



Empowered Community

Overview of Procedures | March 2017

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Overview

- Empowered Community (EC)
- EC Administration
- Decisional Participants

EC, EC Administration, and Decisional Participants

Empowered Community (“EC”)



Decisional
Participant



Decisional
Participant



Decisional
Participant



Decisional
Participant



Decisional
Participant

Empowered Community Administration



ALAC's EC
Admin Rep



ASO's EC
Admin Rep



ccNSO's EC
Admin Rep



GAC's EC
Admin Rep



GNSO's EC
Admin Rep

Overview of EC and EC Administration

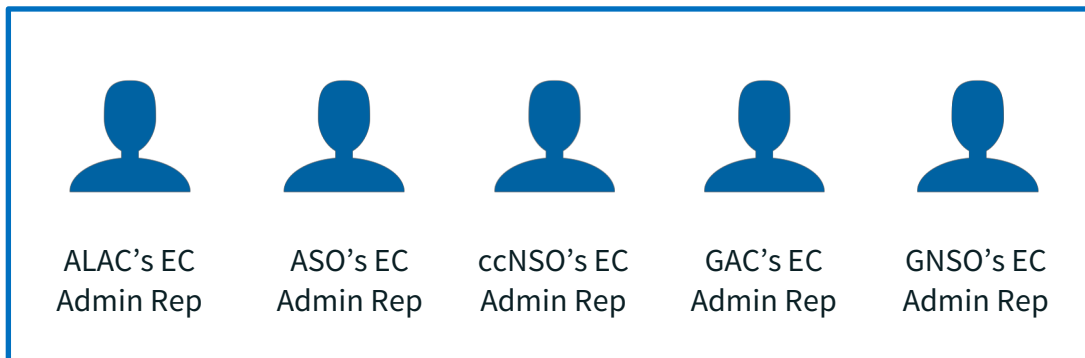
Empowered Community (“EC”)



The EC is a nonprofit association consisting of the ICANN ALAC, ASO, ccNSO, GAC, and GNSO—each a Decisional Participant. The five Decisional Participants together comprise the EC.

The EC’s sole purpose is to exercise its rights and perform its obligations under the ICANN Bylaws.

Empowered Community Administration



Overview of EC and EC Administration

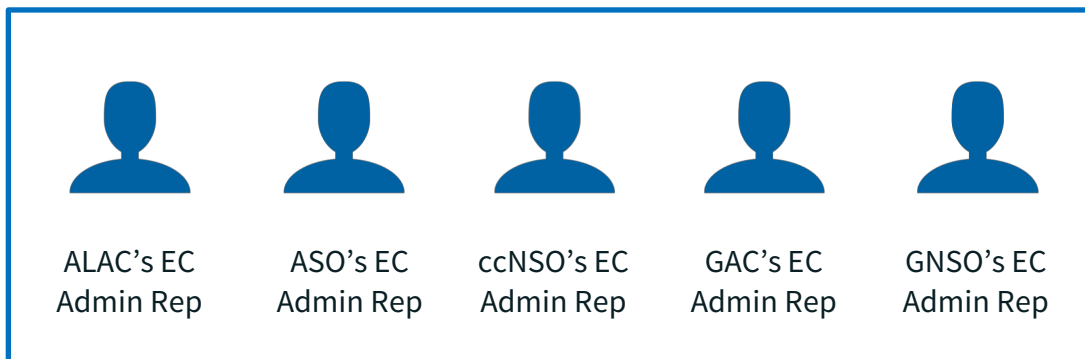
Empowered Community (“EC”)



Under the Bylaws, the EC has the following powers and rights:

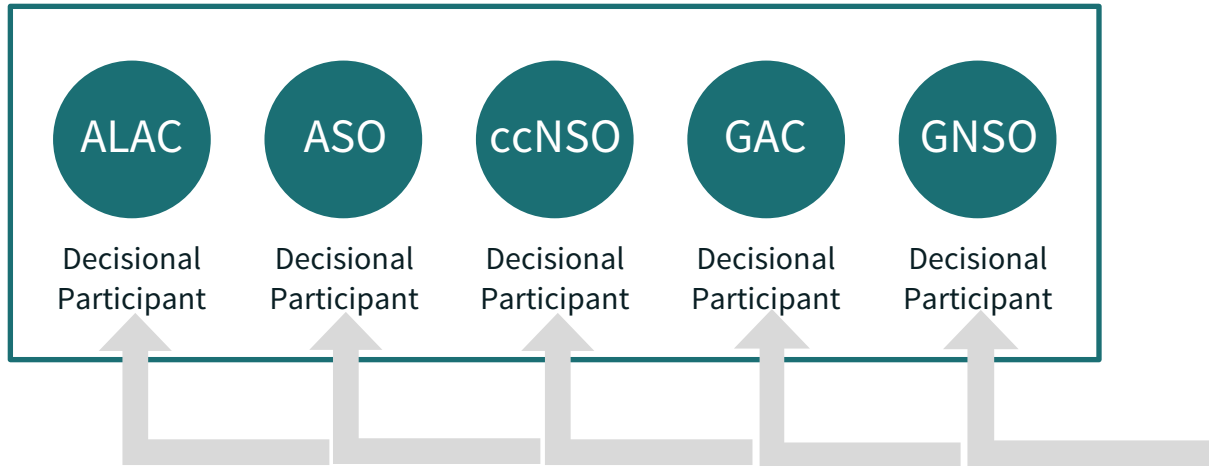
- Appoint and remove Directors
- Recall the entire Board
- Reject ICANN and IANA budgets, and ICANN operating and strategic plans
- Reject standard Bylaw amendments
- Approve fundamental Bylaw and Articles amendments, and asset sales
- Reject PTI governance actions
- Require the ICANN Board to review its rejection of IFR, special IFR, SCWG creation, and SCWG recommendation decisions
- Initiate community reconsideration request, mediation, or IRP
- Enforce its powers and rights in court

Empowered Community Administration



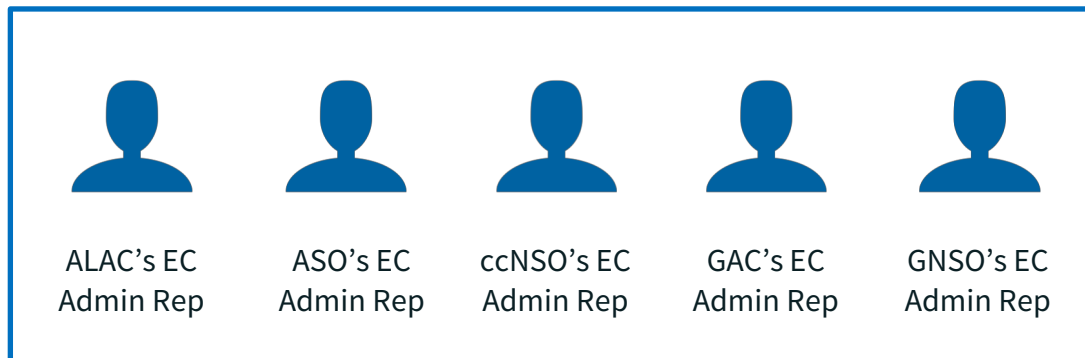
Overview of EC and EC Administration

Empowered Community (“EC”)



Each Decisional Participant shall adopt procedures for exercising the rights of the individual Decisional Participant.

Empowered Community Administration



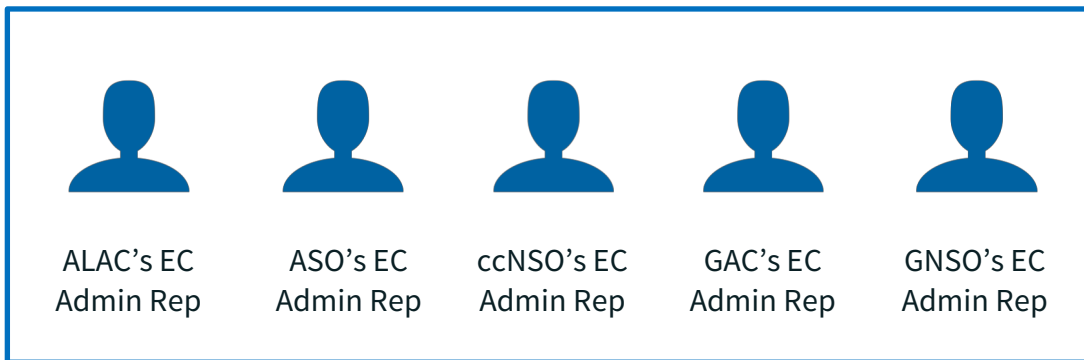
Overview of EC and EC Administration

Empowered Community (“EC”)



The EC Administration is the administrative body through which the Decisional Participants act collectively.

Empowered Community Administration



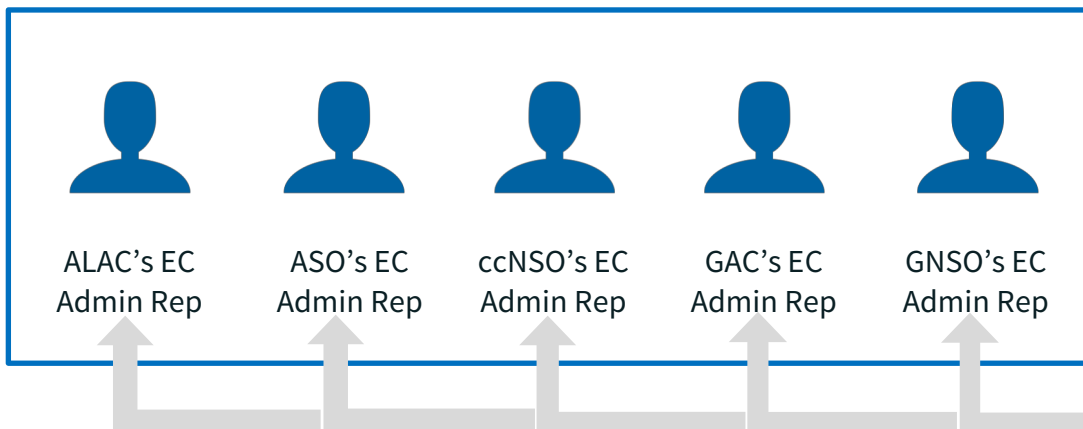
Overview of EC and EC Administration

Empowered Community (“EC”)



In representing a Decisional Participant on the EC Administration, the individual representative acts solely as directed by the represented Decisional Participant and in accordance with processes developed by such Decisional Participant.

Empowered Community Administration



In representing the EC Administration, the representatives act as required for the EC to follow the applicable procedures to exercise its rights.

Procedures Each Decisional Participant Needs to Adopt

- ⦿ Who can submit a petition & process for submission
- ⦿ How the Decisional Participant will determine whether to accept a petition
- ⦿ How the Decisional Participant will determine whether an issue subject to petition has been resolved
- ⦿ How the Decisional Participant determines whether to support, or object actions supported by another Decisional Participant
- ⦿ How the Decisional Participant notifies its constituents of relevant matters

EC Administration Actions

- ⦿ Receives and sends notifications
- ⦿ Moderates conference calls and community forums
- ⦿ Tallies decisions of Decisional Participants
- ⦿ Mediation
 - Appoints representatives to represent the Empowered Community in mediation (“Mediation Admin”)
 - Selects slate of 5 potential mediators from Mediation Admin and Board Mediation Representatives

NOTE: The EC Administration is not responsible for monitoring activities, and only needs to act when notified by either ICANN org, or a Decisional Participant.

EC Rights and Thresholds

Community Initiated Actions	ICANN Board Triggered Actions	Threshold for Community Forum	Threshold to Exercise EC Right
	<ul style="list-style-type: none"> • Fundamental Bylaw Amendments • Articles Amendments • Asset Sales 	N/A	Support from 3 Decisional Participants and no more than 1 objection
	<ul style="list-style-type: none"> • PTI Governance Actions • IFR/Special IFR/SCWG Recommendation Decisions • SCWG Creation Decisions • ICANN/IANA Budgets • ICANN Operating and Strategic Plans • Standard Bylaws Amendments 	Support from 2 Decisional Participants	Support from 4 Decisional Participants and no more than 1 objection
<ul style="list-style-type: none"> • NomCom Director Removal 		Support from 2 Decisional Participants	Support from 3 Decisional Participants and no more than 1 objection
<ul style="list-style-type: none"> • SO/AC Director Removal 		Majority within nominating SO/AC	$\frac{3}{4}$ majority within nominating SO/AC to remove Director
<ul style="list-style-type: none"> • Board Recall 		Support from 3 Decisional Participants	Support from 4 Decisional Participants and no more than 1 objection
<ul style="list-style-type: none"> • Mediation • Community IRP • Community Reconsideration 		Support from 2 Decisional Participants	Support from 3 Decisional Participants* and no more than 1 objection

Fundamental Bylaw Amendment Procedures

Approval Action Board Notice – 7 days

ICANN Board approves amendment to Fundamental Bylaw (after public comment period has been held).



ICANN Secretary sends Approval Action Board Notice to EC Admin and Decisional Participants.

Community Forum Period – 30 days

EC Admin directs ICANN org to convene Community Forum (may also request to hold conference call prior to Community Forum).



ICANN org schedules conference call (if requested) and Community Forum.
ICANN org, SOs/ACs (including Decisional Participants) submit written views/questions to EC Admin with copy to ICANN Secretary.



EC Admin moderates conference call (if scheduled) and Community Forum. ICANN org staff and Board Directors attend to answer questions.



Decision Period – 21 days

Decisional Participants decide whether to (i) support amendment to Fundamental Bylaw; (ii) reject amendment to Fundamental Bylaw; (iii) abstain, and notify EC Admin with copy to ICANN Secretary.

EC Admin Notice – 24 hours

EC Admin tallies decisions from Decisional Participants. If 3 support and no more than 1 reject, send ICANN Secretary EC Approval Notice. If approval threshold not met, send ICANN Secretary Approval Process Termination Notice.

ICANN and IANA Budget Rejection Action Procedures

Rejection Action Board Notice

ICANN Board approves the ICANN and IANA budgets.

ICANN Secretary sends Rejection Action Board Notice to EC Admin and Decisional Participants.

Petition Period – 21 days

In accordance with procedures of Decisional Participant, an individual may submit a petition.

Decisional Participant decides whether to accept petition. If accept, notify EC Admin and ICANN Secretary.

Support Period (7 days)

Petitioning Decisional Participant contacts EC Admin and other Decisional Participants to determine whether any other Decisional Participants support petition. If at least one other Decisional Participant supports, notify EC Admin and ICANN Secretary.

Community Forum Period – 21 days

EC Admin directs ICANN org to convene Community Forum (may also request to hold conference call prior to Community Forum).

ICANN org schedules conference call (if requested) and Community Forum.
ICANN org, SOs/ACs (including Decisional Participants) submit written views/questions to EC Admin with copy to ICANN Secretary.

EC Admin moderates conference call (if scheduled) and Community Forum. ICANN org staff and Board Directors attend to answer questions.

Decision Period – 21 days

Decisional Participants decide whether to (i) support petition; (ii) reject petition; (iii) abstain, and notify EC Admin with copy to ICANN Secretary.

EC Admin Notice – 24 hours

EC Admin tallies decisions from Decisional Participants. If 4 support and no more than 1 reject, send ICANN Secretary EC Approval Notice. If approval threshold not met, send ICANN Secretary Approval Process Termination Notice.

Appendix

Procedures for Approval Actions

- Fundamental Bylaw Amendments
- Articles Amendments
- Asset Sales

Approval Actions Procedures

● TRIGGER: ICANN Board Approves an Approval Action via resolution

ICANN Secretary sends Approval Action Board Notice to EC Admin and Decisional Participants

EC Admin holds conference call (if required) and community forum

EC Admin tallies decisions of Decisional Participants and notifies ICANN Secretary whether the required support threshold is met

Decisional Participants decide whether to support, object, or abstain from Approval Action, and notifies EC Admin

●
Approval Action Board Notice (7 days)

●
Approval Action Community Forum Period (30 days)

●
Approval Action Decision Period (21 days)

●
EC Approval Notice (24 hours)

Procedures for Rejection Actions

- PTI Governance Actions
- IFR/Special IFR/SCWG Recommendation Decisions
- SCWG Creation Decisions
- ICANN/IANA Budgets
- ICANN Operating and Strategic Plans
- Standard Bylaws Amendments

Rejection Actions Procedures

● TRIGGER: ICANN Board Approves a Rejection Action via resolution

ICANN Secretary sends Rejection Action Board Notice to EC Admin and DPs

Individuals may submit petition

DPs inform constituents and decide whether to support petition

DPs decide whether to support petition supported by a Rejection Action Petitioning DP

DPs decide whether to support, object, or abstain from Rejection Action and notifies EC Admin

If at least one DP supports, EC Admin holds conference call (if required) and community forum

EC Admin tallies decisions of DPs and notifies ICANN Secretary whether the required support threshold is met

* If EC Admin does not receive notice that a Decisional Participant has accepted a petition, EC process terminates and the Board approved Rejection Action moves forward.

* If EC Admin does not receive notice that Rejection Action Petitioning Decisional Participant has received at least 1 support from another Decisional Participant, EC process terminates and the Board approved Rejection Action moves forward.

* If EC Admin receives notice that Decisional Participants have deemed issue resolved, EC process terminates and the Board approved Rejection Action moves forward.

Rejection Action Board Notice

Rejection Action Petition Period (21 days)

Rejection Action Petition Support Period (7 days)

Rejection Action Community Forum Period (21 days)

Rejection Action Decision Period (21 days)

EC Rejection Notice (24 hours)

Procedures for Removing Directors and Recalling the Board

Nominating Committee Director Removal Procedures

TRIGGER: An individual submits a petition to a Decisional Participant seeking to remove a Nominating Committee Director

DP that received petition invites Director and ICANN Board Chair to dialogue

DP determines whether to support petition

DPs decide whether to support petition supported by NomCom Director Removal Petitioning DP

DPs decide whether to support, object, or abstain from NomCom Director Removal petition

If at least one DP supports, EC Admin holds conference call (if required) and community forum

EC Admin tallies decisions of DPs and notifies ICANN Secretary whether the required support threshold is met

* If EC Admin does not receive notice that a Decisional Participant has accepted a petition, EC process terminates and the Director maintains Board seat.

* If EC Admin does not receive notice that NomCom Director Removal Petitioning Decisional Participant has received at least 1 support from another Decisional Participant, EC process terminates and the Director maintains Board seat.

* If EC Admin receives notice that Decisional Participants have deemed issue resolved, EC process terminates and Director maintains Board seat.

NomCom Director Removal Petition Period (21 days)

NomCom Director Removal Petition Support Period (7 days)

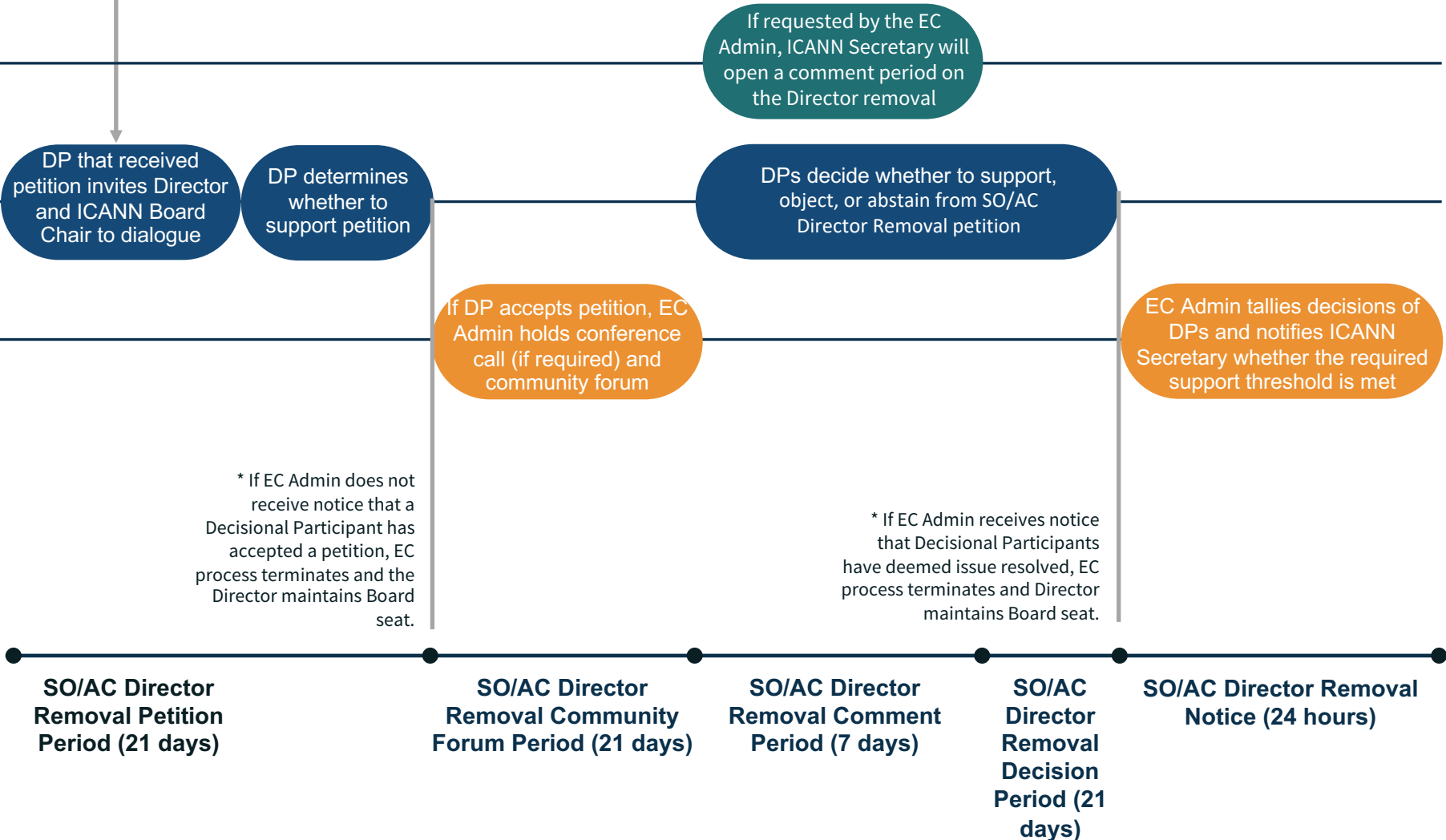
NomCom Director Removal Community Forum Period (21 days)

NomCom Director Removal Decision Period (21 days)

NomCom Director Removal Notice (24 hours)

SO/AC Director Removal Procedures

TRIGGER: An individual submits a petition to the ASO, ccNSO, GNSO, or ALAC seeking to remove a Director nominated by these SOs and ALAC.



Board Recall Procedures

● TRIGGER: An individual submits a petition to a Decisional Participant seeking to recall the Board.

DP determines whether to support petition

DPs decide whether to support petition supported by Board Recall Petitioning DP

DPs decide whether to support, object, or abstain from Board recall petition

If two DPs support, EC Admin holds conference call (if required) and community forum

EC Admin tallies decisions of DPs and notifies ICANN Secretary whether the required support threshold is met

* If EC Admin does not receive notice that a Decisional Participant has accepted a petition, EC process terminates and no changes to the Board.

* If EC Admin does not receive notice that Board Recall Petitioning Decisional Participant has received support from at least two (2) other Decisional Participants, EC process terminates and no changes to the Board.

* If EC Admin receives notice that Decisional Participants have deemed issue resolved, EC process terminates and no changes to the Board.

Board Recall Petition Period (21 days)

Board Recall Petition Support Period (7 days)

Board Recall Community Forum Period (21 days)

Board Recall Decision Period (21 days)

Board Recall Notice (24 hours)

Procedures to Initiate Mediation, Community IRP or Reconsideration Request

Scope of Community Reconsideration Request

- ⦿ Board or staff actions/inactions that contradict ICANN's mission, commitments, core values or established policies.
- ⦿ Actions or inactions of the Board or staff without consideration of material information, except where the Request could have submitted but did not submit the information for the Board's or staff's consideration at the time of the action or inaction.
- ⦿ Actions or inactions of the Board or staff as a result of the Board or staff's reliance on false or inaccurate relevant information.
- ⦿ Not within scope:
 - Disputes relating to ccTLD delegations/transfers
 - Disputes relating to Internet numbering resources
 - Disputes relating to protocol parameters

Community Reconsideration Request Procedures

● TRIGGER: Board or staff actions/inactions that are within the scope of community reconsideration requests.

DP sends notice to EC Admin, DPs, and ICANN Secretary to initiate community RR

DPs determine whether to support petition to initiate community RR

DPs decide whether to support, object, or abstain from initiating community RR

If at least one DP supports, EC Admin holds community forum

EC Admin tallies decisions of DPs and notifies ICANN Secretary whether the required support threshold is met

* If EC Admin does not receive notice that at least one other Decisional Participant supports the petition to initiate a community Reconsideration Request, EC process terminates and status quo prevails.

* If EC Admin receives notice that Decisional Participants have deemed issue resolved, EC process terminates and status quo prevails.

Community RR Notification (30 days)

Community RR Petition Support Period (21 days)

Community RR Community Forum Period (30 days)

Community RR Decision Period (21 days)

Community RR Notice (24 hours)

Mediation

- ⦿ A required step before Community IRP
- ⦿ May be triggered if the Board refuses or fails to comply with an EC Decision
 - EC Approval Notice
 - EC Rejection Notice
 - NomCom Director Removal Notice
 - SO/AC Director Removal Notice
 - EC Board Recall Notice
 - Rejects or does not take action consistent with a final IFR/Special IFR/SCWG recommendation or SCWG creation recommendation
- ⦿ Board shall be deemed to have refused or failed to comply with an EC Decision if Board has not complied with EC Decision within 30 days of being notified of the EC Decision.

Mediation Procedures

● TRIGGER: Board refuses or fails to comply with an EC Decision.

Board appoints reps to represent Board in mediation "Board Mediation Reps"

Board Mediation Reps select mediator from slate or request new slate until one is chosen

Board Mediation Reps mediates in good faith and record outcome

EC rep of DP notifies EC Admin, DPs, and ICANN Secretary of initiation of mediation

EC Admin appoints reps to represent EC in mediation "Mediation Admin"

Mediation Admin proposes slate of 5 potential mediators*

Mediation Admin mediates in good faith and record outcome

Mediator facilitates mediation

*Board Mediation Representatives may recommend potential mediators for inclusion on the slate. Mediation Admin shall not unreasonably decline to include mediators recommended by Board Mediation Representatives.

Community IRP

- ⦿ Scope of Community IRP:
 - Board or staff actions/inactions that violated ICANN's Articles or Bylaws
- ⦿ Community IRP must be preceded by mediation
- ⦿ Community IRP must be triggered within 80 days of conclusion of mediation

Community IRP Procedures

● TRIGGER: Board or staff actions/inactions that are within the scope of community IRP and were not resolved through mediation.

EC rep of DP notifies EC Admin, DPs, ICANN Secretary of initiation of community IRP

DPs determine whether to support petition to initiate community IRP

DPs decide whether to support, object, or abstain from initiating community IRP

If at least one DP supports, EC Admin holds community forum

EC Admin tallies decisions of DPs and notifies ICANN Secretary whether the required support threshold is met

* If EC Admin does not receive notice that at least one other Decisional Participant supports the petition to initiate a community IRP, EC process terminates and status quo prevails.

* If EC Admin receives notice that Decisional Participants have deemed issue resolved, EC process terminates and status quo prevails.

Community IRP Notification (80 days)

Community IRP Petition Support Period (21 days)

Community IRP Community Forum Period (30 days)

Community IRP Decision Period (21 days)

Community IRP Notice (24 hours)

Engage with ICANN



Thank You and Questions

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