Draft Rules of Engagement

Version 01

March 2020

ccNSO PDP3 Review Mechanism Working Group

1 Calls / Meetings

1. Meeting formats
    1.1. Meetings would usually be held telephonically ("call").
    1.2. The Working Group will seek to hold at least one face-to-face meeting ("F2F meeting") at every regularly scheduled ICANN.
    1.3. During F2F meetings and calls the Zoom tool shall be used.
2. Timing of calls and meetings
    2.1. Calls and F2F meetings will start on time, please arrive/dial in promptly.
    2.2. Calls and F2F meetings will finish on time.
    2.3. At least one week notice will be given if the scheduled duration is to be extended.
    2.4. A proposed extension will not occur if more than one member objects.
3. If calls are cancelled they will automatically shift to the next planned call (ie 2 weeks after the cancelled call).
    3.1. The time of the subsequent call will remain the one of the next planned call, not that of the cancelled call.
    3.2. A decision to cancel is at the Chair's discretion in consultation with the Vice-Chair and the Issue Manager.
    3.3. Chairs will take care not to cancel calls at the same times repeatedly in order to preserve rotation.
4. Readings

    4.1 As stated in the Charter, no firm decisions are taken during any single meeting ("first reading") without the substance of those decisions having been discussed and open for review / consideration by those that may not have been present during the meeting at a subsequent meeting ("second reading").

    4.2 For the purposes of taking firm decisions ("reading") as per the Charter's Working Methods two F2F meeting sessions during one single (ICANN) Meeting shall count as one reading only, unless otherwise agreed before the meeting by the WG membership

    4.3 If a F2F meeting is scheduled, members who are not otherwise attending the ICANN meeting must be given the ability to participate remotely, otherwise the F2F will be

classed as informal-only and will not have decisional status (that is, it will not count as a reading)

2 Rules of Order

5. The chair of a meeting or call ("Meeting Chair") shall pay particular attention to callers participating via the Bridge while not having access to Zoom.
6. Members and participants with access to the presentation tool (at date of approval this is Zoom) should make use of its "Raised Hand" feature and can normally expect that its order would be adhered to.

   The Meeting Chair will exercise discretion in this regard.

7. Each member or participant may normally make an unlimited number of interventions of unlimited duration. However, should the Chair in consultation with the Vice-Chair and Issue Manager decide that there are persistent problems one of the following approaches may be adopted as the situation demands:

   7.1. One intervention only, of unlimited duration may be made by each member or participant per topic; or
   7.2. Unlimited number of interventions may be made by each member or participant but the time of each intervention may be limited; or
   7.3. Limited number of interventions per topic may be made by each member or participant with limited time per intervention.

   This can only be done in advance, but not during a meeting or call.

8. The agenda should only advance to the next item after the current item has been fully explored, which is to be decided at the discretion of the Meeting Chair).

9. The agenda item under discussion should be strictly adhered to. *"Reopening"* of previous items should be avoided. The Meeting Chair will exercise discretion in this regard.

3 Consensus

10. The goal of the WG is to make decisions by full consensus where possible. However, if not feasible the approach taken is to achieve strong consensus by the members and participants[1].

4 Amending of Rules of Engagement / relation with Charter

11. These Rules Of Engagement are deemed to be the working methods that will guide how the WG intends to conduct its business as referenced in section 3.1 of the WGs Charter

[1] During deliberations in other ccNSO related WGs, for example the FoI WG and ccPDP3 Retirement WG, it emerged that only absolutely irreconcilable positions would have resulted in objections (and minority statements). This did not happen, however.

12. The Working Group may amend these rules. Changes will become effective on the first call/meeting after the second reading.

13. For purposes of this document the Chair interprets section 5.1 of the Charter to include these rules of engagement.

14. In case of conflict of these rules and the Charter, the Charter is paramount

Extracts From the Charter

https://ccnso.icann.org/sites/default/files/field-attached/charter-wg-review-mechanism-cctlds-15mar17-en.pdf

[...]

2.2 Chair and Vice-Chair

At the nomination of the members of the WG, the Chair and vice-chair of the WG will be appointed by the ccNSO Council. The Chair and Vice-Chair should be members of the Working Group.

The Chair together with the Vice-Chair, will manage the ongoing activities of the WG and ensure an appropriate working environment by:

- Promptly sharing relevant information with the entire WG.
- Planning the work of the WG to meet the WG goals and leading the WG through its discussions.
- Regularly assessing and reporting on the progress of the WG to the Council and broader community.
- Keeping track of WG participation. Where a WG member does not regularly participate, the Chair will reach out to the member to engage that person in the WG. If, after a conversation that member does not regularly participate, the Chair will advise the Council, so that further steps can be taken to resolve the situation.

The Chair is the representative of the WG. If the Chair of a WG is not a member of the ccNSO Council, the ccNSO Council will appoint a ccNSO Council liaison, to act as an intermediary between the WG and the ccNSO Council or invite the chair to Council meetings to regularly inform the Council on progress made, take questions and participate in any deliberations related to the WG.

The Chair and Vice-Chair will regularly inform the broader community on progress of the WG and seek (informal) feed-back from the community.

3 Operations of the WG

3.1 Working Methods

The first work item of the WG is to develop and agree on its working methods that will guide how the WG intends to conduct its business. These working methods will be made publicly available and be guided by the following principles:

- The meetings will rotate from a timing perspective to share the burden as the membership is distributed over different time zones.
- No firm decisions are taken during any single meeting without the substance of those decisions having been discussed and open for review / consideration by those that may not have been present during the meeting.
- Efforts should be made to ensure that non-native English speakers can participate on an equal basis in the discussions
- The WG will consider public comments and other input as appropriate, and at its reasonable discretion.
- The Secretariat will set up conference calls, maintaining mailing lists, etc. at the direction of the chair and vice-chair of the WG. At the request of the chair the Secretariat or other ICANN staff will also provide other forms of assistance, for example providing advice or an expert opinion.

3.2 Internal Decision making

In developing its output – guideline for operations, working method, work plan and any reports or papers - the WG shall seek to act by consensus. The Chair may make a call for consensus. In making such a call, the chair should always make reasonable efforts to involve at a minimum all members of the WG. The chair shall be responsible for designating each position as having one of the following designations:

- Full Consensus - a position where no minority disagrees; identified by an absence of objection
- Consensus – a position where a small minority disagrees, but most agree

In the absence of Full Consensus, the Chair should allow for the submission of minority viewpoint(s) and these, along with the consensus view, shall be included in the report, paper or other relevant deliverable.

In rare cases, the Chair may decide to use of a poll to assess the level of support for a recommendation. However, care should be taken in using polls: they should not become votes, as there are often disagreements about the meanings of the poll questions or of the poll results. Such a poll shall be limited to the members, unless the chair decides otherwise.

Any person on the WG who disagrees with the consensus-level designated by the Chair, or believes that her/his contributions have systematically been ignored or discounted, should first discuss the circumstances with the Chair. If the matter cannot be resolved satisfactorily, the person should discuss the situation with the Chair of the ccNSO or a person designated by the Chair of the ccNSO.

If no consensus can be reached by the WG, the Chair of the WG will submit a Chair's Report to the ccNSO Council and Issue Manager. In this report the Chair shall document the issues that are considered contentious, the process that was followed to try to reach a consensus position and suggestions to mitigate those issues, if any. If, after implementation of the mitigating measures, consensus still cannot be reached, the Chair shall prepare a Final Chair's Report documenting the processes that was followed to reach consensus and this Final Chair's Report will be deemed to replace the Final Paper. In this case, the ccNSO Council, advised by the Issue Manager, may decide to close the WG, or take mitigating measures, for example changing the charter and reconstitute a WG based on the new charter.

3.3 Standards of Behaviour

The persons on the WG are expected to behave in a mature and professional way when conducting its business. This includes, but is not limited to communicating with the fellow membership professionally and ensuring that the WG remains inclusive and productive. To resolve incidents of non-professional communication the following steps should be followed:

- Any concerns regarding the behaviour of one of the members, participants, observers or experts should first be raised with that person.

- If the issue is not satisfactorily resolved, a formal complaint may be raised with the Chair of the WG, who will attempt to mediate.

- If that is not possible, or if the complaint is sufficiently serious in nature, the Chair of the WG is empowered to restrict the participation of the person if in the chairs view the continued participation would not be appropriate and/or would seriously disrupt the working group from conducting its business.

- Generally, a person should first be warned privately, and then warned publicly before such the restriction is put into effect; only in extreme circumstances to be determined by the chair and vice-chair together, this restriction may be put in effect immediately.

If a WG Member disagrees with an imposed restriction, or the complainant disagrees with a restriction (or the lack of one), or there are other matters regarding the complaint that cannot be resolved satisfactorily, the participant, complainant, or the Chair of the WG may raise the issue with the Chair and Vice-Chairs of the ccNSO Council or their designate(s). They will review the matter and then decide. The ccNSO Council, WG Chair, WG person and complainant shall be informed accordingly.

[...]