

**ICANN
Transcription
Standing Committee on Improvements Implementation meeting
Tuesday 14 January 2014 at 20:00 UTC**

Note: The following is the output of transcribing from an audio recording of Standing Committee on Improvements Implementation meeting on the Tuesday 14 January 2014 at 20:00 UTC.

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<http://audio.icann.org/gnso/gnso-sci-20140114-en.mp3>

Attendees:

Ronald Andruff – Commercial and Business Users Constituency – Primary – Chair
Angie Graves - Commercial and Business Users Constituency – Alternate
Ken Bour – guest speaker
Amr Elsadr – NCUC Alternate
Greg Shatan – IPC - Alternate
Cintra Sooknanan – NPOC Alternate
Thomas Rickert – NCA Alternate
Avri Doria – Non Commercial SG – Primary – Vice-Chair
Anne Aikman Scalese - Intellectual Property Constituency - Primary
Jennifer Wolfe – NCA primary
Marie-Laure Lemineur – NPOC Primary
Wolf-Ulrich Knoblen - ISPCP

Apologies:

Julie Hedlund

ICANN Staff:

Marika Konings
Mary Wong
Nathalie Peregrine

Coordinator: Good afternoon and thank you for standing by. At this time the call is being recorded. If you have any objections you may disconnect. Thank you.

Nathalie Peregrine: Thank you very much, (Robin). Good morning, good afternoon, good evening everybody. This is the SCI call on the 14th of January, 2014. On the call today we have Cintra Sooknanan, Ron Andruff, Angie Graves, Amr Elsadr, Thomas Rickert, Ken Bour and Avri Doria.

We have an apology from Julie Hedlund and Greg Shatan has already notified us that he will be late today. From staff we have Marika Konings, Mary Wong and myself, Nathalie Peregrine.

I'd like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you, Ron.

Ron Andruff: Thank you, Nathalie. This is Ron Andruff from the Business Constituency. First I'd like to ask if anyone has any changes to their Statements of Interest since we've last met?

Hearing none we'll move forward and would like to get approval of the agenda. Does anyone have anything they'd like to add to the agenda today? Hearing no additions we'll move on.

But before I do that I would just like to say greetings to everyone and trust that your New Years and your Christmas holidays, if you took them, were pleasurable ones. I, for one, was kiting in Costa Rica for a period of time and I had a very excellent time being offline for two weeks, which was really amazing to actually turn the computer off and the phone. So I come back to my computer a little reluctantly but if any of you have not yet had the experience of shutting off for a week or 10 days I highly recommend it.

So anyway for the business at hand, thank you all for joining the call today. The first item that we have on the agenda is Item Number 4, it's the vice chair election. And we have - it was in our charter that we had revised. We had noted that if the chair wanted to continue in the position then it would go out

to the committee and the committee can approve and affirm and that happened in our last meeting for myself. And I'm happy to stay in the chair position on your behalf for another year. And I thank you for that vote of confidence.

With regard to the vice chair election Cintra volunteered as the vice chair. She was not the current NPOC - current NPOC primary representative, rather the alternate so we had found that Cintra and Marie-Laure, who was the primary representative, were in agreement to switch positions and that would then allow Cintra to take the vice chair position if there were no other volunteers for the vice chair.

This has been an ongoing process now for a period of time. And I understand that there are no other volunteers for the vice chair at this point in time so that would lead me to believe that we could move forward with the confirmation of Cintra as the vice chair of the SCI.

That's an overview of where we stand. But I open the floor to any and all to bring their comments to the table so please toss your ideas regarding the vice chair for the SCI. Mary, please go ahead, I see your hand and then Amr, you'll follow.

Mary Wong: Thanks, Ron. I guess this is not so much a substantive comment but just a note for the record and to bring everybody back to where we are that I believe Marie-Laure sent a note to the group following from the December call where she also mentioned that she would be happy to step aside as the primary for NPOC and have Cintra be the primary so that Cintra can, indeed, be the vice chair of this group.

I think what I'm raising here is just whether the group would consider that notification seeing that Marie-Laure, who I believe is still the chair of NPOC, is not on the call today to confirm that so I just wanted to get everything clear for the record.

Ron Andruff: Thank you, Mary. I'll turn it to Amr and then we'll pick up that topic. Amr, please.

Amr Elsadr: This is Amr. I just raised my hand because it seemed like no one was going to make a comment so - but I was just going to say that assuming that they have actually made the switch in accordance with the SCI charter I have no objections at all to Cintra being the - serving as vice chair. Thanks.

Ron Andruff: Thanks, Amr. And I see Avri is giving a checkmark for that. So is there anyone who would be against the recommendation then that Cintra be our vice chair? If there's no one against that - and an X mark would be the signal to me in the Adobe room or you're certainly welcome to raise your hand and speak.

And then the second element would be, as Mary just rightly said, are we in agreement with the fact that the statement from Marie-Laure to switch places and become the alternate and putting Cintra in the primary role that satisfies our needs?

My part as the chair it certainly does. Does anyone have anything contrary to that idea? I'd welcome that comment now. Amr, I see your hand is up again or is was that still the same one?

Amr Elsadr: No, that's a new one, Ron. I was just going to say that I guess that really depends on the NPOC charter and how they manage appointments to the SCI so maybe Cintra could help us out with that. Thanks.

Ron Andruff: Thank you, Amr. Cintra, do you have any thoughts you can add to that?

Cintra Sooknanan: Yes, thank you, Ron. There's nothing in our charter specifically dealing with the SCI appointment so it's really up to the Executive Committee to

decide who they'd like as representation. As, I mean, we're all volunteers so it literally is a matter of manpower rather than prescriptive within the charter.

So if there is no difficulty with the NPOC side of things - unfortunately I don't know - Marie-Laure is not on the call today but I can (unintelligible) her email and as far as I know there is no difficulty within NPOC with me holding the primary position and as well with me acting as vice chair of this group.

Ron Andruff: Thank you very much, Cintra. So then with that I would like to welcome you to the vice chair role within the SCI. And we will now make a note of that in the record as well as make the changes within the membership - pardon me, the membership of the SCI that you are now the primary so thank you very much for that. And thank you all for your comments on it.

Cintra, your hand is up to speak again, please.

Cintra Sooknanan: Yes, thank you, Ron. I'd just like to thank you all for your endorsement and as well, Mary, thank you so much for helping us deal with the specific aspects of this, you know, this appointment to facilitate it moving forward.

Ron Andruff: Excellent. Thank you, Cintra. Great so nice to have our elections behind us and we can move on with the business at hand for the coming period. That moves us now to Item Number 5 on the agenda and that's the working group self assessment.

If you recall, on our last meeting, we - the SCI members agreed to go ahead with including the self assessment tool in the revision of the Working Group Guidelines. And Ken Bour provided a markup of that. Our next step would be for staff to put the redline of the revised Working Group Guidelines out for public comment.

There are some other changes that we have on the - in the mix, so to speak, which are included in our agenda today and that has to do with the GNSO Operating Procedures.

So the - if we are all in agreement I just want to make sure that the SCI is fully ready to go with the self assessment tool and that we can instruct staff to go forward and put this out for public comment. And then once the comments are collected and the changes are incorporated the next step will be to submit the revised procedures to the Council for consideration along with the motion for approval which we're going to talk about shortly.

So that's just a little bit of background on that. Comments, questions, thoughts with regard to the working group self assessment. The floor is open. Amr, please.

Amr Elsadr: All right thanks, Ron. This is Amr. I thought the reports that were circulated with the results of the self assessment on the Thick Whois Working Group was a - well it was a pretty cool report; had a lot of information that I think anyone reading would find interesting.

Although it was fairly easy to go through it just did seem a little long to me. And I was just wondering if anybody who had gone through the report had that same feeling or not? And it was just wondering if this report was meant to be circulated amongst the GNSO councilors?

And if so would a long report like that for a working group self assessment, would it be realistic that the councilors or anyone would go through every report for every working group or not? Or is this just something for documentation to be used, for example, by the ATRT in the future? Thanks.

Ron Andruff: Thanks, Amr. I believe Ken is on the call so I'm going to let him speak to that. But before I do my understanding is that this report was in fact directed at us as the SCI and it gave a tremendous amount of detail in terms of the

responses and how that went forward so that we in turn could then make our determinations as to how we felt about the results of the survey itself.

But, Ken, perhaps you can shine a brighter light on that and also with regard to the question will this be going to the councilors or to whom will this report actually be directed? Ken.

Ken Bour: Thanks, Ron. This is Ken. Appreciate the comment, Amr. Yes, it's true, the report is a little on the long side. One of the things that makes it long is the inclusion of various tables and graphics and charts, you know, they take up quite a bit of space.

Then there's - there was also, at the end of it, I included the actual screenshots from the self assessment itself and that added another, I don't know, 10 pages or something like that. So, yeah, it does - it is long and I'm not sure exactly how to shorten it. I thought about that at one point and I wasn't able to come up with

I did do some editing to it believe it or not even though it's still long. The intention - my intention in writing it, because it's the very first one, was to make it a model going forward meaning that we would send this to the Council - so this is the work of the SCI.

And the SCI says, okay, we've created an assessment instrument. We've created a set of protocols and procedures and questions. We've tested it. We've even written the first report which we're suggesting would be a model for how other reports would be fashioned.

Now maybe over time, you know, we could drop having to put the questionnaire at the end and things of that type. And maybe I could look at ways to see if we could short circuit it. Maybe there's an executive summary that could be prepared that would just highlight the key elements of it. But, yeah, that was the intent. Is that helpful?

Ron Andruff: Thanks, Ken. Absolutely. So if I heard you correctly you could actually do kind of an executive summary up front, a short paragraph or one pager and then add the - and then add the full body afterwards, is that what you're intimating?

Ken Bour: I suppose that's one way - this is Ken again. I suppose that's one way to do it. When I did the ICANN stakeholder survey I made the executive report a separate document so it had a - you know, it had its own structure; it was independent. But, yeah, I mean, it would be - that would be possible to create a sort of executive summary at the front but that would just make the report then three, four, five pages longer than it is already so I don't know. I suppose - I'm open to suggestions there.

Ron Andruff: Well, you know, I don't think we have to, you know, we have to kind of focus on the length of the document right now. And you're the expert in this area so I would just say that going forward we might just look at it from the point of view that, yes, we may want to streamline the document but at this stage of the game information is our friend so more information is better than less information.

I agree with Amr; people don't read as much as we would hope they would but the idea would be if you can just do a - just a short executive summary, one paragraph; the net-net of this survey says such and such in a paragraph or two up front and then people can drill down as they - as much or as little as they wish might be the way forward. But I think the document is excellent.

And the good news is that, as I understand it, we're all in agreement on this particular element. So when it comes to the working group assessment at this stage the - this will become a change of the GNSO Operating Procedures. And so as I noted earlier we have agreed to go forward with this. And we just need now to send this out for public comment and get that back.

But we had also said - and maybe I could look to staff with regard to the timing on this - should we send this out now to public comment, get it back and then collect that to send that on with the resubmitting of a motion? Or should we send both of these out for public comment simultaneously? Perhaps someone from staff could give me some focus. Mary.

Mary Wong: Thanks, Ron. And I guess it will come as no surprise given the direction that we got from the Council and some earlier indications it probably would be best to have them both out for public comment at the same time; indeed to have any proposed changes that the SCI is planning to propose with a certain period of time to all go out at the same time.

This is because of the public comment period is running for a certain amount of time plus the reply period plus the reports that will then need to be prepared and sent up to the Council. So if we can do it in one shot, in one document, in one package that would probably be helpful. And this may then affect what you folks would like to do and when you'd like to finalize the resubmission of a motion and the other items there.

Ron Andruff: Thanks, Mary. So I'm seeing checkmarks from Amr and Avri so we all seem to be moving in that same direction. So let's then agree, unless anyone has something to say against this, that the working group self assessment is ready to ship and we will now pick up the next element which is a resubmission of a motion because those two would probably go out together at the same time. Is anyone opposed to that moving forward then to Item Number 6, the resubmission of a motion?

Seeing no one against that idea let's move on to that topic then. And resubmitting a motion - this text was sent to the SCI to - the final version to circulate to our stakeholder groups and constituencies for approval. And - pardon me - and we had a consensus call which would end on 8-January. And there were no objections received to the language that was in that text.

And so unless there are any objections or changes right now that people would like to bring forward we will then send this forward as a full consensus item from the SCI to the - again, out for public comment - and - that it becomes part of the revised GNSO Operating Procedures.

Anyone have any thoughts or comments they'd like to bring to the table with regard to the resubmission of a motion? Ann, please, go ahead.

Anne Aikman-Scalese: Hi, I'm only raising my hand just to thank Greg for his diligent work in connection with this text because I think it's particularly clear. And I know - I have missed a couple meetings but I think you guys have done a really good job and that it's easy - when we put it out for public comment it'll be easy for people to understand so it's...

((Crosstalk))

Anne Aikman-Scalese: ...a thank you.

Ron Andruff: Indeed, Anne. Thank you. And a thank you goes out to you for having, you know, really stayed on top of this one early on before you handed it off to Greg to wrap up. I think you did a really, really good job. Greg, I see you're blushing and I'm happy to see it.

But I think that you and Anne did a very good job on this. And you kept it on the table to make sure that we did the final work on it. So I put my congratulations out to everyone on the committee for staying with this one all the way through. And it's really - this was one of the longer ones we've had on our table but I think that the work product we can all be very satisfied with so thank you all for the effort.

And I guess that brings us back, Mary, then to the point where we're ready to send over the working group self assessment and the resubmission of a

motion for public comment. So the next steps on these two items would be, Mary?

Mary Wong: I believe that - I'll confirm it with Julie but I believe what we'll do as staff we'll then prepare the documents and open a public comment forum and all the usual things that go along with it obviously informing the SCI along the way and certainly once that's done.

Ron Andruff: And also informing the Council and the Council chair of course.

Mary Wong: Yes of course.

Ron Andruff: Excellent. Excellent. Great. So that means that we are now moving on to Item Number 7 on the agenda. And this was the possible inclusion of a waiver or exception in the GNSO Operating Procedures. This item, as I understand, we had Thomas - or maybe not, let me just check my notes here, sorry. Oh I beg your pardon. Yeah, this was staff had asked for volunteers to join Marie-Laure on this topic after Mikey had moved off of the SCI.

And so I'm putting out the call again one more time if someone can jump in to give Marie-Laure some assistance on reviewing this. These are sub groups that are really just intended to go out and kind of gather up as much information and put forward a proposed - even if it's a straw man proposal something for the larger committee to chew on and work on.

So is there anyone else who might be able to join Marie-Laure on this work? Perhaps I could look to Anne or Greg, someone with a bit of legal background might be helpful in this one.

Anne Aikman-Scalse: Yeah, I'm not sure anybody wants me on this one because I think the context in which this came up there was an IPC matter where there was a motion that was submitted late and the IPC did not agree to have that motion

considered even though everyone acknowledged that everybody wanted to vote for whatever it was is my recollection.

IPC insisted on following the existing procedure so that there would not, in the future, be any sort of, you know, I guess gaming on waiver of the timely submission of motions.

So I don't know if anybody really wants me on this particular sub group because I think that the impetus behind this sub group was to try to make sure there's a mechanism for waiving procedural requirements at GNSO Council. And I'm not sure that's an idea that IPC supports generally so I don't - I'm not sure where we're going with it.

Ron Andruff: Well, Anne, that is not such a bad thing. Point, counterpoint, you know, what we're looking for for the larger body is something to chew on and so that may or may not be. But let me take Greg and Avri and you get some consideration. So, Greg, please you go first.

Greg Shatan: This is Greg Shatan for the record. I'll confess to probably being the prime mover in the IPC on that position. And for me it was actually a value-neutral proposition in the sense that what I was concerned about and opposed with was the idea of just kind of - of having no procedure to have a waiver and just kind of making it up as we all went - or as the GNSO went along.

So I'm happy to serve on the committee - sub committee, drafting committee - because I actually believe that there should be a procedure that would allow for such a waiver to come into existence but that you can't just do it kind of on the fly.

So, indeed, this is kind of exactly what I wanted to have happen out of the objection that we placed or that our councilors placed in terms of this which is to have an appropriate parliamentary procedure to deal with this. You know, call me...

((Crosstalk))

Anne Aikman-Scalese: Well, Ron, I think you've got your volunteer. You're good to go.

Greg Shatan: Yeah, I would love to have - you know, misery loves company so I hope to have, you know, company on this.

Ron Andruff: Well you certain do, Greg. Thank you very much for that and thank you also, Anne, for stepping up and chatting about it. But if Greg wants to take this on with Marie-Laure that would be very helpful.

Marie-Laure is a relative new member - relatively new member to the SCI and if I recall correctly in Buenos Aires I strong-armed her a little bit to participate on this group just to - I really feel it's always good to push people into the deep end of the pool so they can swim with the rest of us very quickly. And she was gracious enough to accept that.

So I would then ask that perhaps you might send her a note directly or perhaps Mary Wong can connect the two of you as she's our - kind of our staff liaison today - just to let her know that the two of you will be working together...

((Crosstalk))

Greg Shatan: That's great.

Ron Andruff: Avri, please go ahead, I see your hand is up.

Avri Doria: Yeah, no I had just put it up before when Anne was basically saying she wouldn't be appropriate because of her issues and I was thinking since we work by consensus that's a perfect time for someone to volunteer. So I just wanted to get that point in. Thanks.

Ron Andruff: Thank you, Avri. Excellent. Okay so moving right along so that - we'll look to Greg and to Marie-Laure to come back with some further report on that item of waiver exception on our next call.

Item Number 5, and this was the voting by email. And in this particular case we had Avri and Thomas working together to come up with some thoughts in terms of a sub committee. And they did some work on an approach and they sent some comments to the list. And I understand Thomas has also some further information on that. So perhaps I can turn the floor over to you, Thomas and Avri, to pick up from here, please.

Thomas Rickert: Sure. This is Thomas. Hi. I'm more than happy to volunteer taking the first approach to this. And then I will pass on to Avri for additional remarks. I have outlined a couple of thoughts that have been sent to the list earlier. And my assumption was that the SCI wanted to keep the voting by email as an exception for certain circumstances.

And in the light of that I have phrased a couple of my points. I'm not going to read them to you but just for the benefit of those who did not have the time to go through them there were a couple of basic ideas that I would like to share with you and which will appear in a different light when Avri will later chime in and make her points.

Now my first assumption was, again, that voting by email should rather be the exception. Then the second assumption would be that this is meant for scenarios where no further discussion by the Council is required so that - the community had the opportunity to follow all the discussions by the Council either on an email list or in a physical or remote meeting.

Then the chair has the discretion to allow for email voting both for individuals as well as for the whole Council. And the idea behind that is that let's assume that there is an item that needs to be dealt with in a timely fashion and that

can't wait until the next Council meeting that then rather than calling for an extraordinary council meeting, which is usually a difficult task to achieve, the vote would then be taken by email.

And the idea further is that this system should not be set up for people to be able to game it, i.e. that it should not be possible for individuals or groups to look at the voting behavior of their colleagues and then chime in at the very last minute and try to make their vote a decisive one and thereby sort of remote control what the outcome of that would be.

And then I've added a couple of procedural point as to how the Council secretariat could support this. For example, they would receive the emails containing the votes not on the public list but they would get them as the secretariat so there would be a time window during which votes can be submitted and the expiry of that the GNSO secretariat would then publish the outcome of the vote.

Now as you can see this has been designed intentionally to keep things quite narrow but then I had a very good discussion with Avri who said that there might not be the need for keeping things narrow as long as the rules are transparent and that actually introducing the possibility of email voting might help the GNSO Council to become more effective.

But I leave it at that and I'd like to hand over to Avri to chime in with her thoughts on this.

Avri Doria: Thanks.

Ron Andruff: Thank you, Thomas. Avri.

Avri Doria: Yeah, thanks. This is Avri speaking. So, yeah, I did argue with the - with the second point. Indeed the first one is true; the bylaws do require that there

have been substantive dialogue. Now, you know, it's face to face but can be teleconference of course. And it's evolved over time.

The substantive dialogue before any vote is something that, you know, I don't argue with; that has to be the case. But substantive dialogue can perhaps be more than just, you know, the face to face/teleconferences.

So in my view it didn't need to be just an exceptional thing. For example, there are times when someone says, you know, my constituency is still talking about; we haven't had enough time, we want to defer the vote. Now why defer for a whole month when we're really probably talking about a week?

So in those kind of cases it should be possible to sort of not have the deferment be a postponement of a month but really be a deferment long enough to get something done.

There are other times when a discussion may indeed terminate near the end of the meeting and there may be a little bit more discussion to be had that can be had on an email list that everyone, including people who are absent from the meeting, could participate in and come to a point and then just sort of have the chair able to say, okay, I think we're ready from a vote. Does anybody object to us doing a vote online? You know, two days notice, okay, we'll have a vote online.

Now in terms of the gaming that's a good point but I think that there are ways around it. Certainly we don't want to do secret votes because we don't do secret votes but we certainly could do a vote that doesn't reveal how a person has voted until all the votes are in and the vote period is over.

Or, alternatively, you can go in the other direction and sort of say anybody can change their votes up until the end of the voting period and, you know, so everybody's gaming everybody. And so you could go either way but it gets

transparent and it gets, you know, to the point where gaming it becomes something you look stupid by doing and then there's Council peer pressure to deal with and not that.

So, yes, a lot of this was - and those are only two cases. Maybe there are other cases where, you know, just the Council meeting monthly is a long time. And so, you know, perhaps there is a, you know, a two-stage process to calling one of these votes; any objection to calling a vote and then the vote - and so there's definitely processes to be talked about.

But I would (definitely) looking at that as another tool to speed up the Council, make it more effective, get us to communicate more. And we're already starting to communicate more between meetings, etcetera, so thank you.

Ron Andruff: Thank you, Avri. And for those who are not aware of it, Avri was a - if I'm not mistaken, two-time GNSO Council chair so she knows very well how that operates and what the needs are so those comments are very well taken. Thank you, Avri.

((Crosstalk))

Ron Andruff: Anne, I see your hand is raised.

Anne Aikman-Scalese: Yes, thank you, Ron. This is Anne with IPC. And I just - I realized I've actually been a bit out of the loop and that's primarily - I apologize this is due to some litigation that I've had. But I want to ask a few questions about this.

I admit to not having followed it closely on the list and I want to understand it a whole lot better than I understand it right now before I can discuss with our constituency. A question arose on our call this morning toward the end of the call as to, you know, why email voting is needed given the proxy system that's in place.

And I gather by what Thomas and Avri are saying is that most often that arises in connection with action that needs to be taken between meetings. And I think right now is it the case if they end up calling a special Council meeting for that purpose when actually an email vote would be more efficient? Is that...

Ron Andruff: That's certainly my understanding but I would actually turn to Thomas and to Avri to respond but that's how I see it as well that it is a special case and rather than to having to convene a meeting it's about sending emails. Avri or Thomas, could you answer that question as you see it?

Thomas Rickert: I see it exactly the way you do.

Ron Andruff: Thank you, Thomas.

Avri Doria: Yeah.

Anne Aikman-Scalese: And I guess in that context what I - and, again, I'm just really trying to make notes and gather information in relation to this, what would constitute, in that particular circumstance, a participation in a discussion? You know, that principle of participation in substantive discussion?

Ron Andruff: Well I see Avri's hand; Avri, please go ahead.

Avri Doria: Yeah, so indeed I am thinking that there has to have at least been some of the live discussion of the teleconference or the face to face. What I tend to not believe is that that conversation needs to necessarily have terminated in live session or in live telecommunications.

And I think the email channel, which is the only channel we've got now - I wish there were others but there aren't - the email channel should be an effective part of the Council, you know, communications but I do think it is

reasonable that there should have been at least - so I don't think of it necessarily as for an issue that came up between meetings but I think of it an issue that needs to be resolved preferably before the next meeting. Thanks.

Ron Andruff: Thank you, Avri. Thomas, please go ahead.

Thomas Rickert: Thanks, Ron. And in response to your question and if my memory doesn't fail me I guess the original question was brought to the SCI because of the scenario where a councilor was disconnected during a call and could not submit his or her vote. And the question was whether that could be accepted at a later stage.

And I guess that's part of the reason why I crafted the couple of points that I jotted down quite narrowly because I really wanted to ensure that this was meant to be dealing with exemptions. And I already broadened it for email voting to be allowed in scenarios where the Council chair determines that a whole vote and not only votes submitted by individual councilors can be accepted by email.

But I guess there's the question that - or the points that Avri made are very valid. And that is the more fundamental question as to whether the SCI thinks that we should consider taking the Council work to the next level and maybe become more efficient by allowing for votes being taken in between meetings.

So I guess that in terms of approaching the response to this question that we've been tasked with maybe it would be - so I guess for me it would be interesting to get some direction from the group as to where they would like to move with this and then the wording can be adjusted either way.

Ron Andruff: Thank you, Thomas. Anne, please go ahead.

Anne Aikman-Scalèse: Yes, thank you, Ron. I have some general concern about going broader on this. And, again, I am just asking a lot of questions at this point;

certainly not taking a position on behalf of IPC. I watch - sometimes I watch C-SPAN and I see, you know, who's in there voting and in the congress and who's not.

And I know that's certainly not the intent here but sometimes people get awfully, awfully busy and I think they might think oh well, you know, I heard the discussion on that so I'll just, you know, vote by email. And that they might actually give it, you know, less consideration and not be present for the second discussion because they've participated mostly in the first discussion and that it might get kind of fractured.

I mean, when I think, for example, about a tabled motion - I don't know, does a motion ever get tabled after it's been discussed and then somebody moves to table it with that sort of discretionary, we don't want to vote on it until next time? Or is a motion always tabled prior to any discussion on the motion?

((Crosstalk))

Anne Aikman-Scalese: My only point being that you might have two very vigorous discussions but, you know, how would you determine whether the councilor had, you know, really participated in the discussion if they were there for the first one and then not for the second one?

Ron Andruff: Thank you, Anne. I see Mary has her hand up and then I'll come to Greg. Mary please.

Mary Wong: Thanks, Ron. And this is just specific to Anne's question about whether motions - I guess I'm going to use the word "deferred" because I understand that the word "tabled" has different meanings in different context in cultures that the practice of the Council is that even where there is discussion or there has been discussion that a stakeholder group can ask for it to be deferred and if it's deferred it usually is only deferred until the next meeting. So...

Anne Aikman-Scalese: Yes.

Mary Wong: So I realize this doesn't answer your question, Anne, but there's nothing to stop someone from asking for a deferral prior to the discussion but the practice normally is to allow for discussion or even in asking for a deferral the councilor normally customarily does not intend to cut off any discussion at that point either.

Anne Aikman-Scalese: Yeah, that's what I'm - if I may just follow up, Ron? What I'm kind of getting at is in a situation where a motion is discussed and there is a deferral that the chair agrees to and then there's a second discussion in the later meeting it would seem that a councilor should be participating in both discussion - full discussions rather than just email voting because they've been in one or the other, for example - as an example.

Ron Andruff: Understood. Understood. Thank you, Anne. Mary, do you want to respond to that or is your hand up from the last time?

Mary Wong: It's not so much a response but a further follow up. And, again, because there is no rule at the moment what would, I think, generally happen in the kind of scenario that Anne described is if a councilor attends the first discussion and then the motion gets deferred and comes up again at the next discussion/meeting if the councilor can't attend that second meeting then the only way a vote can be registered is if the councilor appoints a proxy for that meeting.

And I realize that's different from here but I just wanted to point to the fact that in appointing a proxy the GNSO rules do prescribe that the person is, I suppose, properly instructed - I can't remember the exact words - as to the course of voting according to the constituency or the stakeholder group rules.

I'm not sure how that can be enforced but there is some sense that it's not just someone stepping in and following his or her own inclinations without any reference to prior discussion or consultation.

Anne Aikman-Scalese: Right. And, you know, another question that arises in the context of this language is - Greg, if you'll indulge me for a minute - this - for example, it says, "Generally if a councilor's present, physically or remotely, in a meeting, they should vote." We're not suggesting here, are we, that a councilor could say while present in the meeting, "I'll vote by email later." We're not suggesting that are we?

Ron Andruff: No, I don't think that - this is Ron speaking for the record. I don't think that's the case, Anne. I think what we're talking about, again, is this is - this is a very specific case. And it's the exception rather than the rule as I see it.

Let's get - Greg has been very patient. Let's let Greg jump in for a moment and then pick up Avri and then if you'd like to come back, Anne?

Anne Aikman-Scalese: Sure.

Ron Andruff: Greg, please go ahead.

Greg Shatan: Thanks. I think it's helpful for this discussion to kind of separate two different cases, if you will. The first case is the between meeting email so that a special meeting doesn't have to be called. And that seems to be a fairly noncontroversial proposal as long as, you know, something has been appropriately discussed beforehand.

I think the issue of email voting during a meeting as opposed to being on the conference call I guess raises other issues because they're not able to participate in the debate or hear the debate. And it kind of raises the question of whether therefore there's kind of a lack of participation and, you know, at that point maybe it's not appropriate.

I mean, I recognize there are issues sometimes when somebody's on a call for 50 minutes and then they have to get off for some reason and they could only vote by email. So, you know, it's a nuance question. I'm not - don't have a doctrinaire answer to it.

But I'm, you know, concerned by the idea that somehow, you know, meetings could turn into just kind of email that, you know, half the people could be on email and not participating somehow. Thanks.

Ron Andruff: Thanks, Greg. I think to speak to that point of, you know, creating a changing dynamic within the Council I don't think we have to be concerned about that insomuch as there's a couple of things. One, this is an exception rather than the rule. Two, it's the chair's discretion.

And we may even want to tighten that up to say the chairs and the vice chairs have to have unanimity on it or something to, you know, make sure that these kind of things are a little tighter. But I don't think that that is the case that we're - we're not walking down that path at this stage.

Avri, please go ahead.

Avri Doria: Yeah, thanks. As I said, I'm thinking of it as broader. Now no way am I thinking of it as therefore enabling every Council member to skip Council and just do it by reading and email voting. First of all I don't think that would happen. But even if it didn't, I mean, there are rules about councilors needing to participate and people's charters and various stakeholder groups have rules about participating in the meetings and such.

I don't see us removing the need of there having been substantive discussion in meetings or whatever. But I am thinking that it can be more intentionally - like for example, we have to take - we've been talking about this for the last

15 minutes. We got to get a vote in today or it waits a month but we still seem to be discussing it.

So can we continue discussing it for the next 10-15 minutes until the meeting ends and then, you know, continue to talking on the list for the next week at which point we'll call for an email ballot. Any objection to doing that? No objection to doing it.

So that's the kind of tool that I'm looking for us to build that allows, you know, and not at the chair or even the chair plus vice chair's think but, you know, with the general consensus of the group. Any time - it's kind of like almost the consent agenda in you either have full consensus to do it or you wait until the next meeting.

And so it's just a tool to keep things moving and get things on. And I think this is consistent with the request - and Mary did put it in the Chat - the request that it comes through from Jonathan in terms of looking for a little bit of flexibility in how we use the tool of email voting.

So to call it exception means there's all kinds of rules about when you mustn't do it as opposed to it being, you know, there are ways to call it into action to keep it from being abused. Thanks.

Ron Andruff: Thanks, Avri. With that I'm going to bring this topic to a close because we have one more item on the agenda that I would like to discuss briefly and ask that members of the committee would please bring their thoughts to the list on this. Perhaps we can start redlining this draft document that Avri and Thomas put forward. It's a good base effort and we're very grateful for that.

If anyone has any other last comment on this I'm happy to take it, otherwise I'd like to move on to the last item on our agenda. I see Greg and I see Anne.

Anne Aikman-Scalese: Okay, I will go ahead and comment that if Avri and Thomas think that it might be beneficial to, after these questions have been posed, to circulate any slightly different draft that might be helpful.

And I don't see - is there any reference here about a maximum voting period or we've all talked about the voting period during which an email vote must be cast. It seems it's been a matter of discussion. But I'm not sure I see - we see 48 hours notice but I don't see how long you can keep your vote hanging out there.

Ron Andruff: Well that may be something then we should be - to looking at a little more closely then, Anne, in terms of with the redline if I may?

Anne Aikman-Scalese: Yeah.

Ron Andruff: That make sense? Yeah.

Anne Aikman-Scalese: But I was wondering if Thomas and Avri would agree to take another look based on this discussion and possibly, you know, jointly circulate something else or I would also volunteer to work on that given some of the comments that have been made. So it's been a good discussion.

Ron Andruff: That's excellent. That's excellent. So I see Avri's hand is up. Avri, would you be willing - you and Thomas - to try to bring this into a little tighter form working with Anne?

Avri Doria: I can't speak for Thomas obviously. I'm certainly willing to work more on a draft but we still have a fundamental decision that this group has to make is whether we're working in the narrow sense or we're working in the broader sense - the narrow sense that Thomas was thinking of and the broader sense that I do. And I'm not - I have a feeling that which of those we do will have implications on the how it's done so I just wanted to bring that up. Thanks.

Ron Andruff: Thanks, Avri. All right, Thomas, please go ahead.

Thomas Rickert: Yeah, this is just to echo what Avri has said. I'm still waiting for - so would very much welcome if we could get some general guidelines in terms of which direction we want to take. And in response to Anne, if you scroll down at the end of the page and at the beginning of the second page I have at least given some guidance so that you would need at least 48 hours notice on weekdays prior to the start of the voting time window and the end date or the deadline would also be published.

So I wanted to have a little bit of flexibility for the Council leadership on that which would also help to respond to certain scenarios; let's say if there was a case such as Avri's example where just one group needs to reflect on one thing then maybe the timeframe can be shorter than in other cases.

Ron Andruff: Thanks, Thomas. So I hear you very clearly. People are looking to see are we going to go left or go right with this? And I'm wondering if we could develop just a little tighter framework with those two options more clearly spelled out - pardon me - for the benefit of the rest of the members to kind of get a feeling of which direction we should be going. Because that seems to be the area that's very vague at this moment.

But I think that the idea of the live discussion before this could happen, it's very clear. I think it would bring more efficiency to the Council as has been mentioned, which is a good thing.

If the voting happens as Avri has suggested that would be perhaps done privately but everything would be revealed at the end so there's complete transparency and that it's up to the chair's discretion. These are the notes that I've made. And if we could move in that direction for our next call that would be very helpful.

We're coming up with one minute before the hour and we started five minute late so if you'll just bear with me one moment more - and let's go to Item Number 9 - our final item on the agenda. And that's the review of the GNSO Working Group Guidelines on consensus levels.

This document - the background on this document was circulated again yesterday by Julie insomuch as this form that we requested these things be submitted to us. And when you look through this we had a lot of discussion even within the SCI on consensus with regard to our own charter whether full consensus or consensus where we had small minority disagreement would be the better way to go. And it ended up that we've gone the route of full consensus.

But in that discussion there was a lot of dialogue about whether or not five levels of consensus were in fact needed because it's very thin slices, if you will, and it seems that ICANN always hews to the highest level of consensus, which is the first one, full consensus.

So this is actually a very apt conversation to come back to our table. And I note that in this document that was circulated yesterday, the background document, that the Council requests that the SCI to review the current levels of consensus and specifically request the SCI to review and if deemed appropriate recommend revised or additional language to apply to situations where working groups may reach sufficient consensus against a particular proposal such if the appropriate consensus level cannot accurately be described as no consensus/divergence.

So there's a lot that has to be discussed about this. I know it came up in the IGO/INGO working group. And I believe, Thomas, you were the chair of that body, if I'm not mistaken. Am I correct there?

Thomas Rickert: You are correct. And I - if you want me to I can fill you in on some of the background with this.

Ron Andruff: Well I - and that's why I'm asking. So this call is now coming to - going to come to an end but because Thomas was - is very fluent on what we're talking about I'm going to suggest that we just roll this over to the next meeting and put it like right in the first position of our next call. And then, Thomas, if you wouldn't mind being prepared to give some overview and background on what that was then we can perhaps then pull together a support team, a sub group, that will work on this and bring something back to the committee to talk about as we just did with the voting by email.

So would that be in order, Thomas? Would you be good with that?

Thomas Rickert: Sure. More than happy to.

Ron Andruff: Very good. I see Amr's already put his hand up to join the committee. I wonder if there's any others on this group that would like to - on this call that would like to participate? Is that Greg? Would you like to participate?

Greg Shatan: Yes I would. I was also on the IGO/INGO working group and actually one of the vocal participants in the discussion about this very topic so again...

((Crosstalk))

Ron Andruff: ...well in fact - I'm sorry, go ahead. I beg your pardon.

Greg Shatan: I was going to say as with the previous issue where I also was allowed no so I feel it's only my responsibility once I've raised an issue to try to settle it as well. Thank you.

Ron Andruff: Very good. Very good. And I see Cintra's hand is up to join as well. Cintra.

Cintra Sooknanan: Yes, that's right so I'd be happy to support this group.

Ron Andruff: Very good. So we have then Amr, Greg, Cintra and Thomas. So you might even consider getting on a call amongst yourselves to start working on that right away if you like or we can do as I'd previously recommended just letting Thomas bring us all up to speed on the next call, whichever works the best for you is fine for me.

Anne, I see your hand is up.

Anne Aikman-Scalese: Yes, Ron, thank you. It's Anne with IPC. And just a quick procedural question. I was under the impression that working group consensus was part of the PDP manual which causes me to ask a procedural question about how this could land at SCI. Can you guys straighten me out on that one? Am I wrong? The working group consensus is not part of the PDP manual?

Ron Andruff: Mary, please, and go ahead if you have an answer; I certainly do not.

Mary Wong: Thanks, Ron. Anne, the PDP manual is part of the operating procedures of the SCI which would make them under the SCI remit anyway. But in this specific instance it is actually the Working Group Guidelines that is in question and that - those are also within the remit of the SCI.

Anne Aikman-Scalese: Well when you say, "Within the remit," it's to determine how effective they've been or it's to - you see where I'm coming from, the problem that I have the SCI is not a policy development group. And so I'm a little confused about - are we to comment on how effective this has been? Or - which is what the SCI would be doing? Or to recommend changes based on how effective it's been? I...

Ron Andruff: Anne, there's a document that was circulated yesterday. And it came to me in a Word form, it's called - the title of that document is Background on GNSO Working Group Guidelines Consensus Levels. And that document is basically the request that's come to us and that provides, you know, which group

consensus request, which rules or processes are they referring to and then that details all of that and then it goes on to ask - "Please outline the problem." And then Number 4 is, "What specific changes do you propose to address the problem?" And Number 5, "Do you have any additional suggestions for making the rules processes easier to administer."

Anne Aikman-Scalese: Right.

((Crosstalk))

Anne Aikman-Scalese: Okay, I apologize for not having read that but I would like to ask Greg to - in his participation on this group - to verify, you know, where IPC is on in relation to this procedurally. And maybe Greg and I can - I don't know - talk offline about it. I don't know where the request came from and I'm sorry I haven't read that.

Ron Andruff: That's fine. But I'm sure once you do that that'll flesh out a lot of that - those queries that you have in your mind. And that's why I asked Thomas specifically to give us a sense of what this is. And then maybe that's our baseline question is this within our remit or not? And we can take it from there on our next call.

All right so having introduced that item now that's really all I wanted to do today. Thank you very much for the sub group jumping on top of that right away and participating - in terms of participating to help us find our way through that one.

With that we come to Agenda Item Number 10, any other business, and I open the floor to any comments or thoughts if someone would like to add. Seeing none I will release you from your work and thank all of you very much for getting on the call and being so helpful today. It's been a very good call as usual. The collegiality is much appreciated. So thank you, all, for joining the call. I think our next call is scheduled for the 28th of January, if I'm not

mistaken. It's noted on the right hand side under our actions. And so with that - and Nathalie has just confirmed that. So thank you very much, everyone and best wishes for the rest of the week and we'll talk to you online or in person in two weeks. Thank you.

Anne Aikman-Scalese: Thanks, Ron. Thank you, everybody.

Ron Andruff: Bye for now.

Mary Wong: Thank you, Ron. Thank you, everybody. Bye.

Nathalie Peregrine: Thank you very much, (Robin). You may now stop the recordings. Thank you.

Coordinator: And thank you.

END