whatever they undoubtedly will want to discuss.

TOM BARRETT: Sure. Yeah. I think it's a great idea. I did have a discussion with the chair of the BC a few weeks ago and I heard some of the rumors that he had

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been hearing, which hopefully I dispelled. But I think it would be helpful to repeat how we arrived at our recommendation and implementation of it.

So the only concern I also had was the e-mail that went out to the members of the working group from the GNSO was worded as if we were GNSO representatives to the working group. And of course, that's not quite true. We're all self-appointed, self-selected. So none of us necessarily represent the SO or AC that we belong to, just as if you're serving on the NomCom, you don't represent the interest of your SO/AC when you're on the NomCom. I assume the same would be true of anyone serving on this working group as well.

So I believe everyone here understands that. I don't know if the group we're meeting with understands that but we can certainly clarify that during our call. Let me catch up on the chat.

VANDA SCARTEZINI:

I believe everybody understands that. And while during some time, we had a few members participating. But anyway, all the others from the GNSO constituencies are quite interested in a report to them what is going on in these meetings. So I believe that they understand that they do not represent but they, in some way, need to report back what is going on and what is the progress in each cross-constituency working group that you sit—indicate for one or another group.

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TOM BARRETT: All right. Thanks, Vanda. So anything else on this topic? Larisa, so that's the second meeting you were referring to.

LARISA GURNICK: Just an action. It sounds like we'll take an action, which is to work with policy support folks to see when would be a good time to have this conversation. And just for efficiency's sake, we think that if they could come and join one of your scheduled meetings, that seems to be the easiest. So I would suggest that be our first proposal, if that works for you. And then, we'll go from there and figure out what might work.

TOM BARRETT: Sure. And the other action item is to just dust off some slides that we could have ready to just give them an overview of rec 10.

LARISA GURNICK: Makes sense, too. Absolutely.

TOM BARRETT: Thanks, Larisa. So you're suggesting, then, to bypass this interim meeting, just internal to GNSO folks, and try to just have them attend one of our calls of the working group?

LARISA GURNICK: No. Actually, I wasn't suggesting that. I was just saying—because I'm not even. We're not looped into that meeting so I can't speak to that. But it seems like maybe engage in that because that's just the



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GNSO-connected members and then do the other. By the way, the work is still underway to also have an opportunity for the Board, through the OEC, to have that informal conversation with not just the GNSO but leadership of all the different SOs and ACs, kind of as a broader discussion.

So it all seems to be stacking up logically to make sure that everybody understands and has an opportunity to hear what the proposal is and flush out whatever different inputs might be to inform the Board when it's the right time for them to consider this.

TOM BARRETT: All right. Great. Thank you. All right. Should we move on? I believe Sam has joined us.

SAM EISNER: I am here. Hello, everyone.

TOM BARRETT: Hi. How are you?

VANDA SCARTEZINI: Hi, Sam.

SAM EISNER: Wow. How is everyone doing?

TOM BARRETT: Good. The summer has flown by.

CHERYL LANGDON-ORR: What can we say? What's this summer business, Tom? The world's round.

TOM BARRETT: It's a crazy time. All right. So I'm going to hand it over to you, Sam. You're going to talk about the Standing Committee?

KRISTY BUCKLEY: This is Kristy. I'm happy to jump in, just to orient you. And then, Sam can ... Is that okay, Sam, or did you want to kick us off.

SAM EISNER: No. I'm actually very happy to have you kick off because I have to admit, I did not prep for this session today. I wasn't necessarily aware I was coming until a few minutes ago. So sorry about that.

KRISTY BUCKLEY: No. No problem. And thanks for joining us, I know you're quite busy. So I did some research on what other groups are using for decision-making processes in other working groups. And I can just share my screen here. Oh, Yvette, is it okay if I stop you from screen sharing?

YVETTE GUIGNEAUX:            Yeah. There you go.

KRISTY BUCKLEY:            Okay. Thanks. And can everyone see this.

TOM BARRETT:                Yep.

KRISTY BUCKLEY:            Okay. So this is the GNSO Operating Rules and procedures. And they have a standard methodology. I'm sure many of you are familiar with this. But I did look at the ccNSO working groups and while their working group guidelines do call for clear decision-making processes, looking through their various working group charters, I couldn't actually find much in the way of clear procedure outline for how they make decisions in many of those.

So this, to me, was the clearest example that I could find. And it's quite detailed in terms of just defining what is full consensus? What is consensus, divergence, minority view, and so on. And I'm sure many of you are very aware of these, having been in the ICANN world for a long time. And then, it talks about the process for discovering the level on consensus and so on.

So this is just a starting point example to help inform discussion. But of course, if RIWG members have different ideas for what to put in the Standing Committee Charter or how you want to approach

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decision-making, that's fine as well. I just wanted to give you a bit of food for thought.

TOM BARRETT: Thanks, Kristy. Just to remind everybody, we're talking about maximum of ... What is it, five people now? Or did we arrive at a different number?

KRISTY BUCKLEY: I don't have it in front of me but I think it's four people with a Board representative, if I recall correctly.

TOM BARRETT: Right. Thanks. Cheryl?

CHERYL LANGDON-ORR: Thanks, Tom. I think Sam's hand was up first but hopefully she won't mind me jumping the queue. I love this document. I work with this document. I was part of developing this document. So I'm a fan of this document but I think this document is way too heavyweight for other than a few carefully-selected guidelines to be removed from it for our use. The number that we're talking about, if three or four people can't come to an agreement, then they should be making any sort of decision or they should be different people.

But if one does look at this as a reason for the specificity of the standard methodologies used for making decisions because of the consequences of this sort of decision coming out of the GNSO, a consensus decision

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from a policy development process has all sorts of ramifications, including on Contracted Parties. So this is all very serious business, it's very good business, and I support it

I note however that even other, as parts of ICANN—not the GAC, I admit but certainly the At-Large Advisory Committee and At-Large—have tried to echo at least this terminology, inasmuch as possible, in what they do their rules and procedures. So I see this—and thanks for doing it, Kristy—as an opportunity to pick a few lightweight aspects for decision-making in our itsy-bitsy, teensy-weensy, tiny group. Thank you.

TOM BARRETT:

Thanks, Cheryl. Sam?

SAM EISNER:

Thanks. And Cheryl, I agree with that. We don't necessarily need to over-engineer things. Looking back, one of the things that I know, in my review of the Standing Committee charter as it exists today—the draft—one of the things that I was reacting to is there seem to be a couple of issues, I think. And none of them are fatal. I think it's just a matter of working through it and seeing where you'd like to see the group go.

So one of the instances was there was a focus on would they be taking ...? Are they allowed to take decisions outside of meetings and how would they do things in meetings versus outside? So I think, in some ways ... And I have to immerse myself back in the charter but I think it's important to recognize. Are we looking at the Standing Committee itself as a decisional body of some sort? What are the types of decisions that

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it's making? Do we need to be, in some ways, overly-formulaic about how it might or might not act or the means through which it might not act?

However we come down ... And I see the note in here about transparency and I agree. Transparency is essential. How do we want those things recorded and where do we want their powers to be? And across the ICANN system, we do have concerns about voting or not. And I take your point, Cheryl, that if we can't get three or four people to agree on a decision, particularly out of five, then we have some concerns about whether that's an appropriate decision to be taken. So without having to get to a lot of specificity, it's okay to put in whether or not we would expect this group to act by unanimity or if having a majority or four out of five people agreeing.

I think we have the ability ... In a charter that's about how five people are expected to coordinate together, we have the ability to not over-engineer the process while still stating the expectations about transparency in those.

So I think we have a couple key things. If they're going to be taking decisions, what are the types of decisions that we're taking so we understand the scope of actions that they're doing. And then, once we understand the scope of actions that we think that they'll be taking, do we want those to all happen in a meeting? Or if it's not a meeting, would we expect that to happen on a publicly-available listserv, through e-mail, and just get through some of those things?

And then, do we think that the threshold is, if they have a key thing that they have to take a decision, are you okay with three-out-of-five or do

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you want it to be four-out-of-five. I'd recommend not requiring unanimity because that allows one person to always hold up everything. So I'd recommend going something under unanimity. And then, other than that, it's really just about trying to make this group efficient without over-engineering a process.

TOM BARRETT:

Thanks, Sam. I'll put myself in the queue. I think that this sort of methodology is definitely too heavy for what the Standing Committee does. In a way, they're a continuous improvement committee. They are looking at the processes—the business processes that occur during the NomCom cycle—and looking for ways to make it more efficient and more productive.

So the decision, if there is one, is to say, "Hey. Why don't we go back to the appointing bodies and suggest that the people tweak their process a certain way—see if we can't get them to buy into that kind of change. Or they go back to staff and say, "Hey. What if we switch the order of these two things this year?" So it's this continuous improvement process, where it has to go get the buy-in from the people who are actually doing that process. So if they don't get the buy-in, it really doesn't matter if they had full consensus or not, if they can't get people to change a process that they're using.

Yeah. So I see Cheryl's making a point in the chat, "They're unlikely to be critical but they still need accountability and transparency built in." I agree. There needs to be a transparent process for their deliberations of, "Okay. Here's what we're looking to improve in terms of processes." There's transparency of all those meetings. There's transcripts. There's

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recommendations about any changes. And then, of course, they have to go somewhere else to get it implemented in order to actually make it happen. Any other thoughts or comments? Is that a new hand, Cheryl?

CHERYL LANGDON-ORR:

Thanks. It's me again. Thanks, Tom. So let me share with you and apparently lightweight but very effective methodology that was applied to a highly-divergent and often—especially at time we were actually created—inflammatory group in ICANN. That is the Asia-Pacific regional At-Large Organization, which was 15-plus years ago—17 years ago, now—a time when representatives of various countries were sitting around a table, putting a charter together to create this beast.

We had to look at decision-making processes. And we're talking about countries that didn't even politically recognize each other and, in several cases, recognized each other because they were in active theaters of war with each other. So really, just getting consensus could be interesting.

So, in fact, APRALO don't vote anything unless they have no other choice but to vote. So there is rarely, if ever, including for elections, which is carefully called "selections ...". Election is a method of selection of leadership. So consensus is the desired trigger for a decision. It doesn't have to be unanimous consensus but it does have to be consensus.

So you can even use these well-known and understood GNSO guideline terminologies here and have what is apparently lightweight but is, in fact, a very finely, very sophisticatedly-balanced mechanism because it means we keep talking things through until the majority of you agree.



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And that really is a bottom-up process, which I am wholeheartedly behind.

I just wanted to put that in there to say what Sam is suggesting. I agree. I think a unanimous consensus, whilst desirable, should not be the benchmark—or it should not be the requirement. But consensus—and with five people, four-out-of-five or three plus, simple majority is an easier thing to do than with 25. Thanks.

TOM BARRETT:

Thanks, Cheryl. Yeah. I would echo that, that we just say majority rules with the additional condition that there needs to be a quorum. We need to decide what the quorum is. I assume it would be a majority of the group. Sam?

SAM EISNER:

Tom, thanks. I think particularly when you're dealing with a group that that's small, if quorum can be a simple majority of the group, which is a normal process for quorum, there still likely needs to be a break point as to whether or not a majority of those in attendance are sufficient for taking an action, which, in that case, could be less than a majority. If you only have three people in attendance, two people need to approve. If you only have five people, that's two out of five who approve of an action.

Or it's something like that—something like what we see in other groups around ICANN, which is if you don't have a certain number of people in attendance, while you have quorum to have the meeting, you wouldn't actually call the ... You might move to a vote, online, to confirm so that

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you had a certain quorum of people voting as opposed to a certain quorum of people at a meeting.

CHERYL LANGDON-ORR: Can I just jump in there?

TOM BARRETT: Yeah. Go ahead.

CHERYL LANGDON-ORR: Sorry Tom. Just to support that that's actually in the At-Large Advisory Committee Rules of Procedure, where we only have 15 people in that ALAC. And there, while there's a meeting quorum and decisions will be put to meetings. But on, in this case, certain critical decisions—not just when will we meet next but a resolution—those ALAC members not in attendance are reached out to, to seek their opinion.

And if it was something that was important enough to be voted on in the case of the ALAC, but I would suggest polled in the case of the Standing Committee, then it's only to e-mails to send and get responses from or an actual poll. You send it to them and they have 72 hours to respond. Short of being on death's door or in a coma, in which case they would have been an apology and retired from that role, at least temporarily, that should work with something like a 72-hour. But nothing ... Oh. My connection's unstable. Sorry. Nothing should be that time-critical in this Standing Committee's work. It's not time-critical stuff. Thanks.

TOM BARRETT: Thanks, Cheryl. So I think we've just articulated the two main principles, which are decisions are made by the majority of the members of the Standing Committee—so if there are four members, you need to have three or more supporting it. And independent from that, you really should not be making decisions unless you have a quorum, which is also a majority. So again, if only four people show up, then the quorum is three and three people have to support any decision. Do we need anything more complicated than that? Vanda?

VANDA SCARTEZINI: My I jump? Yeah.

TOM BARRETT: Yeah.

VANDA SCARTEZINI: Just a question for everyone. Maybe, I don't know, for transparency, considering that we are talking about the NomCom stuff, if there is need sometimes to have a registered vote for be public—to become public for some point in the way, I can not anticipate any kind of thing. But maybe, in the reference, we need to have the opportunity to have a vote registered in public—something like that. I don't know. Just to think about.

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TOM BARRETT: Yeah. No. I agree, Vanda. There's no reason why a vote can't be taken of four or five people on everything and record that. Sure. All right. So as Cheryl said, let's go ahead and draft up those basic principles. You can still include some of these other things that are listed here, if people want to articulate a minority view, for example—if their position didn't win the vote, etc. All right. Great.

CHERYL LANGDON-ORR: Tom?

TOM BARRETT: Go ahead, Cheryl.

CHERYL LANGDON-ORR: Just on that, I really would like us to always remember that we do ... It is perfectly reasonable, providing we're still running a democracy, to fall back on Robert's Rules of Procedure as a backdrop when even things like UN Rules of Procedure don't have a particular issue. It always drops back to, "And then, there is Robert's."

That's something that we see in a lot of ICANN groups. They're doing it without realizing, probably, what they're doing. But it's a voice vote, for example. It's a, "Who agrees? Who wants to abstain? Who wants to object?" And it's listed and it's minuted. So I think we're in strong position to be able to write something reasonable. But don't go outside of the general guidelines of good old Robert's.

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TOM BARRETT: Thanks, Cheryl. So what's the next major part of the Standing Committee charter that we should tackle or get feedback on? Kristy or Sam, do you have thoughts?

KRISTY BUCKLEY: My hand was raised, just before we adjourn, to go through the action items and decisions. But I believe that this was the last remaining section of the Standing Committee that needed some revisions and redrafting. So I'm happy to take a stab at that. I took notes on this conversation so I think I've got a good basis to go on. And then, I can work with Sam on making sure that she's comfortable with that as drafted. And then I think the next step would be to share the near-final draft with the RIWG to look it all over. But Sam, is there anything else that you feel like is outstanding or you wanted to flag there?

SAM EISNER: Not off the top of my head, Kristy. Thanks.

TOM BARRETT: Thanks, guys. And Sam, I think the other action item that you were going to get back to us on was the definition of unaffiliated directors, which is another recommendation.

SAM EISNER: Yes. And I'm working with some members of my team on that to make sure we have some good governance and advice for you guys.

TOM BARRETT: Excellent. All right. Should we talk about next meetings real quick and then we'll wrap this up? So we have two in September, two in October, etc. Anything else you want to talk about next meetings, Kristy?

KRISTY BUCKLEY: I think we're good for next meetings. Is it okay, Tom, if I just run through the action items and the—

TOM BARRETT: Yes, please.

KRISTY BUCKLEY: So we looked at the spreadsheet. That all looks good. No changes there. We agreed on the proposed evaluation metrics with the modifications that I made in real time. If there's other cross-referencing other recommendations, I will add that in. We've got ICANN Org to draft the candidate pool metrics for RIWG consideration on the next call.

And then, we're going to develop a summary of the Standing Committee action and roles from the implementation steps spreadsheet to cross-reference with the final draft Standing Committee charter. I will work with ICANN Org to make sure that we can draft the charter decision-making process based upon the notes from this call. And we can present that next week.

And then, we did agree, during the AOB session, to work with the policy staff to see if we can invite them to a future RIWG meeting. And ICANN

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Org would revise the rec 10 proposal slides to help orient GNSO for that meeting, in preparation. Did I miss anything?

TOM BARRETT: No. Sounds great. Thanks, Kristy.

KRISTY BUCKLEY: Okay.

TOM BARRETT: Any other final comments?

VANDA SCARTEZINI: No.

TOM BARRETT: Thanks, everybody. See you in a few weeks.

VANDA SCARTEZINI: Okay.

LARISA GURNICK: Thank you all.

CHERYL LANGDON-ORR: Bye for now.

KRISTY BUCKLEY:                   Bye.

VANDA SCARTEZINI:               Bye. Thank you for the—

TOM BARRETT:                    Thanks, Kristy. Thanks, Yvette. Bye. Thanks, Teresa.

VANDA SCARTEZINI:               Thank you for the work. Thank you. Bye-bye.

**[END OF TRANSCRIPT]**