At-Large Discussion on the Issue of Sanctions

9.10.11

On Sun, Oct 9, 2011 at 5:09 AM, Olivier MJ Crepin-Leblond <ocl@gih.com>wrote:

Dear ALAC ExCom members,

I want to inform you of some changes to the Improvements report based on information Heidi and Seth received from Samantha Eisner of ICANN Legal.

Legal's view is that the only "final report" appropriate for Board approval would come once the ALAC can report having implemented *all* the recommendations of the ALAC Review WG.

At this stage, however, we could report that the ALAC has completed a substantial amount of ALAC Improvements work, including developing specific proposals for the implementation of the ALAC Review WG recommendations. Consequently, Sam suggests the current status report – which need only be submitted by staff (not by the ALAC) – not be called a "final report"'; we are thinking of calling it the "ALAC/At-Large Improvements Project Milestone Report."

Still, an endorsement of this Milestone Report by the ALAC would send a strong message to the Board. So I have instructed Staff to start a vote endorsing the report on Sunday.

The next steps in the At-Large Improvements Project will be for the ALAC to discuss the implementation of the remaining ALAC Review recommendations and WT proposals in Dakar, including allocating them

to existing At-Large Working Groups, creating timelines for their completion, and determining potential resource implications.

I would like to be able to submit these details to the Board as soon as practical but hopefully no later than the meeting in Costa Rica (11-16 March 2012). The ALAC could then aim to submit the actual final

Final Report -- marking the completion of the implementation of all Improvements recommendations -- to the Board in Prague (24-28 June 2012).

Would you kindly let me know your thoughts on this as soon as possible?Seth and others are working to convert the report into a "Milestone"report as we speak.

Best regards,

Olivier Crépin-Leblond

ALAC Chair

10.10.11

Per WT B, I am fundamentally opposed to a 'sanctions' regime - or any loose talk of 'sanctions'! - for a volunteer operation! Not only is this counterintuitive but inimical to the public interest.

Yes to JDs and 'objective' performance criteria. Just like the case of civil elections returning common fools and confirmed halfwits from time to time, let's hew to the process for the corrective. The response for non-performance for those who are voted in is to be voted down. Or, at minimum, encourage those who vote to see the errors of their ways with education and information.

For those appointed, the obvious response is to improve vetting before appointment. Or, in egregious circumstances, institute a program for recalling the commission.

On principle, I cannot and will not agree to any setup where a valid and in all cases legally-conforming vote is responsible for conferring authority and that is overturned because of 'non-performance' without recourse to the voters.

Carlton

10.10.11

On Mon, Oct 10, 2011 at 2:37 PM, Evan Leibovitch <evan@telly.org> wrote:

I assume we are referring to the one item on page 10 of the report:

Create and implement a transparent sanctions process for nonperformance of ALAC, RALO and ALS members.

I agree with Carlton that the idea of "sanctions" is problematic and complex. Aut while I also agree with Olivier that the debate on this is ongoing, the wording of this particular action item suggests that the discussion has already been resolved in favour of creating a sanctions

This is how I interpreted it!

regime.

I would suggest changing the wording of the above to "development of a processes to address non-perfromance of elected and appointed At-Large community leaders". If that's possible at this point.

- Evan

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- Evan

10.10.11

On 10 October 2011 17:10, Carlton Samuels <carlton.samuels@gmail.com> wrote:

Yessir. Se my inline comment.

11.10.11

As I have already stated, I cannot vote for any report that recommends "sanctions" on volunteers, even if they are yet to be determined. The state of mind that delivers this gem can only be repudiated for cause.

There is a dangerous flirting with principle and even so, I was willing to hold my nose and vote for a report that equates travel support required to execute a voluntary mission as a "gift" that can be withheld by ICANN, the corporation!

It doesn't require any deep introspection to see how this posture devalues the time, effort, the knowledge products and yes, even funds that volunteers gift to this thing of ours, this names and numbers policy development complex.

So here it is. Within the framework that we operate, I can sometimes overlook people being wrong headed. But I am unanimous the whole concept of "sanctions" for a volunteer engaged in a voluntary effort really is offensive to reason.

I personally cannot stomach too many of those. This one is rejected. I shall vote NO.

Carlton

11.10.11

Bueno, dijo Carlton! Estoy totalmente de acuerdo con usted. Pero también reconozco que es un tema difícil en algunos casos y, a veces.

 Carlos Dionisio Aguirre

 NCA Consejo de la GNSO - ICANN

 el ex miembro de ALAC por LACRALO

EN:

Good, Carlton said! I am totally in agreement with you. But also I recognize that it is a difficult subject in some cases and, sometimes. Carlos Dionisio Aguirre

11.10.11

Carlton - Estoy totalmente de acuerdo. La gente está renunciando a sus conocimientos, esfuerzo y el tiempo de trabajo productivo ($ $) y el tiempo personal y familiar a entregar el producto del conocimiento gratis para ICANN. Es ofensivo para considerar "Sanciones" en ellos.

 Jacqueline A. Morris

EN:

Carlton - I agree totally. People are resigning to her knowledge, effort and the productive working time ($ $) and the personal and familiar time to free give the product of the knowledge for ICANN. He is offensive to consider & quot; Sanciones& quot; in them. Jacqueline A. Morris

11.10.11

In light of Carlton's totally valid concerns which have been echoed by members of the At-Large community, I am abstaining on this vote and recommend that the report be recalled and revised. There is no panic to have this report submitted in Dakar, especially since it's an interim report that requires no action on the part of the reader.

- Evan

12.10.11

On 11/10/2011 15:49, Carlton Samuels wrote :

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12.10.11

OCL wrote:

Take imaginary example candidate A, ALAC member, does not attend calls, does not attend meetings, or when he travels, uses their time outside of the ALAC room. A does not get involved in ALAC & other working groups. A is basically using their affiliation to ALAC as something that looks good on their CV.

Admittedly, this is an extreme, but Carlton, at the moment, nothing can be done about that person, and that imaginary person is occupying a seat on the ALAC, one of the only 15 seats of people supposed to act in the best interests of the 2.1Bn Internet users out there. That person is failing those 2.1Bn people. That person is not accountable.

Yes, that person is a volunteer, but when you volunteer for ALAC, you're not doing it as a piece of fun. There is a deep responsibility that goes along with that. There is accountability to users in the rest of the world.

11.10.11

> I don't think there's any problem with that. As I've mentioned, it's simply that the wording in the report right now could easily be interpreted by a casual reader to infer that we have already had the discussion, agreed on a regime of sanctions, and are simply discussing appropriate implementation going forward. WE know the debate is incomplete, but that is not what the report indicates.

- Evan

12.11.10

You are absolutely right Olivier

Tijani BEN JEMAA

12.10.11

On Wed, Oct 12, 2011 at 10:56 AM, Wolf Ludwig

<wolf.ludwig@comunica-ch.net>wrote:

Hi all,

I share Evan's basic question: "accountable to who?" and subsequent considerations. And I would say: In a broader sense to the Internet users in general, in a causal sense to the regional community that selected them = the RALOs concerned by such an under-performing candidate should be "in charge" of any potential "sanction" mechanisms because the two *RALO selected* ALAC members are - first and foremost - accountable to their electorate. A defective performance of a regional representative /ALAC member affects performance and reputation of the particular region and cannot be in their interest = be tolerated over a certain span of time (except for serious circumstances such as sickness and the like).

I understand Carlton's reservations against sanctions or punishments of volunteers but as soon as limited seats (15 or 2 per region) and financial (travel etc.) resources are associated with a volunteer's engagement, the mandated person and his community have a special responsibility and accountability towards ALAC and ICANN. Otherwise, we cannot fulfill our role and commitments - what we stand for - diligently representing the users at ICANN.

The key deliberation must be: The standards and professionalism we expect and demand from others, we must fulfill ourselves at first hand (typical trap of credibility ;-).

Best, Wolf

12.10.11

On Wed, Oct 12, 2011 at 5:42 AM, Patrick Vande Walle <patrick@vande-walle.eu

wrote:

On 12 Oct 2011, at 01:04, Olivier MJ Crepin-Leblond wrote:

Yes, that person is a volunteer, but when you volunteer for ALAC, you're not doing it as a piece of fun. There is a deep responsibility that goes along with that. There is accountability to users in the rest of the world.

At the same time, the ALAC needs to be crystal clear about what is expected from a volunteer, especially the amount of time requested. As a volunteer, you can be expected to use a large part of your free ime to serve on ALAC, committees, working groups, etc. You should not be expected to work for the ALAC in lieu of your main job, although some people might have more flexibly than others.

While this is somewhat clear for the main ALAC task,it is less so for working groups, especially when they involve other SOs and ACs.

One of the "ALAC improvements" I would like to see is that any call for volunteers should include a detailed description of the expected investment in resources, including details on teleconference schedules, etc. It is one thing to pressure an individual to be part of a working group, because "that is expected from a volunteer". If we find out later that he/she is effectively unable to participate because of time constraints or overload, there is no gain for anyone.

Patrick Vande Walle

13.10.11

Very thoughtful. +1 to Patrick's observations.

Carlton

13.10.11

On Wed, Oct 12, 2011 at 9:11 AM, Thompson, Darlene <DThompson1@gov.nu.ca>wrote:

The members of the region, right now, have no idea if their ALAC rep is showing up to meetings or giving any kind of substantive input while at these meetings.

Ah, there's the rub.....emphasis on 'substantive input'!

Carlton

13.10.11

Exactly Carlton,

I've always maintained that we need to track both quantitative and qualitative measures - but the qualitative measure are MUCH more difficult to assess. I would really like to see suggestions on how this can be done - because it must be done.

D

13.10.11

I am not sure they are difficult to assess, but they are most definitely subjective. And we tend to have an aversion to making subjective decisions in this sort of area (although in real life, we are continually called upon to make them).

Alan

13.10.11

Why don't we appoint someone from the RALO level (who is not on ALAC) to work with each RALO chair to help resolve issues from below. That would not necessarily help evaluate the performance of the nomcom appointees, but it would help evaluate the bulk of the ALAC elected people. People in each RALO and the chairs could be invited to e-mail that person with concerns which could, in turn, be discussed with the chairs and evaluated. Then that material could be presented in a quarterly report or tri-annual report at the ICANN meetings to the excom. I wouldn't want to use the term ombudsman, but maybe that person could also work in conjunction with the ombudsman's office (since we are, in effect, dealing here with HR issues, but with no HR department, and with, after all, volunteers) to make sure proper procedure and good manners are followed.

My guess would be that someone from the secretariat would make a good candidate for such a new "position." And maybe that "position" could come with some kind of stipend to sweeten the deal a little bit. Whoever did it would have to have a good sense of what's right and wrong, good common sense, and preferably some HR experience or interest.

Most organizations that lean on a lot of volunteers have a "volunteer coordinator" position that is paid staff, who deals with these sorts of issues. We have no such thing. Instead we keep hand-wringing about it year-in and year-out. The ICANN staff currently assigned to us have their hands full with meeting procedure and whatnot, and it wouldn't be appropriate for ICANN to be evaluating performance in this

manner anyway. I mean, we are talking about a lot of volunteers here, at least 30 or so, who are providing free labor worth hundreds of thousands of dollars per year. To not have a basic system of evaluation and "job performance" for a fluid administration of people who have enormous learning curves, and are sometimes thrown into these positions without much preparation, is absurd. It's also a poor return on investment. And asking everyone to do busy work or be judged on the number of (often pointless and time-wasting) conference calls they show up for is a substantial penalty on the people who actually do good work -- it is not the solution to a problem.

Just a thought.

Beau

13.10.11

Dear Olivier:

I truly understand your perspective and even acknowledge that the 'fer-instance' you record, admittedly an extreme case, is possible.....and troubling.   But I am convinced that "sanctions" talk is the wrong mindset to address this.

Persons are appointed for a period. That period can be adjusted by design and in context of the appointive process. That the least of it though.

When it comes to elected members, elections have a particular objective in our at-large context; it presages the 'bottom up' process to which names and numbers policy making is said to be committed. Persons are elected for a period. History absolves me; everyone knows that I am aware electorates can, in fact, return 'unsuitable' persons. However, because we must pay more than lip service to this 'bottom up' ideal, the ALAC cannot adopt such a cavalier attitude to the rejection of that quintessential 'bottom up' action that nullification of that election will message.

Then there are the 'unintended consequences' one can anticipate.

I have consistently cautioned against this talk of 'sanctions', even when well-respected colleagues have privately sought my views in circumstances where ALAC members are judged to be 'lifting light' in ALAC work. I feel equally strong that as this mindset remains with life and stalks the framework, it is bad for our business.

So consistent with my own views and intuit, I shall oppose.

Best,

Carlton

13.10.11

Wolf wrote:

"The key deliberation must be: The standards and professionalism we expect and demand from others, we must fulfill ourselves at first hand (typical trap of credibility ;-)."

Yessir, Wolf. +1.

Carlton