



31 July 2019

RE: Response to Complaint 00007656 re: Issue with the EPDP-Team Participation Structure for Alternates and Observers, and Belief that an ICANN org Member was Intentionally Dishonest

John Poole
DomainMondo
Via electronic mail

Dear John Poole,

Thank you for your submission. I'm following up on the complaint you submitted on 16 November 2018 (see: <https://www.icann.org/en/system/files/files/complaint-00007656-redacted-20nov18-en.pdf>) regarding issues you experienced as an Observer participant of the Expedited Policy Development Process Team ("EPDP-Team"). I appreciate you bringing this to the attention of the ICANN organization (all subsequent uses of "ICANN" refer to the ICANN organization). I've researched the issue with various ICANN departments and worked with them to provide you with this response.

In your complaint you stated, "The secondary issue is [REDACTED] lying to me. I don't appreciate being treated that way by anyone. It is demeaning and disrespectful. My perception and experience is that it is common practice within ICANN org, from top to bottom." I reviewed the relevant communications between yourself and ICANN org staff and have concluded that your accusation is not true. Your accusation was based on an inquiry you made to staff regarding the lack of availability of real-time remote participation services for an EPDP 'small-team' meeting held on 12 November 2018. You were mistakenly told by staff that real-time services are only provided for full EPDP-Team meetings and not small team meetings.

The EPDP-Team Charter only requires that the ability to listen in real-time be provided for the full plenary sessions. The EPDP-Team leadership and ICANN org staff support team decided to include real-time services for small team meetings where substantive deliberations were happening. Once those small team deliberations became less substantive, the EPDP-Team leadership and org staff decided that only audio recording, and in some cases, transcript services would be provided for practical and responsible resource management reasons, but also to ensure there was transparency into discussions. You can find the audio recording for the 12 November 2018 small team meeting here: <https://community.icann.org/x/uQXVBQ>. All recordings and, where applicable, transcripts related to the EPDP-Team's work, real-time or otherwise, are published on the EPDP-Team wiki.

I understand that your confusion regarding what services were being provided for the 12 November 2018 small team meeting arose because the ICANN org team mistakenly published the wrong remote participation template, which is used to communicate participation details for full EPDP-Team meetings. When you brought this to the attention of the ICANN org staff team, they quickly acknowledged the mistake, corrected the published participation details, and explained the error and the correction to you. The miscommunication by ICANN org was a mistake and not a lie designed to intentionally deprive you of an opportunity to participate in the Multistakeholder process.

I appreciate your passion for the work of the ICANN institution. It is important work. As I've reminded you in previous communications [

<https://www.icann.org/en/system/files/files/complaint-response-00007263-25feb19-en.pdf>, <https://www.icann.org/en/system/files/files/complaint-response-00005672-06jul18-en.pdf>] it is critical, however, that you adhere to the ICANN Expected Standards of Behavior (<https://www.icann.org/resources/pages/expected-standards-2016-06-28-en>). Wrongfully accusing colleagues of lying is unacceptable and not in the spirit of the ICANN Expected Standards of Behavior. I remind you that your interactions need to be professional and courteous. The ICANN Multistakeholder community rightfully expects a safe, respectful and harassment free environment and everyone must abide by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. (<https://www.icann.org/resources/pages/community-anti-harassment-policy-2017-03-24-en>).

In your complaint you also raised a concern that Policy Development Process ("PDP") projects are typically open to participation by anyone. The EPDP-Team chose to operate differently and intentionally restricted the number of participants as provided in its [PDP Charter](#). As a result, EPDP-Team observers and alternate participants were not allowed to fully participate in EPDP-Team meetings, but instead are able to follow full team deliberations via real-time audiocast and Adobe Connect view only.

The role of the Complaints Office is to receive, analyze, and resolve complaints regarding the ICANN org as openly as possible. Your issue regarding the participation structure of the EPDP-Team, as provided in its PDP Charter, is out-of-scope for my office. However, I wanted to address the reasons why it is out-of-scope and to provide you guidance as to where you can seek assistance.

Policy recommendations are formed and refined by the ICANN community through its Supporting Organizations and influenced by Advisory Committees – all comprised of volunteers from countries and territories – in a "bottom-up," open and transparent process. Each Supporting Organization has its own specific process to conduct policy development. For the Generic Names Supporting Organization ("GNSO") this process is outlined in Annex A of the ICANN Bylaws, and includes a discussion of the Policy Development Process and the Expedited Policy Development Process. The Bylaws further refer to the [PDP Manual](#) and [GNSO Operating Procedures](#) for specifics. It is within these documents where you will find that PDP Charters fall under the jurisdiction of the ICANN community and not the ICANN organization, and is therefore outside the remit of the Complaints Office. Therefore, should you wish to pursue this further, you may choose to utilize one of the following options:

- ⦿ Submit a complaint to the ICANN Ombudsman (ombudsman@icann.org) regarding your claim that the EPDP-Team Structure was unfair;
- ⦿ Discuss the matter with the GNSO via the leadership team of your affiliated Stakeholder Group, Constituency, Supporting Organization and/or Advisory Committee;
- ⦿ Address the matter yourself directly with the GNSO Council during one of its sessions at ICANN meetings which typically provide the opportunity for non-Council members to intervene.

Thank you for the opportunity to work with you and for your continued participation in ICANN's Multistakeholder model.

Kind regards,
Krista Papac
Complaints Officer
ICANN