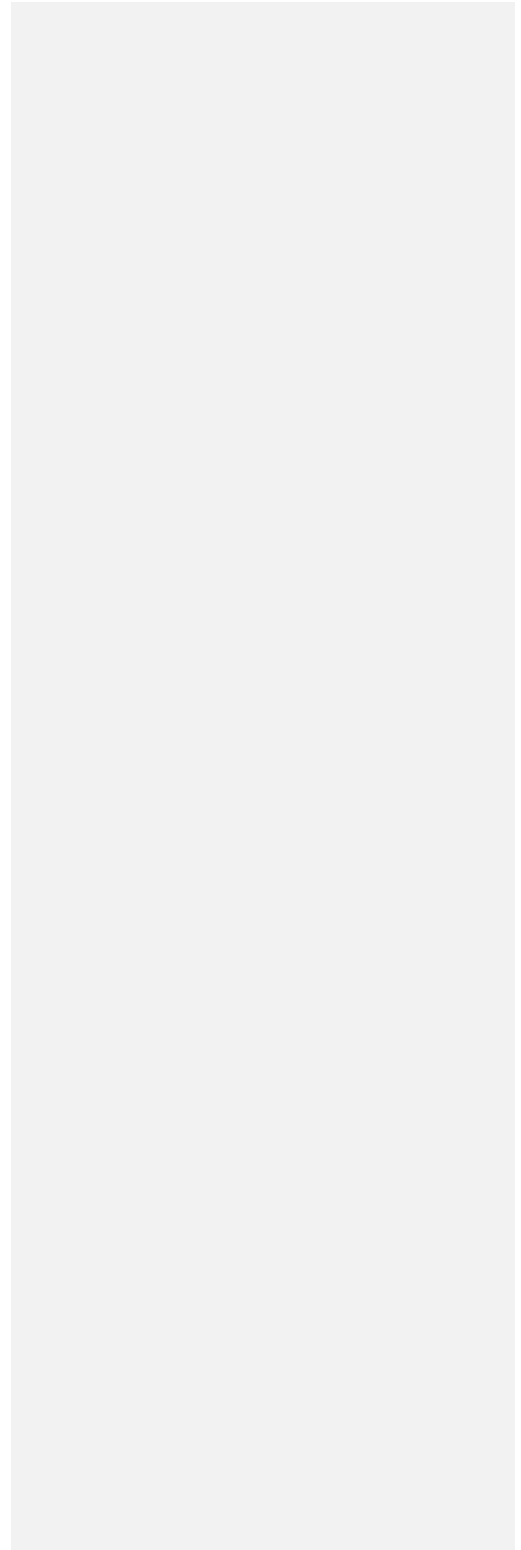1 **Guideline:**
2 **ccNSO Procedures Board (Member) Removal Process(es)**
3
4 Draft Version #09 - 14 July 2020
5 Last Date of review
6 Date of adoption by the ccNSO Council:
7
8

Table of Content

1 Introduction and Background

According to the ICANN Bylaws, the ccNSO as member of the Empowered Community has the right to seek the removal of:

1. A Director Nominated by the Nominating Committee holding Seats 1 through 8 by initiating the **NOMCOM Appointed Director Removal Process** (as described in section 4 of this Guideline).
2. A Director Nominated by the ccNSO per <u>Section 7.2(a)</u> of the Bylaws by initiating the **ccNSO Director Removal Process** (as described in Section 5 of this Guideline)
3. All Directors (other than the President) at the same time by initiating the **Board Recall Process (** as described in section 6 of this Guideline**)**

The process for removal of a Director appointed by another Supporting Organization or Advisory Committee is out of the scope of the ccNSO. This Guideline does not apply to the initiation of such a removal process. The ccNSO procedures to participate in a community forum and/or support the removal petition of other SO or AC are described in section 7 of this Guideline.

> **Commented [MOU1]:** To be updated after completion of NomCom removal and full board removal process

2 Purpose of the Guideline

The purpose of this Guideline is to describe the roles, procedures and actions for the ccNSO in its capacity as a Decisional Participant concerning the removal of individual members or full ICANN Board of Directors. For purposes of this Guideline, the ccNSO consists of the ccNSO Council and ccNSO Membership[1], each with their respective roles and responsibilities.

3 General Provisions

3.1 Representation of the ccNSO

The ccNSO interacts with other Decisional Participants, the Empowered Community Administration, and ICANN through the ccNSO Council. For purposes of this Guideline, the ccNSO Council is represented by the **Removal Process Manager**.

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[1] **Applicability of the Rules of the ccNSO**. According to the Rules of the ccNSO, a Council decision comes into effect 7 days after publication unless 10% of the ccNSO Membership notify the Chair of the they require a mebership vote to ratify or veto a Council decision. If the 10% threshold is met, a membership vote must be held and may start at its earliest five (5) days after the notification, and has to stay open for at least 14 days after the start of the vote. The member's vote is subject to a quorum rule: At least 50% of the members have to cast their vote in order to have a valid vote.

The Rules of the ccNSO are internal rules and operating procedures of the ccNSO in accordance with Article 10, section 3.k and Article 10 section 4.b of the ICANN Bylaws. These rules and procedures have to be consistent with the ICANN Bylaws (section 10.3 (k)). Therefore the timelines prescribed in the relevant section of Annex D of the ICANN Bylaws are paramount. For this reason NO decision of the Council with respect to the Board Removal section is subject to the Rules of the ccNSO. See note section 5.3.5.

3.2   Appointment of the Removal Process Manager.

The ccNSO Council will appoint a ccNSO Councillor to serve as the **Removal Process Manager** and another Councillor as the **Alternate Removal Process Manager.** To ensure continuity of process(es), the Alternate shall step in and take over the role and responsibilities of **Removal Process Manager** if the Councillor who is appointed as such is prevented from performing that role. The Alternate Removal Process Manager shall be copied in correspondence and participate in meetings as much as possible, however without taking any action, vote or be active in any other way, up and until the Alternate needs to step in. If both the Manager and alternate are not available, the ccNSO Chair is expected to and shall designate one or more other Councillor(s) to act as **Removal Process Manager**. Neither the ccNSO representative to the Empowered Community Administration (hereafter: ECA) nor the Rejection Action Petition Manager shall serve as the **Removal Process Manager**.

The appointment of the **Removal Process Manager** will be for one year, and the Manager may be re-appointed, provided the Manager remains a member of the ccNSO Council. When the **Removal Process Manager** is appointed by the ccNSO Council or the Chair, all other Decisional Participants, the Empowered Community Administration, the ccTLD Community and the ICANN Corporate Secretary will be informed.

Commented [MOU2]: Second reading

3.3 Obligations of the Removal Process Manager.

The Removal Process Manager shall:

- Inform the ccNSO Council, ccNSO Membership and broader ccTLD Community promptly and accurately when the ccNSO (Council) receives a Removal Petition or request to support a Removal Petition.
- Provide prompt and accurate accounts of actions and decisions relating to the Removal Processes by the ccNSO Council and the ccNSO Membership to other Decisional Participants, ECA, ICANN Secretary and ICANN Board.
- Inform the ccNSO Council, ccNSO Membership and broader ccTLD community of the actions and decisions related to the Removal Processes.described in this Guideline by the other Decisional Participants and the ECA.
- Attend conference call(s) before a Removal Action Community Forum.
- Attend the Removal Community Forums.
- Act as point of contact for the ccNSO and ccTLD Community concerning the procedures detailed in this Guideline.

3.4 Communication.

The method of communication between the Removal Process Manager and the ccTLD Community, other Decisional Participants, the Empowered Community Administration and ICANN, including but not limited to ICANN's Corporate Secretary, is email.

All ccNSO information and communication concerning a Removal Process under this Guideline will be archived. For each Removal Process the ccNSO Secretariat will create a separate web page, wiki space section and archive, which will include:

1. All communication and information to the community and all emails related to a Removal Process.
2. Any other communication that is not by email between the Removal Process Manager with the ccTLD Community, other Decisional Participants, the ECA, ICANN Staff, or the ICANN Corporate Secretary. If necessary, the communication should be documented.

A link to the Archive will be published on the ccNSO website.

4. NOMCOM Appointed Director(s) Removal Process

[Placeholder for procedures relating to section 3.1 ANNEX D}

Section 4.1 describes decisions, actions, procedures and requirements concerning the ccNSO Procedures NOMCOM Director Removal Petition and requirements to act are detailed.

Section 4.2 describes the decisions, actions, procedures and requirements of the ccNSO (Council) concerning the NOMCOM Director Removal Petition acceptance or rejection.

Section 4.3 describes the decisions, actions, procedures and requirements in case the ccNSO is requested to support a NOMCOM Director Removal Petition.

Section 4.4 describes the decisions, actions, procedures and requirements of the ccNSO (Council) concerning the NOMCOM Director Removal Community Forum.

Although there are no specific procedural requirements or decisions required concerning NOMCOM Director Removal Comment Period, some voluntary arrangements are included (section 4.5) to streamline the process and enhance transparency.

Section 4.6 describes the decisions, actions, procedures and requirements concerning NOMCOM Director removal decision.

5 ccNSO Director(s) Removal Process

Section 5.1 describes the decisions, actions, procedures and requirements concerning the ccNSO Director removal petition.

1 Section 5.2 describes the decisions, actions, procedures and requirements of the ccNSO
2 (Council) concerning the initial ccNSO Director Removal Petition acceptance or rejection.

3 Section 5.3 describes the decisions, actions and procedures relating to the Community
4 Forum.

5 Although there are no specific procedural requirements or decisions required concerning
6 the ccNSO Director Removal Comment Period, some voluntary arrangements are included
7 (section 5.4) to streamline the process and enhance transparency.
8
9 The decision, actions, procedures and requirements concerning the ccNSO Director
10 removal decision are included in section 5.5.
11
12 In Section 5.6, specifics of the ccNSO Director removal Notice are described.
13
14 **Time table ccNSO Director Removal Process**
15

Period	Milestone	Start date	End date	Total duration	Section of document
ccNSO Director Removal Petition Period	Date Receipt removal petition	Day 0	21st Day after receipt petition	21 + Y days(if extended)	5.2
Removal Action Community Forum Period	Expiration Petition Period	Day 22, 00.00 Pacific Time	21st Day after expiration, or end ICANN meeting	42 + Y days + extension to meet end-date upcoming ICANN meeting	5.3.2
ccNSO Director Removal Comment Period	Open Public Forum on ICANN website	X days after Community Forum Period	7 days	49 + X + Y days	5.4
ccNSO Director Removal Decision Period	Expiration of Removal Comment Period	Expiration of Removal Comment Period	21 Days	70 + X + Y Days	5.5.1
Closure of process	Removal or Termination Notice	70 + X + Y Days			5.6

16
17 Note, if deadlines are not met by the ccNSO, the ccNSO Director Removal Process terminates.
18

19 **5.1 ccNSO Director Removal Petition.**
20 This section details the procedures to be followed in case of a Removal Petition. It covers who
21 may submit a Petition, how to submit a Petition to the ccNSO as a Decisional Participant, and

how the ccNSO intends to accept or reject such a petition. All references to "notices" and "notification" in this section need to be in writing, either as formal correspondence or email.

5.1.1 Who may submit a Removal ccNSO Director Petition to the ccNSO Council?

The ccNSO will consider Petition from anyone, [who has a clear and demonstrated interest in the removal of the ccNSO Director]

5.1.2 Requirements ccNSO Director Removal Petition

The ccNSO Council will only consider for acceptance a **ccNSO Director Removal Petition** if the petition:

- Is in writing
- Includes the affiliation of the person submitting the Petition and how the petitioner or affiliation is affected
- Contains sufficient detail to verify facts; if verifiable facts are asserted
- Supplies supporting evidence if available/applicable
- Includes references to applicable bylaws and/or procedures if the assertion is that a specific bylaw or procedure has been breached.

Finally, the **ccNSO Director Removal Petition** MUST be sent to the following email address: ccNSO-Petition@icann.org to be considered. The Chair and Vice-Chairs of the ccNSO Council, the Removal Process Manager and the ccNSO Secretariat are subscribed to the email address.

5.2 ccNSO Director Removal Petition Period.

Per ICANN Bylaws Annex D section 3.2 (b), the **ccNSO Director Removal Petition Period** shall start on the date that the ccNSO Council has received the **ccNSO Director Removal Petition,** hereafter the ccNSO **Director Removal Petition Date.** The **ccNSO Director Removal Petition Period** shall end 21 days after the start of this period. at 11.59 Pacific Time[2]

The **ccNSO Director Removal Petition Period** shall be extended only as foreseen under 5.2.2. (iv) below.

5.2.1 Verification ccNSO Director Removal Petition-

Within two business days following receipt of the **ccNSO Director Removal Petition**, the **Removal Process Manager,** together with the Chair and Vice-Chairs, shall determine and advise Council whether all elements as listed in section 5.1.2 are included in the Petition.

If the **Removal Process Manager,** together with the Chair and Vice-Chairs of the ccNSO, unanimously determine that either:

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[2] Pacific time is UTC – 7 or UTC - 8, depending on daylight savings regime.

1. the submitted documentation does not include one or more element(s) listed in section 5.1.2, or
2. the Director who is the subject of the **ccNSO Director Removal Petition** has previously been subject to a ccNSO Director Removal Petition that led to a ccNSO Director Removal Community Forum (as defined in Section 3.2(d) of Annex D of the Bylaws),

the Petition is deemed to be rejected by the ccNSO Council. The **Removal Process Manager** shall inform the petitioner and the ccNSO Council accordingly.

5.2.2 Actions by the Removal Process Manager, once a ccNSO Director Removal Petition Period has started

Within two business days of the start of the **ccNSO Director Removal Petition Period**, the **Removal Process Manager** shall:

i.   Inform the ccNSO Council of receipt of a Removal Petition
ii. Inform the ccNSO Membership of receipt of a Removal Petition
iii. Instruct the secretariat to open the Board Removal section on the relevant web-page and in the wikispace.
iv. Invite the ccNSO Council, the Director subject to the **ccNSO Director Removal Petition** and the Chair of the Board (or the Vice-Chair of the Board if the Chair is the affected Director) to a dialogue with the Petitioners and the ccNSO's representative on the EC Administration. This invitation has been extended upon reasonable notice and accommodation to the affected Director's availability.
     If the invitation is accepted by either the relevant Director or the Chair of the Board (or the Vice-Chair of the Board if the Chair is the affected Director), the ccNSO Council shall not decide upon the ccNSO Director Removal Petition until the dialogue has occurred or there have been reasonable efforts to have the discussion. If, as a result, the dialogue is scheduled on day 18 or later into the **ccNSO Director Removal Petition Period** the ccNSO Council meeting where a decision has to be made upon the **ccNSO Director Removal Petition** shall be scheduled two days after the day of the dialogue, not being a public holiday. The **ccNSO Director Removal Petition Period** shall be extended accordingly if needed.
v.   Propose dates for:
     A. The ccNSO Council meeting to enter into a dialogue with the relevant Director, the (Vice-)Chair of the Board and the ccNSO appointed representative on the ECA, and the individual(s) who submitted the **ccNSO Director Removal Petition**
     B. The ccNSO Council meeting where the ccNSO Council shall accept or reject the petition, which shall be no later than one day before the end of the Period (which will be the twentieth (20th) day of the Period unless extended)

Commented [MOU6]: Does this imply that teh if the Chair of the Board and/or Affedcted board member is not availabe the pettion period is extended?

Commented [DĐ7R6]: It should be more clear on that.

5.2.3 Rejection or Support ccNSO Director Removal Petition.

During the **ccNSO Director Removal Petition Period,** the ccNSO Council shall decide to accept or reject the **ccNSO Director Removal Petition.** The ccNSO Council shall meet either in person or via teleconference, no later than one day before the end of **ccNSO Director Removal Petition Period** (which - unless the period is extended per section 5.2.2 (iv) above - is the twentieth (20th) day) to decide whether or not to accept or reject the Petition(s).

The **ccNSO Director Removal Petition** shall be deemed to be rejected if one or more of the following conditions applies as determined at the sole discretion of the ccNSO Council:

- If one or more of the requirements of the **ccNSO Director Removal Petition** is/are not met at the time of the Council meeting.
- if, during the same term as a member of the Board, the Director who is the subject of the **ccNSO Director Removal Petition** has previously been subject to a ccNSO Director Removal Petition that led to a ccNSO Director Removal Community Forum (as defined in Section 3.2(d) of Annex D of the Bylaws)
- If the ccNSO Director who is subject of the Removal Petition has not been invited or this invitation has been extended upon unreasonable notice and accommodation to the affected Director's availability.
- If the ccNSO Council has not decided on the ccNSO Director Removal Action Petition one day before the end of the **ccNSO Director Removal Petition Period** at 23.59 Pacific Time.

At its meeting, the ccNSO Council shall decide whether to support or reject the **ccNSO Director Removal Petition(s).** In taking its decision, the ccNSO Council shall consider:

- the feedback, views and input received from the ccTLD community, regarding the **ccNSO Director Removal Petition**(s), if any;
- The remainder of the term of the ccNSO appointed Director
- Other factors deemed relevant by the ccNSO Council.

If the ccNSO Council decides to support the Petition, it must decide whether to request the ECA to hold a Community Forum at the first upcoming ICANN meeting (Section 3.2 (d) (ii) Annex D of the ICANN Bylaws), and the ccNSO Council is advised to discuss how the ccTLD community could provide input and feedback during the Community Forum.

The decision to accept the **ccNSO Director Removal Petition** must be supported by at least 10 Councillors and at least one from each of the ICANN Geographic Regions.

Commented [MOU8]: CAn this be included in this way?

5.2.4 Communicating the decision to accept or reject the ccNSO Director Removal Decision.

The **Removal Process Manager** shall:

1. Promptly, within 24 hours of the decision by the ccNSO Council to accept **ccNSO Director Removal Petition** provide the **ccNSO Director Removal Petition Notice** to the Empowered Community Administration, the other Decisional Participants, and the ICANN Secretary.

   Per the Bylaws[3] the **ccNSO Director Removal Petition Notice** must include:

   (a) A supporting rationale in reasonable detail

   (b) The contact information of the **Removal Process Manager**

   (c) A ccNSO Council statement **whether** or not the ccNSO requests that ICANN organize a publicly-available conference call before the **ccNSO Director Removal Community Forum**

   (d) A statement as to whether the ccNSO has determined to hold the **ccNSO Director Removal Community Forum** during the next scheduled ICANN public meeting.

   If the EC Administration has not received the relevant **ccNSO Director Removal Petition Notice** during the **ccNSO Director Removal Petition Period**, the **ccNSO Director Removal Process** shall automatically be terminated with respect to the applicable **ccNSO Director Removal Petition**

2. Additionally, the ccNSO's representative to the Empowered Community Administration shall be informed of the decision reached by the ccNSO Council.

3. Inform the ccNSO Membership of the result of the ccNSO Council decision making procedure on the ccNSO Director Removal Petition. The result shall be published within 24 hours after the end of the (extended) **ccNSO Director Removal Petition Period.** The ccNSO shall be informed accordingly by the ccNSO Secretariat on the relevant ccNSO and ccTLD mailing lists, as well as on the ccNSO website and/or wiki.

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[3] ICANN Bylaws, Annex D Section 3.2(c)(i)(A-D)

5.3 ccNSO appointed Director Removal Community Forum

5.3.1 ccNSO Director Removal Action Community Forum
Any SO/AC Director Removal Action Community Forum, including the ccNSO Director Removal Action Community Forum, shall be convened by ICANN at the direction of the ECA. The **ccNSO Director Removal Action Community Forum** is the forum at which the Decisional Participants and interested parties may discuss the **ccNSO Director Removal Petition Notice**

5.3.2 ccNSO Director Removal Action Community Forum Period. Unless the ccNSO Council has requested the forum to be held in conjunction with an ICANN meeting, the ccNSO Director Removal Action Community Forum Period shall start at the expiration of the **ccNSO Removal Petition Period** and ending on the 21st day after the expiry of the **ccNSO Removal Petition Period** at 23:59 (Pacific Time).

If the **ccNSO Director Removal Action Community Forum** shall be held during the next scheduled ICANN public meeting as requested by the ccNSO and on the date and at the time determined by ICANN, and that public meeting is held after 11:59 p.m. (as calculated by local time at the location of ICANN's principal office) on the 21st day after the expiration of the **ccNSO Removal Petition Period**, the **ccNSO Director Removal Community Forum Period** shall expire on the official last day of such ICANN public meeting at 11:59 p.m., local time of the city hosting such ICANN public meeting.

5.3.3 Informing the community. Following the ICANN announcement of convening the **ccNSO Director Removal Action Community Forum**, the **Removal   Process Manager** shall inform the ccTLD community on the details of the Community Forum. Note that no individual from the ccNSO, nor the individual who initiated the **ccNSO Director Removal Petition**, shall be permitted to participate in the management or moderation of the **ccNSO Director Removal Community Forum**.

The **Removal   Process Manager** shall **–** after consulting the Chair of the ccNSO - convene a ccNSO Council meeting by the eighth (8th) day before the end of the **ccNSO Director Removal Action Community Forum Period.** This meeting is intended to allow for a timely Council decision on the issue identified in the **ccNSO Director Removal Petition.**

5.3.4 Community Feedback.
The **Removal Process Manager** will request the ccTLD community to provide input and / or feedback from the ccTLD community on the **ccNSO Director Removal Community Forum**. The input and / or feedback is required to be provided through the ccNSO Council to the Empowered Community Administration. How the input and feedback from the community will be provided to the Empowered Community Administration will be determined by the ccNSO Council before giving such feedback. For example, the

ccNSO Council could decide that the most appropriate manner will be a ccNSO Statement according to the ccNSO Statement procedure.

To determine the most appropriate course of action, the ccNSO Council will take into account and will be guided by the anticipated timelines, the importance of the matter under consideration for the ccTLD community as indicated by the quantity and quality of the feedback and input received by the ccNSO Council and other factors deemed relevant by the ccNSO Council.

5.3.5 Results of Community Forum to be shared with ccNSO Council and ccNSO Membership. To ensure that the ccNSO Council and members are informed about the results of the community forum, the **Removal Process Manager** will summarize the proceedings of the community forum and share them on the list as soon as possible after the closure of the **ccNSO Director Removal Action Community Forum Period**.

5.3.6 Resolution of Issue during the Community Forum Period
During any time up and until the eighth (8th) day before the end of the **ccNSO Director Removal Action Community Forum Period**, the ccNSO Council may elect to agree that the issue raised in the **ccNSO Director Removal Petition** has been resolved. The decision to recognize that the issue has been resolved must be supported by at least 10 Councillors and at least one form each of the ICANN Geographic Region.

In making its decision, the ccNSO Council shall consider:
- the feed-back, views and input received from the ccNSO community and others regarding **ccNSO Director Removal Petition**;
- Other factors deemed relevant by the ccNSO Council.

This ccNSO Council decision is NOT subject to the Rules of the ccNSO. However, the ccNSO Council decision shall be published on the ccNSO website/wiki as soon as practically possible, and the ccNSO Members shall be informed about the decision by the ccNSO Secretariat. It will become effective 7 calendar days after publication. If during the period starting after the Council decision and before the end of the Community Forum 34 % of ccNSO Members object, the decision will be rescinded, and not become effective.

Once the decision has become effective, the **Removal Process Manager** shall notify the ECA, the other Decisional Participants, and the ICANN Secretary of the decision by the ccNSO Council to agree that the issue identified in the **ccNSO Director Removal Petition** has been resolved.

Commented [MOU9]: This is majority of Councillors (18 Councillors) and additional requirement of regional representation.

Commented [MOU10]: Rationale, effective it means that 18 members can overturn any decision of the Council by asking for a vote, as this automatically means the group overruns the timeline.

Commented [MOU11]: This effectively means that a large a supermajority to agree to stop the process.

5.4 ccNSO Director Removal Comment Period

Directly following the expiration of the **ccNSO Director Removal Community Forum Period** and at the request of the ECA, ICANN shall issue a request for comments and recommendations. The **ccNSO Director Removal Comment Period** shall start on the day the request for comments was posted on the ICANN website and expire on the seventh (7th) day after the posting at 23.59 PST (Pacific Time).

On the day the **ccNSO Director Comment Period** starts the **Removal Process Manager** shall inform the ccTLD community of the start of the **ccNSO Director Removal Comment Period** and convene a ccNSO Council meeting between the sixth (6th) and no later than the tenth (10th) day at 23.59 UTC following the expiration of **the ccNSO Director Comment Period.** At this meeting, the ccNSO Council is expected to decide whether to agree or object to the **ccNSO Director Removal Petition.**

After the closure of the **ccNSO Director Removal Comment Period,** the **Removal Process Manager** will inform the Councillors and ccNSO Membership of the closure and will forward the (links to) the comments and recommendations received, if any.

5.5 ccNSO Director Removal Decision

> **5.5.1 Definition ccNSO Director Removal Decision Period**. The **ccNSO Director Removal Decision Period** shall start at the end of the expiration of the **ccNSO Director Removal Comment Period** and close on the twenty-first 21st day at 23.59 Pacific Time after the expiry of this period.

> **5.5.2 Decisions During the ccNSO Director Removal Decision Period.** During the **ccNSO Director Removal Decision Period,** the ccNSO shall decide whether or not the ccNSO supports the **ccNSO Director Removal Petition**.
> In taking its decision, the ccNSO Council shall consider:
> - the feed-back, views and input received:
>
>   - from the ccNSO Director who is subject of the **ccNSO Director Removal Petition** and the Chair of the Board, if any
>
>   - The Petitioner, if any
>
>   - the ccNSO and broader ccTLD Community, if any
>
>   - during the **ccNSO Director Removal Community Forum**
>
>   - during the **ccNSO Board Director Removal Comment Period**
>
> - Other factors deemed relevant by the ccNSO Council.

The ccNSO Council decision whether to support or reject the **ccNSO Director Removal Petition** has to be taken ultimately at the eleventh (11th) day at noon (12.00) UTC into the **ccNSO Director Removal Decision Period.**

5.5.2.1. Supermajority ccNSO Council Decision to support the ccNSO Director Removal Petition. The ccNSO Council decision to support the **ccNSO Director Removal Petition** must be taken with a supermajority of 14 or more Councillors and at least one from each of the ICANN Geographic Regions. The ccNSO Council decision shall be published on the ccNSO Website immediately following the closure of the meeting and shall include an explanation of the reasons as to why it has chosen to remove the ccNSO appointed Director.

The Decision becomes active on the 20th day of the **ccNSO Director Removal Decision Period** at 23.59 UTC unless by the 20th day into the **ccNSO Director Removal Decision Period** at least 34 % of the ccNSO Members indicated not to support the decision of the ccNSO Council. The Rules of the ccNSO do NOT apply to this decision of the ccNSO Council.

> **Commented [MOU12]:** If 34 % of the membership does not support the petion it measn that ther si no supermajoriyt amongst the members. Assuming that 66 % of the mebership is considered a supermajority.

5.5.2.2 ccNSO Council Decision to reject the ccNSO Director Removal Petition

If the ccNSO Council does not support the **ccNSO Director Removal Petition (i.e., there is no supermajority to support the Petition),** the ccNSO Council decision shall be published on the ccNSO Website immediately following the closure of the meeting. The ccNSO Council decision shall include an explanation of the reasons as to why it has not supported the **ccNSO Director Removal Petition**.

The Decision shall become effective on the 20th day of the **ccNSO Director Removal Decision Period** at 23.59 UTC unless by the 20th day into the **ccNSO Director Removal Decision Period** at least 67 % of the ccNSO Members indicate support for the **ccNSO Director Removal Petition**. The Rules of the ccNSO do NOT apply to this decision of the ccNSO Council.

> **Commented [MOU13]:** Thisis a supermajority of more then 2/3 of the membership whoo support the petition

5.5.2.3 No ccNSO Council Decision or if too late
If the ccNSO Council does not decide by the 11th day at noon UTC into the **ccNSO Director Removal Decision Period,** the ccNSO Council shall be deemed not to support the **ccNSO Board Removal Petition.** The **Removal Process Manager** shall inform the community accordingly by the 11th day 23.59 UTC. If by the 20th day into **ccNSO Director Removal Decision Period** at least 67% of the ccNSO Members indicate to support the **ccNSO Director Removal Petition,** the ccNSO Director Removal Petition is deemed to be endorsed.

> **Commented [MOU14]:** Thsi need to be discussed with the members ! Priciple decision. Possibly: run a webinar explain this and then circualte draft for comments.

5.5.3 Lack of support removal decision. If the ccNSO does not support the **ccNSO Director Removal Petition** by the 20th day at 23.59 UTC into **ccNSO Director Removal**

Decision Period, the **ccNSO Director Removal Process** is closed from a ccNSO perspective. On the 21st day into the **ccNSO Director Removal Decision Period** before 23.59 UTC, the **Removal Process Manager** shall inform the ccNSO appointed Directors, the ccTLD community and the ECA accordingly.

5.6 ccNSO Director Removal Notice

Within 24 hours after the decision to support/accept the **ccNSO Director Removal Petition** has become effective, the **Removal Process Manager** shall inform in writing the EC Administration, the other Decisional Participants and Secretary that the ccNSO has accepted the **ccNSO Removal Action Petition** following the internal procedures of the ccNSO and with a three-quarter majority (the **ccNSO Director Removal Notice**).

The **Removal Process Manager** shall act on behalf of the ccNSO Council direct ICANN to post concurrently with the **ccNSO Director Removal Notice** submission the ccNSO explanation as to why the ccNSO has chosen to remove the affected Director.

6. Board Recall Process
[Placeholder for procedures relating to section 3.3 ANNEX D]

7. ccNSO Procedures to support other SO or AC Board Removal Petitions

8. Miscellaneous

8.1 ccNSO Internal Guideline
This Guideline is an internal rule of the ccNSO per Article 10 section 3.11 and Article 10, section 4.2 of the ICANN Bylaws.

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 or the ccNSO Council, the Chair of the ccNSO Council will decide.

> **Commented [MD15]:** Maybe add here 'except to the extent the applicable bylaws rtequire otherwise' or something like that.

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 every 2 years at the time of review of the annual Work plan, or adjusted when considered necessary. 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 adjust the version number and insert the date the Guideline was reviewed and adopted by the ccNSO Council

14 July 2020, version 09

Observations:
1. Guideline needs to be checked by ICANN legal, due to impact
2. Dependency on ICANN services, i.e. third party services in general, This is an issue given the deadlines and their consequences: What if a deadline is missed due to technical problems?

3. Question: The Bylaws are construed around the ICANN in-person meetings. How does the virtuality of meeting impact the Bylaw set dates: example under this Guideline (and Annex D of the Bylaws) Section 5.3.2: 5.3.2 ccNSO Director Removal Action Community Forum Period. Unless the ccNSO Council has requested the forum to be held in conjunction with an ICANN meeting, See also Annex D, Section 3.2.(d) (ii): *the SO/AC Director Removal Community Forum be held during the next scheduled ICANN public meeting, in which case the SO/AC Director Removal Community Forum shall be held during the next scheduled ICANN public meeting on the date and at the time determined by ICANN*

Final Decision by the ccNSO on Removal Petition
Need to strike a balance decision making by the Council and role of the Members. Note that due to timelines and a limited number of members who can ask for a vote, the Rules can not apply. See also Footnote and Section 10.3 (k) of the Bylaws.