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SOAC ACCOUNTABILITY SUBGROUP MEETING

Thursday, August 24, 2017 - 19:00 to 20:00

>> CHERYL LANGDON-ORR: Anyway, his counting it's far more effective than mine. Therefore, when he says there's 5 by 5 we are ready to go. So we can have the recording start. Thank you very much.

[This meeting is now being recorded]

Thank you very much indeed.

And today is our 30th meeting of the support organization and advisory committee accountability sub team of the work stream 2.

I'm just getting a little cackle on my line. See if I can improve the audio for me. Hopefully that is still loud and clear for everyone else.

My name is Cheryl Langdon or and we will be doing today's meeting under our normal circumstances which means while we have received two apologies, we will at least two apologies. We will be taking roll call from the Adobe connect room. And however if you are only on audio, if you could let us know now.

Not hearing anybody, we will run with our this at this stage. Just enough to run the call, number of people. Thank you Greg, welcome. Hopefully getting a few more people to join in as we creep just past the top of the hour. Next thing I would like the on do from administration point of view is ask if anyone has an update to the statements of interest?

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Not hearing anybody, we will mach past that.

Today's as usual because in particular we have captioning, I would like to remind you all as you start to make your interventions if you could name yourself so that will allow our captioner and our recording to note who is saying what. And if you can speak as slowly and clearly as is practical, that will be excellent. It's the intent of today in our call that reel we will be finishing off our review of the public comments on our last report. And to put ourselves in good steady for completion of that documentation and discussion of any changes to our report to make a final report in time for the report to go to the plenary of the cross community working group.

So with that, I'm going to note that Steve DelBianco has dialed in and is under somewhat awkward circumstances at an airport somewhere in the world. So he will be somewhat limited in his Adobe connect activities today. But he will be giving us a brief update on what has been happening since our last meeting. And then we will be jumping right into the main body of today's event and we will be starting with I believe line 2 that's line 3 2 from the document that Steve and farce may and I re sent you the updated and was not only attached embedded in your agenda but also sent to the mailing list. So with that, I'll ask you to take it over Steve.

>> STEVE DELBIANCO: Thank you it's Steve last call we made it through 31 out of the 42 public components that we wand to respond. Yesterday in addition to Cheryl's agenda I circulated a PDF and another link to the latest summary of public comments and Brenda is going to put it in the Adobe. With apologies, this is a very wide, small type, Google sheet and it does not handle well inside of the Adobe view window. It's very challenging to keep it in the right place. So I counseling people that have access to email I sent yesterday have the Google sheet open in the browser window and place a link to it on the last side of the screen in the chat.

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Ideally Cheryl to recap what we did last time we did the first 31 rows is and made a dozen edits to the comment response. Farzi and I have all of the itself in the sheets but before we go back to those it would be better to finish 32 to 42 and we can do that in the first half of the call then turn to the broader report that we have. Because Farzi was good enough to make a few edits to the report to public response. So be able to do a first reading on the final report as well. Cheryl, if that's satisfactory to you we can pick up with row 32, is that all right.

>> CHERYL LANGDON-ORR: I'm happy, let's start at at point 32 at row 32. If we can get a first redoing some of those changes that will be excellent as well. Over to you.

Today.

>> STEVE DELBIANCO: Thank you Cheryl. Google sheet does a lot of things one thing I can't make it do is display a row number when I created a PDF. One of you geniuses has to show me how to do that one day.

So page 8, row 32 where we need to start is the third second row down. Starting with INTA on track 2. So, if I'm not controlling the scroll then each of you will have to quickly jump to page 8. You will see the row that says INTA under tract 2 with it supported the round table and our response to that is we do not agree. We have reverted to the original recommendation not to implement the original accountability of round table. This is an isolated this is actually an isolated comment in that they do believe we should have a mutually accountability round table. But we believe the significant consensus in the group is not to have it. Part of that was picked up at the last face to face meeting with when we reviewed public comments. Any comments on this one?

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I think we resolved our stand on mutual accountability round table several weeks ago so I don't think we have to go too much into that.

Next row, 33.

>> ALAN GREENBERG: The comment should say when you just said. Based on the face to face meeting consensus at the face to face meeting and the work group we have reverted.

>> STEVE DELBIANCO: Thank you Alan we will make the change several places because the comment will appear. So based on the face to face and other comments. Thank you Alan.

Next row is RySG and they supported the conclusion and there for we will acknowledge the support.

Next row is row 34 where the SSAC does not support the recommendation to do mutually accountable roundtable. They think it's overly formal. So we will let them know we agree. And we reverted to the original recommendation not to implement mutually accountable roundtable.

Page 9, almost done here, it's the GNSO business constituency where we were supporting the recommendations all we have to do is acknowledge that and we are on track 3 the ISPCP. Agreed with our recommendation not implementing IRP for AC and SO acknowledge their support same with the non commercial stakeholders group also the agreed in support of our recommendation against implementing IRP next the ICANN are board under track 3 the fourth row down on the screen in front of you. For this one I asked Herb way to take a look at it. Because it involves the ombud's rule. In this case the IRP, the board is noting if we had a way to have some alternative mechanism to address grievance against an SO or AC or a an

empowered community itself as an entity. What we said in the draft comment we said we will sight the ombuds work group and [indiscernible] is on call if you happen are fortunately that the ombuds does handle the complaints and comments so SO and ACs they already take their grievance to ombuds office if the ACs or SOs don't follow. Actions of the empowered community should be subject to grievance procedures. We disagree we think the AC the empowered community is not an entity it's just a aggregation of decisions that should be reached by participating ACs and SOs however reviewed by the ombuds man would be appropriate if a challenge whether the AC and SO properly the decision over the empowered community and whether the secretary accurately reported the AC and SO decisions that reflect what the empowered community consensus would be.

Let's take a cue on this one to see if we are on board. Alan, you are first.

>> ALAN GREENBERG: I agree with one exception it is conceivable that the empowered up community administration which is comprised of the representatives from each of the ACs whose charged with counting the votes, as it were. Counting the yes' and no's and silences were to report something to the secretary of the board that did not reflect what the input was. That should be subjected to some level of dispute or complaint. So for instance if the fundamental bylaw that just passed had only received two yesses and the rest were silence and the person fronting for the administration of the AC said yes it is past because we haven't gotten any negatives that should be subjected to dispute.

>> STEVE DELBIANCO: Alan take a look at the last line in yellow whether the AC secretary accurately reports AC and SO's decisions. Help me rephrase that to capture what you asked for AC.

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>> ALAN GREENBERG: It implies it but I don't know if it captures it.

>> STEVE DELBIANCO: Reports and tallies?

>> ALAN GREENBERG: Accurately reports and just disappeared.

>> BERNARD TURCOTTE: Getting you though rows back.

>> ALAN GREENBERG: I know Bernie we didn't really want to see the words we were reading.

>> STEVE DELBIANCO: Page 9 please, thank you. I see what happened. Bernie figured out how to get the row numbers. Thank you Bernie well done.

>> ALAN GREENBERG: But your timing was really bad. It's tiny enough that I can't read it.

Whether AC ...

Accurately reports I guess the question is not whether they accurately report the results but whether they interpret the results properly. So AC I don't think it's called a secretary, by the way. That term the wrong. I'm not quite sure what the right term is, if indeed there is a term.

Whether the decisions of the or actions of the empowered community well the actions of the decisional participants are reported accurately and completely in aligned in accordance with the ICANN bylaws. I hope someone captured that.

>> STEVE DELBIANCO: It should be in the.

>> Alan: Whether the actions of the decisional participants are okay. Actions are reported accurately and completely. In not okay drop the in aligned. In accordance with the ICANN bylaws. That I think captured.

>> STEVE DELBIANCO: Alan when I look at EC administration in section 63 of the bylaws. The decisional participants should act through the additional chairs or other participants that are designated and collectively known as AC administration. And each participant should a written decision to the secretary. Capital S, secretary. Designated individual that should representational

>> ALAN GREENBERG: Okay, okay.

>> STEVE DELBIANCO: It shows up 12 more times, the word secretary.

>> Alan: I'm wrong. I didn't recall there was a term.

>> STEVE DELBIANCO: Alan look in the are transcript and see if that captures the phrase you had in mind for the last sentence. If it doesn't

>> I don't know where it is.

>> STEVE DELBIANCO: Scroll up an inch or two in the scribe feed.

>> CHERYL LANGDON-ORR: Cheryl here. It's Cheryl. While we finish that, perhaps we can move on to the queue which is good.

>> ALAN GREENBERG: I already said it's correct when dropping the word in aligned.

>> STEVE DELBIANCO: I want to make sure we capture that. Kavouss be patient one minute longer.

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>> ALAN GREENBERG: Whether the actions of the decisional participants or the empowered community additional participants are reported accurately and completely in accordance with the ICANN bylaws.

The term secretary is legitimate but you don't even need to use it.

>> STEVE DELBIANCO: Great. Thank you, Alan.

Appreciate that.

Kavouss, thank you for being patient.

>> STEVE DELBIANCO: I cannot hear you Kavouss, try again?

>> KAVOUSS ARASTEH: I said that good afternoon, good everything. It does the ICANN board or ICANN, I don't know who said that, proposes an ombudsman the AC group get when they have done the job properly or not. This is a new task for the ombudsman. I think it should be clarified by the repertoire of the ombudsman. Whether this is something that is for seen in the mandate and duty. I don't think it is like maybe the wording of ICANN should be changed maybe according to what Alan said. To check whether his report has been accurate and reflected is something and to see whether the EC has been properly decided is another thing. I don't agree that such duty be given to omsbud to see EC has been properly accessed. Whether the decision has been properly reflected by the secretary or any entity doesn't small risk of some sort of [indiscernible] but not a decision. We want to include the power of the ombudsman.

Thank you.



>> STEVE DELBIANCO: Kavouss, thank you for that. If this is Steve. The board itself their comment is summarized on the screen in front of you. They didn't specifically call out the ombuds. Instead they said what alternative mechanism there might be. They didn't specifically pick one. Report we circulated for public comment we said the IRP wasn't the right mechanism but the ombud would be. The call we had are be Sebastien and Herb we specified the complaint could be brought and ombud had a capacity and role about investigating a complaint whether a decision was properly reflected in the reporting and procedures were followed and that would be appropriate role. And I hoped to turn to Sebastien to verify that the words were used or Herb to verify that the words we are using here are within the ohms scope of business. And Herb said no audio and Herb said to me I would only be involved if someone complained the rules were not followed.

And that is what we are trying to suggest. That the procedures were not followed, in which case someone would complain to the ombuds that seemed to be can covered here.

Does that answer your question Kavouss?

>> KAVOUSS ARASTEH: My question is that what we expect ombudsman to do? To check whether the report has been properly conveyed or the ombudsman is going to check whether the procedure has been applied by the EC. What is that?

What we ask ombudsman to do. It is to include in the duties in the ombudsman in the [indiscernible] thank you.

>> STEVE DELBIANCO: Okay, Kavouss for the abundance of clarity I'm going the paste into the chat what we are putting in our response. I'll read it to you.

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It says reviewed by the ombuds would be appropriate in order to challenge two things. Whether an AC or SO properly reported their positions to the AC. Second thing, when the actions of the decisional participants of the EC are reported accurately and completely. In accordance with the ICANN bylaws. So those are the two aspects we think the ombuds would have the ability to investigate. It's not an oversight role per say but it's something where the ICANN community is reporting to the ombuds I have a complaint whether the process was followed, would the ombuds look into it.

Herb put in the chat there's no oversight that comes to work stream work. Herb, to you you do need some oversight role as soon as or is this something you can already respond to. Because we are suggesting an ICANN community member is complaining that the processes are not followed. Don't you already have the scope to investigate those complaints?

>> STEVE DELBIANCO: Go ahead, Alan.

>> ALAN GREENBERG: I think what Herb is saying some day in the future he or the person in his office may have the responsibility of verifying simply the chief returning officers as it were to make sure everything is followed. At the moment all we are saying is he may act on a complaint if a complaint is made. So we are not suggesting that he take unilateral action to clarify at this point until or unless a complaint is made. I have a question raised. Is the board let's say the empowered community reports something. And the board believes that the rules were not followed. Is the board empowered to invoke the ombudsman which leads to board.

>> STEVE DELBIANCO: Is answer is yes. Herb says yes. The board itself could be a complainant.

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>> ALAN GREENBERG: Do we need anything to say the decision is put on hold while there's a complaint?

>> STEVE DELBIANCO: Alan asks the question whether we wanted to recommend, this is not in the it may be in the bylaws Alan we should check that.

>> ALAN GREENBERG: I don't think there is anything.

>> STEVE DELBIANCO: We are not recommending changes to the bylaws. We have not had to so far.

>> ALAN GREENBERG: If we have to we have to. We can say it's occurred by the board we don't have to make the recommendation. Just a thought in theory, something horrible could happen acting on a false report of the empowered community. If it's acted on. So we may need a what's the injunction. Equivalent of an injunction.

Maybe this is noted and passed it on to the face to face. To the, rather the whole CCWG.

>> The plenary.

>> ALAN GREENBERG: Yes plenary I'm at a loss of words I have not slept.

>> STEVE DELBIANCO: So we are in agreement the keyword is complaint. I have changed the response to say however the radio view of the ombud is appropriate in the response to a complaint whether an AC SO report system complaint to the EC and whether they report accurately and completely with the ICANN by laws. No the trigger word is complaint. That means that Herb would have jurisdiction.

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Without relying on some recommendation coming out of work stream 2.

>> CHERYL LANGDON-ORR: If I may Steve, Cheryl here.

>> STEVE DELBIANCO: Please do.

>> CHERYL LANGDON-ORR: Thank you very much. Cheryl for the record. I just excuse me. I just want I do apologize. I just wanted to continue breathing for a second.

I just wanted to make sure with that charge that Alan and you have gone through. Thank you, Alan taking us perilously close to additional work and changes instead of finishing the role we have today.

>> ALAN GREENBERG: A glad to help.

>> CHERYL LANGDON-ORR: Yeah right. If Kavouss is satisfied I notice his hand is still up. Because he's question was what soared of actions would the omsbud take. And I want to make sure he's clear an ombudsman on a complaint would take the exact same actions as he does on any other complaint in terms of his existing powers of investigations.

So if we just stop and go to Kavouss very briefly and see when that is something here's clear upon or not. Kavouss over to you.

>> KAVOUSS ARASTEH: Yes I think it's an important issue here. We didn't want to go to IRP now we put something in the later vision of ombudsman my question is that, the EC may not make a proper decision. And that there may be a complaint knowledge that's one issue. Another issue is that the complainant that precisely has not been applied and the third one is that the decision is not properly reflected and reported. These are two different issues. Why

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not, ICANN, if they identified that, why did they go back to EC? Why they want to have a intermediary in that. And when ombudsman say procedure has not been followed it must give the reasons. Not just say it has not been followed. With the reason there of.

If only about the procedure ombudsman can say not about the decision of the empowered community. That ICANN empowered community to talk together and perhaps that would be [indiscernible] so we don't want to have the sort of veto by the ombudsman this is a big risk thank you.

>> STEVE DELBIANCO: Thank you.

>> CHERYL LANGDON-ORR: Thank you Kavouss, Cheryl for the record I'm pleased to see Sebastien owe the line I was going to ask if he would make a comment next I'll go to you know he.

>> STEVE DELBIANCO: Kavouss of course the ombudsman office the of course respond to any complaint but I think it would be incredulous to think the empowered community would not interact with IDs in the way you described. So I don't believe we are looking at any form of veto. In fact the omsbuds would report and with the effects expanded and published as best they can with within confidentiality. It would result in exactly the same thing, he would just just prepare posing as essential. Let's go to Sebastien over to you.

>> SEBASTIEN: I'll note person's hand is up also.

Thank you Cheryl. I agree with you. I think what is important to note is that if the [indiscernible] trouble together and much they discuss together and solve the problem then there's no issue to go to the omsbud. The omsbud is here to go between to organization one

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person one organization. With an ICANN to out to solve the problem. The ombud will not say here's the solution here you need to do that. It's ombuds will come. We try to as people of the organization talking together. Find a solution together. And he may come with a proposal. With the recommendation. The recommendation is up to the complainant and the complainant to decide if they want to apply it. And then therefore I guess we all agree here, it's not to give more power to the ombuds they have already a lot to do. But it's to see that the ombuds is the right place to solve a can complaint for this type of issue. That we are not existing prior to work stream one and what we are doing now. Thank you.

>> CHERYL LANGDON-ORR: Thank you very much. Cheryl for the record.

Two things before I go to Bernie. One thing before I go to Bernie. I hope now that helps you understand the situation and why the text is proposed as it is in response to this public comment Kavouss. But also I think we should note as stern has in Farzi has in the chat that there's different between this type of ombuds interaction based on complaint and independent vie panel. There, vastly different as well. Thanks for reminding me of that. Bernie over to you.

>> BERNARD TURCOTTE: Thank you Cheryl. Just to note on I know Alan put in that it should just may be not be part directly of the recommendation that any such action should be stopped or there should be some sort of injunction procedure if that is invoked. Having written a few of those, you want to be very careful how you want to write those. Because what can happen is you can end up in a loop. Where by one personal complaint and if you make it automatic that there's an injunction then when that complaint is done someone else files a complaint and automatically you end up with another injunction.

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So these type of things, the concept is good. But they have to be written very carefully to avoid creating more problems than they would solve. Thank you.

>> CHERYL LANGDON-ORR: Thank Bernie. Let's hope we don't have to write it at all.

Back to you Steve.

>> STEVE DELBIANCO: Kavouss, is that a new hand.

>> KAVOUSS ARASTEH: Yes new hand.

>> CHERYL LANGDON-ORR: Sorry I was in another.

>> KAVOUSS ARASTEH: Can I talk or not?

>> CHERYL LANGDON-ORR: Yes Kavouss it's Cheryl here. I said I was sorry, I was on another screen looking at the chat and didn't see your hand raised.

>> KAVOUSS ARASTEH: I think that we just wanted to divide up the IRP and now we put in another track. So I suggest that either we retain the initial that yes, IRP may be better than ombudsman or all of these things I think. We don't want to go from something that is well established, something that doesn't have any basis. I don't think this is just authority.

Did someone say that procedure has not been followed? This is a one man decision. And there's no appeal to that.

If that ombudsman whoever made the mistake say that he has not been followed, who is going to check whether or not whether he or she is right or not? Human beings are subjects of mistake.

I don't understand this. So please but mitt objections to this. And I think I take it at the CCWG. I know that immediately people may say that I'm in the minority. No problem. But I don't agree with try to resolve something and create another problem for that. This would be very, very risky that we give chief major important issue to one person to decide. Procedure has not been properly followed. What reason, decision was joint or but recorded. All of them is subjective to one person's decisions.

So [voices overlapping] I a disagree with the board's comment. I disagree with the board's comment thank you.

>> CHERYL LANGDON-ORR: Thank you Kavouss. I know Sebastien is going to take right of reply here. And Kavouss the record of today's meeting I think has quite accurately owe noted and annotated everything you said in taking it up with the CCWG once the documents, we prepare the final report goes through it's exactly the right way to go through with this. Back to you Sebastien.

>> SEBASTIEN: Thank you very much Cheryl. Just to underline once again that the ombuds first of all it's not one person it's an office of the ombuds let's leave that apart. It's not decisional guide. He will bring a back is suggestion recommendation to the community and the community will have to act. Either the companion say I saw the right answer in this 2 discussion with EC separate. Or the EC will say okay let's go back and discuss again and transmit another decision to the board. Or whatever it's about. It's one of the reason I guess we wanted to have something looser than the IRP. IRP is really very formal. And the other point is that the ombudsman is not new. Within 3 years in ICANN and the only difference is now

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we will under something for collective decision complaint about the collective decision of SO and AC. That's the only difference from today. Thank you very much.

>> BERNARD TURCOTTE: Hand up, Cheryl.

>> CHERYL LANGDON-ORR: Back to you Steve.

>> STEVE DELBIANCO: Thank you all. I pasted into the chat the documentation of what Sebastien just said. And Kavouss it's so important that you understand article 5 of the bylaws has for over a decade suggested that the ombuds, their charter is to act as a dispute practitioner for any matter, not in an IRP. That's always been in the bylaws. It hadn't changed at all. If we write nothing in response to the board's comment the ombuds still have proper jurisdiction to try to resolve a dispute since the IRP doesn't imply. So the ombud has the ability to investigate a complaint and they cannot make a decision they can only attempt to help put back to the community. In a helpful way. So we are not introducing anything new. It is in the belie laws already. The ombuds already had the ability to respond a complaint to any matter that doesn't inject itself to an IRP. Feel free tigrine brink it up to CCWG. But we are not adding anything else new. The response to the board is to clarify to the board that we don't need to invent another mechanism, we don't want the IRP and we don't need to invent another mechanism because the ombuds mechanism already applies whether respective participants in the EC followed.

Thank you. Cheryl.

>> CHERYL LANGDON-ORR: Back to you Kavouss for short and final intervention on this.

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>> KAVOUSS ARASTEH: Instead of inventing anything [indiscernible] in complaint the provision of article 5 should apply. That's all.

I fully agree with Steve, what you said. It's already in the bylaws in 5 so we don't want to put anything, any word you refer to [indiscernible] in case of complaint the provisions of article 5 of the bylaws should apply. Finished. Short and general.

Thank you.

>> CHERYL LANGDON-ORR: Thank you Kavouss. Cheryl for the record. And of course I do want to remind you that text we are looking at now are responses to the public commenters. Not suggested proposed changes to our report. But with that, let's move on. Back to you Steve.

>> STEVE DELBIANCO: Thank you Cheryl. That's a great point. Farzi and I will attempt to update our final report after we finish the exercise of going through the public response. But the words we choose in our report are careful. We end up being more responsive when we respond to public comments it doesn't mean we are putting the exact same words in the final report.

We bring ourselves now to intro regarding track 3. This is row 38 where INTA did not agree with our conclusion about the IRP. They were alone in suggesting that the IRP should be applied. So what I propose for the text in response is this view was expressed by only one commenter and was not supported by CCWG. And it's face to face meeting. Therefore we are holding to the consensus view that the IRP should not apply to SO AC activity. I'll paste that into the chat. Because it's a slight different than what you see in the white box on the screen. I was reflecting what Alan recommended earlier that describing it was an isolated and not supported.

Any questions there?

Great.

Row 39 is with regard to the registry stakeholder group. And they agreed with us we are going to acknowledge their support the SSAC agreed we will acknowledge their support and there's only one row left. Mr. Shantos said the IRP cannot remain applicable and we have to agree. The answer is we have to go with the board. We cite the ombud and work stream 2 report that the ombud can handle the complaint. For Kavouss I'll even add per article 5 of the ICANN bylaws.

Cheryl that is all for the first read through of all of our response to the public comment now in that assignment document there's only a handful of rows that have yellow text in had the response. Because they are rows where Farzi and I made up dates since our last call to reflect what we thought was decided or concerns raised at our last call. There's not too much significant edits there. But I might point out a few of them. To group wanted the go through them. What is your preference for that? Would you like to go through the yellow ones?

>> CHERYL LANGDON-ORR: Steve, Cheryl, for the record here. I think in the time we have left that's an ideal plan. So take the next 10 to 12 minutes only and I think that will be ample to go back and do a now read through of text that was changed based on last week's discussion. Back to you Steve and Farzi.

>> STEVE DELBIANCO: Thank you. And I think it's Bernie who is controlling the screen. I'll let you do that. Take it all the way to the top all we have to do is look at to the yellow text in column D.

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Okay the first time you see it is on page 2. We track about track 1 and comment on accountability.

All we did here was update the fact regarding having links to AC and SO documents we support the boards recommendation and note the staff will have responsibility for putting on the ICANN website. And that was a relatively controversial change we made a week ago. Next place you see yellow text is on page 5. This is with respect to the non commercial stakeholders group comment. On term limits.

And we went back and forth on this as you recall a week ago. So give you all a opportunity to look at how Farzi and I have resolved this text.

He said we could and we need to know when this group wants to add a good practice to consider term limits. Now of course only for those groups that choose to hold elections.

I think we differed most of us differed from Farzi in one respect we don't have country and population based representation. Some ACs and SOs choose by design they have representatives we note in comment. We don't recommend that everyone switch geographical representation. And we said that we will not recommend gender quotas but we want the ask whether the work stream 2 group doing diversity have any recommendations that could become before practices. I'll refer to staff or Sebastien where is the final report you can answer in the chat if you don't mind.

Finally the good practice recommendations can reduce the potential, this is in response to the NCSG. It says to help us understand how the recommendations can prevent capture and all of you said on the last call you gave me an action item to be able to respond to the NCSG. I

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propose we respond we believe the good practice recommendations taken together can reduce the potential for subset of AC and SO group members to capture decision making and officer posts. Moreover good practices on participation should reduce the potential for a subset of members to exclude interested members who are otherwise eligible. What I have done there is to try to attempt or explain the kind of capture we are attempting to prevent. The words came from NTIA and components they propose to the stress test regarding what they said internal capture can be. Internal capture from a subset of members and incumbent members can exclude. So we are being responsive to notes points. Any questions? Cheryl notes the diversity work team report is being transmitted. And for those of you active in diversity group anybody report as to whether there's a gender diversity suggestion or imperative that might be reflected in good practices? And while you're answering that I'll go to Alan Greenberg in the cue.

>> ALAN GREENBERG: Thank you very much what does it mean when you say we could add a good practice to consider term limits.

>> STEVE DELBIANCO: That's my question to all of you.

>> Does that mean we are going to?

>> STEVE DELBIANCO: Alan, it's the question for this work team.

>> ALAN GREENBERG: Okay.

>> STEVE DELBIANCO: Farzi suggested it and we didn't dismiss out of hand there wasn't overwhelming objection on the last call what is your pleasure Alan.

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>> ALAN GREENBERG: My personal pleasure is the group should decide for itself. If you look at situations where both including where people are elected, selected, whatever'd or appointed by various groups some have strict term limits, some have guidelines, some have none. And I don't believe we should at our level impose rules like that.

>> STEVE DELBIANCO: Okay Alan. Let's hear from everyone. And we can do tick marks or we could let me ask you this way. Who supports the idea of adding a good practice of groups that choose to hold elections should consider term limits. I'll look for a green check mark if you think we would add a before good practice and consider term limits. I see one green check mark from Farzi.

And Sebastien.

Greg sat Shatan second after on you have your hand up and a green tick. Now I'm confused. Sebastien your hand is up so speak as well why don't you.

>> SEBASTIEN: Yes thank you. Steve, I just wanted to be very clear on what Alan just say. We are not appointing something when we want to put a good practice. It's not imposing something, just a good practice. And I don't think that it's a bad practice to the have term limits. I really think the reverse. And I would really argue that as we are not imposing something we should say that we encourage each and every group to have term limits. Thank you.

>> STEVE DELBIANCO: Alan Greenberg, your hand is up.

>> ALAN GREENBERG: My hand is up. We have had this discussion exhaustively when we changed the term from best practices to good are practices.

Regardless of whether we call them best or good although good is a weaker form at some level there's a stigma assigned to not following a good practice. Because it is something which is acknowledged to be better than the opposite. We are not saying no term limits is a bad practice we are just think we should be silent on it. That each group should be able to decide for itself and not have a stigma associated with it or review team every five years. Again ask the question, why did you consider this and why aren't you as good as the other guys?

>> STEVE DELBIANCO: Alan, something that came up on a previous call was clarifying on in our final report about the optional nature of good practices and that the option is at the discretion of the AC and SO in the group not at the discretion of in outside consultant brought in every 5 years. I used those words inspired you to put in its all over the place in the report and response to public comment. In all 25 let me quickly finish then. All of the 25 good practices are qualified with the notion that they are optional and that the option is at the discretion of the group not the consultant. So given that, do you believe that the term limits carry some special stigma we don't want to accept?

>> ALAN GREENBERG: Having just gone through an at large review with reviewers who were of a single mind, yes I do believe there's a difference. I understand we watered it down as much as we could. We also explicitly said the organizational review should look at whether the good practices are being followed on or not. So yes I consider it a difference and I personally would not put a vote in for saying this is a good practice because there is a stigma associated with not doing it.

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And that should be a choice. That some groups have chosen to do, others have not, within the ALAC we have the ray of appointed people, the RAYLOs have a limit of one terms some have two and some have none. So the standard and flexibility should be left to them.

>> STEVE DELBIANCO: Alan, by my count we have 3 out of the 9 participants on this call in favor. And Farzi I'll turn to you.

>> FARZANEH: Thank you Steve. Okay. This is my last comment on this just to encourage that we put it in the recommendation that for those groups that have election time limits. But because first of all we are not really recommending how to do these term limits. What we are recognizing is to have term limits. Why? Because in this community we see over and over that there are people in one position for a long, long time. And then really does not cycle and people who are new do not get their right experience to come and lead the groups.

So this is, I think, would be good for us. And would be good for, I don't know if we can call it like the Democratic process for elections.

We are not saying oh go change your governor. Structure, we are not saying how to do it. We are not telling those that appoint or select that they should do it.

We are just saying if you have elections, we recommend that you have term limits and so well let's not just get into appointments. And selections lets just say if you have elections, it's good to have term limits.

I think it is the right it should actually create some good stigma there for groups that keep having the same person over and over for like 10 years. Thanks.



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>> STEVE DELBIANCO: Thank you, Farzi. I'm going to paste into the chat what I propose to put into the comment response then turn to Cheryl. Look into the chat this is what I propose. Go ahead Cheryl.

>> CHERYL LANGDON-ORR: Steve, I'd like to look what you written at the chat first. It's Cheryl for the record. I'll read it.

A minority of work team members want to add a good practice to consider term limits for AC/SO groups that choose to hold elections.

That dilutes it sufficiently in terms of it being a strong recommendation to have practices suggested. I can certainly live with that. Because I'm sure people like Alan and I, and indeed entities likes SSAC I'd love to see their responses to this proposal, can't wait. We will take it up with the CCWG. So let's put your text in their Steve and move on.

>> STEVE DELBIANCO: Thank you Cheryl, Sebastien final word on this topic? Cannot hear you Sebastien.

>> SEBASTIEN: Now you can hear me? Sorry, it's Sebastien speaking. I'm sorry Steve to I would say disagree with you. But if I count when we ask when you ask for tick mark you get 3 red and 3 green and 2 reds. I don't know how you can say that 3 is minority view of against 2 reds. And if the reds [voices overlapping] no, no, no. You can't count like that. You need to ask the people for the people against. You can't just say the people in one hand and all the other are the same position. Sorry, not at all. You can't do that. Sorry.

>> STEVE DELBIANCO: I didn't realize that. If so if you wish we can ask for no votes.

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If you wish.

Is that what your desire is?

>> SEBASTIEN: If you return the way you asked the question, you have to find a way to count the red and greens. Not we don't have any I'm not pushing for vote but here you ask for temperature of the room you say 3 against all of the others. And that's not fair.

[voices overlapping]

>> CHERYL LANGDON-ORR: If I may.

If I may with the time available to us as a reminder and if need be we will have to extend this call believe it or not. By 5 minutes or so. How exciting.

Cheryl for the record. I believe Steve's question was quite specific in asking who supported it.

I think the record will show Steve that you asked for people to put up green check ticks who supported.

>> STEVE DELBIANCO: That's right Cheryl and that's why the minority of team members want to added. I didn't say anything about people opposed I said minority wanted to add it. Sebastien well relate to the full CCG so instead of the nine of us we didn't have I didn't record how many opposed it I said a minority preferred it. I think that's accurate.

>> CHERYL LANGDON-ORR: Okay do we have any other text edits to very briefly review.

>> STEVE DELBIANCO: I think we can do it very quickly Cheryl.

So you will see that on page 6 we indicated we do not support the impose scission of country and population based representation and next row says if ICANN was to expand the list of languages it supports then that list should also extend to the publications made to AC and SO groups this is a non controversial item we wanted to adopt. We amended the report to indicate that exemplary reasons to close a meeting is also exemplary reasons for declaring something is confidential. Then the hold board discussions on mechanisms for accountability. This is where we indicated that when a board members who helps us out on this suggested what that board vertical accountability within ACs and SOs. We weren't suggesting some other accountability common between the ACs and SOs. I'll give you a moment to read the text in yellow on the screen in row 30 to see if that's going to work with you. Rinalia helped us out on the last call but is unable to be here with us today.

We end this with a question to the board. If the board can propose an objective standard for collective accountability. But we do not have one as of yet.

Farzi your hand is up then Alan.

>> FARZANEH: No sorry Steve. This was just an amateur hand up because of previous intervention. But so I'm making changes to the to our report just if are we going to go to board and ask this question and then come back and make a change in our report? Or what would be the process?

>> STEVE DELBIANCO: I'd prefer to say that unless the board proposes an acceptable objective standard, we will take no further action. I don't want to leave this as an open item.

Alan, your hand is up.

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>> ALAN GREENBERG: Thank you, you mentioned one before on language that I couldn't see and if it was on the screen I couldn't find it. But could you either read it again or point to it?

>> STEVE DELBIANCO: Mr. Santosh was worried we don't do translation to enough languages. It's on 24 on the screen on the bottom. And we are not he going to stay whether 10 languages or enough or anything else. We think we will recommend that if ICANN was on to expand the list of languages it supports than that support should be expended to publication of SO and AC groups so documents we propose can take advantage of translation services if ICANN is already adopting it for its own website.

>> ALAN GREENBERG: I would make a very small change that to say availability of those availability of this support should also be extended.

>> STEVE DELBIANCO: Like offered to.

>> ALAN GREENBERG: ALAC sometimes transfers things to French and Spanish because that's the languages we deal with. Sometimes for major documents we do all of the ICANN documents and the way it's worded it sounds like it's a requirement. So availability makes it an option of the AC and SO until ICANN makes more general language policy.

>> STEVE DELBIANCO: All right I'll paste that in the chat. Any other hands up?

All right. I put that in the chat Alan. Made that available.

>> ALAN GREENBERG: Thank you.

>> STEVE DELBIANCO: We covered the board and ombuds handle the conflicts row 37. We are done Cheryl we covered all of the rows we edited since last week. Back to you.

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>> CHERYL LANGDON-ORR: Thank you very much Steve Cheryl for the record I we managed to get through the work and I thank everyone that stayed for the extensions of no more than 5 minutes. In the last minute or two that is left to us, I want to do two things. First I will be calling for any other business if there is any point of significant other business I suggest it is taken if however to the list. Unless it is a very brief matter.

And I'll note that we have another meeting in August which is been scheduled for some time that's August the 31st next week at 0500 UTC.

That so we can fully and frankly discuss any changes that we may as a sub team or work team wish to make to our report. We have also penciled in and booked two more dates in September. Which will allow us to insure we have our final report in the hands of the plenary for its papers for its meeting late September, I think it's the 23rd of September. Something like that anyway.

Pat.

It might be the 28th of September. The dates for September, which are new to our agenda, Thursday the 7th of September at 1300 UTC. And Thursday the 14th of September at 1900 UTC is my firm hope we will not need to use both of those booking.

Have with that, I would like to thank everybody in particular the support we get from our captioners. It is enormously helpful. Our fabulous staff and each and everything of you who has been able to make today's call and we can stop the record bye for now.