NomComRIWG

Meeting #37

ICANN

23 April 2020 | 19:00 UTC

Agenda

1. Roll Call + SOI Updates
2. Recommendations including Bylaws Update:
   - Recommendation 10
   - Recommendation 27
3. ICANN68
4. Next Meetings
5. A.O.B.

Roll Call + SOI Updates

Agenda Item #1

Agenda

2. Workplan
3. Recommendations including Bylaws Updates
    - Recommendation 10
    - Recommendation 27
4. ICANN68
5. Next Meetings
6. A.O.B.

Recommendations including Bylaws Update

Agenda Item #2

Recommendation 10

Representation on the NomCom should be re-balanced immediately and then be reviewed every 5 years.

#	Task
1	NomComRIWG to propose definition of relevant terms included in the recommendation and identify the intended purpose of the recommendation – as detailed in the final report.
2	Assess what principles and other factors were used to determine the current NomCom's composition.
3	NomComRIWG, in consultation with the community, to propose what principles and other factors should apply to determine the optimum NomCom's composition, based on the current ICANN community.
4	Perform a gap analysis between the outcome of steps 2 and 3
5	NomComRIWG to examine the gap analysis and, in consultation with the ICANN Board, and the ICANN community, propose which principles should apply. Based on this, the NomComRIWG to propose, inter alia:
5a	Whether "rebalancing" in this context means to rebalance the seat allocations to all SO and ACs or whether the overall seats allocated to each SO and AC should remain constant and the SOs and ACs should, if desired, reallocate 'their' seats to ensure adequate representation of all their constituent groupings.
5b	Propose whether the GAC seat, even if unfilled, should remain allocated to the GAC or whether it should be 'absorbed' by another SO/AC.
5c	Propose if we envision a future where there might be more SO/ACs and whether this would have an impact on the proposed review period of five years
5d	Ensure that a re-balanced NomCom can continue working effectively in accordance with its mandate as detailed in the Bylaws.

Recommendation 10

Same Structure but GNSO discusses its rebalancing internally
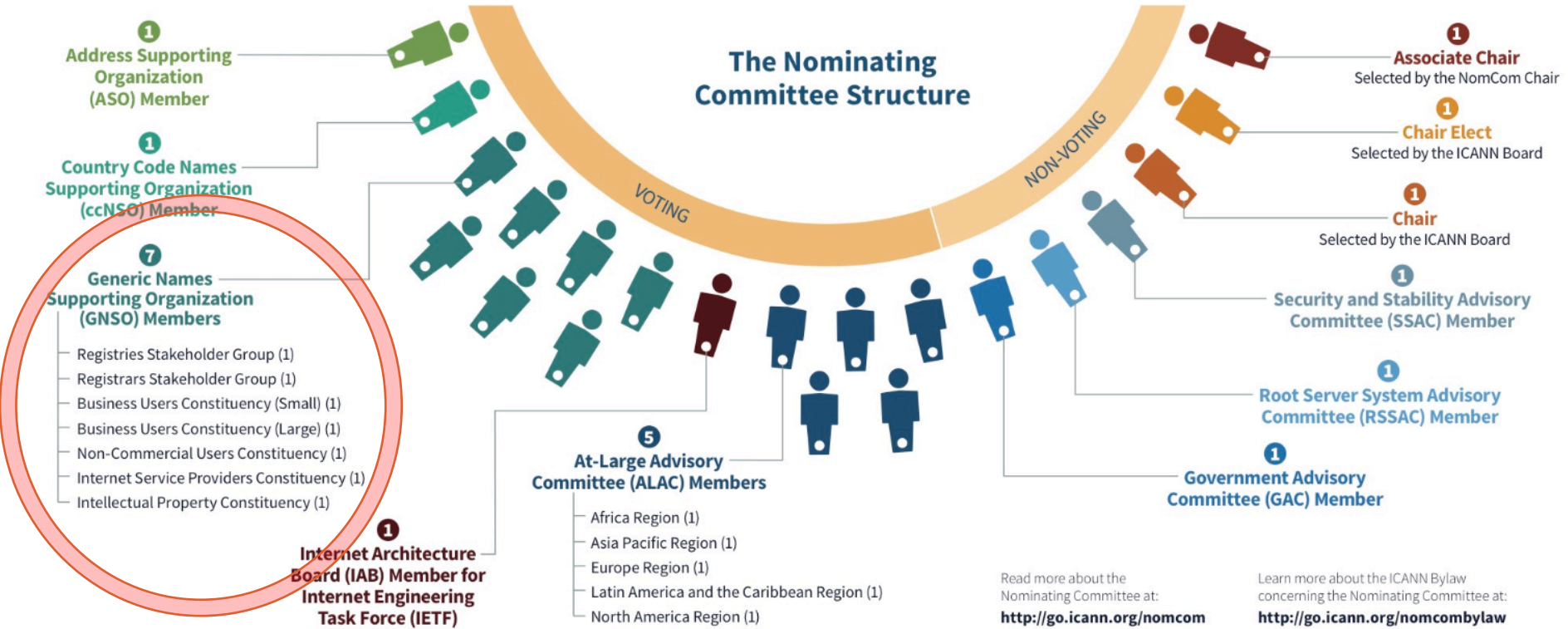
Recommendation 10

Recap from Plenary Call #36

➢ **Conclusion**: GNSO discusses its rebalancing internally

➢ **Agreement on suggested steps**:

1. Liaise informally with GNSO support Staff on suggested approach

2. Draft a communication to the GNSO Council for the NomComRIWG (Legal to make sure that the deadlines of communication are appropriate for this).

3. Send a note to the GNSO council, giving the GNSO three months to produce a proposal

4. Bylaws change, but only once GNSO discussed the above and has agreed on a proposal to reallocate their seats

Recommendation 10

TARGET: Agreement reached on principles and other factors that should apply to determine the optimum NomCom's composition, based on the current ICANN community (rec.10)

Implementation steps:

1. Propose definition of relevant terms included in the recommendation and identify the intended purpose of the recommendation – as detailed in the final report.

2. Assess what principles and other factors were used to determine the current NomCom's composition.

3. Propose what principles and other factors should apply to determine the optimum NomCom's composition, based on the current ICANN community.

Recommendation 27

Provide clarity on desire for and definition of "independent directors". Upon clarification of desire and definition, determine the number of specific seats for "independent directors".

#	Task
Note	The NomComRIWG notes that term 'independent' in the final report is used in the context of 'no prior involvement in ICANN processes'. Therefore, to avoid confusion, the question that the NomComRIWG will ask during the implementation of this recommendation will be: 'should the NomCom be empowered to seat directors that, in addition to being independent, are also 'ICANN unaffiliates? If so, how many?
1	**Define 'ICANN unaffiliates', based on the findings of the Final Report, and whether a different term should be used.**
2	NomComRIWG to engage with the ICANN community, ICANN Board, and ICANN org, to obtain feedback on the definition of 'ICANN unaffiliates', and the questions of whether being an 'ICANN unaffiliates' should be an additional requirement for some of the NomCom-appointed Board seats, and, if so, how many.
3	NomComRIWG to develop a proposal for this recommendation regarding the need (or not) of NomCom-appointed Board directors who are 'ICANN unaffiliates'.
4	Review the proposal and ensure that it aligns with all relevant laws and IRS's regulatory standards applicable to the selection of ICANN's Board directors.

Recommendation 27

Agreement reached on definition of ICANN unaffiliates: GDOC

2 scenarios defined on previous call:

If criteria would be all 8 seats, the candidate pool had to be immediately eligible. Anyone they appoint would satisfy the criteria. It might be a smaller pool but the entire pool would be eligible, regardless of whether or not they return an eligible Board member or not.

If criteria is no less than five, then NomCom has to take in the extra consideration of whether or not there is a reapplying Board member that changes that number.

Any other scenario?

1. the NomCom board appointees for each year (assuming 3-3-2 annual openings)
2. assuming a goal of not less than 5 unaffiliated, how many of the openings each year must go to an unafiliated person?

See Google Sheet [link]

Recommendation 27

Provide clarity on desire for and definition of "independent directors". Upon clarification of desire and definition, determine the number of specific seats for "independent directors".

#	Task
5	Subject to positive feedback from the Board that the definition aligns with all relevant legal requirements, NomComRIWG to propose how to incorporate its proposal into the NomCom's selection process.
6	Publish its proposal on NomCom-appointed Board directors who are 'ICANN unaffiliates' for public comment.
7	Based on feedback from the public comment, NomComRIWG to update its proposal for the definition of, need for, and number of NomCom-appointed Board directors who are 'ICANN unaffiliates' and, if deemed necessary, propose a Bylaws change, or changes to the NomCom operating procedures, or determine another way to codify the proposal.
8	If changes to the Bylaws are required, these will be directed by the ICANN Board.
9	If the Bylaws change is successful, the Standing Committee should ensure the NomCom produces appropriate documentation that shows how the new requirement is followed.
10	Based on the outcome of the implementation, determine if additional steps or safeguards need to be taken to ensure a desirable number of NomCom-appointed Board directors who are 'ICANN unaffiliates' serve on the Board at any given time.

ICANN68

Agenda Item #3

ICANN68

> 22-25 June 2020
> Remote Only

Need for outreach session at ICANN68?
> Rec.1: Job description
> Rec.7: Heads-up on Bylaws change
> Rec.9: Planned Bylaws change, including rationale, and impact on charters
> Rec.10: Principles and other factors that should apply to determine the optimum NomCom's composition
> Rec.27: Feedback needed on the definition of 'ICANN unaffiliates', and the questions of whether being an 'ICANN unaffiliates' should be an additional requirement for some of the NomCom-appointed Board seats, and, if so, how many.

Next Meetings

Agenda Item #4

Next Meetings

#38: Thursday 7 May 2020

Discussion on nature, composition and scope
of the Standing Committee(rec. 24)

#39: Thursday 21 May 2020
➢ Discussion on scope of the Standing
   Committee (rec. 24)
➢ Prepare outreach to ICANN community

@19:00 UTC

#40: Thursday 4 June 2020
➢ Discussion on scope of the Standing
   Committee (rec. 24)
➢ Preparation of first six-monthly
   implementation report (format, content
   etc…)

Any Other Business

Agenda Item #4

A.O.B.

Thank you!

Follow our wiki at https://community.icann.org/x/aBpIBg

Appendix

Recommendation 18

Ensure the Standing Committee reviews the annual applicant survey results and makes any changes as needed for the following year.

#	Task
1	Gain an overview of the current candidate communications of the NomCom by enquiring with current/former NomCom members and NomCom Staff.
2	Talk to previous NomCom appointees to understand how they perceived the communication process.
3	Propose a communication schedule including timing of communications with both successful and unsuccessful candidates.
4	Discuss with current/former NomCom members, NomCom staff, and previous NomCom appointees whether proposed communication schedule meets requirements and what further improvements could be made.
5	Finalize communication process; this should include annual surveys of all NomCom applicants.
6	Update NomCom's workflow (recommendation 13).
7	Publish communication schedule and timelines for candidate communications.
8	Ensure the Standing Committee reviews the annual applicant survey results and makes any changes as needed for the following year.

Recommendation 23

The NomCom should publish additional data on the candidate pool and the recruiting source of candidates.

#	Task
1	Work with ICANN org to establish what data about the candidate pool has been published over the past five years.
2	Work with ICANN org to determine what non-confidential, non-identifiable data has not been made public and why.
3	Consult with the wider ICANN community what additional non-confidential, non-identifiable data points should be collected and published.
4	Reach consensus within NomComRIWG on what additional data, if any, should be published going forward and capture this consensus in the toolkit.
5	Coordinate with ICANN org to assure the additional data is captured and published.
6	Instruct Standing Committee to oversee the continuous publication of data, as defined, and to ensure analytics/trend analysis is conducted to decide if adjustments should be made (and if so what kind) for future NomComs.