



# AT-LARGE ADVISORY COMMITTEE

# EN

AL.ALAC/MT.33/01/01

ORIGINAL: English

DATE: 28th September 2008

STATUS: DRAFT

## PROPOSED REVISIONS TO ALAC RULES OF PROCEDURE

### RULE 21 - MINIMUM PARTICIPATION REQUIREMENTS

#### *Introductory Note by the Staff*

The following proposals were drawn up by the Staff of ICANN at the direction of the Chair of the ALAC as a discussion draft for the Cairo ALAC Meeting. The Chair made this request as there was felt to be a widespread believe that the current Minimum Participation Requirements were not providing enough information about the performance of those the Rule is intended to measure, nor does it provide a sufficiently granular and community-driven mechanism for remedying performance issues.

This draft has deliberately incorporated all accountability-related suggestions that have been posited in order to be as inclusive as possible. It is intended to be a starting point for the discussions on modification of this Rule.

These proposals seek to modify one Rule of the ALAC Rules of Procedure, document ALAC/2007/1/1.Rev10. The entire text may is available in English, French and Spanish at: [https://st.icann.org/alac/index.cgi?rules\\_of\\_procedure](https://st.icann.org/alac/index.cgi?rules_of_procedure).

[End of Introduction]

## Table of Contents

<b>Current Text of Rule 21 .....</b>	<b>3</b>
<b>Proposed Amended Rule 21: .....</b>	<b>5</b>
<b>21.2 – Qualitative Obligations of ALAC Members .....</b>	<b>5</b>
<b>21.3 – Quantitative Requirements of ALAC Members.....</b>	<b>8</b>
<b>21.4 – Obligations for ALAC Liaisons .....</b>	<b>9</b>

## Current Text of Rule 21

### Rule 21 - Minimum Participation Requirements

21.1 Delegates are expected to actively participate in all aspects of the Committee's work. This includes some qualitative commitments and quantitative requirements.

21.2 The qualitative commitments are:

21.3 Reading and commenting in the ALAC online forums;

21.4 Following the ALS certification process and, if members, voting in accreditation votes;

21.5 Participating in ALAC conference calls;

21.6 Attending physical ALAC meetings (and/or, for liaisons, meetings of the bodies to which the person is liaison) at ICANN meetings;

21.7 Providing feedback on any ICANN vs. At-Large CommunityAt-Large CommunityAt-Large Community matters/issues whenever asked to/needed;

21.8 Serving as a liaison to the public.

21.9 The quantitative requirements are:

- If members, casting a vote (including abstention) in at least 3/4 of ALS accreditation votes; AND
- Participating in at least 2/3 of the ALAC conference calls in any 6 month period; AND
- Attending at least one physical ICANN meeting in any 9 month period; AND
- Completing at least one feedback survey on At-Large CommunityAt-Large CommunityAt-Large Community issues/matters in any 6 months period.

**The participation requirements set forth in this section shall be considered met if and only if the quantitative requirements stated in Rule 21.3 are met.**

21.10 For ordinary ALAC members, in case of failure to meet the requirements, the Chair will privately encourage the member to resign. If this does not happen by 14 (fourteen) days from that communication, the Chair will

formally notify the entity responsible for appointing the member, and a message MAY be copied to the public ALAC list, and ask that the appointment is immediately reconsidered.

|

### **Proposed Amended Rule 21:**

- 21.1 Representing the worldwide community of individual Internet users is a solemn responsibility. Whilst all who do so are volunteers, nevertheless, leadership positions require commitment and those who choose to participate in leadership positions have an obligation to those they represent and Delegates are expected to actively participate in all aspects of the Committee's work. This includes ~~some~~both qualitative ~~commitments~~ and quantitative ~~requirements~~obligations.

### **21.2 – Qualitative Obligations of ALAC Members**

- 21.2 The qualitative ~~commitments~~obligations of ALAC Members are:

21.2.1 Reading and commenting in the ALAC online forums, either on the mailing lists themselves which are international and not RALO or working group related, or on the forums at atlarge.icann.org which are connected to them. This includes regular (meaning at least a few posts each month on various subjects) presentation of views on an issue or issues, proposing suggestions to community members, or responding to questions asked of community members;

21.2.2 ~~Following~~Participating in the ALS certification process through, *inter alia*, actively participating in their RALO's vetting of each application and, if members, voting in all accreditation votes on accreditation of ALSes;

21.2.3 Participating in ALAC conference calls. "Participation" means that a Member is:

- a. Connected to the call and present at the roll-call of members when the call begins. Whilst it is understood that Members are volunteers and there are unavoidable events which may detain a Member from time to time, when a call starts late it affects the participation and effectiveness of all the Members who are available at the call start time;
- b. Present throughout the call until the meeting is adjourned by the Chair.
- c. Actively participating in the meeting and not, for example, working on other things or holding side conversations whilst the meeting is in progress.

~~21.2.4~~ ~~21.6~~ ~~Attending~~ ~~Participating in~~ physical ALAC meetings (and/or, for liaisons, meetings of the bodies to which the person is liaison) at ICANN meetings, including both all At-Large community meetings and other meetings or workshops which are identified as important to the community and where the ALAC has decided that workshop attendance are important. “Participating” means that a Member is:

- a. Present at the roll-call of members when the meeting is scheduled to begin. Whilst it is understood that Members are volunteers and there are unavoidable events which may detain a Member from time to time, when a meeting starts late it affects the participation and effectiveness of all those participating in it;
- b. Present throughout the meeting until it is adjourned by its Chair.
- c. Actively participating in the meeting and not, for example, working on other things or holding side conversations whilst the meeting is in progress;

~~21.2.5~~ ~~21.7~~ ~~Providing feedback on any ICANN vs. At-Large CommunityAt Large~~ ~~CommunityAt Large~~ ~~Community matters/issues whenever asked to/needed~~ Actively participating in the policy advice development process in the community through, *inter alia*:

- a. Acting as the chair of a policy working group or ALAC lead on a policy issue area under discussion in the community. In this role, each ALAC member should:
  - i. Work to ensure there is broad regional participation in policy advice development, or the working group in question;
  - ii. Ensure that the effort meets telephonically as needed, in combination with others active in the issue, and if any briefings are held telephonically to help increase understanding of the issue, participate actively in them;
  - iii. Ensure that draft statements or other relevant responses to other organs of the community are drafted in good time to allow the rest of the community to have sufficient time to review the draft

prior to the other steps required before the statement is transmitted on behalf of the community

iv. Respond to and listen to other members of the community on the issue in question to help ensure a productive and informed community dialogue is maintained;

b. Participate actively in at least one internal ALAC working group that is focused on administrative matters to help ensure the effective operation of the committee as a whole;

21.2.6 Participating in the telephonic and face-to-face meetings of the Regional At-Large Organisation that represents the region of which their country of nationality or residence is a part, regardless of whether they were appointed by the Nominating Committee or elected by that RALO. “Participating” means that the Member is:

a. Present at the roll-call of members when the call or meeting begins. Whilst it is understood that Members are volunteers and there are unavoidable events which may detain a Member from time to time, when a call or meeting starts late it affects the participation and effectiveness of all the Members who are available at the call start time;

b. Present throughout the call or meeting until the meeting is adjourned by it’s Chair.

c. Actively participating in the meeting and not, for example, working on other things or holding side conversations whilst the meeting is in progress.

21.2.7 Participating in voting on matters outside of ALS applications, as they may be necessary from time to time;

21.2.8 ~~21.8~~—Serving as a liaison to the public through, *inter alia*:

a. Ensuring that all substantive debates taking place in the At-Large Advisory Committee are communicated to their RALO, either personally or through the Secretariat;

b. Requesting RALO input on policy advice during development, introducing topical issues to the RALO and drawing their attention to elements of those issues which are likely to be of the greatest relevance to their RALO;

c. Ensuring that the Member has a reasonable understanding of the topical issues being debated through reading

background materials made available and attending telephonic briefings on policy matters when they are available either at the time, or through reviewing recordings of the same if that is more convenient.

## **21.3 – Quantitative Requirements of ALAC Members**

21.3. The quantitative requirements for Members of the ALAC are:

21.3.1 ~~If members~~Members of the ALAC shall ensure that they, casting a vote ~~(including abstention)~~ in at least 3/4 (75%) of all ALS accreditation votes, calculated on a rolling six month basis. For purposes of compliance with this obligation, the casting of an abstention shall count as having cast a vote; AND

21.3.2 Participating as provided in Rule 21.2.3 in at least 2/3 (66.6%) of ~~the all~~ ALAC conference calls, calculated in on a any six (6) month periodrolling basis; AND

21.3.3 Attending at least one physical ICANN meeting, calculated on in any a nine (9) month periodrolling basis, in order to comply with the provisions of Rule 21.2.4; AND

21.3.4 Participating as the Chair, or ALAC Issue Leader, in at least one policy-related working group and one administrative or planning working group throughout the entire tenure on the ALAC of each Member. “Participating” shall be understood to mean compliance with all provisions of Rule 21.2.5, AND;

21.3.5 Participating as provided in Rule 21.2.6 in at least 2/3 (66.6%) of RALO teleconferences, calculated on a six (6)-month rolling basis, AND;

21.3.6 Participating in a majority (greater than 50%) of all telephonic policy briefings held, calculated on a nine (9)-month rolling basis. “Participating” for the purposes of this Rule 21.3.4 shall be understood in the same manner as that term is used with respect to Rule 21.2.3, AND;

21.3.7 Participating in at least two-thirds (66.6%) of all votes which do not relate to ALS applications which are called, calculated on a six-month rolling basis, AND;

21.3.8 Completing at least one feedback survey on At-Large ~~CommunityAt-Large~~ ~~CommunityAt-Large~~ Community



issues/matters in any 6 months period, if any are made available for this purpose.

## **21.4 – Obligations for ALAC Liaisons**

### 21.4. Obligations for ALAC Liaisons

21.4.1 The qualitative obligations of ALAC Liaisons are supplemental to those of ordinary ALAC Members, and are as follows. Note that ‘receiving body’ means that body or ICANN organ which the liaison attends in order to perform his or her liaison function:

- a. Reading and commenting in the ALAC online forums in relation to the activities of receiving body, either on the mailing lists themselves which are international and not RALO or working group related, or on the forums at [atlarge.icann.org](http://atlarge.icann.org) which are connected to them. This includes regular (meaning a few posts each month on various subjects) presentation of news and activities from the receiving body on an issue or issues, proposing suggestions to community members, or responding to questions asked of community members about the receiving body;
- b. Participating in the conference calls of the receiving body. “Participation” means that a Member is:
  - i. Connected to the call and present at the roll-call when the call begins. Whilst it is understood that Members are volunteers and there are unavoidable events which may detain a Member from time to time, when a call starts late it affects the participation and effectiveness of all the participants who are available at the call start time;
  - ii. Present throughout the call until its Chair adjourns the meeting.
  - iii. Actively participating in the meeting and not, for example, working on other things or holding side conversations whilst the meeting is in progress.
- c. Participating in physical meetings of the receiving body at ICANN meetings. “Participating” means that a Member is:

- i. Present at the roll-call of members when the meeting is scheduled to begin. Whilst it is understood that Members are volunteers and there are unavoidable events which may detain a Member from time to time, when a meeting starts late it affects the participation and effectiveness of all those participating in it;
- ii. Present throughout the meeting until it is adjourned by it's Chair.
- iii. Actively participating in the meeting and not, for example, working on other things or holding side conversations whilst the meeting is in progress;
- d. Providing written reports on the activities of the receiving body as relevant to ALAC;
- e. Providing any perspectives or input to the receiving body related to the ALAC or the At-Large community's interests which the ALAC or its officers has directed the liaison to impart;
- f. Ensuring that statements made to the receiving body represent not the personal opinions of the liaison, but those of the ALAC and the At-Large community. Liaisons are expected in their interactions with the receiving body to clearly:
  - i. Ensure statements made to the receiving body, or its members, are made on behalf of the ALAC, where the liaison knows that the ALAC has a clear position on an issue, or;
  - ii. Where it is not clear what the position of the ALAC is on an issue, clearly state that any comments made may not be understood as representative of the ALAC or At-Large as the community is still reviewing the issue.
  - iii. Where ALAC, and/or At-Large, does not have a clearly settled position on an issue, the liaison should make this clear and provide a neutral explanation of the various main views which are in evidence in ALAC/At-Large on the issue in question;
  - iv. Liaisons should refrain from offering personal viewpoints to the extent possible and should ensure whenever it is unavoidable that comments are clearly

made in a personal capacity and not representative of any larger view.

21.4.2 The quantitative requirements for liaisons are supplemental to those of ordinary ALAC members and are as follows:

- a. Participating as provided in Rule 21.4.1(b) in at least 2/3 (66.6%) of all conference calls of the receiving body, calculated on a six (6) month rolling basis, AND
- b. Attending the face-to-face meetings of the receiving body at one physical ICANN meeting at a minimum, calculated on a nine (9) month rolling basis, in order to comply with the provisions of Rule 21.4.1(c), AND
- c. Ensuring that reports as provided in Rule 21.4.1(d) are provided not less than seven (7) days in advance of each ALAC monthly teleconference not less than 66% of the time, calculated on a six-month rolling basis, AND;
- d. With respect to Rule 21.4.1(e), ensuring that said input is recorded in the minutes of the receiving body's minutes, where appropriate, to ensure that the views which are to be provided are accurately reflected in the record, AND;
- e. With respect to Rule 21.4.1(f), ensuring that statements made are recorded in the minutes of the receiving body, and that the nature of the statements as specified in that Rule are correctly associated with the minuted comments.

## **21.5 – Absences from Meetings**

21.5. Absences from meetings for which Members have an obligation of attendance under Rule 21

21.5.1 If Members are unable to attend any meeting for which attendance is measured under any provision of Rule 21, they must send written apologies to staff@atlarge.icann.org (with respect to liaisons, to the relevant address of that organisation, copied to staff@atlarge.icann.org) in advance as follows. Failure to send apologies in advance shall be separately tracked and shall count as missing two meetings for the purposes of evaluating Members' obligations under Rule 21:

- a. If attending a teleconference for which interpretation is provided on a non-English channel, or any face-to-face

meeting: not less than 72 hours in advance of the start time of the meeting;

b. If attending a teleconference on the English channel, or for which interpretation is not provided: not less than 24 hours in advance of the start time of the meeting.

21.5.2 Where a Member is willing and able to attend a teleconference meeting and where verifiable technical difficulties prevented their attendance, that meeting shall not be counted either for or against their compliance with attendance obligations under Rule 21. For the purposes of this Rule 21.5.2, “verifiable technical difficulties” shall mean that the teleconference provider is unable to connect to the numbers provided by the Member. When a call provider reaches an answering service, or the number is not answered, is engaged, or the number is answered but the Member is not available, these events shall not constitute “verifiable technical difficulties” and the Member shall be counted as absent without having sent apologies.

21.5.3 Conflicts in scheduling relevant to liaisons: Where a liaison is unable to attend an ALAC meeting, or a meeting of the sending organisation, due to conflicting scheduling, where the ALAC’s Chair does not otherwise specify with reasonable advance notice, the liaison shall attend the receiving body’s meeting as a first priority, and the ALAC meeting as a second priority. In such cases, their apologies shall automatically be entered in the record and the absence shall not count either for or against the Member.

## **21.6 – Transparency and Compliance Verification**

### 21.6. Transparency and Verifying Compliance with Rule 21

21.5.1 The Staff shall prepare and provide a consolidated report on or before the last day of each month, covering the current state of compliance of each Member with respect to their obligations under this Rule 21. This report shall be made available to the community as a whole from its website at <http://www.atlarge.icann.org>.

21.5.2 The precise form and format of the report shall be amended as necessary from time to time as requested by the ALAC, in consultation with the At-Large community.

~~The participation requirements set forth in this section shall be considered met if and only if the quantitative requirements stated in Rule 21.3 are met.~~

## **21.7 – Sanctions for Breaches**

~~21.7.1. 21.10~~ Where a Member is in breach of one or more of their requirements under this Rule 21, in the first instance the Chair shall ask the Member to remedy the breach.

~~21.7.2.~~ Where a Member remains in breach for more than two further monthly reporting periods, the Chair of the ALAC shall formally notify the Member and the RALO which elected the Member (for elected Members), or the Nominating Committee Chair (for NomCom appointed Members).

~~21.7.3.~~ Where a Member remains in breach for a further two monthly reporting periods, the Chair of the ALAC shall ask the Member to consider his or her position. Should he or she fail to do so within 15 days of the notification, the Chair shall ask the RALO to recall the Member and elect a replacement.

~~21.7.4.~~ If extraordinary circumstances such as, by way of example, illness of the Member or a member of his or her family are the cause of the breach, the Chair in consultation with the Executive Committee of the ALAC shall decide at what reasonable point to consider that the sanctions provisions of this Rule 21.7 shall be applied.

~~For ordinary ALAC members, in case of failure to meet the requirements, the Chair will privately encourage the member to resign. If this does not happen by 14 (fourteen) days from that communication, the Chair will formally notify the entity responsible for appointing the member, and a message MAY be copied to the public ALAC list, and ask that the appointment is immediately reconsidered.~~