



# Drafting Team Charter

<b>DT Name:</b>	<b>Cross Community Working Group (CCWG) Drafting Team</b>
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## Section I: Drafting Team Identification

<b>DT Charter Date:</b>	
<b>Name of DT Chair:</b>	[Interim Chair- Jonathan Robinson]
<b>Name(s) of Appointed Liaison(s):</b>	Jonathan Robinson
<b>DT Workspace URL:</b>	
<b>DT Mailing List:</b>	<a href="http://forum.icann.org/lists/gnso-ccwg-dt/">http://forum.icann.org/lists/gnso-ccwg-dt/</a>
<b>Important Document Links:</b>	<ul style="list-style-type: none"> <li><a href="http://forum.icann.org/lists/gnso-ccwg-dt/binf9OwROsgD7.bin">http://forum.icann.org/lists/gnso-ccwg-dt/binf9OwROsgD7.bin</a></li> <li><a href="http://gnso.icann.org/drafts/draft-cwg-principles-19may11-en.pdf">http://gnso.icann.org/drafts/draft-cwg-principles-19may11-en.pdf</a></li> </ul>

## Section II: Mission, Purpose, and Deliverables

### Mission & Scope:

The GNSO Cross Community Working Group Drafting Team (CCWG-DT) will be responsible for developing a proposed framework under which working groups jointly chartered by other ICANN Supporting Organizations (SO) and Advisory Committees (AC) along with the GNSO can effectively function and produce meaningful and timely reports and recommendations on topics that are of interest of such SO/ACs.

### Objectives & Goals:

The CCWG-DT aims to develop a GNSO agreed perspective that can serve as a departure point for a common understanding of cross SO/AC working groups with regard to:

1. the role,
2. function and
3. method

of conducting joint activities for future projects that respects and preserves the recognized roles and responsibilities assigned to each SO/AC.

To advance this goal, the CCWG shall endeavor to define a way forward for:

1. Effective chartering as a minimum, as well as ideally, the
2. functioning and
3. utilization

of such groups in future such that they operate effectively and appropriately within the existing

ICANN structures and processes, consistent with the ICANN Bylaws. This will ensure that work done by and within such groups, chartered by supporting organizations and referred back to the chartering organizations in the first instance, can be relied upon by the ICANN board as policy or advice as appropriate, from legitimate ICANN structures.

**Deliverables & Timeframes:**

The CCWG-DT is expected to carry out the activities identified in this Charter in order to produce a status report to the GNSO Council by the ICANN Dakar Meeting, and a final report by the end of the calendar year 2011.

**Section III: Formation, Staffing, and Organization**

**Membership Criteria:**

The CCWG-DT will be open to all interested in participating. The GNSO Secretariat should circulate a 'Call For Volunteers' as widely as possible in order to ensure broad representation and participation in the CCWG-DT, including:

- Publication of announcement on relevant ICANN web sites, including by not limited to the GNSO and other Supporting Organization and Advisory Committee web pages; and
- Distribution of announcement to GNSO Stakeholder Groups, Constituencies, and/or other ICANN Supporting Organizations and Advisory Committees.

**Group Formation, Dependencies, & Dissolution:**

The ICANN Staff assigned to the CCWG-DT will fully support the work of the committee as directed by the Chair including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate.

Staff assignments to the CCWG-DT :

- GNSO Secretariat
- 1 ICANN policy staff member- (Margie Milam)

**Drafting Team Roles, Functions, & Duties:**

The standard WG roles, functions & duties shall be applicable as specified in Section 2.2 of the Working Group Guidelines.

**Statements of Interest (SOI) Guidelines:**

Each member of the CCWG-DT is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedures.

**Section IV: Rules of Engagement**

## Decision-Making Methodologies:

{Note: The following material was extracted from the Working Group Guidelines, Section 3.6. If a Chartering Organization wishes to deviate from the standard methodology for making decisions or empower the DT to decide its own decision-making methodology, this section should be amended as appropriate}.

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 participants (see Note 1 below) 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 CO (see Note 2 below).

**Note 1:** 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.

Note 2: 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.

**Status Reporting:**

As requested by the GNSO Council Chair/Vice Chairs.

**Problem/Issue Escalation & Resolution Processes:**

*{Note: the following material was extracted from Sections 3.4, 3.5, and 3.7 of the Working Group Guidelines and may be modified by the Chartering Organization at its discretion}*

The DT will adhere to [ICANN's Expected Standards of Behavior](#) as documented in Section F of the ICANN Accountability and Transparency Frameworks and Principles, January 2008.

If a DT 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 Chair of the Chartering Organization 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 DT members make every effort to respect the principles outlined in ICANN's Expected Standards of Behavior as referenced above.

The Chair, in consultation with the Chartering Organization liaison(s), is empowered to restrict the participation of someone who seriously disrupts the Working Group. Any such restriction will be reviewed by the Chartering Organization. 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.

Any DT member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the DT or CO should first discuss the circumstances with the DT Chair. In the event that the matter cannot be resolved satisfactorily, the DT 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 DT is of the opinion that someone is not performing their role according to the criteria outlined in this Charter, the same appeals process may be invoked.

**Closure & Working Group Self-Assessment:**

The CCWG will close upon the delivery of the Report, unless assigned additional tasks or follow-up by the GNSO Council.

**Section V: Charter Document History**

Version	Date	Description
1.0	13 July 11	First Draft prepared by Margie Milam
2.0	19 July 11	Revision prepared by Margie Milam
3.0	29 Sept 11	Revision prepared by Jonathan Robinson
FINAL	29 Sept 11	Revision prepared by Margie Milam

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**Translations: If translations will be provided please indicate the languages below:**

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