

Guideline: ccNSO Nominations to Specific Review Teams

Version 1.2 Final Draft

Date of adoption by the ccNSO Council:

1 Introduction and Background

According to Article 4, section 6 of the Bylaws as adopted on 27 May 2016, Review teams will be established for each applicable review, which will include both a limited number of members and an open number of observers. The chairs of the Supporting Organizations and Advisory Committees participating in the applicable review shall select a group of up to 21 review team members from among the nominees by the Supporting Organizations and Advisory Committees, balanced for diversity and skill.

Specific guidance on the selection process will be provided within the operating standards developed for the conduct of reviews under Section 4.6 (the “Operating Standards”). However, the Operating Standards still need to be developed and must be aligned with basic guidelines included in Section 4.6 (a). Until these Operating Standards have been developed and adopted, the ccNSO Council will use a nomination process and instructions for its Chair based on Section 4.6 of the Bylaws. This Guideline will be reviewed once the forementioned Operating Standards have become effective.

2 Purpose of the Guideline

The purpose of this guideline is to document processes and procedures pertaining to the role and responsibilities of the ccNSO, in particular the ccNSO Council and the Chair of the ccNSO with respect to the nomination and selection of members from the ccNSO on the Specific Reviews listed in the ICANN Bylaws:

- Accountability and Transparency Review (Section 4.6.b),
- Security, Stability, and Resiliency Review (Section 4.6.c),
- Competition, Consumer Trust and Consumer Choice Review (Section 4.6.d) and
- Registration Directory Service Review (Section 4.6.e).

3 General Information

3.1 Eligibility of ccNSO Appointed Members

Membership of the Specific Review Teams shall be open to individuals from all ccTLDs, independent of membership of the ccNSO.

3.2 Requirements

As the requirements for nominees will vary across the different reviews, nominees should meet any applicable criteria for service on a specific review team as these will be defined in the announcement to initiate a specific review.

3.3 Conflict of Interest of Members

By accepting their nomination potential ccNSO appointed members agree that if selected they shall disclose to ICANN and their applicable review team any conflicts of interest with a specific matter or issue under review in accordance with the most recent ICANN Board of Directors approved practices and Operating Standards. The applicable review team may exclude from the discussion of a specific complaint or issue any member deemed by the majority of review team members to have a conflict of interest. Further details on the conflict of interest practices are included in the Operating Standards.

3.4 Conflict of Interest of ccNSO appointed Members

If a ccNSO appointed member to the Specific Review Team has a conflict of interest that may have an impact on the ccNSO or any ccTLD, the member has an obligation to inform the ccNSO Council about the conflict and potential impact. The ccNSO Council will decide if the member is allowed to continue on the Specific Review Team as a ccNSO nominee.

3.5 Feedback

The ccNSO appointed members to Specific Review Teams will provide regular updates on their work to the ccNSO Council, and broader ccTLD community, and at a minimum at the ccNSO meeting days.

4 Nomination and Selection Process

4.1 Initiation of Nomination process

After the ICANN Board of Directors has caused a specific review (Accountability and Transparency Review – Section 4.6(b)(i); SSR Review – Section 4.6(c)(i); CCT

Review – Section 4.6(d)(ii); or Directory Service Review – Section 4.6(e)(ii)) the ccNSO Council shall decide whether or not the ccNSO will participate in that review.

4.2 Call for Volunteers/Expression of Interest

If the ccNSO Council has decided to participate in the review, the ccNSO Council will (instruct the Secretariat to) prepare a call for volunteers, including a description of the required skills, and after adoption by Council, the Secretariat will publish the call within two business days following the instruction by the ccNSO Council. The call for volunteers/ Expression of Interest will be sent to the ccNSO members and other relevant ccTLD community email lists. Regional ccTLD Organisations will be requested to distribute the call for Expression of Interest on their email lists.

This call for Expression of Interest shall include all relevant information and the closing date, which shall be not earlier than two weeks after the call for Expression of Interest has been issued at 23.59 UTC.

4.3 Information Received from Candidates

The first working day after closure of the call for volunteers/Expression of Interest, the Secretariat will send the information received from the interested community members to the individual Councillors eligible to nominate candidates and also to the non-conflicted representatives from the Regional Organisations.

If 4 or more Councillors from 2 (two) ICANN Geographic Regions who are eligible to nominate are of the view that one or more candidates do not meet the Selection Criteria, the candidate(s) will be informed accordingly and their response/Expressions of Interest will not be considered.

The names of the candidates will be listed on the ccNSO website after conclusion of the nomination process. Responses on call for volunteers/Expressions of interest received after the closing date will not be considered.

4.4 Nomination Procedure

4.4.1 Councillors eligible to select candidates

If a Councillor intends to become a member of a Specific Review Team, then this Councillor shall not be involved in the nomination and selection process due to a direct conflict of interest. A Councillor may also declare a conflict of interest at any stage for other reasons, for example, a Councillor and nominee may be working for the same ccTLD manager. After such a declaration this Councillor ceases to be involved in the appointment process.

4.4.2 Selection Criteria

Specific Review members will be selected on how well they meet the required set of skills and experience, if any, for each of the Specific Reviews caused by the ICANN Board of Directors.

4.4.3 Nomination of Candidates

4.4.3.1 Nomination with limited pool of candidates

If one (1), two (2) or three (3) candidates put their name forward, the nomination will be confirmed by a Council decision of the Councillors eligible to vote, either by email or at a phone call. This decision shall be taken no later than one week after the closure of the call for volunteers. The confirmation of the nomination should be based on and be guided by the requirements included in the call for membership for the Specific Review Team.

4.4.3.2 Nomination with 4 or more candidates

If four (4) or more candidates apply, each of the Councillors eligible to vote will compile a list of their preferred candidates up to a maximum of 7 candidates. In compiling their list of preference, Councillors should base their preference and be guided by the required skills and experience included in the relevant call for membership caused by the ICANN Board of Directors. In compiling the list the most preferred candidate will receive 7 points, the second most preferred candidate 6, and so forth.

Each of the voting Councillors will send her/his list of preferred candidates to the Secretariat (email address ccnsosecretariat@icann.org, or other email address agreed by the ccNSO Council), within 5 working days after receiving the list of candidates. Note that the Chair and Vice-Chairs of the ccNSO also receive the emails sent to the Secretariat's email.

Based on the individual Councillor rankings, the Secretariat will prepare the overall ranking of all candidates and report the ranking to the ccNSO Council one business day after closure date of the ranking by the individual Councillors.

If, after compiling the list, it is possible to identify the preferred nominees unambiguously, the nomination process is closed.

4.4.4 Second Round of Nomination (if required)

If, after compiling the list, two or more of the candidates rank equally and as a result it is not possible to identify the three (3) preferred nominees, there will be a second (and possibly further) rounds of voting to identify the final ranking. This will be

within two business days after the Secretariat has reported the overall ranking to the ccNSO Council.

4.4.5 Reporting on the ccNSO Selection Process

Within two business days after closure of the nomination procedure, the Secretariat will report the results of the nomination to the ccNSO Council. The ccNSO Council will then formally decide whether to adopt the report (by email). The Chair of the ccNSO will inform the relevant Secretary about the ccNSO Council selection.

After adoption of the report by the ccNSO Council, it shall be published on the ccNSO website.

5 Selection of ccNSO appointed members

If the ccNSO is eligible to fill only three (3) slots on the membership slate, the first three (3) nominees as nominated through the procedure described in section 4 of this Guideline, will be entitled to be selected as members to the relevant review team (Section 4.6. a (i) (A)), so long as they meet any applicable criteria for service on the relevant team.

If any participating Supporting Organizations or Advisory Committees have not nominated at least three (3) prospective review team members, the Chairs of the Supporting Organizations and Advisory Committees shall be responsible for the determination of whether all 21 SO/AC member seats shall be filled and, if so, how the seats should be allocated from among those nominated. In the case one or more of those seats will be allocated to the ccNSO, the Chair of the ccNSO will suggest to the Chairs of other participating SO/ACs that ccNSO nominees should be selected in order of preference of the selection process. However, if the Chairs agree upon other criteria, they will take precedence over the order of preference.

6 Removal of ccNSO Appointed Members

Any review team member nominated by the ccNSO Council may be removed and replaced at any time by the ccNSO Council, for example, but not limited to, major conflict of interest (as described under 3.3 or 3.4 above), regular non-attendance or misbehaviour. By applying, a candidate agrees to be bound by this provision. The ccNSO Council will notify the review team member of reason(s) for deselection. The ccNSO Council and the affected Member will discuss whether the ccNSO Council will publish the reason(s) for the action. In all cases, the ccNSO Council's decision will be final.

The chair of a review team may request the removal of the review team member nominated by the ccNSO Council. However in the event the chair of a review team

requests removal of a review team member selected and appointed by the ccNSO Council, the following consultation mechanism will apply:

- Any concerns regarding the behaviour or non-attendance of a ccNSO appointed Member should firstly be raised with that Member.
- If the issue is not satisfactorily resolved, a formal complaint should be raised with the Chair of the ccNSO, who will attempt to mediate a resolution.
- If that is not possible, or if the complaint is sufficiently serious in nature, the Chair of the ccNSO is empowered to temporarily restrict the participation of the Member with a view to resolve the issues. However, if in the view of the chair of the review team the continued participation of the Member would not be appropriate and/or would seriously disrupt the review team from conducting its business, the Chair of the ccNSO shall raise the issue with the Vice-Chairs of the ccNSO Council or their designate(s), who will review the matter and then decide. The ccNSO Council, Chair of the review team, Member and Secretary shall be informed accordingly.

7 Vacancy

For purposes of this Guideline, a vacancy on a review team shall be deemed to exist in the event of the death, resignation or removal of one of the three ccNSO Council appointed members or the unwillingness or inability of that member to take part in the work of the review team.

A vacancy is also deemed to exist if the ccNSO is requested to fill the place of a member at the request by the chair of the Specific Review Team and/or the other supporting organisations and advisory committees participating in the specific review.

This vacancy shall be filled by the ccNSO Council using the selection procedure as described above in this Guideline.

Upon a request of the chair of the review team or the ccNSO Council, the ccNSO Council may, if it considers necessary, appoint a temporary replacement. The Chair of the ccNSO Council shall notify the chairs of other SO/ACs and the chair of the review team of such a temporary replacement. Such a notification should include the expected date of appointment of the replacement to fill the vacancy.

The Chair of the ccNSO Council shall provide written notice to the contact identified in the calling notice or as may be notified from time to time, with a notification copy to the chair of the review team, following the ccNSO Council's appointment to fill the vacancy.

8 Miscellaneous

8.1 ccNSO Internal Guideline

This Guideline is an internal rule of the ccNSO in accordance with Article 10 section 3.(k) and Article 10 section 4. of the ICANN Bylaws. This Guideline should also be considered as the internal procedure of the ccNSO to nominate members for specific review teams, as mentioned in Article 4.6 of the ICANN bylaws adopted 27 May 2016.

8.2 Omission in or Unreasonable Impact of the Guideline

In the event the Guideline does not provide guidance and/or the impact is unreasonable to conduct the business of the ccNSO, the ccNSO Council, or the review team, the Chair of the ccNSO will decide.

8.3 Publication and Review of the Guideline

The Guideline will be published as part of the rules and guidelines of the ccNSO after adoption by the ccNSO Council.

The Guideline will be reviewed after any changes to the relevant sections in the ICANN bylaws or change of the Operating Standards, or otherwise adjusted when considered necessary. In order to become effective the updated Guideline must be adopted by the ccNSO Council and published on the ccNSO website.

Before publishing the updated Guideline, the Secretariat will update the version number and insert the date the Guideline was reviewed and adopted by the ccNSO Council.