

Gisella Gruber: I'll do a quick roll call. Good morning, good afternoon, good evening to everyone on today's ROP Meetings and Administration Drafting Team on Tuesday the 14th of August. We have Cheryl Langdon-Orr, Maureen Hilyard, Alan Greenberg, Eduardo Diaz, Yaovi Atohou, Olivier Crépin-Leblond, Yrjö Länispuro, Darlene Thompson. From staff we have Silvia Vivanco, Heidi Ullrich and myself, Gisella Gruber. And apologies today noted from Tijani Ben Jemaa, Rinalia Abdul Rahim, Fatimata Seye Sylla, Sergio Salinas Porto, Fatima Cambronero and Cintra Sooknanan. Apologies, I left off Matt Ashtiani who is also on the call. And if I could also please remind everyone to state their names when speaking for transcript purposes, thank you. Over to you Alan and Maureen.

Alan Greenberg: Thank you very much Gisella. I guess the first part that is not quite on our agenda is the introduction of Maureen. Maureen at the last meeting Cheryl volunteered you as co-pen holder on this project. Can we assume that your presence here indicates that you're accepting this?

Cheryl Langdon-Orr: She has no audio ability; her mics not working at the moment. It's Cheryl for the transcript record.

Alan Greenberg: Okay.

Cheryl Langdon-Orr: But she did confirm with Gisella that was the case. And I really volun-told her, not volunteered her.

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

Alan Greenberg:

We've all experienced that Cheryl, with you. Thank you. Well thank you Maureen, I look forward to working with you on this. The first substantive item on the agenda is to quickly review, and hopefully not debate, the substance of what we decided last time with regard to sources of rules. And there are different people on the call so I do think it's important to quickly review it, but I think the conclusion we came to next time is generic enough that we won't have a lot of dissatisfaction with it, but we will go over that in a minute.

And then we're going to start working through some of the many items that we need to address, and the ones that were put on – we had a prep meeting late last week and the three items that were suggested to start talking about today, we probably won't finish, are the concept of quorum, the issue of consensus and what types of meetings do we allow for in the rules of procedure. And Cheryl, a question for you – when we address quorums do you want to address the issue of whether how abstentions count in this discussion or do you want to have a separate one for that?

Cheryl Langdon-Orr:

It's really up to you. I would suggest that those things do need to be tethered in the rules though.

Alan Greenberg:

I don't disagree. I suggest we not do it today because we didn't give people advance notice of it, and it is a substantive issue that needs to be discussed. Alright, so first a review of the issues about sources of rules. There has been much discussion in this work group, in the overall work group and in fact in some of the other – rather in this design team and other design teams and the overall work group on what source do we use for the basis for our rules. The current rules of procedure reference the UN General Assembly Rules, where pretty much everybody has agreed they don't apply, the terminology they use is inappropriate, they're a bit unwieldy and very few people understand them anyway.

The few times we've had to go to them they didn't really provide a source of illumination, so there's a general feeling to replace them. The discussion on what to replace them with has been difficult because there are not any formal sets of rules that are universally used around the world. But nevertheless there was felt to be a need for something. The conclusion that we came to was, for the moment anyway until we find a better solution, we will use Robert's Rules of Order, the current version that I think is the 11th version or something like that.

There are formal descriptions of it. It's a book that totals about 700 pages. There are short versions of it that are far more readable and understandable. But I think the important thing to remember is that the ALAC, as we'll be discussing in a later item in the meeting today, the ALAC works first and foremost by consensus, not by formal motions and actions. And therefore to the extent that how we run our meetings day to day, we are not going to have to resort to what the formal rules are. We do have some cases where we want to take formal vote, and I suspect we're going to end up, just as we do right now, with the overall structure of how we do that in our actual rules.

So again, we will not have to resort to any formal external rules. The real reason for having a rule book as a reference is so at times when there may be dissention in the group, there may be disagreement and the Chair has to decide how to go forward, the Chair has something on which to base the process for going forward. It is not something that we're going to be using on a day to day meeting by meeting basis. It shouldn't be onerous, but we do nevertheless have to put it in just to make sure the Chair is not left in a position where the Chair has to make decisions and has no rule book which to follow that fits in most cases.

So that's where we are now, it needs to be written up, but it's going to be written up in such a way that hopefully will reflect the importance of having something, but the lack of importance of it on a day to day basis. Are there any questions or thoughts on this before we go forward?

Cheryl Langdon-Orr:

Alan, it's Cheryl here. Not really to what you were saying, which I agree wholeheartedly with, but just be very careful with the versions of the rules of procedure. The free version is usually wrote to the 1911 or 1915 version for obvious copyright reasons. Unless Sala, whose managed to change what she loaded up and Eduardo has referenced, that was the 1915 version. If memory serves there are something like 193 modifications between edition 10 and edition 11, and it's edition 11 we need to use, which means since not only 1915, but the late 1990s there have been a lot of changes, all for the good.

So we do need to make sure that whenever we refer to those rules that we have a hyperlink that takes us to the most up to date copy, and that text is in fact housed in an official website. And I just can't tell you how important that it, because the last thing we need is for people just doing the ready reckoning back to a reference which may in fact have been modified not once but almost several hundred times but probably only in the 20s or 30s in some cases. And thanks Heidi for that update, that is the proper set of links going up.

Alan Greenberg:

Yeah I think the translations of the older versions have some merit in that they will give people a flavor for what the rules are talking about, and I think we'll reinforce the fact that most of them are not going to be something that we need to worry about on a day to day basis. But to be used as a reference for what is a rule in any given day, yes we do need to be specific as to which set we're using.

I will point out that I think part of what we'll be doing in writing our rules is saying there's a precedence of rules and most of them, the common ones are going to come from our written rules and we will not have to refer to those on a regular basis. Plus we're going to have to find wording that says things like we don't need to follow all of the rules, there are rules saying you must actually physically stand to make a motion. And there's a lot of that kind of stuff which we're not going to adhere to. I don't even know how we would adhere t it on teleconferences.

Cheryl Langdon-Orr: The equivalent of course is the raising of the hand or the turning of the name tag etc; there's a number of local rules that take over on that – that was Cheryl for the record. But I think what we also need to make sure is that anyone who is in a Chair position certainly as the ALAC in my utopia a Chair of anything right down to workgroups should have at least a basic understanding of the short version. There is a thumbnail drive, thumbnail text that is sort of a Cliff notes version, and I think that should be handed to people with the mantle of Chair.

Alan Greenberg: Yep, I agree. Any comments before we start going on to the substance of this meeting? I see no hands. I don't think anyone has called out, assuming I'm not talking into a dark hole, and there's nothing in the chat. Okay, the first one is quorum. Our current rule for quorum is more than 50% of members, which sent there are typically 15 members on the ALAC, occasionally due to resignations or other things there may be fewer, we are looking for eight people to be a quorum.

Variations that one finds in some groups are a larger number than 50%, and sometimes there are additional quorum rules. The GNSO for instance says that there must be at least one person from each of the four stakeholder groups present for quorum to be achieved. How do people feel? Do we want to leave it as it is right now? I should note that, although it's rather sad, we often have trouble making the simple majority quorum of the ALAC in teleconferences. I wish that weren't the case, but that has been the situation over the last number of years.

Cheryl Langdon-Orr: Cheryl here Alan. Just to answer Darlene, 50% plus one is the current quorum which means it is eight. To that extent, if we ever right something different please try and make sure that it is a percentage plus whatever, you know 50% plus two or two-thirds plus 20 I don't care. But if you start using actual

numbers and then the base changes, for example as a result of the geographical regional review you may end up with seven regions; it gets really confusing and you have to go back and change the rules.

So whatever rule you write on quorum make it in language which allows the flexibility. So things like 50% plus one or plus two or plus 22, I don't care...

Alan Greenberg: Or 50% for that matter.

Cheryl Langdon-Orr: Yes well 50% is always a slightly dodgy thing when you're looking for a majority rule. And while I have the floor, I do want to suggest that we do change this rule, not in the current level of quorum, or not lower than the current level of quorum which is 50% plus one, but to do something that certainly as Chair I always ensured, but if anyone challenged could have been an issue – it was a natural right not a given right. And that is to enshrine the fact that all regions do need to be represented. It is perfectly possible on our current quorum for basically two regions to control the ALAC, if [that is] another one or two shake the leaf from another region or two.

And that does not make me feel warm and fuzzy, so I think we should have something along the GNSO ruling of the representational balance as well. Thank you Alan.

Alan Greenberg: Thank you Cheryl. We have a couple of hands up and I'll put my hand up also in the queue; Darlene first.

Darlene Thompson: Oh just very briefly, Darlene Thompson here. Thank you very much for that explanation Cheryl, that makes total sense. And I agree I don't want the quorum lowered. In fact, it scares the heck out of me that we can't even get eight

people, like that's pretty sad. And yes, I agree totally with Cheryl about making sure that there is better regional representation; an excellent [way] to get there.

Alan Greenberg: Okay thank you Darlene. Our current rules say a simple majority, which implies more than 50%. Cheryl you used terminology which I'm going to object to. You said "lowering the number has implications on" – I don't remember exactly what you said – of majority rule of democracy or something. I don't think...

Cheryl Langdon-Orr: No I never used the word "democracy" – you want to get that out of my mouth in a (inaudible).

Alan Greenberg: You said something about lowering it and I'll point out some of the RALOs for instance have a quorum of 30%. So where you set the quorum sort of shows part of the basic tenets of the organization. In our case, since the actions taken by the ALAC are going to be viewed as having import by at least some people, I think we want to make sure that it is a reasonable quorum. And I agree it should not be less than 50%.

Cheryl Langdon-Orr: Alan, if I may. There's two aspects of quorum. One is the viability of a meeting to be held. And in that case, that also lends itself to where consensus and discussion can be had and formed, and that is one thing. And a number of RALOs, which do I admit in some cases have lower than a majority of their ALSes, do have a lower quorum, but then again, the forum that they are looking at are discussion meetings, not usually binding. In some cases those which have lower quorum for a meeting have a higher expectation for something that goes to a vote, that they would only vote on something like an election.

So it gets really complicated. I think we need to separate those things. The other issue on quorum is when it comes to a vote, and that's where your point I want to come in and support. The very few times where the ALAC needs to vote, and the outcome of that vote is a very important and significant outcome. And if you've only got the barest passing of the simple majority, that in itself says something.

Alan Greenberg:

Oh indeed. However there are remedies. One of the things that we're discussing in, or hopefully will be discussing in one of the other design teams is the concept of proxies and replacements and things like that. So one could perhaps achieve a higher number of votes than one actually has in the meeting where the vote is called. So we are going to have to look at a number of those issues.

Cheryl Langdon-Orr:

And Alan the other way of course is your GNSO rules, because I did read them, with the ability to place a vote after so things aren't finalized in a meeting necessarily, it can have several days of what we would call "postal voting" in the other vernacular of elections.

Alan Greenberg:

Alright now, if we are all agreeing and I haven't – oh I see a whole bunch of hands so let's go to the hands first. Darlene is your hand still up, a new one or is that an old one?

Darlene Thompson:

Sorry, that's old. My internet is not working well. Pass.

Alan Greenberg:

Okay. The comment that I was going to make is if we're going to add the rule about regional representation, unless we do something about better attendance,

we are going to have more meetings which do not achieve quorum, because we've come very close in the past and often without representation from some regions. So I think we need to think about if we're doing that for philosophical reasons we need to understand the real implications of that as well. Yaovi?

Yaovi Atohoun:

This is Yaovi. I wanted to talk about what Cheryl said. I think she was talking about (inaudible), also about representation. I think if we talk about 50% at least you [need to have more than six persons] to have the [quorum]. So for me, if I think it's okay, it's like saying 50% can't (inaudible) because it has to be from each person. If you have [more than three persons] you have these rules attributable].

Alan Greenberg:

Yaovi, I'm having a very difficult time understanding you and so is Carlton. Is there anyone who can hear well enough that they can repeat for Yaovi?

Yaovi Atohoun:

Okay if I can speak loudly, is this better?

Alan Greenberg:

Right now it is, yes.

Yaovi Atohoun:

Thank you very much. What I was saying was if you talk about 50%, (inaudible) I think it is fitting into account with geographic considerations. So we may say they need 50%, so we are sure that we have more than (inaudible) at quorum. So this is what I want to say. Maybe we can increase to 50% or to see if 50% can improve at least [two regions, or three] that is fine, at least two regions. So we put a number that can take this into consideration. Thank you.

Alan Greenberg: Okay so if I understood correctly you're suggesting that we may have a regional rule but it not necessarily ne all regions, that it be some number perhaps less than five be satisfactory. Is that the substance of that?

Yaovi Atohou: Exactly.

Alan Greenberg: Okay, an interesting concept. Yrjö you're next.

Yrjö Länispuro: Yeah, thank you. It's Yrjö Länispuro for the transcript record. I support this idea of having all regions represented one way or the other. And I think that if there is such a requirement that is also an incentive for the RALOs actually to make sure that somebody is on the conference from their region.

Alan Greenberg: Probably a correct point. I still see hands up but I think everyone has spoken. Is there anyone else who wishes to speak at this point?

Cheryl Langdon-Orr: If I may Alan. Thanks, Cheryl for the transcript record. I was typing back to Eduardo, but in fact I'll say it. Yes Eduardo I agree with what you said, eight people from individual regions, but that also becomes a much easier issue if indeed you've got the ability to have proxy.

Carlton Samuels: This is Carlton.

Alan Greenberg: Well proxies cover votes, they don't typically address the quorum issue.

Cheryl Langdon-Orr: No, if I may Alan. If I appoint a proxy for myself, in a number of organizations – sorry about the background noise for a second – we could include this as the ALAC – for example, on the Board of Directors if I appoint a proxy that person acts in my capacity until I revoke that proxy, in all meaning of the word. They act in my capacity.

Alan Greenberg: Okay then we need to be careful using the words...

Cheryl Langdon-Orr: Indeed we do.

Alan Greenberg: I have been using the words in the forum the GNSO uses is where proxy is related purely to voting. And we're using – again, we're having crossover in design teams, but I'm using the word "replacement" if we're talking about someone who replaces all aspects of someone in the vote. And I happen to have strong feelings against that...

Carlton Samuels: I don't like replacement at all.

Alan Greenberg: And again, this isn't the right meeting to have this discussion...

Cheryl Langdon-Orr: And so in the proxy vote Alan, if I may, what normally happens is you have two types of proxy where the person chooses the type of proxy on some form of acceptable notification. It may be written, it may be email, it may be – it doesn't really matter. It can even be a standing order. One of those types is as directed,

and therefore must respond to motions already put and can or may not, depending on annotations, refer to amendments of those motions. And the other is at the discretion of the proxy or the Chair of the meeting. So I can give you my proxy Alan and you do with it as you will. I could give Olivier my proxy and he does with it what he will. Or I can say “Alan, you hold my proxy and I want you to vote yes on this no on that and if they make any changes to item 14 you’ll have to abstain because I’m only voting to as it is writ on the agenda.”

Alan Greenberg: An excellent discussion but I’d prefer to defer it to when the right group talks about proxies.

Cheryl Langdon-Orr: It’s just important that we understand what we mean by the word proxy.

Alan Greenberg: Indeed and there are, the word proxy is used in different ways. It can mean how one reacts to a vote, it could be are you replacing the person as a whole. If someone is replacing a person as a whole they clearly – if we have such a rule – they would count as quorum.

Cheryl Langdon-Orr: That’s correct. And proxy in vote – sorry if I may – a proxy in a vote where there is a quota for a vote to be valid do count as quorum would do.

Alan Greenberg: Right, but right now we’re talking about quorum, can we conduct meetings. Can we take action as a community. And so we have two suggestions on the floor right now – one is to maintain the current majority, there must be 50% plus – or rather greater than 50% of the members must be present at a meeting. The other one is to say there must be more than 50% of the members present and each region must be represented. Or a variation of that from Yaovi is that a

lesser number be represented. Assuming we have 15 people in the group, we will have three regions represented with eight or even seven. So we're really talking about do we allow four regions or three regions instead of five.

Do you want to try a show of hands or should we do this electronically? I think there's some support for making sure that regions are supported. I'm not 100% sure whether there is stronger support for requiring all regions, all five regions or whatever the number is that week, or a smaller number.

Cheryl Langdon-Orr:

Alan, could we – Cheryl here – could we take a note of the substantial choice notes and then deal with them in a poll? Because I'm very aware that a number of people from this drafting team are also not on the call, and I think it's probably good form to beat them to death as we can by consensus on a call and then make a decision towards consensus on a poll, which can allow to run outside of the meeting.

Alan Greenberg:

I support that. We have Darlene and Yaovi have their hands up. I'm not sure if they're new ones or old ones.

Darlene Thompson:

Darlene Thompson here. May I just say to staff, this Adobe Connect Room is not working for me and usually on these calls that we have for our working groups it doesn't work well for me for some reason. I can't see anybody else's hand up, I can't see the conversation, I can't see anything that I type in and they're horrible. Now, whenever we have our NARALO general meeting it's prompt, I can see everything that's happening; I just don't know what the disconnect is between that and this and I have lowered my hand but I can't see it on my own screen and I don't even know what's happening on the screen there. Thanks, that's my only comment.

Alan Greenberg:

Noted.

Cheryl Langdon-Orr:

Alan, just to Darlene – Cheryl here – can you see on either the top right or the top left a very small colored bar on your screen? It could be green, it could be yellow or it could be red.

Alan Greenberg:

Who are you asking?

Cheryl Langdon-Orr:

Darlene.

Alan Greenberg:

I have a small green bar just to the right of “help.”

Cheryl Langdon-Orr:

As do I. I have a small green bar at the left.

Darlene Thompson:

I have none of the above.

Cheryl Langdon-Orr:

Okay. That might just help staff solve the problem with you that’s all. Thank you.

Alan Greenberg:

Would you like to share with those of us what the green bar means?

Carlton Samuels:

Connection status.

Cheryl Langdon-Orr: It actually is the measure of your connectivity and status bar.

Carlton Samuels: Connection status, that's it.

Alan Greenberg: Okay.

Cheryl Langdon-Orr: I see connection status.

Carlton Samuels: Yes it says excellent or bad if you're getting the wrong thing.

Alan Greenberg: Okay, that's good. I hadn't heard that. Yaovi?

Yaovi Atohoun: I have the same issue as [Carlton and Darlene].

Alan Greenberg: Alright for what it's worth when I get situation like that I try refreshing the browser window and sometimes it helps. Okay, so we will try to create a poll in a way that's understandable and simple and provide some options to decide how to go forward in terms of the quorum. It looks like we are centered on at least 50% and some form of regional participation required, although it's unclear exactly where we'll come out.

Any other comments on the issue of quorum before we go on? Well I have others. That's one establishing quorum. Different groups have different rules

about does quorum have to met throughout the meeting. Some groups say that quorum must be met only at the beginning of the meeting and it if people drop out quorum is still deemed to be present. Other groups say that at the time a vote is taken, quorum must be present. What do we think?

Our current rules are silent on it, but we have acted as if to start the meeting we need quorum and we must have quorum at the time a vote is taken. I think that's operationally what we've been doing, and Cheryl or Olivier can confirm. But we don't worry about quorum during discussion parts and things like that.

Cheryl Langdon-Orr:

And Alan just to gild that lily a little – it's Cheryl for the record – in the cases where we have not had quorum at the beginning of a meeting, and our rules do say that unless there is a quorum by a certain point in time then the meeting would be suspended, etc, etc. To avoid that, when we know people have said "call me back in 15 minutes" or 20 minutes or something, and we know we've got votes happening in the middle of the meeting, we shall discussion without quorum. But we've always held decisions with quorum. And we've gone from informal to formal meeting mode as those things shift.

But that's currently at the discretion and skill set of the Chair. And when there's no Olivier in the Chair and someone else might be there that would be a whole different ballgame.

Alan Greenberg:

Olivier you had your hand up and put it down; do you want to get into this? I guess not. What do other people feel? I always find it rather curious that for groups that treat quorum as something that must be achieved only at the beginning of the meeting and no one counts afterwards, on the other hand it's far easier to conduct business that way. But again, the credibility of that business might be questioned in a case like ours where we are making statements for viewing by others as opposed to simply making decisions for internal purposes. Eduardo?

Eduardo Diaz: Yes, this is Eduardo Diaz. The question is what is the purpose of the quorum? Is the quorum important to run a meeting or just for voting? Because if it's just for voting then quorum we will have to have some kind of quorum for voting and not for the meeting, so my question is what's the purpose of the quorum, and that might help us define where we need quorum.

Alan Greenberg: It's certainly not defined in our current rules, but practice has been, as Cheryl implied and as Heidi has implied in the chat, for a formal meeting to start we require quorum. And prior to any given vote we require quorum. That has been our current practice. That doesn't mean that's what we have to do in the future, but that has been the practice. Should we add an extra question in the poll to try to cover this? Olivier has his hand back up. Would you like to speak?

Olivier Crépin-Leblond: Thank you Alan. Actually I did speak last time, but of course I was on mute, so you didn't hear any of it. That said, Cheryl put her hand up again before I put my hand up, or at least she put it up in the chat. The only thing I was going to say was when talking about these rules of procedure is I never have anything to say afterwards, so she might have the way to say what I need to say now. Go ahead Cheryl.

Cheryl Langdon-Orr: Thank you Olivier; Cheryl for the record. But you do realize of course I've had hell of a lot of practice at this stuff, in things a lot more complicated than the ALAC, but that's an aside. What I wanted to pick up on Alan was when you were referring to structures which require quorum to begin with and then not to be maintained, necessarily to be maintained. If the group went down that pathway, and I would not in any way shape or form suggest we do do that, but I think it's important to understand that in the better of those organizations that have a quorum to begin a meeting and then do not necessarily count quorum

before a vote or do not stop the meeting when the level goes below quorum, the best practice is that the form of minutes, and this is tedious might I suggest, are timed minutes and that way you have “CLO left room at 11:27,” “CLO returned to room at 12:14.” “AG absented himself from room during discussion on blah, blah, blah.”

And so there are also different ways of doing meetings as a result of different ways of deciding that a meeting is formal or informal. And as long as you realize that if you only do part of one of those things you can get yourself into a lot of accountability problems. Then I’m happy. I wouldn’t be happy if we went down some of those pathways, but if you recognize that those things are tied with accountability and to some extent transparency, then I think my intervention is understood. Thank you.

Alan Greenberg: Thank you Cheryl. I’ll point out that with teleconferences it’s awful difficult to do that. You don’t really know if I was listening to what you were just saying or I walked out to get a chocolate bar.

Cheryl Langdon-Orr: Absolutely.

Alan Greenberg: So I would suggest that we not try to go down that path at all.

Cheryl Langdon-Orr: Here, here.

Alan Greenberg: Alright then we’ll take a straw poll offline and Heidi asked how do we do the polling and let’s discuss that later. I’m not quite sure if we want to do it with a formal Big Pulse poll or perhaps email or something else maybe...

Cheryl Langdon-Orr: it can even be a Doodle.

Alan Greenberg: Yeah. I'd like to think about it a little bit to try to make sure that we not only get yes or no's but if people have particular thoughts they have an opportunity to express them. And I really don't want to spend a month trying to create a formal poll. So we need to think about that. Olivier is your hand up again?

Olivier Crépin-Leblond: Thank you Alan. My hand is not up again, it's still my old hand. But it didn't come down since I passed it over to Cheryl. But then I wanted the hand back afterwards. I was still going to share. The way that I've been running the ALAC calls was of course we tried to have quorum at the start of the call but as Cheryl said some people are sometimes delayed. There is one thing with our teleconferences – people tend to drop off and come back on. And sometimes when we just establish quorum by the exact number of people and then one person drops off I think it would be an absolute nuisance to have to stop the meeting altogether to wait until they would be connected back on.

We've already seen how we've had such problems when conducting votes and people during the votes dropped off at the time or had stepped away or for whatever reason could not vote exactly at the time; they needed to be chased up. But I think that the making sure that there is quorum when the vote takes place is absolutely extremely important. Making sure there is quorum during the whole length of an ALAC call, or of any call, is something that's a lot more tricky and I would advise against it. Purely on the fact that we would waste so much time.

Alan Greenberg: Thank you Olivier. I'll point out that as Cheryl mentioned earlier one of the other things that the overall rules of procedure group needs to look at, although

the home for it is in a different design team, is issues like absentee voting; that is if you're not present on a teleconference that you be given an opportunity to vote in the next 24, 48, 72 hours, something like that. And that is a way of ensuring a higher vote count, even if the person was not present at the meeting. Clearly that requires making sure that the person is well-informed of the issue. We couldn't be in a position where we come up with a new motion on the meeting, the mp3 isn't even posted yet, but we expect someone who wasn't at the meeting to vote.

We will have to be careful that we don't end up in Catch-22 situations like that. But that might be a way on ensuring higher vote counts, even if the full number of people aren't present at the meeting, and conceivably even if there is no quorum at the time the vote is called. So these are options we're going to have to look at. Yes Cheryl?

Cheryl Langdon-Orr:

Thanks Heidi. Cheryl for the record. Sorry Alan. You know these are things that I get very passionate and excited about, which of course is one of the reasons that I'm not Chairing any of these drafting teams, because of course a Chair, or in fact in this case pen holder is a better term because you have a voice as well as a function. But one of the things that just struck me, well two things struck me, one is as I was saying that we don't actually have enshrined in the rules that Chairs are expected to manage meetings and not manipulate them and be the only voice heard.

But on what I did put my hand up for is the issue that what we could do is assist in our administration meeting guidelines perhaps with something not as hard as fast as a rule, but a recommendation that because we use systems that almost without exception now have some form of either audio or later transcript, that whoever is managing a meeting should note wherever possible the absences, casual or otherwise, that occur at a meeting for the record. And that's the sort of language that would mean when Olivier notes that I drop off, he simply says

“We’ve lost Cheryl audio, we’ll try to reconnect her” or “We’re dialing out to Heidi again.”

That covers it but at least it makes sure that it’s an expectation that gets noted. Thank you.

Alan Greenberg: Okay thank you. I’m not sure how to enshrine that in the rules but certainly a practice which should be undertaken. The other practice I’d like to see is when we come to critical points in the meeting that the time of the transcript to be noted. It makes it an awful lot easier to go into an mp3 if we don’t have the actual transcript yet, if we know within a minute or two where it is. Alright, I think we’ve beaten quorums to death at this point. We do have some follow on work.

Olivier Crépin-Leblond: My hand is still up.

Alan Greenberg: Who’s you? Olivier?

Olivier Crépin-Leblond: It’s Olivier. And I had put it down...

Alan Greenberg: Olivier, for the record we’ve already established that a hand up that was up does not mean it’s new so speak up. Thank you.

Olivier Crépin-Leblond: No, no. I had put it down and then I put it back up, but Yaovi is still with his hand up, so I don’t know...

Alan Greenberg: That presumes we were watching your every motion, we are not.

Olivier Crépin-Leblond: Okay, it's Olivier for the transcript. You touched on one thing which was the issue of being able to vote online after the vote would take place during the call. This should just be an option at the Chair's decision. The reason for it being, that sometimes votes are called in the meeting because we are out of time for conducting an online vote. So keeping it as an option is great. Making it something that is standard saying "every vote that we would have in a call we would also give X number of hours for people to vote online afterwards" I think that just wouldn't work.

Alan Greenberg: Olivier, we respect you greatly, but I suspect we will have to talk about this in the proper forum. And I don't think anyone said that we will do it for every possible vote. There may be some subset of votes that we believe are important enough that we want to do this for. But this is not the right venue for that discussion, but we will be glad to invite you to the right venue later.

Cheryl Langdon-Orr: He's in all of them.

Alan Greenberg: I know. I was being courteous.

Olivier Crépin-Leblond: And I'll gladly accept the invitation, thank you.

Alan Greenberg:

Thank you. The next item on our agenda, if there is no one else. Olivier is your hand up again?! Thank you. And Yaovi you can't see your hand up, but trust us, the rest of us can. But we'll accept that. Put something in the chat if you want to raise your virtual hand that's already up. The next item is consensus. We have the simple words in our current procedures and we have always used it in respect to the new procedures, that where possible the ALAC works by consensus. I do not believe we have defined it to any extent further than that, nor am I sure we want to define it further than that, but I am sure we need to discuss it.

So the question is, how do we define consensus, if we define it? Do we talk about it as a percentage of the people? In other workgroups, in other forums where consensus has been discussed and there are some formal rules of consensus in the GNSO where workgroups tend to be larger sometimes, but I'll raise some of the difficult parts ahead of time to frame the discussion. One of the really difficult parts is if we have a workgroup let us say of 15 people, a random example, and we have three people who don't really like an idea and the rest are supporting it, how much consensus do we have?

Another example, we have 14 people who feel it and one person who will die before letting it happen. If there was a concept of a veto they would definitely use it, because under no circumstances are they happy with that. So how do we want to define consensus? If something were to come to a vote for most things, certainly our practice has always been more than 50% carries a vote. If we use a similar definition of consensus it simply means the majority of the people want to go some way and if the rest of them either feel weakly against it or vehemently against it, it doesn't really change the level of consensus.

So the question is how do we want to go forward? What do we claim – what way do we measure consensus? Because we're trying to use consensus in lieu of voting, but that doesn't necessarily mean it must be a more rigorous, or very much more rigorous methodology than voting. So there's a lot of ideas that I've tossed out, let's go forward. Assuming Yaovi's hand is still the old one, we have Olivier next.

Olivier Crépin-Leblond: Thanks Alan; it's Olivier for the transcript. In the recent course I've heard Avri provide details of the GNSO having worked on the definition of what consensus was and GNSO consensus and...

Cheryl Langdon-Orr: Yes we did that.

Olivier Crépin-Leblond: And various terms. And the question was whether the GNSO reached consensus on what consensus was. And if it did reach consensus on consensus then could we learn from that consensus and find out perhaps more easily rather than having to redefine the wheel? Or is it not applicable to our case?

Alan Greenberg: Well the answer is they did reach consensus on what consensus is, there are a number of degrees of consensus defined, and a methodology for determining which degree it was and a way to object if you don't agree with the Chair's analysis of the consensus. So all of that is in the GNSO Operating Procedures. If you simply do a search on the ICANN website you'll find them. Or someone can put a link in the chat. I can't right now because I don't have enough hands. But they are well-defined.

Olivier Crépin-Leblond: So Alan, as someone who's been in there, would you advise the ALAC going down that road?

Alan Greenberg: I don't think we need to because really what we're trying to decide in general is to go forward with something or not. So we probably could say any of these five levels of consensus are equivalent to a yes and those three levels of

consensus are equivalent to a no. We may choose to do something like that. But in any case Yrjö's hand is up and Eduardo and Cheryl.

Yrjö Länispuro:

Yeah, it's Yrjö Länispuro for the transcript record. I think that maybe it would be better to leave it undefined as it is today. That is to say consensus is an idea we always try to reach it and so on and so forth, but if need be there is always the possibility for voting. Of course there are different grades. I mean you talk about unanimity minus one or U minus two, minus three and so on and so forth. I remember that for instance in this European Security Conference context we used U minus one. But as I said, I think that for our purposes it's probably best to just leave it as it is in context. Thanks.

Alan Greenberg:

Eduardo?

Eduardo Diaz:

Yes I like to agree with Yrjö, leave it undefined. Basically what I see as a consensus is there is something that's been discussed and nobody is objecting to it then it's consensus. If somebody is really not in accord of what is being said then you can always go to a vote. But you know, we have done many things on consensus and I think it works very well the way it is, which is not defined.

Alan Greenberg:

Alright. Cheryl?

Cheryl Langdon-Orr:

Thanks, Cheryl for the transcript record. And I need to declare myself as one of the people who worked to develop in the GNSO Working Group those definitions of consensus, along with Avri, who I chose to disagree with in a lot of times, so I declare a bias here. The concept of a definition of what is consensus is most important when a recommendation or a report is being

produced. That is not all that frequently the case in the business of ALAC, so I'm very comfortable with us not having strict definitions of what constitutes consensus for our meeting administration.

That said, there is practice in a number of groups that work by consensus and who never vote. For example, the policy review panels for the Australian domain name system, which are at arm's length and independent of the regulator that I'm a Board member of, all work by consensus.

But what they do, at the beginning of any of their pieces of work, is establish what that consensus will be; what is the level of consensus. Is it U minus one, U minus three or whatever? And they also establish and have stated on the beginning of their output what, if any, likelihood for dissenting opinion to be put in, and to date that's always been a minority report has been acceptable and indeed accepted if they have it. So that's another way of doing things.

That said, ICANN and the ICANN Board have a consensus mindset because of the GNSO. And the GNSO has gone through hell and high water to establish some benchmark meanings of consensus. Should we not consider that if consensus ever needs to be defined, and there's situations when it might be, that we use those established benchmarks, but that we can also then sub-qualify those, as Alan suggested that said these top three mean it's a yes and these bottom four mean it's a no.

I think there would be merit in that because Board members will ask the Chair of the ALAC, and other people, was that a consensus view. And so often the answer will be it was a unanimous vote in the August meeting. Because we don't have a definition of consensus, at least that answers it. But if they want a consensus view, and they may ask for those sometimes, it would be nice to have a way of recording what it is. And I'm very comfortable with things being recorded as unanimous, but we also need to recognize that unanimity of those at the meeting or those in the group. And that also needs to be defined when you're defining what is unanimous.

My working model is to make sure that it is unanimous from those in the meeting at the time of the discussion. But there are times, especially if you're then going to go into online work, so you discuss something in a meeting and then you do some more follow-up work online, that unanimity would need to be of the group, not of a meeting or a snapshot of a fixed point in time. Thank you Alan.

Alan Greenberg:

Yep. Okay we have Yrjö and Carlton in line. I will go in as Chair and explain to those who were not involved in the GNSO workgroup process why they needed to come up with these relatively convoluted rules for, and detailed rules for consensus. There are a couple of things that came together. First of all, the workgroups we're talking about in the GNSO are open to everybody. So if it's an issue that is a particular interest to registries or registrars or business or something like that, they can end up having a very large number of people on that workgroup. In other words, you can have an issue talking about the RAA for instance, where you end up where two-thirds of the members of the workgroup are registrars.

So it became obvious to not only simply count hands up, because any given group who felt strongly for something could essentially swamp the rest of them in terms of sheer numbers. It's still problematic in terms of speaking rights, but in terms of making decisions it was important that one group not be able to swamp the others and force a decision one way or another. At the same time there was a strong feeling, as Cheryl implied, that decisions cannot be taken purely by those who happen to be on a meeting at any given time. And therefore hands up and even counting people at the meeting doesn't happen.

So, many workgroups end up taking straw polls. They end up looking at the affiliation of people and grouping them together for instance. And if you say that all, in the GNSO context, all of the stakeholders and constituencies except the intellectual property people feel one way, then that's a pretty strong consensus even though one group feels highly in the other way. The ALAC is

not in that position because we are an equally divided balanced group. So counting votes becomes a very simple way of establishing preferences.

And our use of the term consensus probably should be in line with the knowledge of that. In any case, Yrjö?

Yrjö Länispuro: I'm trying to lower my hand, but somehow...

Alan Greenberg: Carlton?

Carlton Samuels: Thank you Alan. You said the magic word a while ago, I won't bother to say much more about it. I generally support the view that we should be wary of making these, taking these strong definitions from the GNSO for ALAC. Precisely because the ALAC has a different modality in terms of how we make decisions. The GNSO, because they have so many houses, they are always concerned about a house not being in ascendancy. So they have these very involved definitions and these very involved – everybody is reading the tea leaves over there.

The fact is that I, the ALAC hardly ever makes a decision by consensus because we vote for everything.

Cheryl Langdon-Orr: That should be the opposite.

Alan Greenberg: Well perhaps the issue is we don't make decisions on anything other than statements where we want a vote count to be published.

Cheryl Langdon-Orr:

Yeah okay.

Alan Greenberg:

And I think that will almost be...

Cheryl Langdon-Orr:

I have to go Alan, could I just follow from Carlton, he fell off but if you could just to report back to him what I said. I have no problem maintaining that we will work by consensus in inverted commas and with an asterisk. But what I don't want to have is us, if we ever define or need to define consensus, doing a separate set to what is already establishing itself as a norm in the world of ICANN. The cross-community workgroups use the GNSO guidelines on those issues.

So if we ever need to define, or have it defined for any purpose, then let's not invent a new one. Let's refer to what already exists in ICANN. Otherwise it will become far too convoluted and confusing.

Alan Greenberg:

Cheryl I agree with a caveat. ICANN uses, always uses the same word in 49 different ways. And to the extent we're talking about consensus in imbalanced groups, I believe the GNSO ones are as good as we're going to get.

Cheryl Langdon-Orr:

Yep, let's not invent a new one. And I do apologize...

Alan Greenberg:

Our hours up so I think we ought to go. I will try to summarize on email what I think we have decided. And I think we actually have to come to a consensus view on this, or pretty close to it. But if people disagree with my email then feel free to say so and we will meet again in three weeks. We got two of our three

items covered, which might be a record for these meetings. So I thank you all for your participation, and see you online. Bye-bye.

[End of Transcript]