

Subject: GNSO Operating Procedures–Absences & Vacancies

Background

In the GNSO Council Operations Team’s (GCOT) first draft of abstentions provisions (ref: Chapter 4; Section 4.5), it identified the use of a Temporary Alternate under circumstances of long-term absence. The ICANN General Counsel’s office recommended that, instead of making reference to absence in the Voting and Abstentions sections of the document, a new section be created where this special usage of a Temporary Alternate would be elaborated. Subsequently, during one of the Nairobi sessions, a question was asked about what happens to voting denominators in the case of a “vacancy.” It seemed appropriate to include both vacancies and absences in this replacement for Section 3.8.

Current Absence Language

3.8 Absences

When a GNSO council member fails to participate in two regularly-scheduled GNSO Council meetings without notification of absence to the GNSO Secretariat or GNSO Council Chair or Council list, the GNSO Secretariat will notify the Stakeholder Group and ask for an explanation.

Proposed Replacement Text for 3.8-Absences

3.8 Absences and Vacancies

3.8.1 Incidental Absence

As covered in Section 4.5.1, GNSO Council members are expected to attend all regularly scheduled Council meetings and be present at the time such sessions are called to order.

- a. Planned Absence: It is understood that, from time to time, it may be necessary for a GNSO Council member to miss a scheduled meeting due to a conflicting personal or professional obligation or other planned event that cannot be reasonably altered.
 - i. When a Councilor anticipates being absent or late for a Council meeting, the Councilor is expected to notify (e.g. telephone, e-mail) the GNSO Secretariat as soon as practicable before the meeting begins.
 - ii. A Councilor is expected to vote on such motions as may come before the GNSO Council using the alternative means provided in Section 4.4- Absentee Voting, if applicable. If circumstances will not permit voting using the alternative means available, the Councilor may declare an intention to abstain on those motions that are scheduled to be voted upon during the GNSO Council meeting at which the Councilor expects to be

absent. In such an instance, the procedures in Section 4.5-Abstentions will apply.

- b. Unplanned Absence: Occasionally, it will be necessary for a GNSO Council member to miss a regularly scheduled meeting due to sudden illness, accident, injury, or other unforeseen event that cannot reasonably be anticipated.
 - i. Even though this category of absence occurs without advanced notice, a Councilor is expected to communicate the circumstances of the absence (e.g. telephone, e-mail) to the GNSO Secretariat as soon as practicable after the incident occurs.
 - ii. A Councilor is expected to vote on such motions as may come before the GNSO Council using the alternative means provided in Section 4.4-Absentee Voting, if applicable. If circumstances will not permit voting using the alternative means available, the record shall be noted “Absent” and a vote will not be cast.

3.8.2 Leave of Absence

- a. Planned: If a GNSO Council member anticipates being unable to attend two or more regularly-scheduled GNSO Council meetings consecutively, the Councilor shall notify the appointing organization or, for a House NCA, the Nominating Committee and the GNSO Secretariat that a “Leave of Absence” is being requested at which time the remedy described in 3.8.4 is available.
- b. Unplanned: When a GNSO Council member fails to attend two regularly-scheduled GNSO Council meetings consecutively without prior notification to the GNSO Secretariat, the GNSO Secretariat will advise the appointing organization or, for a House NCA, the Nominating Committee that the Councilor has satisfied the conditions for an effective “Leave of Absence” at which time the remedy described in 3.8.4 is available.

3.8.3 Vacancies

- a. In the event of a GNSO Council member resignation or other permanent vacancy, the Bylaws call for replacement according [Article X, Section 3\(3\)](#).
- b. During any transition period following the occurrence of the permanent vacancy, but before a new election or appointment and subsequent seating of the replacement Councilor, the remedy in 3.8.4 is available.

3.8.4 Remedy: Temporary Alternate

- a. For a Councilor who is not appointed by the Nominating Committee, the appointing organization may, at its discretion, name a Temporary Alternate to serve in the absent or vacant Councilor’s seat.
- b. For a voting NCA, the Council non-voting NCA is immediately activated to serve as a Temporary Alternate subject to provisions in Paragraph 4.5.3-c. The communication required pursuant to Paragraph 4.5.4-b, if it cannot be

submitted by the voting NCA, will be completed and forwarded by the non-Voting NCA.

- c. A named Temporary Alternate pursuant to this section is subject to the applicable provisions in Paragraphs 4.5.3-c and 4.5.4-b except that the communication to the GNSO Secretariat should be amended as follows:
 - 1) the reason or condition leading to the remedy is either “Leave of Absence” or “Vacancy,” as applicable; and
 - 2) the measures/motions/votes upon which the Temporary Alternate may engage are not constrained, as in other remedies (see Section 4.5), and may be noted as “All Subjects Permitted.”
 - d. A named Temporary Alternate pursuant to this section will be expected to participate in all matters that would otherwise have occupied the attention of the absent Councilor.
- 3.8.5 Any occurrence of absence or vacancy that is not declared in advance, as provided in this section, will be recorded as “Absent” and such action will not reduce the denominator in any vote tabulation for the affected House.

****END****