YVETTE GUIGNEAUX: Greetings, everyone. Welcome to the NomCom Review Implementation Working Group meeting #87 on September 23, 2021 at 19:00 UTC.

Joining from the Review Working Group today, we have Tom and Cheryl. And joining from the ICANN staff, today we have Kristy, Betsy, Jia, Teresa, and Yvette Guigneaux, myself. We also have a couple of apologies from Vanda Scartezini and Michael Graham.

We'd like to also remind everyone that the call is being recorded so please state your name. And we have Tracy Hacksaw now joining the room as well. The call is being recorded. Please state your name for the record and the transcript clearly so we can identify what you're speaking about.

Okay. I think that about does it for me. So I will get the agenda on screen and I'll turn it over to Tom.

TOM BARRETT: Thanks, Yvette. Welcome, everyone. The agenda today is to go over the Recommendation 23, which has to do with candidate pool metrics, discuss some outstanding charter questions, and an update regarding the recent OEC meeting about Recommendation 10, and then talk about a timeline for the rest of the year. So shall we jump right into Recommendation 23? Am I handing this off to you, Kristy?

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

KRISTY BUCKLEY:	Actually, Teresa and Jia, they can speak to the advice that they developed on this in terms of what they're already doing. So Teresa or Jia.
TERESA ELIAS:	Hi there. So, Tom, looking at Recommendation 23—can we go to the next slide please? It specifically asks for data regarding what source of communication is derived or used in order to attract the candidates or do you have the applications come from. And so this is an example from 2019, and this was broken down just a very high level of where the applications resulted from. And you'll see how this is broken down. Can we go to the next slide, please?
	In order to meet the actual recommendation, this is our sort of proposal for the 2021 data source. Again, we've broken it down and we don't have complete numbers yet, so that's why you're not seeing actual numbers. This is what will be the actual completed applications broken down by source. Can we have the next slide, please?
	Then responding to how many of those sources, we will have a slide that shows the total that actually made it to the deep dive and where they came from. Next slide, please.
	Then this will show the total virtual Board candidate interviews and where they were sourced from. Next slide.
	Then the number of total selectees and where they were sourced from. So we've gone down quite a few layers. I think there is one more slide after that, Yvette? No. So can we go back, Yvette? Okay, thank you.

So what we've done is in order to meet the requirements of the recommendation, we've sort of broken down the levels to see where you could see where the applicants are actually sourced from. The data points that the Recommendation 23 called for was the summary of total applications, where they were sourced that made it to the deep dive shortlist, the selected interviews, and then the actual selectees and where they were sourced from.

TOM BARRETT: Thanks, Teresa. So I think this good. I thought this recommendation was more broader than just a communication source. Maybe it would help if we could bring up the recommendation. It might help jog my memory. I think that the motivation behind this recommendation was some statements actually from the Board that it would be helpful to see more metrics about the type of candidates that were applying for the positions.

I know every year the NomCom publishes some metrics. They talked about gender diversity, for example, and geographic diversity. We haven't talked about those two particular items, for example. But I think the idea is you start from your big pool. Although we have the communication source but the gender distribution and the geographic distribution, but then as they go through each of the checkpoints and we get into a smaller list or shortlist, we keep maintaining the metrics across several measurements, I guess. Am I misremembering? Yes. So the NomCom should publish additional data on the candidate pool and the recruiting source of candidates. I think it wasn't limited to recruiting source.

TERESA ELIAS: There is not a mention of metrics in the actual recommendation. The recommendation calls for data. It does not call for a metrics. Those are two completely different things.

TOM BARRETT: Okay, interesting. So how would you distinguish the two, just for my edification? What's the difference between a metric and a data—

TERESA ELIAS: Your metric is a measurement. So the recommendation is not asking for a measurement. It's asking for information on where the candidates are actually being sourced from.

TOM BARRETT: Okay. Then it talks about additional data on the candidate pool and the recruiting source of candidates. So my impression is we were talking about more than—maybe metrics is the wrong word. But I thought we were talking about more than recruiting sources for this recommendation. And if you look at the implementation steps, step three, consult with the wider ICANN community on what additional non-confidential, non-identifiable data points should be collected and published. I guess the implication to me was that that was going to be more than just sources. Am I misreading these steps?

KRISTY BUCKLEY: Perhaps. We actually did go back to the final report here just to make sure that we understood what the Independent Examiner was looking for. Do you want to share my screen just so we can take a look at that?

TOM BARRETT: Absolutely. It's been so long. I could be misremembering.

KRISTY BUCKLEY: Can you all see this? Can you see the report?

TOM BARRETT: Yes, we can.

KRISTY BUCKLEY: Okay. So it talks about a cross-reference of many of the recommendations are designed to increase transparency and accountability. It references the examples there. And then it says, "In addition to those recommendations, we recommend increasing the information provided on the candidate pool by including the recruiting source of candidates." And then it gives some examples like did it come from a recruiter or social media, and that this data should be codified as a practice going forward in terms of collecting that. It seems like when we checked in with NomCom support staff that they do already collect this data. So that's part of what they were showing there in those slides. And then they sort of further recommend that documenting and publishing how candidates fared from each of those sources, right? So where the social media candidates tend to go all the way to the end and

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get through the final interview stage or did it come through advertisement or reference, so getting more intel about where the successful candidates are coming from is what this other paragraph is about.

TOM BARRETT: It sounds like ICANN staff are comfortable in only addressing the recruiting source of candidates for this additional data. I guess there's no other ideas that were generated for additional data that we should collect or publish.

KRISTY BUCKLEY: Our goal was to meet the recommendation as it was written and approved by the Board.

TOM BARRETT: Okay.

CHERYL LANGDON-ORR: Tom, Cheryl here.

TOM BARRETT: Hi, Cheryl.

CHERYL LANGDON-ORR: Thanks. For the purpose of this exercise, I think, let's stick to what is just required out of Recommendation 23. I'd like to say that to all

recommendations, that doesn't mean that going forward as part of data transparency, etc. that the more granular or more detail, and indeed, sometimes more responsive, non-personally identifiable information, may also be source of public. But for the purpose of our exercise, I think this should do. Thanks.

TOM BARRETT: Thanks, Cheryl. I'll catch up. Is there anything in the chat? Something about metrics. All right. I won't belabor the point. This says this recommendation has two parts. It says publish additional data on the candidate pool and recruiting source. In my mind, those are two additional pieces of information they want us to publish. We all sound like we want to just declare victory on this and say that we interpreted this to just mean recruiting source and not additional data on the candidate pool.

CHERYL LANGDON-ORR: Tom, again it's Cheryl. I think at this stage where I'd be bringing down my hammer—and I don't want to belabor the point either—but it does not mean that other data cannot or could not be collected. It also, I think, is going to be something that the Standing Committee get the finger on the pulse of, particularly because I think to some extent, the benefit of the transparency aspect of all of this was in some ways meant to harmonize what year in and year out be slight variability of what data is reported on and to what degree of granularity data is reported on. So, we may in fact end up moving towards a more predictable depth of

metrics in the reporting of NomCom going forward. That's just worthy of giving an eye view. Thanks.

TOM BARRETT: All right. Thanks, Cheryl. Kristy?

KRISTY BUCKLEY: Thanks, Tom. I just want to reflect this. This is a conversation that we also had internally when we were preparing the slides in collaboration with the NomCom support staff. It was like, "What is the difference between metrics and data? What do they really look for here in the final report?" One of the things that we observed is that data is just that. It's just information. And right now, that's kind of all we have collected, and of course, you can expand the type of information that you collect. But the metrics I think, as Jay mentioned in the chat, are really more like a KPI or what you're aiming for, right? So in maybe two to three years, you can then have enough data collected to say, "Okay, well, most of our successful candidates are coming from social media." We really would like to strive for getting more successful candidates from a diversity of sources. And so here's how we're going to try to reach that target. And then you can look back to see if you've met that metric. But that's something that usually needs a few years of data collection in order to set that and determine it, that that helps to clarify.

TOM BARRETT: Thanks, Kristy. Yeah, I'm fine with this approach. As I mentioned earlier, we have these different milestones where the number of the candidate

pool gets reduced. This does refer to how the distribution as we reduce the candidate pool, I guess we want to publish those steps as well. So we have an idea, for example, once we get to the shortlist again, the source of those candidates, were they all from the recruiter or from ICANN website, etc. You probably have that in your template. I just want to make sure that was being captured, too.

TERESA ELIAS: Yes. I don't know if you can go back to the slides, Yvette. And if you can just go one slide up. So, Tom, if you'll look, this is the total selected nominees. This will have the breakdown of where those nominees came from.

TOM BARRETT: Is it just the one slide, Teresa, the template?

TERESA ELIAS: Well, no. If you go back up a couple of slides. One more I think.

TOM BARRETT: That's a good example.

TERESA ELIAS: For example, total completed applications. This is just completed applications. This is not selectees. These are not confirmed selectees. These are just the applications. This will show where the completed applications came from.

On the next slide—can you go one more slide? Thank you, Yvette. This will show where the shortlisted candidates came from for the deep dive.

TOM BARRETT: Okay. Yeah.

TERESA ELIAS: Then on the next one, this will be just for the Board candidates and where the Board candidates came from. This will be the shortlisted Board candidates.

TOM BARRETT: Okay. All right. So this is at the shortlist phase.

TERESA ELIAS: And then the next slide. This is the total selected nominees and that'll show where they came from.

TOM BARRETT: All right. Yes. So I'm fine. Any other thoughts or comments on this recommendation? All right, excellent. Are we done with this recommendation?

KRISTY BUCKLEY: Tom, this is Kristy. I believe so. I'm just pulling up our trusty spreadsheet that tells us everything. Yeah. So it says that we were going to basically

show this template to say how NomCom staff could be reporting on this per the recommendation in order to both collect and publish that data in terms of the source of candidates. So this is what they're proposing and if that's deemed acceptable by the RIWG then I think it can be something that maybe be put into practice going forward. And again, a role of the Standing Committee to oversee the continuous improvement of this is something that we've noted in the spreadsheet as well.

TOM BARRETT: Excellent. Yeah. So good job on this. I think we can declare this recommendation closed. Should we go to the next agenda item? Outstanding charter questions for the working group?

KRISTY BUCKLEY: Just a couple of really minor, I think, questions that were in the latest version of the Standing Committee charter. Before I jump into those, maybe just to let everyone know that we have made some additional modifications to that pending after the conversation that we had with Sam on the decision process. Also there were some gaps there in terms of filling vacancies and just trying to make the whole thing more consistent. So we looked at some other examples across the ICANN community and provided those in the current version that Sam is now reviewing. But in that there were a couple of questions of just clarification that we wanted to check with the working group to see if there was any discussion or guidance on how to help clean those up and get to language that everyone's comfortable with.

So the first question here that you can see on the screen, you can see I've just pulled it out of the current version of the charter. So this is around Section 5, Standing Committee engagement with bodies that appoint delegates to the NomCom. And you can see what is currently written here in the second bullet point which says supporting the process. It originally said, "Ensure a process is followed." But we suggested with guidance from Sam to just soften that a little bit in terms of the accountability that the Standing Committee would have over and kind of an oversight role which Legal expressed some concerns about previously. So we changed that to supporting the process for replacing a new delegate to serve the remainder of the term. But even that, I think we wanted to just check in on what was the intent with this piece so that we can also clarify the term supporting. Like, what would the Standing Committee be doing in terms of supporting that process? And maybe there's a finer point that we could put on here for the benefit of the future Standing Committee that looks at this and is trying to figure out, what are we supposed to do when we're supporting the process here? So any thoughts on that and how we can maybe make that a little bit clearer in the language?

TOM BARRETT: Thanks, Kristy. I guess I would have to defer to someone who's familiar to Work Stream 2 recommendations in terms of the diversity needs of the NomCom. Obviously, we have a recommendation saying that we don't need to change the diversity. So this kind of implies that Work Stream 2 has some recommendations that we need to be mindful of. I don't know what those are, if anyone else does.

CHERYL LANGDON-ORR: Tom, Cheryl here.

TOM BARRETT: Go ahead, Cheryl.

CHERYL LANGDON-ORR: Thanks. Work Stream 2 recommendations, in particular, have a set of very general terms that we picked up in things like diversity, etc. I have access to a document that is a working document on to what degree and what the synthesis—not the synthesis but the minimal outline of each of the Work Stream 2 recommendations are, I can get into our discussion if needs be. But my connection dropped and had to reconnect. Can you tell me, was the question specific just to an aspect of Work Stream 2 here or was it only the diversity? Because if it's only the diversity, then it's a matter of looking at just as with any other AC or SO, we defined eight different categories of diversity within the context of [inaudible] it was deemed to be important in the Work Stream 2 activities and it is up to each in the main case AC and SO, but in our case, Nominating Committee, to establish what the specific priorities were within that diversity. For example, it may be difficult for gender equity to be reflected in a particular technical community or it may be difficult to have appropriate equitable distribution of economic development zones represented in another particular sector. So there was no hard coding in the Work Stream 2, that there was a recognition that has greater diversity as is possible and practical calling on those eight different categories with desirable—

TOM BARRETT: Yeah, I hope so. I think we're losing you a bit, Cheryl.

YVETTE GUIGNEAUX: Hey, Cheryl, we're losing you a bit. I'll go ahead and I'll dial you out.

TOM BARRETT: All right. I do want to thank Betsy who put something into the chat which gives Work Stream 2 diversity categories which are geographic, regional, language, gender, age, physical disability, diverse skills. Hey, Cheryl. So I was just pointing out, Cheryl, that Betsy did put the categories into the chat. Now this particular question has to do with the bodies that appoint delegates to the NomCom. So these are not receiving bodies but they're sending bodies. And so I guess the role that I would see with the Standing Committee here is obviously there's no requirement, for example, on the NomCom for gender diversity. It doesn't exist. But Standing Committee perhaps could notice we don't seem to be sending diverse members. I'll pick on one of my constituencies or the IPC or the contracted parties. Let's say they always send females every year or always send males every year. There could be a suggestion to them saying, "Why don't you start alternating what gender you said every year so that we have some more balance to the overall NomCom?" I'm just making that up. Gender is just one example. But my sense is that the role here for the Standing Committee is to note if the composition of the NomCom members seems to be missing one of these categories from Work Stream 2. I saw some hands going up and down. Anyone have thoughts on that?

LARISA GURNICK:	Tom, this is Larisa. I guess I am trying to also understand your points in your discussion, which is helpful. But I believe the question from Kristy was a little more narrowly focused and really kind of reacting to that second bullet point that says supporting the process for replacing a new delegate to serve. So in other words, in regards to not so much the determination of diversity, but it seems like if there is a need to replace a delegate for the remainder of the term due to vacancy or non-performance, what would that supporting the process look like?
TOM BARRETT:	Right. So it kind of gets back to—again, for some reason, the diversity is mentioned. Maybe that's a red herring. But the question is, if the vacancy was being vacated by someone from a particular geographic area, should we suggest that the sending body replace them with a person from that same geographic area? And again, anyone can do that but I guess that's what this is referring to. What kind of guidance should the sending bodies have in terms of how they go about replacing or filling a vacancy? Am I reading too much into the diversity issue?
JAY SUDOWSKI:	Hey, Tom, this is Jay.
TOM BARRETT:	Hey, Jay.

JAY SUDOWSKI: I think the Standing Committee probably could advise whatever sending body whatever they wanted. I think the reality, though, is that being on the NomCom isn't necessarily the hottest ticket in town to begin with. So I think certainly just advising them that, "Hey, there is a there is a vacancy, because this situation occurred," and maybe just they would send this as kind of the current composition of the NomCom. And just kind of have a very brief reminder that if they're able to consider the overall diversity of the delegates when they send the replacements, I mean, I think it's a hard thing, though, because people don't really have the opportunity to do that. They pick delegates initially, right? Everyone's picking them and announcing them and it's all happening at the same time. There's obviously not any coordination happening around that.

TOM BARRETT: Thanks, Jay. I see Cheryl's comments in the chat. So I'm going to offer up some language here rather than supporting the process or ensure process. How about we just say make suggestions for replacing a new delegate in line with the WS2 recommendations? So, more of make suggestions as opposed to supporting a process. Any thoughts on that? Kristy, what do you think of that? Give a thumbs up?

KRISTY BUCKLEY: Yeah. I was just taking some notes and also looking at the chat. And that's pretty much along the lines what I started to draft as a potential option just based upon what we were hearing. So, yeah, if others agree, we can draft that into the current version of the charter.

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TOM BARRETT: Okay. Everyone, if you agree, do a thumbs up. If you disagree, give me a thumbs down. Tracy, Jay, Dave? All right, I see a bunch of thumbs up. Thanks, guys. Next question.

KRISTY BUCKLEY: Great. Thank you all. Yvette, could do move to the next slide, please? Okay. So this is in Section 8 on Terms. Across the charter, there are terms. NomCom associate chair and I think its outgoing chair—it seemed to be used slightly interchangeably and we just wanted to note that they are distinct, those are two different roles. And so we wanted to try and clarify is this the associate chair, is it the outgoing chair, do you envision both playing different roles, just so that we can make sure that we're using the term appropriately throughout the charter? Then I have a second question here, which is in regard to the liaison. But we can focus on the first question for now, just in terms of clarifying outgoing versus associate chair.

TOM BARRETT: Thanks, Kristy. My take on this is that we should just be referring to the associate chair. So let's be consistent there. And for the second part, I don't think there's any intent to prohibit an associate chair from sitting on the Standing Committee after they serve as associate chair. I don't think that was intended anywhere. If you all agree, can I see a thumbs up? From everyone else, thumbs down. Those two comments. Tracy, Jay, Dave. Awesome. There you go, Kristy.

KRISTY BUCKLEY: Okay, very good. So we'll just update the language there to just make sure that it is not limiting, that will only to ever serve in that capacity. And we'll use associate chair throughout.

TOM BARRETT: I'm not sure if we need to add language. I thought this only referred to the composition of a Standing Committee included the associate chair. It doesn't preclude an ex-associate chair from being on the Standing Committee. But clearly, if you think that would help with the clarity, you can add that.

KRISTY BUCKLEY: It says associate chair shall only serve in their liaison capacity. Maybe we don't need to—

TOM BARRETT: I see what you're saying. Okay.

KRISTY BUCKLEY: Do we want to preclude them from ever sitting on the Standing Committee?

TOM BARRETT: The way I read that is—again, maybe it's a moot point because the Standing Committee doesn't really identify with different roles or

responsibilities of the Standing Committee members versus the liaison chair. I wasn't quite sure. But basically, it says that the associate chair cannot be a full blown member of the Standing Committee while they're associate chair. But I don't know if that has any real impact in terms of voting or what have you, based on the charter.

KRISTY BUCKLEY: I can take a look at that. I don't think so. I think just adding that clarification of serving in that capacity while they're associate chair, just making sure that we're not forever limiting their ability in their lifetimes to play a role there.

TOM BARRETT: I think what was envisioned here is that for some reason, as a liaison, maybe they weren't a full voting member of the Standing Committee or something, but it's probably a moot point at this phase.

KRISTY BUCKLEY: Okay, great. So those are all of our questions on the charter.

TOM BARRETT: All right. So now we're going to talk about Recommendation 10.

LARISA GURNICK: Hi, everybody. I know there's probably about fatigue about Recommendation 10 so maybe this will provide some useful input. As you know, Patricio, who is a member of the OEC, had observed the last

call that you had with the GNSO leadership and he and our team with the OEC at their latest meeting earlier this week on those discussions just to keep them apprised of how the conversations are going. So our take and Patricio's take was that while it was good to exchange ideas and have the conversation, but it did not seem that anybody changed their minds particularly, so we walked away with the impression that the different parts of the GNSO did not see a way to support the rebalancing proposal for different reasons. But that seems to be the outcome.

So having provided the update to the OEC, some of the feedback back from them, obviously acknowledging the extensive work that this group has put into this recommendation and really the history of it, which has been outlined and documented with great care. It's quite a long story and quite a bit of work. But nevertheless, it seems to bring to a place where there is question as to whether a proposal to rebalance as it stands right now makes sense, considering that the GNSO who is a primary impacted party cannot find a way to support the proposal.

Considering so much other work that you're all working on, including the Standing Committee Charter and a number of bylaws amendments, aside from the rebalancing one that are really getting quite progress toward conclusion, wondering if it may makes sense to focus on advancing all that work as a package deal, which is what the Board and the OEC thought would be most helpful to the community and to see what your thoughts are about potentially holding the rebalancing proposal or considering that recommendation complete or whatever might seem appropriate to this group so as not to distract from a lot of other very, very important work that we're hoping to progress towards

public comment and whatever else through the OEC and the Board in the first part of 2022. Kristy will speak to the timing item in the next agenda item.

So I just wanted to tee that up. OEC would certainly be understanding and supportive of that conclusion if that's what you all decided, but obviously that would be your call.

TOM BARRETT: Thanks, Larisa. Who wants to talk? Cheryl?

CHERYL LANGDON-ORR: Yeah, it's Cheryl. Tom, hopefully, I'm being heard over the phone line. Thanks, Yvette, for finally sorting that one out with me. I'm not sure I understood you totally, Larisa. The only thing we'd be supportive of is leading hard coding as it is currently written for only the GNSO and not proceeding further with that part of the recommendations, in other words, not doing recommendation team. Have I got that clear?

TOM BARRETT: I think so. Yes.

LARISA GURNICK: Yes.

TOM BARRETT: Basically, we wanted the GNSO to do it and they don't think they'll be able to do it. Because of that, we're dropping the bylaw change.

CHERYL LANGDON-ORR: It's perfectly fine if that's the will of the group or the lack of spine is all involved including the [inaudible] OEC. But where is the actual evidence that the GNSO—in other words, a voted established set of SCs have indicated that they believe there is no way forward. Because I'm not sure whether we would looked at the contracted versus non-contracted parties but that data would support that. However, if the tail wishes to wag the dog, this is a recorded conversation, that's fine.

TOM BARRETT: Thanks, Cheryl. I noticed Jay's got a comment. My take on it—I belong to three of the stakeholder groups of the GNSO. There's what? Eight or nine of them, and eight of them basically have representation on the NomCom. So I can't imagine a vote being anything but maintaining the status quo. So if you got to do it by majority rules, then the status quo—

CHERYL LANGDON-ORR: With that data then I would be very comfortable going, "Fine. We tried."

TOM BARRETT: Are you suggesting we asked for online vote?

CHERYL LANGDON-ORR: No. I'm suggesting we may have failed by doing a rebalancing exercise that says everybody gets two or three seats, nothing more. But because we were calling to the GNSO and we didn't want to reflect their current balance with the number of seats to all of the various subcomponents of it, we're in this position. I don't want to be seen publicly as a failure of our group to be able to implement, but rather, having gone down a pathway made some best efforts, the intestinal fortitude associated with making some hard decisions simply wasn't there in the end.

TOM BARRETT: On whose part?

CHERYL LANGDON-ORR: Well, obviously, we didn't believe we could tell to the wider ICANN community a rebalanced Nominating Committee that was an equitable number of seats, for example, because we talked about the several different models. But because we thought we'd leave the GNSO alone and give it as much absolute autonomy as possible, we went down this particular and obviously failed and faulted pathway.

TOM BARRETT: Thanks. I was going to say I feel like we came up with the best possible solution for this recommendation. I think the OEC has decided they don't want to fight this battle with the GSNO.

CHERYL LANGDON-ORR: That's fine as long as it's seen as their influence in outcome, not our inability to actually come up with workable options.

LARISA GURNICK: Cheryl, if I may.

TOM BARRETT: Yes. Go ahead.

LARISA GURNICK: Sorry, I just wanted to add a little color. First of all, it certainly would be the opposite of failure on your part, as is well-documented and chronicled as to the effort that this team went through to try and come up to what you all perceived would be the most workable solution. So there's another part to this, too, perhaps.

It seems that what we heard certainly from some within the GNSO is that they were looking for more of a macro kind of approach, which actually maybe something that was intended by the Independent Examiner in the guidance that they had provided to how to approach the rebalancing. And I think the original implementation plan steps that you all envisioned actually were reflective of that. But then quickly, as you've gone and considered the different options, you arrived at what ended up being the proposal for a whole variety of reasons.

The question is probably for the broader community and that's something that the Board could explore. They're still looking to engage with not just the GNSO but all the other leadership of the other SOs and

ACs to get a more clear view of where the community at large stands on that more macro rebalancing of the NomCom. It seems that many have expressed that perhaps there is dependencies and a lot of other work that's underway and this may not be the right time to do that type of rebalancing. So I think it's more complex than just the element of the proposal that you're all suggesting. But there's other considerations and perhaps even a way to say that the timing of this work may have been overtaken by other events, including the work of ATRT3 and other evolution of the MSM and whatever else that might result in the broad consideration of rebalancing the NomCom happening not now but at some other time.

TOM BARRETT: Thanks, Larisa. I think, for Recommendation 10, we've done our work. If the OEC doesn't like our bylaw change, they should just reject it and we're done rather than have us resubmit something, right? So then we've given them proposed bylaw changes, they're an active body, they should just say, "We like these. We don't like these," and we're done. I'm fine with that happening. We're certainly not going to put up a stake if the OEC decides to reject some of our bylaw changes. But I'm not sure we have to do any more work on this recommendation. Now, it sounds like they're asking us to withdraw our request, which seems kind of silly. Why don't they just say, "No, we're not going to do that"?

LARISA GURNICK: Understood, Tom. We'll relay that back to the OEC.

TOM BARRETT: Why create more work for us? If they've already decided they don't want to do it, they should just make that decision.

CHERYL LANGDON-ORR: Just draw the red line through it and remove it.

LARISA GURNICK: Yeah. I don't think that they've decided. They're just not seeing a way forward.

TOM BARRETT: I don't think we have any other alternative to suggest. We kind of came up with the best alternative.

LARISA GURNICK: And just to follow up—and I understand that—I guess the question is, given that there is not community support to advance that proposal, does it make sense to still advance it to bylaws amendments going to put—it doesn't seem to make sense to propose a bylaw amendment that is already clearly opposed by at least one of the constituencies that are impacted by it. That's where they were coming from. But I understand your points.

TOM BARRETT: I never understood that one or more constituencies have veto over our work. The idea is, is there a community support? Well, that wasn't our job to get community support. I understand the OEC cares about that.

But we submitted our proposed bylaw changes. They simply have to say no. Why do we have to belabor this?

CHERYL LANGDON-ORR: Yes. Absolutely. And let's not talk about community support. Let's be real specific. There is no majority GNSO support, which is a part of the ICANN community.

TOM BARRETT: It's up to the OEC to say yes or no. We're big boys and girls. We'll live with their decision.

LARISA GURNICK: Thank you. Fair enough. Understood. We'll relay this point to the OEC, and perhaps if there are some more questions or comments for discussion, we'll certainly help set that up as they prepare to package all of this together at some point when your work is done to go for bylaws amendments, which would involve a public comment process and all that. We're still a couple of steps away from that.

TOM BARRETT: Thanks. Larisa, there's some optics that I'm missing that they're trying to address with all this review unfolds.

LARISA GURNICK: Optics?

TOM BARRETT: I know there have been other reviews where the Board has rejected a bunch of recommendations and the communities just moved on. Why are they so keen on this? Why are they so keen at not saying no to our bylaw suggestion?

LARISA GURNICK: Well, the NomCom situation, the implementation of NomCom is kind of unique, as you all know, because of who is implementing the recommendations. But actually, in the second round of organizational reviews, Board has been trying to be very neutral and actually not reject any recommendations. Everything has been left pretty much to the community to take on the Independent Examiner's recommendations and either agree with them and implement or agree with the problem and implement differently or not agree at all and reject. First round of reviews, absolutely the Board got involved and was probably in hindsight not the best way forward. So this time, they're really trying to stay neutral out of that process.

TOM BARRETT: Got you. Thanks.

CHERYL LANGDON-ORR: The point is, Larisa—and I'm involved with a few of those processes— unresolved and uncompleted and unimplemented recommendations, the OEC comes back to the Review Implementation Working Group or the AC or the SO or the part of the organization and says, "Why isn't it

implemented? And if it can be implemented, how's it going to be implemented?" Under normal circumstances, we are in a situation to show to the OEC that we've dotted all the I's and crossed all the T's of all recommendations that we've gone through. I guess it's that optics that Tom was also trying to ask about. So I think we've gone down this pathway enough and perfectly happy to have it withdrawn from the bylaws bundle, but it's not our failure to implement it.

LARISA GURNICK: Completely agree with that statement, Cheryl. Completely agree. If you were to decide to withdraw, it would be for very explicit reasons of trying diligently and extensively and not being able to.

CHERYL LANGDON-ORR: So due course from the next OEC configuration, that'll be fine.

LARISA GURNICK: Sorry, Cheryl, could you repeat what you said the very last thing? I didn't catch that.

CHERYL LANGDON-ORR: Yeah. I said OEC change with every new Board configuration. So as long as the next configuration of the OEC understands why this recommendation is not going through to implementation, that will be good. Right now we're working with one set of characters and concerns. I'm assuming some will go and some will stay.

LARISA GURNICK: Right. That part is understood. All right. Noted. I think maybe a quick follow up what the OEC would be helpful, but if I understood the last point correctly is that if there is clear communication in the status, if you will, as to what happened and why this wasn't implemented, that explains the reason that you would be open to withdrawing the proposal. Did I get that right?

TOM BARRETT: Yes. I understand the optics more—so you're saying the OEC doesn't want to make the decision. Absolutely. But we can certainly be open to withdrawing our proposal for Rec 10. I want to know if I speak for everyone. Can I have a thumbs up? Tracy, Jay, Dave, you all agree with that? Cheryl and I do. Okay. All right, so that's fine. Let's go ahead and withdraw the bylaw change for Rec 10. It's just a matter of how we explain our rationale for doing that.

LARISA GURNICK: Kristy, I think it's back to you for next agenda item.

KRISTY BUCKLEY: Okay. Yvette, do you mind just advancing the slide to the next one? I know we've got just a few minutes left. We wanted to put together a timeline for the remaining meeting schedule and what we currently envision is proposed work items based upon that magical spreadsheet that we have, which I'm happy to report has gone live on the wiki now. We're having some type of technical difficulties in having the Google

Sheet be viewable so it's just a PDF, like a hard copy right now, but Yvette is working on that with tech support and we should be able to have the Google Sheet up shortly so you can see that.

Basically, the outline of what we're looking at in terms of the meetings, obviously, we did today, it's the 23rd. And then October, that it's a really busy month with ICANN72. So we're wondering if the RIWG would like to reconsider having those two meetings in October because of that. And if not, that's totally fine. We can still convene or we could do one of them if you'd like. During that time, ICANN Org staff would continue to clean up the recommendations, consolidate all the steps for the Standing Committee, will continue working with Legal on the Standing Committee charter. We've checked in with Legal on the status of their work on affiliated directors. We're continuing to move things along even if the RIWG isn't meeting. We want to just put that out there as a question.

Then in November, we had one meeting scheduled where we would hope to look at the final draft of the full charter. And then on the 18th, we have a conflict of the GNSO Council meeting, which I believe, Cheryl, you're a part of. So we thought maybe an alternative could be the 17th of November because the week after starts to get into Thanksgiving in the United States.

Then for December, as far as we know, no conflicts for the 2nd. But the 16th, again, as a conflict with the GNSO Council so we thought we could either do two weeks in a row, December 2nd and the 9th, just to finish up work earlier in December before people start to wrap up for the year or

we could just move in a day earlier to the 15th. A few items for discussion. This is what we had.

CHERYL LANGDON-ORR: Don't worry about the December clash with the GNSO Council. Mine turned out by then. That'll only be the November 1. I would appreciate avoiding the clash. Although I'm doing both meetings at the moment now so—

TOM BARRETT: Thanks, Cheryl. Thanks, Kristy. Let me just ask a more general question. I know we only have two minutes. What is the remaining body of work that we need to get done as a working group? Any thoughts?

KRISTY BUCKLEY: Can I share screen, actually?

TOM BARRETT: Sure.

KRISTY BUCKLEY: Can you see the spreadsheet here?

TOM BARRETT: Yes.

KRISTY BUCKLEY: Okay. So this is the latest version of the spreadsheet. I would say that to answer your question, very succinctly, there's not a lot left for the RIWG. As you can see here, implementation is complete here in the terms of the status. And this is organized numerically now, but you can see now anything that was an implementation step that related to work of the Standing Committee, we just pulled over into this column M for the Standing Committee so that we can clearly see what work is remaining. So there's really not a whole lot for the RIWG to look at. Let me see if I can—

TOM BARRETT: So it's really mainly getting the Standing Committee instituted and self-sufficient.

KRISTY BUCKLEY: Exactly.

TOM BARRETT: Okay. Back to your schedule. I know we're out of time. We want to take off the month of October because of ICANN72. I'm fine with that unless other people would like to meet. Anyone want to meet in October? We have one meeting in November. I prefer to get two. It'd be great to try to meet. If we're going to take October off, to try to meet twice in November and December.

KRISTY BUCKLEY: Yvette, could you re-share the slide so we can look at the schedule again, please? I think we would need those two meetings in November. Cheryl said she has a conflict on the 18th. If others could move to the 17th, just one day before, same time, same place.

TOM BARRETT: That works for me.

KRISTY BUCKLEY: And then it sounds like in December, there's no conflict so we could stick with the 16th. Just in terms of Q1 of next year, the materials will go out for public comment as a package, as you all know. We thought maybe a webinar to introduce the materials that are out for public comment might be a good way of orienting folks sometime in the first quarter of next year. And then sometime in April, perhaps we convene and just look at the public comment analysis and determine if there are any follow-up actions.

TOM BARRETT: I'm sorry. We're talking mainly the Standing Committee charter at that point.

KRISTY BUCKLEY: I think so. But just looking at what the public comment feedback was on the whole package of bylaws changes.

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TOM BARRETT: Okay. You want your public comment or the bylaw changes? I thought the OEC was managing that process.

KRISTY BUCKLEY: The whole package of proposed bylaws changes will have to go out for public comment before the OEC can do anything with them.

TOM BARRETT: Okay. All right. This timeline seems good to me. Any other business from folks before we adjourn? We were not going to get together again until November 4th.

KRISTY BUCKLEY: That's right.

TOM BARRETT: Do you have any other thoughts or comments? All right. Thank you, everybody. Good meeting.

LARISA GURNICK: Thank you all.

CHERYL LANGDON-ORR: Bye for now.

LARISA GURNICK: Thank you. Bye-bye.

[END OF TRANSCRIPTION]