

ISOC Chapters Advisory Council (ChAC) Advice to the ISOC Board of Trustees: (1) Access to Chapter Delegates Mailing list; (2) Reinstatement of Funding for ISOC.LIVE

The Chapters Advisory Council (ChAC) hereby submits Advice to the Internet Society (ISOC) Board of Trustees on two topics:

1. **Chapter Delegate Email List.** Advice that the Chapter Delegate email list (<https://elists.isoc.org/mailman/private/chapter-delegates/>) should be opened to all chapter members as observers (view only – not allowed to post) in order to enhance transparency and understanding of ongoing discussions concerning ISOC chapters. The summary and presentation (3 pages) on this topic can be found at: <https://app.box.com/file/1529389295278>
2. **ISOC.Live Funding.** Advice that ISOC funding for the ISOC.LIVE video production, editing, and archiving services should be reinstated, as well as ISOC.LIVE should be financially supported by ISOC on an ongoing basis. This is a time-critical issue, with the current generous donor support provided as interim funding set to expire in August. The summary and presentation (4 pages) on this topic can be found at: <https://app.box.com/file/1529393003452>

The proposals were discussed at the full ChAC [Q2 meeting on 21 May 2024](#) and at the ChAC-SC meeting on 4 June 2024. However, the final decision on whether to support each item of proposed Advice was made via a SurveyMonkey electronic survey, which was identified variously as a “consensus call,” a “survey”, or a “formal vote,” and which took place from 17 June to July 1, 2024 (in between meetings of the ChAC).

Invitations were sent to all 101 current ChAC delegates. A total of 53 delegates (52.47%) responded to the survey on each proposal. The final results of the survey were:

Chapter Delegate Email List:

Yes:	35 (66.04%)
No:	16 (30.19%)
Abstain:	2 (3.77%)

ISOC.Live Funding:

Yes:	47 (88.68%)
No:	2 (3.77%)
Abstain:	4 (7.55%)

A Note on Procedure: These two items are being submitted as Advice. During the course of this process, ChAC Leadership identified certain ambiguities (or anomalies) in the ChAC decision-making processes as set forth in the Charter and Rules and Procedures (C/RP). In interpreting the C/RP and attempting to reconcile the ambiguities, the ChAC-SC considered whether the proposals had received sufficient support to be submitted as Advice or whether there was only enough support to submit them as Recommendations.

Ultimately, ChAC leadership determined that the proper interpretation of the procedure and the strong support for both proposals supported submitting both items as Advice. However, an alternative interpretation of the C/RP could support submission as Recommendations, but not Advice. In the interest of full disclosure, this is discussed in this Note. If these items were being submitted as Recommendations, the ChAC would encourage the Board to consider both proposals as if they were Advice, given the strong support for both items and the importance of both items to numerous Chapters.

Ambiguity in ChAC Decision-Making Procedure: According to the C/RP, the ChAC shall make decisions by rough consensus or, “if rough consensus cannot be achieved after reasonable effort,” by formal vote. Due to the methods involved in this particular instance, it is not immediately clear whether the survey should be considered a “consensus call” or a “formal vote.”

If the survey is considered a “consensus call,” then it is clear that the ChAC achieved (at least) a rough consensus for both items and each item, therefore, has the necessary support to be denoted as Advice of the ChAC and submitted to the Board as such. It should be noted that the Charter and Rules and Procedures (C/RP) of the ChAC provide little, if any, guidance on how “rough consensus” (whether in a meeting or between meetings) should be arrived at. This seems to be left to the ChAC and ultimately to the Chair (see Charter 4.2) to determine.

However, if the survey is considered a “formal vote,” then there are ambiguities in the C/RP that complicate the determination of whether the voting result was sufficient to support denoting the items as Advice. Specifically, the Charter states that formal votes “shall be by a majority of those present at the meeting,” while the Rules and Procedures state that formal votes “shall be by a majority of those with rights to vote.” This ambiguity could create an anomaly: a proposal voted on during a meeting would require far less support than a proposal voted on outside a meeting (unless every meeting and vote had 100% participation). This is neither good governance nor a logical result.

If this had been a formal vote during a ChAC meeting, the issue would not be significant since the outcomes from both definitions are most likely identical – the “right to vote” is almost certainly limited to “those present at the meeting.” However, for a formal vote outside a ChAC meeting, the two outcomes could be very different: the Rules and Procedures definition of the denominator as all those with the “rights to vote” could mean

the entire ChAC, without taking into account whether any A particular delegate had submitted a response or even participated in any capacity. The meaning of the Charter definition—only “those present at the meeting”—is unclear in this context, as there is no meeting. If this distinction is followed mechanically, it could result in the result that a formal vote during a meeting only requires a majority of those present, while a formal vote outside a meeting requires a majority of the entire ChAC. Again, this is neither good governance nor a logical result.

The ChAC Leadership took into account several factors:

- In cases of ambiguity between the Charter and the Rules of Procedure, the Charter states that the Charter should prevail (see Section 10 of the Charter). Thus, the “those present at the meeting” definition should prevail over the “those with the right to vote” definition to the extent they are in conflict.
 - The Chair is charged with enforcing the Rules and Procedures and is the principal office of the ChAC (see Section 4.2 of the Rules and Procedures).
 - Decisions by consensus are favored for the ChAC.
 - There was never a determination that a rough consensus could not be achieved despite reasonable efforts to do so, so the threshold to hold a formal vote was not met.
 - Rather, the survey was intended to support a determination of consensus and was not intended to substitute for consensus.
 - Among participants, both proposals enjoyed strong support and the ISOC.LIVE proposal enjoyed extremely strong support.
 - We had a very high turnout among those participating regularly in ChAC and ChAC-SC activities. Conversely, those who did not participate are primarily those who have not participated in other aspects of our work. While this is an issue to be resolved, it should not create a situation where decision-making is rendered almost impossible.
 - It is anomalous and undesirable for two rules on what constitutes a majority to produce hugely different results in the same process (a vote of the ChAC).
 - A rule that makes a majority vote nearly impossible is at odds with the overall concept of decision-making by deliberative bodies.
 - Based on all the above, the weight was strongly on the side of finding that the majority vote had been well achieved in both instances.
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The ChAC thanks the ISOC Puerto Rico Chapter for initiating these proposals.



Cheryl Langdon-Orr, Chair ChAC-SC 2024

Transmitted on behalf of the ChAC Steering Committee on 18th July 2024.

Results Report from the Survey Monkey tool used for polling is available [here](#).
