

# W3C Council Experiment Debrief

This debrief is to gather our collective guidance for how (and if) the Council can be made a most effective tool to handle formal objections well. We should not spend our time focusing on what was specifically wrong with the experiment; challenges arose due to poorly-defined expectations (since the Council had not been done before, and those outside the Team had little experience of how the Director and Team resolved objections in the past) and tight time schedules. We should avoid finger-pointing, and focus on how to be most productive in future iterations. Where something worked well, we should cite that. Our goal for this meeting is to learn from this experiment, reach rough consensus on this document as guidance for how to use a Council to resolve Formal Objections, as well as gather impressions of this as a way to resolve FOs, and answer the question “Should we repeat this experiment?”

Minutes from meetings:

<https://www.w3.org/2021/01/21-council-debrief-minutes.html>

<https://www.w3.org/2021/02/11-council-debrief-minutes.html>

## Topics/Agenda:

[Chairing and agenda management](#)

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## Experiment background:

Formal Objections play an important role in the W3C Process. They ensure that every voice is heard before making final decisions on critical web architecture. Any W3C Decision, regardless of how broadly it is supported, can be objected to, and that objection goes to the highest power: the Director. The Director is expected to deal with objections fairly and completely, giving confidence to the W3C Process. In the absence of a Director, we will need to invent a mechanism that can have the same confidence of the community in focus on the greater good of the web, depth of analysis and lack of bias.

To this end, the Advisory Board proposed, as part of the director-free process exploration, an experiment testing out a Council composed of AB & TAG members. This experiment was run to explore response to the Devices and Sensors WG charter object made by Mozilla; the experiment was managed by Philippe Le Hegaret; more information on the rules used for this experiment are [here](#).

## Chairing and agenda management

- Since this is not a persistent group, chairing and discussion norms need to be clearly set. Clearly setting expectations for discussion (e.g. queueing) ahead of time would help avoid surprises, as well as enable chairs to be inclusive.
- Multiple chairs are a best practice; however, chairs need to share chairing norms.
- The chairs need to be chosen as objectively as possible.
- It is probably best if none of the Team chair the meetings (although of course they will be instrumental in preparation and depth of exploration). The Council design presumed that the community would accept rulings made by elected members (as they can vote against them at the next election if they are unhappy).
- Preparation and pre-reads are likely to be essential; meetings should be focused on reaching a decision on the key point (yes/no) rather than going into tangential details and broader issues. It is to be expected that the Council will always have very limited meeting time, given the large number of participants with busy schedules. Meeting timeboxing and sticking to the agenda are necessary.
- It is likely that there needs to be a clear two-stage meeting process for most objections:
  - First, a meeting that includes the Working Group chairs or editors, objectors, and other ancillary attendees (e.g. other Team representatives) to present their cases, followed by...
  - A meeting of just the Council to review, reach consensus and draft resolutions.
- This iteration of the Council tended to confusate who was Chairing, since PLH was essentially running the process (as he noted, against guidance), but there were two different chairs of the meetings, chosen by the TAB+AB chairs. (It is noted in the parlance of the current AB, we have “chairs” and “meeting chairs”. In future, Council will need clearer guidance for:
  - When, how and by whom chairs are chosen for an FO (One suggestion: chosen by volunteer and approval consensus from the Council participants, via email as soon as the Council is formed)
  - Who on the Team is expected to do due diligence on an FO ahead of time. It is noted that the Team typically communicates with WG chairs and objectors to try to resolve an FO with minimal changes, and this is the beginning of the preparation process for the Council; this is no small amount of work, and we should ensure it is expected.
- **Takeaways:**
  - Clear chairing norms should be defined.
  - Multiple chairs are best practice.
  - The Council should choose its own chair.

## Participation and Conflicts of Interest (recusal/abstention etc)

- Combining TAG + AB with Team seemed to work well in digging through technical and pragmatic concerns, as we had a diversity of experience and opinion. Discussion was thoughtful and effective.

- We need to have clearer guidance for recusal, and define abstention (how to choose not to participate, but not recuse for cause).
- We need a stronger definition of what rises to the level of “conflict of interest”, and also recommendations on disclosure while remaining a member of the Council.
- We should clarify that members of a Council are there as individuals constituting a temporary group, not as representing TAG + AB. (These subgroups shouldn’t prepare positions separately, but should discuss together.)
- We felt this particular experiment did not suffer from biased viewpoint or conflicts of interest; this is merely guidance for future Councils.
- There is a specific point of guidance to explore around the participation of the Team and CEO. It is clear that the Team should be represented; it is noted that the CEO is the Chair of the AB, but without modifying the Process, is not technically a member of the AB otherwise. We should discuss if the CEO should be explicitly included; it has been noted that excluding them from important responsibilities such as the Council may harm our ability to recruit the next CEO, and certainly the CEO has a valuable perspective.
- **Takeaways:**
  - Need clearer guidance/definition/process for recusal and abstention.
  - The CEO should be explicitly included.
  - We likely need a clear “Team representative” to present the case.
  - Council should draw from: All TAG members, elected AB members, CEO, and “a W3C Team representative”.
    - Team representative ideally should be chosen based on expertise of the subject matter and process, as they are the person shepherding the preparation work; this role needs to be defined clearly in the process.

## Timeline

Timeline perceptions are a significant source of disagreement among the participants. On the one hand, the Team perceived the timeline expectations as accelerated and optimistic; the other AB+TAG members were concerned that Formal Objections need to be resolved in a short number of weeks, not months. It is noted that the Team has long experience with how much work and time goes into Formal Objection response; the non-Team AB+TAG members have no experience resolving FOs, only from an external perspective it has seemed to resolve more quickly for all but the most tangled and complex FOs.

Overall the timeline of this experiment showed a slow start (perhaps to be expected, given its experimental nature, as well as falling during TPAC season), but accelerated quickly to conclusion. A brief timeline (all in 2020):

- June 19: voting for the Devices and Sensors WG recharter closed.

- July 8: brief debate on public-new-work@w3.org re: How long is a review (e.g. privacy review) valid?
- August 27th: first contact to objector from team, request for meeting
- Sept 1st (Aug 31 in US): Team contact has a meeting with objector & chairs to try to resolve the objections
- September 16: Team suggest to the AB that this example be considered in the discussion of a Director-free process.
- September 24: The AB resolves to run the experiment, PLH was assigned.
- October 9: PLH kicks off the process with interpretation of the rules, asks for objections.
- October 16th: Timeline and doodle for a meeting time sent out by PLH. (Director asks for resolution by November 20th.)
- Oct 19-30th: TPAC! (worthy of note, as nearly everyone involved here was busy)
- November 5th: pre-read and agenda are sent to the Council.
- November 6th: Council meets.
- November 12th: Council meets again.
- November 23rd: Council resolves and issues its consensus.

In short, the difference in perception appears to be due to the lag between the end of voting (and reception of the Formal Objection), and the beginning of the actual Council process. Once kicked off the Council process concluded in just over eight weeks, which for a first-time experiment (and running over the three weeks of TPAC), seems appropriate and reasonable.

- **Takeaways:** In future iterations, it seems like a good idea to both
  - streamline the process of initial response to the FO by the Team to begin preparation, including convoking a Council, and
  - clearly set expectations for the timeline of resolution (this was done in this case once PLH was assigned).

## Roles and responsibilities

- We need to clearly define the Team Contact role: Is the investigation done by the TC? By other members of the Team? How should the initial response to the FO roll into this response? Is the TC a voting role on the Council? Are they the “Chair”?
- We should clarify that many formal objections have multiple, separable parts (e.g. in this case, nine separate specifications to consider removing from the charter). Any points which can be resolved by consensus should be resolved before bringing to the Council, (and thus removed from the Council’s responsibility) and the Team Contact should include in the preparation the attempted consensus that failed in the other cases.
- In the first experiment, the Council did not choose its own chair, and that was uncomfortable to some.
- **Takeaways:**
  - Is the Team contact the investigator?
  - Team contacts for the AB and TAG should be added

## Preparation

- The context of the work done by the team to reach consensus needs to be clearly provided in preparation materials - the Council needs the context of the discussion that has happened between the filing of the FO and the first meeting.
- It would be best to have a consistent Team Contact who investigates the FO, attempts to reach consensus, and documents that failure. At any rate, we should ensure Team members who have prepared materials or attempted to broker consensus can attend the first meeting of the Council.
- The briefing material needs to break down the disagreements, clearly listing points such as individual specs, last reviews (e.g. in this case the last privacy review on proposed work item was of interest), past feedback from wide-review, etc.
- The briefing material should link to the specs, reviews, and other relevant resources.
- The briefing material should ideally be provided at least a couple of days before the first meeting, to enable pre-read.
- There was a [draft document](#) covering general guidance on FOs created a year ago. This is likely a good framework to start from to define expectations of this process.
- **Takeaways:**
  - We should have clear expectations for pre-read material.
  - We should socialize the general guidance for FOs.

## Decision-making process (light/heavy touch)

- One perception of this process was that it was like a Court case, where in the past, the Director was clearly the judge. To set our expectations, we might clarify what roles the Team played (counsel? Bailiff?) Was Tim his own counsel? More importantly, was Tim personally the investigator uncovering evidence? In the Council world, it seems many of us thought the Council was the judge, but the Team would play the role of investigators and counsel. Is this the right expectation?
- Jeff described the difference between a light and heavy touch in FO resolution - e.g. a light touch resolution is that provided in the [team analysis](#) of the formal objection, where it notes the evidence, and simply explains that the objector has not provided evidence or data, that the Working Group has been responsibly collaborating with privacy experts, and by explaining that implementer support is not something to be tested at chartering time, the team analysis is setting up a simple "overrule the objection" decision. It goes on to detail ongoing work for each of the APIs.
- On the other hand, a "heavy touch" is more akin to the Council's analysis, where while they overrule the objector, they also give voice to the objector. The Council concludes "There are legitimate privacy concerns" and "we understand Mozilla's concerns about whether this (i.e. new APIs) is the right approach" and "Mozilla has expressed legitimate concerns about assuming that the first-hop connection is diagnostic" and "It would be prudent for the Working Group to pay attention to Mozilla's concerns that this could be misleading to too many sites and architecturally harmful for the web. This may be an intrinsic aspect of this API, and we are unsure whether it can be addressed".

- An additional concern was providing non-binding recommendations; there is nothing intrinsically wrong with these, but we should discuss whether we want/expect that level of involvement from an analysis of a Formal Objection.
- For one thing, there is a question about whether these recommendations can fairly be characterized as "non-binding". After all, if the entire AB and TAG advise the Working Group to perform additional tasks - what choice would the WG have? Could they pursue a document to recommendation level; ignore some aspect of the non-binding recommendation and expect to be approved? If they ignored one iota of the non-binding recommendations, and any stakeholder objected to proceeding because they ignored the additional recommendation - wouldn't the Council lean heavily towards sustaining the objection? If so, the non-binding recommendations appear binding as a practical matter.
- In particular, it is suggested that if we do the heavy lifting of analysis, this will result in an Increased number of formal objections. Today, for someone to raise a formal objection, they know that they will need to build the case themselves. If they are not able to build that case, or do not want to put in the effort, they will find ways to work with the group in finding consensus - rather than objecting. But if the Council sets a standard that they will investigate objections deeply - digging up even more information than an objector will raise - some stakeholders might be encouraged to repeatedly object.
- **Takeaways:**
  - We should avoid "non-normative" guidance;
  - We should better socialize and normalize Guidelines on FO best practices.
  - We should explicitly have "Web Platform Formal Objection Principles" that make it clear that non-supported objections are likely to be overridden.
  - We should strive for a lighter touch in analysis and decision making.

## Tooling

- Improve (confidential!) tooling for Council: Council-only mailing list, wiki, chat, and conferencing were missing initially, and some are still missing.
- Creating short-term task forces causes difficulties in communications and scheduling.
- It was a surprise that the entire Team had access to the Council mailing list.
- **Takeaways:**
  - We should create more private discussion lists.
  - We need to improve tools for scheduling and communications.

## Dominant voices

- If it turns out that each formal objection is processed by only a quarter of those eligible for the Council, and further that it is the same quarter of the Council each time, that would weaken the credibility of the Council's objectivity.
- As per above, meeting chairs must not be dominant voices.
- **Takeaways:**
  - ?

## Background Material links:

Jeff led an effort to [formalize how delegated formal objections are handled on behalf of the Director](#). The document focuses on key issues of thoroughness and fairness. The point here is not to belabor the details of that document; only to emphasize the criticality of "lack of bias" in those vested to process formal objections.