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ICANN
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STAFF ACCOUNTABILITY SUBGROUP MEETING

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>> Check.
>> Mate. (Beep).
>> Hello. Avri joining.
(voices in the background).
>> Fantastic. Not even the appointed time yet, we have already met quorum. Very happy. (Beep) It's the hour. Probably give it another minute or so, saw we had Cheryl who came in and then left again. I want to see whether Patrick is joining. And who else, I'll give it another minute.
>> I guess she didn't want to make you happy.
>> Well, I guess not! But you came in and took her place. So that was good.
>> This is Brenda (overlapping speakers).
>> If you see the green arrow, she is being dialed out to.
>> I see. So I was counting my quorum before it hatched.
>> Like that mixed metaphor.
>> George.
>> Can we start the recording please, might as well start the meeting.
>> This meeting is now being recorded.
>> Thank you. Avri speaking, we have enough to meet quorum. I hope Patrick and others join us so I want to get started. Today's agenda, basically other than the normal agenda of the intro with agenda review attendance and SOI check, have one substantive issue on for this week, which is a first subgroup

reading of the report, something I didn't update. On the document updates, the report is now up to draft 6. I should have corrected that when I sent the latest copy of the agenda.

But the pointer remains the same. Then the response question which is still pending (Beep) there were two action items going into this meeting. One was for me to produce a report for the first reading. I believe I have, but I'll check on that when we get to the substantive item.

Then for everyone else to review it, to make comments, edit and suggest text. Not sure to what degree that has happened. But I hope that people have read it. But it is short enough that people can actually read it in the meeting if they have to.

The schedule update, you will notice that dates were crossed out and new dates appeared. And then our meeting update and any other business.

Does anybody have any other business that should be added to any other business at this point? No? Okay. I'll ask again when we get there.

Is the agenda okay? Any objections to it? No objections. We will go with it.

The attendance as usual will be taken via the participants list of Adobe Connect. This is the first day 7 June at 13UTC meeting, meeting 22, I believe. Okay. Anybody just calling in? See nobody listed as just a call-in. If you do, if you heard me at some point please let us know that you are here.

Next thing is the statement of interest check. Does anybody have an update they wish to tell the group about at this point? Okay.

Just remind everybody that should your circumstances change, especially things that might be relevant to this group, please make a change to your SOI and let us know.

Okay. So moving on to the substantive issue of the week, which is the first reading of the report, can, Brenda, can you bring up, or Bernie, I'm not sure who is driving, can you bring up the draft 6. Is this draft 6? I cannot see it well enough.

(overlapping speakers).

>> Very good.

>> AVRI DORIA: It is version 6. I didn't notice the error of the bookmark not defined. I'll have to fix that one. First of all, I want to check, does anybody object to this being done as a first reading today?

Okay. We have talked through much of this document. Some parts have remained fairly steady for a while. We had a sort of pre first reading last week with the recommendations, but one part of the document was still empty at that point, which was a discussion of the recommendations. That part is in now. That has been, there has been some rework on the recommendations

based on last week's call.

Okay. So, I'll be looking on, moving down, going to go back through it section by section. Some sections even though they haven't changed, I've not asked questions on before, not going to read things out loud. But does anybody have any comments on the introduction?

Okay. I'll give it a couple pauses, just to make sure that anybody that is just reading it for the first time, or the first time in a while, has a chance to comment. Moving on then, we will take first the introduction as written. There will be a second reading. Everyone will be encouraged to go in, review the doc, make any suggested changes, etcetera, between now and the next reading. Moving on to roles and responsibilities, we spent a lot of time getting to this point, we had many, many drafts in several different forms of draft, and came down to this one quite a while ago.

And we want to make sure that it's still fine. In the roles and responsibilities, there are basically nine points. It relies on an authoritative definition listed in 9 of ICANN delegation of authority guidelines. It also speaks of various points, again, I'm not going to read the points, point by point.

But this one has not changed in quite a while. Maybe a grammatical change or two. Does anybody have any issues on the roles and responsibilities section of the document?

No? Okay.

I'll move on, remembering this is only the first reading. There will be another one in a week, and please check it on-line. If there are any edits, if you see a typo still in there, please let us know. Okay.

Moving to the issues, we went through quite a process to get the issues. This is one of the reasons we went back and got a change in our charter as it were to work through specific issues and identified the issues, and then came up with these abstractions. Yes, George.

>> Thanks, Avri. I was pleased that you have both 1A and 1B in the issues. The only question I had was why is it not parallel? 1A says no quorum and 1B says no clear quorum. It seems to me (overlapping speakers) issue.

>> AVRI DORIA: Yes, they were written at different times. Which would you prefer, no clear forum or no forum?

>> GEORGE: I don't care. It's up to you. I think they should be parallel.

>> AVRI DORIA: Okay. Thank you very much for that comment. Does anybody care between the two of them, whether it says no forum or no clear forum for parallel construction and want to give an option, a choice? Yes, Alan, please.

>> I'd leave clear in, because then it becomes more

subjective and someone can't say, oh, yes, but there is that place.

>> AVRI DORIA: Very good. Thank you. That had to be a reason to clear into maybe one of them.

I will put the changes, for anybody that is following, I will put them in as suggest for the moment, just so we can visibly see what is changing, and I'll accept the changes after the meeting.

Okay. Now, this one I actually, okay, you got to slightly before, are there any other issues? This one I actually did want to step through one at a time, not reading them but just to stop on each one. George got there before me. So any other issues on the description in 1 at this point? Okay. 2? Anybody have an issue with 2? Okay.

If I move too fast, please make me go back. On 3? Okay. Not a thing. No issues. Let me just check. Okay. I just had a light blinking at me but it was not relevant to this.

Oh, yes, please, Klaus.

>> There are concerns that the overall ICANN staff, there are concerns sometimes we can read it as something strong or something very weak. It has been observed that the overall ICANN staff or something like that in that direction. I feel that that point which for me is one of the key observations can be too easily [inaudible] thank you.

>> AVRI DORIA: Thank you, Klaus. Yes, Alan.

>> Thank you, Alan Greenberg. Do we need the phrase, in policy development? It is not clear to me that we should only focus on that aspect. There are certainly indications at times that the focus is not supporting the community in other areas.

>> AVRI DORIA: Okay. I'm adding notes to this, some of the clauses, in policy development. Okay. So we have two suggested changes here. One is substituting there are concerns, with something like it has been observed, or something stronger. And there is a recommendation that in policy development, be removed, and supporting communities' work should just be in general.

Does anybody object to making either of those changes? Please speak up. Yes, Klaus.

>> KLAUS STOLL: I just would like to keep the policy development and add, and other areas, or something like that, to point out that there are additional areas of communication between staff and communities.

>> AVRI DORIA: Okay. What do others think about that other change? Okay.

I've noted those. I'm not going to try and wordsmith it on the fly. But indicate that it looks like there is no objection to those changes, and I'll get them done before the next, the

next reading. We will rely on the record here in the captioning to record that and to remind me should I forget.

Okay. Got that. 4, any issues on 4? Okay.

5? Any issues on 5? Okay.

Yes, George.

>> GEORGE: Avri, this is not 5 specifically, but there was a discussion a few meetings ago about defining terms, like what does ICANN mean by itself, as opposed to ICANN org, community, ICANN board, etcetera. Throughout this, there are some cases where ICANN is mentioned, and it's not quite clear exactly what is meant. It might be worth just doing a pass through the document at some point looking for evidences of ambiguity where the word ICANN is mentioned without a qualification, just to see if one is needed. Thanks.

>> AVRI DORIA: Okay. Usually -- thank you for this, George. I will make the note. I will do the check. I did a check for how organization was spelled. I should do a check for this.

I do believe that when it's used alone, the indication is that it is the trinity. But I will go through and I'll also put a footnote in at the beginning, to indicate that when used alone, it means that. But thank you for the note. Check for consistency.

>> Make it a footnote, I would say up front define your terms so that it's quite clear what you are talking about, that is all that is needed.

>> AVRI DORIA: Whether it's in a footnote, does whether it's in a footnote or there is -- I mean I guess if I'm defining terms, then you are asking for a table that defines many terms. Is that what you are asking for? Or just first use of term.

>> GEORGE: I don't know how you do it. But you don't need to define every term. But somehow there is more confusion about that, what is meant by ICANN in various contexts, than most words and it's probably worth (overlapping speakers).

>> AVRI DORIA: I thought we were making a decision on that at a global WS2 level, that that had been one of the reasons that we have taken it -- I don't know if we ever actually resolved on it, but there was ICANN, and ICANN was a trinity of ICANN organization, ICANN board and ICANN community, and ICANN organization was sometimes called staff.

I'll certainly put it in here, certainly the footnote, perhaps more. But in terms of bringing it out further and I guess this is a question to Bernie, I should have looked at the screen sooner, Bernie, please.

>> BERNARD TURCOTTE: Hi, Avri. I hope everyone can hear me.

>> AVRI DORIA: I hear you.

>> BERNARD TURCOTTE: I believe -- thank you. I believe when we were in Copenhagen, at the CCWG accountability face-to-face

meeting, the CCWG as the plenary agreed with your definition, that if ICANN is mentioned, it's simply without any qualification, that it's the trinity. Thank you.

>> AVRI DORIA: Thanks. So for the purposes, if it's okay, George and others, for the purposes of this doc, I'll put a footnote reminding people of the WS2. I'll assume that when we gang all these together in a document, etcetera, that it will be in only one place. Perhaps I need to edit it from some point from what had been a recommendation then, but try to keep it in just one place. But that was one of the reasons for asking for consistency, so that we could move ahead fairly comfortably with these terms and put it in. Let me jot this down so I do not forget, although I do have the record here, but anyhow.

Okay. We did 4, correct? No, we did 5. 6, I wanted to ask and this is not a substantive question, have left 6 as it is because 6, what is in 1B used to be fix.

(muffled audio).

But it didn't makes sense to me when I was putting this together that, or that I left the point in for 6, because we had gotten into, used to it being there and I didn't want to change the numbers of everything, if anybody had gotten used to referring to an issue by number. Should I collapse it before the next reading, and assume that I can make the changes consistently. Yes, Alan.

>> Are there references to number 7, 8 and 9 in other places in the document?

>> AVRI DORIA: Yes, there are. But only in the section that was just produced on the explanation. When we get to the table, you will see I map issue, requirement to the issues, I believe it covers. And there I use those numbers. But it's only a few and I can fix it if I collapse it.

(off microphone).

>> I would suggest it be fixed at this point, not later, to make sure we capture any errors if there are any.

>> AVRI DORIA: Okay. Basically, I will note that I should fix, I should remove it before the next reading, and you all can make sure I don't mess up the numbers.

So fix before second reading.

I put that note in.

Okay. So then I go on to, and of course if anybody objects to anything, please do speak up. 7. Yes, Klaus.

>> KLAUS STOLL: Klaus for the record. It's the same as with 3, it's the use of the word concern in paragraph 7 and 8. I think it might be possible to strengthen it a little bit. But I prefer to [inaudible]

>> AVRI DORIA: Certainly, I'll comment on that. Certainly, the concern that was mentioned in 7 was not nearly as pervasive

as some of the cultural concerns which was a very general statement in 3. In this case, I'm not sure, I understand the desire for parallel. Anybody else have a viewpoint on that one? I will certainly comment it. Does anybody else have a comment on the usage of "concern" there, as opposed to something less ambiguous, although I actually didn't think it was that ambiguous. But anyone? Yes, Alan, please.

>> Alan: Alan Greenberg. I'm not troubled with the word there.

(phone ringing).

If you look at number 3, one can find clear instances.

(phone ringing).

Where I can say there is a problem.

(phone ringing).

In number 4, in number 7, it really is a concern.

(phone ringing).

Because there is so much opacity, we don't know.

>> AVRI DORIA: Thank you.

>> ALAN: I can't give a specific instance, although I suspect some of them where people's at risk compensation is based on measures of, I don't think it should be, because I just don't think it's something that staff should be, have a personal interest in focusing on. But I don't know that. So I think "concern" is fine in that case.

>> AVRI DORIA: Okay. Thank you. We have one for replacing and one for -- I know my personal tendency is to leave -- also, I do indicate that there is a difference between, there was concern, to there are concerns, for some reason one is multiple, whereas -- but anyway, okay. I'll leave that open, people, please think about it. If you want to suggest a different usage in the document, I'll look at -- yes, Alan.

>> Thank you, Alan Greenberg. I hadn't noticed the word was. I would make them all, there are, or something positive. That implies it was a concern but it's gone bye-bye. And I don't believe that is the case.

>> AVRI DORIA: I have a grammar change in this one, I'm removing the concerns from the other one so it's not a consistency, but yeah, there are, that one I'll change right now because even if I leave it, it's a change that would stay. But of course -- okay. It really is phraseology and only slightly represented to a possible substantive point. But I will look into that. If anybody has any further ideas on that, any suggestions, would love to hear them, now or later.

Okay. So that was 7. 8? Any issues to do with 8? Okay.

9? Any issues to do with 9? Okay. Then let's move on, so these have remained substantively acceptable at this reading, with edits, but none of the edits change the meaning, anything,

they may change a degree of nuance and degree to which we are making a statement.

Okay. Going to recommendations, this section has been here for a while, but it did take a reordering and in substantive wordsmithing over the last week. These were edits made based on the discussions from last week's meeting. So I want to go through those again line by line, and see if there are any comments on those. So the recommendations, and the first one, any issues with that and how it's stated? Okay. Oh, Bernie, I'm sorry. I didn't see your hand. Please go ahead. You shouldn't have to tell me twice.

>> BERNARD TURCOTTE: Thank you, I see Alan has his hand up. So I'll be glad to defer to him, if he wants to go first.

>> AVRI DORIA: Alan.

>> ALAN GREENBERG: I was going to point out that the last part of the sentence saying between board and staff in the ICANN organization, when we have (overlapping speakers) organization does not include the staff, the board, we need a terminology change there.

>> AVRI DORIA: In ICANN and just remove, part of the consistency check that George asked for. Okay, Bernie, to you.

>> BERNARD TURCOTTE: Thank you, Avri. Just a general comment. I'm sorry, I've been out of this section for a little bit. I was reading the recommendations, and bringing in some comments actually from the work I'm doing on stability and security review 2, which is going over the stability and security review 1 recommendations, and I'll link this very quickly.

Two points. One point is that everyone is having serious heartburn with the SSR1 recommendations. And I do mean everyone, because some of them were too generic. So, although I think it applies to very few things here, when I was reading recommendations 6, I believe, it was, it seemed a little fussy, and the problem is with those generic really overarching statements, if you are not giving any direction to ICANN, it becomes really a bit of a gamble as to what they are going to be able to do with it, not that there is ill Will anywhere, but this group will dissolve, the recommendations will be there and this will land on someone's desk and they will be stuck with implementing it.

So just a note. If you can, it's always better to be clear on what your expectations or requirements are when you are making a recommendation, makes it a hell of a lot easier for everyone implementing, and it makes it a hell of a lot easier a few years down the line when someone comes up and says, oh, how did we deal with this? So first thing.

>> AVRI DORIA: Thanks.

>> BERNARD TURCOTTE: The second thing is, again regarding implementation, and we have seen this in other areas, if you are going to be very, very specific on what you are requiring, and here I'm talking about creating this committee, be sure that is what you want to do, because maybe just the softening the recommendation just a bit, as in it could be, or should be or something like that, just gives everyone a little bit of wiggle room if something happens when they are trying to implement this in the full framework of what workstream 2 will be recommending.

So, really really hard implementation recommendations, be sure that is what you want to do. Be sure that if you are making them, you have made the case for what your requirements are very well, so that they back up making a very hard recommendation, or consider just giving everyone a little wiggle room. I don't think it's a question again of ICANN not trying to do their best.

I think it's a question that when these things come to them, they do not come in just the staff accountability thing. The board is going to be expecting that if these things get approved, they get done because that is their job and they will ask the CEO to do that and he will hand that off. All of a sudden, a few people have to make sure that all this gets done, and if they have some areas where there is absolutely no gives, it is just absolutely squared out, it can make life hard for everyone and may end up having unintended consequences.

Sorry for taking so long. But I thought these were useful comments for your consideration at this point.

>> AVRI DORIA: Thank you. In some cases, we need to be less ambiguous, and in some cases we need to be more ambiguous, is what I understood. It is basically almost an appeal to the golden mean, and what I wanted to point out is a couple things in terms of the history. First of all, there is a next section of the discussions which I think tries to get into some of the issues that you speak of. And that is still part of this main document.

Then there is what we are making sure is bundled and available is the work that was done on this that gives further indications. We also did, this is also one of the reasons I wanted to make sure that even once all of these things is individually reviewed and set aside as potentially done, there would indeed be a review of everything together to make sure that one place didn't go ahead of another place or contradict the work of another subgroup.

If there are specific -- so for example, on 4, not on 4, on the 3, the four member panel, if we look again at the discussion section, and we will get there in this reading, you will see a further sort of implementation guideline almost to this, which

does add specificity, and I think in other places the discussion adds a little bit of the ambiguity you might be looking for. I'd ask you to look at these before another reading.

If you have any word substitutions or sentence changes that would either make it less ambiguous as you are requesting, or more ambiguous, as you may think is required, the wiggle room as it were, please do suggest wording changes. But I also want to see whether the way that the discussion goes into things helps at all with the concern that you bring up. Which one were we on, because that wasn't specific to one. Yes, Bernie, I see your hand again.

>> BERNARD TURCOTTE: Thank you. I'll go through it and I'll actually write back on certain things. As I said, my main concern which brought this up were 3 and 6. But I'll provide something in writing. Thank you.

>> AVRI DORIA: Okay. Yeah. On 6, there was actually, you will see, please look at the discussion, and we will get to that, that talks about how this cultural issue can be approached.

We had a very strong pull on things that got called the cultural issue and so did not want to remove that as the reference, and therefore tried to be more explanatory in the discussion.

But we will take a note on both of those and look forward to seeing your suggested changes before the second reading. Now, where was I on walking through? I was still on the first.

Number 2, any comments on number 2 in the recommendations? Okay. Number 3. And we have already gotten a comment from Bernie that if we want to create something like this, we better be sure we want it, and we better be sure that we are not being too specific. Yes, Alan.

>> ALAN GREENBERG: Question, is there really an ICANN organizational chart that is published? I'm aware of the one that shows the executive level people. I'm not aware of anything that shows anything below that.

>> AVRI DORIA: I saw one at least once. I don't remember. It was a couple years ago. But there was one. There's got to be one somewhere, even if it is not published. They got to know how the organization is structured.

>> ALAN GREENBERG: I'd like to think so. But you know, I regularly find people on these calls, some staff person on the call and I'll do a Google search and they are not even in the staff directory sometimes. Never mind an indication of what department they work for or who their manager is. I don't think there is an organizational chart.

If we are, in fact, asking for an organizational chart that includes all 300 or whatever people, then I think we need to

explicitly say that. At one point I was told, sorry, we won't publish that, because it puts people at risk, knowing who they are or what they work for or something like that. I won't say who told me because I don't know whether that is an authoritative answer or not.

But I was told it was deliberate that there was not an organizational chart below the executive level. (overlapping speakers).

>> AVRI DORIA: If we change the word the, to an, would that do that?

>> ALAN GREENBERG: No. I think if we are asking for a detailed organizational chart that we need to say so. If we are asking for just the executive one that we need to say so, because clearly, I've been told at various times, yes, there is one and pointed to the one that only shows the executive level.

>> AVRI DORIA: You are saying we should say a detailed.

>> ALAN GREENBERG: We should be specific so that there is no confusion over what it is we are asking for. I think it's a discussion we really should have, is there no organizational chart, because people think it's too much of a pain to keep up to date? Or is there no organizational chart because it's a deliberate decision that it should not be published? And if so, I think we need to understand that before we can finalize this recommendation.

>> AVRI DORIA: Okay. So at the moment, I have suggested edited it to publish a detailed ICANN organizational chart of all employees with clear reporting lines. That sort of phrase would help?

>> ALAN GREENBERG: That would certainly address an issue I have, whether it's something, whether it's what we want to ask, we need to understand the issue better.

>> AVRI DORIA: I think it is what is being asked for. But I'll go to Herb. Please, Herb.

>> HERB: Yes, good morning. There is a internal list of employees that is in the form of a type of org chart, but it's strictly for employee use, so that employees can reach out and contact each other and have a clear understanding of the reporting through HR and stuff like that. You are probably not going to get, and I can't see a real reason for having a detailed organizational chart with all of the employees listed on it, for the same reason that just about any corporation or company I can think of doesn't publish it, for privacy reasons, and also to prevent skipping down through the level of hierarchy, if somebody has a complaint with a department, that complaint goes to the complaints officer but you wouldn't want the complainant going directly to, for instance, a low level employee with an issue, for instance, because they have already

been refused by the manager, something like that.

So I don't know if that is going to happen for everybody's lists, so just kind of rings a red bell for me.

>> AVRI DORIA: Okay.

>> HERB WAYE OMBUDS: Are we into number 3 yet?

>> AVRI DORIA: Nope. We are still talking about number 2, the employee -- and we are running out of time. We are still talking about (overlapping speakers).

>> HERB WAYE OMBUDS: It's not published (overlapping speakers).

>> AVRI DORIA: Okay. I think in the comments we have received so far, there was a desire for a full one so that certainly any of the employees that are customer-facing, one can know who they work for, who their bosses are, and such. And this isn't a for profit company so there may be a slightly different set of concerns. But Alan, please.

>> ALAN GREENBERG: Yeah, you just said what I was going to say. Maybe there is a reason for not publishing a full org chart with 700 people on it or 300, I don't even know what the right number is, when you include people who are contract labor. But there is a need to find who someone's manager is, or simply when I get an E-mail from someone asking me something, what department do they work for? Or I get a message from staff saying, send a E-mail to Tina. Which Tina? (chuckles).

Even if I know the department, I have no chance of figuring out who it is. Anyway, that is it. Thank you.

>> AVRI DORIA: Thank you. I'm suggesting that at least for the time being, we strengthen this as suggested and bring it to the second reading and see what issues there are with it. And it's quite possible that not all of our recommendations, I've never worked on anything yet in ICANN where all the recommendations were actually implemented the way that people writing the implementations thought they should be.

So moving on with that to 3. That one, and as I say, there is a long discussion of the hows and whats of this, but Herb, you had a comment to make on it.

>> HERB WAYE OMBUDS: Yes, thank you. I like it, when it does go further than this, I don't know if this has been brought or is being discussed at the higher level in the accountability group, but I could see it becoming a very robust tool for, especially for the community, because as we were talking about staff accountability, I see a much broader potential for this group inasmuch as the organization does not have teeth when it comes to behavioral issues or there is nothing anybody can do really to sanction or discipline or prevent behavior, especially at the community level, as much as it's been tried to hand that off to my office, you know, even if I come to a decision or a

sanction, that the individual has recourse to reconsideration and the whole bit. And it blows confidentiality out of the water. So I like this panel, and I hope that it gets discussed much more robustly as this moves forward.

The change I would possibly make would be that, in the last line, community staff or board issues, communities [inaudible] I would add into that line also because if the ombudsman (overlapping speakers) a brick wall, it would be nice to be able to bring this to this panel if this panel does have authority. Also, potentially add in a confidentiality issue to this so that these discussions can be done in a secure safe environment for the four participants and anybody that brings a complaint to them.

>> AVRI DORIA: Okay, thank you. What I'd like to ask you to do is look in terms of the discussion part that is in the next section, to take an edit pass through that at some point during the next week, to see whether that discussion can be made more robust in that location. Now on the confidentiality, okay, I don't know whether that is something that would need greater discussion, because some of the functions within that are, for example, complaints officer, and the EC representative and such are in more transparent, transparency demanding roles, that we might want to suggest in the discussion that they be able to turn on and off a cloak of confidentiality as required and such.

So if they are discussing an issue that needs to be transparent because it's a personal, because of personal issues that they can, but if it's a more complex issue, that perhaps has a systemic basis, that that, they don't need to deem that as confidential. So if perhaps that would be something that belongs in the implementation discussion of this, as opposed to a specific request, I know personally I'd be uneasy asking for it to function in full confidential mode, but certainly, accept that it needs to be able to go into confidential mode if that distinction is acceptable.

Any other comments on 3? I'll make a note on confidentiality. Comment. Last time at the discussion, we got a, we would like to see more detail on how this works, and I tried in the discussion to find a balance there. Yes, Alan.

>> ALAN GREENBERG: Yeah, I think this is one of those cases where you use as appropriate.

>> AVRI DORIA: Okay. Thank you. That as appropriate is probably exactly the right solution. Thank you.

When I can easily think of the wordsmith I'm doing it. Otherwise I'm putting it in a comment.

Any others on 3? Move on to 4. Any comments on 4?

On 5? Any comments on 5? No? Okay. On 6? Okay. Yes, Alan, please.

>> ALAN GREENBERG: It's Alan speaking. On 5, do we really mean instigate? Or perhaps institute?

>> AVRI DORIA: Institute. Instigate seems to be a fine word, but if it rubs the wrong way, institute is fine. Institute. Okay.

Any other comments on 5? Okay.

6? Any comments on 6? Okay, thank you.

7? 7 is one that was discussed at length last week, in terms of the need for it, and it is a new entry into the list. Yes, George.

>> GEORGE: Thanks, Avri. This one worries me, and maybe it should, maybe it shouldn't, for several reasons. First of all, note that there is a overlap, it is not a complete overlap between 7 and 1, you are asking for descriptions in both cases, and I'm wondering to the extent to which the separation is justified.

The second reason is more one of how this is going to work in the community. At some point in this document, you make the point, I think quite rightly so, that the ability of ICANN to function depends both on formal relationships and informal cooperation. I think when you publish service level agreements, that what you are doing is dividing the community in some sense between somebody who gets service, somebody who gives service. That is fine. That is what is going to happen.

But this is a very litigious organization. People argue about things, legal things, procedural things. I think if you get into this, and I think I'm reflecting some of what Bernie said earlier in the call, if you get into this and you have a detailed service level agreement, then you are going to have people more concerned I think about squabbling whether the staff met the service agreement or not as opposed to going into the informal side of things and resolving the situation. I'm speaking as a committee member here, not as a board member.

I just worry that this is going to detract the organization from functioning more effectively, and that some combination of 1 and 7 might be a better approach than extracting specifically service level agreements which are necessarily somewhat detailed, otherwise there is no point in having one. What happens also if the service level agreement isn't met and what were the punitive measures. It makes it more formal and confrontational. Thank you.

>> AVRI DORIA: Thank you. Yes, on this one, part of the discussion we had last week, and this is reflected in the discussion of this one, is that, hey, staff has all of these contracted timings for which we need to do things, whether they are contractually based or not, that says we need to react within 20 days here. We need to if we miss this schedule, we

are out of luck. We need to do this, we need to do that. And yet correspondingly when there is something that the staff needs to do, there are absolutely no time limits. There are no specific rules that shape that response. So while I only have ten days into which to make a, not a complaint, complaints becoming a word of art within ICANN, but I have 15 days within which to bring up an issue, or I've missed my chance, whereas when I make a request of staff, they can take four months to answer it if they wish. There have been occasions of that, and that is one of the issues that some of the members of the group brought up quite strongly.

So at this point, sort of from a working with the whole group, I would be very loathe to remove the specificity of 7, but perhaps would want to discuss it further in the discussion, and ask you, George, to look at that discussion there, and perhaps over the course of the week we can look at adding as Bernie might say wiggle words to it. But I think that, at least from some parts of this group over time, that this has been a strong trend. Yes, Alan.

>> ALAN GREENBERG: Thank you. It's Alan Greenberg speaking.

I think this is one where it is both too narrow and too wide. I don't think we necessarily need service contract levels for everything that is deemed to be a service. On the other hand, I don't think it should be restricted to services provided to contracted parties. The classic example in ICANN is the sole, the major area that volunteers have contact with ICANN, where there are specific expectations are travel services. It is being a pain and a focus of complaints forever. And it's one where they have absolutely no service level commitment, and no even indication that red flags are waved internally when there are problems.

So that is one which I would suggest would warrant a service level agreement, at least until we get to the point where people aren't continually complaining. But having service level agreements for everything, I think, just changes, will change the dynamic as George was saying.

>> AVRI DORIA: Okay. Thank you. We may want to change the name of it from service level agreement to something. So I'll take those comments. I request that people discuss this further on the list or in the document, and perhaps suggest wording changes that will make this work. Any other comments on 7? We only have four minutes left.

I'd like to at least get through the end of the recommendations. I don't know if we are allowed or people can go a few minutes extra. But I don't want to spend time on talking about that yet. 8? Any comments on 8? Okay. 9? Any comments on 9?

Okay, thanks. In the reading through of the recommendations, we have got largely a group okay, but with various issues, and a strong issue of basically both specificity and wiggle room. And we have questions on 7, both as to its scope and such, and those need to be fixed before a second reading. And please, people, participate.

Now, we have three minutes left. I'm not going to go through it line by line, but this is sort of the last part which is taking the recommendations, mapping them to related issues. I sent out a couple messages to the list asking people to go through these and decide whether I have too many of the related issues beside a recommendation, or not enough, and also the discussion, the discussion has been taken from various conversations that we have had and such.

So I'd like to open up this discussion of recommendations to a brief comment, okay. Julf says he has to leave. Bernie says he is okay to stay on a bit longer. I'd like to get through this discussion of recommendations. So not go through this line by line, I do ask people to read it through and make suggestions. I think this can be improved infinitely, but I'd like to see how much we can get it improved in the next week. It doesn't add new recommendations. It doesn't add new issues. It just tries to explain things and give some implementation guidelines.

Any comments on it as it currently stands? Understanding that people will take a deeper dive into it over the next week before the second reading.

I see no comments. I know there is a lot to read for people that haven't read it coming into the meeting, and you haven't had much time. But I'd still like to say that we have given it a look, and that we have completed a first reading, partly because of the drive of schedule.

Okay. I see no comments on it.

Now I'm expecting that people will take a deeper dive on it in the next week. Is there any objection to indicating that with comments, with work to do, we did have a successful first reading in this meeting? Does anybody wish to object to that characterization of what we have just been through? No? Okay.

(overlapping speakers) I wanted to get to Klaus' question, can we start with the list next week, we certainly can. But are you saying that therefore you don't consider us as having done a first reading? Next week we should be doing a second reading, no problem to start with there or perhaps just with recommendations, and this, because those are the two have been comments are not enough. Klaus, are you objecting to calling this a first reading? It should be done at second reading. Okay, thank you, Klaus. Yes, Alan, please.

>> ALAN GREENBERG: Thank you, Alan Greenberg. I have no objection to calling this a first reading but if there is enough substantive changes between now and next week or during next week's meeting, we may need a third reading. But with that understanding, sure.

>> AVRI DORIA: Okay. So this is a fine first reading, and we will decide after, during and after the second reading whether a further reading is required, as opposed to making that decision now.

Okay. Hopefully though, people will spend some time inside and such and we can decide at the second reading whether the changes were indeed substantive or explanatory and refining.

Any other comments on, yes, Alan, there is always relatively few people on this call. That is why, once we get it out of this group, we will be taking it to the full meeting where I'm sure we will have a very fulsome discussion and it may or may not get sent back to us. I would like to avoid that but I expect it.

That always happens after a full first reading almost in the full, once we discuss it, things change.

And really, just looking for a -- I said there was one participant yesterday. [inaudible] Sent apology for that one, I think.

I won't drag this meeting on longer, just to go through the rest of the agenda, as I said, the agenda did not have much else in it, it basically talks about the action items will change. I will be, produce report for second reading. I will leave the action items for everybody else as are, which is review, make comments, edit and suggest text. Our scheduled update does not need to be updated again yet. Hopefully I can avoid updating it again. Our next meeting is 13 June, at which point we are scheduled to have a second reading. We have a 20 June meeting at which I have penciled in, it doesn't show up on this one, I did it after that, that is complete reply to staff questions, is penciled in.

But if we need to do a third reading, that would be when we did it. But then we would probably be too late to get on the, to be in the full meeting, face-to-face meeting for a first reading, which I would prefer to avoid. What we are trying to do is hit the schedule so that we can do a first reading in the face-to-face meeting. Yes, Bernie.

>> BERNARD TURCOTTE: Yes, well, we are counting on you having the document available for the face-to-face. If we need to stretch the rule a bit, I can certainly plead the case to the Co-Chairs, and if it gets done on the 20th, it still gives people a fair amount of time to read it on the plane on the way over, etcetera. If you want me to do that, I'll be glad to take

care of that.

>> AVRI DORIA: Thank you. I hope I don't need to, I hope we don't need to ask you to do that. But if we do, we will, thank you very much for the possibility. Any other business? Thank you. I want to thank you for letting me sort of drive through that, and thank you all for doing a first reading, giving lots of comments and hope between now and the 13th you do take an hour or so in the document, and deal with any of the issues you may still have.

With that, seeing no other business, thank you for the captioner to stay, and Brenda, and Bernie, for staying the extra five minutes, and to all of you for staying the extra five minutes. The call is adjourned.

>> Thank you, Avri.

(end of call at 9:06 a.m. CST)

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