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Generic Names Supporting Organization

Final Report on the Implementation of GNSO Policy Development Process 3.0

*How to Increase the Efficiency and Effectiveness of
GNSO Policy Development Process*

Preamble

GNSO Policy Development Process (PDP) 3.0 is a GNSO Council initiative aimed at introducing incremental improvements to enhance the efficiency and effectiveness of GNSO PDPs. This Final Report provides an overview of the PDP 3.0 implementation process and outcomes, a consolidation of all of the work products, and suggested effective time frame for deployment of the improvements. It marks the conclusion of work of a small team of GNSO Councilors, who participated in the PDP 3.0 implementation efforts between April 2019 to February 2020 in close collaboration with the GNSO support staff.

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Section 1: PDP 3.0 Overview

Background

Policy Development Process (PDP) 3.0 is a GNSO Council initiative aimed to enhance the efficiency and effectiveness of GNSO policy development processes. The initiative started during the GNSO Council's Strategic Planning Session (SPS) in January 2018 when a [staff paper](#) analyzing the inclusivity and effectiveness of GNSO PDPs was shared. Over the course of several discussions, the GNSO Council further deliberated on the staff paper and identified a number of challenges and possible improvements related to GNSO PDP working groups.

In order to engage the broader GNSO community in this discussion, the GNSO Council organized a [collaborative session](#) involving the PDP working group leadership and the broader community. On 11 May 2018, an [updated paper](#) was prepared, taking into account feedback received. The Council also solicited [additional input](#) from the GNSO Stakeholder Groups and Constituencies.

On 24 October 2018, the Council [resolved](#) to adopt the PDP 3.0 [Proposed Improvements Paper](#). The paper recorded a total of seventeen (17) improvements. Fourteen (14) out of the seventeen (17) improvements received full support from the GNSO Council:

Improvement #1: Terms of participation for working group members

Improvement #2: Consider alternatives to open working group model

Improvement #3: Criteria for joining of new members after a PDP working group is formed or re-chartered

Improvement #4: Consensus playbook

Improvement #5: Active role for and clear description of Council liaison to PDP working groups

Improvement #6: Document expectations for working group leaders that outlines role & responsibilities as well as minimum skills / expertise required

Improvement #9: Provide further guidance for section 3.6 (Standard Methodology for Decision Making) and clarification of section 3.7 in the GNSO Working Group Guidelines

Improvement #11: Enforce deadlines and ensure bite size pieces

Improvement #12: Notification to Council of changes in work plan

Improvement #13: Review of working group leadership

Improvement #14: Make better use of existing flexibility in PDP to allow for data gathering, chartering and termination when it is clear that no consensus can be achieved

Improvement #15: Independent conflict resolution

Improvement #16: Criteria for PDP working group updates

Improvement #17: Resource reporting for PDP working groups

The GNSO Council reviewed a draft [implementation plan](#) for these fourteen (14) improvements. To help the GNSO Council keep track of progress, the Implementation Plan details the proposed next steps, timing, and parties responsible for the implementation. In addition, several innovations (e.g., Statement

of Participation, alternative to open working group model) of the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data Team (EPDP Team) inspired the development of PDP 3.0 improvements.

Implementation Process

At the GNSO Council's January 2019 SPS, the Council decided that a [small team](#) of Councilors should be convened to support the implementation efforts in collaboration with the GNSO support staff. Led by Rafik Dammak, a GNSO Council Vice Chair, the small team consisted of the following GNSO Councilors:

- Arsène Tungali (Non-Commercial Stakeholder Group)¹
- Dracy Southwell (Registrar Stakeholder Group)²
- Elsa Saade (Non-Commercial Stakeholder Group)
- Flip Petillion (Intellectual Property Constituency)
- Marie Pattullo (Business Constituency)
- Maxim Alzoba (Registries Stakeholder Group)
- Pam Little (Registrar Stakeholder Group)
- Philippe Fouquart (Internet Service Providers & Connectivity Providers Constituency)
- Rafik Dammak (Non-Commercial Stakeholder Group)

The small team first convened at ICANN64 in Kobe, Japan and met regularly between April 2019 and February 2020, holding a total number of 30 meetings. Designated small team leads worked with GNSO support staff to tackle the implementation of each improvement.

While the small team of Councilors was responsible for developing the proposed implementation for each improvement, including proposed documents, processes, and tools, the full GNSO Council must provide input and approval, and confirm the effective time to deploy the implementation of the improvements.

As of today, the GNSO Council has received proposed work products for implementing thirteen (13) out of fourteen (14) PDP 3.0 improvements from the small team. The small team delivered the proposed work products to the GNSO Council in an incremental manner. The improvements that shared a common theme or completion timeline were packaged together:

- Improvements #1, #2, #3, #6 were delivered to the GNSO Council on [13 August 2019](#);
- Improvements #11, #12, #14, #16 were delivered on [25 September 2019](#);
- Improvements #5 & #13 were delivered on [22 October 2019](#);
- Improvements #9 & #15 were delivered on [21 November 2019](#); and
- Improvement #17 was finalized on 14 January 2020 and is included in this Final Report for the GNSO Council's consideration.

¹ Arsène Tungali resigned from the small team on 29 May 2019.

² Darcy Southwell left the small team on 12 November 2019 when she resigned from the GNSO Council.

The last remaining improvement not yet included in the Final Report is Improvement #4, under which the Consensus Playbook is being finalized by an external vendor (Consensus Building Institute - CBI) after its engagement with leaders across the community. This Consensus Playbook aims to provide the community with practical tools and best practices for building consensus, bridging differences, and breaking deadlocks within ICANN processes. Its close-to-final draft is expected to be completed by the end of February 2020.

However, it should be noted that the Additional Budget Request³ that allowed for the procurement of an external vendor, was approved⁴ contingent upon the playbook being developed with broad applicability across the community (i.e., not just limited to GNSO PDPs). As a result of this widened scope of applicability, the Consensus Playbook should not be considered purely a product of PDP 3.0 and as such, should not prevent the GNSO Council adoption of the work products from the small team.

Consultation Mechanism

During the process of developing the proposed implementation for several PDP 3.0 improvements, the ICANN community and the ICANN org were consulted for input and suggestions.

For example, working group leaders provided input for the Statement of Participation under Improvement #1. Current and former liaisons were consulted for the development of the New Liaison Briefing/Handover and Supplemental Guidance under Improvement #5. ICANN org's Complaints Officer, Conflict Resolution Staff, Legal Team, and Ombudsman were consulted during the implementation of Improvements #9 and #15, specifically pertaining to their role and responsibilities in the proposed Complaint Process of a GNSO working group. To develop the Consensus Playbook (Improvement #4), the external vendor CBI interviewed fourteen (14) ICANN community leaders across ICANN's SOs and ACs, who shared their extensive consensus building experience in leading and participating in working groups and community groups.

To finalize the proposed implementation for the PDP 3.0 improvements, the small team also employed various mechanisms to solicit input/feedback from the GNSO and the wider ICANN Community.

- **GNSO Council:** GNSO Councilors had the opportunity to provide feedback via the Council mailing list after receiving each package of improvements, as well as during the GNSO Council meetings when PDP 3.0 improvements were discussed. In addition, several sessions in the GNSO Council's January 2020 SPS were dedicated to the discussions of PDP 3.0 implementation.
- **GNSO community:** Between 24 October 2019 and 22 November 2019, GNSO Stakeholder Groups (SGs) and Constituencies (Cs) were invited to provide their written feedback for the proposed implementation to the GNSO Council via their Council representatives.
- **Wider ICANN community:** Between 24 October 2019 and 22 November 2019, other Supporting Organizations (SOs) and Advisory Committees (ACs) were invited to provide written feedback,

³ See GNSO Council request for the Consensus Playbook here: <https://go.icann.org/3bkd5Oz>

⁴ See approval of the GNSO's ABR here, on page 7: <https://go.icann.org/2vebHMZ>

focusing on specific improvements (i.e., Improvements #1, #2, and #3) that may affect their participation in GNSO PDPs. The At-Large Advisory Committee (ALAC) and the Governmental Advisory Committee (GAC) provided their written feedback. The wider ICANN community also provided verbal input during the GNSO Council working session and public session in the ICANN66 Montréal meeting.

- **Public Webinar⁵:** On 9 December 2019, the GNSO Council held a public webinar to provide the GNSO and the wider ICANN community details pertaining to all of the PDP 3.0 work products that were delivered to the GNSO Council at the time. A number of webinar participants provided verbal input.

Following the community consultation process, the GNSO Council small team used a scorecard approach to review, analyze, and develop responses to the feedback received (see “Section 3: Annexes” of this Final Report). The small team then incorporated feedback in the finalized implementation documents as appropriate, and checked consistency and linkage between related improvements.

Linkage with Multistakeholder Model Evolution

In 2019, ICANN engaged Brian Cute of The Eastham Group to act as a neutral facilitator to work with the ICANN Community in a consultative process, identify challenges facing ICANN’s multistakeholder model, and develop a work plan that may become solutions to these issues.

In this project’s initial report, the work undertaken by PDP 3.0 was mentioned multiple times as a potential “solution” to address some of the issues facing ICANN’s multistakeholder model. To help the ICANN community better assess whether PDP 3.0 sufficiently addresses those issues referencing PDP 3.0, the GNSO Council submitted a [response](#) that provided a status update on the PDP 3.0 implementation (as of 14 October 2019), as well as details of the proposed approaches to tackle those issues.

With consideration of the input received, Brian Cute proposed six (6) workstreams to develop solutions during ICANN’s strategic plan timeframe of 2021-2025. This project’s detailed outcome is documented in Appendix C of ICANN’s [Draft FY21-25 Operating & Financial Plans and Draft FY21 Operating Plan & Budget](#).

The GNSO is being proposed to lead one of the workstreams -- “**Issue A: Consensus + Representation and Inclusivity**” -- in collaboration with the other SOs and ACs. The rationale is that this workstream closely aligns with the GNSO PDP 3.0 implementation work, which could inform the development of solutions for the broader ICANN Community. Specifically, the relevant PDP 3.0 improvements that map to this workstream are **#1, #2, #3, #4, #5, #6, #9, and #13**.

⁵ See slide deck and recording here: <https://community.icann.org/x/LgNhBw>

The second workstream aligned with the PDP 3.0 implementation is “**Issue E. Precision in Scoping Work**”. While no specific entity has been suggested to lead this workstream, it is noted that PDP 3.0 implementation work already addresses precision in scoping work through project management related improvements to GNSO PDPs, namely **#11**, **#12**, and **#16**.

The third workstream linked to PDP 3.0 is “**Issue B. Prioritization of Work + Efficient Use of Resources**”. While PDP 3.0 implementation work was not specifically mentioned, improvements **#14** and **#17** may be a useful reference in the development of a solution.

Additional Efforts

Toward the end of the PDP 3.0 implementation efforts, the small team conducted several additional activities crucial to the deployment of PDP 3.0 improvements.

The small team revised the GNSO PDP working group charter template, which serves as a one-stop-shop of all PDP 3.0 improvements. Since the aim of the PDP 3.0 project is to enhance the efficiency and effectiveness of GNSO PDPs, the charter is an appropriate place to, for instance, reflect the proposed changes to working group models and raise awareness of the expectations for working group leaders. The revised charter template contains a synopsis of relevant improvements in their respective sections, as well as links to the work products. The revised charter template is intended as a guide for charter drafting and scoping of future PDP working groups.

Furthermore, the small team also identified several sections in the current GNSO Operating Procedures (particularly Annex 1 GNSO Working Group Guidelines and Annex 2 Policy Development Process) that *could* be revised in order to incorporate the PDP 3.0 implementation. However, the small team believes that it is premature to revise the Operating Procedures before fully testing out the PDP 3.0 improvements. The small team therefore recommends that, after the PDP 3.0 implementation is in full effect, the GNSO Council should review the outcomes and then consider any necessary updates to the GNSO Operating Procedures, which should continue to retain flexibility.

These additional efforts are documented in “Section 3: Annexes” of this Final Report.

“Parking Lot” Items

As part of the PDP 3.0 discussions, a number of items were identified that might benefit from further work in the future (but not within the current scope of PDP 3.0 implementation), specifically:

- **Statement of Interest (SOI) Review:** Consider whether SOI needs to be enhanced for more effective disclosure of potential conflicts.
- **Representative Model Impact:** Consider whether the move toward a representative model triggers potential changes to early input, roles of liaison/WG leadership, etc.
- **Extension of WG assessment:** Consider surveying PDP WGs to identify future improvements, including a post-mortem on the EPDP from a process perspective.

- **IRT Liaison:** Related to Improvement #5, re-evaluate whether the Implementation Review Team (IRT) Liaison's role description and associated procedures are sufficient.
- **Tool for working group leadership:** Propose tool for the WG leadership to assess, at the start of each meeting, whether a sufficient number of WG members are present to proceed.

One of the small team members volunteered to tackle the first item to revise the SOI. The small team agreed that the remaining items be kept in the parking lot and grouped with the PDP 3.0 recommendations not approved by the GNSO Council⁶ until the GNSO Council has the opportunity to test out the fourteen (14) PDP 3.0 improvements and evaluate its implementation outcome.

Next Steps

At the GNSO Council's 2020 SPS, the Council agreed on several action items as the next steps for PDP 3.0 implementation. The Council is tasked to:

- Review the PDP 3.0 Final Report and related work products for all fourteen (14) improvements;
- Confirm the small team-proposed effective time frame to deploy improvements (see Section 2 of this Final Report), including potentially presenting the new tools to raise awareness among working group leaders;
- Consider commencing chartering for one of the upcoming PDP efforts (e.g., IDNs or transfer policy) to make sure the new charter template is fit for purpose;
- Consider if any resources/budget may be needed to implement the PDP 3.0 improvements linked to the multistakeholder model evolution project; and
- Agree on a mechanism(s) to start the review of the GNSO Operating Procedures to consider potential updates as a result of the PDP 3.0 implementation.

⁶ These are: Improvement #7: Creation of Cooperative Teams; Improvement #8: PDP Plenary or Model; Improvement #10: Document Positions at the Outset. See details: <https://gns0.icann.org/sites/default/files/file/field-file-attach/pdp-increase-effectiveness-efficiency-23oct18-en.pdf>

Section 2: PDP 3.0 Implementation Work Products and Effective Time Frame for Deployment

The table below provides an overview of all PDP 3.0 implementation work products, as well as the proposed time frame to deploy these work products. They are mapped to the workstreams of the multistakeholder model evolution project. The detailed work products are included in “Section 3: Annexes”. Click the link for quick reference.

Improvement	Work Product	Description	Effective Time
Issue A: Consensus + Representation and Inclusivity			
#1 Terms of participation for working group members	Statement of Participation	A document seeking affirmative commitment from working group members before they can participate in a working group; the EPDP Team also serves as a pilot for this implementation	Applicable to the EPDP Team and new GNSO Working Groups only
#2 Consider alternatives to open working group model	Comparison Table of Working Group Models	A document that identifies three policy working group models, notes aspects for consideration during working group formation, and lists elements of different models that can be mixed and matched	Applicable to new GNSO Working Groups only
#3 Criteria for joining of new members after a PDP working group is formed or re-chartered	Criteria for Joining of New Working Group Members	A document that provides additional clarifications for the GNSO Working Group Guidelines and outlines factors that a working group should consider in determining whether to accept new members after the	Effective immediately - applicable to all existing and new GNSO Working Groups

Improvement	Work Product	Description	Effective Time
		start of the effort	
	Working Group Member Skills Guide	A living document that lists resources, tips, and suggestions that help ensure new members are sufficiently prepared for full participation in a working group	Applicable to new GNSO Working Groups only
#5 Active role for and clear description of Council liaison to PDP working groups	New Liaison Briefing & Liaison Handover	A tool to assist a new GNSO Council liaison to a PDP working group in getting up to speed with the liaison role and responsibilities generally, but also specific to the particular PDP	Effective immediately - applicable to existing and new GNSO Council liaisons
	GNSO Council Liaison Supplemental Guidance	A checklist of detailed job duties of a GNSO Council liaison to a PDP working group	Effective immediately - applicable to existing and new GNSO Council liaisons
#6 Document expectations for working group leaders that outlines role & responsibilities as well as minimum skills / expertise required	Expectations for Working Group Leaders & Skills Checklist	A tool to facilitate the working group's selection and review of its leadership positions and help a working group and the Council hold its leaders accountable	Effective immediately - applicable to existing and new GNSO Working Group leaders
#13 Review of working group leadership	Regular Review of Working Group Leadership	A process that helps the GNSO Council evaluate the performance of PDP working group leadership and address possible issues/opportunities identified	<ul style="list-style-type: none"> Existing GNSO Working Groups - Council leadership, Working Group leadership team, and Council liaison to work together to decide on necessity

Improvement	Work Product	Description	Effective Time
	Working Group Member Survey on Leadership Performance	An anonymous survey to be completed by PDP WG members and feed into the regular review of PDP working group leadership by the GNSO Council	and appropriate schedule of reviews <ul style="list-style-type: none"> New GNSO Working Groups - establish the schedule of review in the charter
Issue A: Consensus + Representation and Inclusivity			
#4 Consensus Playbook	Consensus Playbook (link pending)	A guide that aims to provide the ICANN community with practical tools and best practices for building consensus, bridging differences, and breaking deadlocks within ICANN processes	Effective immediately - applicable to all ICANN community members after its finalization
#9 Provide further guidance for section 3.6 and clarification of section 3.7 of the GNSO working group guidelines	Clarification to Complaint Process in GNSO Working Group	A guideline document that suggests detailed improvements to the complaint process within a GNSO working group, as well as proposed revisions to Section 3.7 of the GNSO Working Group Guidelines	Effective immediately - applicable to all existing and new GNSO Working Groups
	Briefing Document on the Concept of "Consensus" in PDP	A briefing document that explains the concept of "consensus" and references experience with consensus building in the Internet Engineering Taskforce (IETF)	Since this document will be absorbed by the Consensus Playbook under Improvement #4, it does not require implementation
#15 Independent Conflict Resolution	ICANN Org Resources for Conflict Resolution & Mediation	A reference guide to existing conflict resolution resources available to the ICANN	Effective immediately - applicable to all existing and new GNSO Working Groups

Improvement	Work Product	Description	Effective Time
		community	
Issue E. Precision in Scoping Work			
<p>#11 Enforce deadlines and ensure bite size pieces</p> <p>#12 Notification to Council of changes in work plan</p> <p>#16 Criteria for PDP working group updates</p>	GNSO Project Work Product Catalog	A list of staff-managed work products to help document and guide the progress of a working group from start to finish	<ul style="list-style-type: none"> Existing GNSO Working Groups - use as many products as possible, and at the minimum, use the Project Situation Report immediately New GNSO Working Groups - use all products
	Project Status and Condition Change Procedure & Flowchart	A process to assist working group and Council leadership in assessing the state of a project and determining when disruptions require Council attention	<ul style="list-style-type: none"> Existing GNSO Working Groups - use the procedure as much as applicable New GNSO Working Group - use the procedure in its entirety
	Project Change Request Form	A formal request to the GNSO Council to modify any deliverable or baseline delivery date of a working group	Effective immediately - applicable to all existing and new GNSO Working Groups
Issue B. Prioritization of Work + Efficient Use of Resources			
#14 Make better use of existing flexibility in PDP to allow for data gathering, chartering and termination when it is clear that no consensus can be achieved	Checklist: Criteria to Evaluate Request for Data Gathering	A tool to assist PDP working group in performing its due diligence before submitting a data gathering request to the GNSO Council	Effective immediately - applicable to all existing and new GNSO Working Groups

Improvement	Work Product	Description	Effective Time
#17 Resource Reporting for PDP Working Group	Resource Reporting for PDP Working Group	A preliminary document that provides high-level definitions and concepts about resource tracking, which may continue evolving beyond PDP 3.0 implementation	Hold off implementation; wait till the next-generation capacity management model or tool is ready for implementation for new GNSO Working Groups

Section 3: Annexes

This section includes the following documents:

- All work products related to the implementation of thirteen (13) out of fourteen (14) PDP 3.0 improvements;
- [Revised GNSO PDP working group charter template](#);
- [Proposed update to GNSO Operating Procedures to incorporate PDP 3.0 improvements](#);
- [Small team's response to the ICANN community feedback for PDP 3.0 implementation](#); and
- [Slide deck used during the PDP 3.0 public webinar on 9 December 2019](#).

Click the links for quick reference.

Note: PDP 3.0 work products are cross referenced amongst each other, but links are not provided due to consideration that these final work products may be uploaded to the GNSO website after the GNSO Council approval. This is to avoid the situation that their links get out of date. As a workaround, the references to the work products and/or their respective PDP 3.0 improvements are highlighted in yellow to facilitate future update.

PDP 3.0 Improvement #1: Statement of Participation

[Name of group] Statement of Participation

As a member of the [name of group]:

- I agree to genuinely cooperate with fellow members of the [group] to reach consensus on the issues outlined in the Charter. I understand this does not mean that I am unable to fully represent the views of myself or the organization I represent but rather, where there are areas of disagreement, I will commit to work with others to reach a compromise position to the extent that I am able to do so;
- I acknowledge the remit of the GNSO to develop consensus policies for generic top-level domains. As such, I will abide by the recommended working methods and rules of engagement as outlined in the Charter, particularly as it relates to designating consensus and other relevant rules in [GNSO Working Group Guidelines](#);
- I will treat all members of the [group] with civility both face-to-face and online, and I will be respectful of their time and commitment to this effort. I will act in a reasonable, objective, and informed manner during my participation in this [group] and will not disrupt the work of the [group] in bad faith;
- I will make best efforts to regularly attend all scheduled meetings and send apologies in advance when I am unable to attend. I will take assignments allocated to me during the course of the [group] seriously and complete these within the requested timeframe. [If applicable] As and when appropriate I shall seek to be replaced by my designated Alternate in accordance with the wishes of my appointing organization;
- I agree to act in accordance with [ICANN Expected Standards of Behavior](#), particularly as they relate to:
 - Acting in accordance with, and in the spirit of, ICANN's mission and core values as provided in [ICANN's Bylaws](#);
 - Listening to the views of all stakeholders and working to build consensus; and
 - Promoting ethical and responsible behavior;
- I agree to adhere to any applicable conflict of interest policies and the Statement of Interest (SOI) Policy within the [GNSO Operating Procedures](#), especially as it relates to the completeness, accuracy, and timeliness of the initial completion and maintenance of my SOI; and
- I agree to adhere to the [ICANN Community Anti-Harassment Policy and Terms of Participation and Complaint Procedures](#).

I acknowledge and accept that this Statement of Participation, including ICANN's Expected Standards of Behavior, is enforceable and any individual serving in a Chair role (such as Chair, Co-Chair, or Acting Chair or Acting Co-Chair) of the [group] and GNSO Council Leadership Team have the authority to restrict my participation in the [group] in the event of non-compliance with any of the above.

PDP 3.0 Improvement #2: Comparison Table of Working Group Models

The table below provides an overview of the different aspects that need to be considered in the context of a PDP Working Group or Team formation. Based on experiences to date, three models have been identified that could be used to carry out policy development. However, elements of the different models can be modified and/or mixed/matched as deemed appropriate. Similarly, variations could be considered as long as, per the GNSO Operating Procedures “the GNSO Council first identifies the specific rules and procedures to guide the PDP Team’s deliberations”. GNSO Council’s determination of the membership structure and other components for any GNSO Working Group model should not conflict with the requirements in ICANN Bylaws, which are paramount.

When deciding which model, or aspects, are best fit for purpose, the GNSO Council or the drafting team tasked with developing the PDP Team Charter should consider the following elements:

- Timeline – what is the estimated timeline for the group to complete its work and the time commitment expected of team members; is there a deadline or expected delivery date that should be factored in?
- Cost (/budget) – what is the estimated budget?
- Expertise – is a certain expertise expected or required to take part in the deliberations?
- Leadership requirements – is this expected to be a significant amount of work that may need to be divided or a particularly controversial topic that may require expert chairing skills?
- Interest in the topic – is this a topic that is expected to be of broad interest across the ICANN community or only a few specific groups?
- Impact of PDP outcome – who are most likely to be impacted by potential policy outcome/recommendations?

The GNSO Council or the drafting team will be expected to develop the rationale and arguments to explain the model chosen in each case.

	Open Model	Representative Model (Full Community)	Representative & Open Model
Membership⁷	The Team will be open to all interested in participating. At the time of chartering, the Council may consider whether an upper limit of members is to be set, and if so, how it should be implemented. All team members are required to complete a GNSO Statement of	The Team consists of GNSO SG and Constituency appointed Members and alternates, as well as appointed members and alternates from the other Supporting Organizations and the Advisory Committees (for those interested to participate or those invited to participate),	The Team consists of GNSO SG and Constituency appointed Members and alternates, as well as appointed members and alternates from the other Supporting Organizations and the Advisory Committees (for those interested to participate or those invited to participate),

⁷ Periodic reminders may be sent to members/participants who have not been active for some time to renew their Statement of Participation (PDP 3.0 Improvement #1). The Statement of Participation requires that a member shall make best efforts to regularly attend all scheduled meetings and take assignments during the course of the WG seriously. The Statement of Participation is enforceable and the Working Group leadership and GNSO Council Leadership Team have the authority to restrict a member’s participation in the event of non-compliance.

	Open Model	Representative Model (Full Community)	Representative & Open Model
	Interest and agree to the Statement of Participation.	ICANN org staff Liaisons (if deemed applicable), Board Liaisons (if deemed applicable), Council Liaison(s), 1 neutral Chair, and expert contributors (as invited). (Charter to define composition breakdown)	ICANN org staff Liaisons (if deemed applicable), Board Liaisons (if deemed applicable), Council Liaison(s), 1 neutral Chair, and expert contributors (as invited). (Charter to define composition breakdown)
Participants			<p>Open to anyone interested to join as a participant. Participants may be from a GNSO SG or Constituency, or may be self-appointed and derive from within the ICANN or broader community.</p> <p>At the time of chartering, the Council may consider whether an upper limit of participants is to be set, and if so, how it should be implemented. Participants will be able to actively participate in and attend all Team meetings.</p> <p>Note that participants do not participate in the consensus designation process (see below).</p>
Observers	<p>Anyone interested will be able to join the team as an observer.</p> <p>Observers are provided with read-only access to the mailing list and are not invited to attend meetings. However, should an observer desire to change his/her status to member, they can do so at any time.</p>	<p>Anyone interested will be able to join the team as an observer.</p> <p>Observers are provided with read-only access to the mailing list and are not invited to attend meetings.</p>	<p>Anyone interested will be able to join the team as an observer.</p> <p>Observers are provided with read-only access to the mailing list and are not invited to attend meetings. However, should an observer desire to change his/her status to participant, they can do so at any time as long as it does not affect any possible upper limit that has been set for participants.</p>

	Open Model	Representative Model (Full Community)	Representative & Open Model
Expert Contributors		<p>The GNSO Council may, if appropriate, run an open call for expert contributors in order to recruit individuals who have expertise, knowledge, and/or perspective that otherwise would not be present in the PDP. Those expert contributors are not expected to participate in any consensus designation process, but provide perspective / expertise / knowledge to the PDP WG.</p> <p>The Council may be able to use an independent evaluation process (e.g., GNSO Council Standing Selection Committee) to confirm whether those individuals have demonstrated the expertise / knowledge / perspective.</p>	<p>The GNSO Council may, if appropriate, run an open call for expert contributors in order to recruit individuals who have expertise, knowledge, and/or perspective that otherwise would not be present in the PDP. Those expert contributors are not expected to participate in any consensus designation process, but provide perspective / expertise / knowledge to the PDP WG.</p> <p>The Council may be able to use an independent evaluation process (e.g., GNSO Council Standing Selection Committee) to confirm whether those individuals have demonstrated the expertise / knowledge / perspective.</p>
Consensus Designation Process	<p>All members participate in the consensus designation process, following the steps and approach as outlined in the GNSO Working Group Guidelines</p>	<p>Consensus calls or decisions are limited to SG/C/SO/AC (as applicable) appointed members who may consult as appropriate with their respective appointing organizations.</p> <p>For the purpose of assessing consensus, and in order to reflect and respect the current balance and bicameral structure of the GNSO Council, the Chair shall apply necessary and appropriate weight to the positions of the respective GNSO SG and Cs at Council level, noting that increased membership from one group or house relative to the others may upset that balance but should not impact the appropriate weight of SG/C positions.</p>	<p>Consensus calls or decisions are limited to SG/C/SO/AC (as applicable) appointed members who may consult as appropriate with their respective appointing organizations.</p> <p>For the purpose of assessing consensus, and in order to reflect and respect the current balance and bicameral structure of the GNSO Council, the Chair shall apply necessary and appropriate weight to the positions of the respective GNSO SG and Cs at Council level, noting that increased membership from one group or house relative to the others may upset that balance.</p> <p>The Chair shall also apply specific weight, which will be</p>

	Open Model	Representative Model (Full Community)	Representative & Open Model
		The Chair shall also apply specific weight, which will be decided by the GNSO Council, to the positions of the representatives from other SOs/ACs as prescribed in the working group charter. Similarly, groups that do not fulfil their entire membership allowance must not be disadvantaged as a result during any assessment of consensus.	decided by the GNSO Council, to the positions of the representatives from other SOs/ACs as prescribed in the working group charter. Similarly, groups that do not fulfil their entire membership allowance must not be disadvantaged as a result during any assessment of consensus.

Other aspects to be decided upon (not necessarily tied to the model chosen)

	Option A	Option B	Option C
Chair Selection	Selected from the WG by WG members, to be confirmed by GNSO Council	Appointed by GNSO Council following expression of interest process, with independent evaluation (e.g. GNSO Council Standing Selection Committee) if appropriate in the specific circumstances	
Vice-Chair(s) / Co-Chair(s)	Up to the WG to determine leadership structure, to be confirmed by GNSO Council, as appropriate	Leadership structure determined by Charter, but selection made by the WG	Leadership structure determined by Charter, and appointment made by GNSO Council, with independent evaluation (e.g. GNSO Council Standing Selection Committee) if appropriate in the specific circumstances
Expertise⁸	No specific expertise needed or required for members/participants	Members/participants are encouraged to be selected/join on the basis of having specific expertise or skills	Members/participants are required to have a certain level of expertise. Independent evaluation (e.g. GNSO Council Standing Selection Committee) is carried out to confirm that members/participants have required expertise.

⁸ The membership expertise component is related to [PDP 3.0 Improvement #3, Working Group Member Skills Guide](#).

PDP 3.0 Improvement #3: Criteria for Joining of New Working Group Members

Section 2.2.1 of the GNSO Working Group Guidelines describes the expectations for the participation of Working Group members. The Guidelines do not differentiate between existing or new members who join after a Working Group's formation, so the expectations and requirements are presumed to apply to members who join at any time after a Working Group has been established.

There are several reasons Working Group members may join after a Working Group is established, provided that this is permitted by the Charter, as some types of Working Groups -- Expedited PDP, Cross-Community Working Group, or others -- may have Charter restrictions relating to membership. For example, prospective members may not have been aware of the effort, or they were of the view that their perspective was not well represented. However, new members may not join for reasons that the GNSO Council does not procedurally support, such as reopening old conversations or delaying certain conversations in bad faith to delay the progress of the Working Group. As such, this document outlines a number of considerations that Working Group Leaders and Working Groups may want to factor in as they consider whether or not to accept members after the start of the effort, and if so, what can be done to ensure that new members get quickly up to speed and are aware of the expectations.

The existing practice as stated in the Working Group Guidelines is that anyone can join a Working Group at any point as long as they get up to speed and do not reopen previously closed topics, unless they provide new information. (Going forward, this will be dependent on the model of Working Group chosen as most appropriate for the subject. All members will also be expected to agree to the Statement of Participation⁹).

In particular, Section 3.3 Process Integrity states:

“WG members should be mindful that, once input/comment periods have been closed, discussions or decisions should not be resurrected unless there is group consensus that the issue should be revisited in light of new information that has been introduced. If the reopening is perceived as abusive or dilatory, a WG member may appeal to the Chair (see Section 3.7).”

In addition, Section 6.1.3 Purpose, Expectations, and Importance of the Chair states:

“In addition, the Chair should be able to ensure that anyone joining a Working Group after it has begun has reviewed all documents and mailing list postings and agrees not to reopen previously decided questions. However, if there is support from the Chair to reopen an issue

⁹ See PDP 3.0 Improvement #1 Statement of Participation

in light of new information that is provided either by a new member or an existing member of the Working Group, this should be possible.”

Nonetheless, the Working Group Guidelines do not prevent Working Group Leaders from deciding, in consultation with the Working Group, that a Working Group has progressed too far along in its work for a new member to develop the requisite knowledge and skill level to contribute as required by Section 2.2.1. If the Working Group finds that the Leaders are not being impartial in this determination, it may appeal according to section 3.7 of the Working Group Guidelines. The Working Group could decide to suspend new membership for several reasons. Examples include:

- The Working Group has produced its Initial Report, analyzed public comments, and is in the midst of a consensus process for its Final Report;
- The Working Group is nearing the end of a complex and lengthy policy development process and although it has not produced a Final Report, the status of the work is that the Working Group is too close to finalize its work such that new members would not be able to meaningfully contribute;
- Someone wishes to join a Sub Team/Subset of the Working Group, but that Sub Team/Set has completed its work and passed its recommendations to the full Working Group;
- The Working Group Charter dictates levels of representation and the new member would alter that level of representation.

There could be exceptions, such as when a member from a particular SO/AC wishes to stay involved after they move to another job, or if the working group has a Representative Model or a Representative & Open Model, and an appointed member has left and thus must be replaced. In the case where levels of representation may need to be maintained, the relevant group that appoints the member who can no longer participate for any reason may nominate a replacement at any time during the lifespan of the working group, so long as the replacement should have the skills and capacity to participate. The group appointing the replacement should make the effort to appropriately prepare the new member.

The Working Group Guidelines do not prevent any member from changing his or her affiliation (e.g. to a different SO/AC) during the life of the Working Group, although a Working Group leader may question the timing of such a change if it happens (e.g.) just prior to the start of a Consensus Call, unless the Working Group is based on a particular shape of representation in its Charter.

The GNSO Council is not expected to play a role in determining whether or not new members may join after a Working Group is established, but may provide advice if requested by the Working Group leaders via consultation with the liaison.

The following Working Group Member Skills Guide may help to ensure that new members are sufficiently prepared for full participation in a Working Group per section 2.2.1 of the Working Group Guidelines. Going forward, Working Group leaders could decide to set or enforce certain criteria: while this has not been the practice to date, please refer to the outcome of the GNSO’s PDP 3.0 project.

This guide is intended as an aide to Working Group leaders and members, but it should clearly not be applied in such a way that new members are discouraged from joining Working Groups, or feel excluded. If a new member does not feel qualified to participate in a Working Group, there is also the option to join as an observer.

According to **PDP 3.0 Improvement #2**, during the chartering process of a working group, the GNSO Council may require that members/participants must have a certain level of expertise to carry out the policy development activities, and independent evaluation (e.g., GNSO Council Standing Selection Committee) may be conducted as appropriate in the specific circumstances to confirm whether members do have the required expertise.

Working group members are also expected to abide by the **Statement of Participation** as an outcome from PDP 3.0 Improvement #1. The Statement of Participation, including ICANN's Expected Standards of Behavior, is enforceable and the Working Group leadership and GNSO Council Leadership Team have the authority to restrict a member's participation in the event of non-compliance

[Annex 1 - Reference to the GNSO Working Group Guidelines \(Version 3.5 - 24 October 2019\)](#)

2.2 Working Group Member Roles and Responsibilities

The following is a description of standard WG roles. Typically, the Charter will outline the desired qualities and skills a WG Chair should possess, the role and name of the official liaison to the Chartering Organization, and any key Staff or other experts assigned to the WG. Any additional roles that are not included here should be listed in the WG Charter, including a description and minimal set of functions/duties to the extent that the chartering organization might wish to specify them.

A suggested procedure to conduct elections may be:

- Nominations or self-nominations;
- Statements of qualifications from candidates, which sets forth the qualifications, qualities and experience that they possess that will serve the particular WG;
- Vote by simple majority;
- Notification of and subsequent confirmation by the Chartering Organization of results of actions.

2.2.5 Members

WG members as a whole are expected to participate, contribute and drive the work of the group. It is the responsibility of the WG members to make sure that any initial drafts represent as much of the diversity of views as possible. This may be done by either asking multiple WG members to contribute text that may be assembled with the help of staff, or for a drafting subgroup to be established to

produce such an initial draft. While staff may be asked to help in assembling initial drafts, the WG is responsible for driving the work. Examples of member responsibilities include:

- Develop and draft working-group documents;
- Contribute ideas and knowledge to working group discussions;
- Act as liaisons between the Working Group and their respective stakeholder groups or constituencies;
- Ensure that stakeholder group or constituency statements are developed in an informed and timely way; and
- Actively and constructively participate in the consensus decision making process.

3.3 Process Integrity

WGs are encouraged to focus and tailor their work efforts to achieve the identified goals of the Charter. While minimum attendance and participation requirements are not explicitly recommended, a Chair is expected, as outlined above, to take the necessary measures to ensure that all WG members have an opportunity to provide their input on issues and decisions. WG members should be mindful that, once input/comment periods have been closed, discussions or decisions should not be resurrected unless there is group consensus that the issue should be revisited in light of new information that has been introduced. If the reopening is perceived as abusive or dilatory, a WG member may appeal to the Chair (see Section 3.7).

Members are expected to participate faithfully in the WG's process (e.g., attending meetings, providing input OR monitoring discussions) and should formally withdraw if they find that they can no longer meet this expectation. Working group members may request a review by the Chair if a member disrupts the work or decision-making of the group as a result of inconsistent participation. It should be noted that there are no rules or requirements as to what constitutes sufficient or adequate 'participation;' this is an assessment that each WG member should make individually.

Public comments received as a result of a public comment forum held in relation to the activities of the WG should be carefully considered and analyzed. In addition, the WG is encouraged to explain their rationale for agreeing or disagreeing with the different comments received and, if appropriate, how these will be addressed in the report of the WG

PDP 3.0 Improvement #3: Working Group Member Skills Guide

This PDP Working Group Member Skills Guide may help to ensure that new members are sufficiently prepared for full participation in a Working Group per section 2.2.1 of the Working Group Guidelines. Going forward, Working Group leaders could decide to set or enforce certain criteria: while this has not been the practice to date, please refer to the outcome of the GNSO's PDP 3.0 project.

For example, according to [PDP 3.0 Improvement #2](#), during the chartering process of a working group, the GNSO Council may require that members/participants must have a certain level of expertise to carry out the policy development activities, and independent evaluation (e.g., GNSO Council Standing Selection Committee) may be conducted as appropriate in the specific circumstances to confirm whether members do have the required expertise. Working Group members also are expected to abide by the [Statement of Participation](#) as an outcome from PDP 3.0 Improvement #1. The Statement of Participation, including ICANN's Expected Standards of Behavior, are enforceable and the WG leadership and GNSO Council Leadership Team have the authority to restrict a member's participation in the event of non-compliance.

Nevertheless, this guide is intended as an aide to Working Group leaders and members, but it should clearly not be applied in such a way that new members are discouraged from joining Working Groups, or feel excluded.

This is a living document and as such Working Group leaders and members are encouraged to provide additional resources, tips, or other suggestions that they have found to be helpful.

Member Responsibility	Skill Requirements	Resources
Contribute ideas and knowledge to Working Group discussions	<ul style="list-style-type: none"> ● Knowledge of issue background and current work status; ● Commitment to participating in Working Group meetings on a regular and ongoing basis; ● Ability to create factual, relevant and easily understandable messages, and able to succinctly deliver them to the Working Group; ● Ability to deliver a point intelligently, concisely, and in a friendly way; ● Exhibit agility and confidence in evolving situations and ability to swiftly 	<p>Working Group members should be familiar with the following sections of the Working Group Guidelines:</p> <ul style="list-style-type: none"> ● Section 4.1 Session Planning – General Meeting Logistics ● Section 4.2 Communication/Collaboration Tools

Member Responsibility	Skill Requirements	Resources
	transition from topic to topic.	
Develop and draft Working Group documents	<ul style="list-style-type: none"> ● Knowledge of Working Group background documents and draft documents; ● Knowledge of (preferably experience with) the document development process in GNSO Working Groups; ● Highly effective oral, written, and interpersonal communication skills (in simple, comprehensible English); ● Research skills with the ability to discern factual, factually relevant, and persuasive details and sources; ● Commitment to manage a diverse workload, while collaborating with a Working Group of individuals with different backgrounds and interests in driving objectives. 	<p>As noted above, in addition to reviewing draft and background documents on the wiki, including discussions as captured in meeting transcripts, recordings, actions, deliverables and other reference links, Working Group members should review the documents and deliverables of other GNSO PDP Working Groups that may have dependencies or be related work.</p> <p>ICANN Learn: https://learn.icann.org/</p> <ul style="list-style-type: none"> ● 701.1 Writing for Policy and Public Comment
Act as liaisons between the Working Group and their respective stakeholder groups or constituencies	<p><u>Representative Working Group Model:</u></p> <ul style="list-style-type: none"> ● In depth knowledge of Working Group discussions, actions taken at meetings, and deliverables; ● Understanding of the perspectives and interests of the members’ own stakeholder group or constituency; ● Ability to create factual, relevant and easily understandable messages, and able to deliver them to others who may not be familiar with the Working Group activities; ● Commitment to operating a “two-way-street” of knowledge and direction between the stakeholder group or constituency and the Working Group. 	Working Group members should be up to date concerning deliberations during and resulting from Working Group meetings via the wiki and resources noted above, but also note the perspectives and interests of the members’ stakeholder group or constituency via meetings and discussions with those groups.
Ensure that stakeholder group or constituency	<p><u>Representative Working Group Model</u>¹⁰:</p> <ul style="list-style-type: none"> ● Ability to influence, negotiate with, 	As noted above, Working Group members should be up to date

¹⁰ See PDP 3.0 Improvement #2 Comparison Table of Working Group Models about different Working Group models

Member Responsibility	Skill Requirements	Resources
statements are developed in an informed and timely way	<p>listen to and persuade others;</p> <ul style="list-style-type: none"> Project management skills in driving the completion of SG/C statements in a timely manner; Ability to intelligently build a course of action, analyze trade-offs, and make recommendations even in ambiguous situations. <p><u>Non-Representative Working Group Model:</u></p> <ul style="list-style-type: none"> Supporting stakeholder group or constituency in drafting statements; Giving context and needed background behind recommendations and deliberations. 	<p>concerning deliberations during and resulting from Working Group meetings via the wiki and resources, but also note the perspectives and interests of the members' stakeholder group or constituency via meetings and discussions with those groups.</p>
Actively and constructively participate in the consensus decision making process	<ul style="list-style-type: none"> Understanding of what consensus means and how consensus-building process works; Commitment to facilitate consensus by listening, explaining, mediating, proposing clear actions, and helping other members; Commitment to avoid blocking consensus by looking beyond the stakeholder group or constituency affiliation of other Working Group members and judging proposals / positions on their merits; Commitment to avoid re-litigating closed issues or deliberate obfuscation; Flexibility and ability to demonstrate strong judgment / decision-making skills; Maintain high personal levels of ethical conduct and integrity, including transparency of affiliation in the SOI, in treatment of others and respecting the professional reputation of all in the ICANN community. 	<p>Working Group members should be familiar with the following section of the Working Group Guidelines: 3.6 Standard Methodology for Making Decisions</p> <p>Members also should be familiar with the relevant PDP 3.0 Improvements:</p> <ul style="list-style-type: none"> Consensus Playbook (PDP 3.0 Improvement #4) Clarification to Complaint Process in GNSO Working Group (PDP 3.0 Improvement #9) ICANN Org Resources for Conflict Resolution & Mediation (PDP 3.0 Improvement #15) <p>ICANN Learn: https://learn.icann.org/</p> <ul style="list-style-type: none"> 703.1 Unconscious Bias

PDP 3.0 Improvement #5: New Liaison Briefing & Liaison Handover

Thank you for volunteering to take on the role of Council liaison! This document is intended to facilitate you getting up to speed with the liaison role and responsibilities. Please review the section that applies to your liaison role. Should you have any questions, please do not hesitate to reach out to the GNSO Policy Support Team at gnso-secs@icann.org.

1. Please make sure that you have reviewed the GNSO Council liaison to the WGs - Role Description (<https://gnso.icann.org/sites/default/files/file/field-file-attach/gnso-liaison-wg-22feb18-en.pdf>). In addition, please consult the **PDP 3.0 Improvement #5 GNSO Council Liaison Supplemental Guidance** developed to provide more precision in your responsibilities and the frequency in which they must be carried out.
2. Please familiarize yourself with the provisions of the GNSO Operating Procedures relevant to liaisons (see ANNEX 1 of this document for specific references).
3. The GNSO Secretariat should have subscribed you to the PDP mailing lists and relevant sub teams. If you have not received a notification of your subscription, please reach out to gnso-secs@icann.org.
4. The GNSO Secretariat will also subscribe you to the PDP Leadership mailing list(s), if applicable. In addition, the GNSO policy support staff will add you to the PDP Leadership Skype chat (or other communication channel) if applicable.
5. If you are new to this PDP, or you have only had an Observer status previously, consider requesting a catch-up call with the relevant GNSO policy support staff. This call should clarify the role of the liaison in terms of PDP conference call attendance, expected responsibilities and an update as to the current status of the PDP if already in operation (milestones and anticipated hurdles).
6. The GNSO Secretariat will provide you with useful links to the wiki workspaces and mailing list archives via email.
7. *If the PDP is already in operation*, please consider requesting that PDP Leadership and the outgoing liaison(s) share relevant briefing documents specific to the PDP, to highlight the scope of the PDP charter, current status, timeline, milestones, problem areas/challenges, anticipated hurdles, etc.
8. *If the PDP is already in operation*, the GNSO Secretariat will set up an onboarding conference call with the incoming and outgoing liaisons as well as PDP Leadership. GNSO policy support staff will also be present on the call.

GNSO Council liaison to Implementation Review Teams - New liaison briefing and liaison handover

1. Please make sure that you have reviewed the GNSO Council liaison to the WGs - Role Description (<https://gns0.icann.org/sites/default/files/file/field-file-attach/gns0-liaison-wg-22feb18-en.pdf>).
2. Please familiarize yourself with the provisions of the Consensus Policy Implementation Framework (CPIF) related to the GNSO Council - (see ANNEX 2 of this document for specific references and here for the latest version of the CPIF: <https://www.icann.org/policy/implementation>).
3. The GNSO Secretariat will inform the GDD Project Manager of your appointment. The GDD Project Manager will be responsible for elements below, such as:
 - a. Subscribing you to mailing lists
 - b. Adding you to chat groups
 - c. Providing you with useful links to the wiki workspaces and mailing list archives
 - d. Providing you with a briefing to highlight scope of the implementation effort, current status, timeline, milestones, problem areas/challenges, anticipated hurdles, etc.
4. If you are new to IRT, consider requesting a catch-up call with GNSO policy support staff and/or the GDD Project Manager. This call should clarify the role of the liaison in terms of IRT conference call attendance, expected responsibilities and an update as to the current status of the IRT if already in operation (milestones and anticipated hurdles).
5. *If the IRT is already in operation*, the GNSO Secretariat will set up an onboarding conference call with the incoming and outgoing liaisons as well as the GDD Project Manager. GNSO policy support staff will be present on the call.

Annex 1 - GNSO Council Liaison References in the GNSO Operating Procedures (version 3.5 - 24 October 2019)

While the GNSO Council liaison to the WGs - Role Description linked above captures these points in a summarized fashion, it may be useful to know where the specific references are found in the relevant documents and sections.

There are a number of relevant sections in the GNSO Operating Procedures, though these are primarily found in ANNEX 1: GNSO Working Group Guidelines:

- Section 2.1.4.2 Election of the WG Leaders: **The liaison may initially serve as interim chair until one is selected by the WG.**
- Section 2.2.4 Liaison: High-level description of the role of the Council liaison, inclusive of responsibilities and the way in which the role should be performed (i.e., in a neutral manner).

- Section 3.4 Individual/Group Behavior and Norms: The liaison, in coordination with the PDP Chair, **serve as the first point of escalation for WG members who believe that ICANN’s Expected Standards of Behavior are abused.**
- Section 3.5 Rules of Engagement: The liaison, in coordination with the PDP Chair, **is empowered to restrict the participation of someone who seriously disrupts the Working Group.**
- Section 3.6 Standard Methodology for Making Decisions: Once a WG reaches the point where it is seeking to assess consensus on its recommendations, it is the Chair’s responsibility to designate the level of consensus. **If several WG members continue to disagree with the Chair’s designation of consensus, the liaison serves as the next point of escalation.**
- Section 3.7: Appeal Process: While the section does not specify a specific role for the liaison, there is a relevant footnote that states that **the PDP Chair and/or liaison will work with the dissenting member in investigating and determining if there is sufficient support to initiate the Appeal Process.**

ANNEX 2: Policy Develop Process Manual also contains references and duties for the GNSO liaison:

- Section 15. Termination or Suspension of PDP Prior to Final Report: The liaison is to, **“promptly submit to the Council a written Termination Summary or Suspension Summary** specifying the reasons for the recommended action to be taken and, if applicable, the points of view represented in the PDP Team and the consensus status (as defined by the GNSO Working Group Guidelines) at the time such action is recommended.”

Annex 2 - GNSO Council Liaison References in the Consensus Policy Implement Framework (CPIF)

The CPIF does not specifically reference the GNSO Council liaison. However, there are several instances where the GNSO Council is referenced, where it is assumed that the GNSO Council liaison to the IRT would serve as the first point of escalation. While the GNSO Council liaison to the WGs - Role Description linked above captures these points in a summarized fashion, it may be useful to know where the specific references are found in the relevant document.

CPIF:

- Section III. Roles and Responsibilities: The GNSO Council is to serve, “as a resource for staff who have questions about the background or intent of the policy recommendations during its implementation. The GNSO may continue to provide input on the implementation of a policy, for example, if the GNSO believes that the implementation is inconsistent with the policy.” **The GNSO Council liaison may serve as the escalation point.**
- Section IV. Consensus Policy Implementation Framework - Analyze and Design: “If the IRT concludes that staff’s planned implementation of Consensus Policy recommendations is inconsistent with the stated intent of the Consensus Policy recommendations, the IRT may

consult with the GNSO Council as outlined in the IRT principles and guidelines.” **The GNSO Council liaison may serve as the escalation point.**

PDP 3.0 Improvement #5: GNSO Council Liaison Supplemental Guidance

At the 2019 Strategic Planning Session, a small team of Councilors agreed that providing more specific guidance, perhaps in the form of a checklist, would be beneficial to liaisons. Further, it was agreed that having this more specific guidance would not only better serve the liaisons, but would also help establish expectations for the GNSO Council and the WGs they serve. This supplemental document is to be used as a complement to the Role description found here: <https://gns0.icann.org/sites/default/files/file/field-file-attach/gns0-liaison-wg-22feb18-en.pdf>.

There is one job duty below that is highlighted and italicized because of its importance, but also because of its overarching nature. The liaison's primary responsibility is to facilitate the managerial role of the GNSO Council in overseeing the activities of the GNSO PDP working group. "**The liaison is expected to fulfil his/her role in a neutral manner.**" This means that everything the liaison does during his/her tenure, including but not limited to participating in WG calls, reporting status, conveying information, and escalating issues, should be done in that neutral manner.

Job Duty	Phase	Type	Recommended Frequency	Ideas/Best Practices for "Handbook"	Suggested Time Commitment
<i>The liaison is expected to fulfil his/her role in a neutral manner. Should the liaison wish to intervene / participate in WG deliberations in his/her personal capacity, the liaison is expected to make it explicitly clear when he/she is speaking in liaison capacity and when speaking in personal capacity.</i>	All	Basic Expectations	Ongoing	<ul style="list-style-type: none"> <i>The liaison's primary purpose is to serve as the liaison. The liaison can "take off their liaison hat," which must be done explicitly, but doing so is strongly discouraged. Potential liaisons and the Council should take this into account prior to appointing a Councilor to the position.</i> <i>If the liaison is constantly "taking off his/her hat," this is likely to negatively affect the liaison's ability to serve in the role in the neutral manner and the Council and liaison may want to consider whether another individual is better able to serve in this role.</i> <i>A liaison should recuse him/herself in the substantive deliberation within the WG if such work conflicts with his/her job duty as a liaison, who is involved in the operation/management of the WG.</i> <i>This particular Job Duty is overarching and affects all other Job Duties.</i> 	N/A

Job Duty	Phase	Type	Recommended Frequency	Ideas/Best Practices for "Handbook"	Suggested Time Commitment
The liaison may serve as an interim WG Chair until a WG Chair is named. As per current practice, it would not be appropriate for the liaison to be considered for a permanent Chair or co-chair/vice-chair position;	PDP Start Leadership transition	Guidance/ Leadership	As needed	None	1-2 WG meetings in total, plus preparation
The liaison is expected to be a regular attendee/participant of WG meetings;	All	Basic Expectations	As dictated by the WG	<ul style="list-style-type: none"> Attend meetings to the extent you can Utilize meeting recordings and transcripts to catch up Monitor email list 	1-2 hours per week
The GNSO Council Liaison should participate in regular meetings/interactions with the WG Leadership and consult with WG Leadership prior to providing updates or reports to the GNSO Council.	All	Basic Expectations	As dictated by the WG	<ul style="list-style-type: none"> Change "meetings" to "interactions" to accommodate how each individual WG Leadership team functions. The interactions do not necessarily need to be in addition to regular leadership interactions (e.g., if may be beneficial to include the liaison in the various leadership channels of communication). Feeds into reporting/escalation 	1-2 hours per week
The liaison is expected to report to the GNSO Council on a regular basis (at a minimum, at or before an ICANN public meeting and as issues or significant milestones arise in the group's work) on the progress of the Working Group. Such report is expected to be coordinated with the WG leadership;	All	Reporting (shared responsibility)	Each Council meeting	<p>Regular reporting (i.e., monthly) is expected to be shared responsibility, with WG leadership, staff, and the Council liaison all being involved.</p> <ul style="list-style-type: none"> Development of regular reporting materials (WG leadership, staff, in consultation with the liaison) Send regular reporting materials (WG leadership, staff) Identify material changes, issues, or milestones that should be shared with Council (WG leadership, staff, in consultation with the liaison) Send material updates to Council mailing list prior to any Council meeting (WG leadership, staff) Discuss any material issues during Council meeting during project list review (if any) (WG leadership, liaison) [If any further discussion is needed, the liaison can ask that the item be added to a Council meeting agenda (Council 	Collectively, approximately 2 hours per month. However, commitment will be higher if escalation is needed.

Job Duty	Phase	Type	Recommended Frequency	Ideas/Best Practices for "Handbook"	Suggested Time Commitment
				liaison))	
The GNSO Council Liaison should be the person upon whom the Working Group relies to convey any communications, questions or concerns to the GNSO Council.	All	Conduit (primary responsibility)	As needed	<ul style="list-style-type: none"> Task is done collaboratively with WG leadership, with staff, including the Conflict Resolution Staff in the ICANN Policy Team, available as needed Consider any privacy concerns when communicating Consider if guidance is needed from Staff or Council Leadership Feeds into reporting/escalation 	
The GNSO Council liaison is responsible for ensuring that the WG Chair(s) are informed about activities of the GNSO Council that have an impact on the Working Group. This includes not only actions taken with respect to substance related to the Working Group, but also any actions taken on matters upon which the Work Group depends or on which the Council depends on the Working Group.	All	Conduit (primary responsibility)	As needed	<ul style="list-style-type: none"> Liaison to communicate with WG Chair(s) in whatever manner is established (e.g., email, meetings, Slack-type channels, etc.) Liaison to engage WG Chair(s) in a manner that facilitates regular and material communication about key issues, milestones, etc. 	
The liaison will refer to the Council any questions or queries the WG might have in relation to its charter and mission;	All	Conduit/ Escalation (primary responsibility)	As needed	<ul style="list-style-type: none"> Task is done collaboratively with WG leadership, with staff available as needed Consider any privacy concerns when communicating Consider if guidance is needed from Staff or Council Leadership Feeds into reporting/escalation 	
The liaison will assist or engage when the WG faces challenges or problems, and will notify the Council of efforts in this regard;	All	Conduit/ Escalation (shared responsibility)	As needed	<ul style="list-style-type: none"> Task is done collaboratively with WG leadership, with staff, including the Conflict Resolution Staff in the ICANN Policy Team, available as needed Consider any privacy concerns when communicating Consider if guidance is needed from Staff or Council Leadership 	

Job Duty	Phase	Type	Recommended Frequency	Ideas/Best Practices for "Handbook"	Suggested Time Commitment
				<ul style="list-style-type: none"> • Feeds into reporting/escalation • The liaison may be called upon to help resolve a 3.7 appeal process (see PDP 3.0 Improvement #9: Clarification to Complaint Process in GNSO Working Group) 	
The liaison will assist the WG Chair in suspected cases of abuse of ICANN's Expected Standards of Behavior and/or restricting the participation of someone who seriously disrupts the WG;	All	Conduit/ Escalation (shared responsibility)	As needed	<ul style="list-style-type: none"> • Task is done collaboratively with WG leadership, with staff, including the Conflict Resolution Staff in the ICANN Policy Team, available as needed • Consider any privacy concerns when communicating • Consider if guidance is needed from Staff or Council Leadership • Feeds into reporting/escalation 	
The liaison will assist the WG Chair as required with his/her knowledge of WG processes and practices;	All	Conduit/ Escalation (shared responsibility)	As needed	<ul style="list-style-type: none"> • Consider any privacy concerns when communicating • Consider if guidance is needed from Staff or Council Leadership • May be helpful to consult with staff 	
The liaison will facilitate in case there is disagreement between the WG Chair and WG member(s) in relation to designation of consensus given to a certain recommendation.	Consensus call	Conduit/ Escalation (shared responsibility)	As needed	<ul style="list-style-type: none"> • Task is done collaboratively with WG leadership, with staff, including the Conflict Resolution Staff in the ICANN Policy Team, available as needed. Pertains directly to section 3.6 of the WG Guidelines (see PDP 3.0 Improvement #4 Consensus Playbook) • Consider any privacy concerns when communicating • Consider if guidance is needed from Staff or Council Leadership • Feeds into reporting/escalation 	

PDP 3.0 Improvement #6: Expectations for Working Group Leaders & Skills Checklist

As noted in PDP 3.0: The GNSO Working Group guidelines provide a general description of the role of a Working Group leader, but there is currently no requirement that the Working Group leader selection process factors this in or establishes specific criteria that need to be met in order for someone to be eligible to be considered for this role. Working Groups may benefit from a more detailed description of the role and responsibilities, including expected time commitment of a Working Group leader. This could then be coupled with a list of skills and expertise that would also be desirable or even required. This would be helpful for Working Group review and selection of, and potential candidates for, leadership positions. Working Group leaders would be expected to agree to the role and responsibilities as outlined, and would also serve as a means to hold the leaders accountable to the Working Group. Similarly, it could be indicated whether there are any incompatibilities that should be considered such as whether someone can be in a leadership role in multiple PDPs at the same time. In addition, the GNSO Council could consider following the process that was used for the EPDP Team selection: A Call for volunteers with clear list of expectations and skills, followed by assessment of each candidate against the skills identified which would result in a recommendation to the Council.

Accordingly, the following is a suggested standalone document that would complement the existing GNSO Working Group Guidelines by providing guidance on the skills, expertise, and time commitment required of the chairs, co-chairs, and vice-chairs. This guidance is compiled from the resource document [GNSO Basics: Module 2c -- GNSO Working Groups: Chair's Guide](#).

Expectations for Working Group Leaders

1. Basic Responsibilities of Working Group Leaders

GNSO Working Group leaders have the following basic responsibilities:

- Calling Working Group meetings and, with the assistance of ICANN Staff, developing meeting agendas;
- Assessing, at the start of each meeting, whether a sufficient number of Working Group members are present to proceed (note that there is no standard in the GNSO Working Group Guidelines, so this determination is at the discretion of the Working Group leaders);
- Presiding over Working Group meetings and deliberations, which includes ensuring that all participants have the opportunity to contribute;
- Reporting on the Working Group's status to the GNSO Council via the liaison, when requested to do so (see [PDP 3.0 Improvement #5 GNSO Council Liaison Supplemental Guidance](#));
- Helping ensure that all Working Group activities follow the procedures and principles outlined in the [GNSO Working Group Guidelines](#);
- Managing the Working Group progress to ensure that milestones are achieved in accordance with the Working Group timeline and workplan.

For more project management related guidance and details, see the implementation of PDP 3.0 Improvements #11, #12, #16, and #17:

- GNSO Project Work Product Catalog
- Project Status and Condition Change Procedure & Flowchart
- Project Change Request Form
- Resource Reporting for PDP Working Group

2. Encouraging Representational Balance

A GNSO Working Group should generally mirror the diversity of the GNSO, by having representatives from all GNSO Stakeholder Groups and Constituencies, and consistent with section 3.2 of these Guidelines.

- The Working Group leaders, in cooperation with the Working Group Staff Secretariat and other ICANN Staff members, is responsible for continually assessing whether the Working Group has sufficiently broad representation;
- If the representation is found to be lacking, the Working Group leader should decide which group(s) need(s) to be solicited for additional Working Group members. Alternatively, if a Working Group leader finds that any one group is overrepresented to the point of “capturing” the WG, he/she should inform the GNSO Council liaison to the Working Group;
- A Working Group leader is also responsible for encouraging overall representational balance within any sub-team formed within the Working Group;
- To remedy an imbalance, the Working Group leader should reach out to the under-represented interest group(s) for more volunteers. If the imbalance persists, the Working Group leader should ensure that the situation is documented in the Working Group’s final report and that, if a public review is conducted of the sub-team’s work, any input received from the under-represented group(s) is reported.

3. Encouraging Adherence to ICANN’s Expected Standards of Behavior & Community Anti-Harassment Policy

A GNSO Working Group leader is responsible for ensuring adherence to the [ICANN Expected Standards of Behavior](#) and Terms of Participation and Complaint Procedure and, when necessary, enforcing or reporting non-compliance incidents.

4. Ensuring Working Group Documents Represent the Diversity of Working Group Views

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

5. Making Consensus Designation on Working Group Recommendations

Working Group leaders are responsible for assigning to each of the Working Group’s officially reported positions or recommendations a designation indicating the level of agreement supporting it within the Working Group, consistent with Section 3.6 of the GNSO Working Group Guideline.

For additional details and guidance, see [PDP 3.0 Improvement #4 Consensus Playbook](#).

6. Participating in the Working Group complaint processes

GNSO Working Group leaders play a vital role in the complaint processes available to Working Group members. Working Group leaders shall carry out this role consistent with Section 3.7 of the WG Guidelines.

For additional details and guidance on the Working Group leaders' roles and responsibilities in handling the complaint process, see:

- [PDP 3.0 Improvement #9: Clarification to Complaint Process in GNSO Working Group](#)
- [GNSO Basics: Module 2c -- GNSO Working Groups: Chair's Guide](#).

7. Leader Skills, Expertise, and Time Commitment

As noted in [GNSO Basics: Module 2c -- GNSO Working Groups: Chair's Guide](#) the effectiveness of a Working Group greatly depends on the competency with which the WG's leaders carry out their responsibilities. These responsibilities include, among many others, facilitating goal-oriented Working Group meetings, encouraging collaboration and building consensus.

Furthermore, the GNSO Council has high expectations for the leaders of GNSO Working Groups. This has grown out of a recent history of successful Working Groups that have been successfully chaired in a reliable and professional manner.

In order for Working Group leaders to assume their roles and responsibilities as outlined above in section 2.2.1 they are expected to have the following minimum skills and expertise. See "Working Group Leader Skills Checklist" section in the document below.

8. GNSO Operating Procedures

Working Group leaders are expected to have read and be familiar with the [GNSO Operating Procedures](#), and in particular the GNSO Working Group Guidelines and PDP Manual. A leader can seek support from many others who are knowledgeable in the application of the GNSO Operating Procedures, including the GNSO Council's liaison to the Working Group, the GNSO Council Chair, ICANN Staff and other Working Group officers.

The Working Group's mission, scope and expected deliverables should be clearly explained in its Charter. The Working Group leader is expected to ensure that Working Group members understand these requirements and to keep the Working Group's actions, discussions and meetings focused on serving its ultimate goals and deliverables.

9. Neutrality of the Working Group Leaders

The Working Group leaders are expected to assume a neutral and impartial role regarding substantive matters discussed by the Working Group. This means refraining from promoting a specific agenda and ensuring fair, objective treatment of all opinions within the Working Group.

This does not, however, mean that a leader cannot express a substantive opinion. When doing so, he/she should indicate explicitly that a substantive personal opinion is being stated, rather than a “ruling of the Chair”, and should state the rationale/justification for such intervention from a personal perspective.

However, due to the expectation of the neutral and impartial role a Working Group leader acts, the leader should refrain from expressing substantive personal opinions as much as possible and only do it when he/she believes it is necessary in facilitating the deliberation of the Working Group. The Working Group leader should not become an advocate for any specific position under consideration by the Working Group.

10. Consensus Building

One of the most important functions of a GNSO Working Group leader is helping to build a consensus behind each of the Working Group’s formal decisions, positions or recommendations.

- The Working Group leader should have the ability to help Working Group members understand that a consensus is a decision that is collaboratively reached and that the majority of Working Group members can “live with”; accordingly, it may not be a perfect or unanimous decision.
- The Working Group leader should be able to facilitate consensus building by:
 - Creating agendas in which every item has a clearly defined outcome;
 - Fairly and neutrally keeping meetings on track toward the stated goal;
 - Listening carefully and asking for clarification wherever needed;
 - Helping the Working Group with its internal negotiations and conflict resolution.

For additional details and guidance, see PDP 3.0 Improvement #4 Consensus Playbook.

11. Balancing Working Group Openness with Effectiveness

The openness of GNSO Working Groups helps ensure broad participation and transparency. However, it is the Working Group leader’s responsibility to ensure that this inclusiveness does not compromise the WG’s effectiveness.

- Working Group leaders should be able to distinguish between Working Group participants offering genuine dissent and those raising irrelevant or already-closed issues merely to block the Working Group’s progress toward its goal;
- Working Group leaders should have the ability to halt disruption and, in extreme cases, can suspend a Working Group member from a discussion per section 3.5 of the GNSO Working Group Guidelines on Rules of Engagement;
- Working Group leaders are expected to ensure that closed Working Group decisions are not revisited, and to regularly apprise Working Group members of the status of open and closed items, unless there is a consensus to do so (usually in light of new information brought to the Working Group’s attention);
- Working Group leaders should ensure that anyone joining a Working Group after it starts has reviewed all relevant Working Group documents and e-mails to its mailing list.

12. Chairing a GNSO Working Group Meeting

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

- Confirmation that every Working Group member has submitted a Statement of Interest (SOI);
- Introduction of Working Group members;
- Review of the Working Group's transparency policy;
- Review of the Working Group's Charter and other relevant documents;
- Assignment of the Working Group's work plan;
- Develop meeting agendas and send them at least 48-hours in advance (with staff support);
- Ensure Working Group discussions adhere to the agenda and manage the timing of discussions;
- Help navigate topics in other policy efforts that may have relations to or dependencies with the topics in the PDP Working Group;
- Facilitate potentially contentious discussions;
- Schedule future Working Group's meetings.

13. Time Commitment

For a typical member on a Working Group, most of this time is usually spent doing the following:

- Communicating (by phone, e-mail, Skype, etc.) with other Working Group members, support staff, and the GNSO Council;
- Reading meeting materials;
- Reading and participating in the Working Group mailing list;
- Participating in Working Group meetings.

For a Working Group leader, the time commitment per week varies, depending on meeting-preparation time, post-meeting action items, and other factors. See 6.1.3 of the GNSO Operating Procedures.

14. Previous Leadership Review Outcome

If a person holds a leadership position in a GNSO working group and his/her performance has been evaluated through the regular leadership review cycle (see PDP 3.0 Improvement #13 Regular Review of Working Group Leadership), the outcome of such review, including the result of the WG member survey on the leadership performance, will be taken into consideration for assessing the person's candidacy for any future leadership position in GNSO working groups.

Working Group Leader Skills Checklist

The following is a list of minimum skills that a Working Group leader must possess. It may be used as a checklist to evaluate candidates for Working Group leaders, or as a resource for prospective leaders to develop their skills.

Responsibility	Skill Requirement	Resource
Meeting management	<ul style="list-style-type: none"> ● Manage effective meetings: including facilitating goal-oriented Working Group meetings, agenda setting and adherence, time management, encouraging collaboration and building consensus ● Responsiveness and smooth communication with support staff and Working Group members ● Project management skills in driving the completion of action items and achieving milestones in accordance with the WG timeline and work plan 	<ul style="list-style-type: none"> ● GNSO Basics: Module 2c -- GNSO Working Groups: Chair's Guide ● PDP 3.0 Improvements #11, #12, #16, and #17: <ul style="list-style-type: none"> ○ GNSO Project Work Product Catalog ○ Project Status and Condition Change Procedure & Flowchart ○ Project Change Request Form ○ Resource Reporting for PDP Working Group ● ICANN Academy Leadership Program: https://community.icann.org/display/LTP/Leadership+Program ● ICANN Learn: https://learn.icann.org/: <ul style="list-style-type: none"> ○ 700.1 Holding Effective Meetings
Encouraging representational balance	<p>Ability to assess and encourage representational balance, including:</p> <ul style="list-style-type: none"> ● ability to identify and address “capture”, and ● ability to determine when outreach is necessary and to undertake it 	<ul style="list-style-type: none"> ● GNSO Basics: Module 2c -- GNSO Working Groups: Chair's Guide ● ICANN Academy Leadership Program: https://community.icann.org/display/LTP/Leadership+Program ● ICANN Learn: https://learn.icann.org/: <ul style="list-style-type: none"> ○ 703.1 Unconscious Bias
Ensuring adherence to ICANN's Expected Standards of Behavior	<p>Ability to encourage and, when necessary, enforce adherence to the ICANN Expected Standards of Behavior</p>	<p>ICANN Expected Standards of Behavior</p>

Responsibility	Skill Requirement	Resource
Ensuring Working Group documents represent the diversity of Working Group views	Ability to identify the diversity of views within the Working Group, if applicable	<ul style="list-style-type: none"> ● GNSO Basics: Module 2c -- GNSO Working Groups: Chair's Guide ● ICANN Academy Leadership Program: https://community.icann.org/display/LTP/Leadership+Program ● ICANN Learn: https://learn.icann.org/ <ul style="list-style-type: none"> ○ 703.1 Unconscious Bias
Making Consensus Designation on Working Group recommendations	Knowledge of and ability to designate consensus on Working Group recommendations based on the level of agreement	<ul style="list-style-type: none"> ● Working Group Guidelines Section 3.6 ● Consensus Playbook (PDP 3.0 Improvement #4)
Participating in Working Group complaint process	Knowledge of and ability to participate in the Working Group complaint process	<ul style="list-style-type: none"> ● Working Group Guidelines Section 3.7 ● Clarification to Complaint Process in GNSO Working Group (PDP 3.0 Improvement #9)
Applying the GNSO Operating Procedures	Ensure that Working Group members understand these requirements and to keep the Working Group's actions, discussions and meetings focused on serving its ultimate goals and deliverables	GNSO Operating Procedures
Being a neutral and impartial Leader	Ability to refrain from promoting a specific agenda and ensuring fair, objective treatment of all opinions within the Working Group	<ul style="list-style-type: none"> ● GNSO Basics: Module 2c -- GNSO Working Groups: Chair's Guide ● ICANN Academy Leadership Program: https://community.icann.org/display/LTP/Leadership+Program ● ICANN Learn: https://learn.icann.org/

Responsibility	Skill Requirement	Resource
		<ul style="list-style-type: none"> ○ 703.1 Unconscious Bias
Building consensus	<ul style="list-style-type: none"> ● Ability to help Working Group members understand that a consensus is a decision that is collaboratively reached and that the majority of Working Group members can “live with”; accordingly, it may not be a perfect or unanimous decision ● Ability to facilitate consensus building by: <ul style="list-style-type: none"> ○ Creating agendas in which every item has a clearly defined outcome. ○ Fairly and neutrally keeping meetings on track toward the stated goal ○ Listening carefully and asking for clarification wherever needed, and acting on the input as appropriate ○ Helping the Working Group with its internal negotiations and conflict resolution 	<ul style="list-style-type: none"> ● GNSO Basics: Module 2c -- GNSO Working Groups: Chair’s Guide ● ICANN Academy Leadership Program: https://community.icann.org/display/LTP/Leadership+Program ● ICANN Learn: https://learn.icann.org/ <ul style="list-style-type: none"> ○ 703.1 Unconscious Bias ● PDP 3.0 Implementation #4 (Consensus Playbook)
Balancing Working Group openness with effectiveness	<p>Ability to ensure that this inclusiveness does not compromise the WG’s effectiveness, including:</p> <ul style="list-style-type: none"> ● Ability to distinguish between Working Group participants offering genuine dissent and those raising irrelevant or already-closed issues merely to block the Working Group’s progress toward its goal ● Ability to halt disruption and, in extreme cases, exclude a Working Group member from a discussion per Section 3.5 of the GNSO Working Group Guidelines on Rules of Engagement ● Ability to ensure that closed Working Group decisions are not revisited, unless there is a consensus to do so (usually in light of new information brought to the Working Group’s attention) ● Ability to ensure that anyone joining a Working Group after it starts has reviewed all relevant Working Group documents and e-mails to its mailing list 	<ul style="list-style-type: none"> ● GNSO Basics: Module 2c -- GNSO Working Groups: Chair’s Guide ● ICANN Academy Leadership Program: https://community.icann.org/display/LTP/Leadership+Program ● ICANN Learn: https://learn.icann.org/ <ul style="list-style-type: none"> ○ 703.1 Unconscious Bias

Responsibility	Skill Requirement	Resource
Time commitment	<p>Ability to commit to the time required to perform the following activities:</p> <ul style="list-style-type: none"> ● Communicating (by phone, e-mail, Skype, etc.) with other Working Group members, support staff, and the GNSO Council ● Reading meeting materials ● Reading and participating in the Working Group mailing list ● Participating in Working Group meetings 	<ul style="list-style-type: none"> ● GNSO Basics: Module 2c -- GNSO Working Groups: Chair's Guide ● ICANN Academy Leadership Program: https://community.icann.org/display/LTP/Leadership+Program ● GNSO Operating Procedures Section 6.1.3
Contribute ideas and knowledge to working group discussions	<ul style="list-style-type: none"> ● Knowledge of issue background and current work status ● Knowledge of topics in other policy efforts that have relations to or dependencies with the PDP working group topics ● Commitment in participating in working group meetings on a regular and ongoing basis ● Ability to create factual, relevant and easily understandable messages, and able to clearly deliver them to the Working Group ● Ability to deliver a point clearly, concisely, and in a friendly way ● Exhibit agility and confidence in evolving situations and is able to swiftly transition from topic to topic 	<ul style="list-style-type: none"> ● Working group wiki, which includes meeting transcripts, recordings, actions, deliverables, and other reference links ● Draft and background documents
Develop and draft working group documents	<ul style="list-style-type: none"> ● Knowledge of working group background documents and draft documents ● Knowledge of (preferably experience with) the document development process in GNSO working groups ● Highly effective oral, written, and interpersonal communication skills ● Excellent research skills with the ability to discern factual, factually relevant, and persuasive details and sources ● Commitment to manage a diverse workload, while collaborating with a Working Group of individuals with different background and 	<ul style="list-style-type: none"> ● Working group wiki, which includes meeting transcripts, recordings, actions, deliverables, and other reference links ● Draft and background documents ● Documents and deliverables of other related GNSO PDP working groups ● ICANN Learn: https://learn.icann.org/ <ul style="list-style-type: none"> ○ 701.1 Writing for Policy and

Responsibility	Skill Requirement	Resource
	interests in driving objectives	Public Comment
Ensure that stakeholder group or constituency statements are developed in an informed and timely way	<ul style="list-style-type: none">• Project management skills in driving the completion of SG/C statements in a timely manner• Able to effectively build a course of action, analyze trade-offs, and make recommendations even in ambiguous situations	

PDP 3.0 Improvement #9: Clarification to Complaint Process in GNSO Working Group

Introduction

Improvement #9 of the PDP 3.0 initiative primarily aims to provide further guidance on the process (formerly called “appeals process”) under Section 3.7 of the GNSO Working Group Guidelines, which forms Annex I of the [GNSO Operating Procedures](#). To date, few Section 3.7 processes have been initiated during the deliberation of GNSO Policy Development Process (“PDP”) Working Groups (“WGs”); notable instances are the IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG (“IGO-INGO PDP WG”) and the Review of All Rights Protection Mechanisms PDP WG (“RPM PDP WG”). Due to the lack of detailed guidance, the GNSO’s experiences with Section 3.7 processes were mostly long and counter-productive, taking excessive amounts of time and energy from all parties involved.

The implementation plan for Improvement #9 aims to enable a GNSO PDP WG to move forward more efficiently during and after the process. The implementation plan seeks to clarify that a Section 3.7 process does not stop ongoing work in a WG according to its timeline and work plan. The implementation plan also seeks to provide further details in relation to the process, but at the same time discourage any litigiousness.

To facilitate the implementation of Improvement #9, staff collaborated with a small team of current and former Councilors and developed this paper, which draws on “lessons learned” from previous GNSO experiences with Section 3.7 processes. It first summarizes the issues and problems that the GNSO has encountered when conducting Section 3.7 processes. Following the problem statement, this paper then includes detailed suggestions to improve the process, as well as proposed revisions to the relevant language in the GNSO Working Group Guidelines. In addition, this paper notes the difference between the process in Section 3.7 and the challenge mechanism in Section 3.6 regarding consensus designation.

The GNSO Council may use this paper as a starting point to further develop materials to assist working group leaders and members, as well as the GNSO Council to effectively handle Section 3.7 processes in the future.

1. What is Section 3.7

1.1 Current Definition in the GNSO Working Group Guidelines

In the GNSO Working Group Guidelines, Section 3.7 reads as follows:

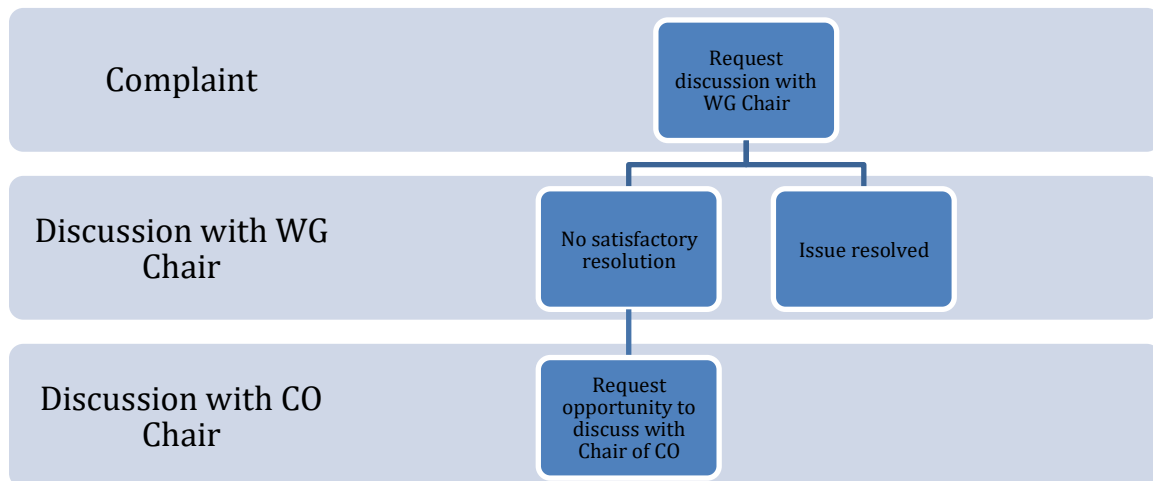
3.7 Appeal Process

Any WG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the WG or CO should first discuss the circumstances with the WG Chair. In the event that the matter cannot be resolved satisfactorily, the WG member should request an opportunity to discuss the situation with the Chair of the Chartering Organization or their designated representative.

In addition, if any member of the WG is of the opinion that someone is not performing their role according to the criteria outlined in Section 2.2 of this document, the same appeals process may be invoked.

In general, Section 3.7 deals with “behavior issues” in a WG. It provides a procedure for a WG member to address his/her perception of unfair treatment in the WG and seek conflict resolution. It allows a member to challenge someone who is not performing his/her role in a WG, including the chair, co-chairs/vice chairs, secretary, liaison, members, and staff. It also provides a procedure for a WG member to appeal a decision of the WG or the GNSO Council, which is the representative body of the GNSO as the Charting Organization (CO) of GNSO PDP WGs.

In the Working Group Guidelines, the current escalation procedure under Section 3.7 is very simple and not formalized. See graphic below.



Section 3.7 notably refers to the ‘Chair’ (singular) of a WG. This does not conform to the reality of current PDP WG leadership structures, some of which involve multiple co-chairs or a single chair and vice chair(s) forming a leadership team. For this reason, it is recommended that a clarifying interpretative note be added to the Working Group Guidelines to specify that references to ‘Chair’ shall include PDP WG co-chair(s) and vice chair(s) that form the WG leadership.

1.2 Renaming the Appeal Process “Complaint Process”?

Since ICANN is not a court or other legal body with the capacity, resources, or mandate to litigate internal or external disagreements, it should be made explicit in the Working Group Guidelines that any

litigation-minded behavior or approach should be avoided in this process. In addition, the use of the word “appeal” seems misleading -- one can appeal a decision but one does not appeal a behavior issue or situation, which is the focus of Section 3.7.

Therefore, it is suggested that the GNSO Council should consider renaming the title of Section 3.7 “Complaint Process” to clarify the purpose of this section and to discourage WG members from taking a litigation-minded approach in raising behavior issues in a WG.

Throughout this implementation document, the use of the word “appeal” and other legal sounding language is minimized unless it is appropriate for the specific context. Other synonyms, such as “complaint”, “disagreement”, and “challenge” will be used instead. It is recommended that this change be reflected in the future revisions of the GNSO Operating Procedures and Working Group Guidelines.

2. Problems Encountered in Section 3.7 Complaint Process

Reflecting on the GNSO experience dealing with Section 3.7 complaints, particularly the experience in the IGO-INGO and RPM PDP WGs, staff consulted with a small team of former and current Councilors and identified some of the weaknesses and gaps in the current complaint process as follows.

2.1 No Specific Guidance on the Complaint Submissions

The Working Group Guidelines do not specify any time bar or other limitation for filing Section 3.7 complaints. There is no clarity on the required documents submitted for the proceedings and the level of detail for these documents. Furthermore, there is no guidance on the conditions and circumstances under which a WG member may file a subsequent complaint with respect to the same, or a similar, topic.

Without specific guidance, the same WG member, for example, could file a Section 3.7 complaint across different WGs concurrently, focusing on related issues or targeting the same person(s). The current Guidelines cannot stop any WG member from submitting lengthy documentation/evidence with pages of narrative and appendices. If the parties involved in the internal WG disagreement treat the Section 3.7 complaint process in the fashion of a formal litigation, it will likely result in a time-consuming process for everyone and distract the WG(s) from its ongoing work.

2.2 No Details as to How a Complaint Proceeding Should Be Conducted

The Working Group Guidelines provide virtually no guidance on how a proceeding should be conducted. A non-exhaustive list of questions below are left unanswered:

- Who may/must attend the teleconferences/meetings related to the complaint proceeding? Who may/must observe them?
- How many teleconferences/meetings may/must take place before escalating to the next step?
- Which relevant teleconferences/meetings must be recorded, transcribed and/or published?
- What is the role of the GNSO Council liaison to the WG in the proceeding?
- At what point should the matter be raised with the GNSO Council?

- May the parties involved in a Section 3.7 complaint be represented by legal counsel? If so, may a complainant insist that all communications in relation to the complaint be directed at their legal counsel?
- At what point in the proceedings, if any, should ICANN Legal be notified and/or involved? What support, if any, can ICANN Legal provide to the WG leadership and the GNSO Chair?
- At what point in the proceedings, if any, should the ICANN Ombudsman be notified and/or involved? What should be done if one or both parties object to the involvement of the ICANN Ombudsman? If the ICANN Ombudsman is not an appropriate office within ICANN org, is another office appropriate?

2.3 No Recommendations for Remedial Actions

The Working Group Guidelines do not suggest any potential conflict resolution method to WG leadership and the GNSO Chair, who are on the receiving end of the complaints. There is no guidance as to what standards to apply and the available remedies. There is no clarity on further escalation if the discussion with the GNSO Chair does not resolve the matter such that the complainant remains dissatisfied.

As a result, the WG leadership and the GNSO Chair do not know what appropriate actions they could or should take at each step of the process to facilitate the resolution of the disagreement. The situation also becomes more complicated when a WG has multiple co-chairs or vice chairs who have differing views on the complaint raised under Section 3.7.

2.4 Summary of Problems Encountered

The lack of guidance makes it difficult to efficiently address a Section 3.7 complaint. There is also no mechanism to prevent the potential abuse of the complaint process and the blocking of progress in one WG or across multiple WGs.

To address the issues facing the complaint process as summarized above, proposed guidance in the following sections has been put forward for consideration by the GNSO Council. Some of the proposed guidance may result in the amendment of relevant language in the GNSO Working Group Guidelines in the GNSO Operating Procedures, which will be covered in Section 6 of this implementation document.

At the same time, it is important to note that a certain amount of flexibility should be retained in dealing with complaints to allow for different types of disagreements and a broad range of resolution methods and remedies to suit the particularities of each WG and situation.

3. Who Should and Should Not Be Involved in the Section 3.7 Proceedings

Section 3.7 of the GNSO Working Group Guidelines specifies information about the participation of the WG leadership, the GNSO Chair, and the designated representative of the GNSO Chair in Section 3.7 proceedings. On the receiving end of a complaint, these individuals are expected to act in a neutral fashion and endeavor to resolve the disagreement.

However, one cannot ignore the fact that these individuals are often representatives of their own affiliated entities and may be seen as having an interest in the outcome of the complaint. The issue becomes more complex when they are one of the parties involved in the disagreement. For example, a complaint may claim that the WG leaders were not performing their role, and accordingly ask for their recusal from the proceedings.

To prevent the appearance of bias and to effectively handle the proceedings in a neutral manner, it seems imperative to involve, at an appropriate time, other actors that have a pertinent role to play except in the case of conflict of interest (e.g., any of the positions listed below is a party of a Section 3.7 complaint proceeding). In fact, additional individuals were involved, to varying degrees, in the past Section 3.7 proceedings in GNSO WGs.

3.1 GNSO Council Members

As the manager of GNSO PDPs, the Council has an appropriate and important role to play in a Section 3.7 complaint proceeding. The GNSO Council leadership, the GNSO Council liaison to the PDP WG, and current/former GNSO Councilors should also support the WG leadership and GNSO Chair in the resolution of a WG disagreement.

3.1.1 GNSO Council Leadership

Section 3.7 notably refers to the GNSO Chair. This reference does not conform to the reality of the current GNSO Council leadership structure, which consists of one GNSO Chair and two GNSO Council Vice Chairs. The GNSO Chair does not make decisions alone without consulting with the two Vice Chairs. For this reason, the GNSO Council Vice Chairs should have the same level of involvement in a Section 3.7 proceeding as the GNSO Chair. For example, when the GNSO Chair is informed of the complaint, the Vice Chairs should be made aware concurrently. The GNSO Chair should consult with the Council Vice Chairs on all decisions; any decision by the GNSO Chair should take into consideration the feedback/input from the Vice Chairs. In other words, the GNSO Council leadership should act as one team during the proceeding. The Council leadership's decisions should be taken and communicated as decisions by a collegial body, without the need for divulging each person's personal views.

3.1.2 GNSO Council Liaison to the PDP WG

While the GNSO Council liaison to the PDP WG is not explicitly mentioned in the body of Section 3.7 text, the role description of liaisons in PDP 3.0 Improvement #5 ([GNSO Council Liaison Supplemental Guidance](#)) does give them certain responsibility in the event of disagreements, including but not limited to:

- Assist the WG Chair as required with his/her knowledge of WG processes and practices;

- Assist or engage when the WG faces challenges or problems, and will notify the Council of efforts in this regard;
- Assist the WG Chair in suspected cases of abuse of ICANN's Expected Standards of Behavior and/or restricting the participation of someone who seriously disrupts the WG.

In addition, GNSO Council liaisons are explicitly mentioned in [Section 3.6, footnote 5](#) regarding their facilitation role when a working group member disagrees with the WG Chair's consensus designation.

Therefore, the GNSO Council liaison to the WG should be a crucial actor in a complaint proceeding from the very beginning. The Working Group Guidelines should explicitly note that when a WG member files a Section 3.7 complaint, the GNSO Council liaison will be notified right away.

The GNSO Council liaison's task in the proceeding seems to be twofold:

- 1) report the status of the proceeding to the GNSO Council and GNSO Council leadership; and
- 2) facilitate the disagreement resolution in consultation with the WG leadership and GNSO Council leadership.

Regarding status reporting, the Council liaison should inform the full GNSO Council of a Section 3.7 complaint when it is filed. While a Section 3.7 complaint should not stop the ongoing work in a PDP (as it is often related to behavior issues), the complaint will likely have an impact on the overall status and condition of the WG. As the manager of GNSO PDPs, the Council should be made aware of a Section 3.7 complaint at the earliest opportunity, and the GNSO Council liaison should consider the potential effect of the complaint when assessing the timeline and work plan of the PDP in collaboration with the WG leadership and support staff (see details about the process in Improvements #11, #12, #16, and #17¹¹).

Nevertheless, the GNSO Council may not need to know the full extent of the complaint. The GNSO Council liaison should provide written records to the GNSO Council leadership first, giving a modicum of privacy in the hope of resolving the disagreement at the WG leadership level.

Liaisons' facilitation role becomes especially important when a member(s) of the WG leadership is a party involved in the disagreement, or when the WG leaders are unable to arrive at an agreed approach for handling the complaint. Under those circumstances, the GNSO Council liaison should step in and be appointed to handle the relevant Section 3.7 proceeding.

3.1.3 Complaint Committee

For each Section 3.7 complaint proceeding, an ad-hoc "Complaint Committee" should be formed and include primarily current and former GNSO Councilors.

¹¹ GNSO Project Work Product Catalog; Project Status and Condition Change Procedure & Flowchart; Project Change Request Form; Resource Reporting for PDP Working Group

GNSO Councilors' involvement would be helpful as they not only can provide a wide range of experience and expertise, but also have the knowledge of the GNSO Operating Procedures (especially the members of the former GNSO Council leadership). They can be somewhat removed from the internal WG disagreement and be able to provide advice in an objective manner. If they are members in the affected WG, they may be able to provide additional insight and information regarding the circumstances that give rise to the disagreement.

A formal selection process for a Complaint Committee may not be needed. The WG leadership, in consultation with the GNSO Council leadership and the Council liaison, may invite current or former Councilors to join the Complaint Committee, with the aim of gathering balanced views and input to facilitate the resolution of the disagreement. In specific circumstances, non-Councilors may also be invited to join the Complaint Committee on a case-by-case basis and according to specific criteria set by the WG leadership, in consultation with the GNSO Council leadership and Council liaison. Those criteria may include, but not limited to: 1) have conflict resolution expertise and experience as a neutral mediator; 2) have in depth knowledge of the WG activities and insights into the discord that gave rise to the complaint.

With the support from such a Complaint Committee, the WG leadership will not be left alone to carry out the often complicated, time-consuming duty related to Section 3.7 complaints. Even when the WG leadership are a party involved in the disagreement or are unable/unwilling to make a decision (e.g., due to concerns of legal action or internal disagreement), members of the Complaint Committee can advise and assist in handling the proceeding in consultation with the GNSO Council leadership and GNSO Council liaison.

Note that in Section 5 of this implementation document there are specific suggestions for the point of intervention by the Complaint Committee.

3.2 ICANN org Resources

Besides the GNSO Council, resources from the ICANN org may be helpful in playing an advisory role during a Section 3.7 proceeding. WG leadership, in consultation with the GNSO Council leadership, Council liaison, and the Complaint Committee, may consider using this non-exhaustive list of resources to suit the particularities of each complaint situation.

3.2.1 ICANN Legal Staff

As ICANN Legal represents the ICANN org, they have no authority to (and without limiting the foregoing) represent any community volunteer in a GNSO working group disagreement, offer interpretation on any internal GNSO rules/procedures/guidelines, or be a mediator to facilitate conflict resolution.

However, on a case-by-case basis, ICANN Legal may be able to provide advice within their mandate that may facilitate the resolution of the disagreement. For example, ICANN Legal offered advice regarding

the enforceability of ICANN's Expected Standards of Behavior and suggested ways to address perceived violations¹².

3.2.2 ICANN Complaints Officer

The Complaints Officer handles complaints regarding the ICANN org that do not fall into existing complaints mechanisms, such as Contractual Compliance, Request for Reconsideration, and the Ombudsman. This may include complaints about how a request has been handled, the ICANN org providing an inadequate level of staff support, a process that appears to be broken, insufficient handling of an issue, or something that may be an indication of a systemic issue, among other things.

Since Section 3.7 deals with complaints arising from things that happen in the GNSO WGs, not the ICANN org, the Complaints Officer would not usually be expected to have a relevant role to play in the proceedings.

However, one exception is when the complaint concerns the performance of a WG support staff member. In such circumstances, the Complaints Officer may be brought into the proceeding to help research, review, and analyze facts related to the complaint about the staff member, assisting the WG and the GNSO Council in resolving the matter.

3.2.3 ICANN Conflict Resolution Staff

ICANN org recently hired a Conflict Resolution Specialist, who will act as a neutral party, utilizing structured communication techniques to share problem-solving responsibility. The Conflict Resolution Specialist will assist the community within the policy/advice development process by facilitating dialogues where a consensus view may have slowed, while also providing conflict resolution guidance for the entire ICANN community.

Since this position is new and the Conflict Resolution Specialist takes on assignments at the request of ICANN's Policy Development Support SVP, it may be premature to consider the involvement of this ICANN org staff member in Section 3.7 proceedings without further investigation.

However, WG leadership and the GNSO Council should be aware of this potential ICANN org resource and discuss with ICANN org the appropriateness of this ICANN staff's involvement in Section 3.7 proceedings, and if appropriate, when this staff person can be called upon (e.g., as a further escalation point if any party in the proceeding recommends?).

3.3 ICANN Ombudsman

According to the ICANN Bylaws, the Ombudsman is an informal dispute resolution office for any member of the ICANN community who may wish to lodge a complaint about ICANN staff, Board, or problems in constituent bodies. The purpose of the Ombudsman's office is to ensure that members of

¹² See examples here: <https://www.icann.org/en/system/files/correspondence/jeffrey-to-drazek-09mar19-en.pdf> & <https://www.icann.org/en/system/files/files/expected-standards-behavior-advice-enforcement-09mar19-en.pdf>

the ICANN community are treated fairly. The Ombudsman is impartial and will attempt to resolve complaints about unfair treatment, using techniques such as mediation, shuttle diplomacy and, if needed, formal investigation. The Ombudsman cannot advocate for any party involved in a dispute, but will investigate without taking sides in an informal but flexible process. Elements of confidentiality may be invoked when the Ombudsman is involved in a proceeding.

As the Ombudsman is an established, official complaint mechanism in ICANN, it should remain separate from the Section 3.7 complaint process within the GNSO. However, the Section 3.7 complaint process is not mutually exclusive to and does not impact any other conflict resolution mechanisms that may be available to the GNSO community.

With his/her expertise and experience, the Ombudsman is a valuable resource if the WG leadership and the GNSO Council cannot resolve the matter to the satisfaction of the parties involved in the disagreement. Especially when the discussion with the GNSO Council leadership does not resolve the disagreement, it seems appropriate to lodge the issue and engage with the Ombudsman as a further escalation step.

The WG leadership, in consultation with the GNSO Council leadership, the GNSO Council liaison, and the Complaint Committee, should determine the appropriate time, if any, to lodge the issue and engage with the Ombudsman. All necessary information and records should be relayed to the ICANN Ombudsman to enable his/her informed evaluation of the complaint and effective provision of assistance. The Ombudsman can then attempt to resolve the disagreement in a manner of his/her own choosing. The outcome of the Ombudsman's review should be shared with the GNSO Council and the WG.

3.4 External Legal Counsel

The involvement of an external legal counsel in a GNSO WG disagreement seems to be highly inappropriate and counterproductive, and is not at all consistent with either the spirit or the content of the Working Group Guidelines, which have as their aim the facilitation of consensus.

Imagine that a party in a Section 3.7 proceeding appoints a lawyer in the matter, sends highly formal documentation to the other parties in the proceedings, and requests that all communications to the complainant be transmitted to his/her lawyer. This creates an awkward, if not intimidating situation for the parties being addressed in the complaint. Concerns can understandably arise about potential lawsuits by the party that has legal representation, casting a chilling effect on the discussions during the proceeding. Other parties may fear that communications made during the proceeding could be used against them in legal actions.

ICANN is not a court or other legal body with the capacity, resources, or mandate to litigate internal disputes. Not all parties involved in the Section 3.7 proceeding may be able to afford external legal counsel, and neither should they hire one for a WG matter.

It should be made explicit in the Working Group Guidelines that the GNSO strongly discourages the representation of any party by external legal counsel. This clarification is crucial in view of ICANN's Expected Standards of Behavior and the spirit of fairness and collegiality of the multistakeholder volunteer community.

4. Criteria for Complaint Submission

Section 3.7 in the GNSO Working Group Guidelines provides essentially three grounds for a complaint:

- (i) where a Working Group member "believes that his/her contributions are being systematically ignored or discounted";
- (ii) where a Working Group member wishes to "appeal a decision of the Working Group or Chartering Organization"; and
- (iii) where a Working Group member "is of the opinion that someone is not performing their role according to the criteria outlined in Section 2.2".

Nevertheless, the guidelines provide little information on the criteria for a complaint submission. To prevent potential abuse of the process, the following guidance is developed to help clarify the requirements and empower the WG leadership to reject complaints that do not address the requirements. The GNSO Council may define, modify, add, or remove the specific criteria at its discretion.

4.1 Succinctness

In the complaint, the aggrieved WG member should be asked to **succinctly** identify the factual circumstances and provide the background that explains the ground(s) for the complaint. Succinctness is key here. As a matter of first priority, the WG leadership simply needs the information to determine whether the issue is validly raised under Section 3.7. Litigation-style correspondence or documentation should be strongly discouraged.

A word limit should be specified for the submitted materials during all stages of a Section 3.7 proceeding, including the initial filing of the complaint and the subsequent challenge to WG leadership's determination (see Section 5 in this implementation document for details). As a general guideline, the submitted material at each stage of the Complaint process should not exceed 1,000 words total.

4.2 Public Knowledge Among Other WG members

To prevent potential abuse of the Section 3.7 complaint process, the GNSO Council may consider asking a complainant to demonstrate that there is public knowledge among other WG members of the circumstances giving rise to the complaint.

Since Section 3.7 usually deals with sensitive behavior issues pertaining to personal perceptions, obtaining expressed support from others regarding those issues can be odd and/or difficult. However, if a complainant can at least explain that not just him/herself, but other WG member(s) also recognize the existence of the circumstances that give rise to the complaint or the decision to be challenged, the requirement of “public knowledge” for filing a Section 3.7 complaint should be met.

4.3 Timeliness of Submission

It is important to note that a Section 3.7 proceeding should not be treated as the first avenue when dealing with a disagreement. Preventative measures, as detailed in Section 6 of this implementation document, should be carried out with the aim of resolving a disagreement in a timely fashion and prevent its escalation. In other words, when a disagreement happens or a disagreement with a WG decision occurs, WG members should try other resolution methods first and should not turn to Section 3.7 proceeding first for lodging complaints and appeals.

However, if a disagreement has been going on for some time in a WG but has not been resolved after exhausting other possible solutions, a Section 3.7 complaint should be initiated, especially if such disagreement has become public knowledge. This is to ensure that a problem in a WG is not left unaddressed for a prolonged period of time, which may result in greater negative impact on the overall status and condition of the WG, including delay or suspension of its ongoing work.

Therefore, as a general guideline, a Section 3.7 complaint should be initiated within two (2) months from when the circumstances giving rise to the complaint have become public knowledge. This suggestion is inspired by the Appeals Procedure in the Internet Engineering Task Force¹³.

Furthermore, it is also important to prevent rapid succession of filing of subsequent complaints in one WG or multiple WGs. Therefore, the GNSO Council shall consider asking the complainant to confirm that the circumstances giving rise to the complaint had not previously been the basis for another Section 3.7 complaint that is still pending in any GNSO WG.

4.4 Suggested Template and Questions

The GNSO Council may consider developing a form to facilitate the submission of a Section 3.7 complaint. It will be helpful to set the correct expectation right from the outset of a proceeding.

The complaint submission should address the following questions and should not exceed the specified word-limit:

- Name and working group affiliation of the complainant;
- Specification of the ground(s) for the complaint (multiple choice - select ground (i), (ii), and/or (iii));

¹³ See RFC2026, Section 6.5.4: <https://datatracker.ietf.org/doc/rfc2026/>

- Description of the circumstances giving rise to the complaint (not exceeding 1,000 words total), including but not limited to:
 - detailed and specific description of the facts of the disagreement;
 - explanation that those circumstances are public knowledge among other WG members, including how long they have been public knowledge;
 - supporting/explanatory materials and rationale;
- Confirmation that the circumstances giving rise to the complaint had not previously been the basis for another Section 3.7 complaint that is still pending in any GNSO WG (“yes” or “no” question - this is to prevent rapid succession of filing of subsequent complaints in one WG or multiple WGs).

4.5 Assessment of Complaint Submission

The WG leadership should determine whether a Section 3.7 complaint has met the criteria set forth above. If the complainant disagrees with the assessment by the WG leadership, the GNSO Council liaison, in consultation with the GNSO Council leadership, should step in and reassess.

If a complaint does not address all requirements, the complainant will be given a reasonable amount of time to resubmit the complaint. Failure to resubmit a complete complaint will result in the automatic termination of the proceeding.

5. Proposed Procedure of a Section 3.7 Proceeding

Section 3.7 of the GNSO Guidelines provides virtually no procedural guidance for the conduct of complaint proceedings, which resulted in the long and arduous experience when complaints were filed in GNSO WGs previously.

The following proposed procedure is suggested to enable an efficient handling of a complaint with minimum impact to the overall progress in a WG.

5.1 How does a Section 3.7 Proceeding look in “broad strokes”?

In general, the parties involved in a Section 3.7 complaint shall always first discuss the matter with the WG leadership, who will involve the GNSO Council liaison and the Complaint Committee, as well as other relevant resources, in the discussion.

If the disagreement cannot be resolved in this way, any of the parties involved may bring it to the attention of the GNSO Council leadership. The GNSO Council leadership shall attempt to resolve the disagreement and consult with the GNSO Council liaison, the Complaint Committee, the WG leadership, and other relevant resources.

If the disagreement is not resolved to the satisfaction of the parties at the GNSO Council leadership level, any of the parties involved may officially lodge the issue and engage with the Ombudsman. The Ombudsman shall attempt to resolve the disagreement in a manner of his/her own choosing.

At all stages of the complaint process, the individuals or bodies responsible for making decisions (i.e., WG leadership, GNSO Council leadership, GNSO Council liaison, Complaint Committee) have the discretion to define the specific procedures they will follow in the process of making their decision.

In all cases a decision concerning the disposition of the disagreement, and the communication of that decision to the parties involved, must be accomplished within a reasonable period of time. The proposed procedure intentionally and explicitly does not establish a fixed maximum time period that shall be considered "reasonable" in all cases.

5.2 A Detailed Process Flow of a Section 3.7 Proceeding

The following is a detailed process flow of a Section 3.7 proceeding, which serves as an example for consideration by the WG leadership, GNSO Council leadership, GNSO Council liaison, and Complaint Committee when handling a disagreement. There is flexibility to modify and adapt this process flow to suit the particularities of each WG and situation, allowing for different types of disagreements and a broad range of resolution methods and remedies.

5.2.1 Review of Complaint (WG leadership to determine if a complaint addresses requirements)

- A complainant should submit the Section 3.7 complaint to the WG leadership or the GNSO Council liaison to the WG. The receipt of a complaint by any one member of the WG leadership will constitute receipt by all members of the WG leadership. The receiving WG leadership member or the GNSO Council liaison will circulate the complaint to all members of the WG leadership.
- After the receipt of the complaint, the WG leadership shall determine, within a reasonable time period, whether it addresses all of the requirements as set forth above in Section 4 of this implementation document.
- If the WG leadership determines that the complaint addresses all of the requirements as set forth in Section 4 above, the WG and the GNSO Council will be informed about the complaint.

5.2.2 Complaint Committee Formation (a group of GNSO Councilors to provide guidance and input to the WG leadership and GNSO Council leadership in resolving the disagreement)

- An ad-hoc Complaint Committee, consisting of current/former GNSO Councilors, will be formed within a reasonable time period after the GNSO Council has been informed about the submission of a Section 3.7 complaint.
- The WG leadership, in consultation with the GNSO Council leadership and the GNSO Council liaison, shall decide on the composition of the Complaint Committee and invite the selected Councilors based on their willingness/availability.

5.2.3 Dialogue Regarding the Complaint & Complaint Committee Feedback (a dialogue to facilitate the resolution of the disagreement at the WG leadership level)

- A dialogue, either in person or via teleconference, will be organized within a reasonable time period.
- The parties involved in the disagreement, WG leadership, and GNSO Council liaison will be invited to attend the dialogue; Complaint Committee members are also welcome to attend, if available.
- The dialogue will be recorded and transcribed and be made available to those who participated in the dialogue and the Complaint Committee. Depending on the role of ICANN org resources (see Section 3) and the Ombudsman in the proceeding, the recording and transcript of the dialogue may also be made available to them.
- Following the dialogue, the Complaint Committee will be asked to provide feedback, opinions, or comments on the merits of the complaint within a reasonable time period, including suggested remedial actions if warranted. They are welcome to take into consideration the feedback, views, and inputs exchanged during the dialogue. The WG leadership may also invite ICANN org resources (see Section 3) and the Ombudsman to provide feedback, if they have an appropriate role to play at this stage.

5.2.4 Working Group Leadership Determination (WG leadership decides how to resolve the disagreement)

- Within a reasonable time period following the feedback received from the Complaint Committee, the WG leadership shall decide whether to accept the complaint and provide remedial actions OR reject the complaint.
 - In taking its decision the WG leadership should consider:
 - Circumstances giving rise to the complaint, including supporting/explanatory materials and rationale;
 - Whether the dialogue has occurred;
 - If the dialogue has occurred, the feedback, views, and input exchanged during the dialogue;
 - If the dialogue has not occurred, whether there have been reasonable efforts among all invited parties to participate in the dialogue;
 - The feedback, views, and inputs received from the Complaint Committee (as well as ICANN org resources and Ombudsman, if any);
 - Other factors deemed relevant by the WG leadership.
 - The WG leadership team should use good faith efforts to arrive at an agreed approach for handling the matter. If they are unable to do so among themselves, the GNSO Council liaison should step in and, in consultation with the GNSO Council leadership and the Complaint Committee, issue a determination.
 - The parties involved in the disagreement, the WG, and the GNSO Council will be informed about the WG leadership's determination.
-

5.2.5 Challenge of the WG Leadership Determination (escalate the complaint to the GNSO Council leadership if the disagreement cannot be resolved at the WG leadership level)

- If the WG leadership's determination does not resolve the disagreement, any of the parties involved in the disagreement may bring it to the attention of the GNSO Council leadership to challenge the WG leadership's determination.
- The challenge must be submitted directly to the GNSO Chair, with the GNSO Council leadership in copy.
- The challenging party must identify the specific grounds on which the challenge is based, including why he/she claims the WG leadership's determination is incorrect. An opportunity to provide further supporting material, if any, will be allowed. The challenge material must not exceed 1,000 words total.
- The challenge materials will be published on the WG mailing list, and the GNSO Council will be informed about the escalation of the proceeding.

5.2.6 Dialogue Regarding the Challenge & Complaint Committee Feedback (a dialogue to facilitate the resolution of the disagreement at the GNSO Council leadership level)

- A dialogue, either in person or via teleconference, will be organized within a reasonable time period.
- The parties involved in the disagreement, the GNSO Council leadership, and the GNSO Council liaison will be invited to attend the dialogue; Complaint Committee members are also welcome to attend, if available.
- Dialogue will be recorded and transcribed, but be made available to those who participated in the dialogue, the Complaint Committee, and the WG leadership. Depending on the role of ICANN org resources (see Section 3) and the Ombudsman in the proceeding, the recording and transcript of the dialogue may also be made available to them.
- Following the dialogue, the Complaint Committee, as well as the WG leadership, will be asked to provide feedback, opinions, or comments on the merits of the challenge within a reasonable time period, including suggested remedial actions if warranted. They are welcome to take into consideration the feedback, views, and inputs exchanged during the dialogue. The GNSO Council leadership may also invite ICANN org resources (see Section 3) and the Ombudsman to provide feedback, if they have an appropriate role to play at this stage.

5.2.7 GNSO Council Leadership Determination (GNSO Council leadership decides how to resolve the disagreement)

- Within a reasonable time period following the feedback received from the Complaint Committee, the GNSO Council leadership shall decide whether to accept the challenge and provide remedial actions OR reject the challenge.
- In taking this decision, the GNSO Council leadership should consider:
 - Circumstances giving rise to the complaint, including supporting/explanatory materials and rationale;
 - Challenge materials relevant to the WG leadership's determination as provided by the complainant;

- Whether the dialogue has occurred;
 - If the dialogue has occurred, the feedback, views, and inputs exchanged during the dialogue;
 - If the dialogue has not occurred, whether there have been reasonable efforts among all invited parties to participate in the dialogue;
 - The feedback, views, and inputs received from the Complaint Committee and WG leadership (as well as ICANN org resources and Ombudsman, if any);
 - Other factors deemed relevant by the GNSO Council leadership.
- The parties involved in the disagreement, the WG, and the GNSO Council will be informed about the GNSO Council leadership's determination.

5.2.8 Escalation to Ombudsman (escalate the complaint to the Ombudsman if the disagreement cannot be resolved at the GNSO Council leadership level)

- If the disagreement cannot be resolved by the GNSO Council leadership, any of the parties involved may officially lodge the issue and engage with the Ombudsman as a further escalation step.
- The Ombudsman will attempt to resolve the disagreement in a manner of his/her own choosing, and share with the GNSO Council and the WG the outcome of his/her review.

5.3 Abuse of the Complaint Process

Penalties will be imposed for abuse of the process by any of the parties involved in the disagreement. In the event a party is deemed to have abused the process, they shall be subject to a bar from utilizing the Section 3.7 complaint process up to five (5) years.

A party may be deemed abusive based on the following factors, including but not limited to:

- presented materials primarily for improper purposes including, but not limited to, harassment, causing unnecessary delay, or needlessly increasing the workload of the WG leadership and/or the GNSO Council; or
- presented materials contain a deliberate and material falsehood.

The determination of abusive complaint shall be made by the Complaint Committee, in consultation with the WG leadership and GNSO Council leadership.

5.4 Termination of the Proceeding

The complaint process is not mutually exclusive to and does not impact any other conflict resolution mechanisms that may be available to WG members. If the issue raised in the complaint has been resolved at any point during the proceeding, such complaint shall be deemed withdrawn and the proceeding will be terminated.

6. Preventative Measures

While a Section 3.7 complaint should not stop the ongoing work in a PDP, as one can see in Section 5 of this document, the proceeding will likely require substantial amount of time and effort from all parties involved. As the process requires extra attention and effort from the WG leadership, GNSO Council leadership, GNSO Council liaison, and Complaint Committee, their workload may not always permit a swift handling of the complaints. Affected WG members may also feel self-restrained in their involvement in the WGs during the proceedings.

Therefore, it is in the best interest of everyone if a Section 3.7 proceeding does not happen often. WG leaders, WG members, and GNSO Council liaisons should all do their part to prevent the escalation of a disagreement and contribute to its timely resolution by using their reasonable best efforts.

Implementation of several related PDP 3.0 improvements may serve as the “preventative measures” to prevent the circumstances giving rise to a Section 3.7 complaint, namely:

- (i) where a Working Group member "is of the opinion that someone is not performing their role according to the criteria outlined in Section 2.2";
- (ii) where a WG member "believes that his/her contributions are being systematically ignored or discounted"; and
- (iii) where a Working Group member wishes to “appeal a decision of the Working Group or Chartering Organization”.

6.1 Ways to help members, leaders, and liaisons perform their role in a WG

Several PDP 3.0 improvements seek to clarify the role and responsibilities of WG leaders, members, the GNSO Council liaisons, complementing the criteria outlined in Section 2.2 of the GNSO Working Group Guidelines. With these clarifications, WG leaders and members, as well as GNSO Council liaisons should have a clearer understanding of what is expected of them to perform their respective roles in a WG. They also help the WG and the GNSO Council hold the leaders, members, and liaisons accountable and mitigate issues early on.

Improvement #1 creates a **Statement of Participation**, which seeks affirmative commitment from WG members before they can participate in a WG.

Improvement #2 provides a **comparison table**, which identifies three different WG models and clarifies expectations for how members, participants, and observers should participate in each WG model.

Improvement #3 includes a **skills guide** that lists resources, tips, and suggestions that help ensure new WG members are sufficiently prepared for full participation in a WG.

Improvement #5 provides a **handover briefing** to assist a new GNSO Council liaison in getting up to speed with the liaison role. Its supplemental guidance also details the job duty of a liaison with suggestions for best practices.

Improvement #6 clarifies expectations for WG leaders that facilitate the selection of WG leadership positions based on the required skills and expertise.

Improvement #13 develops a regular review process of WG leadership by the GNSO Council, including a survey to be completed by WG members as well as escalation steps if the WG leadership continues to fail.

6.2 Ways to prevent members' contributions from being ignored or discounted

Several PDP 3.0 improvements provide important reminder that all WG members should act in accordance with ICANN Expected Standards of Behavior, which is the first step to ensure that WG members' contributions are not ignored or discounted during WG deliberations. They also provide specific guidance on consensus building and suggestions on how to effectively take WG members' contributions into account.

Improvement #1's Statement of Participation seeks WG members' agreement to, for example:

- treat all members with civility
- be respectful of their time and commitment
- act in a reasonable, objective, and informed manner
- not disrupt the work of the WG in bad faith
- listen to the views of all stakeholders and working to build consensus
- adhere to the ICANN Community Anti-Harassment Policy and Terms of Participation and Complaint Procedures

In **Improvement #3's** skills guide, WG members are expected to "actively and constructively participate in the consensus decision making process" and provide commitment to:

- facilitate consensus by listening, explaining, mediating, proposing clear actions, and helping other members
- avoid blocking consensus by looking beyond the stakeholder group or constituency affiliation of other Working Group members and judging proposals / positions on their merits
- avoid re-litigating closed issues or deliberate obfuscation

Improvement #6's expectations for WG leaders compels WG leaders to encourage and enforce WG members' adherence to the ICANN Expected Standards of Behavior. WG leaders are also expected to:

- encourage representational balance
- ensure WG documents represent the diversity of Working Group views
- be a neutral and impartial leader
- build consensus
- balance WG openness with effectiveness

Improvement #5's supplemental guidance clarifies that liaisons should assist the WG leadership in consensus building and enforcing adherence to the ICANN Expected Standards of Behavior.

Furthermore, liaisons are also expected to alert the Council if a behavior issue in a WG is prolonged or intensified. The following actions by liaisons may help de-escalate issues so that the disagreement does not lead to the eventual filing of a Section 3.7 complaint. The GNSO Council liaison:

- is the person upon whom the Working Group relies to convey any communications, questions or concerns to the GNSO Council
- assists or engages when the WG faces challenges or problems, and notifies the Council of efforts in this regard

Improvement #4's consensus playbook serves as guidance that helps WG leaders and members to carry out consensus building, seeking to prevent the very situation where "someone's contributions are being systematically ignored or discounted". **Improvement #2's** comparison table provides guidance on the consensus designation process in three different WG models.

6.3 Ways to prevent a decision from being appealed

If a decision is made in a thoughtful, diligent, and collaborative manner, the likelihood of a decision being appealed by a WG member will decrease. Covering the project management aspects, **Improvements #11, #12, and #16** provide a suite of GNSO project work products to guide the progress of all GNSO Council-managed projects, facilitating the decision-making in WGs in a disciplined way and helping the Council detect issues early on.

The following items have been created for implementing Improvements #11, #12, and #16.

GNSO project work product catalog is a list of staff-managed work products, including timeline and work plan, that help document and guide the progress of a WG from start to finish.

Next generation project list helps the GNSO Council evaluate the appropriate health of Council-managed projects in terms of their schedule, tasks, activities, action items, and risks.

Project status and condition change procedure and its flowchart assist WG and Council leadership in assessing the state of a project and determine when disruptions require Council attention.

Project change request form is a formal request from a WG to the GNSO Council to modify any deliverable or baseline delivery date of a WG.

In addition to these project management tools, **Improvement #14** also leads to the creation of a checklist to assist PDP WGs in performing its due diligence before submitting a data gathering request to the GNSO Council, making sure any WG decision to request data is not taken lightly.

Improvements #5 and #6 enumerate WG leadership and GNSO Council liaisons' responsibility of using these tools to manage the WG progress, to assess the status and condition regularly, and to make specific decisions.

As mentioned previously, **Improvements #2, #4, and #9** provide additional guidance to facilitate the consensus decision making process in WGs, seeking to prevent the very situation that a WG decision is being appealed by an aggrieved individual.

7. Difference Between Section 3.6 and Section 3.7

In the GNSO Working Group Guidelines, Section 3.6 also provides a challenge process. However, it is a separate and specific procedure that empowers WG members to challenge consensus designations made by WG leadership.

Like Section 3.7, Section 3.6 notably refers to the 'Chair' (singular) of a WG, which does not conform to the reality of current PDP WG leadership structures. It is recommended that a clarifying interpretative note be added to the Working Group Guidelines to specify that references to 'Chair' shall include PDP WG co-chairs and vice chair(s) that form the WG leadership.

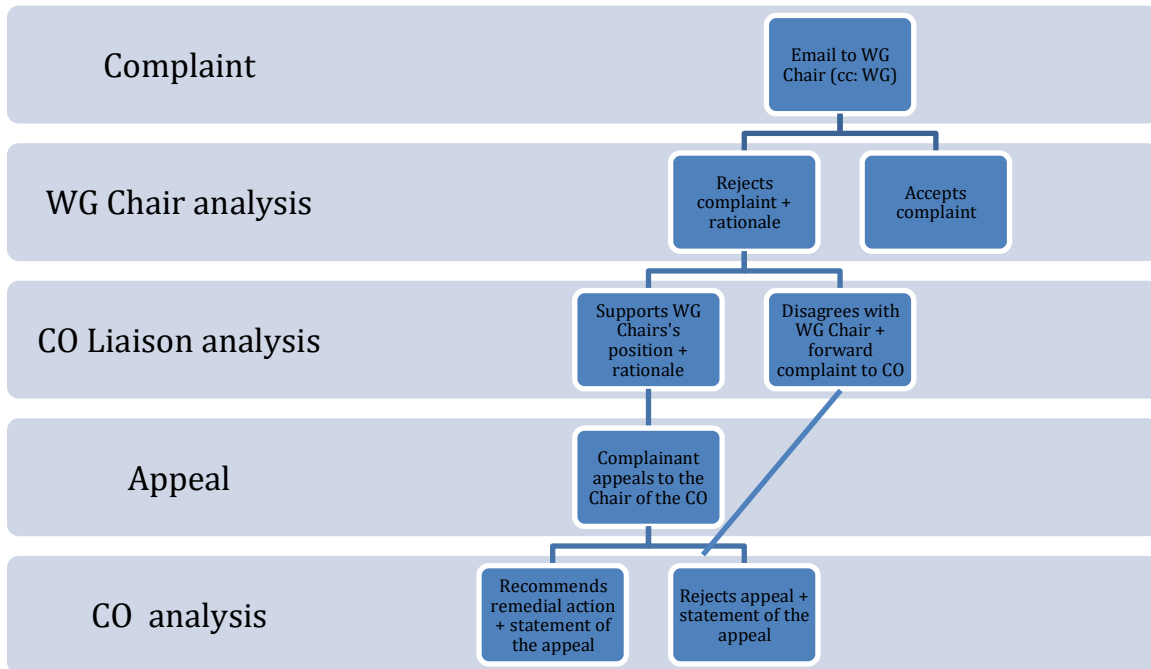
According to Section 3.6, if the disagreement on the designation given to position by the WG leadership or any other consensus call persists, WG members may follow these steps sequentially:

1. Send an email to the WG leadership, copying the WG, explaining why the decision is believed to be in error.
2. If the WG leadership still disagrees with the complainants, they will forward the challenge to the Chartering Organization (CO) liaison(s), i.e., the GNSO Council liaison to the PDP WG.¹⁴ The WG leadership must explain his/her/their reasoning in the response to the complainants and in the submission to the GNSO Council liaison. If the members of the WG leadership do not agree on the matter, this shall be noted and explained in following step 3.
3. If the GNSO Council liaison supports the WG leadership's position (where WG leadership have an agreed position), the GNSO Council liaison will provide a response to the complainant, setting out the reasoning for the response. If the GNSO Council liaison disagrees with the WG leadership, the GNSO Council liaison will forward the challenge to the GNSO Council (as the CO). Should the complainant disagree with the GNSO Council liaison's support of the WG leadership's determination, the complainant may challenge the GNSO Chair or their designated representative. If the GNSO Chair, in consultation with the Council leadership, agrees with the complainant's position, the GNSO Chair should recommend remedial action to the WG leadership. This step should be completed in no more than one month.
4. In the event of any challenge to WG leadership's consensus designation, the GNSO Chair will ensure that a statement of the challenge is included in the PDP WG Final Report and/or Board report. This statement should include all of the documentation demonstrating completion of all

¹⁴ In the GNSO PDP WG/Team context, the Chartering Organization (CO) is the GNSO, acting through the GNSO Council. The logical interpretation of CO liaison in this context is therefore the GNSO Council liaison to the PDP WG.

of the above steps, and should include statements from the GNSO Chair and GNSO Council liaison.¹⁵

This challenge process is summarized in the graphic below. It is more formalized than the complaint process for Section 3.7 in the GNSO Working Group Guidelines.



To date, the Section 3.6 procedure has not escalated beyond step 1 in any WG.

As the Section 3.6 procedure only applies to challenges regarding consensus designation by the WG leadership, it is unrelated to other complaints under Section 3.7, which mostly deal with behavior issues in a WG. A challenge under Section 3.6 may cause a PDP to be suspended, while Section 3.7 complaints should not stop the ongoing work in a WG.

As illustrated above, Section 3.6 provides a phased approach with distinct steps that may lead to resolution. However, no timing or deadline is assigned to the different steps. The phased approach may lead to unnecessary delays if the WG leadership and/or the Council liaison need time to develop a rationale in response to the challenge.

While there is logic in requiring the WG leadership to provide a rationale when rejecting a challenge to consensus designation, it should be clarified why the Council liaison needs to perform such an assessment.

¹⁵ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p10

It may be worth conducting a mock challenge process by the GNSO Council to make sure that the GNSO Working Group Guidelines provide sufficient guidance for the PDP WG leadership and GNSO Council liaisons to carry out their responsibilities to the PDP WG. However, streamlining the process under Section 3.6 is out of scope for PDP 3.0 improvement #9.

8. Proposed New Text for Section 3.7 in GNSO Working Group Guidelines

To reflect the guidance provided in the previous sections of this implementation document, Section 3.7 of the GNSO Working Group Guidelines needs to be amended as a result. To recap, the proposed new text in the GNSO Working Group Guidelines should reflect the following:

- Rename the section 3.7 “Complaint Process” and use “complaint”, “disagreement”, “challenge”, and “conflict” instead of “appeal”;
- Clarify that Section 3.7 does not deal with disagreement with regard to the consensus designations by WG leadership;
- Emphasize that Section 3.7 complaints should not stop the ongoing work in a WG;
- Make explicit that any litigation-minded behavior or approach should be avoided in this process;
- Clarify that a Section 3.7 complaint should not be treated as the first avenue when dealing with a disagreement and mention the preventive measures in Section 6 of the implementation document;
- Replace “WG Chair” with “working group leadership”, which includes PDP working group co-chair(s) and vice chair(s) that form the leadership team;
- Replace “CO” with “GNSO”, as GNSO is the Chartering Organization of GNSO PDP Working Groups;
- Replace “Chair of the Chartering Organization” and “their designated representative” with “GNSO Council leadership”, which consists of the GNSO Chair and the two GNSO Council Vice-Chairs;
- Add the criteria for complaint submissions in accordance with Section 4 of the implementation document;
- Clarify the role of GNSO Council leadership, GNSO Council liaison to the working group, and Complaint Committee in Section 3.7 complaint proceedings;
- Explicitly note that when a working group member files a Section 3.7 complaint, the GNSO Council liaison will be notified right away;
- Mention the advisory role of ICANN org staff -- Legal, Complaint Officer, and Conflict Resolution Specialist -- in Section 3.7 complaint proceedings;
- Note that when the working group leadership and the GNSO Council leadership cannot resolve the disagreement to the satisfaction of the parties involved, the Section 3.7 complaint may be escalated to the Ombudsman who will then attempt to resolve the disagreement in a manner of his/her choosing;

- Explicitly note that the GNSO strongly discourages the representation of any party in a Section 3.7 proceeding by external legal counsel;
- Include the steps of Section 3.7 proceeding in accordance with Section 5.1 of the implementation document and mention the detailed process flow in Section 5.2 as an example;
- Note the penalties for abusive complaints;
- Note the termination of the proceeding.

The proposed new text for Section 3.7 of the GNSO Working Group Guidelines is as follows:

3.7 Complaint Process

Disagreements are possible at various stages during the policy development process (PDP) in the GNSO, including conflict arising from behavior issues of individuals involved in a working group. Such disagreements must be resolved in a timely manner so that it does not stop the ongoing progress in a working group. Such disagreements must also be resolved by a process in view of ICANN's Expected Standards of Behavior and the spirit of fairness and collegiality of the multistakeholder volunteer community. Any litigious behavior or adversarial approach shall be avoided in the process of resolving disagreements.

This section of the GNSO Working Group Guidelines specifies the complaint process that shall be followed to deal with working group disagreements. Notwithstanding, the GNSO Council may modify the complaint process and its various components on a case-by-case basis at its discretion.

This complaint process does not deal with the challenges of working group leadership¹⁶'s consensus designation, which is a separate procedure as detailed in Section 3.6 of the GNSO Working Group Guidelines.

The Section 3.7 proceeding will likely require substantial amount of time and effort from all parties involved. Members and leaders of GNSO working groups and the GNSO Council should all do their part to prevent the escalation of a disagreement by using their best efforts to try to resolve disagreements in a timely manner.

This section of the GNSO Working Group Guidelines should be read together with the implementation document of [PDP 3.0 Improvement #9](#), which aims to provide further guidance on the complaint process.

The GNSO Council shall review the complaint process under Section 3.7 after it has been completed, or on an annual basis if no complaint process is invoked.

3.7.1 Complaint Submission Criteria

Any working group member may invoke the complaint process under Section 3.7 of the GNSO Working Group Guidelines based on any of the following grounds:

- (i) The working group member believes that his/her contributions to the working group are being

¹⁶ The current GNSO working group structure often involves multiple co-chairs or a single chair and vice chair(s) forming a leadership team.

systematically ignored or discounted;

(ii) The working group member wishes to appeal a decision -- which does not include working group leadership's consensus designation -- of the working group or the GNSO Council;

(iii) The working group member is of the opinion that someone is not performing their role according to the criteria outlined in the Section 2.2 of the GNSO Working Group Guidelines.

All complaint processes must be initiated within two (2) months of the public knowledge of the circumstances giving rise to the complaints.

All complaints must specify the ground(s) of the complaint and include detailed and specific facts of the disagreement, with supporting/explanatory materials and rationale.

All submitted materials in the complaint process must be succinct and not exceed the 1,000 word-limit as determined by the GNSO Council.

The complainant shall not submit a new complaint under Section 3.7 based on the same circumstances that give rise to another complaint that is still pending in any GNSO working group.

The complainant should submit the complaint to the working group leadership or the GNSO Council liaison to the working group. The working group leadership should determine whether the complaint has met the criteria set forth above. If the complainant disagrees with the assessment by the working group leadership, the GNSO Council liaison, in consultation with the GNSO Council leadership, should step in and reassess.

If a complaint does not address all requirements, the complainant will be given a reasonable amount of time to resubmit the complaint. Failure to resubmit a complete complaint will result in the automatic termination of the proceeding.

3.7.2 Role of GNSO Council, ICANN org, and Ombudsman

The GNSO Council, as the manager of GNSO policy development processes, has an appropriate and important role in a complaint proceeding.

Except in the case of conflict of interest, the following individuals/bodies from the GNSO Council have **decision-making** power in addition to the working group leadership:

- **GNSO Council leadership** consisting of the GNSO Chair and two GNSO Council Vice Chairs; and
- **GNSO Council liaison to the working group;** and
- **Ad-Hoc Complaint Committee** consisting of current/former GNSO Councilors.

The GNSO Council Leadership shall act as one collegial body during the complaint process, and the GNSO Chair shall consult with the two GNSO Council Vice Chairs on all decisions.

The GNSO Council liaison to the working group should be notified immediately when a Section 3.7 complaint is submitted and be tasked with: 1) status reporting to the GNSO Council and 2) facilitation of the disagreement resolution in consultation with the working group leadership and GNSO Council leadership. In particular, when a member(s) of the working group leadership is a party involved in the disagreement, or when the working group leadership is unable to arrive at an agreed approach for

handling the disagreement, the GNSO Council liaison should step in and be appointed to handle the relevant complaint process.

For each Section 3.7 complaint proceeding, an Ad-Hoc Complaint Committee should be formed to provide a balanced view and input to facilitate disagreement resolution. The working group leadership, in consultation with the GNSO Council leadership and GNSO Council liaison, may invite current or former GNSO Councilors to join the Ad-Hoc Complaint Committee. In specific circumstances, non-Councilors may also be invited to join the Complaint Committee based on specific criteria set by the WG leadership, in consultation with the GNSO Council leadership and Council liaison..

The following ICANN org resources may play an **advisory role** during the complaint process, including, but not limited to:

- **ICANN Complaints Officer**, who may assist in handling complaints concerning performance issues of working group support staff;
- **ICANN Conflict Resolution Staff**, who will act as a neutral party, utilizing structured communication techniques to share problem-solving responsibility.

The working group leadership, in consultation with the GNSO Council leadership and the GNSO Council liaison to the working group, may consider using these ICANN org resources to suit the particularities of each complaint situation.

The ICANN Ombudsman is an established dispute resolution mechanism in ICANN that remains separate from the Section 3.7 complaint process within the GNSO. However, the working group leadership, in consultation with the GNSO Council leadership, the GNSO Council liaison, and the Complaint Committee, may determine the appropriate time, if any, to involve the Ombudsman in the process. In particular, when the working group leadership and GNSO Council cannot resolve the disagreement to the satisfaction of the parties involved in the matter, the working group member should officially lodge the issue and engage with the ICANN Ombudsman, who will attempt to resolve the disagreement in the manner of his/her own choosing.

3.7.3 External Legal Counsel

The GNSO strongly discourages the representation of any party in a Section 3.7 complaint process by external legal counsel.

3.7.4 Complaint Proceeding Procedure

The working group member(s) involved in a Section 3.7 complaint shall always first discuss the matter with the working group leadership, who will consult with the GNSO Council liaison and the Complaint Committee, in the discussion. The working group leadership may also involve other resources, such as the GNSO Council leadership, relevant ICANN org staff, and Ombudsman, in the discussion.

If the disagreement cannot be resolved at the working group leadership level, any of the parties involved in the disagreement may bring the complaint to the attention of the GNSO Council leadership. The GNSO Council leadership shall attempt to resolve the disagreement and consult with

the GNSO Council liaison, the Complaint Committee, the working group leadership, and other resources deemed appropriate by the GNSO Council leadership.

If the disagreement is not resolved to the satisfaction of the parties at the GNSO Council leadership level, any of the parties involved may officially lodge the issue and engage with the Ombudsman. The Ombudsman shall attempt to resolve the disagreement in a manner of his/her own choosing.

At all stages of the complaint process, the individuals or bodies responsible for making decisions -- i.e., working group leadership, GNSO Council leadership, GNSO Council liaison to the working group, and Complaint Committee -- have the discretion to define the specific procedures they will follow in the process of making their decision.

In all cases a decision concerning the disposition of the disagreement, and the communication of that decision to the parties involved, must be accomplished within a reasonable period of time. The proposed procedure intentionally and explicitly does not establish a fixed maximum time period that shall be considered "reasonable" in all cases.

An example of a detailed process flow of a complaint proceeding is provided in Section 5.2 of the implementation document of PDP 3.0 Improvement #9. There is flexibility to modify and adapt this process flow to suit the particularities of each working group and complaint situation, allowing for different types of disagreements and a broad range of resolution methods and remedies.

3.7.5 Abuse of the Complaint Process

Penalties will be imposed for abuse of the complaint process by any of the parties involved in the disagreement. In the event a party is deemed to have abused the process, they shall be subject to a bar from utilizing the Section 3.7 complaint process up to five (5) years.

A party may be deemed abusive based on the following factors, including but not limited to:

- presented materials primarily for improper purposes including, but not limited to, harassment, causing unnecessary delay, or needlessly increasing the workload of the working group leadership and/or the GNSO Council; or
- presented materials contain a deliberate and material falsehood.

The determination of abusive complaint shall be made by the Complaint Committee, in consultation with the working group leadership and GNSO Council leadership.

3.7.6 Termination of the Complaint Process

The complaint process is not mutually exclusive to and does not impact any other conflict resolution mechanisms that may be available to working group members. If the issue raised in the complaint has been resolved at any point during the proceeding, such complaint shall be deemed withdrawn and the proceeding will be terminated.

Annex 1 - Reference to GNSO Operating Rules and Procedures (Version 3.5 - 24 October 2019)

3.7 Appeal Process

Any WG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the WG or CO should first discuss the circumstances with the WG chair. In the event that the matter cannot be resolved satisfactorily, the WG member should request an opportunity to discuss the situation with the chair of the Chartering Organization or their designated representative.

In addition, if any member of the WG is of the opinion that someone is not performing their role according to the criteria outlined in Section 2.2 of this document, the same appeals process may be invoked.

PDP 3.0 Improvement #9: Briefing Document on the Concept of “Consensus” in PDP

Introduction

As noted in the PDP 3.0 Implementation Plan, Improvement #9 aims to:

- Ensure there is clarity around how consensus is established and what tools can be used in that regard;
- Provide further guidance for Working Group (WG)/Team chairs and membership with regards to what is consensus, how consensus designations are made and what tools can or cannot be used.

Similarly, further guidance may be welcome in case there is complaint under section 3.7 of the GNSO WG Guideline that would result in a faster response to allow a WG/Team to move forward more efficiently during and after the complaint process. See [PDP 3.0 Improvement #9: Clarification to Complaint Process in GNSO Working Group](#).

Lessons could potentially be learned from other organizations applying consensus as a decision-making methodology or techniques learned during the ICANN leadership academy program concerning mediation and consensus building.

Improvement #9 also closely aligns with [PDP 3.0 Improvement #4 Consensus Playbook](#). This briefing document will be absorbed during the development of the Consensus Playbook, serving as a reference material.

To facilitate implementation of this improvement, staff has developed this briefing document to further elaborate on the concept of “consensus” in the GNSO Policy Development Process (PDP). Staff also referenced experience of the Internet Engineering Task Force (IETF) to explore how further guidance can be provided to PDP WGs/Teams and chairs in assessing, as well as working toward consensus in a GNSO PDP. The GNSO Council may use these materials as a starting point to further develop materials that PDP WG/Team chairs and members could familiarize themselves with at the beginning of the process.

Note that GNSO Operating Procedure and GNSO Working Group Guidelines referenced in this document are linked to the version published on 24 October 2019¹⁷. As a result of the implementation of PDP 3.0, an update to the GNSO Operating Procedure is anticipated.

¹⁷ <https://gns0.icann.org/en/council/op-procedures-24oct19-en.pdf>

Background

“Consensus” and “Consensus Policies” are defined terms in the context of GNSO Policy Development.

In the contractual agreements between ICANN org and gTLD registry operators / ICANN-accredited registrars, “Consensus Policies” are defined as “those policies established pursuant to the procedure set forth in ICANN's Bylaws and due process (..) Consensus Policies and the procedures by which they are developed shall be designed to produce, to the extent possible, a consensus of Internet stakeholder.”¹⁸

In the GNSO Working Group Guidelines, “Consensus” is defined as “a position where only a small minority disagrees, but most agree”.¹⁹

The GNSO uses the Policy Development Process when developing recommendations for “Consensus Policies” pertaining to gTLDs. The PDP requirements are outlined in Annex A of the ICANN Bylaws as well as the GNSO PDP manual.

The policy recommendations that form the basis for a “Consensus Policy” are documented in the Final Report that the GNSO PDP WG/Team produces for GNSO Council consideration. Each recommendation is accompanied by a description of the level of support received from the various participants in the effort. The PDP WG/Team chair has the main responsibility of determining the level of support. The process for determining the level of support received is outlined in the GNSO Working Group Guidelines (Section 3.6 Standard Methodology for Making Decisions).

Following GNSO Council adoption of the policy recommendations and subsequent approval by the ICANN Board, the policy recommendations are implemented and the “Consensus Policy” becomes part of ICANN’s agreements with ICANN accredited registrars and gTLD registry operators.²⁰

We often speak about THE multistakeholder model at ICANN, but few realize that the IETF -- an open Internet organization born in 1986 -- also embodies those principles, and did so well before the birth of ICANN. As the former ICANN Board Chairman Steve Croker puts it, “IETF is the original multistakeholder Internet organization that grew up with the technology of the Internet”.²¹

The IETF is defined by its pragmatic, consensus-based processes. *The Economist* calls IETF the “mother of consensus” -- rather than having governments or companies haggle over changes to networking protocols or routing services, “Rough Consensus” is its rule.²² Like ICANN and specifically the GNSO, the

¹⁸ <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#consensus-temporary>

¹⁹ <https://gnso.icann.org/sites/default/files/file/field-file-attach/annex-1-gnso-wg-guidelines-24oct19-en.pdf>, p8

²⁰ The ICANN Board has adopted the following “Consensus Policies” developed by GNSO working groups:
<https://www.icann.org/resources/pages/registrars/consensus-policies-en>

²¹ <https://www.icann.org/news/blog/icann-s-relationship-with-the-ietf>

²² <https://www.economist.com/international/2016/03/03/mother-of-consensus>

IETF is a large, open community of volunteers with their primary activities performed by working groups governed by intricate guidelines and procedures. While much of the work is carried out remotely, IETF working groups can also meet during public meetings held three times a year in various locations around the world. Despite the face-to-face opportunities, consensus decisions are usually made via mailing lists in the IETF.

Steve Crocker noted that ICANN is a consumer of IETF processes who depends on some of the protocols created in the IETF.²³ Due to many similarities shared between ICANN and IETF, it might be safe to say that ICANN is also a “student” of IETF processes, particularly in relation to the working group model and decision making method in the GNSO. Some veterans in the ICANN community, including Steve Crocker himself, have spent a lot of their professional career within the IETF and are strong supporters of its work and methods.²⁴

In addition to providing an overview of the concept of “Consensus” and determining “Consensus” in the GNSO context, this briefing paper also references the IETF Working Group Guidelines and Procedure, as well as several IETF papers about consensus building. The reason is that many of IETF practices and approaches could be relevant, helpful, and fairly easily applied in the GNSO PDP WG/Team context to provide further guidance to the chairs and members. Nevertheless, information provided in this briefing paper is not intended to limit the GNSO understanding of consensus building based on the IETF standards and practices only. There are many other ways to develop and determine consensus.

Following the small team’s review of this briefing paper and confirmation of which approaches/concepts are deemed helpful for PDP WG/Team chairs, staff would propose to translate this briefing paper into a presentation that could be used by PDP WGs/Teams at the start of their deliberations. The presentation can also be used at any point that there are questions in relation to what consensus means in a GNSO context, as well as to provide guidance to the chairs on what approaches can be used to build and assess consensus.

What is consensus?

Section 3.6 of the GNSO Working Group Guidelines provides the definition of position designations:

- 1) Full consensus/unanimous consensus;
- 2) Consensus;
- 3) Strong support but significant opposition;
- 4) Divergence/no consensus; and
- 5) Minority view.

²³ One example would be the Extensible Provisioning Protocol (EPP), which is central to the interaction between gTLD registries and ICANN accredited registrars.

²⁴ <https://www.icann.org/news/blog/icann-s-relationship-with-the-ietf>

Specifically, “Consensus” is defined as “a position where only a small minority disagrees, but most agrees”. In the ICANN usage, consensus is associated with other definitions and terms of art such as rough consensus or near consensus.²⁵

By comparison, in the IETF, “rough consensus” is defined in several different ways. Coming to consensus is when:

- The dominant view that prevails (“dominance” is not to be determined based on volume or persistence, but a general sense of argument) [RFC2418].²⁶
- Strongly held objections have been debated until most people are satisfied that these objections are wrong [The Tao of IETF].²⁷
- Everyone is sufficiently satisfied with the chosen solution, such that they no longer have specific objections to it [RFC7282].²⁸
- Everyone comes to the conclusion that either the objections are valid, and therefore make a change to address the objection, or that the objection was not really a matter of importance, but merely a matter of taste [RFC7282].²⁹

While the definitions of rough consensus are varied, their common theme shows that consensus is an evolving and iterative process. It is a process in which working group members understand an issue, explore alternatives, and generate a commitment among themselves in order to make decisions.³⁰ A consensus decision does not require full support from all members, but is achieved when objections have been properly considered and addressed. The ability to ensure that due consideration is given to minority views is one of the strengths of any consensus model.³¹

To help working group chairs understand what rough consensus truly means in the IETF, the IETF RFC7282 includes a couple of scenarios to illustrate the nuances.³²

A straightforward scenario is when at the end of a discussion, some people have not gotten their preferred choice, but are convinced the chosen one is acceptable, albeit less appealing; the chair then declares the working group has come to consensus. When a member says, “That’s not my favorite solution, but I can live with it”, he/she is not in the “rough” part of a rough consensus.

²⁵ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p8

²⁶ <https://www.rfc-editor.org/rfc/pdfrfc/rfc2418.txt.pdf>, p13

²⁷ <https://www.ietf.org/about/participate/tao/>

²⁸ <https://tools.ietf.org/html/rfc7282>, p4

²⁹ <https://tools.ietf.org/html/rfc7282>, p6

³⁰ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

³¹ GNSO Working Group Guidelines defines “Minority View” as “a proposal where a small number of people support the recommendation. This can happen in response to a Consensus, Strong support but significant opposition, and No Consensus; or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.”

³² <https://tools.ietf.org/html/rfc7282>, pp6-7

A complicated scenario is when a working group encounters a valid objection, but the vast majority of the working group believes that accommodating the objection is not worth the tradeoff of fixing the issue. When an unsatisfied member still has an outstanding issue, but the chair considers that the working group has answered the objection, the chair can declare that the consensus is only “rough”. The member is “in the rough” if he/she finds him/herself not agreeing with the consensus.³³

As mentioned earlier, since the GNSO Working Group Guidelines associate rough consensus with the term of “Consensus”, the IETF guidance and experience related to rough consensus could be useful for GNSO PDP WG/Team chairs.

What is not consensus?

Sometimes people may regard reaching consensus and “compromising” interchangeable. When a compromise disregards the principles of properly considering and addressing objections, it can actually be harmful.

The “Notes on IETF Rough Consensus” highlight two types of compromise that have no place in consensus decision making:

- 1) **Capitulation:** When a working group decide that they do not have the energy to continue arguing against an objection and say, “Forget it, do what you want”;
- 2) **Horse-trading:** “I object to your proposal for such-and-so reasons. You object to my proposal for this-and-that reason. Neither of us agree. If you stop objecting to my proposal, I will stop objecting to your proposal. Then we will put them both in.”³⁴

While these compromises allow people to agree, there still exist unaddressed, substantive objections. Conceding or ignoring real issues for the sake of moving on is not coming to consensus. Subsequently, the end result is weaker and could be questioned at a later stage.

GNSO PDP WG/Team chairs should be conscious of situations where these types of compromises are made and guard against them.

Who makes the consensus designations?

The GNSO Working Group Guidelines are clear that it is up to the PDP WG/Team chair to make the appropriate consensus designation (“It is the role of the chair to designate which level of consensus is

³³ “In the rough” is a terminology from golf. “The rough” is the term for the longer grass at the side of the fairway, and if your ball has landed in the rough you are off course and away from the normal direction of play. The phrase gets used quite a bit in the IETF as a play on words to complement “rough consensus” meaning that you are “in the rough” if you find yourself not agreeing with the rough consensus.

³⁴ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

reached”), but members have the ability to challenge this designation (“Member(s) of the Working Group should be able to challenge the designation of the chair as part of the Working Group discussion”).³⁵ It is also clear from the process described in section 3.6 of the GNSO Working Group Guidelines that this is an iterative process.

Similarly, in the IETF processes, it is up to the chair to determine if rough consensus has been reached. While IETF working group members are certainly empowered to provide input/feedback to the consensus designation, the chair is beholden to the working group and should make efforts to ensure that the initial designations are as accurate as possible.

IETF agrees that a conclusion of having rough consensus relies heavily on the chair’s understanding of the purpose, scope, and requirements of the work, as well as good judgement to decide whether any objection has been addressed by the working group.³⁶ IETF has the following requirements for a chair as a consensus caller:

- A chair should make great efforts to attend meetings and read emails on a mailing list in order to have an ongoing sense of consensus on all important issues. In addition, there may be hallway discussions or phone conversations with information or opinions relating to a consensus decision;
- A chair needs to pay attention to the whole changing picture to decide whether there is already a consensus, whether more discussion is needed, and when to do a formal call for consensus. A chair needs to continue paying attention after a consensus call to see if any decision has shifted and if that is important enough to fix.³⁷

Section 6.1.3. of the GNSO Working Group Guidelines also detail similar requirements for a PDP WG/Team chair (paraphrased below):

- **Strong Leadership and Facilitation Skills**
 - A chair should have sufficient and substantive process expertise, possess leadership skills and be skilled in consensus building;
 - A chair should be able to distinguish between participants who offer genuine reasons for dissent and those who raise issues in an effort to block progress;
 - A chair should have the authority to enforce agreed upon rules applicable to anyone trying to disrupt discussions and be able to exclude individuals in certain cases, provided an avenue of appeal is available;
 - A chair should be able to ensure that anyone joining a Working Group after it has begun has reviewed all documents and mailing list postings and agrees not to reopen previously decided questions;

³⁵ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p8

³⁶ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

³⁷ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

- If there is support from the chair to reopen an issue in light of new information that is provided either by a new member or an existing member of the Working Group, this should be possible.
- **Neutrality**
 - A chair is expected to assume a neutral role, refrain from promoting a specific agenda, and ensure fair treatment of all opinions and objectivity in identifying areas of agreement;
 - This does not mean that a chair experienced in the subject matter cannot express an opinion, but he or she should be explicit about the fact that a personal opinion or view is being stated, instead of a “ruling of the chair”;
 - A chair should not become an advocate for any specific position.³⁸

PDP 3.0 Improvement #6 further elaborates on the **expectations for working group leaders** regarding their roles, responsibilities, and minimum skills/expertise required to become effective consensus callers.

When going into the consensus designation process, the GNSO PDP WG/Team chair needs to carefully weigh perspectives as well as representativeness, as consensus designations are not to be confused with a vote or considered a pure numbers game. A review of previous consensus calls may give some insights into how this weighing has been done over the years, but it is still up to every GNSO PDP WG/Team chair to make this assessment and make a determination.

How to address issues “in the rough”?

“Rough Consensus”, as fined by the IETF, is achieved when all issues are addressed, but not necessarily accommodated.³⁹

In the GNSO context, “addressing” all issues seems to mean the following:

- “...the group has discussed an issue long enough for all issues to have been raised, understood and discussed...”
- “...an effort should be made to document that variance in viewpoint and to present any Minority View recommendations that may have been made. Documentation of Minority View recommendations normally depends on text offered by the proponent(s). In all cases of Divergence, the WG chair should encourage the submission of minority viewpoint(s)...”⁴⁰

In the IETF, “addressing” all issues goes further than just raising, discussing, and documenting the minority viewpoints. A working group must truly consider and weigh an issue before the objection can

³⁸ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p16

³⁹ <https://tools.ietf.org/html/rfc7282>, p6

⁴⁰ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p9

be dismissed as being “in the rough”. Simply having a large majority of people agreeing to dismiss an objection is not enough to claim there is rough consensus. The working group needs to not only take the objection seriously, but also fully examine the ramifications of not making a change to accommodate it, and that the outcome does not constitute a failure to meet the work requirements. The working group needs to provide a valid justification -- a reasoned explanation to the member raising the issue of why his/her concern is not going to be accommodated. Failure to do that reasoning and evaluating means that there is no true consensus.⁴¹

Furthermore, even if no particular person is still standing up for an objection, that does not mean it can be ignored. When someone who is not an active member raises a substantive issue and subsequently disappears, the issue still needs to be addressed before the chair can declare rough consensus.⁴²

The IETF understanding of “addressing” all issues is similarly reflected in the GNSO PDP WG/Team practice in relation to public comment forum. A GNSO PDP WG/Team has the responsibility to review and address all input that is received in response to a public comment forum held in relation to the activities/products/outputs of the WG/Team. The PDP WG/Team is encouraged to explain their rationale for agreeing or disagreeing with the different comments received and, if appropriate, how these will be addressed in the report of the WG/Team.⁴³ In this context, “addressing” can mean acknowledging a comment but agreeing that no change needs to be made as either no convincing rationale is provided, or the position was already considered and addressed.

Further guidance to GNSO PDP WG/Team chairs may be helpful to determine when an issue has been sufficiently addressed.

When to make a consensus call?

GNSO Working Group Guidelines are not explicit in stating when exactly is suitable for the chair to make a consensus call. It recommends that after the working group has discussed “long enough for all issues to have been raised, understood, and discussed”, the chair can make a consensus designation for the working group to review.⁴⁴

The IETF RFC7282 spells out three scenarios when a consensus call is made by chairs:

- 1) They are “declaring consensus” that has, in their view, been reached when the discussion has reached an end;
- 2) They are making a “call for discussion” of a particular point in order to reach consensus;

⁴¹ <https://tools.ietf.org/html/rfc7282>, pp6-9

⁴² <https://tools.ietf.org/html/rfc7282>, p14

⁴³ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p8

⁴⁴ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p9

- 3) They are “confirming consensus” by posting a question to the working group like “Who is in favor of choice A? Who is in favor of choice B?”⁴⁵

IETF suggests that the first two scenarios of calling consensus are appropriate. When the chair is “declaring consensus” or making a “call for discussion”, members in the working group can always object and say that the chair has gotten the consensus wrong and ask for reconsideration. This effort would help the working group address any objection before dismissing it. If the objection has been addressed, and the new voices are not giving informed responses to that point, the objection can justifiably be called “in the rough”. The more involved and knowledgeable the objectors are, the more difficult it will be for the chairs to make the call, but a call of rough consensus is reasonable.⁴⁶

The third scenario is problematic, as it can be tantamount to asking for a vote and confirming consensus by counting people.⁴⁷

In summary, the chair ought to be looking for consensus throughout the discussion, not asking for it at the end. The chair’s judgement of the evolving process is critical, and the time the working group spent on discussing an issue is not a valid indicator.

Specific scenarios and guidance to GNSO PDP WG/Team chairs on the appropriate time for making a consensus call may be helpful. It may be an appropriate point for the chair to make a consensus designation when, for example, the deliberations on a certain topic have been exhausted, previously made arguments/positions are repeated, and there is no indication that there will be a chance of getting additional support for a position.

What questions to ask?

GNSO Working Group Guidelines do not contain suggestions on what questions the chair should ask to gauge the level of consensus and judge the timing for making the formal consensus call. IETF provides further guidance on this, especially pertaining to the type and timing of the questions to be asked by the chair during a working group meeting (rather than on a mailing list, etc.).

The formulation and the order of questions asked can have significant effects on the outcome. Coming to consensus is a matter of eliminating disagreements, so the chair wants to choose a path that gets to the least objections fastest.⁴⁸

⁴⁵ <https://tools.ietf.org/html/rfc7282>, p13

⁴⁶ <https://tools.ietf.org/html/rfc7282>, p16

⁴⁷ <https://tools.ietf.org/html/rfc7282>, p13

⁴⁸ <https://tools.ietf.org/html/rfc7282>, p10

Before the process starts, the chair can, for example, ask who has read the document that the consensus call is about. This question can help the chair gauge if there is enough interest or expertise to even ask the consensus question, and might prevent people who have not read the documents from expressing uninformed opinions.⁴⁹

A chair can ask “Can anyone not live with choice A?”, rather than “Is everyone okay with choice A” in order to help members separate those choices that are simply unappealing from those that are truly problematic.⁵⁰ In a GNSO context, the term “are you willing to die in a ditch” has been used to assess the level of objection – is the concern raised a fundamental point, OR a “I prefer Coke over Pepsi, but could live with either” point?

It is also important for the chair to asking the nature of objections by following up with the question “What are the reasons you object to choice A?” or “What would need to change in choice A to make it acceptable?” The objector might convince the rest of the working group that the objections are valid and the working group might choose a different path. Conversely, the working group may be able to convince the objector that the choice is simply unappealing and not a showstopper.⁵¹

Question Examples

The following examples of consensus questions asked during working group meetings are extracted from the “Notes on IETF Rough Consensus”.⁵²

Easy Questions - If a discussion is not too heated, the chair might simply take a stab at declaring consensus, ready to back off if the declaration is premature:

“Will suggests we do... Shall we do that then? [hears approval noises] Good”

“Will suggests we do.... Shall we do that then? [hears objections] Ok, it seems we don't all agree. Can we hear from the objectors?”

Fine-Tuning Questions - a chair can fine-tune the wording on the fly:

“Those in favor of proposal A?”

“Those against?”

“Let me restate. Those in favor of proposal B?”

“That was rather indecisive. Those who would accept either proposal?”

“Do we have a problem with the two alternatives?”

Chain of Questions - a chair can make a related chain of questions in order to make progress quickly by narrowing down the solution set at a high level first then at lower levels. This would facilitate the consensus call on whether making a decision on a difficult issue first, then to tackle the issue itself.

⁴⁹ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁵⁰ <https://tools.ietf.org/html/rfc7282>, p4

⁵¹ <https://tools.ietf.org/html/rfc7282>, p4

⁵² <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

“We've been arguing about the details of this for quite a while. Do we have enough information to make a decision on proposal A? Those who believe we're ready to make a decision?”

“Those who don't believe we're ready?”

“That's in favor of making a decision, so here's the decision: Do we generally believe that we want [high level message of proposal A]? Those who want [high level message of proposal A]?”

“Those who don't want [high level message of proposal A]?”

“Assuming we want [high level message of proposal A] then. Do we want [details of proposal A]? Those in favor of?”

How to make on-list consensus call?

GNSO Working Group Guidelines require that “consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process”.⁵³

The most common method used is for the chair to state what he/she believes to be the consensus view and requests comments on the mailing list about the stated conclusion. This could be preceded by the designations being shared during a call. This is expected to be an iterative process -- PDP WG/Team members can object to the designations and subsequently the PDP WG/Team chair is expected to reconsider his/her designations.

GNSO Working Group Guidelines provide recommended steps for the chair to follow when making consensus designation:

- i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the chair, or co-chairs, make an evaluation of the designation and publish it for the group to review.
- ii. After the group has discussed the chair's estimation of designation, the chair, or co-chairs, should reevaluate and publish an updated evaluation.
- iii. Steps (i) and (ii) should continue until the chair/co-chairs make an evaluation that is accepted by the group.⁵⁴

In the IETF, final consensus calls are also required to take place on the working group mailing list to ensure the participation of the full working group. IETF has tips and suggestions for the following two scenarios, which may be useful to reference:

- 1) Verification of a consensus which has been reached during a face-to-face meeting; and
- 2) A consensus call on a discussion that has been held entirely over the mailing list.

⁵³ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p9

⁵⁴ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p9

In the first scenario, which is applicable in the GNSO context, any decision made at a face-to-face meeting must also gain consensus on the working group mailing list. Taking the final decisions on the mailing list reinforces the idea that a working group comes to consensus by looking at the open issues and not counting heads. Enough time -- usually two weeks -- should be given to the verification process.⁵⁵

In the IETF, GNSO, and many organizations in general, members that communicate on a mailing list can be somewhat different than the members that communicate in a meeting room. Between meetings, people are more likely to speak against the consensus than to send a message confirming the consensus so far. Silence on the mailing list is considered to be consent. If there are 100 people in a meeting and only a few people on the mailing list disagree with the consensus of the meeting, then the consensus should be seen as being verified. Once mailing list subscribers have been given the opportunity to understand and consider objections, the in-meeting consensus may well prevail without calling consensus from scratch.⁵⁶

In the second scenario, which is currently non-existent in a GNSO context, the determination of the level of consensus may be harder to do since most people subscribed to mailing lists do not actively participate in discussions on the list. Sometimes, an early sense of possible consensus may be obvious to everyone, as an initial proposal might inspire a few agreements or disagreements immediately. Oftentimes, a consensus is not obvious immediately, and the discussion typically plays on for a while and additional opinions get added to the mix.⁵⁷ At some point, the chair may explicitly make a consensus call. It is left to the discretion of the chair how to evaluate the level of consensus. The volume of messages on a topic is not, by itself, a good indicator of consensus since one or two individuals may be generating much of the traffic.⁵⁸

On-List Consensus Call Examples

GNSO Working Group Guidelines do not have examples for consensus call emails, although examples can be gleaned from previous consensus calls on the PDP WG/Team mailing lists. The following examples extracted from the “Notes on IETF Rough Consensus” may also be helpful for GNSO PDP WG/Team chairs to reference.⁵⁹

Example 1: This email is effective in that it only solicits new objections.

⁵⁵ <https://www.rfc-editor.org/rfc/pdf/rfc2418.txt.pdf>, pp13-14; <https://tools.ietf.org/html/rfc7282>, p9; <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁵⁶ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁵⁷ <https://www.rfc-editor.org/rfc/pdf/rfc2418.txt.pdf>, p13; <https://www.ietf.org/about/participate/tao/>; <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁵⁸ <https://www.rfc-editor.org/rfc/pdf/rfc2418.txt.pdf>, p13; <https://www.ietf.org/about/participate/tao/>; <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁵⁹ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

From: Steve
To: Example WG
Subject: Open issues status

We have three open issues:

#87 Section 3.3 inconsistent use of word "modify"
#89 Security Considerations needs to address DoS
#90 Retry limits

Are there any *new* (or changed) positions on these issues before I declare consensus based on the discussion so far? Please send one email per issue and include the issue number in the subject.

Example 2: The chair explicitly states what the outcome is for those who are not paying attention, and to remind those still arguing to present different objections or accept the outcome.

From: Alexander
To: Example WG
Subject: Issue #xxxx Re-Submission -- summary

So far I see some support for and elaboration of the resubmission proposal, although there was some dissent. I think there's a consensus around allowing resubmission even without a server error. I saw the proposal to require servers to accept resubmission but I didn't see any tangible benefit to that.

Thus, the proposed resolution is that clients MAY resubmit, and servers MAY accept or reject resubmissions.

We don't have consensus on whether the resubmit must have the same message ID, so I'd like to see more input on that.

Can polls be used?

GNSO Working Group Guidelines also mention that “polls” can be used in exceptional situations. Similarly, in the IETF, a show of hands and other polling methods can also be used to gauge consensus. The disadvantage of those methods, however, is that they might leave the impression that the number

of people matters in some formal way. With less experienced PDP WG/Team chairs and members, a show of hands and other polling methods can end up reinforcing the mistaken notion that a vote is taking place.⁶⁰ This can result in confusion if a majority of hands does not equate to consensus.

GNSO Working Group Guidelines states that “care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is Divergence or Strong Opposition, there are often disagreements about the meanings of the poll questions or of the poll results.”⁶¹

IETF’s stance on polling is consistent with that of the GNSO. If a polling method is being used, it should not be treated as a vote that decides the issue. Doing so can allow important minority views to get lost in the noise. It also adds that traditional voting leads to gaming of the system. For example, “vote stuffing” -- simply recruiting a large number of people to support a particular side, even people who have never participated in a working group -- may occur to change the outcome.⁶²

As such, it may be helpful to provide further guidance to PDP WG/Team chairs on when polls may be used, in combination with a reminder that if any polls are to be taken, the question(s) that is being asked needs to be crystal clear.

When to take a poll?

In GNSO PDP WG/Team, a chair may decide that the use of polls is reasonable in “rare cases”. Some of the reasons for this might be:

- A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
- It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between “Consensus” and “Strong support but Significant Opposition” or between “Strong support but Significant Opposition” and “Divergence”.⁶³

In the IETF, a poll happens often when the working group wants to resolve an impasse when, for example, an individual is being difficult and unwilling to accept what is actually a rough consensus. The IETF cautions that the polling method should always be used to prompt questions and get a sense of direction of the discussion, not to conclude the matter.⁶⁴ The chair might ask for a show of hands in a meeting or an open vote on a mailing list. If only a single objection can be seen, in the face of everyone agreeing the objection has been answered, the chair can declare a rough consensus to move on.

⁶⁰ <https://tools.ietf.org/html/rfc7282>, p11

⁶¹ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p9

⁶² <https://tools.ietf.org/html/rfc7282>, pp8, 12-13

⁶³ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p9

⁶⁴ <https://tools.ietf.org/html/rfc7282>, p11

Someone can still challenge it by stating the objection is on different grounds, but it is clear that the chair has found rough consensus due to the discussion, not due to counting heads.⁶⁵

If the chair is already convinced that the working group has come to consensus, there is not much reason to take a poll. In fact, taking a poll can serve to discourage those who might be in the minority from voicing their concerns to the group in the face of a large majority who wants to move forward. Often, the right thing for the chair to do is to say, "It sounds to me like we have consensus for choice A. Does anybody have any concerns about or objections to going with A?" This allows members to bring up issues to the working group that the chair might have mistakenly missed without having them feel that the majority has "already spoken".⁶⁶

Similar guidance may be helpful and appropriate for GNSO PDP WG/Team chairs.

Hums

The IETF uses some unique approaches to determine consensus, especially "hums" taken to gauge consensus in meeting rooms by volume of sound generated. This is not a common practice in the GNSO. In the IETF, if you agree with a proposal, you hum when prompted by the chair. Humming gives the chair the opportunity to take the temperature of the room. Importantly, "hums" is used at the start of a conversation in the IETF, not the end, as the chair uses it to figure out the direction of the conversation.⁶⁷ This practice may be comparably to tick marks used in a virtual meeting room by GNSO PDP WGs/Teams to "take the temperature of the room".

Silence = Consent?

GNSO Working Group Guidelines do not discuss what silence means during the consensus designation, although it is rare to see a consensus designation process in which every PDP WG/Team member is asked to proactively state his/her support or objection to the proposed designation.

"Notes on IETF Rough Consensus" provides further guidance related to "silence" during consensus call in working group meetings. This guidance may still be useful in providing GNSO PDP WG/Team chairs ideas on how to facilitate consensus decision making.

When a consensus call in the meeting has a clear result and the result is noted and posted to the mailing list, silence can be taken to mean consent -- the consensus has been confirmed. The chair can call consensus by summarizing the consensus position and explicitly asking the working group if there are

⁶⁵ <https://tools.ietf.org/html/rfc7282>, p14

⁶⁶ <https://tools.ietf.org/html/rfc7282>, p11

⁶⁷ <https://tools.ietf.org/html/rfc7282>, pp10-11; <https://www.ietf.org/about/participate/tao/>

any objections. Working group members who cannot make it to a meeting must be given ample opportunity to learn about the consensus call and raise objections.⁶⁸

Sometimes silence means disinterest. The chair needs to determine how important a proposal is before accepting it as a consensus call item for the working group. It is not enough for a proponent to explain a proposal and answer a few questions; there must also be enough explicit interest to adopt it as an item for the working group. It is up to the chair to be the bad guy if necessary and tell the proponent that there is not a strong enough consensus to adopt the item.⁶⁹

One tricky situation is when two alternatives are provided -- some working group members favor one approach, some favor another, and the rest are silent. The chair needs to be careful not to construct questions in a biased manner, which may render the impression that the silent majority agree with the approach the chair favors.⁷⁰

How to facilitate consensus decision making?

Consensus decision-making is the basis for GNSO policy development, but often members seem to mistake policy development for a negotiation or a zero-sum game. As such, PDP WGs/Teams should be reminded early on and on a regular basis of the importance of consensus and how consensus will require principled compromise.

“Notes on IETF Rough Consensus” provides additional suggestions (rephrased below) for chairs to facilitate consensus decision making, which may also be helpful for the GNSO PDP WG/Team chairs.

Small Groups

Sometimes it is easier to explore an idea or explain a difficult point in small groups. This idea is also mentioned in the GNSO Working Group Guidelines, pertaining to the use of sub-teams.⁷¹ Chairs should frequently interact with small groups of participants in order to break down a consensus block or solve an issue that is not getting far on the mailing list. Often the outcome of such a conversation becomes quite naturally public even though the conversation itself wasn't.

Taking Time

It's often quite effective for the chair to put off a consensus call, or having made a consensus call, to put off declaring an outcome. It can allow the working group to make progress on easier issues until more

⁶⁸ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁶⁹ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁷⁰ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁷¹ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p6

information is in. Taking extra-long time should not be the first choice if quicker solutions are available. A chair that finds too many decisions taking too long should start to try to find shortcuts.

Other Methods

For major decision-making process, GNSO Working Group Guidelines allow a working group to deviate from the standard methodology and decide its own method, OR have the GNSO Council designate a different method. However, the use of alternative methods should be affirmatively stated in the working group Charter and as such, the GNSO Council should be required to confirm it.⁷²

How can members help?

Not just the PDP WG/Team chairs, WG/Team members also need to do their part to facilitate the consensus decision making process. “Notes on IETF Rough Consensus” has suggestions (quoted below) that may be useful for GNSO PDP working group members to reference.

The Basics

“Working group members can help chairs gauge and reach consensus by listening, explaining, mediating, proposing clear actions, and helping others members...It helps to state why one is rejecting a proposal when the consensus call is being conducted. When accepting a proposal, it is fine to be very brief.”⁷³

When in the Rough

The following suggestions are direct quotes from the “Notes on IETF Rough Consensus”:

When a working group member finds him/herself in the ‘rough’ part of rough consensus, it can be difficult. Strongly held personal convictions must sometimes make way for the consensus of the group.

There are some approaches to be considered by the dissenting member:

- Can convictions be assuaged by stating or restating them?
- Is it possible to seek elaboration to become convinced?
- Is it possible to show those in the consensus so far that they do not necessarily agree?

After all, it is each member's job to build consensus rather than to demand it. It can really help to talk to other individuals privately and find out why they agree or disagree with you.⁷⁴

⁷² <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p10

⁷³ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁷⁴ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

Challenging Chair's Designation

GNSO working group members are empowered to challenge the designations of the chair. If the disagreement on the designation given to position by the chair or any other consensus call persists, members may follow these steps sequentially according to the GNSO Working Group Guidelines:

1. Send email to the chair, copying the WG explaining why the decision is believed to be in error.
2. If the chair still disagrees with the complainants, the chair will forward the appeal to the Chartering Organization (CO) liaison(s).⁷⁵ The chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the chair, the liaison will forward the appeal to the CO. Should the complainants disagree with the liaison support of the chair's determination, the complainant may appeal to the chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the chair.
3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO.⁷⁶

To date, this process has not escalated beyond step 1. It may be worth conducting a mock appeal process by the GNSO Council to make sure that the GNSO Working Group Guidelines provide sufficient guidance for the PDP WG/Team chairs as well as GNSO Council liaisons to carry out this process.

While working group members do have the power to escalate their dissenting opinions and appeal chair's designation, it should not be abused. IETF provides the following advice to members (quoted below).

Avoid Blocking Consensus

"It helps not to state positions so strongly that one feels one's reputation is staked on a particular outcome. Making an issue personal can bake people into firm oppositional positions. Avoid the temptation to make personal accusations or to oppose a person per se. Oppose the proposal, not the proposer. One specific tactic to reduce knee-jerk opposition is to ask somebody to explain the other position to show they understand it."⁷⁷

In the GNSO context, it is important for members to look beyond the Stakeholder Group/Constituency affiliation of a proponent and instead judge his/her position or proposal on its merits.

Questioning the Process

The following text are direct quotes from the "Notes on IETF Rough Consensus":

⁷⁵ In the GNSO PDP WG/Team context, the Chartering Organization (CO) is the GNSO Council.

⁷⁶ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, p10

⁷⁷ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

Often, a member who disagrees with the way a decision was made also disagrees with the decision itself. It helps to address these separately.

The best way to dispute the decision being made is to offer a reasonable opinion and ideally with new information. The best way to dispute the way the decision was reached is to question the process and appeal to principles of fairness and openness.

When the situation merits criticizing the process, the critic needs to be clear about what went wrong or what needs to be remedied. Cries of ‘unfair’ are not usually helpful without more detail. Again, to avoid making the issue personal, one can simply ask the chair to remedy the situation (and explain why) rather than accuse them of errors. It is more helpful to suggest a process rather than criticizing what happened.⁷⁸

How to be accountable for consensus decision making?

Record Keeping

The IETF guidelines require that chairs should be prepared to explain their decisions, and at times even review and revisit their decisions. It always helps to have a good record, and where possible, the consensus record should be public, e.g., well-minuted consensus decisions in proceedings, clear conclusions to consensus calls on public mailing lists. Often we have to trust the decision history and long-term performance of the chair chosen to make consensus calls.⁷⁹

The GNSO Working Group Guidelines do not require working group members have their names explicitly associated with any “Full Consensus” or “Consensus” view/position. However, in cases where a working group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls were taken.⁸⁰

In principle, GNSO PDP WGs/Teams are expected to operate under the principles of transparency and openness. This means, inter alia, that:

- Mailing lists are publicly archived;
- Meetings are normally recorded and/or transcribed (especially for those who were not able to attend and/or other interested parties);
- Action items and/or notes captured by Staff from the meetings to record the main decisions/follow-up items are made public and circulated in a timely manner (in order to allow for sufficient preparation or response ahead of the next meeting);

⁷⁸ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁷⁹ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁸⁰ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, pp9-10

- Statements of Interest (SOIs), with timely updates, are required from WG/Team participants and publicly available.⁸¹

It is important that prospective GNSO PDP WG/Team members are made aware of these principles.

Overturing Consensus Call Outcomes

As mentioned previously, consensus designation in a GNSO PDP WG/Team is an iterative process that requires input from members. Members can voice disagreement to the chairs' consensus designation and escalate their complaints following the steps outlined in the GNSO Working Group Guidelines.⁸²

Specifically, Section 3.6 of the GNSO Working Group Guidelines provides a process that may potentially permit a WG member to overturn the consensus call outcome.

While consensus calls do not need to be final, the IETF believes that there can be some "harm in overturning a consensus call" (direct quotes from the "Notes on IETF Rough Consensus" below):

- A new consensus necessarily takes more time.
- New discussions can be frustrating to those who participated in prior consensus calls, particularly if long discussions were involved then.
- A change can be destabilizing to the documents and editing process.
- The later consensus call can represent quite a different group of people, perhaps because new people are alerted to the issue, but perhaps because long-standing participants have given up or run out of time to dedicate.⁸³

However, the harm may at times be more than balanced by the good that comes of making a decision that participants have more confidence in. Chairs need to be very explicit about voiding the consensus so that people know to speak up again.⁸⁴

Annex 1 - Reference to GNSO Operating Rules and Procedures (Version 3.5 - 24 October 2019)

3.6 Standard Methodology for Making Decisions

The chair will be responsible for designating each position as having one of the following designations⁸⁵:

⁸¹ <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, pp12,16

⁸² <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>, pp9-10

⁸³ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁸⁴ <https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

⁸⁵ The designations "Full consensus," "Consensus," and "Strong support but significant opposition" may also be used to signify levels of "consensus against" a particular recommendation if the consensus position of the Working Group warrants it. If this is the case, any "Minority View" will be in favor of the particular recommendation. It is expected

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus**.
- **Consensus** - a position where only a small minority disagrees, but most agree.⁸⁶
- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.
- **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
- **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus**, **Strong support but significant opposition**, and **No Consensus**; or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of Minority View recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence**, the WG chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

- I. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the chair, or co-chairs, make an evaluation of the designation and publish it for the group to review.
- II. After the group has discussed the chair's estimation of designation, the chair, or co-chairs, should reevaluate and publish an updated evaluation.
- III. Steps (i) and (ii) should continue until the chair/co-chairs make an evaluation that is accepted by the group.
- IV. In rare case, a chair may decide that the use of polls is reasonable. Some of the reasons for this might be:

that designations of "consensus against" will be rare and Working Groups are encouraged to draft (and revise) recommendations so that a level of consensus can be expressed "for" rather than "against" a recommendation. However, it is recognized that there can be times when a "consensus against" designation is both appropriate and unavoidable as a practical matter. A "consensus against" position should be distinguished from a position of "Divergence" (or "No Consensus"), which is applied where no consensus has emerged either for or against a recommendation (i.e., the consensus level of the Working Group cannot be described as "Full consensus," "Consensus" or "Strong support but significant opposition" either for or against a recommendation).

⁸⁶ For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have legal implications.

- A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
- It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence**.

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls are taken.

If a Chartering Organization wishes to deviate from the standard methodology for making decisions or empower the WG to decide its own decision-making methodology it should be affirmatively stated in the WG Charter.

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the chair as part of the Working Group discussion. However, if disagreement persists, members of the WG may use the process set forth below to challenge the designation.

If several participants⁸⁷ in a WG disagree with the designation given to a position by the chair or any other consensus call, they may follow these steps sequentially:

1. Send email to the chair, copying the WG explaining why the decision is believed to be in error.
2. If the chair still disagrees with the complainants, the chair will forward the appeal to the CO liaison(s). The chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the chair, the liaison will forward the appeal to the CO.

⁸⁷ Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that a single member demonstrates a sufficient amount of support for initiating an appeal before the formal process outlined in Section 3.7 can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the chair and/or Liaison of their issue and the chair and/or Liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial the appeal process set forth in Section 3.7.

- Should the complainants disagree with the liaison support of the chair’s determination, the complainants may appeal to the chair of the CO or their designated representative. If the CO agrees with the complainants’ position, the CO should recommend remedial action to the chair.
3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO.⁸⁸

Annex 2 - Definition of Consensus in Other ICANN Context

ICANN Glossary

- Consensus is a form of decision-making employed by various supporting organizations within ICANN. The method to establish whether one has reached consensus differs per supporting organization.

Governmental Advisory Committee

- Any Governmental Advisory Committee advice approved by a full GAC consensus, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection
- [GAC Operating Principles](#), Principle 47: The GAC works on the basis of seeking consensus among its membership. Consistent with United Nations practice, consensus is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection. Where consensus is not possible, the chair shall convey the full range of views expressed by members to the ICANN Board.
 - In United Nations practice, the concept of “consensus” is understood to mean the practice of adoption of resolutions or decisions by general agreement without resort to voting in the absence of any formal objection that would stand in the way of a decision being declared adopted in that manner. Thus, in the event that consensus or general agreement is achieved, the resolutions and decisions of the United Nations meetings and conferences have been adopted without a vote. In this connection, it should be noted that the expressions “without a vote”, “by consensus” and “by general agreement” are, in the practice of the United Nations, synonymous and therefore interchangeable.

ICANN Review Teams

- Followed GNSO’s Operating Rules and Procedures. See IRT’s [Operating Standards](#), 3.11 Decision-Making Procedure.

GNSO Council

⁸⁸ It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.

- “Approve a PDP Recommendation Imposing New Obligations on Certain Contracting Parties: where an ICANN contract provision specifies that "a two-thirds vote of the council" demonstrates the presence of a consensus, the GNSO Supermajority vote threshold will have to be met or exceeded.”

IANA Naming Function Review Team (IFRT)

- All actions of the IFRT shall be taken by consensus of the IFRT, which is where a small minority may disagree, but most agree.

Separation Cross-Community Working Group (SCWG)

- The SCWG shall act by consensus, which is where a small minority may disagree, but most agree.

Annex 3 - Informative References

About Consensus Policy

<https://gns0.icann.org/en/basics/consensus-policy/about>

GNSO 101 Model 3 - New Policy Development Process

<https://gns0.icann.org/en/basics/101/new-pdp>

GNSO Working Group Guidelines (version 3.5, published on 24 October 2019)

<https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>

ICANN’s Relationships with the IETF

<https://www.icann.org/news/blog/icann-s-relationship-with-the-ietf>

IETF Working Group Guidelines and Procedure

<https://www.rfc-editor.org/rfc/pdf/rfc/rfc2418.txt.pdf>

Mother of Consensus

<https://www.economist.com/international/2016/03/03/mother-of-consensus>

Notes on IETF Rough Consensus

<https://tools.ietf.org/id/draft-dusseault-consensus-00.html>

On Consensus and Humming in the IETF

<https://tools.ietf.org/html/rfc7282>

The Tao of IETF - A novice’s Guide to the Internet Engineering Task Force

<https://www.ietf.org/about/participate/tao/>


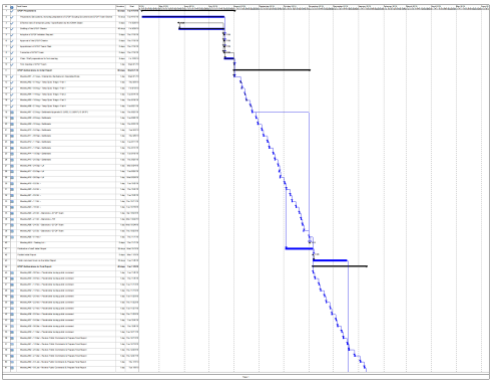
PDP 3.0 Improvement #11, #12 & #16: GNSO Project Work Product Catalog

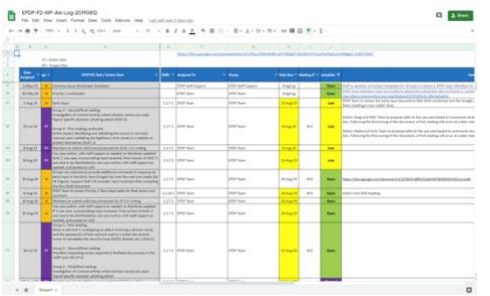
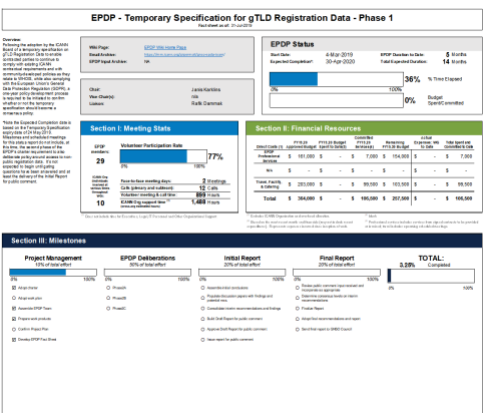
The project management work products described below will be managed by staff as necessary to guide and document the project from start to finish. Note, that the bulk of these apply to projects initiated by the GNSO Council and only after the charter has been adopted. The only exception is the Project Situation Report, which contributes to the full Project List. This full set of work products will be managed by the GNSO Council via Working Group leadership at up to and until such recommendations from a PDP working group or non-PDP working group (“project”) are reviewed and adopted by the ICANN Board.


Most importantly, this collection of work products should be thoroughly reviewed and updated as required when the project enters an “At-Risk” or “In-Trouble” condition and they should be reset only after a formal Project Change Request has been adopted by the GNSO Council should there be agreement that the project continue forward.

These will be posted on their respective Wiki pages to be consumed by the full community on-demand and as refreshed versions are published. Project leadership teams should consider combining all of the work products into a single package in preparation for ICANN meetings or dedicated face-to-face sessions for their respective group.

Work Product	Example
<p>Summary Timeline – a high-level, simple Gantt view of key deliverable dates for the primary phases of the project including engagement opportunities such as ICANN meetings or dedicated face-to-face sessions. The summary timeline will typically be presented on a rolling twelve months. The duration of the project will determine if it can be displayed (typically, 12 months or less) on the slide. Updates should occur monthly or to the extent change is required, but in most cases the changes will only reflect that a month of time has passed. Changes made in the Project Plan will dictate phase or deliverable dates presented in this summary timeline. Deltas from the baseline should be represented either by a display of the original start date and/or visual representation of affected Gantt section.</p> <p>WP Owner: Staff, WG Leadership Update Cycle: Monthly, ad-hoc Primary Audience: Working Group, GNSO Council, Community</p>	<p style="font-size: small;"> ⁽¹⁾ Item from priority 2 could be incorporated in the Initial Final Report for priority 1, depending on their state of completion or presented separately. ⁽²⁾ These phases of the project occur after the GNSO Council's adoption of the Final Report, and will appear when the timeline advances there. </p>
<p>Project Situation Report – this work product is a copy of the project document presented in the GNSO Council’s Project List to enhance status reporting consistency to broader GNSO. It contains the project summary, scope, composition, summary, and deliverables/milestones. The lower section describes in more detail the current, planned, and completed tasks. The Status and Condition codes are the primary feature for early warning or high-risk notifications when projects may be in jeopardy. It’s complemented</p>	

Work Product	Example
<p>by an escalation procedure (described elsewhere) where At-Risk or In-Trouble projects can be properly managed.</p> <p>The work products, as described below, play a supporting role in determining the appropriate position of the project in terms of schedule, resources, tasks, activities, action items and risks.</p> <p>WP Owner: Staff, WG Leadership + Liaison Update Cycle: Monthly, ad-hoc Primary Audience: Working Group, GNSO Council</p>	
<p>Project Plan – this work product is a detailed view of the project’s tasks and deliverables from start to finish. The project typically begins with the adoption of a group’s charter that should define the appropriate scope. The preferred tool for managing the project is a Gantt Chart style that contains all detailed tasks required to deliver on primary milestones in a manner where all dependencies and duration of each task is identified. The Gantt chart is an effective tool to demonstrate impacts to the project when key deliverable dates are in jeopardy of being missed which may impact the critical path. The consumption of this work product typically only occurs within the Working Group Leadership team. However, periodic review with the full group should occur, especially when deliverable dates are consistently being missed. In some cases, this work product should be reviewed and deliberated by the GNSO Council shortly after the charting phase of the project to ensure the plan contains realistic deliverables and delivery dates.</p> <p>This work product acts primarily as the input to the Status, Condition and % Complete reporting features on the Project Situation Report and Summary timeline as listed above in this table.</p> <p>WP Owner: Staff, WG Leadership Update Cycle: Twice monthly or as required Primary Audience: Working Group, GNSO Council Leadership</p>	

Work Product	Example
<p>Work Plan – this work product presents a tactical view of the tasks and deliverables imported from the Project Plan. Unlike the Gantt, it takes a simple form of a table listing the task, who is assigned, when it was assigned, due dates, and notes related to the task. In most cases, this should only contain those tasks that occur over the next several weeks and no longer than two months as to maintain focus on the current tasks. The work plan also contains a Work Breakdown Structure number to maintain continuity with the Project Plan. This work product is used frequently within the working group and managed by the leadership team.</p> <p>Action Items – this work product is shared with work plan and tracks additional actions usually identified in the course of group deliberations. These are typically not identified with the project plan, but should be managed with the same discipline as all identified tasks. Note though, this unplanned work can impact planned tasks as it consumes bandwidth and competes for available resources. As such, care should be exercised when creating these and consider adjusting deliverable dates if action items grow and cannot be accomplished on a timely basis. Like the Work Plan, this work product is used within the group and managed by the group’s leadership team.</p> <p>Both of these work products will typically reside together on a Google sheet and denoted as such. However, in some cases, a group may choose to utilize the wiki for tracking purposes.</p> <p>WP Owner: Staff, WG Leadership Update Cycle: Weekly as required Primary Audience: Working Group</p>	
<p>Fact Sheet – this work product is primarily used in special circumstances for projects where dedicated funds are provided outside of normally budgeted policy development activities. It displays the status, activities, milestone completion, and a summary of the financial resources. The project leadership team, as well as the Project Cost Support Team will manage and update the Fact Sheet with the assistance of staff. This work product will predominately be part of the project communications package and should be updated at least monthly. Note, projects that do not have dedicated financial resources, may utilize the resource and activity features of the Fact Sheet without using this work product.</p> <p>WP Owner: PCST Update Cycle: Monthly as required Primary Audience: GNSO Council Leadership, Community</p>	
<p>Project Change Request – A Project Change Request (PCR) is a request to increase, decrease or modify any deliverable or baseline delivery date. It is a formal, written request that is invoked within the Status and Condition</p>	







Work Product	Example
<p>escalation procedure. It's used to document changed parameters of the project that have been agreed to or re-baselined after the project was launched. Note, the use of the PCR mostly occurs when primary deliverable dates are changed due to unforeseen or extreme circumstance. However, it can also be used to document changes in the deliverable requirements that may not have been identified in the chartering process.</p> <p>When the PCR is required, it should be completed by the leadership teams and it will likely be presented to the Council for approval.</p> <p>WP Owner: Staff, GNSO Council Leadership, WG Leadership, and WG Liaison Update Cycle: As dictated per the Escalation Procedure Primary Audience: GNSO Council</p>	 <p>The screenshot shows the 'Project Change Request Form' header with the ICANN GNSO logo and 'Generic Names Supporting Organization' text. A 'Severity' indicator is set to 'LOW/MEDIUM'. The form contains several input fields: 'Project name', 'Requested by' and 'Date', 'Change description', 'Change reason', 'Impact of change' (with a bulleted list of categories: Scope, Budget, Timeline, Resourcing, Communications, Other), 'Proposed action', and 'Estimated Associated cost, if applicable'.</p>

PDP 3.0 Improvement #11: Project Status and Condition Change Procedure & Flowchart

Setting the Status and Condition of a project is determined by collaboration of group leadership and staff. This practice should occur at least once a month and in preparation for the GNSO Council monthly meeting where At-Risk or In-Trouble projects are subject to review by GNSO Council leadership and in some instances may be deliberated by the full GNSO Council.

An escalation procedure defines specific conditions that trigger the execution of a repeatable mitigation plan which contains a set of tasks that can return the project to an acceptable state ultimately achieving its planned outcome or is terminated if a positive return can no longer be realized or when it is clear that no consensus can be achieved. Considering the triple constraints of any project (time, scope, cost), often a singular view and status indicators of that view are not adequate enough to effectively manage or mitigate risks before they impact the delivery schedule. GNSO initiated projects will adopt a binary view for reporting managing position of a project:

Status – The Status of the project revolves mostly around the scheduling attributes and resource availability. Maintaining an on-time schedule is one of the most challenging components of project management, especially in the policy development arena. Establishing adequate task duration often offers more flexibility to adjust and make up time, especially when appropriate slack is configured into the schedule. Note, that status can also be influenced by external factors such as competing demands for community resources for other in-flight projects. The GNSO will use the following Status codes:

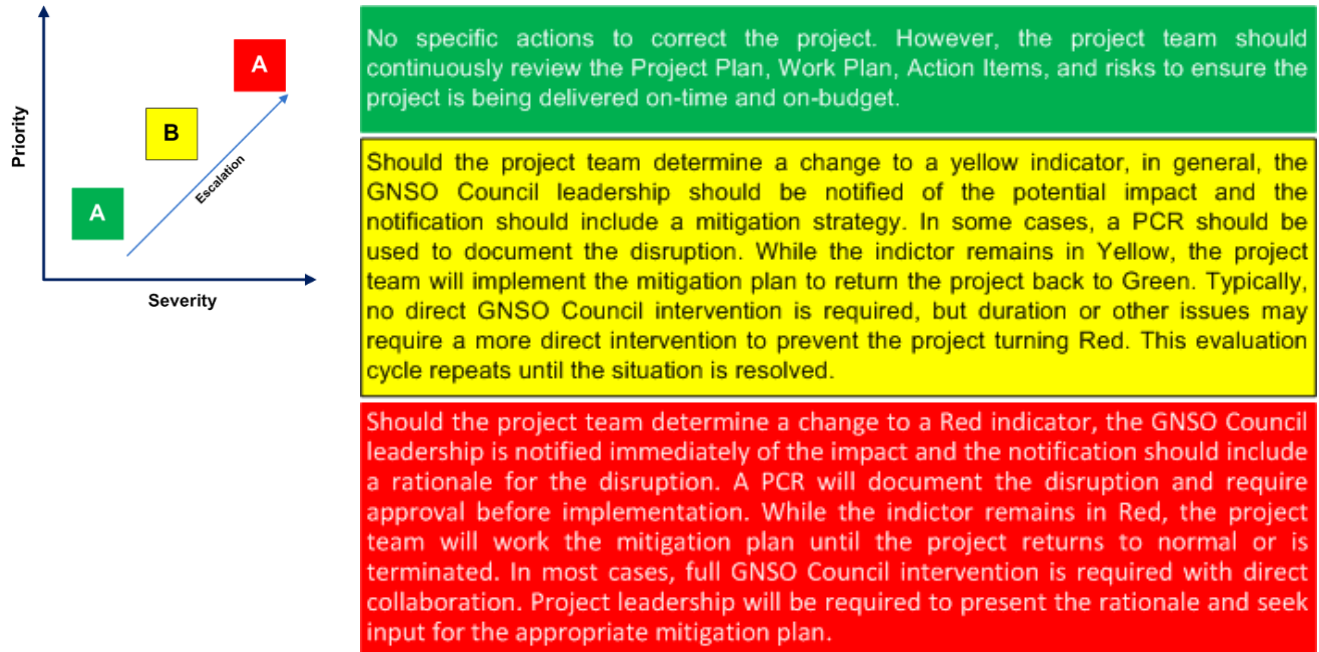
STATUS:  Planned  On-schedule  Revised schedule  Behind schedule  Target will be missed  On-hold

Condition – The Condition is an overall performance classification of milestone achievement as compared to the original plan. There are other issues separate from schedule or resource constraint that may impact a project and consequently jeopardize the delivery of the full project on-time or on-budget. Thus, the Condition in most cases carries a heavier weighting or greater influence than the Status when changes from Green to Yellow, or Yellow to Red occur. Note though, if the Status of a project remains behind schedule for extended duration or it is identified that the target delivery date will be missed, the Status code change can influence a change on the Condition. Should a project encounter a situation where both the Status and Condition require a change, the Condition must be considered first.

CONDITION:  On-Target  At-Risk  In-Trouble

The next page contains a detailed process flow to navigate Status or Condition paths when project disruptions are encountered and force a Status or Condition indicator change from Green-Yellow-Red. Each

path within the escalation procedure prescribes a set of actions⁸⁹ to assist the leadership team(s) in restoring the state of the project as to accomplish its charter. At a minimum, this process flow should occur monthly, but more frequently when curative actions are in deployment by the project team under a Yellow or Red state. In simplified form and without being specific to Status or Condition, the table to the right instructs the leadership team based on G-Y-R⁹⁰.



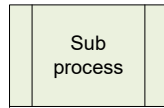
⁸⁹ Specific actions and roles will require definition as the procedure evolves.

⁹⁰ The Escalation Procedure should be reviewed in its early stages to adjust to the appropriate level of actions required for Yellow or Red indicators as appropriate for Status and Condition. "Tighten or loosen the screws" so to speak.

Process Legend



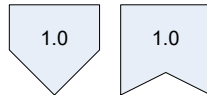
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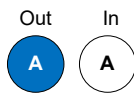
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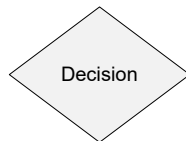
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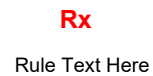
Off Page Reference



On Page Reference



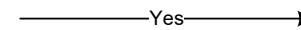
Decision



Process Rule



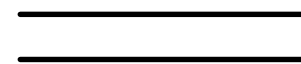
Begin of Process



Process Flow



Diversion to External Process



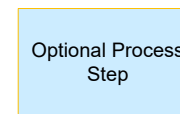
Parallel Process



Terminator of Process

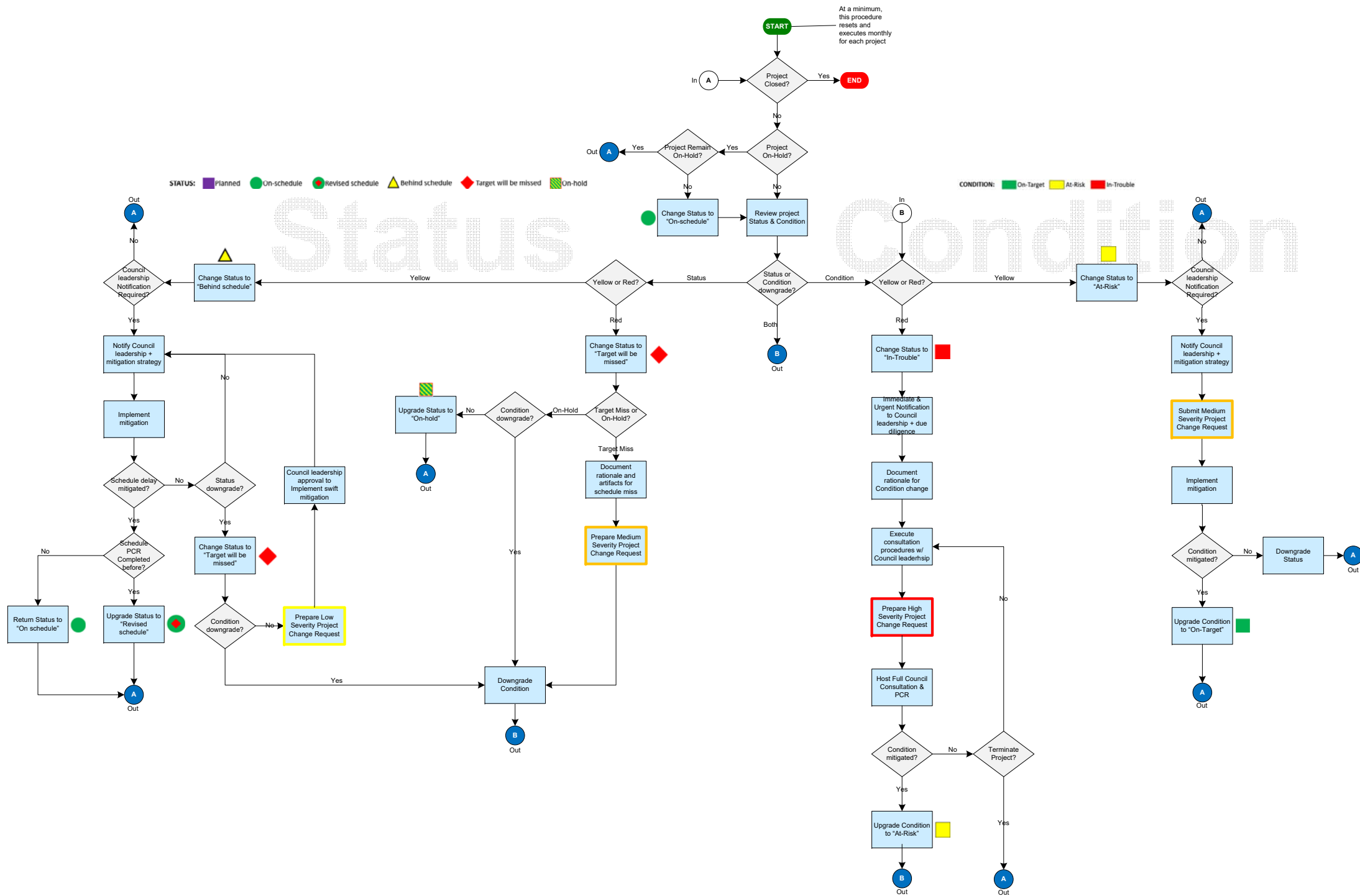


External Process not Active



Optional Process Step

Status & Condition Escalation Procedure



PDP 3.0 Improvement #12: Project Change Request Form

ICANN | GNSO

Generic Names Supporting Organization

Project Change Request Form

Severity: [LOWMEDHIGH]

Project name:

Requested by:

Date:

<input type="text"/>	<input type="text"/>
----------------------	----------------------

Change description:

Change reason:

Impact of change (complete for relevant categories):

- Scope:
- Budget:
- Timeline:
- Resourcing:
- Communications:
- Other:

Proposed action:

Estimated Associated cost, if applicable:

Outcome of the request (to be completed AFTER the GNSO Council completes its deliberation on the request):

PDP 3.0 Improvement #13: Regular Review of Working Group Leadership

This document complements the document “PDP 3.0 Improvement #13: Working Group Member Survey on Leadership Performance”.

A. Objectives

- Provide a regular opportunity for the GNSO Council to check in with PDP Working Group (WG) leadership and liaisons to identify resources or input that Council may need to provide as well as opportunities for the leadership team to improve.
- Enable Council to work with the PDP WG leadership team and Council liaison to develop and execute a plan to address possible issues/opportunities identified.

B. Review Setup

The reviews will occur at regular intervals.

- For new PDPs, the schedule of reviews will be established in the charter of each PDP WG and will likely be different for each depending on the length, complexity, and structure of the PDP. For example, if a PDP is conducted in two phases with each phase expected to last 18 months, a single review might be scheduled for the end of Phase 1. If a PDP is expected to have only a single phase and expected to last three years, the review might be scheduled to take place annually. The survey will be conducted in advance of the scheduled review so that the results can be taken into account.
- For existing PDPs, the Council leadership, PDP WG leadership team, and Council liaison will work together to decide on necessity and appropriate schedule of reviews.
- Reviews may also be initiated by Council leadership and/or the Council liaison to the WG in response to circumstances indicating that a review is necessary.

C. Review Inputs

The following resources will be used as inputs to the review:

- Verbal input of the Council liaison to the WG.
- Verbal input of the PDP WG leadership team.
- Monthly reporting on PDP WG progress and status.⁹¹
- WG member survey.

⁹¹ Linked to PDP 3.0 Improvements #11 and #16. See [GNSO Project Work Product Catalog, Project Status and Condition Change Procedure & Flowchart](#)

- WG Expectations for Leaders.⁹²
- Complaint concerning the PDP WG leadership, if applicable.⁹³

D. Review Process

The following is a high-level outline of the standard steps that will take place as part of the review.

- Deployment of survey by staff.⁹⁴
- Processing of survey results by staff.
- Analysis of survey results and monthly reporting by Council leadership and Council liaison.
- Discussion with Council leadership, PDP WG leadership team, and Council liaison.
- Development of any recommendations on next steps, if applicable by Council leadership, PDP WG leadership team, and Council liaison.
- Sharing of any recommendations and next steps with the GNSO Council.
- Implementation of next steps identified, if applicable by Council leadership, PDP WG leadership team, and Council liaison.
- Evaluation of next steps taken, if applicable by Council leadership, PDP WG leadership team, and Council liaison.

E. Sample Timeline

The timeline for specific reviews may be adjusted to account for holidays, ICANN meetings or other factors, as appropriate.

- T - 35 days: Staff prepares survey.
- T - 35 days: Staff notifies the PDP WG that the survey will be deployed.
- T - 28 days: Staff deploys the survey.
- T - 21 days: Staff schedules a meeting with Council leadership, Council liaison, and PDP WG leadership.
- T - 14 days: Staff closes the survey.
- T - 10 days: Staff processes survey results and produces a brief report summarizing results.
- T - 10 days: Staff sends a package of materials to Council leadership, PDP WG leadership, and Council liaison for review containing the raw survey data (names removed), the staff summary of survey data, and the latest reporting documents related to PDP WG progress and status.
- T: Council leadership, PDP WG leadership, and Council liaison meet to discuss the survey results and perspectives on any issues or opportunities to address. If appropriate, the group identifies next steps to address issues or opportunities.
- Next Council meeting after T: Council leadership shares with the full GNSO Council the survey summary report, key takeaways from the discussion, any next steps identified.

⁹² Linked to PDP 3.0 Improvement #6. See Expectations for Working Group Leaders & Skills Checklist

⁹³ Linked to PDP 3.0 Improvements #9 and #15, see Clarification to Complaint Process in GNSO Working Group, ICANN Org Resources for Conflict Resolution & Mediation

⁹⁴ If Council leadership and the Council liaison feel that is necessary to establish a target number of responses prior to launching the survey, they may want to consider that even if only a few responses are received and there is not enough data for a quantitative analysis, comments may have qualitative value.

- T + [length varies]: Council leadership, Council liaison, and PDP WG leadership complete any action items/next steps.
- T + [length varies]: If appropriate, Council leadership, Council liaison, and PDP WG leadership schedule additional discussions to follow up on progress related to action items and evaluate results.

F. Guidelines to Support Review

As Council leadership and the Council liaison consider inputs in preparation for the discussion with PDP WG leadership, they may want to consider the following questions:

- Have you personally observed any behaviors or issues in the PDP WG leadership team that you think should be addressed in a review?
- Have you received reports from WG members of behaviors or issues in the PDP WG leadership team that you think should be addressed in a review? If it is possible to assess the credibility of these reports, to what extent are they credible?
- Are there any patterns in the responses to the survey that point to an issue? Are there any individual comments in the survey results that raise sufficient concern that they should be analyzed or discussed further as part of the review?
- Are there issue areas in the monthly reporting that may be addressed through adjustments in the way PDP WG leadership team approaches facilitation of the WG process?
- If problems or areas of improvement are apparent based on answers to the above questions, is it already possible to identify next steps and resources to address the concern?

The following is a non-exhaustive list of issues that Council leadership and Council liaison could seek to address in the review process.

- There is substantial evidence that the PDP WG leadership team or an individual on the PDP WG leadership team:
 - Has difficulty facilitating goal oriented WG meetings aligned with the requirements of the WG's charter and workplan.
 - Is unable to effectively manage WG members' disruptive behaviors, and this is negatively impacting the ability of the WG to complete its work or is discouraging participation by a diverse set of members.
 - Is consistently unable to keep the WG on track to meet target deadlines.
 - Does not communicate effectively with WG members or respond to concerns raised by members.
 - Does not act in a neutral, fair, and objective manner in the context of the WG, for example by advocating for his or her own agenda or discouraging perspectives with which he or she disagrees.
- The Council leadership and Council liaison may further want to consider whether members of the PDP WG leadership team are able to work together effectively in a collegial manner as they manage the WG and communicate with members.

The next steps or mitigation strategy to address these issues could include the following (note that this is a non-exhaustive list):

- Identification of additional resources to support the PDP WG leadership team or an individual on the leadership team to help them be successful in the role.
- A verbal or written affirmation from the PDP WG leadership team or an individual on the leadership team that specific behaviors will be adjusted in the future.
- More frequent meetings between Council leadership, the Council liaison, and the PDP WG leadership team.
- More frequent WG member surveys to assess whether issues have been resolved.

G. Escalation

Under most circumstances, the review process will be a successful means to address any areas of concern or opportunities for improvement in a PDP WG leadership team. The following steps will take place:

1. Review is used to identify issues and develop a mitigation strategy.
2. Mitigation strategy is implemented.
3. Mitigation strategy is evaluated to determine if it is successful.
4. If successful, the PDP WG leadership team returns to a “normal” review cycle.

Under exceptional circumstances, it may be necessary for Council leadership to take additional action to mitigate a problem in the PDP WG leadership team. This may occur if there is evidence that the mitigation strategy is consistently unsuccessful over a period of time or in cases where a behavior or violation of procedure is particularly egregious. Under these rare circumstances it is within the authority of the GNSO Council as manager of the policy development process to request that one or more member(s) of the PDP WG leadership team step down, or under truly exceptional circumstances, to replace a member of the PDP WG leadership team or the full leadership team. This decision should not be taken lightly and is considered a measure of last resort if the Council believes that there are no other options available to ensure that the PDP can proceed in an effective and collegial manner.

PDP 3.0 Improvement #13: Working Group Member Survey on Leadership Performance

This document complements the document “PDP 3.0 Improvement #13: Regular Review of Working Group Leadership”.

A. Overview

Purpose: Understand how Policy Development Process (PDP) Working Group (WG) members perceive PDP WG leadership’s performance with respect to criteria in the GNSO Working Group **Expectations for Leaders** (PDP 3.0 Improvement #6) and expectations set in the PDP’s charter.

Implementation: This tool is an anonymous survey distributed electronically at regular intervals by the GNSO Council to PDP WG members. The survey will be open for at least one week. The exact interval at which the survey is conducted will be different per WG and may be tied to the length of the WG’s timeline or specific milestones included in the charter. The survey will feed into the regular review of WG leadership by the GNSO Council. Specific triggers may also be identified that will result in the launch of a survey.

Use: The GNSO Council will use this survey as one of the inputs to its regular evaluation of PDP WG leadership. Raw data from this survey will be available to Council leadership, PDP WG leadership, and the Council liaison to the WG. While the Council will primarily work with a summary of the input received, the data will also be available to the full Council upon request.

Dependencies: The content of this survey draws on outputs from two other PDP 3.0 Improvements: #6. Document expectations for PDP WG leadership (Chairs/Co-Chairs/Leads) that outlines role & responsibilities as well as minimum skills / expertise required and #11. Enforce deadlines and ensure bite size pieces.

B. Survey

Working Group Member Survey on Leadership - [Working Group Name]

The GNSO Council is seeking your input about the leadership team of [Working Group name]. As the manager of the policy development process and other GNSO projects, the GNSO Council regularly reviews work underway within the GNSO. This includes a regular review of WG leadership. Please take a moment to reflect on your experience in [Working Group name] and respond to the questions below. Your response is anonymous in that your name will not be attached to your response. Raw data from this survey will be available to Council leadership, the WG leadership team, and the Council liaison to the WG, as well as the full Council upon request.

The leadership team of [Working Group name] is comprised of [description of structure - for example two co-chairs, three co-chairs, one chair and two vice- chairs, etc.]. You will be asked to respond to each question as it applies to each member of the leadership team.

For each of the first 7 questions, you will be asked to respond to a statement with one of the following (with scores assigned to each option to facilitate the analysis of the survey results): Strongly Agree (15), Agree (12), Neutral (9), Disagree (6), Strongly Disagree (3), or N/A (0). If this statement is not applicable to you or you do not have an answer, please select N/A. "N/A" responses will be omitted during the calculation of final scores. For each of these questions, you will be able to provide additional details in the comments box to explain your answer. The final question in the survey allows you to share any additional remarks that are not covered in the other survey questions. This survey should take approximately 10 minutes to complete.

Category #1 - Facilitate Working Group deliberations to align with the scope and expectations of the charter and PDP work plan

1. The Working Group leadership facilitates goal-oriented working group meetings aligned with the requirements of the Working Group's charter and work plan.

[Name 1]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

[Name 2]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

Comments:

2. The Working Group leadership adequately manages disruptive behaviors such as raising irrelevant issues or reopening topics that have already been closed.

[Name 1]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

[Name 2]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

Comments:

Category #2 - Facilitate Working Group meetings, decision making, and delivery of work product to meet the required deadlines of the charter and PDP work plan

3. The Working Group leadership keeps the Working Group on track to meet target deadlines through discussion items or deliverables.

[Name 1]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

[Name 2]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

Comments:

4. The Working Group leadership is responsive and effectively communicates with Working Group members.

[Name 1]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

[Name 2]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

Comments:

Category #3 - Neutrality/Impartiality

5. The Working Group leadership ensures fair, objective treatment of all opinions within the Working Group.

Leader 1: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

Leader 2: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

Comments:

Category #4 - Identify diversity of views within the WG

6. The Working Group leadership is able to seek and identify a diversity of views within the Working Group (Examples to consider when answering this survey question: Did the Working Group leadership assess and encourage representational balance? Identify and address “capture”? Determine when outreach is necessary to bring in additional views? Undertake this outreach when appropriate?)

[Name 1]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

[Name 2]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

Comments:

7. The Working Group leadership works to identify common ground among members as well as areas of divergence, consistent with the Standard Methodology for Making Decisions included in Section 3.6 of the GNSO Working Group Guidelines.

[Name 1]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

[Name 2]: () Strongly Agree () Agree () Neutral () Disagree () Strongly Disagree () N/A

Comments:

8. Other: Do you have any additional remarks that you would like to share?

Comments:

Thank you for your input!

PDP 3.0 Improvement #14: Checklist: Criteria to Evaluate Request for Data Gathering

Introduction

Improvement #14 of PDP 3.0 primarily aims to clarify the criteria for data gathering at the charter drafting phase or during the working phase of the GNSO Policy Development Process (PDP). The PDP 3.0 Implementation Plan notes that the existing PDP procedures provide for a lot of flexibility with regard to work that is undertaken upfront, such as data gathering, to establish whether there is really an issue a PDP Working Group should address. The GNSO Council should make optimal use of this flexibility to facilitate its role as a manager of the PDP as well as setting up PDP Working Groups as best as possible for success. Care should be taken that PDPs are not used to prove or disprove theories – such information should be gathered beforehand.

Section 4.5 of the GNSO Working Group Guidelines provides for flexibility with regard to data gathering request. It says that a Stakeholder Group or Constituency should utilize the *Metrics Request Decision Tree* and submit a *Request Form* to the GNSO Council for consideration and subsequent facilitation by staff for data gathering. *Hints & Tips* for completing the *Request Form* are also included in the Guidelines. So far, only one GNSO PDP Working Group -- the Review of All Rights Protection Mechanisms (RPM) for All gTLDs PDP Working Group -- used this data request procedure.

To facilitate the implementation of Improvement #14, staff has developed a checklist to be used by the data requestor as well as the GNSO Council with regard to data gathering requests.

Improvement #14 also touches on the GNSO Council's role in creating a charter drafting team to ensure that the charter questions are clear and unambiguous, as well as the Council's ability to terminate a PDP in case of deadlock. Flexibility with respect to these points already exists in the GNSO Operating Procedures. The chartering and termination elements are considered to be sufficient, and as such they are not addressed by this document. However, the Council may wish to review the relevant sections to ensure they continue to be fit for purpose.⁹⁵

Who is the data requestor?

The data requestor should be the PDP Working Group itself. Specifically, the PDP Working Group leadership, in consultation with the Working Group members and ICANN support staff, is expected to

⁹⁵ With respect to the drafting of PDP Working Group charters, please reference pp62-65 and 71 of the GNSO Operating Procedures (version 3.5). With respect to the termination of PDPs (including EPDP), please reference pp75-76 and 85 of the GNSO Operating Procedures: <https://gns0.icann.org/en/council/procedures>.

complete and submit the *Request Form* to the GNSO Council for consideration and subsequent facilitation by staff for data gathering.

How should the GNSO PDP Working Group use the checklist?

The use of this checklist is to ensure that the PDP Working Group has done its due diligence in performing a preliminary requirements definition and an approximate sizing for resources, among other important considerations for the data gathering exercise. Specifically, the checklist should help inform the PDP Working Group's completion of the *Request Form* in consultation with ICANN support staff; the requestor should answer the questions in the checklist relevant to the appropriate sections in the *Request Form*, if applicable.

How should the GNSO Council use the checklist?

Whether the PDP Working Group will receive approval and resources from the GNSO Council for the data request is contingent upon the Council's evaluation against the criteria in the checklist.

The GNSO Council should check whether the *Request Form submitted* has properly addressed the questions in the checklist. If requested, the PDP Working Group leadership should also be provided an opportunity to present to the GNSO Council and further elaborate on its data request in order to address the questions in the checklist.

Checklist of Criteria for Evaluating Requests for Data Gathering

The checklist is developed based on the information in the *Request Form*, *Metrics Request Decision Tree*, and *Hints & Tips* in the GNSO Working Group Guidelines, as well as the data request experience of the RPM PDP Working Group. It aims to consolidate and clarify relevant criteria for the GNSO Council to evaluate the data request. Hence, the checklist is ordered in the way that relevant questions are mapped to the appropriate sections in the *Request Form* for the requestor to answer, if applicable.

Regarding the questions listed in the "Resource Estimation" and "Budget Considerations" sections, the *Request Form* notes that staff will evolve these sections in fulfilling the request. Hence, the requestor should consult with ICANN support staff in answering those questions.

The checklist is expected to complement, not replace, the Request Form, Metrics Request Decision Tree, and Hints & Tips in the GNSO Working Group Guidelines.

Policy or Issue being explored

- What is the objective of the data gathering?

- What policy issue requires the need for data?

Issue to be solved

- What problem will the data help resolve? Please include examples to illustrate the need for data.

Data Requirements (Scope)

- What type of data is the Working Group seeking to obtain? Please provide clear description of each type of data and metrics.
- What is the expected sample size for the data?

Responsible Team(s) or Data Source

- Has the data been gathered before?
- What are the potential data sources?
- Is the data publicly available?
- Does ICANN already have the data?
- Does ICANN have the access/means to directly collect the data?
- Does it require an independent third party to collect the data?

Expected Delivery Date

- What is the target date to have the data available to the PDP Working Group? If you have difficulty estimating a target date, please provide a rough time period (e.g., MMM-YYYY).
- What is the estimated timeline for the data gathering? Please include target dates associated with the expected deliverables/milestones.

Resource Estimation [Note: Staff will evolve this section in fulfilling the request]

- If it requires an independent third party to collect the data, what are the selection criteria for the data collector?
- What are the business requirements for the data collector?
- What are the potential methodologies for the data gathering?
- What is the role of the PDP Working Group during the data gathering process?
- Who will be able to access the data?
- How will the data be used by the PDP Working Group?
- How will the data be retained?
- How long will the data be retained?

Budget Considerations [Note: Staff will evolve this section in fulfilling the request]

- Are there costs associated with the data gathering?
- Is the cost of acquiring the data commensurate with the benefit?
- Are there lower cost alternatives to acquire the data?
- What is the budget allocated for the data gathering?
- Is the budget for data gathering approved?

- Is the budget allocated for the data gathering able to render the expected sample size?

Data Protection & Privacy

- Will the processing of the requested data comply with applicable laws and regulations, including any applicable data protection and privacy laws and regulations?
- Is the data request consistent with the principles set out in the [Hints & Tips](#)? If not, provide details and justifications, and be specific to which principle you are referring.

Annex 1 - Reference to GNSO Operating Rules and Procedures (version 3.5 - 24 October 2019)

4.5 Metrics Request Decision Tree and Form

If a Stakeholder Group or Constituency at the Issue Identification phase or during the Working phase of the Policy Development Process determines that acquisition of data and/or metrics may better facilitate issue development or deliberations, it should utilize the Metrics Request Decision Tree and submit a Request Form to the GNSO Council for consideration and subsequent facilitation by staff. The requestor should perform a preliminary requirements definition and an approximate sizing of resources that may be required.

The Metrics Request Decision Tree will help facilitate the process of the request in considering requirements, resources, data sources, and confidentiality. The requestor shall complete the following form and the Metrics Request Decision Tree can be found on the [GNSO Website](#).

Working Group Metrics Request Form

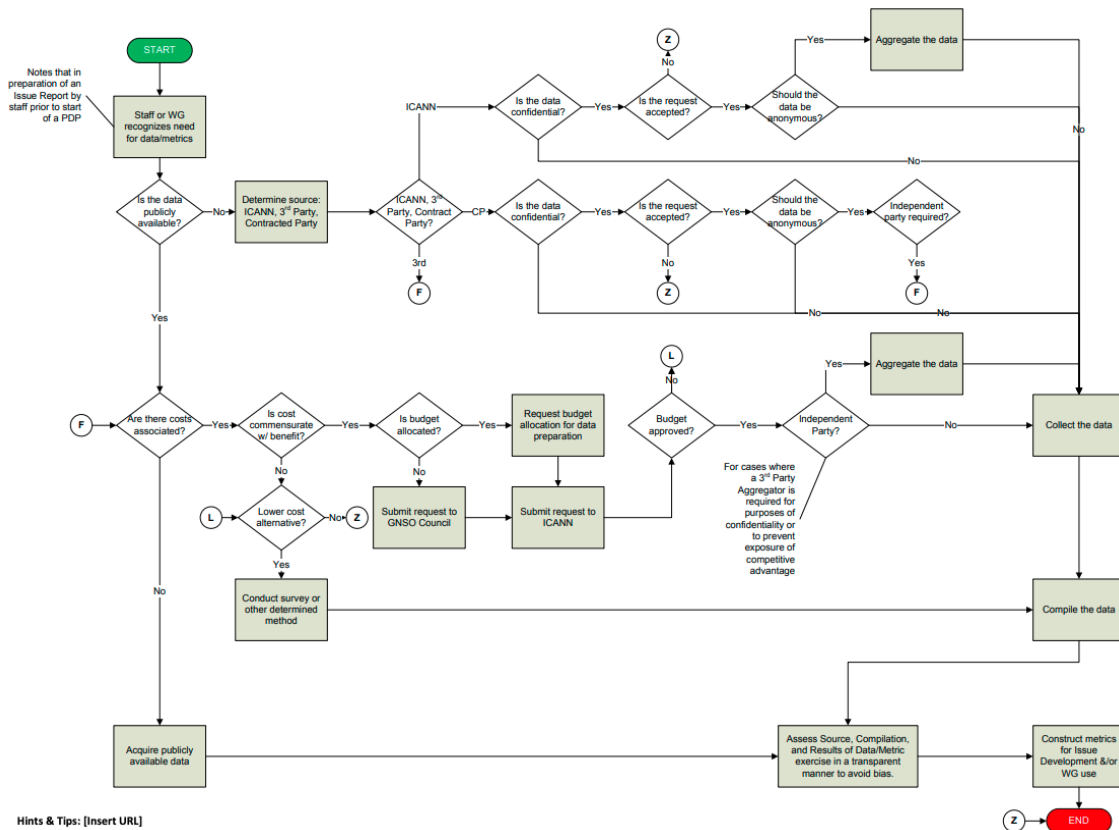
Group Submitting Request:	[Name of WG/DT]
Request Date:	[DD-MMM-YYYY]
Policy or Issue being explored:	Provide a brief description of the policy issue being explored that requires the need for additional data.
Issue to be solved:	Provide a detailed problem statement about the issue(s) that require additional data and metrics to facilitate the WG's deliberations.
Data Requirements:	Provide a set of requirements to inform the scope

Responsible Team(s) or Data Source:	<p>Provide a list of potential sources, teams, and or 3rd party sources to meet the above data requirements.</p> <p>Such examples could be:</p> <ol style="list-style-type: none"> 1. Publicly available data submitted to ICANN via Registry Operator monthly reports 2. ICANN Contractual Compliance 3. Sample(s) of Registrar/Registry data from registration systems aggregated through third party provider 4. Sample(s) of Registrar/Registry data from complaint intake systems aggregated through third party provider 5. Third party data sources
Expected Delivery Date:	[DD-MMM-YYYY]
Resource Estimation:	<p>Educated guess on the resources required such as scope, people, access to data, complexity of requirements, sources. [Note: staff will evolve this section in fulfilling the request]</p>
Budget Considerations:	<p>Educated guess on the budget implications based on the resource estimation. [Note: staff will evolve this section in fulfilling the request]</p> <p>TBD</p> <ol style="list-style-type: none"> 1. Data supplied by ICANN will not require additional budget allocation 2. Third party provider to aggregate Registrar data will be required; RFP to be announced

[Hints & Tips](#) for completing the above form.

Annex 2 - Metrics Request Decision Tree

https://gns0.icann.org/sites/default/files/filefield_48439/dmpm-metrics-request-framework-20jan16-en.pdf



Annex 3 - Hints & Tips for Completing Data & Metrics Request Form

Principles when requesting collection of data and use of metrics:

- Should be non-discriminatory among registrars/registries and data providers listed should also be treated as confidential
- Should clearly state the purpose for which the data and/or metrics will be used
- Should maintain the confidentiality of the data and/or metrics unless otherwise agreed
- Should be anonymized and aggregated, unless otherwise agreed
- Provide adequate safeguards to protect against unauthorized access or disclosure, consistent with ICANN's policy development process
- Consider whether the data can be collected directly by ICANN or indirectly (i.e., collected and processed by an independent third-party)
- Retail and wholesale pricing shall not be provided for use in consensus policy development (refer to Registry & Registrar agreements)
- Special care should be taken when Personally Identifiable Information (PII) data is involved

- Data should be stored only so long as required for the specified policy development effort, and should be destroyed upon completion
- Request of data that do not have contractual obligations, data source owners should have a unilateral opt out if they determine that the data is sensitive (mostly applicable to contracted parties)

Data/Metric Assessment Tips:

- Was the data collected using an established reliable system?
- Are the data elements/samples geographically/temporally representative of the study subject, which may be impacted by a policy being developed?
- Was the selection of study subjects (or controls if applicable) biased resulting in an inability to generalize the results?

Possible Data & Metrics Resources:**New gTLDs:**

- <http://newgtlds.icann.org/en>
- <http://www.calzone.org/eventcal/calzone-dashboard.php>
- <https://namestat.org/>
- <https://ntldstats.com/>

ICANN Operations:

- <https://www.icann.org/progress>
- <https://www.icann.org/resources/pages/governance/annual-report-en>
- <https://www.icann.org/resources/pages/governance/financials-en>
- <https://www.icann.org/resources/pages/governance/current-en>
- <https://www.icann.org/resources/pages/historical-2012-02-25-en>
- <https://www.icann.org/search/#!/?searchText=990>

Contractual Compliance:

- <https://www.icann.org/resources/compliance-reporting-performance>
- <https://features.icann.org/compliance/registrars-list>
- <https://features.icann.org/compliance>

Publicly Available Data submitted or about Contracted Parties:

- <https://www.icann.org/resources/pages/reports-2014-03-04-en>
- <https://www.icann.org/registrar-reports/accreditation-qualified-list.html>

IANA Sources:

- <http://www.iana.org/domains/root/db>
- <http://www.iana.org/domains/root/servers>
- <http://www.iana.org/numbers>
- <https://www.iana.org/protocols>

Third Party Sources (free & fee):

- <http://www.domaintools.com/>
- <http://www.registrarstats.com/>
- <http://www.hosterstats.com/>
- <http://www.zooknic.com/>
- <http://www.udrptest.com/>
- <https://publicsuffix.org/list/>
- <https://www.spamhaus.org/>
- <https://www.dataprovider.com/>
- <http://www.statdns.com/>
- <http://www.w3cook.com/>
- <https://centr.org/domainwire>
- <http://domainindex.com/tools#research-tools>
- <https://www.quantcast.com/top-sites-1>
- <http://www.alexa.com/>
- <https://www.compete.com/>

PDP 3.0 Improvement #15: ICANN Org Resources for Conflict Resolution and Mediation

Improvement #15 of the PDP 3.0 initiative provides guidance for the implementation of the following objective in the PDP 3.0 Implementation Plan:

In those cases where conflict in WGs is preventing progress and/or existing conflict mechanisms have been exhausted, the Council should have access to independent conflict resolution and/or mediation experts.

Originally, the following were the implementation steps identified in the draft Implementation Plan:

- *Council liaison to be proactive in identifying potential issues / challenges at an early stage that may need mitigation and Council attention.*
- *Council should consider the establishment of panel of volunteer mediators that can be called upon when appropriate.*

After some consideration, the PDP 3.0 Small Team determined that the first step -- Council liaison proactively identifying potential issues -- would appear to be addressed via the many improvement guidelines developed with respect to the roles and responsibilities of the GNSO leadership and liaison, particularly the implementation of **PDP 3.0 Improvements #5 & #6**.

Furthermore, as noted in one of the implementation documents of **PDP 3.0 Improvement #9**, several PDP 3.0 improvements seek to clarify the role and responsibilities of WG leaders, members, the GNSO Council liaisons, complementing the criteria outlined in Section 2.2 of the GNSO Working Group Guidelines. With these clarifications, WG leaders and members, as well as GNSO Council liaisons should have a clearer understanding of what is expected of them to perform their respective roles in a WG. They also help the WG and the GNSO Council hold the leaders, members, and liaisons accountable and mitigate issues early on. These include improvements relating to Statements of Participation, participation in the Working Group (WG) model, skills guide, liaison handover briefing, expectations for WG leaders, regular review process of WG leadership, and the newly created comprehensive guidelines addressing complaints made via the 3.7 complaint process of the Working Group Guidelines.

With respect to the second implementation step -- considering the establishment of a panel of volunteer mediators -- the PDP 3.0 Small Team considered this step and determined that it is unlikely to be feasible due to the difficulty in finding qualified and willing volunteer mediators. In addition, the Small Team noted it may not be necessary as ICANN org already has several in-house resources that the GNSO Council may access for conflict resolution and mediation. These include the Ombudsman, the Complaints Officer, the new Conflict Resolution Specialist, and ICANN Legal. In particular, the new

position of the Conflict Resolution Specialist was specifically created to address the need for access to a neutral mediator for conflict resolution.

Consequently, the Small Team suggests not to proceed with the establishment of a panel of mediators. Accordingly, the next step for implementation would be:

Develop brief guidance on how the GNSO Council can access existing resources for the purpose of conflict resolution and mediation and briefly describe them, including the Ombudsman, Complaints Officer, Conflict Resolution Specialist, and ICANN Legal.

The following document provides guidance concerning the existing ICANN org resources the GNSO Council may access for conflict resolution and mediation.

Guidelines Concerning ICANN org Resources for Conflict Resolution and Mediation

Introduction

The GNSO Council leadership may consider using the following ICANN org resources for conflict resolution and mediation. The selected resource(s) will depend on the nature of the conflict.

ICANN Legal Staff

As ICANN Legal represents the ICANN org, they have no authority to (and without limiting the foregoing) represent any community volunteer in a GNSO working group dispute, offer interpretation on any internal GNSO rules/procedures/guidelines, or be a mediator to facilitate conflict resolution.

However, on a case-by-case basis, ICANN Legal may be able to provide advice within their mandate that may facilitate the resolution of the disagreement. For example, ICANN Legal offered [advice](#) regarding the enforceability of ICANN's Expected Standards of Behaviors and [suggested ways](#) to address perceived violations (links provided here are examples).

ICANN Complaints Officer

The Complaints Officer handles complaints regarding the ICANN org that do not fall into existing complaints mechanisms, such as Contractual Compliance, Request for Reconsideration, and the Ombudsman. This may include complaints about how a request has been handled, the ICANN org providing an inadequate level of staff support, a process that appears to be broken, insufficient handling of an issue, or something that may be an indication of a systemic issue, among other things.

For example, if a conflict concerns the performance of an ICANN org staff member, in such circumstances the Complaints Officer may be brought into the process to help research, review, and

analyze facts related to the conflict involving the staff member, assisting the GNSO Council in resolving the matter.

ICANN Conflict Resolution Staff

ICANN org recently hired a Conflict Resolution Specialist, who will act as a neutral party, utilizing structured communication techniques to share problem-solving responsibility. The Conflict Resolution Specialist will assist the community within the policy/advice development process by facilitating dialogues where a consensus view may have slowed, while also providing conflict resolution guidance for the entire ICANN community.

The GNSO Council should discuss with ICANN org regarding the appropriateness of this ICANN staff's involvement in conflict resolution and mediation, and if deemed appropriate, when can this staff person be called upon (e.g., as a further escalation point if any party in the conflict resolution process recommends).

ICANN Ombudsman

According to the ICANN Bylaws, the Ombudsman is an informal dispute resolution office for any member of the ICANN community who may wish to lodge a complaint about ICANN org Staff, Board, or problems in constituent bodies. The purpose of the Ombudsman's office is to ensure that members of the ICANN community are treated fairly. The Ombudsman is impartial and will attempt to resolve complaints about unfair treatment, using techniques such as mediation, shuttle diplomacy and, if needed, formal investigation. The Ombudsman cannot advocate for any party involved in a dispute, but will investigate without taking sides in an informal but flexible process. Elements of confidentiality may be invoked when the Ombudsman is involved in a proceeding

With his/her expertise and experience, the Ombudsman is a valuable resource if the GNSO Council cannot resolve the matter to the satisfaction of the parties involved in the conflict. Especially when the discussion with the GNSO Council leadership does not resolve the conflict, it seems appropriate to suggest that the parties in conflict should engage with the Ombudsman as a further escalation step.

If the GNSO Council leadership should determine the appropriate time, if any, to lodge the issue and engage with the Ombudsman, all necessary information and records should be relayed to the ICANN Ombudsman to enable his/her informed evaluation of the conflict and effective assistance. The Ombudsman can then attempt to resolve the conflict in a manner of his/her own choosing. The outcome of the Ombudsman's review should be shared with the GNSO Council.

PDP 3.0 Improvement #17: Resource Reporting for PDP Working Group

1. PDP 3.0 Work Plan⁹⁶:

#17. Resource reporting for PDP WGs:

- Small Team Lead: Rafik Dammak
- Staff Lead: Berry Cobb

Proposed sign-off method:

- Council review and non-objection to updated fact sheet and possible updates to charter template

Objective & Description (Per PDP 3.0 Final Report):

- Allow for resource tracking and oversight, enhancing accountability.
- Require PDP WGs to provide regular resource reporting updates to allow for a better tracking of the use of resources and budget as well as giving leadership teams the responsibility for managing these resources.

Possible Implementation Steps (Per PDP 3.0 Final Report):

- Staff should collect information regarding budget and resources to be allocated for PDP.
- Charter drafting team should identify the resources and needs during the chartering process
- GNSO Council to work with ICANN Staff to adapt fact sheets used for review teams and EPDP to monitor and report on progress as well as resources for PDP WGs.

Proposed Next Steps:

- Review charter template to see if additional sections/guidance is to be provided to reflect this point
- See PDP 3.0 Improvement #11, #12 & #16⁹⁷ - Update GNSO Council Project list that incorporates Status/Condition of projects, including procedures for reporting and response to changes in Status/Condition

⁹⁶ <https://docs.google.com/document/d/1QsZoBxrJc8rq4BcpfQBK-zvxchxleFRY/edit>

⁹⁷ See GNSO Project Work Product Catalog, Project Status and Condition Change Procedure & Flowchart, Project Change Request Form

- Review fact sheet and provide input, as appropriate
- Review prior efforts on resource and bandwidth analysis of current workload and pipeline.
- Review small team conclusions and proposed implementation of this improvement

2. GNSO Council Action Items List⁹⁸:

Relevant Council Action Items from SPS2019:

[items marked in red are possible responses to Action Items that remain on the GNSO Council AI list]

How to manage Council's 2019 workload: strategies to increase effectiveness

- Erika Mann to send note to Council upon the adoption of the new copyright law and the potential impact on GNSO policy work / DNS.
 - This action item is not relevant for PDP3.0, but it does speak to activity at the beginning of the pipeline; Legislative Tracker. The second-generation capacity management model was presented at SPS 2020 and does contain an enhanced forecasting view.
- Council to form a small team to work on the definitions in the Project Timing Document in relation to definitions of priority and level of effort.
 - This action item is marked complete; older capacity management examples were shared with the PDP3.0 team. At the 2020 SPS, and second-generation capacity management model was demonstrated. This new model does account for level of effort, but the concept of priority was further discussed at the SPS 2020.
- Staff to update Project Timing Document to try and incorporate suggestions from Councilors.
 - This action item is marked complete; older capacity management examples were shared with the PDP3.0 team. At the 2020 SPS, and second-generation capacity management model was demonstrated.

What does Council need/want to achieve in 2019, and how to do this?

- As part of PDP 3.0, Council to establish PDPs Chair(s)/ liaisons communication / reporting timelines and requirements to Council.
 - This action item is marked complete as PDP3.0 produced clearer role definition of Chairs and Liaisons. This role(s) will also act as the channel by which monthly project packages will be delivered to the GNSO Council.
- Council to consider how to better understand the specific resourcing needs of PDP WGs (e.g., SCBO to meet with PDP leadership in August of every year).
 - This action item was completed at SPS 2020.

Wrap up and close of session

- In order to better prioritize work, need to know capacity of Council, community, staff, Staff to get existing information from Berry Cobb about average commitment and Council to see if that can be utilized, leveraged, and/or updated.

⁹⁸ <https://community.icann.org/x/RgZlAg>

- This action item is marked complete; older capacity management examples were shared with the PDP3.0 team. At the SPS 2020, and second-generation capacity management model was demonstrated.

3. Possible Near-term Actions & Deliverable for SPS2020:

1. Better understand and determine scope of what is meant by resource tracking, reporting, and oversight as defined in SPS2019 including child action items as result of those deliberations.
2. Define “resource management” in the context of GNSO WGs (project triple constraints⁹⁹ – Scope, Cost, Time)
 - a. Staff resource – current best effort = % FTE allocation guesstimates
 - b. Community resource – current best effort is # of members times the duration of calls
 - c. Budget and financial resource – no current data
3. Define “capacity management” and decision structure required for the GNSO to understand available bandwidth and manage capacity
 - a. Expand on the pipeline concept from the Project List
 - i. Develop a prioritization criteria matrix that ranks urgency, priority and demand requirements
 - ii. Develop an enhanced forecast mechanism for planned work (within Council scope and external efforts such as Organizational and Mandated Reviews or Implementation of Policy etc. that place demand on GNSO resources)
 - iii. Develop a framework to understand % allocations of resources for in-flight projects
 - iv. Develop an after-action-review of closed projects for continuous improvement for comparing planned vs. actual
 - b. Develop an evaluation and decision framework to manage planned and unplanned projects. Determine what in-flight work is paused, parked, or cancelled should unplanned projects dictate higher priority and exceeds the available bandwidth across the resource pool.
4. Define “financial management¹⁰⁰” in the context of GNSO WGs
 - a. Should time/resource/budget constraints be applied at chartering phase (ex. Model 1 = 12 months, Model 2 = 18 months w/ appropriate rationale; both maintain quarterly and annual checkpoints)
 - b. Should a guesstimate cost / sizing per project mechanism be developed?
 - c. What are the fiscal budget considerations and define inputs to the budgeting process based on forecast?
5. Define “Program and Portfolio Management¹⁰¹” as parents to Project Management in the context of GNSO projects.
6. Review GNSO Charter template for possible enhancements.

⁹⁹ <https://www.pmi.org/learning/library/triple-constraint-erroneous-useless-value-8024>

¹⁰⁰ <https://www.pmi.org/learning/library/powerful-project-financials-6339>

¹⁰¹ <https://www.pmi.org/learning/library/triple-constraint-erroneous-useless-value-8024>

4. Improvement 17 Proposal:

The following is a framework to address the issues identified under Improvement 17 of the PDP3.0 effort. It should be considered a starting point of continuous improvement in the tracking of resources related to policy development projects of the GNSO.

- Definitions and framing:
 - **Project Management** – is the application of processes, methods, skills, knowledge and experience to achieve specific project objectives according to the project acceptance criteria within agreed parameters. Project management has final deliverables that are constrained to a finite timescale and budget. A key factor that distinguishes project management from just 'management' is that it has this final deliverable and a finite timespan, unlike management which is an ongoing process^{102 103}. A crucial element to project management is well defined scope. An improperly scoped project often leads to unforeseen/unplanned tasks and schedule delays. Scope is one of three constraints to any project with the other two being Cost and Time¹⁰⁴.
 - **Portfolio/Program Management** – is the continuous process of selecting and managing the optimum set of project-oriented initiatives that deliver maximum value. It is a dynamic decision-making process, enabling leadership to reach consensus on the best use of resources to focus on projects that are achievable and strategically aligned with goals and objectives^{105 106}. Program Management differs from Project Management in that they generally have a multiplicity of requirements, deliverables, stakeholders, departments, and interfacing organizations interacting with the work. Further, projects typically have narrowly defined scope and shaped by start and complete dates, whereas programs take on a broader view of policies, issues and operations¹⁰⁷.
 - **People (Community) Resources** – representative community members required to deliberate and complete project tasks resulting in consensus policy outcomes; community resource availability for any new project should be reviewed and balanced against all other in-flight projects. Given the distributed and volunteer nature of community members, it will be challenging to estimate and determine actual consumption required to complete all tasks. Therefore, an estimation framework will be used, which is based on assumptions of time allocation to certain activities, combined with actual attendance of in-person or remote participation of policy development discussions. While not perfect, once a baseline is established and repeated for several projects, it can allow for a more consistent gauge of effort for future projects. These initial estimates are indicative of the continuous improvement approach for this improvement (e.g., precision in estimates will be gained, a more effective measurement mechanism may be established).

¹⁰² <https://www.pmi.org/about/learn-about-pmi/what-is-project-management>

¹⁰³ <https://www.apm.org.uk/resources/what-is-project-management/>

¹⁰⁴ <https://www.pmi.org/learning/library/triple-constraint-erroneous-useless-value-8024>

¹⁰⁵ <https://www.pmi.org/learning/library/proven-project-portfolio-management-process-8503>

¹⁰⁶ <https://www.pmi.org/learning/library/understanding-difference-programs-versus-projects-6896>

¹⁰⁷ <https://www.workfront.com/blog/differences-between-program-management-and-project-management>

- **People (Staff) Resources** – staff (Policy + SO/AC Admin) assigned to a given project supporting the project through its full lifecycle. The tracking of this resource at the beginning stages of any project will be a percent allocation of an FTE. For example, one staff member is allocated at 2080 hours per year (40 hours per week times 52 weeks in a year. A one-half FTE (.5) equates to 1040 hours. Again, initial estimates are indicative of the continuous improvement approach for this improvement (e.g., precision in estimates will be gained, a more effective measurement mechanism may be established).
- **Financial Resources** – authorized budget allocated for particular purposes of a sponsored project, such as professional services. Only in exception circumstances will a GNSO working group be allocated a specific budget.
- Update Charter Template:
 - Remove reference to “Fact Sheet” and replace with work products where resource tracking is available elsewhere (refer to screen shots of legacy Fact Sheet). Rationale: The Fact Sheet was an attempt to consolidate different components of project management for summary publication to the community. The structure and content of the Fact Sheet is now duplicative to items contained in the work product catalog. Features of the Fact Sheet are being migrated to ICANN’s CRM (roster, attendance tracking, budget, milestones). The GNSO Council should not lock-in its use and reference to the “Fact Sheet” as to allow for innovation in the tracking of a project.
- Chartering process:
 - Effective resource tracking can only occur with a properly scoped project as noted in the project definitions. It is critical that during the chartering phase of a project that once the project scope is agreed upon that the effort be appropriately sized in terms of Time (project duration + expected delivery) and Cost (person/task hours + professional services). Note however, that a completed project plan will not usually occur until after a working group has performed a cursory review of the in-scope issues and confirmed its workplan. Therefore, the formal project plan should be returned back to the GNSO Council for final confirmation and formal initiation of the project Status, Condition, and Delivery Date. It should be noted that with more effective chartering, resource allocation may accordingly become more efficient.
- Oversight:
 - **Project Leadership team** – the working group leadership team is ultimately responsible for managing the project resources. Oversight of resources will occur in the monthly publication of the project package and issues or risks with project resources should be immediately communicated via the Status and Condition change procedure should additional resources or time be required.
 - **GNSO Council** – at the project level, the GNSO Council will be the primary audience of the monthly project package. After a project plan has been confirmed, the GNSO Council will provide oversight and ultimate authority on any project change requests, especially where additional resources are requested.
- Develop, review and evolve a macro resource consumption and forecasting tool. A second generation of this tool will be demonstrated at the 2020 GNSO Council Strategic Planning Session (see next page for concepts).

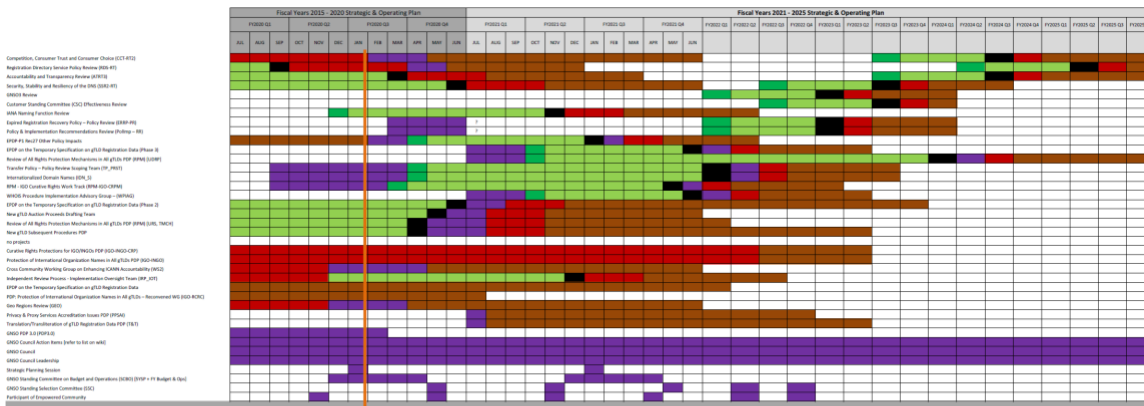
5. Example Charts for Resource Reporting:

Resource Based Activity Estimates / Meeting

Regular WG Weekly Activities	Community Member Hours	Leadership Hours	Policy Staff Hours	SO/AC Admin Hours
Manage roster				0.50
Schedule meetings				0.50
Prepare remote participation				0.50
Manage call				1.50
Manage attendance				0.25
Post-meeting artifacts				1.00
Setting Agenda	0.00	0.25	0.50	
Preparing Documentation	0.00	1.00	2.00	
Reviewing Documentation	0.50	0.00	0.50	
Prepping for Meeting (incl. coordination calls)	0.00	1.00	1.00	
Participating in Meeting	1.50	1.50	1.50	
Sending Outcomes from Meetings	0.00	0.00	0.50	
Updating Documentation	0.50	0.50	0.50	
Reviewing and Responding to Email	1.00	1.00	0.25	
Ad Hoc Work	0.00	1.00	1.00	
Total	3.50	6.25	7.75	4.25

Agressive WG Weekly Activities	Community Member Hours	Leadership Hours	Policy Staff Hours	SO/AC Admin Hours
Manage roster				0.25
Schedule meetings				0.25
Prepare remote participation				0.50
Manage call				2.00
Manage attendance				0.25
Post-meeting artifacts				0.75
Setting Agenda	0.00	0.25	0.50	
Preparing Documentation	0.00	1.50	3.00	
Reviewing Documentation	2.00	0.00	1.50	
Prepping for Meeting (incl. coordination calls)	0.00	1.00	2.50	
Participating in Meeting	2.00	2.00	2.00	
Sending Outcomes from Meetings	0.00	0.25	0.50	
Updating Documentation	0.50	0.50	0.50	
Reviewing and Responding to Email	1.00	1.00	0.25	
Ad Hoc Work	0.00	1.00	1.00	
Total	5.50	7.50	11.75	4.00

GNSO Council Monthly Activities	Community Member Hours	Leadership Hours	Policy Staff Hours	SO/AC Admin Hours
Manage roster				0.50
Schedule meetings				1.50
Prepare remote participation				0.50
Manage call				2.00
Manage attendance				0.25
Post-meeting artifacts				2.50
Setting Agenda	0.00	1.00	0.25	
Preparing Documentation	0.00	1.00	2.00	
Reviewing Documentation	3.00	1.00	0.00	
Prepping for Meeting (incl. coordination calls)	1.00	3.00	2.00	
Participating in Meeting	2.00	2.00	2.00	
Sending Outcomes from Meetings	0.00	1.00	1.00	1.00
Updating Documentation	0.00	0.50	0.50	
Reviewing and Responding to Email	0.50	1.00	1.00	
Action Items	0.50	3.00	3.00	2.00
Standing Committees	1.00	2.00	4.00	3.00
Total	8.00	15.50	15.75	13.25



Revised GNSO Working Group Charter Template

ICANN | GNSO

Generic Names Supporting Organization

WG Name:	TBD	
Section I: Working Group Identification		
Chartering Organization(s):	Generic Names Supporting Organization (GNSO) Council	
Charter Approval Date:	<Enter Approval Date>	
Name of WG Leadership:	<Enter Elected WG Leadership>	
Name(s) of Appointed Liaison(s):	<Enter Liaison>	
WG Workspace URL:	<Enter Active Project URL from GNSO Site>	
WG Mailing List:	<Enter Mailman archive link>	
GNSO Council Resolution:	Title:	<Enter Resolution Title>
	Ref # & Link:	<Enter Resolution link>
Important Document Links:		
Section II: Mission, Purpose, and Deliverables		
Mission & Scope:		

Background

At its meeting on DD MONTH YYYY, the GNSO Council unanimously adopted the initiation of a Working Group to deliberate the issues of topic X [.....TO BE COMPLETED BY CHARTER DRAFTING TEAM.....]

Mission and Scope

This Working Group (WG) is tasked to provide the GNSO Council with policy recommendations regarding whether to [.....TO BE COMPLETED BY CHARTER DRAFTING TEAM.....]

As part of its deliberations, the PDP WG should, at a minimum, consider the following issues detailed in the [Final Issue Report – CHARTER DRAFTING TEAM TO INSERT LINK]. These are:

- *Issue 1*
- *Issue 2*
- *Issue 3*
- *Issue 4*

As a result, the WG should deliberate and consider the following Charter questions:

- Charter Question A
- Charter Question B
- Charter Question XX [.....TO BE COMPLETED BY CHARTER DRAFTING TEAM.....]

For purposes of this PDP, the scope of this WG is limited to [.....TO BE COMPLETED BY CHARTER DRAFTING TEAM.....]

Deliverables:

To develop, at a minimum, an Initial Report and a Final Report regarding the WG's recommendations on issues relating to the [.....TO BE COMPLETED BY CHARTER DRAFTING TEAM.....], following the processes described in Annex A of the ICANN Bylaws and the GNSO PDP Manual.

If the WG concludes with any recommendations, the WG shall (or recommend the subsequent policy Implementation Review Team to) conduct a policy impact analysis and identify a set of metrics to measure the effectiveness of the policy change, including source(s) of baseline data for that purpose:

- Identification of policy goals
- Identification of metrics used to measure whether policy goals are achieved
- Identification of potential problems in attaining the data or developing the metrics
- A suggested timeframe in which the measures should be performed
- Define current state baselines of the policy and define initial benchmarks that define success or failure
- Metrics may include but not limited to (Refer to the [Hints & Tips](#) Page):
 - ICANN Compliance data
 - Industry metric sources
 - Community input via public comment
 - Surveys or studies

Data and Metric Requirements:

The WG should as soon as practicable:

1. Determine a set of questions which, when answered, provide the insight necessary to achieve the policy goals.
2. Determine whether certain data is required to help understand a specific issue or answer a charter question.
3. Determine a set of data and metrics which can be collected and analyzed to help answer the specific question.
4. Submit a Working Group Metrics Request Form (see GNSO Working Group Guidelines Section 4.5), if data gathering at the charter drafting phase or during the working phase is deemed necessary.

WG leaders shall review the Guidance document below to understand the need for performing due diligence before submitting a data gathering request to the GNSO Council.

Guidance: *PDP 3.0 Improvement #14 - Checklist: Criteria to Evaluate Request for Data Gathering*

Instruction for Charter Drafting Team

Please include the Working Group Metrics Request Form if data gathering during the chartering phase is required

Example: [Request Form submitted by the GNSO Review of All Rights Protection Mechanisms in All gTLDs PDP Working Group](#)

Section III: Project Management

Work Product Requirement:

The WG shall respect the timelines and deliverables as outlined in Annex A of the ICANN Bylaws and the PDP Manual. The WG leadership, in collaboration with the WG support staff and GNSO Council liaison, shall use a standard set of project management work products that help plan, guide, track, and report the progress of the WG from start to finish, and include the necessary data and information to assess the progress of the WG. These work products include:

- Summary Timeline
- Project Situation Report
- Project Plan
- Work Plan
- Action Items

Guidance: *PDP 3.0 Improvements #11, #12 & #16 - GNSO Project Work Product Catalog*

Instruction for Charter Drafting Team

Please include any work products that can be presented during the chartering phase.

Example: [Work products from the EPDP Team on the Temporary Specification for gTLD Registration Data](#)

Project Status & Condition Assessment:

The WG leadership, in collaboration with the WG support staff and the GNSO Council liaison, shall assess the Status and Condition of the project at least once a month. Such frequency is required in preparation for the GNSO Council monthly meeting, where At-Risk or In-Trouble projects are subject to review by GNSO Council leadership, and in some instances may be deliberated by the full GNSO Council.

The WG leadership, in collaboration with the WG support staff and the GNSO Council Liaison, shall use an escalation procedure (see Guidance documents below), which defines specific conditions that trigger the execution of a repeatable mitigation plan. The objective of this exercise is to return the project to an acceptable state ultimately achieving its planned outcomes.

Guidance: *PDP 3.0 Improvement #11 - Project Status and Condition Change Procedure & Flowchart*

Project Change Request:

The WG shall submit a Project Change Request (PCR) Form to the GNSO Council when its deliverable and baseline delivery date are revised. The PCR shall include a rationale for why these changes were made, their impacts on the overall timeframe of the PDP or any other interdependencies, and a proposed remediation plan.

The use of the PCR mostly occurs when primary deliverable dates are changed due to unforeseen or extreme circumstance. However, it can also be used to document changes in the deliverable requirements that may not have been identified in the chartering process.

When the PCR is required, it should be completed by the WG leadership team and it will likely be presented to the GNSO Council for approval.

Guidance: *PDP 3.0 Improvement #12 - Project Change Request Form*

Example: [Project Change Request Form submitted by the EPDP Team on the Temporary Specification for gTLD Registration Data](#)

Resources Tracking:

The purpose for resource tracking is to deliver its work according to the work plan and be responsible for managing these resources.

For projects where dedicated funds are provided outside of budgeted policy activities, the WG shall provide regular budget versus actual expense reporting updates using a GNSO approved tool to allow for a better tracking of the use of resources and budget.

Guidance: *PDP 3.0 Improvement #11, #12 & #16 - GNSO Project Work Product Catalog*

Instruction for Charter Drafting Team

Upon project scope definition, the Charter Drafting Team shall estimate the community resources and financial budget, if applicable (for example, external legal advice or mediation services, face-to-face meetings, etc.), that the WG needs.

Note, however a completed project plan will not usually occur until after a working group has performed a cursory review of the in-scope issues and confirmed its work plan. Therefore, the formal project plan should be returned back to the GNSO Council for final confirmation and formal initiation of the project Status, Condition, and Delivery Date.

Please include any work products for resource tracking purposes that can be produced during the chartering phase.

Section IV: Formation, Staffing, and Organization

Working Group Model:

Instruction for Charter Drafting Team

Please specify which model the WG will use, with options including but not limited to:

- Open Model
- Representative Model (Full Community)
- Representative & Open Model

Please provide detailed rationale for the chosen Working Group model.

Guidance: *PDP 3.0 Improvement #2 - Comparison Table of Working Group Models*

Membership Structure:

Instruction for Charter Drafting Team

Please provide a detailed description of the composition of the working group membership, including members, participants, and/or observers, as applicable.

Please specify how an observer becomes a member, if applicable.

Guidance: *PDP 3.0 Improvement #2 - Comparison Table of Working Group Models*

Example: [Charter of the EPDP Team on the Temporary Specification for gTLD Registration Data](#)

Additional Notes - Consider for Inclusion by Charter Drafting Team

The GNSO Secretariat should circulate a 'Call for Volunteers' in accordance with the group structure determined by the GNSO Council or this Charter drafting team:

- Publication of announcement on relevant ICANN web sites including but not limited to the GNSO and other Supporting Organizations and Advisory Committee web pages; and
- Distribution of the announcement to GNSO Stakeholder Groups, Constituencies and other ICANN Supporting Organizations and Advisory Committees

The standard WG roles, functions & duties shall be applicable as specified in Section 2.2 of the Working Group Guidelines.

Membership Criteria:**A. Expected Skills for Working Group Members**

WG members shall review the full text of the Guidance document below to understand the responsibilities and skills that they are expected to have in order to fully participate in the WG activities.

Guidance: *PDP 3.0 Improvement #3 - Working Group Member Skills Guide*

Instruction for Charter Drafting Team

Please provide a description of expected responsibilities for WG members that need to be highlighted in the charter, including associated skills required and available resources to carry out these responsibilities.

If specific expertise is needed or required for members, please specify whether any independent evaluation needs to be carried out to confirm that members have required expertise.

B. Joining of New Members After Project Launch

The existing practice as stated in the Working Group Guidelines is that anyone can join a WG at any point as long as they get up to speed and do not reopen previously closed topics, unless they provide new information. Nonetheless, the Working Group Guidelines do not prevent WG leadership from deciding, in consultation with the WG, whether new members can be accepted after the start of the WG effort.

Guidance: *PDP 3.0 Improvement #3 - Criteria for Joining of New Working Group Members*

Instruction for Charter Drafting Team

If applicable, please specify:

- The circumstances that new membership may be suspended;
- The exceptional cases that new members can join after the WG is formed.

C. Experts Contributors

Expert contributors are not expected to participate in any consensus designation process, but provide perspective/expertise/knowledge to the PDP WG.

The Council may be able to use an independent evaluation process (e.g., GNSO Council Standing Selection Committee) to confirm whether those individuals have demonstrated the expertise/knowledge/perspective.

Instruction for Charter Drafting Team

Please specify if the GNSO Council wishes to run an open call for expert contributors in order to recruit individuals who have expertise, knowledge, and/or perspective that otherwise would not be present in the PDP.

Leadership Structure:

Instruction for Charter Drafting Team

Please provide a description of the leadership structure of the WG, including the mechanism for selecting/confirming the Chair/Vice-Chair(s)/Co-Chairs(s), as applicable.

Guidance: *PDP 3.0 Improvement #2 - Comparison Table of Working Group Models*

Example: [Charter of the EPDP Team on the Temporary Specification for gTLD Registration Data](#)

Leadership Criteria:

WG leaders shall review the full text of the Guidance document below to understand the expectations for WG leaders, including their role & responsibilities as well as minimum skills/expertise required.

In short, a WG leader is expected to:

- Encourage representational balance
- Encourage adherence to ICANN's Expected Standards of Behavior & Community Anti-Harassment Policy
- Ensure WG documents represent the diversity of views
- Make consensus designation on working group recommendations
- Handle working group complaint process
- Be versed in GNSO Operating Procedures
- Assume a neutral and impartial role
- Build consensus
- Balance working group openness with effectiveness
- Make time commitment

Guidance: *PDP 3.0 Improvement #6 - Expectations for Working Group Leaders & Skills Checklist*

Instruction for Charter Drafting Team

Please provide a description of role & responsibilities and skills/expertise required for WG leaders that need to be highlighted in the charter.

If Expressions of Interest will be sought for WG leaders, please include the relevant text in the request for Expressions of Interest in this section.

Example: [Charter of the EPDP Team on the Temporary Specification for gTLD Registration Data](#)

Leadership Review:

WG leadership shall review the full text of Guidance documents below to understand the regular review of WG leadership performance by the GNSO Council, as well as the member survey that feeds into the review.

Guidance: *PDP 3.0 Improvement #13 - Regular Review of Working Group Leadership & Working Group Member Survey on Leadership Performance*

Instruction for Charter Drafting Team

Please provide the expected frequency and timeframe for the WG leadership review, including the expected timeframe for the PDP WG member survey on leadership performance.

Additional Notes - Consider for Inclusion by Charter Drafting Team

The review of PDP WG leadership provides a regular opportunity for the GNSO Council to check in with PDP WG leadership and liaisons to identify resources or input that Council may need to provide, as well as opportunities for the leadership team to improve. The review also enables the GNSO Council to work with the PDP WG leadership and Council liaison to develop and execute a plan to address possible issues/opportunities identified.

The schedule of reviews will be established in the charter of each PDP WG and will likely be different for each depending on the length, complexity, and structure of the PDP. Reviews may also be initiated by Council leadership and/or the Council liaison to the WG in response to circumstances indicating that a review is necessary.

The following is a non-exhaustive list of issues that Council leadership and Council liaison could seek to address in the review process.

- There is substantial evidence that the PDP WG leadership team or an individual on the PDP WG leadership team:
 - Has difficulty facilitating goal oriented WG meetings aligned with the requirements of the WG's charter and workplan.
 - Is unable to effectively manage WG members' disruptive behaviors, and this is negatively impacting the ability of the WG to complete its work or is discouraging participation by a diverse set of members.
 - Is consistently unable to keep the WG on track to meet target deadlines.
 - Does not communicate effectively with WG members or respond to concerns raised by members.
 - Does not act in a neutral, fair, and objective manner in the context of the WG, for example by advocating for his or her own agenda or discouraging perspectives with which he or she disagrees.
- The Council leadership and Council liaison may further want to consider whether members of the PDP WG leadership team are able to work together effectively in a collegial manner as they manage the WG and communicate with members.

Feeding into the regular review of WG leadership by the GNSO Council, an anonymous survey will be conducted in advance of the scheduled review so that the results can be taken into account. The survey will be distributed electronically at regular intervals by the GNSO Council to PDP WG members. The survey will be open for at least one week. The exact interval at which the survey is conducted will be different per WG and may be tied to the length of the WG's timeline or specific milestones included in the charter. Specific triggers may also be identified that will result in the launch of a survey.

GNSO Council Liaison

The GNSO Council shall appoint a liaison who is accountable to the GNSO. The liaison must be a member of the Council, and the Council recommends that the liaison should be a Council member and be able to serve during the life of this WG.

The liaison shall review the Guidance documents below.

Guidance: *PDP 3.0 Improvement #5 - New Liaison Briefing and Liaison Handover & GNSO Council Liaison Supplemental Guidance*

Instruction for Charter Drafting Team

Please provide a description of role & responsibilities for GNSO Council liaison to the WG that need to be highlighted in the charter here.

Example: [Charter of the EPDP Team on the Temporary Specification for gTLD Registration Data](#)

Additional Notes - Consider for Inclusion by Charter Drafting Team

The liaison shall complete the following actions for onboarding purposes:

- Review the [GNSO Council liaison to the WGs - Role Description](#);
- Review the [New Liaison Briefing and Liaison Handover](#) document;
- Consult the [supplemental guidance](#) developed to provide more precision in their responsibilities and the frequency in which they must be carried out;
- Familiarize with the provisions of the GNSO Operating Procedures relevant to liaisons;
- Subscribe to the PDP mailing lists and relevant sub teams;
- Subscribe to the PDP Leadership mailing list(s), if applicable. In addition, add o the PDP Leadership Skype chat (or other communication channel) if applicable;
- Consider requesting a catch-up call with the relevant GNSO policy support staff. This call should clarify the role of the liaison in terms of PDP conference call attendance, expected responsibilities and an update as to the current status of the PDP if already in operation (milestones and anticipated hurdles);
- Review links to the wiki workspaces and mailing list archives via email;
- (If the PDP is already in operation) Consider requesting that PDP Leadership and the outgoing liaison(s) share relevant briefing documents specific to the PDP, to highlight the scope of the PDP charter, current status, timeline, milestones, problem areas/challenges, anticipated hurdles, etc.;
- (If the PDP is already operation) Participate in an onboarding conference call with the incoming and outgoing liaisons as well as PDP Leadership; GNSO policy support staff will also be present on the call.

Importantly, the liaison is expected to fulfil his/her role in a neutral manner. This means that everything the liaison does during his/her tenure, including but not limited to participating in WG calls, reporting status, conveying information, and escalating issues, should be done in that neutral manner.

In short, the GNSO Council liaison is expected to:

- Fulfill liaison role in a neutral manner
- Be a regular participant of WG meetings
- Participate in regular meetings with WG leadership

- Report to Council on the WG progress
- Serve as an interim WG Chair until a Chair is named
- Convey to Council on WG communications, questions, concerns
- Inform WG leadership about Council activities impacting the WG
- Refer to Council questions related to WG Charter
- Assist or engage when WG faces challenges
- Assist in case of abuse of ICANN's Expected Standards of Behavior
- Assist with knowledge of WG processes and practices
- Facilitate when there is disagreement regarding consensus designation
- Facilitate when a Section 3.7 Complaint Process is invoked

Support Staff:

The ICANN Staff assigned to the WG will fully support the work of the Working Group as requested by the Chair including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate.

Staff assignments to the Working Group:

- GNSO Secretariat
- ICANN policy staff members

Section V: Rules of Engagement**Statements of Interest (SOI) Guidelines:**

Each member of the WG is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedures.

Statement of Participation:

Each member of the WG must acknowledge and accept the Statement of Participation (as provided below), including ICANN's Expected Standards of Behavior, before he/she can participate in the WG.

Statement of Participation

As a member of the [name of group]:

- I agree to genuinely cooperate with fellow members of the [group] to reach consensus on the issues outlined in the Charter. I understand this does not mean that I am unable to fully represent the views of myself or the organization I represent but rather, where there are areas of disagreement, I will commit to work with others to reach a compromise position to the extent that I am able to do so;
- I acknowledge the remit of the GNSO to develop consensus policies for generic top-level domains. As such, I will abide by the recommended working methods and rules of engagement as outlined in the Charter, particularly as it relates to designating consensus and other relevant rules in [GNSO Working Group Guidelines](#);
- I will treat all members of the [group] with civility both face-to-face and online, and I will be respectful of their time and commitment to this effort. I will act in a reasonable, objective, and informed manner during my participation in this [group] and will not disrupt the work of the [group] in bad faith;
- I will make best efforts to regularly attend all scheduled meetings and send apologies in advance when I am unable to attend. I will take assignments allocated to me during the course of the [group] seriously and complete these within the requested timeframe. [If applicable] As and when appropriate I shall seek to be replaced by my designated Alternate in accordance with the wishes of my appointing organization;
- I agree to act in accordance with [ICANN Expected Standards of Behavior](#), particularly as they relate to:
 - Acting in accordance with, and in the spirit of, ICANN's mission and core values as provided in [ICANN's Bylaws](#);
 - Listening to the views of all stakeholders and working to build consensus; and
 - Promoting ethical and responsible behavior;
- I agree to adhere to any applicable conflict of interest policies and the Statement of Interest (SOI) Policy within the [GNSO Operating Procedures](#), especially as it relates to the completeness, accuracy, and timeliness of the initial completion and maintenance of my SOI; and
- I agree to adhere to the [ICANN Community Anti-Harassment Policy and Terms of Participation and Complaint Procedures](#).

I acknowledge and accept that this Statement of Participation, including ICANN's Expected Standards of Behavior, is enforceable and any individual serving in a Chair role (such as Chair, Co-Chair, or Acting Chair or Acting Co-Chair) of the [group] and GNSO Council Leadership Team have the authority to restrict my participation in the [group] in the event of non-compliance with any of the above.

Problem/Issue Escalation & Resolution Process:

Please reference Sections 3.4 and 3.5 of the Working Group Guidelines and the Guidance document below.

Guidance: *PDP 3.0 Improvement #15 - ICANN Org Resources for Conflict Resolution and Mediation*

Instruction for Charter Drafting Team

As the GNSO Council may modify the problem/issue escalation & resolution process at its discretion, please include additional resources and mechanisms, if any.

Formal Complaint Process:

Please reference Section 3.7 of the Working Group Guidelines and the Guidance document below. The Complaint Process may be modified by the GNSO Council at its discretion.

Guidance: *PDP 3.0 Improvement #9 - Clarification to Complaint Process in GNSO Working Group*

Section VI: Decision Making Methodologies

Consensus Designation Process:

Section 3.6 of the GNSO Working Group Guidelines, as included below, provides the standard consensus-based methodology for decision making in GNSO WGs.

Section 3.6 notably refers to the 'Chair' (singular) of a WG, which does not conform to the reality of current PDP WG leadership structures. References to 'Chair' shall include PDP WG Co-Chairs and/or Vice Chair(s) that form the WG leadership, if applicable.

WG leaders, members and liaison shall review the Consensus Playbook (Guidance document below) which provides a structured approach for consensus building and providing behavior insights, tools, and techniques to bridge differences, break deadlocks, and find common ground.

Guidance: *PDP 3.0 Improvement #4 - Consensus Playbook*

3.6 Standard Methodology for Making Decisions

The Chair will be responsible for designating each position as having one of the following designations:

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus**.
- **Consensus** - a position where only a small minority disagrees, but most agree. *[Note: For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have legal implications.]*
- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.

- **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
- **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus**, **Strong support but significant opposition**, and **No Consensus**; or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence**, the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

- i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.
- ii. After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.
- iii. Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.
- iv. In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:
 - A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
 - It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence**.

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls were taken.

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion. However, if disagreement persists, members of the WG may use the process set forth below to challenge the designation.

If several participants¹⁰⁸ in a WG disagree with the designation given to a position by the Chair or any other consensus call, they may follow these steps sequentially:

1. Send email to the Chair, copying the WG explaining why the decision is believed to be in error.
2. If the Chair still disagrees with the complainants, the Chair will forward the appeal to the CO liaison(s). The Chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the Chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the Chair, the liaison will forward the appeal to the CO. Should the complainants disagree with the liaison support of the Chair's determination, the complainants may appeal to the Chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the Chair.
3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO¹⁰⁹.

Instruction for Charter Drafting Team

If the GNSO Council wishes to deviate from the standard methodology for making decisions or empower the WG to decide its own decision-making methodology, this section should be amended as appropriate.

Who Can Participate in Consensus Designation:

Instruction for Charter Drafting Team

Please specify who from the WG membership can participate in the consensus designation process, including appropriate weight to the position held by such member(s), if applicable, and any factors that the WG leadership shall consider in assessing consensus.

Guidance: *PDP 3.0 Improvement #2 - Comparison Table of Working Group Models*

Example: [Charter of the EPDP Team on the Temporary Specification for gTLD Registration Data](#)

Termination or Closure of Working Group:

Typically, the WG will close upon the delivery of the Final Report, unless assigned additional tasks or follow-up by the GNSO Council.

The GNSO Council may terminate or suspend the WG prior to the publication of a Final Report for significant cause such as changing or lack of community volunteers, the planned outcome for the project can no longer be realized, or when it is clear that no consensus can be achieved.

¹⁰⁸ Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that that a single member demonstrates a sufficient amount of support before a formal appeal process can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or liaison of their issue and the Chair and/or liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial a formal appeal process.

¹⁰⁹ It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.

Guidance: *PDP 3.0 Improvement #11 - Project Status and Condition Change Procedure & Flowchart*

Section VII: Change History

Instruction for Charter Drafting Team

Please document any significant changes to the WG charter in this section, including, but not limited to:

- Mission, purpose & deliverable
- Formation, staff & organizational

Section VIII: Charter Document History

Version	Date	Description
1.0		

Staff Contact:	<Enter staff member name>	Email:	Policy-Staff@icann.org
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Translations: If translations will be provided please indicate the languages below:

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Proposed Update to GNSO Operating Procedures to Incorporate PDP 3.0 Improvements

Introduction

This document captures the proposed changes that *could* be incorporated into the GNSO Operating Procedures¹¹⁰. These proposed changes aim to provide correction and/or clarification and reflect the guidance derived from the PDP 3.0 implementation efforts.

Note: the text highlighted in **yellow** indicates the PDP 3.0 improvements that serve as the basis of the proposed revisions to the Operating Procedures. The text in **blue** provides instructions on how to incorporate the proposed changes.

With the exception of the revised text of Section 3.7 of Annex 1, which is a crucial part of the implementation of PDP 3.0 Improvement #9, some of these proposed changes may be overly detailed or prescriptive. Furthermore, it might be premature to bake these proposed changes into the Operating Procedures before testing out the PDP 3.0 improvements.

The update to the GNSO Operating Procedures can be conducted at the same time when the PDP 3.0 improvements are being tested by the GNSO Council. After the PDP 3.0 improvements are in full effect, the GNSO Council should review the implementation outcome and consider any necessary updates to the GNSO Operating Procedures, which should continue to retain flexibility. During the GNSO Council's Strategic Planning Session in January 2020, the Council also agreed to consider a mechanism(s) to start the review of the GNSO Operating Procedures and consider potential updates as a result of the PDP 3.0 implementation.

Hence, the suggestion is to decouple the effort of updating the GNSO Operating Procedures from the GNSO Council's approval of the PDP 3.0 implementation. This document can serve as a reference to facilitate the potential update of the Operating Procedures.

Section 1.3 Definitions

Add the following text:

1.3.3 The "Chartering Organization" and "CO" are defined to be the GNSO Council throughout the text.

¹¹⁰ The GNSO Operating Procedures version referenced for this exercise is the version published on 24 October 2019: <https://gns0.icann.org/sites/default/files/file/field-file-attach/op-procedures-24oct19-en.pdf>

1.3.4 References to “Chair” in the GNSO Working Group context shall include Co-Chairs and/or Vice Chair(s) that form the Working Group leadership, if applicable.

1.3.5 References to “Chair” in the GNSO Council context shall include the two GNSO Council Vice Chairs that form the GNSO Council leadership, if applicable.

1.3.6 The terms “PDP Team” and “PDP Working Group” (“WG”) have the same meaning and are used synonymously throughout the text.

Version Control

Content pending GNSO Council approval of the proposed revision

Annex 1, Section 2.1.1 Announcement of a Working Group

Improvements #1, #2 & #3

Replace the text in the section with the following:

After a decision has been taken to form a Working Group, the GNSO Council shall determine the appropriate Working Group model that is best fit for purpose.

The GNSO Council or the drafting team tasked with developing the Working Group Charter should consider the following elements:

- Timeline – what is the estimated timeline for the group to complete its work and the time commitment expected of team members; is there a deadline or expected delivery date that should be factored in?
- Cost (/budget) – what is the estimated budget?
- Expertise – is a certain expertise expected or required to take part in the deliberations?
- Leadership requirements – is this expected to be a significant amount of work that may need to be divided or a particularly controversial topic that may require expert chairing skills?
- Interest in the topic – is this a topic that is expected to be of broad interest across the ICANN community or only a few specific groups?
- Impact of Working Group outcome – who are most likely to be impacted by potential policy outcome/recommendations?

Based on experiences to date, three models have been identified that could be used to carry out policy development. However, elements of the different models can be modified and/or mixed/matched as deemed appropriate. Similarly, variations could be considered as long as, per the GNSO Operating Procedures, “the GNSO Council first identifies the specific rules and procedures to guide the PDP Team’s deliberations”. See the [Comparison Table of Working Group Models](#) for further guidance.

GNSO Council's determination of the membership structure and other components for any GNSO Working Group model should not conflict with the requirements in the ICANN Bylaws, which are paramount. The GNSO Council or the drafting team will be expected to develop the rationale and arguments to explain the model chosen in each case.

Depending upon the subject matter, the scope of the Working Group's charter, and the proposed membership structure, the following avenues could be explored:

- Publication of announcement on relevant ICANN web sites, including by not limited to the GNSO and other Supporting Organization and Advisory Committee web pages.
- Distribution of announcement to GNSO Stakeholder Groups, Constituencies, and/or other ICANN Supporting Organizations and Advisory Committees.
- Circulation of announcement to organizations that are considered to have expertise/knowledge/interest in relation to the subject matter of the Working Group.
- One-to-one outreach from either the GNSO Chair or the Interim WG Chair to the Chair of other ICANN Supporting Organizations and Advisory Committees either known to have an interest in the subject, or those where it is felt that their input into the discussions will be valuable. Individuals known to be knowledgeable or interested could be similarly approached.

Ideally, the 'Call for Volunteers' announcement should include the following types of information about the Working Group: its objective(s), expectations concerning activities and timeframes, links to relevant background information including its charter, details on how to sign up as a participant, the requirement to submit a Statement of Interest (SOI), the requirement to acknowledge and accept the [Statement of Participation](#), and the [Working Group Member Skills Guide](#).

In addition, the GNSO Council might want to include some statement as to the importance of the activity, that is, why the effort is being undertaken, its criticality, context, and perceived usefulness to the GNSO. While a WG may not "need to know" these elements in order to complete their tasks, it could help in recruitment and sense of purpose. In addition, the announcement should include a link to these Working Group Guidelines as well as any other instructions or information that might be applicable to that particular Working Group.

Annex 1, Section 2.1.2 Membership Applications

Improvements #1 & #3

Replace the text in the section with the following:

The GNSO Council Secretariat or their representative, hereinafter referred as the Secretariat, will be tasked to gather expressions of interest to participate in a WG. The call for expressions of interest announcement shall also include the link to the [Working Group Member Skills Guide](#), which lists the responsibilities and skills that members are expected to have in order to fully participate in the WG activities.

Following the submission of an expression of interest, the Secretariat will verify that the submission has been received from a 'real person.' If the expression of interest has been made on behalf of a company or organization, a primary point of contact and alternate will be required in order to be eligible for WG membership.

Upon completion of the 'real person' verification, the Secretariat will send a confirmation of receipt together with a request for a Statement of Interest (SOI), according to GNSO Operating Procedures, Chapter 5.0, a request for the [Statement of Participation](#), and a link to these Working Group Guidelines.

Annex 1, Section 2.1.4.1 Introductions

Improvement #1

Revise the last sentence in the section as follows:

...SOIs are required from Working Group participants which will be publicly posted, and Working Group participants are also required to acknowledge and accept the Statement of Participation before they can participate in the Working Group.

Annex 1, Section 2.1.4.2 Election of the WG Leaders

Improvements #2 & #6

Replace the text in the section with the following:

Unless a Chair has already been named by the GNSO Council, normally a Chair will be selected at the first meeting of the WG. Until that time, the GNSO Council liaison may fulfill the role of interim Chair. A Working Group may elect to have Co-Chairs and Vice-Chairs for its leadership structure. See the [Comparison Table of Working Group Model](#) for further guidance.

A Working Group may elect to its leadership team by referencing the Expectations for Working Group Leaders document that outline their roles and responsibilities, as well as minimum skills/expertise required.

Under extraordinary circumstances, ICANN staff may be requested to perform administrative coordination of the WG until such time the leadership team can be appointed. Once selected, a Working Group Chair will need to be confirmed by the GNSO Council. The newly elected Chair will act on a provisional basis until the GNSO Council has confirmed the appointment. The GNSO Council may also confirm the Vice-Chair(s)/Co-Chair(s) selected by the Working Group, as appropriate.

If there are any objections to the selected Working Group leadership team, the GNSO Council will conduct a vote to establish whether there is sufficient support for the selected leadership team according to the voting procedures of the GNSO Council. If not, the Working Group will be requested to reconsider their choice for the leadership team and return to the GNSO Council with a new proposal.

In the unlikely event that the selected leadership is rejected by the GNSO Council, the GNSO Council must articulate its reason for the rejection and the WG must be able to ask for reconsideration of the decision.

Annex 1, Section 2.1.4.3 Items for Review

Improvements #1 & #3

Add the following items in the Checklist:

- Have all WG members acknowledged and accepted the [Statement of Participation](#)?
- Have all WG members read the [Working Group Member Skills Guide](#)?

Annex 1, Section 2.2.1 Chair

Improvements #6 & #13

Add the following text at the end of the section:

Working Group Chairs shall review the full text of the [Expectations for Working Group Leaders](#) document to understand the expectations for WG leaders, including their role & responsibilities as well as minimum skills/expertise required. In summary, a WG Chair is expected to:

- Encourage representational balance
- Encourage adherence to ICANN's Expected Standards of Behavior & Community Anti-Harassment Policy
- Ensure WG documents represent the diversity of views
- Make consensus designation on working group recommendations
- Handle working group complaint process
- Be versed in GNSO Operating Procedures
- Assume a neutral and impartial role
- Build consensus
- Balance working group openness with effectiveness
- Make time commitment

As the manager of the policy development process and other GNSO projects, the GNSO Council regularly reviews work underway within the GNSO. This includes a [regular review of Working Group leadership](#).

The review of PDP WG leadership provides a regular opportunity for the GNSO Council to check in with PDP WG leadership and liaisons to identify resources or input that Council may need to provide, as well as opportunities for the leadership team to improve. The review also enables the GNSO Council to work with the PDP WG leadership and Council liaison to develop and execute a plan to address possible issues/opportunities identified.

The schedule of reviews shall be established in the charter of each PDP WG and will likely be different for each depending on the length, complexity, and structure of the PDP. Reviews may also be initiated by Council leadership and/or the Council liaison to the WG in response to circumstances indicating that a review is necessary.

The following is a non-exhaustive list of issues that Council leadership and Council liaison could seek to address in the review process.

- There is substantial evidence that the PDP WG leadership team or an individual on the PDP WG leadership team:
 - Has difficulty facilitating goal oriented WG meetings aligned with the requirements of the WG's charter and workplan.
 - Is unable to effectively manage WG members' disruptive behaviors, and this is negatively impacting the ability of the WG to complete its work or is discouraging participation by a diverse set of members.
 - Is consistently unable to keep the WG on track to meet target deadlines.
 - Does not communicate effectively with WG members or respond to concerns raised by members.
 - Does not act in a neutral, fair, and objective manner in the context of the WG, for example by advocating for his or her own agenda or discouraging perspectives with which he or she disagrees.
- The Council leadership and Council liaison may further want to consider whether members of the PDP WG leadership team are able to work together effectively in a collegial manner as they manage the WG and communicate with members.

Feeding into the regular review of WG leadership by the GNSO Council, an [anonymous survey](#) shall be conducted in advance of the scheduled review so that the results can be taken into account. The survey shall be distributed electronically at regular intervals by the GNSO Council to PDP WG members. The survey shall be open for at least one week. The exact interval at which the survey is conducted will be different per WG and may be tied to the length of the WG's timeline or specific milestones included in the charter. Specific triggers may also be identified that will result in the launch of a survey.

Annex 1, Section 2.2.2 Co-Chairs or Vice-Chairs

Improvements #6 & #13

Add the following text at the end of the section:

Similar to the Working Group Chairs, Co-Chairs and Vice-Chairs shall also review the full text of the [Expectations for Working Group Leaders](#) document to understand the expectations for WG leaders. All members of the Working Group leadership are subject to the [regular review of Working Group leadership](#), including the [Working Group member survey on leadership performance](#).

Annex 1, Section 2.2.4 Liaison

Improvement #5

Replace the text in the section with the following:

A Member of the GNSO Council may be appointed to serve as a Liaison to the Working Group. The Council recommends that the liaison should be a Council member and be able to serve during the life of this WG.

The liaison shall complete the following actions for onboarding purposes:

- Review the [GNSO Council liaison to the WGs - Role Description](#);
- Review the [New Liaison Briefing and Liaison Handover](#) document;
- Consult the [supplemental guidance](#) developed to provide more precision in their responsibilities and the frequency in which they must be carried out;
- Familiarize with the provisions of the GNSO Operating Procedures relevant to liaisons;
- Subscribe to the PDP mailing lists and relevant sub teams;
- Subscribe to the PDP Leadership mailing list(s), if applicable. In addition, add o the PDP Leadership Skype chat (or other communication channel) if applicable;
- Consider requesting a catch-up call with the relevant GNSO policy support staff. This call should clarify the role of the liaison in terms of PDP conference call attendance, expected responsibilities and an update as to the current status of the PDP if already in operation (milestones and anticipated hurdles);
- Review links to the wiki workspaces and mailing list archives via email;
- (If the PDP is already in operation) Consider requesting that PDP Leadership and the outgoing liaison(s) share relevant briefing documents specific to the PDP, to highlight the scope of the PDP charter, current status, timeline, milestones, problem areas/challenges, anticipated hurdles, etc.;
- (If the PDP is already operation) Participate in an onboarding conference call with the incoming and outgoing liaisons as well as PDP Leadership; GNSO policy support staff will also be present on the call.

Importantly, the liaison is expected to fulfil his/her role in a neutral manner. This means that everything the liaison does during his/her tenure, including but not limited to participating in WG calls, reporting status, conveying information, and escalating issues, should be done in that neutral manner.

In short, the GNSO Council liaison is expected to:

- Fulfill liaison role in a neutral manner
- Be a regular participant of WG meetings
- Participate in regular meetings with WG leadership
- Report to Council on the WG progress
- Serve as an interim WG Chair until a Chair is named
- Convey to Council on WG communications, questions, concerns
- Inform WG leadership about Council activities impacting the WG
- Refer to Council questions related to WG Charter
- Assist or engage when WG faces challenges
- Assist in case of abuse of ICANN's Expected Standards of Behavior

- Assist with knowledge of WG processes and practices
- Facilitate when there is disagreement regarding consensus designation
- Facilitate when a Section 3.7 Complaint Process is invoked

Annex 1, Section 2.2.5 Members

Improvement #3

Add the following sentence at the end of the section:

WG members should be familiarized with the [Working Group Member Skills Guide](#), which lists responsibilities and skills that members are expected to have in order to fully participate in the WG activities.

Annex 1, Section 3.4 Individual/Group Behavior and Norms

Improvement #1

Replace the text in the section with the following:

Each member of the Working Group must acknowledge and accept the Statement of Participation (as provided below and may be amended by the GNSO Council as appropriate), including ICANN's Expected Standards of Behavior, before he/she can participate in the WG.

As a member of the [name of group]:

- I agree to genuinely cooperate with fellow members of the [group] to reach consensus on the issues outlined in the Charter. I understand this does not mean that I am unable to fully represent the views of myself or the organization I represent but rather, where there are areas of disagreement, I will commit to work with others to reach a compromise position to the extent that I am able to do so;
- I acknowledge the remit of the GNSO to develop consensus policies for generic top-level domains. As such, I will abide by the recommended working methods and rules of engagement as outlined in the Charter, particularly as it relates to designating consensus and other relevant rules in [GNSO Working Group Guidelines](#);
- I will treat all members of the [group] with civility both face-to-face and online, and I will be respectful of their time and commitment to this effort. I will act in a reasonable, objective, and informed manner during my participation in this [group] and will not disrupt the work of the [group] in bad faith;
- I will make best efforts to regularly attend all scheduled meetings and send apologies in advance when I am unable to attend. I will take assignments allocated to me during the course of the [group] seriously and complete these within the requested timeframe. [If

applicable] As and when appropriate I shall seek to be replaced by my designated Alternate in accordance with the wishes of my appointing organization;

- I agree to act in accordance with [ICANN Expected Standards of Behavior](#), particularly as they relate to:
 - Acting in accordance with, and in the spirit of, ICANN’s mission and core values as provided in [ICANN's Bylaws](#);
 - Listening to the views of all stakeholders and working to build consensus; and
 - Promoting ethical and responsible behavior;
- I agree to adhere to any applicable conflict of interest policies and the Statement of Interest (SOI) Policy within the [GNSO Operating Procedures](#), especially as it relates to the completeness, accuracy, and timeliness of the initial completion and maintenance of my SOI; and
- I agree to adhere to the [ICANN Community Anti-Harassment Policy and Terms of Participation and Complaint Procedures](#).

I acknowledge and accept that this Statement of Participation, including ICANN’s Expected Standards of Behavior, is enforceable and any individual serving in a Chair role (such as Chair, Co-Chair, or Acting Chair or Acting Co-Chair) of the [group] and GNSO Council Leadership Team have the authority to restrict my participation in the [group] in the event of non-compliance with any of the above.

ICANN’s Expected Standards of Behavior are outlined in the ICANN Accountability and Transparency Framework, see <http://www.icann.org/transparency/acct-trans-frameworks-principles-10jan08.pdf> for details¹¹¹.

The terms of Statement of Participation and ICANN’s Expected Standards of Behavior are enforceable and any individual serving in a Chair role (such as Chair, Co-Chair, or Acting Chair or Acting Co-Chair) of the Working Group and GNSO Council Leadership Team have the authority to restrict a member’s participation in the Working Group in the event of non-compliance with any of the above.

If a WG member feels that these standards are being abused, the affected party should appeal first to the Chair and Liaison and, if unsatisfactorily resolved, to the GNSO Council leadership or their designated representative. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such. However, it is expected that WG members make every effort to abide by the Statement of Participation and respect the principles outlined in ICANN’s Expected Standards of Behavior as referenced above.

¹¹¹ Other best practices that can be considered include the ‘Statement on Respectful Online Communication’, see http://www.odr.info/comments.php?id=A1767_0_1_0_C.

Annex 1, Section 3.5 Rules of Engagement

Improvement #15

Replace the text in the section with the following:

This section contains procedures for handling any member that is perceived to be persistently and continually obstructing the Working Group's efforts.

The Working Group leadership, in consultation with the GNSO Council liaison, is empowered to restrict the participation of someone who seriously disrupts the Working Group. Any such restriction will be reviewed by the GNSO Council. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed. This restriction is subject to the complaint process as outlined in Section 3.7.

This problem/issue escalation and resolution process is not mutually exclusive to and does not impact any other conflict resolution mechanisms that may be available to working group members. See the [ICANN Org Resources for Conflict Resolution and Mediation](#) for further guidance.

Annex 1, Section 3.6 Standard Methodology for Making Decisions

Improvements #2 & #4

Replace the sentence across pages 54-55 ("Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process.") with the following:

Consensus calls should always involve the Working Group members who are entitled to participate in consensus designation based on the Working Group model and as specified in the Working Group Charter. Consensus call should take place on the designated mailing list to ensure that all relevant Working Group members have the opportunity to fully participate in the consensus process.

Add the following sentence at the end of the section:

WG leadership, WG members, and GNSO Council liaison shall review the Consensus Playbook which provides a structured approach for consensus building and providing behavior insights, tools, and techniques to bridge differences, break deadlocks, and find common ground.

Replace the text in footnote 5 on page 55 as follows:

Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that that a single member demonstrates a sufficient amount of support before a formal appeal

process can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or liaison of their issue and the Chair and/or liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial a formal appeal process.

Annex, Section 3.7 Appeal Process

Improvement #9

Replace the text in the section with the following:

3.7 Complaint Process

Disagreements are possible at various stages during the policy development process (PDP) in the GNSO, including conflict arising from behavior issues of individuals involved in a working group. Such disagreements must be resolved in a timely manner so that it does not stop the ongoing progress in a working group. Such disagreements must also be resolved by a process in view of ICANN's Expected Standards of Behavior and the spirit of fairness and collegiality of the multistakeholder volunteer community. Any litigious behavior or adversarial approach shall be avoided in the process of resolving disagreements.

This section of the GNSO Working Group Guidelines specifies the complaint process that shall be followed to deal with working group disagreements. Notwithstanding, the GNSO Council may modify the complaint process and its various components on a case-by-case basis at its discretion.

This complaint process does not deal with the challenges of working group leadership¹¹²'s consensus designation, which is a separate procedure as detailed in Section 3.6 of the GNSO Working Group Guidelines.

The Section 3.7 proceeding will likely require substantial amount of time and effort from all parties involved. Members and leaders of GNSO working groups and the GNSO Council should all do their part to prevent the escalation of a disagreement by using their best efforts to try to resolve disagreements in a timely manner.

This section of the GNSO Working Group Guidelines should be read together with the implementation document of **PDP 3.0 Improvement #9**, which aims to provide further guidance on the complaint process.

The GNSO Council shall review the complaint process under Section 3.7 after it has been completed, or on an annual basis if no complaint process is invoked.

3.7.1 Complaint Submission Criteria

Any working group member may invoke the complaint process under Section 3.7 of the GNSO Working

¹¹² The current GNSO working group structure often involves multiple co-chairs or a single chair and vice chair(s) forming a leadership team.

Group Guidelines based on any of the following grounds:

- (i) The working group member believes that his/her contributions to the working group are being systematically ignored or discounted;
- (ii) The working group member wishes to appeal a decision -- which does not include working group leadership's consensus designation -- of the working group or the GNSO Council;
- (iii) The working group member is of the opinion that someone is not performing their role according to the criteria outlined in the Section 2.2 of the GNSO Working Group Guidelines.

All complaint processes must be initiated within two (2) months of the public knowledge of the circumstances giving rise to the complaints.

All complaints must specify the ground(s) of the complaint and include detailed and specific of the facts of the disagreement, with supporting/explanatory materials and rationale.

All submitted materials in the complaint process must be succinct and not exceed the 1,000 word-limit as determined by the GNSO Council.

The complainant shall not submit a new complaint under Section 3.7 based on the same circumstances that give rise to another complaint that is still pending in any GNSO working group.

The complainant should submit the complaint to the working group leadership or the GNSO Council liaison to the working group. The working group leadership should determine whether the complaint has met the criteria set forth above. If the complainant disagrees with the assessment by the working group leadership, the GNSO Council liaison, in consultation with the GNSO Council leadership, should step in and reassess.

If a complaint does not address all requirements, the complainant will be given a reasonable amount of time to resubmit the complaint. Failure to resubmit a complete complaint will result in the automatic termination of the proceeding.

3.7.2 Role of GNSO Council, ICANN org, and Ombudsman

The GNSO Council, as the manager of GNSO policy development processes, has an appropriate and important role in a complaint proceeding.

Except in the case of conflict of interest, the following individuals/bodies from the GNSO Council have **decision-making** power in addition to the working group leadership:

- **GNSO Council leadership** consisting of the GNSO Chair and two GNSO Council Vice Chairs; and
- **GNSO Council liaison to the working group;** and
- **Ad-Hoc Complaint Committee** consisting of current/former GNSO Councilors.

The GNSO Council Leadership shall act as one collegial body during the complaint process, and the GNSO Chair shall consult with the two GNSO Council Vice Chairs on all decisions.

The GNSO Council liaison to the working group should be notified immediately when a Section 3.7 complaint is submitted and be tasked with: 1) status reporting to the GNSO Council and 2) facilitation of the disagreement resolution in consultation with the working group leadership and GNSO Council leadership. In particular, when a member(s) of the working group leadership is a party involved in the

disagreement, or when the working group leadership is unable to arrive at an agreed approach for handling the disagreement, the GNSO Council liaison should step in and be appointed to handle the relevant complaint process.

For each Section 3.7 complaint proceeding, an Ad-Hoc Complaint Committee should be formed to provide a balanced view and input to facilitate disagreement resolution. The working group leadership, in consultation with the GNSO Council leadership and GNSO Council liaison, may invite current or former GNSO Councilors to join the Ad-Hoc Complaint Committee. In specific circumstances, non-Councilors may also be invited to join the Complaint Committee based on specific criteria set by the WG leadership, in consultation with the GNSO Council leadership and Council liaison..

The following ICANN org resources may play an **advisory role** during the complaint process, including, but not limited to:

- **ICANN Complaints Officer**, who may assist in handling complaints concerning performance issues of working group support staff;
- **ICANN Conflict Resolution Staff**, who will act as a neutral party, utilizing structured communication techniques to share problem-solving responsibility.

The working group leadership, in consultation with the GNSO Council leadership and the GNSO Council liaison to the working group, may consider using these ICANN org resources to suit the particularities of each complaint situation.

The ICANN Ombudsman is an established dispute resolution mechanism in ICANN that remains separate from the Section 3.7 complaint process within the GNSO. However, the working group leadership, in consultation with the GNSO Council leadership, the GNSO Council liaison, and the Complaint Committee, may determine the appropriate time, if any, to involve the Ombudsman in the process. In particular, when the working group leadership and GNSO Council cannot resolve the disagreement to the satisfaction of the parties involved in the matter, the working group member should officially lodge the issue and engage with the ICANN Ombudsman, who will attempt to resolve the disagreement in the manner of his/her own choosing.

3.7.3 External Legal Counsel

The GNSO strongly discourages the representation of any party in a Section 3.7 complaint process by external legal counsel.

3.7.4 Complaint Proceeding Procedure

The working group member(s) involved in a Section 3.7 complaint shall always first discuss the matter with the working group leadership, who will consult with the GNSO Council liaison and the Complaint Committee, in the discussion. The working group leadership may also involve other resources, such as the GNSO Council leadership, relevant ICANN org staff, and Ombudsman, in the discussion.

If the disagreement cannot be resolved at the working group leadership level, any of the parties involved in the disagreement may bring the complaint to the attention of the GNSO Council leadership. The GNSO Council leadership shall attempt to resolve the disagreement and consult with the GNSO Council liaison, the Complaint Committee, the working group leadership, and other resources deemed appropriate by the GNSO Council leadership.

If the disagreement is not resolved to the satisfaction of the parties at the GNSO Council leadership level, any of the parties involved may officially lodge the issue and engage with the Ombudsman. The Ombudsman shall attempt to resolve the disagreement in a manner of his/her own choosing.

At all stages of the complaint process, the individuals or bodies responsible for making decisions -- i.e., working group leadership, GNSO Council leadership, GNSO Council liaison to the working group, and Complaint Committee -- have the discretion to define the specific procedures they will follow in the process of making their decision.

In all cases a decision concerning the disposition of the disagreement, and the communication of that decision to the parties involved, must be accomplished within a reasonable period of time. The proposed procedure intentionally and explicitly does not establish a fixed maximum time period that shall be considered "reasonable" in all cases.

An example of a detailed process flow of a complaint proceeding is provided in Section 5.2 of the implementation document of **PDP 3.0 Improvement #9**. There is flexibility to modify and adapt this process flow to suit the particularities of each working group and complaint situation, allowing for different types of disagreements and a broad range of resolution methods and remedies.

3.7.5 Abuse of the Complaint Process

Penalties will be imposed for abuse of the complaint process by any of the parties involved in the disagreement. In the event a party is deemed to have abused the process, they shall be subject to a bar from utilizing the Section 3.7 complaint process up to five (5) years.

A party may be deemed abusive based on the following factors, including but not limited to:

- presented materials primarily for improper purposes including, but not limited to, harassment, causing unnecessary delay, or needlessly increasing the workload of the working group leadership and/or the GNSO Council; or
- presented materials contain a deliberate and material falsehood.

The determination of abusive complaint shall be made by the Complaint Committee, in consultation with the working group leadership and GNSO Council leadership.

3.7.6 Termination of the Complaint Process

The complaint process is not mutually exclusive to and does not impact any other conflict resolution mechanisms that may be available to working group members. If the issue raised in the complaint has been resolved at any point during the proceeding, such complaint shall be deemed withdrawn and the proceeding will be terminated.

Annex 1, Section 4.4 Briefings and Subject Matter Experts

Improvement #2

Add the following sentences at the end of the section:

Expert contributors are not expected to participate in any consensus designation process, but provide perspective/expertise/knowledge to the PDP WG. The GNSO Council may be able to use an independent evaluation process (e.g., GNSO Council Standing Selection Committee) to confirm whether those individuals have demonstrated the expertise/knowledge/perspective.

Annex 1, Section 4.5 Metrics Request Decision Tree and Form

Improvement #14

Replace the text above the “Working Group Metrics Request Form” with the following:

If a Working Group at the Issue Identification phase or during the Working phase of the Policy Development Process determines that acquisition of data and/or metrics may better facilitate issue development or deliberations, it should utilize the *Checklist: Criteria for Evaluating Request for Data Gathering* (“checklist”) and submit a *Working Group Metrics Request Form* (“request form”) to the GNSO Council for consideration and subsequent facilitation by staff.

Specifically, the PDP Working Group leadership, in consultation with the Working Group members and ICANN staff, is expected to complete and submit the request form.

The use of the checklist is to ensure that the PDP Working Group has done its due diligence in performing a preliminary requirements definition and an approximate sizing for resources, among other important considerations for the data gathering exercise. Specifically, the checklist should help inform the PDP Working Group’s completion of the request form in consultation with ICANN staff; the requestor should answer the questions in the checklist relevant to the appropriate sections in the request form, if applicable.

Whether the PDP Working Group will receive approval and resources from the GNSO Council for the data request is contingent upon the Council’s evaluation against the criteria in the checklist.

The GNSO Council should check whether the request form submitted has properly addressed the questions in the checklist. If requested, the PDP Working Group leadership should also be provided an opportunity to present to the GNSO Council and further elaborate on its data request in order to address the questions in the checklist.

Annex 1, Section 6.1.1 Announcement of a Working Group

Improvements #1, #2 & #3

Replace the text in the section with the following:

After a decision has been taken to form a Working Group, the GNSO Council shall determine the appropriate Working Group model that is best first for purpose. See the [Comparison Table of Working Group Models](#) for further guidance.

It is important to circulate a 'Call for Volunteers' as widely as possible in order to ensure broad representation and participation in the Working Group. Depending upon the scope of the Working Group and its intended subject matter, the following avenues could be explored:

- Publication of announcement on relevant ICANN web sites, including by not limited to the GNSO and other Supporting Organization and Advisory Committee web pages.
- Distribution of announcement to GNSO Stakeholder Groups, Constituencies, and/or other ICANN Supporting Organizations and Advisory Committees.
- Circulation of announcement to organizations that are considered to have expertise/knowledge/interest in relation to the subject matter of the Working Group.
- One-to-one outreach from either the GNSO Chair or the Interim WG Chair to the Chair of other ICANN Supporting Organizations and Advisory Committees either known to have an interest in the subject, or those where it is felt that their input into the discussions will be valuable. Individuals known to be knowledgeable or interested could be similarly approached.

Ideally, the 'Call for Volunteers' announcement should include the following types of information about the Working Group: its objective(s), expectations concerning activities and timeframes, links to relevant background information including its charter, details on how to sign up as a participant, the requirement to submit a Statement of Interest (SOI), the requirement to acknowledge and accept the [Statement of Participation](#), and the [Working Group Member Skills Guide](#).

In addition, the GNSO Council might want to include some statement as to the importance of the activity, that is, why the effort is being undertaken, its criticality, context, and perceived usefulness to the GNSO. While a WG may not "need to know" these elements in order to complete their tasks, it could help in recruitment and sense of purpose. In addition, the announcement should include a link to these Working Group Guidelines as well as any other instructions or information that might be applicable to that particular Working Group.

Annex 1, Section 6.1.2 Transparency and Openness

Improvement #1

Replace the text in the section with the following:

All Working Groups are expected to operate under the principles of transparency and openness, which means, inter alia, that mailing lists are publicly archived, meetings are normally recorded and/or transcribed, SOIs are required from Working Group participants and will be publicly available, and

Statement of Participation must be acknowledged and accepted by Working Group participants before they can participate in the Working Group. It is important that prospective Working Group members are made aware of these principles.

Annex 1, Section 6.1.3 Purpose, Importance, and Expectations of the Chair

Improvements #3, #6 & #13

Replace the text in the section with the following:

While open Working Groups may offer many benefits in terms of broad participation and support, it is equally important that inclusiveness does not compromise effectiveness.

An experienced Chair with strong leadership and facilitation skills will be a key ingredient of a successful outcome. He or she should be able to distinguish between participants who offer genuine reasons for dissent and those who raise issues in an effort to block progress. The Chair should have the authority to enforce agreed upon rules applicable to anyone trying to disrupt discussions and be able to exclude individuals in certain cases, provided an avenue of appeal is available.

In addition, the Chair should be able to ensure that anyone joining a Working Group after it has begun has reviewed all documents and mailing list postings and agrees not to reopen previously decided questions. However, if there is support from the Chair to reopen an issue in light of new information that is provided either by a new member or an existing member of the Working Group, this should be possible. Furthermore, the Working Group leadership can decide, in consultation with the Working Group, whether new members can be accepted after the start of the Working Group effort. See the **Criteria for Joining of New Working Group Members** for further guidance.

The Chair is expected to assume a neutral role, refrain from promoting a specific agenda, and ensure fair treatment of all opinions and objectivity in identifying areas of agreement. This does not mean that a Chair experienced in the subject matter cannot express an opinion, but he or she should be explicit about the fact that a personal opinion or view is being stated, instead of a 'ruling of the chair.' However, a Chair should not become an advocate for any specific position.

The appointment of co-chairs could be considered and is encouraged as a way to share the burden, provide continuity in case of absence of the Chair as well as allowing group leaders to rotate their participation in the discussion. In addition, in certain circumstances the GNSO Council may decide that it must appoint a completely neutral and independent Chair who would not participate in the substance of the discussions. In such circumstances, the Chair would be appointed by the GNSO Council.

Ideally, a Chair should have sufficient and substantive process expertise, possess leadership skills and be skilled in consensus building.

The GNSO Council, working with the Staff, might consider the use of a professional facilitator, in certain circumstances, to help a Chair ensure neutrality and promote consensus or to provide other capabilities and expertise.

Working Group Chairs shall review the full text of the [Expectations for Working Group Leaders](#) document to understand the expectations for WG leaders, including their role & responsibilities as well as minimum skills/expertise required. The same expectations should also apply to Co-Chairs and Vice-Chairs.

As the manager of the policy development process and other GNSO projects, the GNSO Council regularly reviews work underway within the GNSO. This includes a [regular review of the Working Group leadership](#). Feeding into the regular review of WG leadership by the GNSO Council, a [working group member survey](#) shall be conducted in advance of the scheduled review so that the results can be taken into account.

Annex 1, Section 6.1.4 Other Important Roles

[Improvements #2 & #5](#)

Replace the text in the first two bullet points with the following:

- **Chartering Organization Liaisons** – A Member of the GNSO Council is appointed to serve as a Liaison to the Working Group. In short, the GNSO Council liaison is expected to: Fulfill liaison role in a neutral manner; be a regular participant of WG meetings; participate in regular meetings with WG leadership; report to Council on the WG progress; serve as an interim WG Chair until a Chair is named; convey to Council on WG communications, questions, concerns; inform WG leadership about Council activities impacting the WG; refer to Council questions related to WG Charter; assist or engage when WG faces challenges; assist in case of abuse of ICANN’s Expected Standards of Behavior; assist with knowledge of WG processes and practices; facilitate when there is disagreement regarding consensus designation. For onboarding purposes, the GNSO Council liaison shall review the [GNSO Council liaison to the WGs - Role Description](#), the [New Liaison Briefing and Liaison Handover](#) document, and the [supplemental guidance](#) to understand their responsibilities and the frequency in which they must be carried out.
- **Expert Advisors/Consultants** – If deemed necessary to fulfill the charter obligations, the GNSO Council may consider inviting one or more expert advisors or consultants to participate in the WG. If there are budget implications related to the participation of such external resources, funding should be confirmed in advance with the appropriate ICANN Staff organization. Expert contributors are not expected to participate in any consensus designation process, but provide

perspective/expertise/knowledge to the PDP WG. The GNSO Council may be able to use an independent evaluation process (e.g., GNSO Council Standing Selection Committee) to confirm whether those individuals have demonstrated the expertise/knowledge/perspective.

Annex 1, Section 6.2 Working Group Charter Templates

Revised GNSO Working Group Charter Template

Question: *Do we want to propose new text to replace the existing content, or simply replace the existing content with the revised GNSO Working Group Charter Template?*

Annex 2, Section 9 Development and Approval of the Charter for the PDP

Revised GNSO Working Group Charter Template

Replace the sentence on page 71 (“The elements of the Charter should include, at a minimum, the following elements as specified in the GNSO Working Group Guidelines: Working Group Identification; Mission, Purpose and Deliverables; Formation, Staffing and Organization, and; Rules of Engagement.”) with the following:

The elements of the Charter should include, at a minimum, the following elements as specified in the GNSO Working Group Guidelines: Working Group Identification; Mission, Purpose and Deliverables; Project Management; Formation, Staffing and Organization; Rules of Engagement; and Decision Making Methodologies.

Annex 2, Section 10 PDP Outcomes and Processes

Improvements #11, #12, #16, #17

Add the following text before the current last paragraph:

The PDP Working Group shall respect the timelines and deliverables as outlined in Annex A of the ICANN Bylaws and the PDP Manual. The Working Group leadership, in collaboration with the WG support staff and the appointed GNSO Council liaison, shall use a standard set of project management work products that help plan, guide, track, and report the progress of the WG from start to finish, and include the necessary data and information to assess the progress of the WG. These work products include:

- Summary Timeline
- Project Situation Report
- Project Plan

- Work Plan
- Action Items

Note however, that a completed project plan will not usually occur until after a working group has performed a cursory review of the in-scope issues and confirmed its work plan. Therefore, the formal project plan should be returned back to the GNSO Council for final confirmation and formal initiation of the project Status, Condition, and Delivery Date.

The working group leadership team is ultimately responsible for managing the project resources. The GNSO Council will be the primary audience of the project package. The Working Group leadership, in collaboration with the Working Group support staff and the GNSO Council liaison, shall assess the Status and Condition of the project at least once a month. Such frequency is required in preparation for the GNSO Council monthly meeting, where At-Risk or In-Trouble projects are subject to review by GNSO Council leadership, and in some instances may be deliberated by the full GNSO Council.

The Working Group leadership, in collaboration with the Working Group support staff and the GNSO Council Liaison, shall use a **project status and condition change procedure** (see **Flowchart** for further guidance), which defines specific conditions that trigger the execution of a repeatable mitigation plan. The objective of this exercise is to return the project to an acceptable state ultimately achieving its planned outcomes.

The Working Group shall submit a **Project Change Request (PCR) Form** to the GNSO Council when its deliverable and baseline delivery date are revised. The PCR shall include a rationale for why these changes were made, their impacts on the overall timeframe of the PDP or any other interdependencies, and a proposed remediation plan.

The use of the PCR mostly occurs when primary deliverable dates are changed due to unforeseen or extreme circumstances. However, it can also be used to document changes in the deliverable requirements that may not have been identified in the chartering process.

When the PCR is required, it should be completed by the working group leadership team and it will likely be presented to the GNSO Council for approval.

Annex 2, Section 15: Termination or Suspension of PDP Prior to Final Report

Improvement #11

Replace the first paragraph with the following:

The GNSO Council may terminate or suspend¹¹³ a PDP prior to the publication of a Final Report only for significant cause, upon a motion that passes with a Supermajority Vote in favor of termination or suspension.

The Working Group leadership, in collaboration with the Working Group support staff and the GNSO Council Liaison, shall use an escalation procedure (see Flowchart for further guidance), which defines specific conditions that trigger the execution of a repeatable mitigation plan. The objective of this exercise is to return the project to an acceptable state ultimately achieving its planned outcomes OR terminate it if a positive return can no longer be realized or when it is clear that no consensus can be achieved.

The following are illustrative examples of possible reasons for a premature termination or suspension of a PDP.

¹¹³ Suspension is a stated time interval during which there is a temporary cessation of the PDP, i.e. all activities are temporarily halted upon a decision of the GNSO Council. A mere change in milestones or schedule of the PDP is not considered a suspension

PDP 3.0 Small Team Response to ICANN Community Feedback

The GNSO Council appreciates feedback/input for the proposed PDP 3.0 implementation from the At-Large Advisory Committee (ALAC), the Governmental Advisory Committee (GAC), and individual participants of the PDP 3.0 webinar on 9 December 2019. The Council's small team responded to the input/feedback and incorporated them in the finalized work products as they deemed appropriate.

Please see details in the tables below.

1. Response to the ALAC

# Document	ALAC Feedback	PDP 3.0 Small Team Response
#2 Comparison table of working group models	<p>1) Selection of WG Model</p> <p>The proposed Improvement #2 suggests 3 models from which the GNSO Council (or the PDP Team Charter drafting team) would select, subject to rationale and arguments for their selection and presumably based on a predetermined set of elements. The ALAC believes that membership and participation in a WG should be limited only in VERY specific situations. The current Open Model clearly was problematic in the Registration Directory Service (RDS) Review and perhaps would be in the EPDP on the Temporary Specification for gTLD Registration Data, but it has served us well in many other PDPs, so any decision to depart from it under regular circumstances will lead us back to the Task Force model that was abandoned for good reasons after the first GNSO Organizational Review over ten years ago. Therefore we propose the default should be the Open Model and that the GNSO Council (or the PDP Team Charter drafting team) should always be called upon to explicitly address why their selection should not be the Open Model.</p> <p>In the case of the Open Model and the Representative & Open Model where participation is open to anyone, we suggest that a process be put in place for a periodic reminder (or invitation) be issued to persons who had volunteered to be WG members but do not appear to be actively turning up for calls or contributing on mailing lists to renew their Statement of Participation (see: proposed Improvement #1) failing which, they could opt to become observers instead. We think this would assist in ensuring active engagement by WG participants.</p>	<p>1)</p> <ul style="list-style-type: none"> - Team appreciates the concerns but believes that the GNSO Council, as the manager of GNSO PDPs, has the mandate to determine which working group model is the best fit for purpose during the chartering process by considering elements including timeline, cost/budget, expertise, leadership requirements, interest in the topic, impact of PDP outcome, and so on. - Team acknowledges that the Open Model has served the ALAC well in the past. However, this would be one of the many elements for consideration by the GNSO Council when deciding on the appropriate working group model to carry out the policy development activities. Hence, Team cannot suggest that the Open Model should be the default, or any model should be the default. - Team appreciates the suggestion asking the GNSO Council (or the PDP Charter drafting team) to explicitly address the selection of the working group model. In the revised PDP WG charter template, Team will consider incorporating a section for the GNSO Council/Charter drafting team to include the rationale for the working group model selection. - Team appreciates the suggestion for sending the periodic reminder about renewing the Statement of Participation to working group members who do not actively participate or contribute. Team will consider incorporating the reminder element in the implementation document but is concerned about whether the additional efforts of sending the reminders will generate desired benefits. While Team does not believe members can be easily forced to become observers, Team will

# Document	ALAC Feedback	PDP 3.0 Small Team Response
	<p>2) Encouraging Compromise and Cooperation</p> <p>Regardless of the WG Model selected, we do need better ways to ensure compromise and cooperation among WG participants. This aspect does not appear to have been considered within the proposed implementation documents and we hope to see some developments on this in the near future.</p> <p>3) WG Leadership Selection</p> <p>We are concerned about a lack of considered improvements to the selection of WG Leadership as such selection is critical to the success of a PDP. WG leader(s) MUST be able to do the job, and must be able to do it without bias or vested interest in the outcomes. That has been a major issue in previous successes and failures.</p>	<p>reference the "Statement of Participation" and the participation related requirement, emphasizing its enforceability by the WG Chair and GNSO Council Leadership team.</p> <p>2) Team appreciates the concerns but would like to point out that the "Consensus Playbook" to be developed under PDP 3.0 Improvement #4 will provide further guidance for working group leaders and members on the consensus building process. In the development of the Consensus Playbook, Team will consider incorporating mechanisms/approaches to encourage compromise and cooperation among working group members, as appropriate.</p> <p>3) Team appreciates the concerns but would like to point out that PDP 3.0 Improvement #6 outlines role & responsibilities, as well as minimum skills & expertise required for working group leaders. This improvement facilitates the working group's selection and review of its leadership positions and helps members and the GNSO Council hold the leaders accountable. In addition, PDP 3.0 Improvement #13 provides a regular review process of working group leadership, including an anonymous survey to be completed by working group members.</p>
#3 Working group member skills guide	<p>Better Support to Facilitate Broad-Based Participation</p> <p>The GNSO Review of 2014 recognized the need for the GNSO WGs to more broadly reflect the ICANN community and made several recommendations to achieve those ends. Specifically, its first three recommendations - grouped together under the heading "participation and representation" - recommended that the GNSO develop outreach strategies for new WG membership, a drive to</p>	<p>Team appreciates the suggestion regarding webinars to facilitate the participation and engagement of At-Large members in GNSO working groups. However, Team notes that the implementation of those engagement measures is out of scope of the PDP 3.0 project. It may be appropriately actioned by other efforts, such as the future workstreams of the Multistakeholder Model Evolution project.</p> <p>Team will consider the webinar recommendation</p>

# Document	ALAC Feedback	PDP 3.0 Small Team Response
	<p>recruit volunteers for new WGs and remove any cost barriers to participation in GNSO WGs.</p> <p>While there are no specific cost barriers to direct participation in GNSO WG, indirectly, there are costs. Almost all ALAC and At-Large Community members are volunteers, and their participation in WG is generally not related to their employment. Therefore, participation in WGs does represent a loss - either of time with family and friends or loss of holiday time since many such “volunteers” use their holiday leave to attend ICANN meetings and/or WG meetings.</p> <p>We also ask that the GNSO recognize and take into account the barriers others, including ALAC and At-Large Community members face in participation in WGs. Those barriers include lack of technical knowledge on the issue, language barriers, geographical barriers (making the time of WG calls very difficult for “the other half” of the globe), and the fact that ALAC and At-Large Community members are volunteers; time taken to understand and participate in WGs is time away from paid employment and/or family.</p> <p>Thus, the GNSO could help ensure more participation by members of the At-Large Community through steps such as:</p> <ul style="list-style-type: none"> - Providing webinars (to accommodate different time zones) to explain the issues to be considered - Providing webinars in different languages - In the webinars, either have a technical expert to explain in simple terms the issues to be addressed, or have a separate webinar specifically to provide background information on the issue to be considered. 	<p>as a future work item, but Team would like to note that being a member of a PDP WG should imply that the member will bring something to the table and can effectively contribute. Participating in a WG does not equate to learning about the subject as a beginner.</p>

# Document	ALAC Feedback	PDP 3.0 Small Team Response
#14 Checklist: criteria to evaluate request for data gathering	We are supportive of the proposed PDP 3.0 Improvement #14 in its aims to not only clarify the criteria for data gathering at the charter drafting phase or during the working phase of a PDP, but also to optimize flexibility for the same as we recognize the value of possessing relevant data to aid the drawing of conclusions in a PDP.	Team appreciates the support.

2. Response to the GAC

# Document	GAC Feedback	PDP 3.0 Small Team Response
#1 Statement of Participation	<p>1) A statement of participation is a good mechanism for reminding a working group member about their obligations to the community effort.</p> <p>2) The expectations set forth in the document seem reasonable to helping achieve a productive and collaborative work environment for participants.</p> <p>3) There should be some appeal mechanism included or referenced in the document in the event a group or team member disagrees with any leadership action to restrict group participation.</p>	<p>1) Team appreciates the support.</p> <p>2) Team appreciates the support.</p> <p>3) Team does not believe the reference to an appeal mechanism belongs in the Statement of Participation. There are existing challenge mechanisms built into the GNSO Operating Procedures -- 3.7 Complaint Process. Please see PDP 3.0 Improvement #9 "Clarification to Complaint Process in GNSO Working Group" for further details.</p>

# Document	GAC Feedback	PDP 3.0 Small Team Response
#2 Comparison table of working group models	<p>1) The term/acronym "SSC" used in the document should be defined</p> <p>2) If not initially appointed by the GNSO Council, leadership of a working group or team should be determined by members of the group or team itself with subsequent confirmation by the GNSO Council.</p> <p>3) Consideration should be given to establishing a standard default set of minimum ICANN community expectations regarding the experience and skill sets needed to lead a group or team.</p> <p>4) A group or team charter (or terms of reference) could identify additional expertise, as appropriate, concerning the particular objective or subject matter with which the group/team is tasked.</p> <p>5) The overall concept conveyed in recommendation 2, of having appointed representatives in the PDP working groups, is very valuable. It may be helpful to have participants who represent identified wider interests, may be more motivated, more responsible and accountable, while at the same time maintaining the openness of the working groups.</p> <p>6) Moreover, recommendation 2 seems to be an important precondition for contributing to solving many of the identified concerns regarding the quality of discussions or in consensus-building. It would allow the group to better gauge the levels of support for different positions in the wider community beyond very specific positions espoused sometimes by small but vocal groups of well-resourced people whose level of representativeness of broader constituencies may be unclear</p>	<p>1) Team appreciates the suggestion and will spell out "SSC" in the revised document.</p> <p>2) Team appreciates the suggestion and will consider adding a step for the GNSO Council to confirm the selected Vice Chair(s)/Co-Chair(s) in the options A and B columns in the second table.</p> <p>3) Team would like to point out that PDP 3.0 Improvement #6 provides the minimum GNSO community expectations regarding the experience, skills set, and commitments needed to lead a GNSO working group. GNSO should be able to provide input if the minimum ICANN community expectations for leaders are to be established.</p> <p>4) Team appreciates the comment about incorporating additional expertise in the charter and will consider adding this element in the charter template revision.</p> <p>5) Team would like to point out that the "Representative & Open Model" is the WG model that includes "participants", who may represent identified wider interest. The "Representative Model" does not include participants, hence the differentiation.</p> <p>6) Team appreciates the support and would like to point out that the "Consensus Playbook" to be developed under PDP 3.0 Improvement #4 will provide additional resources to aid WG leaders and members in the consensus building process.</p>

# Document	GAC Feedback	PDP 3.0 Small Team Response
#3 Criteria for joining of new members	<p>1) This criteria document does a good job identifying the issue created when members seek to join the group after certain conclusions or decisions have been reached.</p> <p>2) The apparent current practice which allows new members to join a group “so long as they get up to speed and do not reopen previously closed topics, unless they provide new information”, seems to be quite practical and reasonable.</p> <p>3) The document needs to state more clearly what circumstances would necessitate a departure from the current practice.</p> <p>4) If a “representative” model is applied to a particular working group effort, then participant replacements should be permitted at any time during the lifespan of the working group so long as the party appointing the participant makes the effort to appropriately prepare the new participant.</p>	<p>1) Team appreciates the support.</p> <p>2) Team appreciates the support.</p> <p>3) Team would like to point out that a non-exhaustive list of circumstances that allow working groups decide to suspend new membership is included on page 2 of the implementation document: - WG is conducting consensus process for Final Report; - WG has progressed too far along in its work; - Someone wishes to join a Sub Team whose work has finished; - Levels of representation would be altered by new member.</p> <p>4) Team appreciates the suggestion and will consider making the clarification in the implementation document.</p>
#3 Working group member skills guide	<p>- The skills guide, as drafted, offers useful information that should be made readily available to inform and educate new and existing working group participants.</p> <p>- It is quite helpful to see that this guide is intended to be a “living” document that can be supplemented over time.</p>	Team appreciates the support; the GNSO Council will publish the final implementation document on the GNSO website/wiki as appropriate when the improvement is officially deployed.
#5 New liaison briefing and liaison handover	<p>- The GNSO Liaison to a PDP plays an important communication and process facilitation role in the PDP structure.</p> <p>- The briefing and handover document provide a useful resource for new or experienced liaisons.</p>	Team appreciates the support.
#5 GNSO Council liaison supplemental	1) The supplemental guidance document as drafted provides a thorough checklist of the various job duties and best practices of a GNSO	<p>1) Team appreciates the support.</p> <p>2) Team appreciates the comment and will</p>

# Document	GAC Feedback	PDP 3.0 Small Team Response
guidance	<p>Council liaison to PDP working groups.</p> <p>2) The expectation of neutral behavior by the liaison is key precept of the supplemental guidance and should be emphasized as much as possible.</p>	<p>consider moving the requirement for "neutrality" to the top of the list in the implementation document.</p>
#6 Expectations for working group leaders	<p>1) This document does a good job of setting forth the specific expectations, roles and duties of working group leaders.</p> <p>2) The document provides several pages of language describing useful capabilities and skills that leaders are expected to bring to the working group's efforts. It includes a six-page skills checklist (accompanied by useful document links) that suggests it could also be used to evaluate candidates for Working Group leaders, or as a resource for prospective leaders to develop their skills.</p> <p>3) As valuable as the best practices described in the document are, they remain somewhat subjective. The GNSO should consider adopting or incorporating specific standard certifications as a vehicle for evaluating the eligibility of potential working group leaders.</p> <p>4) The references in the document to ICANN Academy and ICANN Learn resources suggest that a certification or credentialing program could be considered as part of or related to the PDP 3.0 effort.</p> <p>5) The GNSO Council may also wish to consider how to incorporate its working group leadership review mechanisms (PDP 3.0 Improvement #13) into the assessment of future working group leader candidates. Review feedback is something that could be incorporated into some form of a group chair/leader accreditation, credentialing or</p>	<p>1) Team appreciates the support.</p> <p>2) Team appreciates the support.</p> <p>3) Team appreciates the suggestion and will consider the development of a GNSO working group leadership accreditation/credentialing/certification program, which is related to the implementation of PDP 3.0 Improvement #6. One proposal that the Team considered previously is to transform the implementation document into a GNSO Learn Training module. Such module may be part of the future accreditation/credentialing/certification program.</p> <p>4) Team appreciates the suggestion and will consider identifying specific courses/resources in the ICANN Academy and ICANN Learn as part of the future accreditation/credentialing/certification program.</p> <p>5) Team appreciates the suggestion and will consider adding a reference to PDP 3.0 Improvement #13 in the implementation document, noting that the outcome of any previous WG leadership review will be taken into consideration for assessing a person's candidacy for any future leadership position in GNSO working groups.</p>

# Document	GAC Feedback	PDP 3.0 Small Team Response
	certification program.	
#11, 12, 16 GNSO project work product catalog	<p>1) A consistent reporting and tracking methodology will enable periodic review of PDPs while they are ongoing.</p> <p>2) The work product catalog lists five specific work products that each identify the product owner and the product audience while also defining an update/reporting cycle that should be followed.</p> <p>3) The GNSO should consider establishing some basic key performance indicators (KPIs) that can be determined by reviewing the various update/report products. Tracked and measured over time, those KPIs could be used to gauge the relative overall health of individual PDPs (and by extension, the overall PDP 3.0 process itself) as implemented.</p>	<p>1) Team appreciates the support.</p> <p>2) Team appreciates the support.</p> <p>3) Team would like to point out that the "Status" and "Condition" codes in the Project List and Project Status/Condition Change Procedure function as the GAC-suggested KPIs. "Status" revolves mostly around the scheduling attributes and resource availability of a project; it has seven (7) distinct codes. "Condition" indicates the overall performance classification of milestone achievement as compared to the original plan, in other words, the overall health of a project; it has three (3) distinct codes. See more details in the Project Status and Condition Change Procedure & Flowchart (PDP 3.0 Improvement #11)</p>
#11, 12, 16 Next generation project list	<p>1) The next generation project list offers a highly detailed overview of existing GNSO projects (including PDPs) that may prove to be of estimable value to the GNSO Council PDP management function.</p> <p>2) In some respects, the list's level of detail would likely be intimidating to the uninitiated, but there are portions of the format that display very useful status information about ongoing projects.</p> <p>3) The GNSO should ensure that the project list is easily accessible to all members of the community.</p>	<p>1) Team appreciates the support.</p> <p>2) Team appreciates the support and acknowledges that the Project List is of internal use by the GNSO Council and the PDP working group. The GNSO Council and support staff will provide necessary training to help the GNSO Council and PDP working groups get familiarized with the structure and content of the Project List.</p> <p>3) Team would like to point out that the Project List is already publicly available and published on the GNSO website at: https://gns0.icann.org/en/council/project</p>
#11 Project status and condition change procedure	<p>- This document provides excellent background and information about how the GNSO Council tracks the status of its various projects and PDPs.</p> <p>- The monthly review process outlined in the document seems to provide the appropriate frequency to check status and act accordingly if a</p>	Team appreciates the support.

# Document	GAC Feedback	PDP 3.0 Small Team Response
	project begins to experience delays or difficulties that merit Council management attention.	
#11 Project status and condition change Flowchart	<ul style="list-style-type: none"> - This document appears to be a useful internal resource for GNSO Council managers and staff that depicts the decision flowchart for updating the status of particular projects. - It is an excellent reference document that would appear to be of limited value to outside audiences. 	Team appreciates the support and comment regarding the usefulness of the document internal to the GNSO.
#12 Project change request form	<ol style="list-style-type: none"> 1) This appears to be another useful internal document for GNSO Council management of the PDP efforts. Presumably, the request document will be stored in a place on the GNSO web page or a specific webpage dedicated to individual PDPs that would show each request and the dispensation of each request. 2) To ensure transparency, it might be useful for the document to include a section that records the result of the request, so that a status change decision/information is all in one place. 	<ol style="list-style-type: none"> 1) <ul style="list-style-type: none"> - Team appreciates the support; the GNSO Council will publish the final implementation document on the GNSO website/wiki as appropriate when the improvement is officially deployed. - Each submitted Project change request form should be published on the GNSO website/wiki/ mailing list as appropriate. 2) Team appreciates the suggestion and will consider creating a section to record the result of the request in the next iteration of the implementation document.
#13 Regular review of PDP working group leadership	<ul style="list-style-type: none"> - The review documentation and process provide a useful management mechanism for checking on the effectiveness of the leadership of any particular PDP effort and can offer early warning of potential difficulties. - The documented process provides sufficient flexibility to avoid over-management while ensuring some form of oversight. - It is important to maintain the spirit of support that the review process suggests. - The documented process appears to provide potential opportunities to address (and possibly escalate) concerns before they become serious management issues. 	Team appreciates the support.

# Document	GAC Feedback	PDP 3.0 Small Team Response
	<p>- It is particularly useful that all working group members appear to have an opportunity to provide anonymous input on a standard survey regarding the performance of the working group leadership at regular intervals.</p>	
#13 Working group member survey on leadership performance	<p>1) The survey document itself provides a good balance of questions and assessments from working group participants.</p> <p>2) Although it appears that the survey questions are intended to measure levels of success over the lifetime of the PDP effort, please consider adding a numerical component to the survey responses. This could enable the application of the survey results (or some aggregate) into a possible credentialing or certification process for working group leaders that could be applicable across the community with a possible application in broader cross-community working group settings.</p>	<p>1) Team appreciates the support.</p> <p>2) Team appreciates the suggestion and will consider assigning numbered scores to each survey question response in the next iteration of the implementation document.</p>
#14 Checklist: criteria to evaluate request for data gathering	<p>- Access to commonly understood data and facts can play a vital role in effective policy development discussions by ensuring that working group participants are all accessing the same trusted and reliable information for their discussions.</p> <p>- The draft criteria document presents a checklist of nearly 30 individual questions designed to assure that any request for data is thoroughly considered and vetted.</p>	Team appreciates the support.

3. Response to Individual Participants of PDP 3.0 Webinar

# Document	Individual Feedback	PDP 3.0 Small Team Response
<p>#2 Comparison table of working group models</p> <p>- Greg Shatan & Justin Chew</p>	<p>1) The table only mentions GNSO participation in the representative models. This implies AC's positions in the Representative Model and Representative & Open Model aren't properly weighted.</p> <p>2) What weight is applied to non-GNSO participants in the consensus process?</p> <p>3) How do the Representative Model and Representative & Open Model handle members that do not belong to any SO/AC in ICANN?</p>	<p>1) Team appreciates the concerns and will consider adding clarification that in the Representative and Representative & Open Models, the Chair shall also apply necessary and appropriate weight to the positions of representative from other SOs/ACs based on the charter requirement. This seems to be an unintentional omission in the implementation document.</p> <p>2) Team appreciates the question and would like to point out that the GNSO Council and its charter drafting team will decide on the specific weight to be applied to positions of representatives in the Representative and Representative & Open Models during the chartering process. The implementation document is not prescriptive in this matter.</p> <p>3) Team appreciates the question and would like to clarify that while individual members (who do not belong to any SO/AC) cannot typically participate in the consensus designation process in the Representative and Representative & Open models as illustrated in the table, the GNSO Council has the discretion to modify and/or mix/match the "consensus designation process" element and other elements as deemed appropriate. Similarly, variations could be considered as long as, per the GNSO Operating Procedures "the GNSO Council first identifies the specific rules and procedures to guide the PDP Team's deliberations".</p>
<p>#2 Comparison table of working group models</p> <p>- Jeff Neuman</p>	<p>1) If we go to a Representative model, should we require that Councilors not serve as the representatives in order to ensure that the Council is seen as the managers of the process as opposed to participants, otherwise their roles get intertwined?</p>	<p>1) Team appreciates the question but has concerns that limiting the participation of Councilors may be difficult due to the limited availability of volunteers. In addition, the GNSO Council cannot limit how GNSO SGs/Cs appoint their members. Team would like to point out that due to the job duties of GNSO Council liaison to a PDP working</p>

# Document	Individual Feedback	PDP 3.0 Small Team Response
	<p>2) A Representative/Open model should be considered the default as opposed to going to a Representative model.</p>	<p>group and the expectations for their neutral role, the liaison has an appropriate position to oversee the working group process on behalf of the GNSO Council and facilitate the managerial role of the Council. As a parking lot item, Team is expected to further deliberate on any potential conflict of interest issue when a GNSO Councilor participates in a working group.</p> <p>2) Team would like to point out that which working group model to carry out policy development activities and how each component of the model looks like is up to the discretion of the GNSO Council during its chartering process for the working group. Hence, Team cannot suggest that the Representative/Open model should be the default, or any model should be the default.</p>
<p>#2 Comparison table of working group models - Brian Beckham</p>	<p>Section 13.1 of the ICANN Bylaws specifically calls for the solicitation of advice of external expert bodies where they have competency on matters relating to issues that are undergoing a policy development process. This component seems to have been omitted in the three WG models.</p> <p>"Section 13.1. EXTERNAL EXPERT ADVICE(a) Purpose. The purpose of seeking external expert advice is to allow the policy-development process within ICANN to take advantage of existing expertise that resides in the public or private sector but outside of ICANN. In those cases where there are relevant public bodies with expertise, or where access to private expertise could be helpful, the Board and constituent bodies should be encouraged to seek advice from such expert bodies or individuals."</p>	<p>Team appreciates the concerns and would like to point out that for both Representative and Representative & Open models, it has been noted that "expert contributors" can be invited to become members in the working group. Open Model welcomes the participation of all interested, including external experts.</p> <p>Team may consider providing clarification that the GNSO Council's determination of the membership structure and other components for any GNSO working group model should not conflict with the requirements in ICANN Bylaws, which are paramount.</p>

# Document	Individual Feedback	PDP 3.0 Small Team Response
<p>#3 Working group member skills guide</p> <p>- Benjamin Akinmoveje</p>	<p>How do you evaluate intending members project management skills or ability to achieve consensus when they apply for WG membership?</p>	<p>Team appreciates the question and would like to point out that the skills guide is intended as an aide to working group leaders and members, clarifying expectations for skills that may be needed during the lifecycle of policy development. It should clearly not be applied in such a way that new members are discouraged from joining working groups, or feel excluded.</p> <p>However, Team will consider clarifying the circumstances when working group leaders could decide to set or enforce certain criteria for membership as prescribed in the working group charter by the GNSO Council (see PDP 3.0 Improvement #2), or restrict participation in the event of non-compliance with the Statement of Participation (see PDP 3.0 Improvement #1). If certain skill/expertise for members is required, an independent evaluation (e.g., Standing Selection Committee) may be carried out as appropriate in the specific circumstances.</p>
<p>#4 Consensus Playbook</p> <p>- Jeff Neuman</p>	<p>1) Because of the impact of the recommendations regarding "Consensus" (including the playbook and other recommendations), I would ask that these be considered separate and apart from the other recommendations (especially because we have not seen the playbook yet). All I am asking is that it has ample opportunity for review and comment and completing this by the January workshop when we have not seen it yet, sounds unrealistic. It is hard to react to an unseen document, but you all should just understand that extreme sensitivity.</p> <p>2) The current Consensus document is based almost exclusively on IETF processes, which was explicitly rejected during PDP 2.0 discussions. This is because the IETF recommendations are "voluntary" meaning that no one is bound to follow them. Whereas here, contracted parties are</p>	<p>1) Team appreciates the suggestion and will defer to the GNSO Council (in consultation with support staff and the external vendor) to consider appropriate mechanisms to incorporate wider ICANN community input to the Consensus Playbook. Community input is expected to be incorporated during the development of the Playbook. Approval of funding for the Consensus Playbook was expressly conditioned on its being prepared in such a way as to be usable across the ICANN community, not just the GNSO.</p> <p>2) The Consensus Playbook will cover process and techniques for achieving consensus, not revising current consensus definitions in the GNSO Operating Procedure. The Briefing document on the concept of "Consensus" (developed under Improvement #9) will serve as a reference material</p>

# Document	Individual Feedback	PDP 3.0 Small Team Response
	required to abide by "Consensus Policies"	for the development of the Consensus Playbook, as the briefing document includes tools and tips from the IETF for building consensus in the multistakeholder model. It does not mean all IETF's experiences and techniques will be copied into the Consensus Playbook, and there is no intention to revise the current consensus definition in the GNSO.
#5 GNSO Council liaison supplemental guidance - Lori Schulman	Provide conflict resolution related training or professional development to liaisons if they are expected to play a role in facilitating the resolution of conflicts/discords.	Team appreciates the suggestion and will consider adding a reference to the Conflict Resolution Staff in the ICANN Policy Team, who may be a resource to provide liaison conflict resolution related training/suggestions.
#9 Clarification to Complaint Process in GNSO Working Group - Jeff Neuman	Consider amending the Complaint Committee to allow other people to be invited other than current or former Councilors. It could include former chairs or just others in the community that can be neutral and have experience with PDPs and conflict resolution.	Team appreciates the suggestion and will consider giving the working group leadership, who will consult with the GNSO Council leadership and the Council liaison, an option to invite non-Councilors to join the Ad-Hoc Complaint Committee based on specific criteria.

PDP 3.0 Webinar Slide Deck

The slide deck below was used during the PDP 3.0 public webinar on 9 December 2019. It provides visualization and highlights of key takeaways for the proposed implementation of some of the PDP 3.0 improvements. Note that since the PDP 3.0 work products have been updated and finalized after the webinar, incorporating input from the ICANN community, some of the content on the slide deck is outdated. It is included in this Final Report here for record keeping purposes.

PDP 3.0 Implementation



GNSO Council Webinar
9 December 2019

Agenda

- Background
- Package 1 Improvements (#1, #2, #3, #6)
- Package 2 Improvements (#11, #12, #14, #16)
- Package 3 Improvements (#5, #13)
- Package 4 Improvements (#9, #15)
- Remaining Work Items
- Linkage with Multistakeholder Model Evolution

Background

Divided Into Five (5) Improvement Packages

GNSO Council initiative to **enhance the efficiency & effectiveness of PDPs**

Adopted **14 PDP 3.0 Improvements** on 24 October 2018

1

- #1 Terms of participation for WG members
- #2 Alternatives to open Working Group model
- #3 Criteria for joining of new members
- #6 Expectations for Working Group leaders

2

- #11 Enforce deadlines & ensure bite size pieces
- #12 Notification to Council of change in work plan
- #14 Criteria to evaluate request for data gathering
- #16 Criteria for PDP Working Group updates

3

- #5 Active role for and clear description of Council liaison to PDP Working Groups
- #13 Review of working group leadership

4

- #9 Provide further guidance for section 3.6 and clarification of section 3.7
- #15 Independent Conflict Resolution

5

- #4 Capture vs. consensus playbook
- #17 Resource reporting for PDP Working Group

GNSO Council Small Team

GNSO Council Small Team supports the implementation efforts in collaboration with **GNSO support staff**; held **28 meetings** since April 2019



Darcy Southwell

RrSG

Former Small Team Member



Maxim Alzoba

RySG



Elsa Saade

NCSG



Pam Little

RrSG



Flip Petillion

IPC



Philippe Fouquart

ISPCP



Marie Pattullo

BC



Rafik Dammak

NCSG

Small Team Chair

Progress Overview

Dates of Package Delivery



Package 1 Improvements

#1 Terms of participation for Working Group (WG)

members

#2 Alternatives to open WG model

#3 Criteria for joining of new members

#6 Expectations for WG leaders

Package 1 Overview

1

#1, #2, #3, #6 | *Expectations, Requirements, Participation Methods for GNSO Working Groups Members and Leaders*

Statement of participation (#1)

A document that seeks affirmative commitment from working group members before they can participate in a working group

A comparison table of working group models (#2)

A document that identifies three policy working group models, notes aspects for consideration during working group formation, and lists elements of different models that can be mixed and matched

Criteria for joining of new members (#3)

A document that provides additional clarifications for the GNSO Working Group Guidelines and outlines factors that a working group should consider in determining whether to accept new members after the start of the effort

Working group member skills guide (#3)

A document that lists resources, tips, and suggestions that help ensure new members are sufficiently prepared for full participation in a working group

Expectations for working group leaders (#6)

A tool that facilitates the working group's selection and review of its leadership positions and helps a working group and the Council hold its leaders accountable

Statement of Participation (#1)

- ❑ Working group members must agree to:
 - ✓ Cooperate with fellow members to **reach consensus**
 - ✓ Abide by **working methods & rules of engagement**
 - ✓ Treat all members with **civility**
 - ✓ Act in a **reasonable, objective, and informed manner**
 - ✓ Make best efforts to **attend meetings & complete assignments**
 - ✓ Act in accordance with **ICANN Expected Standards of Behavior**
 - ✓ Adhere to applicable **conflict of interest policies**
 - ✓ Adhere to **Anti-Harassment Policy, Terms of Participation & Complaint Procedures**

- ❑ **Enforceability:** Working Group leadership and GNSO Council leadership can restrict participation in the event of non-compliance


- ❑ **EPDP Team** serves as a pilot for this implementation



Working Group Models Comparison (#2)

	Open Model	Representative Model	Representative & Open Model
Membership	Open to all interested in participating + 1 neutral Chair	Appointed members and alternatives + liaisons + 1 neutral Chair + expert contributors	Appointed members and alternatives + liaisons + 1 neutral Chair + expert contributors
Participants			✓
Observers change to members	✓		✓ As long as it does not affect upper limit
Consensus Designation Process	All members participate	Appointed members participate; Chair applies weight to positions of GNSO SGs/Cs, which should not be impacted by increased membership from one group	Appointed members participate; Chair applies weight to positions of GNSO SGs/Cs

Other Aspects for Consideration (#2)

	Option A	Option B	Option C
Chair Selection	Selected from WG by WG members Confirmed by GNSO Council	Appointed by GNSO Council with independent evaluation	
Vice Chair(s) / Co-Chair(s)	Determined by WG	Determined by Charter Selected by WG	Determined by Charter Appointment by GNSO Council with independent evaluation
Member Expertise	 Encouraged to have expertise	 Required to have expertise with independent evaluation	

Mix & Match

Criteria for Joining of New Members (#3)



Working group leaders may decide to **suspend new membership** in consultation with the working group



Possible **circumstances** include:

- WG is conducting consensus process for Final Report
- WG has progressed too far along in its work
- Someone wishes to join a Sub Team whose work has finished
- Levels of representation would be altered by new member



Possible **exceptions** include:

- An existing member wishes to stay involved after job change
- Replacement required to maintain the levels of representation



GNSO Council will not determine, but may **provide advice** on whether new members can join

Working Group Member Skills Guide (#3)



Communications skills as the overarching skill set



Responsibility	Skill Requirements	Resources
Contribute ideas & knowledge	<ul style="list-style-type: none"> Knowledge of issue background & work progress Participation commitment Agility in evolving situations 	GNSO Working Group Guidelines Section 4.1
Develop WG documents	<ul style="list-style-type: none"> Knowledge of WG documents & development process Research skills Commitment to work & collaboration 	Deliberations & records of current WG + related WG(s)
Liaise between WG & GNSO SG/C	<ul style="list-style-type: none"> In-depth knowledge of WG progress Understanding of SG/C's interests Commitment to operating a "two-way-street" 	Deliberations & records of WG
Develop GNSO SG/C statements	<ul style="list-style-type: none"> Project management skills Ability to navigate ambiguous situations Support SG/C in statement drafting Knowledge of context / background 	Discussions with SG/C members
Participate in consensus decision making	<ul style="list-style-type: none"> Understanding of consensus concept & process Commitment to avoiding consensus blocking or re-litigating closed issues Decision-making skills Ethical conduct & integrity 	GNSO Working Group Guidelines Section 3.6 PDP 3.0 Improvements #4, #9, #15

Expectations for Working Group Leaders (#6)

- ✓ Encourage **representational balance**
- ✓ Encourage adherence to **ICANN's Expected Standards of Behavior & Community Anti-Harassment Policy**
- ✓ Ensure WG documents represent the **diversity of views**
- ✓ Make **consensus designation** on working group recommendations
- ✓ Handle working group **complaint process**
- ✓ Be versed in **GNSO Operating Procedures**
- ✓ Assume a **neutral and impartial** role
- ✓ **Build consensus**
- ✓ Balance working group **openness with effectiveness**
- ✓ Make **time commitment**



Package 2 Improvements

#11 Enforce deadlines & ensure bite size pieces

#12 Notification to Council of change in work plan

#14 Criteria to evaluate request for data gathering

#16 Criteria for PDP Working Group updates

Package 2 Overview

2

#11, #12, #14, #16 | *Project Management Related Improvements*

[GNSO project work product catalog](#) (#11, #12, #16)

A list of staff-managed work products that help document and guide the progress of a working group from start to finish

- Summary Timeline
- GNSO Council Project List
- Project Plan
- Work Plan & Action Items
- Fact Sheet
- Project Change Request

[Project status and condition change procedure & flowchart](#) (#11, #12, #16)

A process that assists working group and Council leadership in assessing the state of a project and determining when disruptions require Council attention

[Checklist: criteria to evaluate request for data gathering](#) (#14)

A tool that assists PDP working group in performing its due diligence before submitting a data gathering request to the GNSO Council

GNSO Project Work Product Catalog (#11, #12, #16)

1

Summary Timeline

Displays key deliverable dates; to be presented on a rolling 12 months basis; updates occur monthly/as required

Primary Audience: WG, GNSO Council, Community

2

Next Generation Project List

Contains summary, scope, composition, deliverable, tasks, status and condition

Primary Audience: WG, GNSO Council

3

Project Plan

A Gantt Chart with detailed view of tasks and deliverables; typically used within WG leadership

Primary Audience: WG, GNSO Council Leadership

4

Work Plan & Action Item

Tactical view of tasks, deliverables, and additional actions that typically occur no longer than two (2) months

Primary Audience: WG

5

Fact Sheet

For projects where dedicated funds are provided outside of budgeted policy activities; update monthly

Primary Audience: GNSO Council Leadership, Community

6

Project Change Request

A formal, written request to document changed parameters after the project was launched; need Council approval

Primary Audience: GNSO Council


*EPDP Team serves as a pilot to implement these work products
Next Generation Project list presented to the GNSO Council since September 2019*


Project Status & Condition (#11, #12, #16)





Status


Revolves mostly around the **scheduling** attributes and **resource** availability


 Planned

 Behind schedule

 On-Schedule

 Target will be missed

 Revised schedule


 On-hold


VS




Condition

Overall **performance classification** of milestone achievement as compared to the original plan; carries a **heavier weighting**

 **On-Target:** Continue to review the Project Plan, Work Plan, Action Items & risks

 **At-Risk:** GNSO Council leadership should be notified; mitigation plan will be implemented

 **In-Trouble:** Full GNSO Council intervention is required

Package 2 Improvement Implementation Examples

For (#11, #12, #16) Display:

- Project list (PDP 3.0)
- Project change flowchart
- Project change request form
- Summary timeline (EPDP)
- Fact sheet example (EPDP)

Checklist: Evaluate Request for Data Gathering (#14)

Who

Working group leadership, in consultation with WG members & staff, complete the **data request form** using the checklist

How

Answer the questions in checklist relevant to the sections in the data request form for evaluation by the GNSO Council



What
(examples)

Policy or issue being explored

What is the objective? What policy issue requires the need for data?

Expected delivery date

What is the estimated timeline for the data gathering?

Issue to be solved

What problem will the data help resolve? Include examples.

Resource estimation [by staff]

What are the potential methodologies for data gathering?

Data requirements [scope]

What type of data? What is the expected sample size?

Budget considerations [by staff]

Is the budget allocated able to render the expected sample size?

Responsible team/data source

Does it require an independent third party to collect the data?

Data protection & privacy

Will the processing of data comply with applicable laws/regulations?

Package 3 Improvements

#5 Active role for and clear description of Council liaison to PDP Working Groups

#13 Review of working group leadership

Package 3 Overview

3

#5, #13 | *Review of Working Group Leadership and Guide for GNSO Council Liaison to PDP Working Groups*

<u>New liaison briefing and liaison handover</u> (#5)	A tool that assists a new GNSO Council liaison to a PDP working group in getting up to speed with the liaison role and responsibilities generally, but also specific to the particular PDP
<u>GNSO Council liaison supplemental guidance</u> (#5)	A checklist that details job duties of a GNSO Council liaison to a PDP working group
<u>Regular review of PDP working group leadership by GNSO Council</u> (#13)	A process that helps the GNSO Council evaluate the performance of PDP working group leadership and address possible issues/opportunities identified
<u>PDP working group member survey on leadership performance</u> (#13)	An anonymous survey to be completed by PDP WG members and feed into the regular review of PDP working group leadership by the GNSO Council

New Liaison Briefing & Liaison Handover (#5)



Liaison to PDP

- Familiarize with GNSO Operating Procedures
- Connect with GNSO Staff

- Review GNSO Council liaison role description
- Subscribe to mailing lists
- Add to leadership communication channels
- Review wiki, mailing list archive, briefing docs
- Request a catch-up call with support staff
- Participate in onboarding conference call



Liaison to IRT

- Familiarize with CPIF
- Connect with GDD Project Manager

This document has already been used during the liaison handover calls for the New gTLD Subsequent Procedures & Rights Protection Mechanism PDPs

GNSO Council Liaisons Supplemental Guidance (#5)

Job Duty	When
Fulfill liaison role in a neutral manner	Ongoing
Be a regular participant of WG meetings	As dictated by WG
Participate in regular meetings with WG leadership	As dictated by WG
Report to Council on the WG progress	Each Council meeting
Serve as an interim WG Chair until a Chair is named	As needed
Convey to Council on WG communications, questions, concerns	As needed
Inform WG leadership about Council activities impacting the WG	As needed
Refer to Council questions related to WG Charter	As needed
Assist or engage when WG faces challenges	As needed
Assist in case of abuse of ICANN's Expected Standards of Behavior	As needed
Assist with knowledge of WG processes and practices	As needed
Facilitate when there is disagreement regarding consensus designation	As needed



Ideas / best practices provided for each job duty



Regular Review of Working Group Leadership (#13)



Objectives

GNSO Council to regularly check in with WG leadership and address possible issues / opportunities identified



Review Setup

- **New PDPs:** schedule of review established in the charter
- **Ongoing PDPs:** decided by Council/WG leadership & liaison
- Council leadership/liaison may initiate review in response to **special circumstances**



Review Inputs

- Verbal input
- Monthly reporting
- WG member survey
- Expectations for WG leaders
- Complaint about WG leadership



Review Process

Staff-led: Survey development & processing
Council leadership & liaison-led:

- Analysis of survey results & monthly report
- Recommendations on next steps
- Sharing of recommendations with Council
- Implementation & evaluation of next steps



Escalation

- Request that one or more member(s) of the WG leadership team to **step down**
- **Replace** a member of the WG leadership team or the full leadership team

Regular Review of Working Group Leadership (Cont.)

Questions to be Considered by Council Leadership & Liaison

- ❖ Have you personally **observed** any behavior or issues?
- ❖ Have you **received reports** from WG members?
- ❖ Are there any patterns in the **responses to the survey**?
- ❖ Are there issue areas in the **monthly reporting**?
- ❖ Is it already possible to **identify next steps and resources** to address the concerns?

Issues about WG Leadership to Address

- ❖ Has difficulty **facilitating WG meetings** aligned with charter/workplan
- ❖ Is unable to effectively **manage disruptive behaviors**
- ❖ Is consistently unable to **meet target deadlines**
- ❖ Does not **respond to concerns** raised by WG members
- ❖ Does not act in a **neutral, fair, and objective manner**
- ❖ Members of leadership team are **unable to work together** effectively

Guidelines to Support Review



Mitigation Strategy

- ❖ Additional **resources**
- ❖ **Verbal/written affirmation** for adjusting behaviors
- ❖ More frequent **meetings** with Council leadership/liaison
- ❖ More frequent **WG member surveys**

WG Member Survey on Leadership Performance (#13)



- ◆ Anonymous
- ◆ Distributed electronically
- ◆ Open for at least one (1) week
- ◆ Exact interval tied to WG timeline & milestones

- Q1** Facilitates goal-oriented working group meetings aligned with the requirements of the Working Group's charter and work plan
- Q2** Adequately manages disruptive behaviors such as raising irrelevant issues or reopening topics that have already been closed
- Q3** Keeps the Working Group on track to meet target deadlines through discussion items or deliverables
- Q4** Is responsive and effectively communicates with Working Group members
- Q5** Ensures fair, objective treatment of all opinions within the Working Group
- Q6** Is able to seek and identify a diversity of views within the Working Group
- Q7** Works to identify common ground among members as well as areas of divergence, consistent with Section 3.6 of the GNSO WG Guidelines
- Q8** Do you have any additional remarks that you would like to share?

Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree | N/A

Package 4 Improvements

#9 Provide further guidance for section 3.6 and clarification of section 3.7

#15 Independent Conflict Resolution

Packages 4 Overview

4

#9, #15 | *Consensus Building & Conflict Resolution*

[Briefing Document on the Concept of “Consensus” in the PDP](#)

(#9)

A briefing document that explains the concept of “consensus” and references experience with consensus building in the Internet Engineering Taskforce (IETF)

- ❖ This document will be absorbed by the consensus playbook to be developed under Improvement #4

[Clarification to Complaint Process in GNSO Working Group Guidelines](#)

(#9)

A guideline document that suggests detailed improvements to the complaint process within a GNSO working group, as well as proposed revisions to Section 3.7 of the GNSO Working Group Guidelines

[Independent Conflict Resolution](#)

(#15)

A reference guide to conflict resolution resources available to the ICANN community

Clarification to Complaint Process (#9)

- ❖ Addresses conflict arising from **behavior issues**
- ❖ Does not stop the **ongoing progress** in a working group
- ❖ Avoid any **litigation mindset** – strongly discourage representation by external legal counsel
- ❖ Does not deal with **consensus designation** by WG leadership
- ❖ **Prevent escalation** by implementing related PDP 3.0 improvements & other measures

GNSO Working Group Guidelines

Section 3.7

- Contributions to the WG are being **systematically ignored or discounted**
- Someone is **not performing their role** in the WG according to Section 2.2
- Wish to **appeal a decision** of WG or GNSO Council



Clarification to Complaint Process (Cont.)

1

Initiated **within two (2) months of public knowledge** of the ground(s) of complaint

2

Specify the ground(s) of the complaint with **supporting materials & rationale**

3

Must be **succinct & not exceed 1,000 word-limit**

4

No new submission if another complaint based on the same ground(s) is **still pending in any WG**

Criteria

- Submit the complaint to WG leadership or Council liaison
- WG leadership determines whether criteria has been met
- Liaison may reassess



Clarification to Complaint Process (Cont.)



Parties involved in the Complaint Process

GNSO Council	ICANN Org	Ombudsman
<p>Council Leadership act as one collegial body during the complaint process</p>	<p>Legal provide Bylaws interpretation & suggest appropriate actions</p>	<p>Ombudsman may get involved at an appropriate time determined by WG leadership in consultation with the Council leadership, liaison, and Complaint Committee</p> <p>When disagreement cannot be resolved at the GNSO Council level, lodge the issue and engage with the Ombudsman</p>
<p>Council Liaison status reporting; facilitation of issue resolution</p>	<p>Complaints Officer assist in handling complaints about staff performance</p>	
<p>Complaint Committee current/former Councilors invited by WG leadership & Council leadership/liaison</p>	<p>Conflict Resolution Staff act as a neutral party to share problem-solving responsibilities</p>	
<p>Decision Making Power</p>	<p>Advisory Role</p>	<p>Separate Mechanism</p>

Clarification to Complaint Process (Cont.)

Stage 1

Seek to resolve the issue with **WG leadership**, who will consult with liaison, Complaint Committee & other resources

Stage 2

Escalate the issue to **GNSO Council leadership**, who will consult with liaison, Complaint Committee, WG leadership & other resources

Stage 3

Officially lodge the issue and engage with **Ombudsman**, who will attempt to resolve it in a manner of his/her own choosing

- ❖ Decision makers have the discretion to define specific procedures (see “process flow” example)
- ❖ Decision & communication must be accomplished within a reasonable period of time
- ❖ Any party deemed abusive by the Complaint Committee shall be subject to a bar up to five (5) years

Independent Conflict Resolution (#15)

Ombudsman

Serves as an informal dispute resolution office for any member of the ICANN community

Complaints Officer

Handles complaints regarding ICANN org that do not fall into existing mechanisms

Conflict Resolution Staff

Facilitates dialogues where a consensus view may have slowed & provides conflict resolution guidance

Legal

Provides interpretation of ICANN Bylaws & suggests for appropriate actions

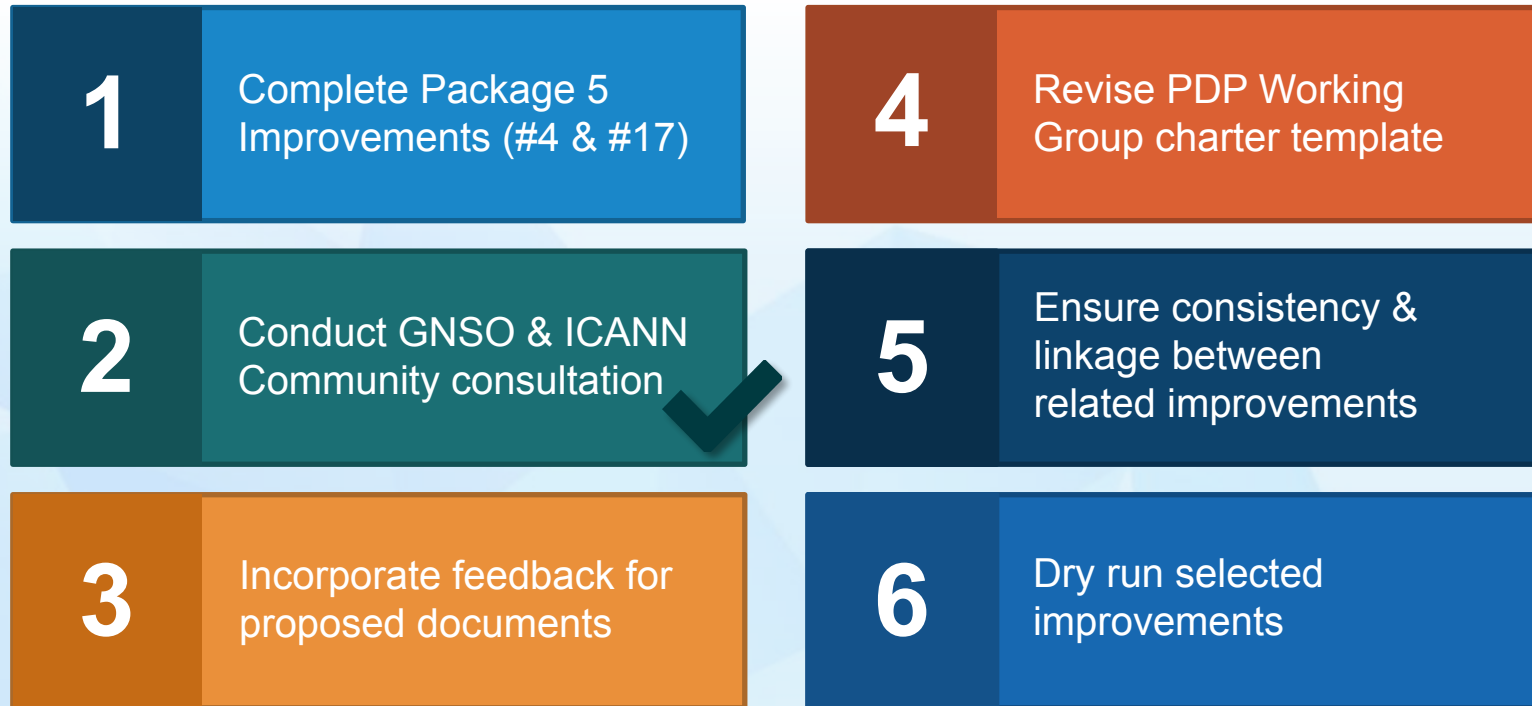
Note

- Establishment of a panel of volunteer mediators likely infeasible
- ICANN Org already has several in-house resources available to the GNSO



Remaining Work Items

Remaining Work Items





Deliver Final Report at SPS 2020

- Final documents & related work products for all 14 Improvements
- Confirmation of effective dates to deploy Improvements
- Planning for the next phase of PDP 3.0 (e.g., parking lot items, improvements not approved in ICANN63, etc.)

Linkage with Multistakeholder Model Evolution

Linkage with Multistakeholder Model Evolution

Issue 2 Precision in Scoping Work	Issue 3 Efficient Use of Resources and Costs	Issue 5 Representation, Inclusivity, Recruitment, and Demographics 	Issue 8 Consensus 
<p>#11 Enforce deadlines and ensure bite size piece</p> <p>#12 Notification to Council of changes in work plan</p> <p>#16 Criteria for PDP working group updates</p>	<p>#14 Criteria to evaluate request for data gathering</p> <p>#17 Resource reporting for PDP working group</p>	<p>#1 Terms of participation for WG members</p> <p>#2 Alternatives to open Working Group model</p> <p>#3 Criteria for joining of new members</p> <p>#5 Active role for and clear description of Council liaison to PDP Working Groups</p> <p>#6 Expectations for Working Group leaders</p> <p>#13 Review of working group leadership</p>	<p>#4 Capture vs. consensus playbook</p> <p>#9 Provide further guidance for section 3.6 and clarification of section 3.7</p> <p>#15 Independent Conflict Resolution</p>

Learn More

<https://community.icann.org/x/v4rkBq>