

Pilot Holistic Review Operating Standards

As per 29 April 2024 ICANN Board resolution to initiate
the Pilot Holistic Review



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1 Introduction

Reviews are an integral part of ICANN's accountability measures that derive from Article 4, [Section 4.6](#) of ICANN's Bylaws (hereafter: "Bylaws"). These reviews are conducted by the ICANN community (hereafter: "community"), supported by ICANN organization (hereafter: "ICANN org"), and overseen by the ICANN Board (hereafter: "Board"). Such reviews adhere to the standards and criteria documented in the ICANN Operating Standards for Specific Reviews. The existing Bylaws provisions for Specific Reviews do not contain the Pilot Holistic Review, nor the Holistic Review that is the outcome of the Third Accountability and Transparency Review (ATRT3). The ICANN Board approved ATRT3 Recommendation 3.5 with the caveat that the first Holistic Review needed to proceed as a pilot "pursuant to a community agreed Terms of Reference (ToR)" before this new review would be enshrined in the ICANN Bylaws. Since ATRT3 intended that the Holistic Review be a Specific Review, the [Board resolved](#) that the Operating Standards for Specific Reviews be modified to be applicable to the Pilot Holistic Review. These Operating Standards were subsequently drafted using all sections of the Operating Standards for Specific Reviews and applicable portions of the Bylaws, in line with the expectations of the ATRT3 and the community-developed [Pilot Holistic Review Terms of Reference](#).

These Pilot Holistic Review Operating Standards ensure that the Pilot Holistic Review is conducted in a transparent, predictable, and efficient manner, in support of the community's work on the review team.

These Pilot Holistic Review Operating Standards are not to be considered an amendment to the existing Operating Standards for Specific Reviews, nor will they apply to the Holistic Review¹.

To assure that the Pilot Holistic Review is conducted productively, it shall adhere to the following principles:

- Efficiency: Make efficient use of volunteer time and ICANN resources, including budget and staff time, and the predetermined scope articulated in the Terms of Reference.
- Effectiveness: Result in recommended guidelines and methodologies for the Holistic Review as specified in the Terms of Reference.
- Timeliness: Establish and adhere to meaningful time boundaries for all review activities to conclude the work within the 14 month duration stipulated by the Board.

2 Planning Phase

2.1 Review Initiation

The Board initiated the Pilot Holistic Review with a resolution containing:

¹ The Holistic Review is subject to community support, Board approval and incorporation into the ICANN Bylaws.

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- Direction to ICANN org to issue a call for volunteers for Pilot Holistic Review Team membership.
 - Commitment to appoint a Board member as the Board designee of the review team.
 - Instruction to the review team to adhere to the Pilot Holistic Review Terms of Reference including the review scope, work plan, and timeline².

The ICANN Board expects to receive the Pilot Holistic Review Team’s Final Report within 14 months of the team’s inaugural meeting on 25 September 2024. This timeline takes into account the review team’s work as outlined in the Pilot Holistic Review Terms of Reference as well as the required Public Comment proceeding and potential need for a supplementary Public Comment proceeding.

2.2 Review Team

The Pilot Holistic Review will be conducted by a review team comprised of volunteers. The members have committed to dedicating the necessary time and work effort as described in the 23 May 2024 [Call for Volunteers](#).

2.3 Call for Volunteers

As directed by the Board, ICANN org issued a Call for Volunteers for the Pilot Holistic Review Team, following the process as outlined in the ICANN Bylaws Section 4.6 SPECIFIC REVIEWS, (a) Review Teams and Reports.

The Call for Volunteers included a [Role Description](#) for Pilot Holistic Review Team that detailed responsibilities, skills, expertise, and desired attributes.

For transparency, ICANN org published applications and supporting materials on the Pilot Holistic Review wiki [workspace](#).

2.4 Eligibility Criteria for Review Candidates

ICANN org published in the Call for Volunteers the criteria for review team membership including the [skill set](#) that each candidate should have, consistent with the scope for the Pilot Holistic Review and the requirements detailed in these Operating Standards.

2.5 Review Team Selection Process

The Call for Volunteers followed the Nomination and Selection process outlined in the ICANN Bylaws Section 4.6 SPECIFIC REVIEWS, (a) Review Teams and Reports. As per the Bylaws, “The Chairs of the Supporting Organizations and Advisory Committees participating in the applicable review shall select a group of up to 21 review Team members from among the prospective members nominated by the Supporting Organizations and Advisory

² Details on requirements for the terms of reference, scope, and work plan can be found in Section 3.2.

Committees, balanced for diversity and skill. In addition, the Board may designate one member to serve as a member of the review team.”

In addition, the Bylaws state that the selection process must “be aligned with the following guidelines: Each Supporting Organization and Advisory Committee participating in the applicable review may nominate up to seven prospective members for the review team; any Supporting Organization or Advisory Committee nominating at least one, two, or three prospective review team members shall be entitled to have those one, two, or three nominees selected as members to the review team, so long as the nominees meet any applicable criteria for service on the team; and if any Supporting Organization or Advisory Committee has not nominated at least three prospective review team members, the Chairs of the Supporting Organizations and Advisory Committees shall be responsible for the determination of whether all 21 SO/AC member seats shall be filled and, if so, how the seats should be allocated from among those nominated.”

Therefore, the selection process was a two-step procedure: first, SO/ACs provided a list of up to seven nominated candidates to the SO/AC Chairs. Second, the SO/AC Chairs selected the final review team from said list of SO/AC nominees.

2.5.1 SO/AC Nomination Process

Each SO/AC nominated their own candidates for the review team consistent with the Bylaws, as referenced in Section 2.5.

2.5.2 SO/AC Chairs Selecting the Review Team

ICANN org prepared a nonbinding analysis of the diversity of skill set, geography, experience, and gender balance for the Pilot Holistic Review Team nominees. SO/AC Chairs then determined the final review team membership, consistent with the Bylaws.

2.5.3 Determining Review Team Leadership

SO/AC Chairs selected the review team Co-Chairs from nominated applicants. The Co-Chairs roles and responsibilities of the review team leadership are outlined in Section 3.1.9.2.

2.6 Announcement of the Review Team

ICANN org announced the composition of the review team, through all appropriate communication channels on [13 September 2024](#).

3 Conducting the Review

3.1 Administrative Issues

3.1.1 Support for Review Team

The review team will receive support for project management, meetings, document drafting editing and distribution, data and information gathering and other substantive contributions from ICANN org as aligned with the Pilot Holistic Review Terms of Reference and these Operating Standards.

3.1.2 Language

The working language of the review is English. Translations of major reports will be provided in line with ICANN's [Language Services Policy and Procedures](#).

3.1.3 Wiki Workspace

ICANN org will maintain a publicly available online wiki [workspace](#) containing at a minimum:

- Membership list of the review team, including regional affiliation and the SO/AC from which each was nominated.
- Pilot Holistic Review Terms of Reference, including scope.
- Work plan, including a project plan and timeline.
- List of all review team meetings, including agendas, recordings, transcripts and other meeting materials.
- Information on opportunities for observers to participate.
- Request or action item tracking.
- All published fact sheets (see Section 3.6).
- Engagement Plan for the Pilot Holistic Review.
- List of all research efforts undertaken by the review team and ICANN org.
- Link to the review team's public mailing list archive.

3.1.4 Conflicts of Interest Policy and Statements of Interest

The Pilot Holistic Review Team is subject to a Conflict of Interest policy that is in line with the ICANN Board practice. The Conflict of Interest policy provides mechanisms for the review team to utilize when a review team member has a conflict that requires exclusion from discussion on a particular topic. To facilitate the identification of potential or actual conflicts of interests, all review team members are required to maintain and regularly update a Statement of Interest (SOI) in the form provided by ICANN org.

3.1.5 Transparency Requirements

ICANN org will maintain the public wiki work space as set out in Section 3.1.3. All review team meetings must be conducted in a transparent manner, recorded and transcribed. The recordings and transcripts must be posted on the review's wiki page in a timely manner, usually no later than 48 hours after the meeting. The mailing list(s), except those used for discussion of information provided to a review team under a nondisclosure agreement subject to the Confidential Disclosure Framework (see Section 3.12 of this document), must be publicly archived and linked on the review's wiki workspace.

3.1.6 Meeting Schedule

The Pilot Holistic Review Team will decide its virtual meeting schedule with support from ICANN org to meet its milestones as set out in the work plan.

3.1.7 Meeting Agendas

ICANN org develops the meeting agenda in coordination with the review team leadership and distributes it on the related wiki page no later than 24 hours before the meeting, or five days prior for face-to-face meetings.

3.1.8 Meeting Attendance

Review team members should make best efforts to attend all meetings. If members are not able to attend a meeting, they are required to inform ICANN org so that their apology can be recorded in the meeting's minutes. ICANN org will post attendance and apologies of review team members for each meeting on the review's wiki workspace, and regular reporting to SOAC Chairs as detailed in Section 3.6. This information serves as the basis for review team participation reporting on the review fact sheet.

Should review team member(s) fail to attend 3 consecutive meetings or demonstrate a pattern of inconsistent attendance, ICANN org will inform the review team leadership and the SO/AC Chair(s) of the appointed review team member(s) for possible action.

3.1.9 Roles and Responsibilities

3.1.9.1 Review Team Members

- Behave in a collegial and constructive way towards the review team colleagues, the Board, and ICANN org, in accordance with [ICANN's Expected Standards of Behavior](#).
- Meet requirements for meeting attendance (Section 3.1.8), actively participate in review team calls and engage via relevant mailing lists and other collaborative tools by, for example, contributing substantively to discussions, voicing approval or disapproval when appropriate. If a review team member is unable to attend a meeting, there is an expectation that he/she will review all relevant meeting materials to be informed and up to date.
- Adopt a work plan to achieve the Pilot Holistic Review Team's objectives, as defined in the Pilot Holistic Review Terms of Reference.
- Consult ICANN org on the feasibility and potential implications of draft guidelines, principles and methodologies.
- Individual review team members are required to report back regularly to their nominating entity on the progress of the review team (see Section 3.6).
- Provide timely updates and engagement opportunities to the community on the review team's work.
- Post the review team's Draft Report for Public Comment on ICANN.org, consider input and incorporate it as appropriate, and provide rationale for input not addressed.

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- Be available to provide clarification, as needed, during the Board's consideration following the delivery of the Final Report.
 - Produce and deliver the review team's Final Report to address deliverables specified in the Pilot Holistic Review Terms of Reference.

3.1.9.2 Review Team Leadership

- Behave in a neutral, collegial, and constructive way towards the review team, the Board, and ICANN org, in accordance with ICANN's Expected Standards of Behavior.
- Adhere to the Pilot Holistic Review Pilot Holistic Review Terms of Reference and these Operating Standards, including adherence to the Engagement Plan and reporting materials.
- Drive the review team towards and be accountable for the timely delivery of key work products according to the work plan, as established in the Pilot Holistic Review Terms of Reference, including overseeing review Team participation in meetings and escalation of issues when appropriate.
- Facilitate consensus among the review team members, as well as determine levels of consensus once achieved.
- Manage the review team's work with ICANN org to maintain adherence to ICANN's accountability and transparency requirements.
- Work with ICANN org on additional budget requests if required.
- Regularly report on progress of the review to the SO/AC Chairs and ICANN Board Organizational Effectiveness Committee (OEC).

3.1.9.3 SO/AC Leadership

- Regularly monitor the review team's progress, provide relevant and constructive input from their respective communities when appropriate, sharing any concerns with the review team as soon as concerns become apparent.
- Provide guidance towards conflict resolution, as detailed in these Operating Standards.

3.1.9.4 ICANN Board

- Monitor the progress of the review via the OEC, in accordance with the OEC Charter as it relates to the oversight of Specific Reviews.
- Through the Board member, participate in the review and present Board positions where appropriate.
- Provide input on the feasibility of the review team's draft guidelines, principles and methodologies as compared to the desired outcomes.
- Confirm that the Pilot Holistic Review is conducted in accordance with the November 2020 Board action to approve ATRT3's Holistic Review Recommendation, the Pilot Holistic Review Terms of Reference and these Operating Standards.
- Oversee the implementation of the review team's guidelines, principles and methodologies for the benefit of the ICANN community and in service of the ICANN mission.

3.1.9.5 ICANN org

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- Provide project management and support to the review team as outlined in Section 3.1.1, including provision of available templates and resources relevant to review team activities and budget.
 - Provide relevant input to the review team’s work, including the evaluation of feasibility by ICANN org subject matter experts pertaining to recommended guidelines and methodologies.

3.1.10 Sub-Teams

The Pilot Holistic Review Team may establish sub-teams of members to develop specific deliverables. The review team can create as many sub-teams as practical and feasible, to complete its tasks through its standard decision-making process, as follows:

- Sub-teams will only be composed of review team members and will have a clear scope, timeline, and set of deliverables.
- In forming sub-teams, the review team should strive to achieve a group composition as balanced as possible for community perspectives.
- All documents, reports, methodologies, and guidelines prepared by a sub-team require review team approval before being considered a product of the review team.

The review team may disband any sub-team at any time.

Sub-teams shall receive support from ICANN org to the same extent as the full review team is supported, subject to staffing availability and budget. ICANN org will inform the review team of any staffing availability and budget impacts. Sub-teams must follow the transparency and accountability requirements outlined in Section 3.1.5.

3.2 Pilot Holistic Review Terms of Reference, Scope, and Work Plan

The Pilot Holistic Review Terms of Reference and scope for the Pilot Holistic Review have been determined by the Pilot Holistic Review Terms of Reference [Development Team](#), with input from the ICANN community and oversight from the ICANN Board. ICANN org will provide the Review Team with a draft work plan during its inaugural meeting.

3.2.1 Pilot Holistic Review Terms of Reference

Refer to the Pilot Holistic Review [Terms of Reference](#).

3.2.2 Scope

Refer to the Pilot Holistic Review [Terms of Reference](#).

3.2.3 Work Plan

ICANN org developed a draft work plan to support the review team in completing the work that is expected of them (defined by the Pilot Holistic Review ToR) within the time frame specified by the ICANN Board. The review team can make changes, following accepted project management methodologies and documented, and as long as the review team will complete the work within the 14 months.

Modifications to the draft work plan must be consistent with the agreed-upon scope and budget with consideration of available resources and overall Pilot Holistic Review timeline. The review team Leadership will regularly consult with ICANN org on the work plan to update it if and when necessary. Any modifications to the work plan will repeat the process outlined in Section 3.2.4 below.

The work plan will contain, at a minimum, target dates for the completion of the review team's draft and final deliverables (guidelines, methodologies, principles, and resources required for the Holistic Review) as defined in the Pilot Holistic Review Terms of Reference, including required work activities, community engagements, and the Draft and Final Report Public Comment proceedings.

The work plan will be published on the review team's wiki [workspace](#).

3.2.4 Sharing Work Plan with the Board

Once completed and adopted by consensus, the review team will share the work plan with the Board through the OEC. The OEC is to confirm that the timeline is consistent with the requirements of the ICANN Board and ICANN community expectations, in line with Pilot Holistic Review Terms of Reference and these Operating Standards.

The review team will also share its work plan with the SO/AC Chairs.

3.3 Resignation of Review Team Members

Review team members may resign from the review team at any time. The resignation notification should contain a rationale and be addressed to the leadership of the review team and to the SO/AC that nominated the resigning review team member.

3.4 Removal of an Inactive or Disruptive Review Team Member

If a review team member fails to participate actively in the review (see Section 3.1.8 on required meeting attendance and Section 3.1.9.1 on review team roles and Responsibilities), demonstrates repeated disruptive behavior in violation of the Expected Standards of Behavior, or otherwise prevents the review team from performing effectively, the review team leadership must inform the nominating SO/AC Chair of the inactive or disruptive review team member. The SO/AC Chair must address the inactive or disruptive member and may determine to remove the member if deemed necessary.

The review team may independently choose to remove the inactive or disruptive member. To do so, at least 50% of review team members (excluding the member in question) have to request the member to resign by vote. If the member refuses to resign, the SO/AC that nominated the member will be requested to withdraw their support and nominate a replacement.

Should the SO/AC not take action, the member can be removed by a 70% majority vote of the review team members (excluding the member in question). Voting shall be by confidential ballot (not identifying the names nor any personally identifiable information of the review team members associated with their vote choice in the ballot).

None of these procedures preclude any member of the review team or the SO/AC Chairs lodging a complaint with the Office of the Ombuds seeking assistance resolving the dispute or enforcing the Expected Standards of Behavior.

3.5 Replacement of Resigned or Removed Review Team Members

The SO/AC whose appointed member resigned or was removed may nominate a replacement in accordance with its own internal procedures if it considers it beneficial to do so at the current stage of the Pilot Holistic Review's work.

The SO/AC may nominate a member from the initial group of applicants it received or publish a call for volunteers to receive new applications. The SO/AC at issue shall inform the review team leadership of its procedural decision and indicate a timeframe by which the new member will be nominated.

Depending on the status and remaining timeline of the review, or any other factors, the relevant SO/AC may choose not to nominate a replacement candidate.

The SO/AC Chairs and the OEC will be notified of the replacement through regular review reporting, as described in these Operating Standards.

3.6 Progress Reporting

ICANN org will provide the review team with a draft Engagement Plan outlining how the team should engage the community throughout the Pilot Holistic Review and how each member of the review team should regularly engage with their nominating group. The review team must finalize and adopt the Engagement Plan within two weeks of assembling for their inaugural meeting.

As outlined in section 3.1.9.1, each review team member is required to regularly report to the SO/AC that nominated them. The enforcement of this reporting requirement lies solely with the nominating SO/AC.

ICANN org will provide the Pilot Holistic Review Team with tools and resources to facilitate a timely and consistent progress reporting.

The review team leadership is responsible for ensuring that the review team adheres to the Engagement Plan and reporting methods as detailed in the Pilot Holistic Review Terms of Reference. This will ensure that the community and the Board are informed about the work and its progress in a timely and appropriate fashion.

In consultation with the review team, ICANN org will provide a fact sheet³ to each review team member, no less frequently than every quarter. The fact sheet is a tracking and reporting mechanism which details relevant metrics on review progress against the work plan, deliverables, and the review budget. Metrics include attendance records of review team members, and progression of work towards achieving key milestones.

3.7 Monitoring Review Progress

The review team will conduct its work within the scope defined in the Pilot Holistic Review Terms of Reference, and these Operating Standards. Notwithstanding its autonomy, the review team is accountable to its appointing organizations and the global ICANN community for adhering to its Pilot Holistic Review Terms of Reference and these Operating Standards, and for utilizing volunteer time and ICANN resources prudently and appropriately.

The progress of the review shall be monitored by the SO/ACs and the Board. The Board's monitoring will take place via the OEC. The monitoring shall rely on similar metrics (see below) and without unduly interfering with or influencing the review team's scope and work. Specifically, SO/ACs and the OEC shall monitor via regular progress reporting relayed by ICANN org:

- Adherence to the work plan.
- Timely and effective completion.
- Effective use of volunteer time.
- Member participation and contribution levels.

3.8 Budgeted Resources

At the start of the Pilot Holistic Review, ICANN org will brief the review team on the budgeted resources allocated to support their work. The overall funding for the Pilot Holistic Review comes from the Supplemental Fund for Implementation of Community Recommendations (SFICR), based on reasonable estimates proposed by ICANN org and approved by the Board. It is the responsibility of ICANN, ICANN org, the Pilot Holistic Review Team, to be fiscally responsible to the use of the allocated funds and where possible be able to save costs to enable use of the SFICR funds for other community recommendations. In the unanticipated situation of the Pilot Holistic Review Team determining it needs additional funds to complete its work, the Pilot Holistic Review Team leadership will provide the

³ For an example of a fact sheet, please see: <https://community.icann.org/display/atrt/Fact+Sheet+--+Pilot+Holistic+Review+Terms+of+Reference+Team>

justification and work with ICANN org and the SO/AC leadership to provide appropriate justification, rationale, and clear documentation to support the review team’s requested extra expenditures in line with ICANN’s transparency and accountability standards.

ICANN org will proactively identify ways to optimize expenditures related to conducting the Pilot Holistic Review Team by leveraging existing resources, and welcome and capture input and suggestions from the Pilot Holistic Review Team. Any exceptional budgetary requests will require robust justification and approval by the ICANN Board via the OEC.

3.9 Travel

The work of the Pilot Holistic Review Team is remote and all meetings will be held virtually. Any request for an in-person meeting must be made as an additional budgetary request as described in Section 3.8.

If a face-to-face meeting is required, and approved through a transparent process, travel support will be provided in accordance with [ICANN’s Community Travel Support Guidelines](#).

3.10 Independent Experts

The Pilot Holistic Review is not anticipated to require the procurement of independent experts.

3.11 Decision-Making Procedure

According to the Bylaws: “review team decision-making practices shall be specified in the Operating Standards, with the expectation that review teams shall try to operate on a consensus basis. In the event a consensus cannot be found among the members of a review team, a majority vote of the members may be taken.”⁴

With regards to drafting recommended methodologies and guidelines for the holistic review, the relevant Bylaws state: “Each report of the review team shall describe the degree of consensus or agreement reached by the review team on each recommendation contained in such report. Any member of a review team not in favor of a recommendation of its review team (whether as a result of voting against a matter or objecting to the consensus position) may record a minority dissent to such recommendation, which shall be included in the report of the review team [...]”⁵

The review team leadership will be responsible for designating each decision as one of the following:

- Full consensus No review team members speak against any guidelines or portion of the Final Report in its last readings.

⁴ Bylaws, Article 4, Section 4.6(a)(iii), see <https://www.icann.org/resources/pages/governance/bylaws-en>.

⁵ Bylaws, Article 4, Section 4.6(a)(iv)(A), see <https://www.icann.org/resources/pages/governance/bylaws-en>.

- Consensus A small minority disagrees, but most agree.
- Strong support but significant opposition Most of the review team supports a guideline or portion of the Final Report, but a significant number do not.
- Divergence No strong support for any particular position, many different points of view. Sometimes this is due to irreconcilable differences of opinion, and sometimes it is because no one has a strong or convincing viewpoint, but the members of the review team agree that it is worth listing the issue in the report, nonetheless.
- Minority dissent A proposal where a small number of people support the deliverable:
 - According to the Bylaws, “Any member of a review team not in favor of a recommendation [deliverable] of its review team (whether as a result of voting against a matter or objecting to the consensus position) may record a minority dissent.”⁶
 - All minority dissents must detail the analysis of deliverables in the Final Report with which its author disagrees, including a rationale for that disagreement.
 - The authors of minority dissents are encouraged to provide alternative proposals that include the same details and context as is required from the Final Report as per these Operating Standards (see Sections 4.1 and 4.2).
 - Review team members cannot use the Public Comment proceeding(s) to relay disagreements or dissenting opinions.

In cases of consensus, strong support but significant opposition, and no consensus, the review team should document that variance in viewpoint and adequately present any minority statements that may have been made. Documentation of minority statement recommended guidelines and methodologies is subject to appropriate text of such statements being offered by the proponent(s). In all cases of divergence, the review team leadership should encourage the submission of minority statement(s).

The recommended method for discovering the consensus level designation on recommended guidelines and methodologies is as follows:

1. After the review team has discussed an issue long enough for all issues to have been raised, understood, and discussed, the leadership makes an evaluation of the designation and publishes it for the review team to assess.
2. After the review team has discussed the leadership’s evaluation of the designation, the leadership should reevaluate and publish an updated evaluation.
3. Steps (1) and (2) should continue until the leadership makes an evaluation that is accepted by the review team.
4. The leadership may decide that a majority statement is reasonable – in line with the Bylaws Article IV, Section 4.6(a)(C)(iii). Reasons for this, for example, might be:
 - A decision needs to be made within a timeframe that does not allow for the natural process of iteration and settling on a designation to occur.
 - It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to distinguish between consensus and strong support but significant opposition, or between strong support but significant opposition and divergence.

⁶ Bylaws, Article 4, Section 4.6(a)(vii)(A), see <https://www.icann.org/resources/pages/governance/bylaws-en>

Based upon the review team's needs, the leadership may direct that review team participants do not have their name explicitly associated with any full or partial consensus view or position. However, in all cases where a review team member represents the minority statement, their name must be explicitly linked to that position.

Consensus calls should always involve the entire review team. For this reason, the consensus process should take place on the designated mailing list to ensure that all review team members have the opportunity to fully participate. It is the role of the leadership to designate which level of consensus is reached and announce this designation to the review team. Members of the review team should be able to challenge the designation of the leadership as part of the review team's discussion. However, if several participants⁷ on a review team disagree with the designation given to a position by the leadership - or any other consensus call - they may follow these steps sequentially:

1. Send email to the leadership, copying the review team, explaining why the decision is believed to be in error.
2. If the leadership still disagrees with the opposing member, a straw poll shall be conducted to determine the result.

3.12 Confidential Disclosure Framework

As per the Bylaws⁸:

“To facilitate transparency and openness regarding ICANN's deliberations and operations, the review teams, or a subset thereof, shall have access to ICANN internal information and documents pursuant to the Confidential Disclosure Framework set forth in the Operating Standards (the "Confidential Disclosure Framework"). The Confidential Disclosure Framework must be aligned with the following guidelines:

1. ICANN must provide a justification for any refusal to reveal requested information. ICANN's refusal can be appealed to the Ombuds and/or the Board for a ruling on the disclosure request.
2. ICANN may designate certain documents and information as "for review team members only" or for a subset of the review team members based on conflict of interest. ICANN's designation of documents may also be appealed to the Ombuds and/or the Board.
3. ICANN may require review team members to sign a nondisclosure agreement before accessing documents.”

⁷ Any Review Team member may raise an issue for reexamination with the Review Team leadership; however, a formal appeal to the leadership will require that a single member demonstrates a sufficient amount of support from among the Review Team before a formal appeal process with the leadership can be invoked. In those cases where a single Review Team member is seeking reexamination, the member will advise the Review Team leadership of their issue. The leadership will work with the dissenting member to investigate the issue and to determine if there is sufficient support among the Review Team for the reexamination to initiate a formal appeal process.

⁸ ICANN Bylaws, Article 4, Section 4.6(a)(iv)(A), see <https://www.icann.org/resources/pages/governance/bylaws-en>.

The Confidential Disclosure Framework, aligned with the provision set out in the Bylaws, is annexed to this document. A copy will be provided to all review team members at the start of the Pilot Holistic Review.

Review team members that do not wish to adhere to the conditions set forth in the Confidential Disclosure Framework to access confidential information, may continue to participate in the review. Yet, as detailed in the Confidential Disclosure Framework, they may face restrictions when accessing documents and when participating in discussions pertaining to those documents.

A copy of the current Confidential Disclosure Framework can be found on the ICANN website.⁹

3.13 Role of Observers

Anyone can sign up as an observer to the Pilot Holistic Review Team. The number of observers is not limited.

Instructions for how to become an observer are provided on the review team's wiki work space. The Role of an observer is limited to observing the review team as it conducts its work. Observers cannot participate in review work or review team discussions. Observers may:

- Attend meetings: Observers will have the opportunity to attend all meetings, whether in person or virtual. A calendar of scheduled meetings shall be published on the review team's wiki page along with their agendas.
 - Virtual Meetings: Observers must use an identifying display name upon entering a meeting room. Observers cannot participate in the meeting chat, breakout discussions nor whiteboard sessions.
 - In-Person Meetings: Should there be a face-to-face gathering of the review team members, observers are allowed to attend, subject to physical space limitations. Note: ICANN will not cover any expenses incurred by observers.
- Subscribe to the email list: Observers may send a request to rsa-coordinators@icann.org to be subscribed to the mailman list.
- Email input to the review team: Observers may send an email to the review team to share input on their work via rsa-coordinators@icann.org. Having received input from observers via email, the review team is encouraged to respond, if appropriate.
- Provide input during Public Comment proceedings: Observers may contribute their views via the standard Public Comment process and during public consultations.

⁹ Please see the Confidential Disclosure Framework developed in August 2017: <https://community.icann.org/display/SSR/Legal+Documents?preview=%2F64950831%2F71599536%2FOperating+Standards-+CONFIDENTIAL+DISCLOSURE+FRAMEWORK-+UPDATE+August+2017.pdf>

4 Review Output

4.1 Output

The primary purpose of the Pilot Holistic Review is to develop recommended guidelines and methodologies to operationalize the Holistic Review (provided that it is enshrined in the Bylaws) and to address the Board-identified information gaps. It is not the role of the Pilot Holistic Review to make recommendations with respect to the purpose or structure of the ICANN SOs, ACs, the NomCom, ICANN org or the Board.

The Pilot Holistic Review Team must produce the twelve specific deliverables outlined in the Pilot Holistic Review Terms of Reference to accomplish this. The review team is expected to use all reasonably available information to provide deliverables within the scope of the review. The review team is encouraged to provide context, inputs received, and overview of relevant discussions as they pertain to each recommended guideline and methodology.

If in the process of developing and testing those guidelines observations are made that could be relevant to a future Holistic Review, they may be included in the Final Report of the Pilot Holistic Review to be considered by the future Holistic Review.

To assure the feasibility and relevance of its recommended methodologies and guidelines, the review team shall consult with ICANN org and Board in addition to its community-wide outreach.

The review team shall also take into consideration the expected impact of the recommended guidelines and methodologies on ICANN resources and on the ICANN community workload.

4.2 Draft Report

Following the production of its draft deliverables, the Pilot Holistic Review Team must produce a Draft Report and publish it for Public Comment in accordance with standard ICANN procedures.

The review team must formulate clear statements supporting the draft guidelines and methodologies being recommended.

The ICANN org and Board (including via the OEC and Pilot Holistic Review Board member) will provide its input on the draft deliverables as the Pilot Holistic Review Team work progresses, consistent with ICANN's transparency requirements and mindful of the review team's timeline. Review team members should contribute their input throughout the review process and leverage the Minority Dissent if there is disagreement about review outcomes, as articulated in Section 3.11. Review team members cannot use the Public Comment proceeding(s) to relay disagreements, dissenting opinions and/or support to any specific element of the Draft Report. Such comments will be differentiated from other public comments and will not be included in the Public Comment Summary Report.

If the Draft Report requires significant modifications to address input received during the Public Comment proceeding, a Supplemental Public Comment proceeding will be required.

The Draft Report must include the following:

- Overview of the review team's working methods, tools used, and analysis conducted.
- Draft guidelines and methodologies for the Holistic Review, via draft deliverables.
- Supporting statement for each deliverable.
- Section on usage of ICANN community and org time contributed and status update on the draft deliverables (via fact sheets).
- Indication of a preliminary, nonbinding level of consensus as defined in these Operating Standards that they have received for each deliverable. This is to inform the community during the Public Comment period about the level of review team support.
- Resolution of all questions raised during the course of drafting the recommended guidelines and methodologies.
- Summary of public consultations and engagements with SO/ACs on the recommended guidelines and methodologies.
- Review team composition, including the SO/AC that nominated each member, and details of any changes in composition or leadership during the course of the review.

Prior to submission of the Final Report, the Draft Report, revised in response to input received during the Public Comment proceeding, will be shared with SO/AC Chairs and ICANN Board. The Chairs will be asked to provide input on how transparently the review team conducted its work throughout the process, engaged with the community, and responded to input received. This input will be included in the appendix of the Final Report.

The review team will work to address any significant concerns from SO/AC Chairs and the ICANN Board in a timely manner. Prior to submission of the Final Report, the review team members remain available for potential clarifications on the team's work during the Board consideration phase, as necessary. The review team members will achieve consensus on revisions to the Final Report through either via consensus call taken over the relevant mailing list, or a consensus call taken during a related meeting.

The review team will submit the Final Report to the Board for its consideration. Upon receipt of the Final Report, the Board will open a Public Comment on the Final Report to inform its consideration.

The Final Report must include the following:

- Overview of the review team's working methods, tools used, and analysis conducted.
- Final recommended guidelines and methodologies for the Holistic Review, via final deliverables.
- Supporting statements for the recommended guidelines and methodologies, including changes to the recommended guidelines and methodologies from the Draft Report.
- Resolution of all questions raised during the course of the review.

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- Appendices of fact sheet(s), and explanation of how Public Comment proceeding input received was addressed.
 - Summary of substantive input from Public Comment, public consultations and engagement with SO/ACs on the recommended guidelines and methodologies.
 - The Final Report should indicate a level of consensus as defined in these Operating Standards for each deliverable.
 - Review team composition, including the SO/AC that nominated each member, and details of any changes in composition or leadership during the course of the review.

During Board consideration, the Board will consider the Final Report, as well as levels of support, feasibility, and any other matters relevant to the Board, to determine a pathway forward for the Holistic Review. If the outcomes of the Pilot Holistic Review support the instantiating of a new Holistic Review, the Board may direct ICANN org to initiate the process for Bylaws amendment in accordance with the ICANN Bylaws.

The review team will be disbanded upon submission of the Final Report.

5 Dispute Resolution

All conflict-related communication, whether internal to the review team or involving outsiders, shall conform with ICANN's transparency and accountability requirements, subject to privacy considerations.

Any conflicts or disputes that arise among review team members (e.g., those of an interpersonal nature) shall be addressed in line with conflict resolution and escalation paths used in other community working groups, such as detailed in the [GNSO Operating Procedures](#) or other relevant, publicly available document that has precedent as being used for conflict resolution within the ICANN community.

Concerns about the review team's scope, methodology, community outreach, or any issue related to the review team's work, whether voiced by review team members, the Board, the community, or ICANN org, shall be communicated directly to the review team via the review team leadership.

If a SO/AC should have a concern about a review team's work, the Chair of that SO/AC should raise the concern with the other SO/AC Chairs. Through a manner they deem appropriate, the SO/AC Chairs should make a preliminary determination as to whether the concern can be addressed directly and efficiently with the review team through constructive discussion, or whether the concern is such that it should be brought to the attention of the Board or wider community. As outlined in these Operating Standards, the SO/AC Chairs should notify the review team leadership directly about the concern that has been raised and, if applicable, the SO/AC Chairs' determination that the concern should be brought to the attention of the Board or community.

The review team and the party that raised the concern shall attempt to resolve the concern directly through constructive discussion. Every effort shall be made for an expedient and

productive resolution, avoiding undue interruption of the review team's work and minimizing the impact on the review team's progress.

If direct interaction between parties involved in a dispute does not lead to a productive solution, the following steps shall be taken:

1. The concerned parties may bring the issue to the SO/AC Chairs.
2. The SO/AC Chairs, through a manner they deem appropriate, shall discuss the issue and provide an appropriate solution.
3. If the SO/AC Chairs cannot agree on a solution, they shall suggest an alternative means to arrive at a timely and productive solution. This may include, but is not limited to, facilitation or public consultation. Such alternative means may require the review team to pause its work, understanding that such a disruption should be used only as a means of last resort.

If the Board identifies an issue with the Pilot Holistic Review process that poses a significant risk to the review team meeting the review's objectives within the specified 14-months, the Board will initiate consultations with the SO/AC Chairs to remedy the issue, up to and including issuing a pause on review activities.

The process for restarting the review shall be defined by the SO/AC Chairs, with an eye toward overcoming the challenges that initially led to the dispute.

5.1 Safety Clause for Terminating a Review Team in Case of Failure

In case of circumstances which prevent the review team from achieving its output, the ICANN Board and the SO/AC Chairs may agree together to terminate the Pilot Holistic Review Team. Such circumstances could be, for example: divergence of review team members' views on majority of the twelve deliverables required by the Pilot Holistic Review Terms of Reference (see Section 3.11 - Decision-Making Procedure); inability of the Pilot Holistic Review Team to build community support for their outputs.

Such a decision must be preceded by a full exhaustion of the conflict resolution mechanism laid out in these Operating Standards as well as a prior involvement of the Office of the Ombuds to try to resolve the situation, when applicable. Such a decision must include a detailed rationale with a proposed way forward regarding the completion or restart of the review.



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