GNSO Working Groups: Chair's Guide

Executive Summary

Introduction
- The effectiveness of a Working Group (WG) greatly depends on the success with which its Chair or Co-Chairs carry out responsibilities such as facilitating goal-oriented WG meetings, encouraging collaboration and building consensuses.
- This document summarizes advice from prior successful Chairs of GNSO WGs and…
- …procedural information particularly useful to GNSO WG Chairs from the GNSO Working Group Guidelines, a set of "best practices" for the formation, chartering and operation of GNSO WGs. *It is recommended that GNSO Council members and anyone interested in chairing a GNSO WG read these guidelines in their entirety.*

Resources for the Chair
- A GNSO WG Chair can seek support from many sources, including the GNSO Liaison to the WG, the GNSO Council Chair (if necessary), ICANN Staff and other WG officers.
- The selection of equal WG Co-Chairs, rather than a single Chair, is a way to divide the work and responsibilities of chairing a WG.

Neutrality of the Chair
- The Chair is expected to assume a neutral role regarding substantive matters before the WG and to ensure the fair, objective treatment of all opinions within the WG.
- In the event the Chair desires to express a substantive opinion during the WG's deliberations, he/she should clearly communicate to the WG that he/she is asserting a personal opinion.

Basic Responsibilities of the Chair
- The basic, largely self-explanatory responsibilities of a GNSO WG Chair include calling meetings and, with Staff assistance, developing meeting agendas; determining if enough members are present at meetings to proceed; and ensuring that all participants have the opportunity to contribute during meetings.

Responsibilities of the Chair that may warrant some guidance
- The Chair should keep the WG's actions and discussions focused on its mission, scope (or limits) and ultimate "deliverables."
- The Chair should help build a consensus supporting each formal decision by the WG.
- The Chair should guard against problems that may result from a GNSO WG's openness, such as a member's raising issues merely to block progress or joining the WG late without reviewing the relevant materials.

- The Chair, assisted by Staff, should continually assess the diversity within a GNSO WG, which ideally should have members participating from all or most GNSO Stakeholder Groups and Constituencies. In the case of under-representation by a group, the Chair should decide which group(s) to solicit for additional members. In the case of "capture" by a group, the Chair should inform the GNSO Council.
- The Chair should encourage – and, if necessary, enforce – adherence to the ICANN Expected Standards of Behavior (found in the [ICANN Accountability and Transparency Frameworks and Principles](#)).
- The Chair, assisted by Staff, should ensure that documents by the WG faithfully represent the diversity of views within the WG.
- The Chair is responsible for assigning to each formal WG decision a standardized designation (such as "full consensus" or "divergence") indicating the level of agreement supporting the decision within the WG. (For details, see Section 3.6 of the [GNSO Working Group Guidelines](#).)
- The Chair plays a role in the appeals process available to a GNSO WG member with certain complaints (for example, the belief that his/her WG contributions are being systematically discounted). In short, the member addresses the matter first with the WG Chair and next, if necessary, with the GSNO Council Chair. (For details, see Section 3.7 of the [GNSO Working Group Guidelines](#).)

Tips for chairing a GNSO Working Group's first meeting
- Tasks that should typically be completed during or shortly after a WG's first meeting include confirmation that every member has submitted a Statement of Interest (SOI); selection of a WG Chair or Co-Chairs, as well as other officers the WG wishes to have; review of the WG's transparency policy, Charter and other relevant documents; and the assignment of a work plan (outlining the steps and timetable needed to complete the WG's mission).

Introduction

The effectiveness of a Working Group (WG) greatly depends on the competency with which the WG's Chair or Co-Chairs carry out their responsibilities. These responsibilities include, among many others, facilitating goal-oriented WG meetings, encouraging collaboration and building consensuses.

Furthermore, the Generic Names Supporting Organization (GNSO) Council has high expectations for the Chairs of GNSO WGs. This has grown out of a recent history of successful WGs that have been successfully chaired in a reliable and professional manner.

This document is a compilation of many recommendations and much of the best thinking from various successful Chairs of previous GNSO WGs. This makes the document an important tool for any prospective Chair of a GNSO WG.

"Best practices" of GNSO Working Groups
In addition to the wisdom of previous Chairs, this document also borrows from the GNSO Working Group Guidelines (found in Annex 1 of the GNSO Operating Procedures). These guidelines are a set of "best practices" pertaining to the formation, chartering and ongoing operation of GNSO WGs – all aimed at optimizing a WG's productivity and effectiveness. Consequently, they contain many lessons about the productive and effective chairing of GNSO WGs.

It is highly recommended that GNSO Council members and anyone interested in chairing a GNSO WG read the GNSO Working Group Guidelines in their entirety.

Although the GNSO developed and adopted the GNSO Working Group Guidelines for use within WGs created by the GNSO Council, the guidelines were intentionally written broadly enough to be applicable to and useful for WGs created by other ICANN entities.

This document
This document encapsulates the following:
  • Advice from previous successful Chairs of GNSO WGs;
  • Procedural information from the GNSO Working Group Guidelines that is particularly useful to a GNSO WG Chair; and
  • WG tips and best practices from various other ICANN documents.

The primary audience for this document is anyone interested in chairing a GNSO WG. It is intended to help new or prospective Chairs to anticipate and prepare for the responsibilities of chairing a GNSO WG.

In addition, this document should also be of interest to all GNSO Council members and individuals interested in simply joining a GNSO WG. In fact, even members of other (non-GNSO) WGs are likely to find this document useful, since the GNSO Working Group Guidelines may often be applied to WGs created by any ICANN Chartering Organization (CO).

Resources for the Chair

A GNSO WG Chair has numerous sources of assistance and support, including:
  • The GNSO Council Liaison to the WG;
  • The Chair and other officers of the GNSO Council (if necessary); and
  • ICANN Staff members appointed to the WG.

Among the many ways in which the GNSO Council Liaison can be expected to support the Chair are the following:
  • Taking back to the GNSO Council any questions the WG might have regarding its Charter and mission;
  • Assisting or intervening when the WG faces challenges or problems; and
  • Assisting with an understanding of GNSO WG processes and the GNSO Working Group Guidelines.

Other Working Group officers
In addition to the resources listed above, a WG Chair, of course, relies on his fellow WG officers. The WG can, if it wishes, select WG members for the positions of Vice-Chair (or Vice-Chairs) and/or Secretary. These positions assist the Chair.

Chair vs. Co-Chairs
In certain cases, the selection of equal Co-Chairs, rather than a single Chair, can offer the most assistance in chairing a WG. This approach is often encouraged as a way to:
*   Split the burden and responsibilities of chairing a GNSO WG;
*   Provide continuity and allow WG meetings to take place even when one Co-Chair must be absent; and
*   Allow the participation, when necessary, of one Co-Chair in substantive WG discussions, while the other Co-Chair retains the neutral facilitation role.

(In this document, when "Chair" is used alone, the meaning is assumed to be "Chair or Co-Chairs.")

Neutrality of the Chair

The Chair is expected to assume a neutral role regarding substantive matters discussed by the WG. This means refraining from promoting a specific agenda and ensuring fair, objective treatment of all opinions within the WG.

This does not, however, mean that a Chair cannot express a substantive opinion. When doing so, he/she should simply indicate, explicitly, that a substantive personal opinion is being stated, rather than a "ruling of the Chair." However, the Chair should not become an advocate for any specific position under consideration by the WG.

Selection of a neutral Chair
In most cases, it is the responsibility of the WG itself to select a neutral Chair or Co-Chairs, subject to confirmation by the GNSO Council. In certain rare instances, however, the GNSO Council may decide that it is preferable for the Council itself to appoint a completely neutral and independent Chair for a WG. In such a case, the Chair would not participate in WG discussions of a substantive nature.

In other rare instances, the Council, working with ICANN Staff, can decide to appoint an independent facilitator to help a WG Chair ensure neutrality and promote consensus building (or to provide other expertise).

Basic Responsibilities of the Chair

The following responsibilities of a GNSO WG Chair or Co-Chairs may seem obvious and self-explanatory; still, they are worth enumerating:
*   Calling WG meetings and, with the assistance of ICANN Staff, developing meeting agendas;

- Assessing, at the start of each meeting, whether a sufficient number of WG members are present to proceed;
- Presiding over WG meetings and deliberations, which includes ensuring that all participants have the opportunity to contribute;
- Reporting on the WG's status to the GNSO Council, when requested to do so; and
- Helping ensure that all WG activities follow, whenever reasonable, the procedures and principles outlined in the GNSO Working Group Guidelines.

A working knowledge of the GNSO Working Group Guidelines can be an invaluable asset to a WG Chair in fulfilling each responsibility.

Responsibilities of the Chair That May Warrant Some Guidance

For many of the more difficult and delicate responsibilities of a GNSO WG Chair, some further guidance, especially the kind derived from the experience of past GNSO WG Chairs, may be useful. Set forth below is a list of these functions, along with explanations and insights offered by past WG Chairs.

Keeping the Working Group's "eye on the prize"
The WG's mission, scope (or limits) and expected "deliverables" should ideally be clearly explained in its Charter. The Chair is expected to ensure that WG members understand these requirements and to keep the WG's actions, discussions and meetings focused on serving its ultimate goals and deliverables.

Consensus building
One of the most important functions of a GNSO WG Chair is helping to build a consensus behind each of the WG's formal decisions, positions or recommendations.

Most Chairs do not succeed in nurturing a full consensus to support each of his/her WG's decisions. However, there are a number of tips that can help Chairs improve the levels of potential agreement for their WGs:
- The WG Chair should make sure WG members understand that a consensus is a decision that is collaboratively reached and that the majority of WG members can "live with." It does not need to be a perfect or unanimous decision.
- There are usually three stages to consensus building:
  - Opening the conversation, during which the WG should expand the possibilities under consideration by brainstorming and listening to proposed options.
  - Narrowing the possibilities, during which the WG limits the possibilities under consideration by hearing arguments for and against each and by determining which possibilities fit the necessary criteria.
  - Closing the conversation, during which the WG ideally selects the possibility that it can best live with.
- The WG Chair can facilitate consensus building by:
  - Creating agendas in which every item has a clearly defined outcome.
  - Fairly and neutrally keeping meetings on track toward the stated goal.

- o Listening carefully and asking for clarification wherever needed.
- o Helping the WG with its internal negotiations and conflict resolution.

Ensuring a GNSO Working Group is not derailed by its openness
The openness of GNSO WGs helps ensure broad participation and transparency. However, it is the WG Chair's responsibility to ensure that this inclusiveness does not compromise the WG's effectiveness.

For example, the Chair should distinguish between WG participants offering genuine dissent and those raising irrelevant or already-closed issues merely to block the WG's progress toward its goal. In the latter case, the Chair should put a halt to the disruption and, in extreme cases, can exclude a WG member from a discussion. (In response, of course, the member is free to appeal the action via the standard WG appeals process.)

Similarly, once a WG decision is closed, a member may try to revisit the issue in another attempt to sway the WG. Obviously, this is an inefficient way for a WG to proceed. The Chair is expected to ensure that closed WG decisions are not revisited, unless there is a consensus to do so (usually in light of new information brought to the WG's attention).

As another example, the Chair should ensure that anyone joining a WG after it starts has reviewed all relevant WG documents and e-mails to its mailing list.

Encouraging representational balance
Ideally, a GNSO WG should mirror the diversity of the GNSO, by having representatives from most, if not all, GNSO Stakeholder Groups and Constituencies. (Granted, certain WG Charter mandates may be of more interest to certain Stakeholder Groups and Constituencies than to others.)

The WG Chair, in cooperation with the WG Staff Secretariat and other ICANN Staff members, is responsible for continually assessing whether his/her WG has sufficiently broad representation. If the representation is found to be lacking, the Chair should decide which group(s) need(s) to be solicited for additional WG members. Alternatively, if the Chair finds that any one group is over-represented to the point of "capturing" the WG, he/she should inform the GNSO Council.

The Chair is also responsible for encouraging overall representational balance within any sub-team formed within the WG. To remedy an imbalance, the Chair should reach out to the under-represented interest group(s) for more volunteers. If the imbalance persists, the Chair should ensure that the situation is documented in the WG's final report and that, if a public review is conducted of the sub-team's work, any input received from the under-represented group(s) is reported.

Encouraging adherence to ICANN's Expected Standards of Behavior
A GNSO WG Chair is responsible for encouraging – and, when necessary, enforcing – adherence to the ICANN Expected Standards of Behavior).

ICANN's Expected Standards of Behavior include the following guidelines applicable to ALL WG members:
- Act in accordance with ICANN's Bylaws. In particular, undertake to act within the mission of ICANN and in the spirit of the values contained in the Bylaws.
- Treat all members of the ICANN community equally, regardless of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age or sexual orientation.
- Listen to the views of all stakeholders when considering policy issues.

If a WG member feels that the WG is not adhering to these standards, he/she should first appeal to the WG Chair and Liaison. If that does not remedy the situation, he/she should next appeal to the Chair of the GNSO Council.

Ensuring WG documents represent the diversity of WG views
A GNSO WG Chair, with the assistance of Staff, is responsible for ensuring that documents by the WG faithfully represent the diversity of views within the WG. This can be done by the Chair in various ways, such as asking multiple WG members to contribute text or assigning a drafting subgroup to pay particular attention to the different views presented.

Classifying Working Group recommendations
The Chair is responsible for assigning to each of the WG's officially reported positions or recommendations a designation indicating the level of agreement supporting it within the WG. (For details of the process, see Section 3.6 of the GNSO Working Group Guidelines.)

The following standardized designations are used for this purpose:
- "Full consensus" (or "unanimous consensus") indicates that no WG member spoke against a position during its final consideration.
- "Consensus" indicates that only a small minority disagreed with a position, but most agreed with it.
- "Strong support but significant opposition" indicates that most of the WG supported the position, but a significant number did not.
- "Divergence" (or "no consensus") indicates that there was no strong support for any position on an issue, but, instead, many different points of view existed.
- "Minority view" indicates that only a small number of WG members supported a position. Such a position can coexist with another position that has a consensus, strong support but significant opposition or a divergence. It also can occur if a position proposed by a small number of WG members is met with neither broader support nor opposition.

In cases other than a full consensus, each of the alternate minority views expressed within the WG should be documented.   In such cases, the WG Chair should encourage the proponents of minority views to submit text representing these views for use in any reporting.

It is ultimately the responsibility of the WG Chair or Co-Chairs to decide which of the above consensus-level designations is applied to a WG position. Following is the recommended method for doing so:

- After the WG has completely discussed an issue, the Chair should assign an initial designation and publish it for the WG's consideration and discussion.
- The WG then discusses this initial designation and any challenges to it, after which the Chair should re-evaluate the initial designation and publish an updated one.
- This process should be repeated until the Chair publishes a designation that the WG accepts.

To ensure that these iterative discussions involve the entire WG (that is, to ensure that all WG members participate in the consensus process), the discussions should take place using the WG's mailing list.

A WG Chair is not locked into using this approach to determine consensus-level designations in all cases. First, the GNSO Council can explicitly indicate in a WG's Charter a different method that it would like the WG to use; the Council could also indicate that it would like the WG to decide on its own method. Second, the Chair him-/herself may, in rare cases, decide to poll WG members to determine a consensus-level designation, rather than use the usually recommended method. Polling may be useful when:
- A designation needs to be assigned in a time frame too short for iterative discussions by the WG; or
- It becomes clear to the Chair that iterative discussions will not result in the WG's agreeing on a designation.

In the case of strong support but significant opposition, a divergence, and/or a minority view, the name or names of all WG members supporting each view should be documented in its formal report. This is particularly true when a poll is used. In the case of a full consensus or consensus, however, the WG Chair can decide that WG members' names need not be reported with any specific view.

In the event that a challenge to a consensus-level designation persists after the "final" determination by the Chair, a set process may be pursued by the dissenting WG member(s). The process differs depending on whether one or more WG members appear to initially support the challenge.

If only one WG member seeks to challenge a "final" consensus-level designation, the following sequential steps should be followed:
- The complainant should inform the WG Chair and/or Liaison of the reasoning behind the challenge.
- The Chair and/or Liaison should then work with the complainant to examine the issue and determine if sufficient support exists within the WG to pursue the challenge.
- If adequate support is decided to exist, the WG appeals process described in Section 3.7 of the GNSO Working Group Guidelines (see "Participating in WG appeals process" below) should be initiated.

If more than one WG member seeks to challenge a "final" consensus-level designation, the following sequential steps should be followed:
- The complainants should send an e-mail to the WG Chair, copying the rest of the WG, that explains why they believe the designation to be in error.

- If the Chair still disagrees with the challenge, he/she should forward to the WG Liaison(s) both the complainants' e-mail and an explanation of his/her own reasoning in response to their e-mail.
- If the Liaison agrees with the Chair's position, the Liaison should respond to the complainants with an explanation. Then, if the complainants still disagree with the Chair and Liaison, they are free to appeal to the Chair of the GNSO Council (or to their designated Council representative).
- However, if the Liaison agrees with the complainants' position, the Liaison should forward the complainants' e-mail and Chair's response to the GNSO Council. If the Council then also agrees with the complainants, it should recommend remedial action to be taken against the Chair.
- Finally, if any of the parties are dissatisfied with the outcome of this process, ICANN has other conflict-resolution mechanisms that can be pursued.

If such a WG appeal reaches the GNSO Council, the Council should attach a statement to the final WG and/or Board report. This statement should include the Council's own explanation of the appeal and all of the documentation from the appeals process.

Participating in the Working Group appeals process
The GNSO WG Chair plays a vital role in the appeals process available to WG members. (The process is described in detail in Section 3.7 of the GNSO Working Group Guidelines.)

This appeals process is meant to be used to resolve any of the following situations:
- A WG member wants to appeal a decision of the WG or of the GNSO Council, acting as the WG's Chartering Organization;
- A WG member believes that his/her WG contributions are being systematically ignored or discounted; or
- A WG member believes that another member is not performing his/her responsibilities as described in Section 2.2 of the GNSO Working Group Guidelines.

In such a situation, the WG appeals process consists of the following simple sequential steps:
- The complainant (or complainants) should first discuss the matter with the GNSO WG Chair.
- If this does not resolve the matter, the complainant should next arrange to discuss the matter with the Chair of the GNSO Council (or with the WG member's designated representative on the Council).
- Finally, if the matter remains unresolved, ICANN has other conflict-resolution mechanisms that can be considered.

Note that, if the WG decision that a WG member would like to appeal involves the assignment of a consensus-level designation to a WG recommendation, there is a separate list of steps that precedes the WG appeals process immediately above. (For these separate steps, see Section 3.6 of the GNSO Working Group Guidelines or the "Classifying Working Group recommendations" subsection above.)

Tips for Chairing a GNSO Working Group's First Meeting

It is useful for certain tasks to be handled as early as possible in the life of a GNSO WG, preferably during its first meeting. Of course, once the WG Chair has been selected, it is his/her responsibility to facilitate the WG's completion of these tasks, which typically include (in no particular order):

- Confirmation that every WG member has submitted a Statement of Interest (SOI);
- Introduction of WG members;
- Selection of the WG Chair (or Co-Chairs) and other officers;
- Review of the WG's transparency policy;
- Review of the WG's Charter and other relevant documents;
- Assignment of the WG's work plan; and
- Scheduling of future WG meetings.

Confirmation that every Working Group member has submitted an SOI
Submission of an SOI is the one requirement of every prospective member of a GNSO WG.

Introduction of Working Group members
In introducing him/herself, a member is expected to explain his/her interests, skills and experience as they relate to the mission of the WG.

Selection of the Working Group Chair or Co-Chairs and other officers
A WG should have a Chair or Co-Chairs, usually selected by the WG itself during its first meeting. The selection is subject to confirmation by the GNSO Council. (In rare instances, the Council may decide to appoint a Chair or Co-Chairs for a WG.)

A WG may also choose to select, if it wishes, a Vice-Chair or Vice-Chairs (serving beneath the Chair or Co-Chairs) and/or a Secretary.

The WG typically selects all officers via simple-majority elections.

Review of the Working Group's transparency policy
GNSO WG members should be informed that GNSO WGs are normally expected to operate under rigorous standards of transparency and openness. This means that, unless there are compelling reasons to the contrary, the following items are made publicly available: the archive of the WG's mailing list, recordings and/or transcriptions of each WG meeting and the SOI submitted by each WG member.

Review of the Working Group's Charter and other relevant documents
A GNSO WG should review its Charter, the GNSO Working Group Guidelines and any other documents relevant to the WG's mission or operation. This will ensure that all members have a common understanding of the WG's mission, goals, deliverables, decision-making process and timeframes.

A GNSO WG created for the purpose of developing policy related to generic top-level domains (gTLDs) known as "consensus policies" must operate according to the GNSO Policy Development Process (PDP) (found in Annex A of the ICANN By-Laws). For that reason, such

a WG should also review the GNSO Policy Development Process and the GNSO Policy Development Process Manual (found in Annex 2 of the GNSO Operating Procedures).

Assignment of the Working Group's work plan
Each GNSO WG should develop a work plan, outlining the steps and expected timeline needed to achieve the goals set out in the WG's Charter. During the first meeting, plans should be made to complete this plan, including the assignment of the first draft to specific WG members.

Scheduling of future Working Group meetings
GNSO WG Chairs should keep in mind that, given the broad global representation within many GNSO WGs, a meeting time that is convenient to those in one region can be quite inconvenient to those in another. One technique that can be used to "share the pain" of inconvenient meeting times is rotating the times and even days of the week of meetings.

In addition, when scheduling meetings, Chairs are expected to be sensitive to the different holiday schedules in various parts of the world.

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