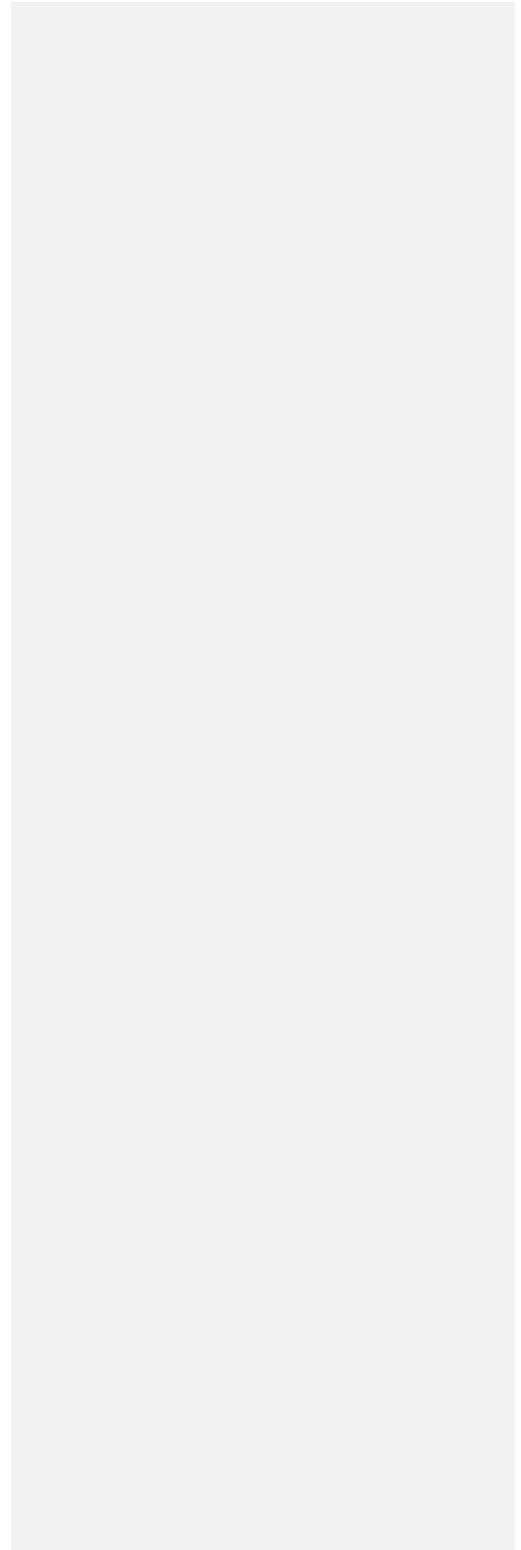


1 **Guideline:**
2 **ccNSO Procedures Board (Member) Removal Process(es)**
3
4 Draft Version #13 - 02 September 2020
5 Last Date of review
6 Date of adoption by the ccNSO Council:
7
8



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1 **1 Introduction and Background**

2
3 According to the ICANN Bylaws, the ccNSO as member of the Empowered Community has the right to
4 seek the removal of:

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

11
12 The process for removal of a Director appointed by another Supporting Organization or Advisory
13 Committee is out of the scope of the ccNSO. This Guideline does not apply to the initiation of such a
14 removal process. The ccNSO procedures to participate in a community forum and/or support the removal
15 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

16
17
18 **2 Purpose of the Guideline**

19 The purpose of this Guideline is to describe the roles, procedures and actions for the ccNSO in its capacity
20 as a Decisional Participant concerning the removal of individual members or full ICANN Board of Directors.
21 For purposes of this Guideline, the ccNSO consists of the ccNSO Council and ccNSO Membership¹, each
22 with their respective roles and responsibilities.

23
24
25 **3 General Provisions**

26 **3.1 Representation of the ccNSO**

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

30
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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.

1 **3.2 Appointment of the Removal Process Manager.**

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

12 The appointment of the **Removal Process Manager** will be for one year, and the Manager may be re-
13 appointed, provided the Manager remains a member of the ccNSO Council. When the **Removal Process**
14 **Manager** is appointed by the ccNSO Council or the Chair, all other Decisional Participants, the Empowered
15 Community Administration, the ccTLD Community and the ICANN Corporate Secretary will be informed.
16

17 **3.3 Obligations of the Removal Process Manager.**

18 The Removal Process Manager shall:

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

32 **3.4 Communication.**

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

36
37 All ccNSO information and communication concerning a Removal Process under this Guideline will be
38 archived. For each Removal Process the ccNSO Secretariat will create a separate web page, wiki space
39 section and archive, which will include:

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

45 A link to the Archive will be published on the ccNSO website.
46

1 **4. NOMCOM Appointed Director(s) Removal Process**

2 [procedures relating to section 3.1 ANNEX D]

3
4 In Section 4.1 decisions, actions, procedures and requirements concerning the ccNSO Procedures for the
5 NOMCOM Director Removal Petition and requirements to act are detailed.

6 In Section 4.2 the decisions, actions, procedures and requirements of the ccNSO (Council) concerning
7 the NOMCOM Director Removal Petition acceptance or rejection are described.

8 Section 4.3 describes the decisions, actions, procedures and requirements for the ccNSO to seek support
9 from other Decisional Participants for the NOMCOM Director Removal Petition

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

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12 Section 4.5 describes the decisions, actions, procedures and requirements concerning NOMCOM
13 Director removal decision. Although there are no specific procedural requirements or decisions
14 required concerning NOMCOM Director Removal Supported Petition, voluntary arrangements are
15 included to streamline the process and enhance transparency.

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1 **Time table NOMCOM Director Removal Process**

2

Period	Starting event	Start date	Milestone	End date (days)	Total duration (days)	Doc. Section
NOMCOM Director Removal Petition Period	Date Receipt removal petition	Day 0	Council Decision to support/reject petition	21 st after receipt petition	21 + Y (if extended)	4.1 & 4.2
NOMCOM Director Removal Petition Support Period	Support of NOMCOM Director Removal Petition	Day 22, 00.00 Pacific Time		7 Days after closure Director Removal Petition Period	28 + Y	4.3
NOMCOM Director Removal Community Forum Period	Supported Removal Petition	Day 28, 00.00 Pacific Time		21 Days after expiration Petition Support Period OR end ICANN meeting	49 + Y + X for extension to meet end-date upcoming ICANN meeting	4.4
NOMCOM Director Removal Decision Period	Expiration of Removal Community Period	Expiration of Removal Comment Period		20 Days	69 + X + Y Days	4.5
Closure of process	Removal or Termination Notice	69 + X + Y Days		1 Day	70	4.6

3

4 **4.1 Nominating Committee Director Removal Petition.**

5 This section details the procedures to be followed in case of a Removal Petition. It covers who may
 6 submit a Petition, how to submit a Petition to the ccNSO as a Decisional Participant, and how the ccNSO
 7 intends to accept or reject such petition. All references to “notices” and “notification” in this section
 8 need to be in writing, either as formal correspondence or email.

9

10 **4.1.1 Who may submit a Removal NOMCOM Director Petition to the ccNSO Council?**

11 The ccNSO will consider NOMCOM Director Removal Petition from:

- 12 - ccTLD Managers,
- 13 - individual(s) directly related to a ccTLD manager,
- 14 - ccNSO working groups or committees mandated to submit such a petition,
- 15 - Regional ccTLD organisations (as defined in section 10.5 of the ICANN Bylaws),
- 16 - the ccNSO Council.

Commented [BB2]: According to section 3.1 (a) the ccNSO may develop procedure re the NOMCOM Board member removal process. Question: may the ccNSO limit who could submit a petition of the ccNSO i.e set limits / requirements around “individual”?
 “ Subject to the procedures and requirements developed by the applicable Decisional Participant, **an individual** may submit a petition to a Decisional Participant seeking to remove a (NOMCOM)Director”.
Check with ICANN Legal after completion of draft

1
2 **4.1.2 Requirements NOMCOM Director Removal Petition**

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

- 5
- 6 • Is in writing
 - 7 • Includes the affiliation of the person submitting the Petition and how the petitioner
8 or affiliation is affected
 - 9 • Contains sufficient detail to verify facts; if verifiable facts are asserted
 - 10 • Supplies supporting evidence if available/applicable
 - 11 • Includes references to applicable by-laws and/or procedures if the assertion is that a
12 specific by-law or procedure has been breached.

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

16 ~~Once the ccNSO has received a **NOMCOM Director Removal Petition** the ccNSO is considered to~~
17 ~~be the **Nominating Committee Director Removal PETITIONED Decisional Participant**.~~

Commented [MOU3]: Check with ICANN Legal: what about snail-mail? What if send to ICANN Org head-office?
Check with ICANN Legal after completion of draft

Deleted: 4.1.3 Nominating Committee Director Removal PETITIONED Decisional Participant

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Deleted: once the ccNSO has received a **NOMCOM Director Removal Petition**

19 **4.2 NOMCOM Director Removal Petition Period.**

20 In accordance with ICANN Bylaws Annex D section 3.1 (b) the **NOMCOM Director Removal Petition Period**
21 shall start on the date that the ccNSO Council has received the **NOMCOM Director Removal Petition**, at
22 the email address specified in section 4.1.2 above, hereafter the ccNSO **Director Removal Petition Date**.
23 The **NOMCOM Director Removal Petition Period** shall end 21 days after the start of this period. at 11.59
24 Pacific Time²

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26 ~~The **NOMCOM Director Removal Petition Period** shall be extended only as foreseen under 4.2.2.(v)~~
27 ~~below.~~

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Commented [MOU4]: Needs to be confirmed by ICANN legal

28 **4.2.1 Verification NOMCOM Director Removal Petition-**

29
30 Within **two (2)** business days following receipt of the **NOMCOM Director Removal Petition**, the
31 **Removal Process Manager** together with the Chair and Vice-Chairs shall determine and advise
32 Council whether all elements as listed in section 4.1.2 are included in the Petition.

33
34 If the **Removal Process Manager** together with the Chair and Vice-Chairs of the ccNSO
35 unanimously determine that either:

- 36 1. the submitted documentation does not include one or more element(s) listed in section 4.1.2,
37 or
38 2. the Director who is the subject of the **NOMCOM Director Removal Petition** has previously during
39 the same term been subject to a **NOMCOM Director Removal Petition** that led to a
40 **NOMCOM Director Removal Community Forum** (as discussed in Section 3.1 (e) of Annex D of the
41 Bylaws),
42 the Petition is deemed to be rejected by the ccNSO Council. The **Removal Process Manager**, shall
43 inform the petitioner and the ccNSO Council accordingly.

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

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4.2.2 Actions by the Removal Process Manager, once a NOMCOM Director Removal Petition Period has started

Within **three (3)** business days of the start the **NOMCOM 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. Inform the other Decisional Participants **the ccNSO has received a NOMCOM Director Removal petition**, and possible NOMCOM Director Removal Support Period **the period during which other Decisional Participant need to decide, whether to support, reject or abstain from the NOMCOM Director Removal Petition**.
- v. Invite the ccNSO Council, the Director subject to the **NOMCOM 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 dialogue. If as a result the dialogue is scheduled on day 18 or later into the **NOMCOM Director Removal Petition Period** the ccNSO Council meeting where a decision has to be made upon the **NOMCOM Director Removal Petition** shall be scheduled two days after the day of the dialogue, not being a public holiday. The **NOMCOM Director Removal Petition Period** shall be extended accordingly if needed.
- vi. 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 **NOMCOM 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)

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Commented [BB5]: This is added to ensure that the other DPs are informed as timely as possible they need to take action/decision.
Note: for soem DPs this may require ability to organsic extraordinary meetings at short notice, outside regular schedule.

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

Commented [DB7R6]: It should be more clear on that.

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4.2.3 Rejection or Support NOMCOM Director Removal Petition.

During the **NOMCOM Director Removal Petition Period**, the ccNSO Council shall decide to accept or reject the **NOMC Director Removal Petition**. The ccNSO Council shall meet either in person or via tele-conference, no later than one day before the end of **NOMCOM Director Removal Petition Period** (which - unless the period is extended in accordance with section 4.2.2 (iv) above - is the twentieth (20th) day) to decide whether or not to accept or reject the Petition(s).

The **NOMCOM 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 **NOMCOM Director Removal Petition** is/are not met at the time of the Council meeting.
- if, during the same term as member of the Board, the Director who is the subject of the **NOMCOM Director Removal Petition** has previously been subject to a NOMCOM Director Removal Petition that led to a NOMCOM Director Removal Community Forum (as defined in Section 3.1(e) of Annex D of the Bylaws)
- If the NOMCOM 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 reached a decision on the **NOMCOM Director Removal Petition** one day before the end of the **NOMCOM Director Removal Petition Period** at 23.59 Pacific Time.

At its meeting, the ccNSO Council shall decide whether to support or reject the **NOMCOM 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 **NOMCOM Director Removal Petition(s)**, if any;
- Remainder of the term of the appointed Director
- Other factors deemed relevant by the ccNSO Council.

The **NOMCOM Director Removal Petition Notice** shall include the rationale upon which the removal of the NOMCOM Director is sought.

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

4.2.4 Nominating Committee Director Removal PETITIONING Decisional Participant The ccNSO is considered to be the **Nominating Committee Director Removal PETITIONING Decisional Participant** once the ccNSO Council has accepted a **NOMCOM Director Removal Petition** during the **NOMCOM Director Removal Petition Period**

4.2.5 Communicating the decision to accept or reject the NOMCOM Director Removal Petition. The **Removal Process Manager** shall:

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

The **NOMCOM Director Removal Petition Notice** must include:

- (a) the rationale upon which the removal of the NOMCOM Director is sought.
- (b) The contact information of the **Removal Process Manager**

If the EC Administration has not received the relevant **NOMCOM Director Removal Petition Notice** during the **NOMCOM Director Removal Petition Period**,

Commented [BB8]: From David: shouldn't this language be up in section 4.1.2? BB Comment: This is about the rationale from the ccNSO (Council), which should be included in the Notice to the other DPs etc.

1 the **NOCOM Director Removal Process** shall automatically be terminated with
2 respect to the applicable **NOMCOM Director Removal Petition**

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

10 **4.3 Support other Decisional Participants for the NOMCOM Removal Petition**

11 **4.3.1 Solicitating Support from other Decisional Participants**

12 Immediately following the submission of the **NOMCOM Director Removal Petition Notice** to the
13 Empowered Community Administration and the other Decisional Participants, the **Removal Process**
14 **Manager**, shall contact the other Decisional Participants to invite them formally to support the
15 **NOMCOM Director Removal Petition** accepted by the ccNSO Council.

16
17 All correspondence between the **Removal Process Manager** and other Decisional Participants, the
18 ICANN Secretary, and the Empowered Community Administration shall be posted on the ccNSO
19 website/or wiki space.

20 **4.3.2 Supported NOMCOM Director Removal Petition**

21
22 If the ccNSO receives the support for its **NOMCOM Director Removal Petition(s)** from at least one other
23 Decisional Participant within seven (7) days after closure of the **NOMCOM Director Removal Petition**
24 **Period**, the ccNSO initiated **NOMCOM Director Removal Petition** shall be known as the **NOMCOM**
25 **Director Removal Supported Petition**. Within twenty-four (24) hours of receiving said support, the
26 **Removal Process Manager** shall provide a written notice on behalf of the ccNSO to the Empowered
27 Community Administration, the other Decisional Participants, and the ICANN Secretary of having
28 received the required support.

29
30 Additionally, the **Removal Process Manager** will formally submit the **NOMCOM Director Removal**
31 **Supported Petition** to the:

- 32 • Empowered Community Administration,
- 33 • other Decisional Participants, and
- 34 • ICANN Secretary.

35 In accordance with Annex D Section 3.1 (d) (i) the **NOMCOM Director Removal Supported Petition**
36 **MUST** include at a minimum the following:

- 37 - A supporting rationale in reasonable detail,
- 38 - Contact details for the Rejection Action Petition Manager, and/or contact details of the
39 **NOMCOM Director Removal Supporting Decisional Participant**
- 40 - A statement whether the ccNSO and/or **NOMCOM Director Removal Supporting Decisional**
41 **Participant** requests that ICANN organize a publically available conference call prior to the
42 Rejection Action Community Forum is requested,

- 1 - A statement whether whether the ccNSO and the **NOMCOM Director Removal Supporting**
 2 **Decisional Participant** have determined to hold a **NOMCOM Director Removal Community**
 3 **Forum**
- 4 - A statement whether or not the **NOMCOM Director Removal Community Forum**, should one
 5 be conducted, be held during the next scheduled **ICANN public meeting**.

Commented [BB9]: What does this imply in. Times of virtual meetings? DAvid suggests to add whether that be an in-person or virtual meeting. BB Comment: I agree, however this again a point to clairify with ICANN legal.

6 **4.3.3 No Support for ccNSO NOMCOM Director Removal Petition**
 7 If, at the end of the seventh (7th) day after conclusion of the **NOMCOM Director Removal Petition**
 8 **Period** no other Decisional Participant has expressed its support for the ccNSO **NOMCOM Director**
 9 **Removal Petition**, the Process ends. The **Removal Process Manager** shall notify the Empowered
 10 Community Administration of the lack of support for the **NOMCOM Director Removal Petition**.
 11 Additionally, the **Removal Porcess Manager** shall inform the ccNSO Council and ccTLD community that
 12 the **NOMCOM Director Removal Petition** cannot go forward due to a lack of support from other
 13 Decisional Participants. The ccNSO Secretariat will publish this information to the ccNSO and ccTLD
 14 Community mailing lists, as well as post it on the ccNSO website/wiki.

15 **4.4 Procedures with respect to NOMCOM Director Removal Community Forum**
 16 This section details the ccNSO procedures with respect to a **NOMCOM Director Removal Community**
 17 **Forum**. Unless explicitly determined otherwise, the **NOMCOM Director Removal Community Forum**
 18 **Period** shall start when the **NOMCOM Director Removal Support Period** (section 4.3 above) ends and
 19 closes after twenty-one (21) days³.

20 **4.4.1 Community Forum**
 21 Following the ICANN announcement to convene a **NOMCOM Director Removal Community Forum**, the
 22 **Removal Process Manager** will inform the ccNSO community on the details of this Forum.
 23 The ccNSO, via the **Removal Process Manager**, will participate in any **NOMCOM Director Removal**
 24 **Community Forum** convened by ICANN.
 25

26 **4.4.2 ccNSO community input**
 27 The **Removal Process Manager** will request the ccTLD community to provide input and/or feedback on
 28 the Supported Petition(s) to inform the **NOMCOM Director Removal Community Forum**. The manner in
 29 which the input and feed-back will be requested from the community and then provided to the ECA will
 30 be determined by the ccNSO Council prior to requesting the ccNSO community to provide their feed-
 31 back and input.
 32 The ccNSO Council is advised to discuss how the ccNSO community should provide input and feed-back
 33 at its meeting to decide to support a Rejection Action Petition (section 4.3.4 above).
 34

35 **4.4.3 Rescinding Support of the Supported Petition during the Community Forum Period**
 36 During any time up and until the eighth (8th) day before the end of the **NOMCOM Director Removal**
 37 **Community Forum Period**, the ccNSO Council may elect to rescind its support of the **NOMCOM Director**
 38 **Removal Supported Petition**. The decision to rescind shall be made by a 2/3 super-majority vote of the
 39 votes cast by a quorate⁴ ccNSO Council.

³ ICANN Bylaws, Annex D, section 3.1 (c)

⁴ A quorate ccNSO Council is quorate if at least 10 Councillors are present with at least one representative from each ICANN Region.

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- 1 In taking its decision the ccNSO Council shall consider:
2 - the feed-back, views and input received from the ccNSO community regarding the **NOMCOM**
3 **Director Removal Supported Petition**;
- 4 - the importance of the matter for the ccNSO community and other factors deemed relevant
5 by the ccNSO Council.

6 This ccNSO Council decision is subject to the Rules of the ccNSO. The ccNSO Council decision shall be
7 published on the ccNSO website/wiki as soon as practically possible and the ccNSO community shall be
8 informed about the decision by the ccNSO Secretariat and will become effective 7 calendar days after
9 publication.

10 Once the decision has become effective, the **Removal Process Manager** shall notify the ECA, the other
11 Decisional Participants, and the ICANN Secretary of the decision by the ccNSO Council to rescind their
12 support for the **NOMCOM Director Removal Supported Petition**.

13 **4.5 Final Decision NOMCOM Director Removal Supported Petition**

14 **4.5.1 Council meeting**

15 Following the ICANN announcement to convene a **NOMCOM Director Removal Community Forum**, the
16 Chair of the ccNSO Council shall schedule a Council meeting for final decision making on the **NOMCOM**
17 **Director Removal Supported Petition(s)**.

18 This ccNSO Council meeting should be scheduled by the thirteenth (13th) day of the **NOMCOM Director**
19 **Removal Supported Petition Decision Period**, which directly follows the Community Forum Period.

20 **4.5.2 The ccNSO Decision**

21 No later than on the thirteenth (13th) day at 23.59 UTC of the Rejection Action Decision Period, the
22 ccNSO Council must have decided whether to:

- 23 • Support the **NOMCOM Director Removal Supported Petition** (and thereby support the removal
24 of the **NOMCOM Director**),
- 25 • Object to the **NOMCOM Director Removal Supported Petition**, or
- 26 • Abstain from the matter. Abstention will not count as support or objection to a **NOMCOM**
27 **Director Removal Supported Petition**.

28 In taking its decision, the ccNSO Council shall consider:

- 29 • the feed-back, views and input received from the ccNSO Community regarding the **NOMCOM**
30 **Director Removal Supported Petition**;
- 31 • the importance of the matter for the ccNSO Community and other factors deemed relevant by
32 the ccNSO Council.

33 The ccNSO Council decision to support the **NOMCOM Director Removal Supported Petition** has to be
34 taken with a super-majority of 2/3 of the votes cast supporting the Petition at a quorate ccNSO Council
35 meeting.

36 The ccNSO Council decision to reject the **NOMCOM Director Removal Supported Petition** has to be
37 taken by a simple majority of the votes cast rejecting the Petition at a quorate ccNSO Council meeting.

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Commented [BB10]: This is different threshold then for the ccNSO Director removal petition

1 In all other cases the ccNSO Council is deemed to have abstained⁵.

2
3 This ccNSO Council decision to support or reject a **NOMCOM Director Removal Supported Petition** is
4 subject to Rules of the ccNSO. The ccNSO Council decision shall be published on the ccNSO website/wiki
5 as soon as practically possible and the ccNSO community shall be informed about the decision by the
6 **Removal Process Manager**.

Commented [BB11]: Bote the difference

7
8 If the ccNSO Council decision is not effective by the 20th day at 23:59 Pacific Time of the **NOMCOM**
9 **Director Removal Supported Petition Decision Period** (as defined in the ICANN Bylaws), the ccNSO is
10 deemed to have abstained from the matter.

Commented [BB12]: SECTION TO BE UPDATED AFTER CONCLUSION OF DISCUSSION SECTION 6.5. DECISION PROCESS SHOULD BE SIMILAR, SAME THRESHOLDS ETC.

11 **4.6 NOMCOM Director Removal Notice**

12 As soon as the ccNSO Council's decision has become effective, and prior to 21st day, 23:59 Pacific Time
13 (the local time of the LA office of ICANN) the **Removal Process Manager** MUST have conveyed the
14 notice to the Empowered Community Administration and the ICANN Secretary whether the ccNSO
15 supports, rejects or abstains from the **NOMCOM Director Removal Supported Petition**. This notice shall
16 be published on the relevant ccNSO and ccTLD mailing lists, as well as the ccNSO website/wiki.

17
18
19 In the event that the ccNSO Council has been deemed to have abstained (*e.g.*, has not taken a timely
20 decision according to section), the **Removal Process Manager** shall inform the Empowered Community
21 Administration and the ICANN Secretary accordingly within the timeline mentioned in this section. This
22 notification shall be published on the relevant ccNSO and ccTLD mailing lists, as well as on the ccNSO
23 website/wiki.

Deleted: i.e

⁵ To make this work the first question has to be who supports the Petitions, if threshold is not met, second question needs to be who rejects the petitions, if none of these positions meet the required thresholds, the ccNSO is deemed to have abstained. The kind of ccNSO decision - support, reject or abstain - is relevant to determine the overall level of support for a NOMCOM Director Removal Supported Petition, see Annex D section [Section 3.1\(g\)](#).

1 **5 ccNSO Director(s) Removal Process**

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

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

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

7 Although there are no specific procedural requirements or decisions required concerning the ccNSO
8 Director Removal Comment Period, some voluntary arrangements are included (section 5.4) to
9 streamline the process and enhance transparency.

10
11 The decision, actions, procedures and requirements concerning the ccNSO Director removal
12 decision are included in section 5.5.

13
14 In Section 5.6, specifics of the ccNSO Director removal Notice are described.

15
16 **Time table ccNSO Director Removal Process**

17

Period	Milestone	Start date	End date	Total duration	Section of document
ccNSO Director Removal Petition Period	Date Receipt removal petition	Day 0	21 st 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	21 st 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

18
19
20

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

1 **5.1 ccNSO Director Removal Petition.**

2 This section details the procedures to be followed in case of a Removal Petition. It covers who may
3 submit a Petition, how to submit a Petition to the ccNSO as a Decisional Participant, and how the ccNSO
4 intends to accept or reject such a petition. All references to “notices” and “notification” in this section
5 need to be in writing, either as formal correspondence or email.

6
7 **5.1.1 Who may submit a Removal ccNSO Director Petition to the ccNSO Council?**

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

Commented [MOU13]: Delineate who may submit a petition. Should remain to be included? Or, alternatively, strike this sentence.

10
11 **5.1.2 Requirements ccNSO Director Removal Petition**

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

- 14
- 15 • Is in writing
 - 16 • Includes the affiliation of the person submitting the Petition and how the petitioner or affiliation is affected
 - 17 • Contains sufficient detail to verify facts; if verifiable facts are asserted
 - 18 • Supplies supporting evidence if available/applicable
 - 19 • Includes references to applicable bylaws and/or procedures if the assertion is that a
20 specific bylaw or procedure has been breached.

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

Commented [MOU14]: Check with ICANN Legal: what about snail-mail? What if send to ICANN Org head-office?

24
25 **5.2 ccNSO Director Removal Petition Period.**

26 Per ICANN Bylaws Annex D section 3.2 (b), the **ccNSO Director Removal Petition Period** shall start on
27 the date that the ccNSO Council has received the **ccNSO Director Removal Petition**, hereafter the
28 **ccNSO Director Removal Petition Date**. The **ccNSO Director Removal Petition Period** shall end 21 days
29 after the start of this period. at 11.59 Pacific Time⁶

30
31 [The **ccNSO Director Removal Petition Period** shall be extended only as foreseen under 5.2.2. (iv) below.]

Commented [MOU15]: Needs to be confirmed by ICANN legal

32 **5.2.1 Verification ccNSO Director Removal Petition-**

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

36
37 If the **Removal Process Manager**, together with the Chair and Vice-Chairs of the ccNSO,
38 unanimously determine that either:

- 39 3. the submitted documentation does not include one or more element(s) listed in section 5.1.2,
40 or
41

⁶ Pacific time is UTC – 7 or UTC - 8, depending on daylight savings regime.

- 1 4. the Director who is the subject of the **ccNSO Director Removal Petition** has previously been
2 subject to a ccNSO Director Removal Petition that led to a ccNSO Director Removal Community
3 Forum (as defined in Section 3.2(d) of Annex D of the Bylaws),
4 the Petition is deemed to be rejected by the ccNSO Council. The **Removal Process Manager** shall
5 inform the petitioner and the ccNSO Council accordingly.
6

7 **5.2.2 Actions by the Removal Process Manager, once a ccNSO Director Removal Petition**
8 **Period has started**
9

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

- 12 vii. Inform the ccNSO Council of receipt of a Removal Petition
13 viii. Inform the ccNSO Membership of receipt of a Removal Petition
14 ix. Instruct the secretariat to open the Board Removal section on the relevant web-page
15 and in the wikispace.
16 x. Invite the ccNSO Council, the Director subject to the **ccNSO Director Removal Petition**
17 and the Chair of the Board (or the Vice-Chair of the Board if the Chair is the affected
18 Director) to a dialogue with the Petitioners and the ccNSO's representative on
19 the EC Administration. This invitation has been extended upon reasonable notice and
20 accommodation to the affected Director's availability.
21 If the invitation is accepted by either the relevant Director or the Chair of the Board (or
22 the Vice-Chair of the Board if the Chair is the affected Director), the ccNSO Council shall
23 not decide upon the ccNSO Director Removal Petition until the dialogue has occurred or
24 there have been reasonable efforts to have the discussion. If, as a result, the dialogue is
25 scheduled on day 18 or later into the **ccNSO Director Removal Petition Period** the
26 ccNSO Council meeting where a decision has to be made upon the **ccNSO Director**
27 **Removal Petition** shall be scheduled two days after the day of the dialogue, not being a
28 public holiday. The **ccNSO Director Removal Petition Period** shall be extended
29 accordingly if needed.
30 xi. Propose dates for:
31 c. The ccNSO Council meeting to enter into a dialogue with the relevant Director,
32 the (Vice-)Chair of the Board and the ccNSO appointed representative on the
33 ECA, and the individual(s) who submitted the **ccNSO Director Removal Petition**
34 d. The ccNSO Council meeting where the ccNSO Council shall accept or reject the
35 petition, which shall be no later than one day before the end of the Period
36 (which will be the twentieth (20th) day of the Period unless extended)

37 **5.2.3 Rejection or Support ccNSO Director Removal Petition.**

38 During the **ccNSO Director Removal Petition Period**, the ccNSO Council shall decide to accept or
39 reject the **ccNSO Director Removal Petition**. The ccNSO Council shall meet either in person or
40 via teleconference, no later than one day before the end of **ccNSO Director Removal Petition**
41 **Period** (which - unless the period is extended per section 5.2.2 (iv) above - is the twentieth (20th)
42 day) to decide whether or not to accept or reject the Petition(s).
43

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

Commented [MOU16]: Does this imply that teh if the Chair of the Board and/or Affected board member is not available the petition period is extended?

Commented [DD17R16]: It should be more clear on that.

Commented [MOU18]: CAn this be included in this way?

- 1
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- 11
- 12
- 13
- 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.

14 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:

- 15
- 16
- 17
- 18
- 19
- 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.

20

21 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.

22

23

24

25

26 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.

27

28

29 **5.2.4 Communicating the decision to accept or reject the ccNSO Director Removal Decision.**

30 The **Removal Process Manager** shall:

- 31
- 32
- 33
- 34
- 35
3. 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.

36 Per the Bylaws⁷ the **ccNSO Director Removal Petition Notice** must include:

- 37
- 38
- 39
- 40
- 41
- (c) A supporting rationale in reasonable detail
 - (d) The contact information of the **Removal Process Manager**
 - (e) 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**

⁷ ICANN Bylaws, Annex D Section 3.2(c)(i)(A-D)

- 1 (f) A statement as to whether the ccNSO has determined to hold
2 the **ccNSO Director Removal Community Forum** during the next
3 scheduled ICANN public meeting.
4

5 If the EC Administration has not received the relevant **ccNSO Director Removal**
6 **Petition Notice** during the **ccNSO Director Removal Petition Period**,
7 the **ccNSO Director Removal Process** shall automatically be terminated with respect
8 to the applicable **ccNSO Director Removal Petition**
9

- 10 4. Additionally, the ccNSO's representative to the Empowered Community
11 Administration shall be informed of the decision reached by the ccNSO Council.
12
13 5. Inform the ccNSO Membership of the result of the ccNSO Council decision making
14 procedure on the ccNSO Director Removal Petition. The result shall be published
15 within 24 hours after the end of the (extended) **ccNSO Director Removal Petition**
16 **Period**. The ccNSO shall be informed accordingly by the ccNSO Secretariat on the
17 relevant ccNSO and ccTLD mailing lists, as well as on the ccNSO website and/or wiki.
18
19

20 **5.3 ccNSO appointed Director Removal Community Forum**

21 **5.3.1 ccNSO Director Removal Action Community Forum**

22 Any SO/AC Director Removal Action Community Forum, including the ccNSO Director Removal Action
23 Community Forum, shall be convened by ICANN at the direction of the ECA. The **ccNSO Director**
24 **Removal Action Community Forum** is the forum at which the Decisional Participants and interested
25 parties may discuss the **ccNSO Director Removal Petition Notice**
26

27 **5.3.2 ccNSO Director Removal Action Community Forum Period.** Unless the ccNSO Council has
28 requested the forum to be held in conjunction with an ICANN meeting, the ccNSO Director Removal
29 Action Community Forum Period shall start at the expiration of the **ccNSO Removal Petition Period** and
30 ending on the 21st day after the expiry of the **ccNSO Removal Petition Period** at 23:59 (Pacific Time).
31

32 If the **ccNSO Director Removal Action Community Forum** shall be held during the next
33 scheduled ICANN public meeting as requested by the ccNSO and on the date and at the time determined
34 by ICANN, and that public meeting is held after 11:59 p.m. (as calculated by local time at the location
35 of ICANN's principal office) on the 21st day after the expiration of the **ccNSO Removal Petition Period**,
36 the **ccNSO Director Removal Community Forum Period** shall expire on the official last day of
37 such ICANN public meeting at 11:59 p.m., local time of the city hosting such ICANN public meeting.
38

39 **5.3.3 Informing the community.** Following the ICANN announcement of convening the **ccNSO Director**
40 **Removal Action Community Forum**, the **Removal Process Manager** shall inform the ccTLD community
41 on the details of the Community Forum. Note that no individual from the ccNSO, nor the individual who
42 initiated the **ccNSO Director Removal Petition**, shall be permitted to participate in the management or
43 moderation of the **ccNSO Director Removal Community Forum**.
44

45 The **Removal Process Manager** shall – after consulting the Chair of the ccNSO - convene a ccNSO
46 Council meeting by the eighth (8th) day before the end of the **ccNSO Director Removal Action**

1 **Community Forum Period.** This meeting is intended to allow for a timely Council decision on the issue
2 identified in the **ccNSO Director Removal Petition**.

3 **5.3.4 Community Feedback.**

4 The **Removal Process Manager** will request the ccTLD community to provide input and / or feedback
5 from the ccTLD community on the **ccNSO Director Removal Community Forum**. The input and / or
6 feedback is required to be provided through the ccNSO Council to the Empowered Community
7 Administration. How the input and feedback from the community will be provided to the Empowered
8 Community Administration will be determined by the ccNSO Council before giving such feedback. For
9 example, the ccNSO Council could decide that the most appropriate manner will be a ccNSO Statement
10 according to the ccNSO Statement procedure.

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

15
16 **5.3.5 Results of Community Forum to be shared with ccNSO Council and ccNSO Membership.** To
17 ensure that the ccNSO Council and members are informed about the results of the community forum,
18 the **Removal Process Manager** will summarize the proceedings of the community forum and share
19 them on the list as soon as possible after the closure of the **ccNSO Director Removal Action Community**
20 **Forum Period**.

21 **5.3.6 Resolution of Issue during the Community Forum Period**

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

27
28 In making its decision, the ccNSO Council shall consider:

- 29 • the feed-back, views and input received from the ccNSO community and others regarding
- 30 **ccNSO Director Removal Petition**;
- 31 • Other factors deemed relevant by the ccNSO Council.
- 32
- 33

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

40
41 Once the decision has become effective, the **Removal Process Manager** shall notify the ECA, the other
42 Decisional Participants, and the ICANN Secretary of the decision by the ccNSO Council to agree that the
43 issue identified in the **ccNSO Director Removal Petition** has been resolved.

44
45

Commented [MOU19]: This is majority of Councillors (18 Councillors) and additional requirement of regional representation.

Commented [MOU20]: 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 [MOU21]: This effectively means that a large a supermajority to agree to stop the process.

1 **5.4 ccNSO Director Removal Comment Period**

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

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

12
13 After the closure of the **ccNSO Director Removal Comment Period**, the **Removal Process Manager** will
14 inform the Councillors and ccNSO Membership of the closure and will forward the (links to) the
15 comments and recommendations received, if any.

16
17 **5.5 ccNSO Director Removal Decision**

18 **5.5.1 Definition ccNSO Director Removal Decision Period.** The **ccNSO Director Removal Decision Period**
19 shall start at the end of the expiration of the **ccNSO Director Removal Comment Period** and close on
20 the twenty-first 21st day at 23.59 Pacific Time after the expiry of this period.

21
22 **5.5.2 Decisions During the ccNSO Director Removal Decision Period.** During the **ccNSO Director**
23 **Removal Decision Period**, the ccNSO shall decide whether or not the ccNSO supports
24 the **ccNSO Director Removal Petition**.

25 In taking its decision, the ccNSO Council shall consider:

- 26
- the feed-back, views and input received:
 - from the ccNSO Director who is subject of the **ccNSO Director Removal Petition** and
27 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.
- 33

34
35 The ccNSO Council decision whether to support or reject the **ccNSO Director Removal Petition** has to be
36 taken ultimately at the eleventh (11th) day at noon (12.00) UTC into the **ccNSO Director Removal**
37 **Decision Period**.

38
39 **5.5.2.1. Supermajority ccNSO Council Decision to support the ccNSO Director Removal**
40 **Petition.** The ccNSO Council decision to support the **ccNSO Director Removal Petition** must be
41 taken with a supermajority of 14 or more Councillors and at least one from each of the ICANN

1 Geographic Regions. The ccNSO Council decision shall be published on the ccNSO Website
2 immediately following the closure of the meeting and shall include an explanation of the
3 reasons as to why it has chosen to remove the ccNSO appointed Director.

4
5 The Decision becomes effective on the 20th day of the **ccNSO Director Removal Decision Period**
6 at 23.59 UTC unless by the 20th day into the **ccNSO Director Removal Decision Period, UNLESS**
7 at least 34 % of the ccNSO Members indicated not to support the decision of the ccNSO Council.
8 The Rules of the ccNSO do NOT apply to this decision of the ccNSO Council.

Commented [MOU22]: If 34 % of the membership does not support the petition it means that there is no supermajority amongst the members. Assuming that 66 % of the membership is considered a supermajority.

11 5.5.2.2 ccNSO Council Decision to reject the ccNSO Director Removal Petition

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

17
18 The Decision shall become effective on the 20th day of the **ccNSO Director Removal Decision**
19 **Period** at 23.59 UTC unless by the 20th day into the **ccNSO Director Removal Decision Period,**
20 **UNLESS** at least 67 % of the ccNSO Members indicate support for the **ccNSO Director Removal**
21 **Petition.** The Rules of the ccNSO do NOT apply to this decision of the ccNSO Council.

Commented [MOU23]: This is a supermajority of more than 2/3 of the membership who support the petition

23 5.5.2.3 No ccNSO Council Decision or if too late

24 If the ccNSO Council has not decided by the 11th day at noon (12.00) UTC into the **ccNSO**
25 **Director Removal Decision Period,** the ccNSO Council shall be deemed not to support the
26 **ccNSO Board Removal Petition.** The **Removal Process Manager** shall inform the community
27 accordingly by the 11th day at 23.59 UTC. If by the 20th day into **ccNSO Director Removal**
28 **Decision Period** at least 67% of the ccNSO Members indicate to support the **ccNSO Director**
29 **Removal Petition,** the **ccNSO Director Removal Petition** is deemed to be supported.

Commented [MOU24]: This needs to be discussed with the members! Principle decision. Possibly: run a webinar explain this and then circulate draft for comments.

30
31 **5.5.3 Lack of support removal decision.** If the ccNSO does not support the **ccNSO Director**
32 **Removal Petition** by the 20th day at 23.59 UTC into **ccNSO Director Removal Decision Period,**
33 the **ccNSO Director Removal Process** is closed from a ccNSO perspective. On the 21st day into
34 the **ccNSO Director Removal Decision Period** before 23.59 UTC, the **Removal Process Manager**
35 shall inform the ccNSO appointed Directors, the ccTLD community and the ECA accordingly.
36

37 5.6 ccNSO Director Removal Notice

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

43
44 The **Removal Process Manager** shall act on behalf of the ccNSO Council direct ICANN to post
45 concurrently with the **ccNSO Director Removal Notice** submission the ccNSO explanation as to why the
46 ccNSO has chosen to remove the affected Director.

1 **6. Board Recall Process**

2 [Placeholder for procedures relating to section 3.3 ANNEX D]
3 [procedures relating to section 3.1 ANNEX D]
4

5 In Section 6.1 decisions, actions, procedures and requirements concerning the ccNSO Procedures
6 Board Recall Petition and requirements to act are detailed.

7 In Section 6.2 the decisions, actions, procedures and requirements of the ccNSO (Council)
8 concerning the Board Recall Petition acceptance or rejection are described.

9 Section 6.3 describes the decisions, actions, procedures and requirements for the ccNSO to seek
10 support from other Decisional Participants for the Board Recall Petition

11 Section 6.4 describes the decisions, actions, procedures and requirements of the ccNSO (Council)
12 concerning the Board Recall Community Forum.

13 Section 6.5 describes the decisions, actions, procedures and requirements concerning Board Recall
14 decision. Although there are no specific procedural requirements or decisions required concerning
15 Board Recall Supported Petition, voluntary arrangements are included to streamline the process
16 and enhance transparency.

1 **Time table Board Recall Process**
2

Period	Starting event	Start date	Milestone	End date (days)	Total duration (days)	Doc. Section
Board Recall Petition Period	Date Receipt removal petition	Day 0	Council Decision to support/reject petition	21 st after receipt petition	21	6.1 & 6.2
Board Recall Petition Support Period	Support of Board Recall Petition	Day 22, 00.00 Pacific Time		7 Days after closure Director Removal Petition Period	28	6.3
Board Recall Community Forum Period	Supported Removal Petition	Day 28, 00.00 Pacific Time		21 Days after expiration Support Period OR end ICANN meeting	49 + X for extension to end-date ICANN meeting	6.4
Board Recall Decision Period	Expiration of Removal Community Period	Expiration of Removal Comment Period		20 Days	69 + X + Y Days	6.5
Closure of process	Removal or Termination Notice	69 + X + Y Days		1 Day	70	6.6

3

4 **6.1 Board Recall Petition.**

5 This section details the procedures to be followed in case of a Recall Petition. It covers who may submit
6 a Petition, how to submit a Petition to the ccNSO as a Decisional Participant, and how the ccNSO intends
7 to accept or reject such petition. All references to “notices” and “notification” in this section need to be
8 in writing, either as formal correspondence or email.
9

10 **6.1.1 Who may submit a Board Recall Petition to the ccNSO Council?**

11 The ccNSO will consider Board Recall Petition from:

- 12 - ccTLD Managers,
- 13 - individual(s) directly related to a ccTLD manager,
- 14 - ccNSO working groups or committees mandated to submit such a petition,
- 15 - Regional ccTLD organisations (as defined in section 10.5 of the ICANN Bylaws),
- 16 - the ccNSO Council.

17 **6.1.2 Requirements Board Recall Petition**

18 The ccNSO Council will only consider for acceptance a **Board Recall Petition** if the petition:

- 19 • Is in writing

20

Commented [BB25]: According to section 3.1 (a) the ccNSO may develop procedure re the NOMCOM Board member removal process. Question: may the ccNSO limit who could submit a petition of the ccNSO i.e set limits / requirements around “individual”?
“ Subject to the procedures and requirements developed by the applicable Decisional Participant, **an individual** may submit a petition to a Decisional Participant seeking to remove a (NOMCOM)Director”..

- Includes the affiliation of the person submitting the Petition and how the petitioner or affiliation is affected
- Include a rationale setting forth the reasons why the recall of the Board is sought
- Contains sufficient detail to verify facts; if verifiable facts are asserted
- Supplies supporting evidence if available/applicable
- Includes references to applicable by-laws and/or procedures if the assertion is that a specific by-law or procedure has been breached.

Commented [BB26]: See Annex D section 3.3 (a).

Finally, the **Board Recall 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 ccNSO secretariat are subscribed to the email address.

Commented [MOU27]: Check with ICANNI Legal: what about snail-mail? What if send to ICANN Org head-office?

6.1.3 Board Recall PETITIONED Decisional Participant The ccNSO is considered to be the **Board Recall PETITIONED Decisional Participant** once the ccNSO has received a **Board Recall Petition**

6.2 Board Recall Petition Period.

In accordance with ICANN Bylaws Annex D section 3.1 (b) the **Board Recall Petition Period** shall start on the date that the ccNSO Council has received the **Board Recall Petition**, hereafter the ccNSO **Director Removal Petition Date**. The **Board Recall Petition Period** shall end 21 days after the start of this period. at 11.59 Pacific Time⁸

6.2.1 Verification Board Recall Petition-

Within two business days following receipt of the **Board Recall Petition**, the **Removal Process Manager** together with the Chair and Vice-Chairs shall determine and advise Council whether all elements as listed in section 4.1.2 are included in the Petition.

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

1. the submitted documentation does not include one or more element(s) listed in section 4.1.2, or
2. the Board Recall Petition cannot be submitted solely on the basis of a matter decided by a Community IRP if (i) such Community IRP was initiated in connection with the Board's implementation of GAC Consensus Advice and (ii) the EC did not prevail in such Community IRP
3. **Does NOT include a rationale setting forth the reasons why the recall of the Board is sought** the Petition is deemed to be rejected by the ccNSO Council. The **Removal Process Manager**, shall inform the petitioner and the ccNSO Council accordingly.

Commented [BB28]: See Annex D section 3.3 (a)

Commented [BB29]: See Annex D section 3.3 (a). This is not about the substance of the rationale, but just the requirement to include a rationale.

6.2.2 Actions by the Removal Process Manager, once a Board Recall Petition Period has started

Within two business days of the start 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

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

- 1 iii. Instruct the secretariat to open the Board Removal section on the relevant web-page and
2 in the wikispace.
- 3 iv. Inform the other Decisional Participants of petition receiver, and possible NOMCOM Director
4 Removal Support Period, the period during which other Decisional Participant need to
5 decide, whether to support, reject or abstain from the **NOMCOM Director Removal**
6 **Petition**.
- 7 v. Propose dates for the ccNSO Council meeting where the ccNSO Council shall accept or
8 reject the petition, which shall be no later than one day before the end of the Period
9 (which will be the twentieth (20th) day of the Period).

Commented [BB30]: This is added to ensure that the other DPs are informed as timely as possible they need to take action/decision.
Note: for some DPs this may require ability to organize extraordinary meetings at short notice, outside regular schedule.
Note that the Board Recall Petition needs additional support from at least two other DPs (see: Annex D, section 3.3 (c) (i)).

6.2.3 Rejection or Support Board Recall Petition.

10 During the **Board Recall Petition Period**, the ccNSO Council shall decide to accept or reject the
11 **Board Recall Petition**. The ccNSO Council shall meet either in person or via tele-conference, no
12 later than one day before the end of **Board Recall Petition Period** (which - unless the period is
13 extended in accordance with section 4.2.2 (iv) above - is the twentieth (20th) day) to decide
14 whether or not to accept or reject the Petition(s).

15 The **Board Recall Petition** shall be deemed to be rejected, if one or more of the following
16 conditions applies as determined at the sole discretion of the ccNSO Council:

- 17 • If one or more of the requirements of the **Board Recall Petition** is/are not met at the
18 time of the Council meeting.
- 19 • If the ccNSO Council has not reached a decision on the **Board Recall Petition** one day
20 before the end of the **Board Recall Petition Period** at 23.59 Pacific Time.

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

- 23 • the feedback, views and input received from the ccTLD community, regarding the
24 **Board Recall Petition(s)**, if any;
- 25 • Remainder of the term of the appointed Director
- 26 • Other factors deemed relevant by the ccNSO Council.

27 The **Board Recall Petition Notice** shall include the rationale upon which the recall of the Board is
28 sought.

29 The decision to support the **Board Recall Petition** must be supported by at least 10 Councillors
30 and at least one from each of the ICANN Geographic Regions.

6.2.4 Communicating the decision to accept or reject the Board Recall Petition.

31 The **Removal Process Manager** shall:

- 32 1. Promptly, within 24 hours of the decision by the ccNSO Council to support **Board Recall**
33 **Petition** provide the **Board Recall Petition Notice** to the Empowered Community
34 Administration, the other Decisional Participants, and the ICANN Secretary.

35 The **Board Recall Petition Notice** must include:

- 36 a. The rationale upon which the removal of the Board is
37 sought.

1 b. The contact information of the **Removal Process Manager**

2
3 If the EC Administration has not received the relevant **Board Recall Petition Notice** during
4 the **ccNSO Director Removal Petition Period**, the **NOCOM Director Removal Process** shall
5 automatically be terminated with respect to the applicable **Board Recall Petition**
6

- 7 2. Inform the ccNSO membership of result of the ccNSO Council decision making procedure on
8 the **Board Recall Petition**. The result shall be published within 24 hours after the end of the
9 (extended) **Board Recall Petition Period**. The ccNSO shall be informed accordingly by the
10 ccNSO Secretariat on the relevant ccNSO and ccTLD mailing lists, as well as on the ccNSO
11 website and/or wiki.

12 **6.3 Support other Decisional Participants for the Board Recall Petition**

13 **6.3.1 Solicitation of Support from other Decisional Participants**

14 Immediately following the submission of the **Board Recall Petition Notice** to the Empowered
15 Community Administration and the other Decisional Participants, the **Removal Process Manager**, shall
16 contact the other Decisional Participants to invite them to support the **Board Recall Petition** supported
17 by the ccNSO Council.
18

19 All correspondence between the **Removal Process Manager** and other Decisional Participants, the
20 ICANN Secretary, and the Empowered Community Administration shall be posted on the ccNSO
21 website/or wiki space.
22

23 **6.3.2 Supported Board Recall Petition**

24 If the ccNSO receives the support for its **Board Recall Petition(s)** from at least **two (2)** other Decisional
25 Participant within seven (7) days after closure of the **Board Recall Petition Period**, the ccNSO initiated
26 **Board Recall Petition** shall be known as the **Board Recall Supported Petition**. Within twenty-four (24)
27 hours of receiving said support, the **Removal Process Manager** shall provide a written notice on behalf
28 of the ccNSO to the Empowered Community Administration, the other Decisional Participants, and the
29 ICANN Secretary of having received the required support.
30

31 Additionally, the **Removal Process Manager** will formally submit the **Board Recall Supported Petition** to
32 the:

- 33 - Empowered Community Administration,
- 34 - other Decisional Participants, and
- 35 - ICANN Secretary.

36 In accordance with Annex D Section 3.3 (c) (i) the **Board Recall Supported Petition** MUST include at a
37 minimum the following:

- 38 - The rationale upon which the recall of the Board is sought
- 39 - Contact details for the **Removal Process Manager**, and/or contact details of the **Board Recall**
40 **Supporting Decisional Participant**
- 41 - A statement whether the ccNSO and/or **Board Recall Supporting Decisional Participant**
42 requests that ICANN organize a publically available conference call prior to the **Board Recall**
43 **Community Forum** is requested,

Commented [BB31]: See Annex D section 3.3 (c) (i)

- 1 - A statement whether the ccNSO and the other **Board Recall Supporting Decisional Participant**
2 have determined to hold a **Board Recall Community Forum** during the **next**
3 **scheduled ICANN public meeting**.

Commented [BB32]: What does this imply in times of virtual meetings

6.3.3 No Support for ccNSO Board Recall Petition

6 If, at the end of the seventh (7th) day after conclusion of the **Board Recall Petition Period** **no other or**
7 **just one** other Decisional Participant has expressed its support for the ccNSO **Board Recall Petition**, the
8 Process ends. The **Removal Process Manager** shall notify the Empowered Community Administration of
9 the lack of support for the **Board Recall Petition**. Additionally, the **Removal Process Manager** shall
10 inform the ccNSO Council and ccTLD community that the **Board Recall Petition** cannot go forward due
11 to a lack of support from other Decisional Participants. The ccNSO Secretariat will publish this
12 information to the ccNSO and ccTLD Community mailing lists, as well as post it on the ccNSO
13 website/wiki.

6.4 Procedures with respect to Board Recall Community Forum

16 This section details the ccNSO procedures with respect to a **Board Recall Community Forum**. Unless
17 explicitly determined otherwise, the **Board Recall Community Forum Period** shall start when the **Board**
18 **Recall Support Period** (section 6.3 above) ends and closes after twenty-one (21) days, unless the ccNSO
19 and the Supporting Decision Participants through the **Board Recall Supported Petition Notice** requested
20 that the Forum will be held during the next scheduled ICANN Public meeting⁹.

6.4.1 Community Forum

22 Following the ICANN announcement to convene a **Board Recall Community Forum**, the **Removal**
23 **Process Manager** will inform the ccNSO community on the details of this Forum.
24 The ccNSO, via the **Removal Process Manager**, will participate in any **Board Recall Community Forum**
25 convened by ICANN.

Commented [BB33]: Note: According to section 3.3 (d) (iii) the Forum shall have at least one face-to-face meeting and may also be conducted via remote participation methods such as teleconference, web-based meeting room and/or such other form of remote participation as the EC Administration selects

6.4.2 ccNSO community input

28 The **Removal Process Manager** will request the ccTLD community to provide input and/or feedback on
29 the Supported Petition(s) to inform the **Board Recall Community Forum**. The manner in which the input
30 and feed-back will be requested from the community and then provided to the ECA will be determined
31 by the ccNSO Council prior to requesting the ccNSO community to provide their feed-back and input.
32 The ccNSO Council is advised to discuss how the ccNSO community should provide input and feed-back
33 at its meeting to decide to support a **Board Recall Petition** (section 6.3 above) or request to support
34 Board Recall Petition already supported by other DP (section 7 below).

6.5 Alternative 1: Final Decision Board Recall Supported Petition

6.5.1 Council meeting

38 Following the ICANN announcement to convene a **Board Recall Community Forum**, the Chair of the
39 ccNSO Council shall schedule a Council meeting for final decision making on the **Board Recall Supported**
40 **Petition(s)**.

⁹ ICANN Bylaws, Annex D, section 3.3 (d) (ii)

1 This ccNSO Council meeting should be scheduled by (no later than) the eleventh (11th) day of the **Board**
2 **Recall Supported Petition Decision Period**, which directly follows the Community Forum Period.

3
4 **6.5.2 The ccNSO Decision**

5 No later than on the eleventh (11th) day at 23.59 UTC of the Decision Period, the ccNSO Council must
6 have decided whether to:

- 7 ● Support the **Board Recall Supported Petition** (and thereby support the removal of the Board),
- 8 ● Object to the **Board Recall Supported Petition**, or
- 9 ● Abstain from the matter. Abstention will not count as support or objection to a **Board Recall**
10 **Supported Petition**.

11 In taking its decision, the ccNSO Council shall consider:

- 12 ● the feed-back, views and input received from the ccNSO Community regarding the **Board Recall**
13 **Supported Petition**;
- 14 ● the importance of the matter for the ccNSO Community and other factors deemed relevant by
15 the ccNSO Council.

16 The ccNSO Council decision to support the **Board Recall Supported Petition** has to be taken with a
17 super-majority of 14 votes and one from each of the Geographic Regions.

18
19 The ccNSO Council decision to reject the **Board Recall Supported Petition** has to be taken by a simple
20 majority of the votes cast rejecting the Petition at a quorate ccNSO Council meeting.

21
22 In all other cases the ccNSO Council is deemed to have abstained¹⁰.

23
24 This ccNSO Council decision to support or reject a **Board Recall Supported Petition** is subject to Rules of
25 the ccNSO. The ccNSO Council decision shall be published on the ccNSO website/wiki directly following
26 the meeting and the ccNSO community shall be informed about the decision by the **Removal Process**
27 **Manager**.

Commented [BB34]: Note the difference

28
29 If the ccNSO Council decision is not effective by the 20th day at 23.59 Pacific Time of the **Board Recall**
30 **Supported Petition Decision Period** (as defined in the ICANN Bylaws), the ccNSO is deemed to have
31 abstained from the matter.

¹⁰ To make this work the first question has to be who supports the Petitions, if threshold is not met, second question needs to be who rejects the petitions, if none of these positions meet the required thresholds, the ccNSO is deemed to have abstained. The kind of ccNSO decision - support, reject or abstain - is relevant to determine the overall level of support for a NOMCOM Director Removal Supported Petition, see Annex D section [Section 3.1\(g\)](#).

1 **6.5 Alternative 2: Board Removal Decision**

2 **6.5.1 Definition Board Recall Decision Period.** The **Board Recall Decision Period** shall start at
3 the end of the expiration of the **Board Recall Community Forum Period** and close on the
4 twenty-first 21st day at 23.59 Pacific Time after the expiry of this period.

5
6 **6.5.2 Decisions During the Board Recall Decision Period.** During the **Board Removal Decision**
7 **Period**, the ccNSO shall decide whether or not the ccNSO supports the **Board Removal**
8 **Supported Petition**.

9 In taking its decision, the ccNSO Council shall consider:

- 10
- the feed-back, views and input received:
 - The Petitioner, if any
 - the ccNSO and broader ccTLD Community, if any
 - during the **Board Removal Community Forum**
 - From the Board, if any
 - Other factors deemed relevant by the ccNSO Council.
- 11
12
13
14
15

16 The ccNSO Council decision whether to support or reject the **Board Recall Supported Petition**
17 has to be taken ultimately at the eleventh (11th) day at noon (12.00) UTC into the **Board Recall**
18 **Decision Period**.

19 The ccNSO Council decision shall be published on the ccNSO Website immediately following the
20 closure of the meeting and shall include an explanation of its decision.

21
22
23 The Rules of the ccNSO do NOT apply to any of the decisions of the ccNSO Council during the
24 **Board Recall Decision Period**.

25
26
27 **6.5.2.1. Supermajority ccNSO Council Decision to support the Board Recall Supported**
28 **Petition.** The ccNSO Council decision to support the **Board Recall Supported Petition**
29 must be taken with a supermajority of 14 or more Councillors and at least one from
30 each of the ICANN Geographic Regions.

31
32 The Decision becomes effective on the 20th day of the **ccNSO Director Removal Decision**
33 **Period** at 23.59, UTC. **UNLESS** by the 20th day into the **Board Recall Decision Period** at
34 least 34 % of the ccNSO Members indicated not to support the decision of the ccNSO
35 Council. The Rules of the ccNSO do NOT apply to this decision of the ccNSO Council.

Commented [MOU35]: If 34 % of the membership does not support the petition it means that there is no supermajority amongst the members. Assuming that 66 % of the membership is considered a supermajority.

36
37
38 **6.5.2.2 ccNSO Decision to reject the Board Recall Supported Petition**

39
40 If the ccNSO Council does not support the **Board Recall Supported Petition (i.e., there is**
41 **no supermajority to support the Petition)**, the Decision shall become effective on the
42 20th day of the **Board Recall Decision Period** at 23.59 UTC **UNLESS** by the 20th day into
43 the **ccNSO Director Removal Decision Period** at least 67 % of the ccNSO Members
44 indicate to support the **Board Recall Supported Petition**.

Commented [MOU36]: This is a supermajority of more than 2/3 of the membership who support the petition

45
46 **6.5.2.3 No ccNSO Decision or too late**

1 If the ccNSO Council has not decided by the 11th day at noon (12.00) UTC into the **ccNSO**
2 **Director Removal Decision Period**, the ccNSO Council shall be deemed not to support
3 the **ccNSO Board Removal Petition**. The **Removal Process Manager** shall inform the
4 community accordingly by the 11th day at 23.59 UTC. If by the 20th day into **ccNSO**
5 **Director Removal Decision Period** at least 67% of the ccNSO Members indicate to
6 support the **ccNSO Director Removal Petition**, the **ccNSO Director Removal Petition** is
7 deemed to be supported.

Commented [MOU37]: This need to be discussed with the members ! Principle decision. Possibly: run a webinar explain this and then circulate draft for comments.

10 **6.6 Board Recall Notice**

11 As soon as the ccNSO Council's decision has become effective, and prior to 21st day, 23:59 Pacific Time
12 (the local time of the LA office of ICANN) the **Removal Process Manager** MUST have conveyed a notice
13 to the Empowered Community Administration and the ICANN Secretary whether the ccNSO supports,
14 rejects or abstains from the **Board Recall Supported Petition**. This notice shall be published on the
15 relevant ccNSO and ccTLD mailing lists, as well as the ccNSO website/wiki.

16
17 In the event that the ccNSO Council has been deemed to have abstained (i.e. has not taken a timely
18 decision according to section), the **Removal Process Manager** shall inform the Empowered Community
19 Administration and the ICANN Secretary accordingly within the timeline mentioned in this section. This
20 notification shall be published on the relevant ccNSO and ccTLD mailing lists, as well as on the ccNSO
21 website/wiki.
22
23

1 **7. ccNSO Procedures to support other Decisional Participants Board Removal**
2 **Petitions**

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3 In section 7.1 the preparatory actions are described i.e those actions of the ccNSO which are taken prior
4 to the formal request from another Decisional Participant to support their Removal or Recall petitions
5

6 The ccNSO decisions whether to support the removal or recall petition from other Decisional Participants
7 are described in section 7.2.
8

9 The follow-up actions, if any, are described in section 7.3 and 7.4.
10

11 **7.1 Actions prior to the ccNSO Nominating Committee Director Removal Petition Support Period or**
12 **ccNSO Board Recall Petition Support Period.**

13 The ccNSO Nominating Committee Director Removal Petition Support Period or ccNSO Board Recall
14 Petition Support Period is defined as the period beginning upon the expiration of the **NOMCOM**
15 **Director Petition Period or Board Recall Petition Period** as defined in Annex D of the ICANN Bylaws) and
16 ending at 11:59 p.m. Pacific Time Zone (the local time of the ICANN Office in LA, California, USA).
17

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18 **7.1.1 Alert ccNSO Council and ccNSO membership. Alternative A.** As soon as the **Removal Process**
19 **Manager** is aware that another Decisional Participant has received a NOMCOM Director Removal
20 Petition or Board Recall Petition(s), she or he will notice the Council and ccNSO Membership of the
21 launch of such a process and take all actions necessary to allow decision-making by the ccNSO. In the
22 notification the Removal Process Manager, will tentatively include a suggested date for a Council
23 meeting for decision to support-making by the ccNSO Council and other information deemed relevant.
24

25 7.1.1 Alert ccNSO Council and ccNSO membership. Alternative B. As soon as the Removal Process
26 Manager has been informed by another Decisional Participant that his Decisional Participant has received
27 and is considering a Board Removal Petition or NOMCOM Director Petitionis,the Removal Process
28 Manager shall notice the Council and ccNSO Membership of the launch of such a process and take all
29 actions necessary to allow decision-making by the ccNSO. In the notification the Removal Porcess
30 Manager, will tentatively include a suggested date for a Council meeting for decision to support-making
31 by the ccNSO Council and other information deemed relevant.
32

33 If the ccNSO through the Removal Process Manager has not received such a notification from the
34 Decisional Participant that has received the Removal or Recall Petition by the 11th day into NOMCOM
35 Director Petition Period or Board Recall Petition Period as defined in Annex D of the ICANN Bylaws, the
36 ccNSO shall be deemed to reject the DP's NOMCOM Director Removal or DP's Board Recall Petition.
37

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38 The relevant Decision Participant may request the ccNSO Council to accept the alert notification (i.e
39 waive the need to inform the Removal Porcess Manager timely) if under the circumstances of the case it
40 would be unreasonable to maintain this deadline.
41

42 **7.2 ccNSO Decision to Support DP's NOMCOM Director Removal Petition or DP's Board Recall Petition**
43 The DP's NOMCOM Director Removal Petition or DP's Board Recall Petition is defined as the NOMCOM
44 Director Removal Petition or Board Recall Petition that is submitted to the ccNSO by another Decisional
45 Participant to seek support from the ccNSO.
46

Deleted: NOMCOM Director Removal or Board Recall
Petition ...

1 Immediately following the submission of the **NOMCOM Director Removal Petition Notice** or **Board**
2 **Recall Petition Notice** by another Decisional Participants, the **Removal Process Manager** shall request
3 the ccNSO Council to formally to decide whether to support the DP's **NOMCOM Director Removal**
4 **Petition** or **DP's Board Recall Petition**. This Decision has to be taken by the 6th day at 23.59 UTC into the
5 **ccNSO Nominating Committee Director Removal Petition Support Period** or **ccNSO Board Recall**
6 **Petition Support Period**.

Deleted: from

7
8
9 The DP's **NOMCOM Director Removal** or **DP's Board Recall Petition** shall be deemed to be rejected, if
10 one or more of the following conditions applies as determined at the sole discretion of the ccNSO Council:

- 11 • If, according to the ccNSO Council, one or more of the requirements of the **NOMCOM Director**
12 **Removal Petition** or **Board Recall Petition** is/are not met at the start of the **ccNSO Nominating**
13 **Committee Director Removal Petition Support Period** or **ccNSO Board Recall Petition Support Period**
14 (see section 4.2 or 6.2 above).
- 15 • If the alert notification from the Decisional Participant that has received the Board Recall Petition
16 or NOMCOM Director Removal Petition is not received or received too late (section 7.1 above) and
17 this requirement is not waved by the ccNSO Council.
- 18 • If the decision has not been taken by the 6th day at 23.59 Pacific Time Zone, the ccNSO is deemed to
19 have rejected the DP's **NOMCOM Director Removal Petition** or **DP's Board Recall Petition**.

Commented [BB38]: Note this would allow the ccNSO Council to convene at 23.59 UTC and take a decision before 23.59 PST.

20
21 At its meeting, the ccNSO Council shall decide whether to support or reject the **DP's NOMCOM Director**
22 **Removal Petition(s)** or **DP's Board Recall Petition(s)**. In taking its decision, the ccNSO Council shall
23 consider:

- 24 • the feedback, views and input received from the ccTLD community, regarding the **DP's**
25 **NOMCOM Director Removal** or **DP's Board Recall Petition(s)**, if any;
- 26 • Remainder of the term of the appointed Director, if relevant
- 27 • Other factors deemed relevant by the ccNSO Council.

28
29 The decision to support the **DP's NOMCOM Director Removal** or **DP's Board Recall Petition(s)** MUST be
30 supported by at least 10 Councillors and at least one from each of the ICANN Geographic Regions. This
31 decision is NOT subject to the Rules of the ccNSO.

32
33 If the ccNSO Council decides to support the **DP's NOMCOM Director Removal Petition** or **DP's Board**
34 **Recall Petition**, it also has to decide upon:

- 35 - The rationale upon which the removal of the NOMCOM Director or recall of the Board is sought
- 36 - A statement whether the ccNSO requests that ICANN organize a publically available conference
37 call prior to the **Board Recall Community Forum** is requested,
- 38 - A statement whether the ccNSO and prefers to hold a **NOMCOM Director Removal**
39 **Community Forum** or **Board Recall Community Forum** during the next
40 scheduled ICANN public meeting.

Commented [BB39]: What does this imply in times of virtual meetings

41
42 7.3 Within twenty-four (24) hours of the ccNSO Council decision to support or reject a **DP's NOMCOM**
43 **Director Removal** or **DP's Board Recall Petition(s)**, the **Removal Process Manager** shall provide a
44 written notice on behalf of the ccNSO to the Empowered Community Administration, the other
45 Decisional Participants, and the ICANN Secretary whether the ccNSO support the **DP's NOMCOM**
46 **Director Removal** or **DP's Board Recall Petition(s)**.

- 1 This notification MUST include at a minimum the following:
- 2 - The supporting rationale upon which the NOMCOM Director removal or recall of the Board is
 - 3 sought

 - 4 - Contact details for the **Removal Process Manager**, who shall act the liaison with respect to
 - 5 the supported petition. t he other Deciosnal Paricpants and and/or contact details of the **Board**
 - 6 **Recall Supporting Decisional Participant**

 - 7 - A statement whether the ccNSO requests that ICANN organize a publically available conference
 - 8 call prior to the **NOMCOM Director Removal** or **Board Recall Community Forum**,

 - 9 - A statement whether the ccNSO determines to hold a **Board Recall Community Forum** during
 - 10 the next scheduled ICANN public meeting.
 - 11

Commented [BB40]: What does this imply in times of virtual meetings

12 7.4 Once a DP NOMCOM Director Removal Petion or Board Recall Petion has become a **NOMCOM**

13 **Director Removal Supported Petition** or **Board Recall Supported Petition**, sections 4.4, 4.5 and 4.6 and

14 6.4, 6.5 and 6.6 apply accordingly.

15 8. Miscellaneous

16 8.1 ccNSO Internal Guideline

17 This Guideline is an internal rule of the ccNSO per Article 10 section 3.11 and Article 10, section 4.2 of the

18 ICANN Bylaws.

19

20 8.2 Omission in or Unreasonable Impact of the Guideline

21 In the event the Guideline does not provide guidance and/or the impact is unreasonable to conduct the

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

23

Commented [MD41]: Maybe add here 'except to the extent the applicable bylaws rrequire otherwise' or something like that.

24 8.3 Publication and Review of the Guideline

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

26 ccNSO Council.

27 The Guideline will be reviewed every 2 years at the time of review of the annual Work plan, or adjusted

28 when considered necessary. To become effective, the updated Guideline must be adopted by the ccNSO

29 Council and published on the ccNSO website.

30 Before publishing the updated Guideline, the Secretariat will adjust the version number and insert the

31 date the Guideline was reviewed and adopted by the ccNSO Council

32

33

1 **Observations:**

- 2 1. Guideline needs to be checked by ICANN legal, due to impact
3 2. Dependency on ICANN services, i.e. third party services in general, This is an issue given the deadlines
4 and their consequences: What if a deadline is missed due to technical problems?
5
6 3. Question: The Bylaws are construed around the ICANN in-person meetings. How does the virtuality of
7 meeting impact the Bylaw set dates: example under this Guideline (and Annex D of the Bylaws) Section
8 5.3.2: 5.3.2 ccNSO Director Removal Action Community Forum Period. Unless the ccNSO Council has
9 requested the forum to be held in conjunction with an ICANN meeting,
10 See also Annex D, Section 3.2.(d) (ii): *the SO/AC Director Removal Community Forum be held during the*
11 *next scheduled ICANN public meeting, in which case the SO/AC Director Removal Community Forum shall*
12 *be held during the next scheduled ICANN public meeting on the date and at the time determined*
13 *by ICANN*

14
15 **Final Decision by the ccNSO on Removal Petition**

16 Need to strike a balance decision making by the Council and role of the Members. Note that due to
17 timelines and a limited number of members who can ask for a vote, the Rules can not apply. See also
18 Footnote and Section 10.3 (k) of the Bylaws.
19