



30 January 2020

Subject: SSAC2020-04: SSAC Response to Nominating Committee Review Implementation Working Group (NomComRIWG) Outreach Questions

To: Tom Barrett, Chair NomComRIWG  
Cheryl Langdon-Orr and Zahid Jamal, Vice-Chairs NomComRIWG

Dear Tom, Cheryl, and Zahid,

Please find below the SSAC Response to the NomComRIWG Outreach Questions.

The SSAC would like to thank ICANN's Multistakeholder Strategy and Strategic Initiatives team for managing the review process, and the NomComRIWG Team for their hard work.

Rod Rasmussen  
Chair, ICANN Security and Stability Advisory Committee

**Rec. 1: Formalize a job description for NomCom members that emphasizes experience, diversity, independence, and provide that description to the SOs/ACs.**

Since the NomComRIWG may propose changes to the appointment process of NomCom members:

***What is your annual timetable to select NomCom members?***

Answer: The SSAC Admin Committee issues a call for volunteers when the SSAC Chair receives an invitation from the NomCom Chair. The call for volunteers usually lasts 1-2 weeks. A subsequent SSAC election, if needed, takes another 1-2 weeks.

***Do you always adhere to your timetable?***

Answer: Yes.

***Would you be able to select a candidate earlier in the year, if not what are the obstacles?***

Answer: Yes. SSAC can appoint candidates at any time of the year. The process and the time the process takes is described above. It would be very helpful to know at the start of such candidate selection time if the expected appointment would be for one or two years.

***What document do you have that describes the roles and responsibilities for NomCom members, other than the Bylaws requirements?***

Answer: The SSAC Operational Procedures, Section 2.8.3.3 SSAC Non-Voting Liaison to the ICANN Nominating Committee (<https://www.icann.org/en/system/files/files/operational-procedures-30nov18-en.pdf>).

***What specific content would you like to see in a 'job description' for future NomCom members?***

Answer: The SSAC does not have any specific content to suggest for the job description for future NomCom members.

***Which information, if any, on desired diversity would you add to the job description for the NomCom?***

Answer: None. The SSAC considers that the primary consideration is for NomCom members to have the requisite skills to undertake the role. While diversity is certainly desirable, given that each member of the NomCom is appointed by different entities within the ICANN Community, it is impractical to specify diversity characteristics as requirements.

**Rec. 7: NomCom members, except for leadership positions, should serve two-year terms, and be limited to a maximum of two terms.**

The NomComRIWG, as the body empowered by the Board to oversee the implementation, will propose which NomCom seats will be elected initially for one year and which seats immediately for two-year terms. Note: the seats that will be initially elected for one year will turn into two-year positions in the following year, resulting in half of the NomCom being replaced each year going forward.

***What concerns do you have, if any, if the NomComRIWG proposes that the SSAC NomCom member is one of the seats appointed for one year in the first cycle and then switched to two-year appointments after that?***

Answer: The SSAC does not have any concerns about its NomCom member only being appointed for one year initially, but does have some concerns about whether SSAC Members will be willing to undertake a two-year commitment, given that the workload essentially precludes their ability to participate in the majority of SSAC activities at ICANN Meetings. To state this differently, with two-year-terms the risk that appointed members may wish to be replaced before the term ends will increase, and will result in the need to fill such voids.

The SSAC notes that the NomCom Implementation Plan dated 15 September 2019 provides the NomCom RIWG with some flexibility regarding the implementation of Recommendation 7. In particular, that plan states at page 19 in its "Task List, Sequencing: Proposed detailed implementation steps":

"2. NomComRIWG to work with ICANN org to draft changes to Bylaws language

- a. NomComRIWG to decide whether term limits are 'consecutive' vs 'life-time' limits.
- b. If term limits refer to consecutive terms, determine the minimum gap between terms
- c. How to deal with NomCom members who have been appointed by different SO/ACs.
- d. NomComRIWG to assess whether past NomCom terms are counted towards the life-time limit in (a).
- e. Decide criteria determining how partial terms served impact the term restrictions."

The SSAC is not aware of any decisions that have been made with regard to issues a. to e. above, and without a detailed proposal from the NomComRIWG on these issues, we are unable to respond to the question that has been posed by the NomComRIWG because SSAC's ability to supply qualified NomCom representatives depends on the answers to a. through e.. Indeed, the SSAC suggests with regard to e. above that it may be more useful to consider a slightly expanded version as follows:

- e. Decide criteria determining how partial terms previously served and one-year terms served (past or upcoming, voting or non-voting) are evaluated against the term restrictions.

To pose a question as an example:

If the term limits will be defined as “4 full years served on a NomCom” (along with any other restrictions), SSAC needs sufficient information to understand the eligibility of candidates with past NomCom service.

Just for illustration, say Alice has served previously on the NomCom for two one-year terms, one year as the IETF representative (voting), one year as the SSAC representative (non-voting) and the decision has been made that “there is a two term life-time limit including past service”, without further definition of what a “term” is (and whether the limits apply to non-voting SSAC as well as voting IAB terms).

Would Alice be eligible to serve:

1. not at all, because they already have served “two terms” under the old definition of “term” (though those original terms would be only two years total)
2. a one year (initial) partial term but not a subsequent (consecutive) two year full term (because the prior service of two years would be treated as equivalent to a single full term, and the one year partial term would be treated as her second term)
3. a one year (initial) partial term and a subsequent (consecutive) two year full term (but she would have to resign at the end of the first year of the two year term?)
4. a one year (initial) partial term and a subsequent (consecutive) two year full term (because the non-voting SSAC partial term does not count toward the term limit, or for the reason noted in (e) below)
5. a two year full term but not a (consecutive) subsequent two year term (because the two previous partial terms count as a full term)
6. a two year full term and also a subsequent (consecutive) two year term. (because the new term limit rules include a “clean slate” provision that omits any service under the old rules from the calculation)
7. something else?

[Note: option c. shouldn't be in the list, as it is formally invalid. It would break the mechanism for establishing staggered appointments. However it is included to demonstrate the complexity and pitfalls of defining terms and term limits.]

By including the above example, the SSAC is not attempting to suggest a particular solution or try to identify every possible scenario that may occur, but simply to point out the importance of specifying very precisely the meaning of “term” and “term limit”, as applied to NomCom service, both past or future, voting or non-voting, consecutive or lifetime. It may be that the most sensible way to define “term limit” is in calendar years of service. No doubt the NomComRIWG are already well aware of such complications.

If NomComRIWG have already produced such a detailed proposal regarding terms and term limits, then we would welcome that information so that we may answer the question regarding concerns about the first cycle.

**Rec. 9: All NomCom members should be fully participating and voting members, except for NomCom leadership.**

*Aside from the ICANN Bylaws changes, does your organization need to amend its charter or applicable operating document to ensure that all NomCom members will be fully participating and voting.*

Answer: Yes, the SSAC will need to update its Operational Procedures to indicate the SSAC representative on the ICANN Nominating Committee is a voting NomCom member and will no longer be called the SSAC Liaison to the NomCom.

**Rec. 21: The NomCom should use a standardized tool to evaluate and prioritize candidates, based on desired competencies and experience as determined annually. This tool will not replace qualitative assessments of candidates.**

*In your opinion, what tools, assessments and skills analysis should be used by the NomCom to make the best possible selection.*

Answer: The SSAC agrees that, while the desired competencies and experience may vary annually, the tools used to support NomCom work should vary less frequently. They should be reviewed on a regular basis to incorporate improvements and from time to time, a new technology may warrant the introduction of a new tool. However, in general, processes and tools should not need to be reinvented each year for a new NomCom group.

**Rec. 22: The NomCom should provide consistent interview questions and an interviewer evaluation form for the candidates interviewed during the deep-dive phase and the final face-to-face interviews.**

*In your opinion, which questions should be part of the "interview question library" and which would then be used by every NomCom?*

Answer: The SSAC would like to see questions on technical expertise related to security and stability included in the "interview question library" for the candidates. However, it is unnecessarily limiting to require every NomCom to only ask questions from an "interview question library" and it is not best practice, either. Instead, most interviews should stick to a defined set of criteria/skills/experience and behaviors that must be explored, and define what kind of questions are off-limits. During a specific NomCom's term, it is important that all candidates are asked the same set of questions, but it is of little value to require the same questions to carry over to a subsequent NomCom, since the positions and the skills that need to be reviewed in each year is different from the prior year.