

## *Scope of Work*

The Council will address matters related to the operation of the usTLD in the interest of the usTLD user community. The work of the Council will be focused on:

1. Recommending to Registry Services policies and other improvements to the management of the usTLD;
2. Ensuring that the needs of current usTLD domain name holders are considered in the management of the usTLD;
3. Providing input on mechanisms to enhance and improve the user experience and utility of the usTLD space; and
4. Improvements to the security within the usTLD and stable management of the space.

This policy agenda will be limited to matters within the scope of the current usTLD contract, as such contract may be amended from time to time.

## *Guiding Principles and Policies*

In addition to the overarching goals of the Council stated above, the Council will work to advance the following guiding principles and policies, which are critical for operation of the usTLD in the public interest:

- The security, reliability, and stability of the Internet are of paramount importance, so the usTLD must operate in a highly stable manner and lead by example;
- The usTLD must continue to serve the needs of existing Registrants, support innovative new uses of the name space, and respect the rights of consumers and rights holders;
- The Council's operations and its policy development process must be fair, open, transparent and accountable, and must allow for participation by multiple stakeholders;
- The interests of individual usTLD Stakeholder Council members must be fully disclosed to ensure that the usTLD user community understands the interests being represented on the Council;
- The usTLD policies should be informed by best practices as developed by the global Internet stakeholder community, so effective outreach mechanisms are important components of usTLD policy;
- The usTLD should support and promote quality content for children, support digital literacy, and contribute to preparing America's next generation to compete in the global digital economy;
- The registration and operation of usTLD domain registrations must be effectively subject to the laws and regulation of the United States and the policies of the usTLD;
- The usTLD space must secure and maintain publicly accessible, accurate, and up-to-date WHOIS information for each usTLD Registrant;
- Innovation in the usTLD space should promote the public interest and benefit both commercial and noncommercial usTLD stakeholders; and
- Support and promote the growth and utility of the usTLD space as an engine for economic growth and innovation.

To ensure that it can fully execute its obligations as Registry Operator for the usTLD, a technical representative of Registry Services also will participate on the Council as a non-voting member.

## ***Selection and Term of Council Members***

Registry Services will select the initial council members based on the responses to a request for Expressions of Interest with the goal that the Council represent the variety of usTLD stakeholder perspectives. Registry Services will fill Council vacancies as needed. Initial member terms of service will be staggered being appointed for two or three years. Thereafter members will be appointed to two-year terms. Members may also be reappointed to additional terms. Registry Services may not appoint members to terms that exceed the length of the usTLD contract with DOC.

## ***Council Member Activities***

As members of a stakeholder advisory body whose purpose is to assist in the development of policies and other requirements for the management of the usTLD in the public interest, Council members may conduct the following activities in support of the Council:

- Engage in outreach efforts to the broader usTLD community to better inform the Council's work and to better understand the views of the stakeholders the Council member represents;
- Provide input and comment on the usTLD policies and requirements, and propose for Council consideration improvements in those policies and requirements;
- Propose for Council consideration changes to the composition or procedures of the Council;
- Provide input to, and assist with, an annual virtual policy development forum organized by Registry Services;
- Provide input and monitoring assistance as appropriate on mechanisms to facilitate public participation and stakeholder input into new, modified, or supplemental policies or procedures for the usTLD;
- Provide input into and review of policies developed by Registry Services and/or issues identified in the annual "compliance report" to be provided by Registry Services to the DOC; and
- Review and provide recommendations and/or comments on policy-related matters raised by Registry Services, other members of the Council, or the usTLD community.

Registry Services will facilitate the functions listed above as part of its public interest duties to the usTLD community and to ensure open and unbiased decision-making by the Council. Registry Services will have the flexibility to consult Council members or other stakeholders with specific expertise to provide advice on particular programs.

## ***Guidelines for Council Deliberations***

Registry Services anticipates that deliberations by the Council will be governed by the following guidelines:

### ***Policy and Other Recommendations:***

The Council may make policy and other recommendations to Registry Services in response to a direct request or proposal from Registry Services. It may also submit to Registry Services any recommendation for a specific policy or other improvement that would benefit the usTLD stakeholder experience or increase the use of usTLD by the usTLD community. If requests or proposals are made to the Council by Registry Services, the Council will meet to consider the request or proposal as soon as practicable, but generally within 30 days after the request or proposal is made. Registry Services will give reasonable consideration to requests from the Council for additional time to enable members to conduct outreach activities within their respective constituencies and develop an educated assessment of a policy request or proposal.

The Council may initiate a policy or other recommendation development process if a request for consideration is made by a member of the Council and endorsed by at least one-third (1/3) of the Council members. Such matters, however, should be within the scope of usTLD contract. To the extent that the Council has questions as to whether a particular recommendation is within the scope of the usTLD contract, it should consult with Registry Services.

prior to consideration of such recommendation. Qualified requests will be placed on the agenda for a meeting of the Council, provided that the Council will be provided at least three weeks to consider a proposed policy before being asked to vote on it.

#### ***Council Comment and Informal Input:***

Registry Services may request informal input from the Council on specific aspects of usTLD management or for other recommendations or input for the improvement of the space as the need may arise.

#### ***Council Recommendations and Input:***

The Council will work with Registry Services to develop policies and procedures for receiving and responding to such requests.

#### ***Council Input:***

The Council may offer input to Registry Services on any issues within the Council's purview/scope of work. Registry Services will give due consideration to all such input.

### ***Decision-Making Process***

Decisions of the Council require the presence of a quorum at a meeting of the Council. A quorum is present when a majority of the Council members are present, either in person or virtually.

The Council will operate by consensus. Consensus is established when the Council members present for consideration of the subject at hand have reached substantial agreement and no member of the Council objects strenuously to the proposed position.

When consensus is not reached on a Council Policy recommendation or comment, any Council member may request a formal vote of the Council. A simple majority of the Council membership present, either in person or virtually, at a meeting is required for approval. Votes may be taken in person, electronically, or by other mechanisms mutually agreed upon by the Council members.

If requested, statements of minority opinions will be included along with the output of consensus decisions or majority votes

### ***Transparency of Council Activities***

The Council will maintain a website, facilitated by Registry Services, to inform the public about Council activities. Council meeting dates will be publicized on the website, along with meeting agenda items and the specific actions taken by the Council. Council meetings will be open to the public through a variety of communications technologies.

The Council will be representative of the broader usTLD stakeholder community. From time to time these procedures may be refined and improved based on public input. Comments received in the course of any consultation will be summarized and published. The community will be promptly updated on Council activity through the usTLD Stakeholder Resource Page. Members of the usTLD Stakeholder Council will be required to disclose the interests they represent in serving on the Council.

Meetings will be posted in advance. Council meetings will be open to the public and recorded and archived on the Stakeholder Resource Page.

## ***Consideration of Council Action by Registry Services***

Registry Services will review and evaluate policy recommendations and other Council input, and will determine whether the recommended policy (1) falls within the Council's scope of work; (2) followed the Council's guidelines for deliberation through a fair and open process; (3) furthers the purposes of the usTLD and serves the public interest and the interests of usTLD stakeholders; (4) does not unreasonably burden or undermine the efficient and commercially reasonable operation of the usTLD; and (5) is within the scope of the usTLD contract and consistent with U.S. law.

If Registry Services determines that a policy recommendation from the Council does not meet these requirements, it will return the recommendation to the Council along with a detailed explanation of the reasons the recommendation was declined. The Council may reconsider the policy recommendation, make changes to it, and resubmit it for Registry Services consideration.

If Registry Services determines that a policy recommendation meets the requirements, it will formulate and propose a change for review and approval by the DOC. The DOC retains final authority to review and approve or disapprove the policy recommendations submitted by Registry Services.

## ***Support for the Council***

Registry Services will provide a Council Secretariat, including a Manager of Public Participation, to manage the process for developing usTLD policy and other recommendations through the Stakeholder Council and help ensure that the Council is informed of the range of stakeholder perspectives so that it can make policy recommendations.

The Secretariat may carry out internal research and/or commission external research to provide stakeholders with evidence-based information to inform policy discussions. In some instances the Secretariat, in consultation with the Council, may also issue a call for experts on a particular topic and identify affected stakeholders to help form an issue group or roundtable forum to discuss issues in more detail. The Secretariat will assist the Council in considering how stakeholders may be affected by a proposed policy or recommendation, and, at Registry Services direction will be responsible for reaching out to stakeholders and gathering input on specific topics as appropriate.

The Secretariat will generally be responsible for publishing a summary of the feedback received throughout the course of any policy consultation and for maintaining the Stakeholder Resource Page. The Secretariat will keep the minutes of the Council meetings, document decisions, arrange the logistics for Council meetings (including travel, meeting space), provide communications technology resources and tools for public access to open Council meetings, and otherwise facilitate the Council's work.