1 Guideline:

# 2 ccNSO Procedures Board (Member) Removal Process(es)

- 3
- 4 Draft Version #14 17 January 2022
- 5 Last Date of review
- 6 Date of adoption by the ccNSO Council:7
- 8

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# 1 Introduction and Background

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

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

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

# 18 **2** Purpose of the Guideline

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

### 25 **3 General Provisions**

#### 26 **3.1** Representation of the ccNSO

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

29 the **Removal Process Manager**.

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<sup>1</sup> **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.

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

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

appointed, provided the Manager remains a member of the ccNSO Council. When the **Removal Process** Manager is appointed by the ccNSO Council or the Chair, all other Decisional Participants, the ECA, the
 ccTLD Community and the ICANN Corporate Secretary will be informed.

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

18 The **Removal Process Manager** shall:

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

#### 32 **3.4 Communication.**

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

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

- All communication and information to the community and all emails related to a Removal Process.
- Any other communication that is not by email between the Removal Process Manager with the
   ccTLD Community, other Decisional Participants, the ECA, ICANN Staff, or the ICANN Corporate
   Secretary. If necessary, the communication should be documented.
- 45 A link to the Archive will be published on the ccNSO website.

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

2 [procedures relating to section 3.1 ANNEX D]

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.

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

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

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

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

- $14 \qquad {\rm required \ concerning \ NOMCOM \ Director \ Removal \ Supported \ Petition, \ voluntary \ arrangements \ are}$
- 15 included to streamline the process and enhance transparency.

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#### **Time table NOMCOM Director Removal Process**

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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 <sup>st</sup> after receipt petition	21 + Y (if extended)	4.1 & 4.2
NOMCOM Director Removal Petition Suppoprt 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 <b>OR</b> 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

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#### 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.

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Commented [BB2]: Acording to section 3.1 (a) the ccNSO may develop procedure re the NOMCOM Board meber removal process. Question: may the ccNSO limit who could submit a petiton ot the ccNSO i.e set limits / requirements around" individual"? "Subject to the procedures and requirements developed how the coefficient Devision of the devision of the set o

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

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	Is in writing	
6	<ul> <li>Includes the affiliation of the person submitting the Petition and how the petitioner</li> </ul>	
7	or affiliation is affected	
8	<ul> <li>Contains sufficient detail to verify facts; if verifiable facts are asserted</li> </ul>	
9	Supplies supporting evidence if available/applicable	
10	<ul> <li>Includes references to applicable by-laws and/or procedures if the assertion is that a</li> </ul>	
11	specific by-law or procedure has been breached.	
12	Finally, the NOMCOM Director Removal Petition MUST be sent to the following email address:	Commented [MOU3]: Check with ICANNI Legal: what
13	ccNSO-Petition@icann.org to be considered. The Chair and Vice -Chairs of the ccNSO Council, the	about snail-mail? What if send to ICANN Org head-office?
14	Removal Process Manager and ccNSO secretariat are subscribed to the email address.	Check with ICANN Legal after completion of draft
15		
16	Once the ccNSO has received a NOMCOM Director Removal Petition the ccNSO is considerd to	
17	be the Nominating Committee Director Removal PETITIONED Decisional Participant	
18		
20 21 22 23 24 25	In accordance with ICANN Bylaws Annex D section 3.1 (b) the <b>NOMCOM Director Removal Petition Period</b> shall start on the date that the ccNSO Council has received the <b>NOMCOM Director Removal Petition</b> , at the email address specified in section 4.1.2 above, hereafter the ccNSO Director Removal Petition Date. The <b>NOMCOM Director Removal Petition Period</b> shall end 21 days after the start of this period. at 11.59 Pacific Time <sup>2</sup>	
26	The NOMCOM Director Removal Petition Period shall be extended only as foreseen under 4.2.2.(v)	
27	below.	Commented [MOU4]: Needs to be confirmed by ICANN legal
28 29	4.2.1 Verification NOMCOM Director Removal Petition-	
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	unanamously 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 discused in Section 3.1 (e) of Annex D of the	
41	<u>Bylaws),</u>	
42 43	the Petition is deemed to be rejected by the ccNSO Council. The <b>Removal Process Manager</b> , shall 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 relvant web-page and in the wikispace.
- iv. Inform the other Decisional Participants the ccNSO has recevied a NOMCOM Director Removal petition, and possible NOMCOM Director Removal Support Period (the period during which other Decisional Particpant 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 (20<sup>th</sup>) day of the Period unless extended)

#### 36 **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 (20<sup>th</sup>) 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:

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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 organsie extraordinary meetings at short notice, outside regualr schedule.

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

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

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1 2 3 4	<ul> <li>If one or more of the requirements of the NOMCOM Director Removal Petition is/are not met at the time of the Council meeting.</li> <li>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</li> </ul>	
5 6	NOMCOM Director Removal Petition that led to a NOMCOM Director Removal Community Forum (as defined in <u>Section 3.1(e)</u> of <u>Annex D of the Bylaws</u> )	
7	<ul> <li>If the NOMCOM Director who is subject of the Removal Petition has not been invited</li> </ul>	
8	or this invitation has been extended upon unreasonable notice and accommodation	
9	to the affected Director's availability.	
10	If the ccNSO Council has not reached a decision on the NOMCOM Director Removal	
11	Petition one day before the end of the NOMCOM Director Removal Petition Period	
12	at 23.59 Pacific Time.	
13		
14	At its meeting, the ccNSO Council shall decide whether to support or reject the <b>NOMCOM</b>	
15	Director Removal Petition(s). In taking its decision, the ccNSO Council shall consider:	
16 17	• the feedback, views and input received from the ccTLD community, regarding the	
	NOMCOM Director Removal Petition(s), if any;	
18 19	Remainder of the term of the appointed Director      Other feature desmand relevant by the applied Council	
20	Other factors deemed relevant by the ccNSO Council.	
20	The NOMCOM Director Removal Petion Notice shall include the rationale upon which the	
22	removal of the NOMCOM Director is sought.	Commented [BB8]: From David: shouldn't this language be
23		up in section 4.1.2? BB Comment: This is about the rationale
24	The decision to accept the NOMCOM Director Removal Petition must be supported by at least	from the ccNSO (Council), which should be included in the
25	10 Councillors and at least one from each of the ICANN Geographic Regions.	Notice to the other DPs etc.
26		
27	4.2.4 Nominating Committee Director Removal PETITIONING Decisional Participant The ccNSO	
28	is considerd to be the Nominating Committee Director Removal PETITIONING Decisional	
29	Participant once the ccNSO Council has accepted a NOMCOM Director Removal Petition during	
30	the NOMCOM Director Removal Petition Period	
31		
32	4.2.5 Communicating the decision to accept or reject the NOMCOM Director Removal Petition.	
33	The Removal Process Manager shall:	
34	1. Promptly, within 24 hours of the decision by the ccNSO Council to accept <b>NOMCOM</b>	
35	Director Removal Petition provide the NOMCOM Director Removal Petition Notice	
36	to the Empowered Community Administration, the other Decisional Participants,	
37	and the ICANN Secretary.	
38 39	The NOMCOM Director Removal Petition Notice must include:	
40	(a) the rationale upon which the removal of the NOMCOM Director is	
40	sought.	
42	(b) The contact information of the <b>Removal Process Manager</b>	
43		
44	If the EC Administration has not received the relevant NOMCOM Director Removal	
45	Petition Notice during the NOMCOM Director Removal Petition Period,	
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1	the NOCOM Director Removal Process shall automatically be terminated with
2	respect to the applicable NOMCOM Director Removal Petition
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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 Petion 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
10	4.3.1 Solicitating Support from other Decisional Participants
12	Immediately following the submission of the NOMCOM Director Removal Petition Notice to the
12	Empowered Community Administration and the other Decisional Participants, the <b>Removal Process</b>
13	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	Nomeon Director Removal retition accepted by the censor council.
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	
21	4.3.2 Supported NOMCOM Director Removal Petition
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 Particpant
40	- A statement whether the ccNSO and/or NOMCOM Director Removal Supporting Decisional
41	Particpant 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**.

#### 6 4.3.3 No Support for ccNSO NOMCOM Director Removal Petition

7 If, at the end of the seventh (7<sup>th</sup>) 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) days<sup>3</sup>.

#### 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

- the Supported Petition(s) to inform the NOMCOM Director Removal Community Forum. The manner in
- which the input and feed-back will be requested from the community and then provided to the ECA will
- be determined by the ccNSO Council prior to requesting the ccNSO community to provide their feed-
- 31 back and input.
- The ccNSO Council is advised to discuss how the ccNSO community should provide input and feed-back at its meeting to decide to support a Rejection Action Petition (section 4.3.4 above).

#### 35 4.4.3 Rescinding Support of the Supported Petition during the Community Forum Period

- 36 During any time up and until the eighth (8<sup>th</sup>) 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 quorate<sup>4</sup> ccNSO Council.

<sup>4</sup> 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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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.

<sup>&</sup>lt;sup>3</sup> ICANN Bylaws, Annex D, section 3.1 (e)

2 3	<ul> <li>the feed-back, views and input received from the ccNSO community regarding the NOMCOM Director Removal Supported Petition;</li> </ul>	
4 5	<ul> <li>the importance of the matter for the ccNSO community and other factors deemed relevant by the ccNSO Council.</li> </ul>	
6 7 8 9 10 11 12	This ccNSO Council decision is subject to the Rules of the ccNSO. The ccNSO Council decision shall be published on the ccNSO website/wiki as soon as practically possible and the ccNSO community shall be informed about the decision by the ccNSO Secretariat and will become effective 7 calendar days after publication. Once the decision has become effective, the <b>Removal Process Manager</b> shall notify the ECA, the other Decisional Participants, and the ICANN Secretary of the decision by the ccNSO Council to rescind their support for the <b>NOMCOM Director Removal Supported Petition</b> .	
13	4.5 Final Decision NOMCOM Director Removal Supported Petition	
14	4.5.1Council 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 19	This ccNSO Council meeting should be scheduled by the thirteenth (13 <sup>th</sup> ) day of the <b>NOMCOM Director</b>	
20	Removal Supported Petitoin Decision Period, which directly follows the Community Forum Period.	
21	4.5.2 The ccNSO Decision	
22	No later than on the thirteenth (13 <sup>th</sup> ) day at 23.59 UTC of the Rejection Action Decision Period, the	
23	ccNSO Council must have decided whether to:	
24	• Support the NOMCOM Director Removal Supported Petition (and thereby support the removal	
25	of the NOMCOM Director),	
26	Object to the NOMCOM Director Removal Supported Petition, or	
27 28	<ul> <li>Abstain from the matter. Abstention will not count as support or objection to a NOMCOM Director Removal Supported Petition.</li> </ul>	
29	In taking its decision, the ccNSO Council shall consider:	
30	• the feed-back, views and input received from the ccNSO Community regarding the <b>NOMCOM</b>	
31	Director Removal Supported Petition;	
32	• the importance of the matter for the ccNSO Community and other factors deemed relevant by	
33	the ccNSO Council.	
34	The ccNSO Council decision to support the NOMCOM Director Removal Supported Petition has to be	
35	taken with a super-majority of 2/3 of the votes cast supporting the Petition at a quorate ccNSO Council	
36	meeting.	Commented [BB10]: This is different thereshold then for the
37		ccNSO Director removal petition
38	The ccNSO Council decision to reject the NOMCOM Director Removal Supported Petition has to be	
39	taken by a simple majority of the votes cast rejecting the Petition at a quorate ccNSO Council meeting.	
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In taking its decision the ccNSO Council shall consider:

# 1 In all other cases the ccNSO Council is deemed to have abstained<sup>5</sup>.

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.7

8 If the ccNSO Council decision is not effective by the 20<sup>th</sup> 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.

#### 12 4.6 NOMCOM Director Removal Notice

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

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.

11

Commented [BB11]: Bote the difference

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

<sup>&</sup>lt;sup>5</sup> 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 <u>Section 3.1(g)</u>.

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

- 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

#### Time table ccNSO Director Removal Process 16

17

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

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

20

1		
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 <mark>, [<del>who has a clear and demonstrated interest in</del></mark>	
9	the removal of the ccNSO Director	Commen
10	<b>E</b>	petition. S
11	5.1.2 Requirements ccNSO Director Removal Petition	Or, alterna
12	The ccNSO Council will only consider for acceptance a ccNSO Director Removal Petition if the	
13	petition:	
14	Is in writing	
15	<ul> <li>Includes the affiliation of the person submitting the Petition and how the petitioner</li> </ul>	
16	or affiliation is affected	
17	<ul> <li>Contains sufficient detail to verify facts; if verifiable facts are asserted</li> </ul>	
18	<ul> <li>Supplies supporting evidence if available/applicable</li> </ul>	
19	<ul> <li>Includes references to applicable bylaws and/or procedures if the assertion is that a</li> </ul>	
20	specific bylaw or procedure has been breached.	
21	Finally, the ccNSO Director Removal Petition MUST be sent to the following email address:	Commen
22	ccNSO-Petition@icann.org to be considered. The Chair and Vice-Chairs of the ccNSO Council, the	about snai
23	Removal Process Manager and the ccNSO Secretariat are subscribed to the email address.	What are
24		recommer
2.		
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 <b>ccNSO Director Removal Petition</b> , 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 Time <sup>6</sup>	
30		
31	The ccNSO Director Removal Petition Period shall be extended only as foreseen under 5.2.2. (iv) below.	Commenter
32	5.2.1 Verification ccNSO Director Removal Petition-	
33	Sizi vermeaton engo precio nemovar reaton-	
34	Within two business days following receipt of the ccNSO Director Removal Petition, the	
35	Removal Process Manager, together with the Chair and Vice-Chairs, shall determine and advise	
36	Council whether all elements as listed in section 5.1.2 are included in the Petition.	
37		
38	If the <b>Removal Process Manager,</b> together with the Chair and Vice-Chairs of the ccNSO,	
39	unanimously determine that either:	
40	3. the submitted documentation does not include one or more element(s) listed in section 5.1.2,	
40		
41	or	

# 1 **5.1 ccNSO Director Removal Petition.**

15

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

**Commented [MOU14]:** Check with ICANN Legal: what about snail-mail? What if send to ICANN Org head-office? What are petition requirements looking at "Good Faith" recommendation WS 2.

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

 $<sup>^{6}</sup>$  Pacific time is UTC – 7 or UTC - 8, depending on daylight savings regime.

1	subjeo Forun the Pe	rector who is the subject of the <b>ccNSO Director Removal Petition</b> has previously been ct to a ccNSO Director Removal Petition that led to a ccNSO Director Removal Community (as defined in <u>Section 3.2(d)</u> of <u>Annex D of the Bylaws</u> ), etition is deemed to be rejected by the ccNSO Council. The <b>Removal Process Manager</b> shall in the petitioner and the ccNSO Council accordingly.	
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33	<b>Perio</b> Within	Actions by the Removal Process Manager, once a ccNSO Director Removal Petition d has started In two business days of the start of the ccNSO Director Removal Petition Period, the val Process Manager shall: Inform the ccNSO Council of receipt of a Removal Petition Inform the ccNSO Membership of receipt of a Removal Petition Instruct the secretariat to open the Board Removal section on the relevant web-page and in the wikispace. Invite the scNSO Council, the Director subject to the ccNSO Director Removal Petition and the Chair of the Board (or the Vice-Chair of the Board if the Chair is the affected Director) to a dialogue with the Petitioners and the ccNSO's representative on the EC Administration. This invitation has been extended upon reasonable notice and accommodation to the affected Director's availability. If the invitation is accepted by either the relevant Director or the Chair of the Board (or the Vice-Chair of the Board if the Chair is the affected Director), the ccNSO Council shall not decide upon the ccNSO Director Removal Petition until the dialogue has occurred or there have been reasonable efforts to have the discussion. If, as a result, the dialogue is scheduled on day 18 or later into the ccNSO Director Removal Petition Period the ccNSO Council meeting where a decision has to be made upon the ccNSO Director Removal Petition shall be scheduled two days after the day of the dialogue, not being a public holiday. The ccNSO Director Removal Petition Period shall be extended accordingly if needed. Propose dates for: c. The ccNSO Council meeting to enter into a dialogue with the relevant Director, the (Vice-)Chair of the Board and the ccNSO appointed representative on the ECA, and the individual(s) who submitted the ccNSO Director Removal Petition	Commented [MOU16]: Does this imply that teh if the Chair of the Board and/or Affedcted board member is not availabe the pettion period is extended? Commented [DD17R16]: It should be more clear on that.
34 35 36 37 38		<ul> <li>d. 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 (20<sup>th</sup>) day of the Period unless extended)</li> <li>Rejection or Support ccNSO Director Removal Petition.</li> <li>g the ccNSO Director Removal Petition Period, the ccNSO Council shall decide to accept or</li> </ul>	
39 40 41 42 43	reject via tel <b>Perio</b> day) t	the <b>ccNSO Director Removal Petition.</b> The ccNSO Council shall meet either in person or econference, no later than one day before the end of <b>ccNSO Director Removal Petition</b> d (which - unless the period is extended per section 5.2.2 (iv) above - is the twentieth (20 <sup>th</sup> ) o decide whether or not to accept or reject the Petition(s).	
44 45		SNSO Director Removal Petition shall be deemed to be rejected if one or more of the ring conditions applies as determined at the sole discretion of the ccNSO Council:	Commented [MOU18]: Can this be included in this way?

1 2	<ul> <li>If one or more of the requirements of the ccNSO Director Removal Petition is/are not met at the time of the Council meeting.</li> </ul>	
3	<ul> <li>if, during the same term as a member of the Board, the Director who is the subject</li> </ul>	
4	of the ccNSO Director Removal Petition has previously been subject to a	
5	ccNSO Director Removal Petition that led to a ccNSO Director Removal Community	
6	Forum (as defined in <u>Section 3.2(d)</u> of <u>Annex D of the Bylaws</u> )	
7	If the ccNSO Director who is subject of the Removal Petition has not been invited or	
8	this invitation has been extended upon unreasonable notice and accommodation to	
9	the affected Director's availability.	
10	If the ccNSO Council has not decided on the ccNSO Director Removal Action Petition	
11	one day before the end of the ccNSO Director Removal Petition Period at 23.59	
12	Pacific Time.	
13		
14	At its meeting, the ccNSO Council shall decide whether to support or reject the ccNSO Director	
15	Removal Petition(s). In taking its decision, the ccNSO Council shall consider:	
16	<ul> <li>the feedback, views and input received from the ccTLD community, regarding the</li> </ul>	
17	ccNSO Director Removal Petition(s), if any;	
18	<ul> <li>The remainder of the term of the ccNSO appointed Director</li> </ul>	
19	<ul> <li>Other factors deemed relevant by the ccNSO Council.</li> </ul>	
20		
21	If the ccNSO Council decides to support the Petition, it must decide whether to request the ECA	
22	to hold a Community Forum at the first upcoming ICANN meeting (Section 3.2 (d) (ii) Annex D of	
23	the ICANN Bylaws), and the ccNSO Council is advised to discuss how the ccTLD community could	
24	provide input and feedback during the Community Forum.	
25		
26	The decision to accept the ccNSO Director Removal Petition must be supported by at least 10	
27	Councillors and at least one from each of the ICANN Geographic Regions.	
28		
29	5.2.4 Communicating the decision to accept or reject the ccNSO Director Removal Decision.	
30	The Removal Process Manager shall:	
31	3. Promptly, within 24 hours of the decision by the ccNSO Council to accept <b>ccNSO</b>	
32	Director Removal Petition provide the ccNSO Director Removal Petition Notice to	
33	the Empowered Community Administration, the other Decisional Participants, and	
34	the ICANN Secretary.	
35		
36	Per the Bylaws <sup>7</sup> the <b>ccNSO Director Removal Petition Notice</b> must include:	
37	(c) A supporting rationale in reasonable detail	
38	(d) The contact information of the <b>Removal Process Manager</b>	
39	(e) A ccNSO Council statement whether or not the ccNSO requests	
40	that ICANN organize a publicly-available conference call before	
41	the ccNSO Director Removal Community Forum	

<sup>&</sup>lt;sup>7</sup> ICANN Bylaws, Annex D Section 3.2(c)(i)(A-D)

2         the ccNSO Director Removal Community Forum during the next scheduled ICANN public meeting.           3         If the EC Administration has not received the relevant ccNSO Director Removal Petition Notice during the ccNSO Director Removal Petition Period, the ccNSO Director Removal Process shall automatically be terminated with respect to the applicable ccNSO Director Removal Petition           10         4. Additionally, the ccNSO's representative to the Empowered Community Administration shall be informed of the decision reached by the ccNSO Council.           11         5. Inform the ccNSO Membership of the result of the ccNSO Council decision making procedure on the ccNSO Director Removal Petition. The result shall be published within 24 hours after the end of the (extended) ccNSO Director Removal Petition Period. The ccNSO and ccTLD mailing lists, as well as on the ccNSO Secretariat on the relevant ccNSO Director Removal Action Community Forum, including the ccNSO Director Removal Action Community Forum Sintal be convened by ICANN at the direction of the ECA. The ccNSO Director Removal Action Community Forum, and labe convened by ICANN at the direction of the ECA. The ccNSO Director Removal Action Community Forum shall be convened by ICANN at the direction of the ECA. The ccNSO Director Removal Action Community Forum Period. Unless the ccNSO Council has requested the forum to be held in conjunction with an ICANN meeting, the ccNSO Council meeting.           27         5.3.2 ccNSO Director Removal Action Community Forum Period. Unless the ccNSO Council has requested the forum to be held in conjunction with an ICANN meeting, the ccNSO Council has requested the forum to be held in conjunction with an ICANN meeting, the ccNSO Council has the decision of the ccNSO Removal Petition Period and ending on the 21st day after the expiry o	1	(f) A statement as to whather the self $\Omega$ has determined to hold	
3         scheduled ICANN public meeting.           4         If the EC Administration has not received the relevant ccNSO Director Removal Petition Notice during the ccNSO Director Removal Petition Period, the ccNSO Director Removal Process shal automatically be terminated with respect to the applicable ccNSO Director Removal Petition           9         4. Additionally, the ccNSO's representative to the Empowered Community Administration shall be informed of the decision reached by the ccNSO Council.           11         Additionally, the ccNSO Membership of the result of the ccNSO Council decision making procedure on the ccNSO Director Removal Petition. The result shall be published within 24 hours after the end of the (extended) ccNSO Director Removal Petition Period. The ccNSO and ccTLD mailing lists, as well as on the ccNSO website and/or wiki.           19 <b>5.3 ccNSO appointed Director Removal Community Forum</b> 20 <b>5.3.1 ccNSO Director Removal Action Community Forum</b> Any SO/AC Director Removal Action Community Forum, including the ccNSO Director Removal Action Community Forum, shall be convened by ICANN at the direction of the ECA. The ccNSO Director Removal Action Community Forum is the forum at which the Decisional Participants and interested parties may discuss the ccNSO Director Removal Petition Notice           21 <b>5.3.2 ccNSO Director Removal Action Community Forum Period</b> . Unless the ccNSO Director Removal Action Community Forum Period shall start at the expiration of the ccNSO Director Removal Action Community Forum Period shall start at the expiration of the ccNSO Director Removal Action Community Forum Period shall start at the explication of the ccNSO Director Removal Action Community Forum Period shall start at the explica		(f) A statement as to whether the ccNSO has determined to hold	
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8         to the applicable ccNSO Director Removal Petition           9         4. Additionally, the ccNSO's representative to the Empowered Community           10         4. Additionally, the ccNSO's representative to the Empowered Community           11         Administration shall be informed action reached by the ccNSO Council.           12         5. Inform the ccNSO Membership of the result of the ccNSO Director Removal Petition           13         5. Inform the ccNSO Director Removal Petition. The result shall be published           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		5	
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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       5. Inform the ccNSO Membership of the result of the ccNSO Council decision making         13       5. Inform the ccNSO Director Removal Petition. The result shall be published         14       procedure on the ccNSO birector Removal Petition. The result shall be published         16       Period. The ccNSO and ccTLD mailing lists, as well as on the ccNSO Secretariat on the         17       relevant ccNSO and ccTLD mailing lists, as well as on the ccNSO website and/or wiki.         18       5.3 ccNSO appointed Director Removal Community Forum         20       5.3 ccNSO Director Removal Action Community Forum         21       5.3.1 ccNSO Director Removal Action Community Forum         22       5.3.2 ccNSO Director Removal Action Community Forum         23       5.3.2 ccNSO Director Removal Action Community Forum         24       parties may discuss the ccNSO Director Removal Petition Notice         25       5.3.2 ccNSO Director Removal Action Community Forum Period. Unless the ccNSO Council has         26       5.3.2 ccNSO Director Removal Action Community Forum Period. Unless the ccNSO Council has         27       s.3.2 ccNSO Director Removal Action Community Forum Period. Unless the ccNSO Council has         28       requested the fo		to the applicable ccNSO Director Removal Petition	
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<ul> <li>5. Inform the ccNSO Membership of the result of the ccNSO Council decision making procedure on the ccNSO Director Removal Petition. The result shall be published within 24 hours after the end of the (extended) cCNSO Director Removal Petition Period. The ccNSO shall be informed accordingly by the ccNSO Secretariat on the relevant ccNSO and ccTLD mailing lists, as well as on the ccNSO website and/or wiki.</li> <li>5.3 ccNSO appointed Director Removal Community Forum Any SO/AC Director Removal Action Community Forum Any SO/AC Director Removal Action Community Forum, including the ccNSO Director Removal Action Community Forum, shall be convened by ICANN at the direction of the ECA. The ccNSO Director Removal Action Community Forum is the forum at which the Decisional Participants and interested parties may discuss the ccNSO Director Removal Petition Notice</li> <li>5.3.2 ccNSO Director Removal Action Community Forum Period. Unless the ccNSO Council has requested the forum to be held in conjunction with an ICANN meeting, the ccNSO Director Removal Action Community Forum Period shall start at the expiration of the ccNSO Removal Petition Period and ending on the 21st day after the expiry of the ccNSO Removal Petition Period at 23:59 (Pacific Time).</li> <li>If the ccNSO Director Removal Action Community Forum shall be held during the next scheduled ICANN public meeting as requested by the ccNSO Removal Petition Period, the ccNSO Director Removal Action Community Forum shall be held during the next scheduled ICANN public meeting as the dafter 11:59 p.m. (as calculated by local ime at the location of ICANN's principal office) on the 21st day after the expiration of the ccNSO Removal Petition Period, the ccNSO Director Removal Community Forum Period shall expire on the official last day of such ICANN public meeting at 11:59 p.m., local time of the ctNSO, nor the individual who initiated the ccNSO Director Removal Protems Manager shall inform the ccTLD community on the details of the Community For</li></ul>			
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<ul> <li>42 initiated the ccNSO Director Removal Petition, shall be permitted to participate in the management or</li> <li>43 moderation of the ccNSO Director Removal Community Forum.</li> <li>44</li> <li>45 The Removal Process Manager shall – after consulting the Chair of the ccNSO - convene a ccNSO</li> </ul>	41		
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· · · · · · · · · · · · · · · · · · ·	45	The <b>Removal Process Manager</b> shall – after consulting the Chair of the ccNSO - convene a ccNSO	
	46	Council meeting by the eighth (8 <sup>th</sup> ) day before the end of the ccNSO Director Removal Action	

18

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.

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,
- the Removal Process Manager will summarize the proceedings of the community forum and share 18
- 19 them on the list as soon as possible after the closure of the ccNSO Director Removal Action Community 20 Forum Period.
- 21

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#### 22 5.3.6 Resolution of Issue during the Community Forum Period

- 23 During any time up and until the eighth (8<sup>th</sup>) day before the end of the ccNSO Director Removal Action
- 24 Community Forum Period, the ccNSO Council may elect to agree that the issue raised in the ccNSO 25
- Director Removal Petition has been resolved. The decision to recognize that the issue has been resolved 26

must be supported by at least 10 Councillors and at least one form each of the ICANN Geographic 27 Region.

29 In making its decision, the ccNSO Council shall consider:

- the feed-back, views and input received from the ccNSO community and others regarding ccNSO Director Removal Petition:
- Other factors deemed relevant by the ccNSO Council.

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 become effective.

- 39
- 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.

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19

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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 (7 <sup>th</sup> ) 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 ( $6^{th}$ ) and no later than the tenth ( $10^{th}$ ) day at 23.59 UTC following the	
10	expiration of <b>the ccNSO Director Comment Period.</b> 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 15	inform the Councillors and ccNSO Membership of the closure and will forward the (links to) the	
16	comments and recommendations received, if any.	
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 21 <sup>st</sup> 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 25	the <b>ccNSO Director Removal Petition</b> . In taking its decision, the <mark>ccNSO Council s</mark> hall consider:	Commented IMOU221: Deneral
25	the feed-back, views and input received:	 Commented [MOU22]: Dependi decision: Council, Membership or
27	from the ccNSO Director who is subject of the ccNSO Director Removal Petition and	
28	the Chair of the Board, if any	
29	<ul> <li>The Petitioner, if any</li> </ul>	
30	<ul> <li>the ccNSO and broader ccTLD Community, if any</li> </ul>	
31	<ul> <li>during the ccNSO Director Removal Community Forum</li> </ul>	
32	<ul> <li>during the ccNSO Board Director Removal Comment Period</li> </ul>	
33	Other factors deemed relevant by the ccNSO Council.	
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 $(11^{th})$ day at noon (12.00) UTC into the ccNSO Director Removal	
37	Decision Period.	
38 39	E E 2.1. Supermainsity coNSO Council Desision to suprost the coNSO Director Demoval	
40	5.5.2.1. Supermajority ccNSO Council Decision to support the ccNSO Director Removal Petition. The ccNSO Council decision to support the ccNSO Director Removal Petition must be	
41	taken with a supermajority of 14 or more Councillors and at least one from each of the ICANN	
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nding on who takes the or both.

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 20 <sup>th</sup> day of the ccNSO Director Removal Decision Period	
6	at 23.59 UTC unless by the 20 <sup>th</sup> day into the <b>ccNSO Director Removal Decision Period, <mark>UNLESS</mark></b>	
7	at least 34 % of the ccNSO Members indicated not to support the decision of the ccNSO Council.	Commented [MOU23
8	The Rules of the ccNSO do NOT apply to this decision of the ccNSO Council.	support the petion it me
9		amongst the members.
10		is considered a superma
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 20 <sup>th</sup> day of the ccNSO Director Removal Decision	
19	Period at 23.59 UTC unless by the 20 <sup>th</sup> day into the ccNSO Director Removal Decision Period,	
20	UNLESS at least 67 % of the ccNSO Members indicate support for the ccNSO Director Removal	Commented [MOU24
21	Petition. The Rules of the ccNSO do NOT apply to this decision of the ccNSO Council.	2/3 of the membership
22		
23	5.5.2.3 No ccNSO Council Decision or if too late	
24	If the ccNSO Council has not decided by the $11^{ m th}$ day at noon (12.00) UTC into the <code>ccNSO</code>	
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 11 <sup>th</sup> day at 23.59 UTC. If by the 20 <sup>th</sup> 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 [MOU25
30		members ! Priciple deci this and then circualte c
31	5.5.3 Lack of support removal decision. If the ccNSO does not support the ccNSO Director	uns and then chedane c
32	Removal Petition by the 20 <sup>th</sup> 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 21 <sup>st</sup> 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	

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

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

 $46 \qquad {\rm ccNSO} \ {\rm has \ chosen \ to \ remove \ the \ affected \ Director.}$ 

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**Commented [MOU23]:** If 34 % of the membership does not support the petion it measn that ther si no supermajoriyt amongst the members. Assuming that 66 % of the mebership is considered a supermajority.

**Commented [MOU24]:** This is a supermajority of more then 2/3 of the membership who support the petition

**Commented [MOU25]:** This need to be discussed with the nembers ! Priciple decision. Possibly: run a webinar explain his and then circualte draft for comments.

#### 6. Board Recall Process 1 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. In Section 6.2 the decisions, actions, procedures and requirements of the ccNSO (Council) 7 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.

#### Time table Board Recall Process

1 2

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

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

a Petition, how to submit a Petition to the ccNSO as a Decisional Participant, and how the ccNSO intends
 to accept or reject such petition. All references to "notices" and "notification" in this section need to be
 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 18 6.1.2 Requirements Board Recall Petition 19 The ccNSO Council will only consider for acceptance a **Board Recall Petition** if the petition: 20 • Is in writing

Commented [BB26]: Acording to section 3.1 (a) the ccNSO may develop procedure re the NOMCOM Board meber removal process. Question: may the ccNSO limit who could submit a petiton ot the ccNSO i.e set limits / requirements around" individual"? "Subject to the procedures and requirements

"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"..

1	Includes the affiliation of the person submitting the Petition and how the petitioner	
2	or affiliation is affected	
3	<ul> <li>Include a rationale setting forth the reasons why the recall of the Board is sought</li> </ul>	<b>Commented [BB27]:</b> See Annex D section 3.3 (a).
4	<ul> <li>Contains sufficient detail to verify facts; if verifiable facts are asserted</li> </ul>	
5	<ul> <li>Supplies supporting evidence if available/applicable</li> </ul>	
6	<ul> <li>Includes references to applicable by-laws and/or procedures if the assertion is that a</li> </ul>	
7	specific by-law or procedure has been breached.	
8	Finally, the <b>Board Recall Petition MUST be sent</b> to the following email address: <u>ccNSO-</u>	Commented [MOU28]: Check with ICANN Legal: what
9	Petition@icann.org to be considered. The Chair and Vice -Chairs of the ccNSO Council, the	about snail-mail? What if send to ICANN Org head-office
10	Removal Process Manager and ccNSO secretariat are subscribed to the email address.	
11		
12	6.1.3 Board Recall PETITIONED Decisional Participant The ccNSO is considerd to be the Board	
13	Recall PETITIONED Decisional Participant once the ccNSO has received a Board Recall Petition	
14		
15	6.2 Board Recall Petition Period.	
16	In accordance with ICANN Bylaws Annex D section 3.1 (b) the <b>Board Recall Petition Period</b> shall start on	
17	the date that the ccNSO Council has received the <b>Board Recall Petition</b> , hereafter the ccNSO <b>Director</b>	
18	Removal Petition Date. The Board Recall Petition Period shall end 21 days after the start of this period.	
19	at 11.59 Pacific Time <sup>8</sup>	
17		
20	6.2.1 Verification Board Recall Petition-	
21	Within two business days following receipt of the Board Recall Petition, the Removal Process	
22	Manager together with the Chair and Vice-Chairs shall determine and advise Council whether all	
23	elements as listed in section 4.1.2 are included in the Petition.	
24		
25	If the Removal Process Manager together with the Chair and Vice-Chairs of the ccNSO	
26	unanimously determine that either:	
27	1. the submitted documentation does not include one or more element(s) listed in section 4.1.2,	
28	or	
29	2. the Board Recall Petition cannot be submitted solely on the basis of a matter decided by a	
30	Community IRP if (i) such Community IRP was initiated in connection with the Board's	
31	implementation of GAC Consensus Advice and (ii) the EC did not prevail in such Community	
32	IRP	Commented [BB29]: See Annex D section 3.3 (a)
33	3. Does NOT include a rationale setting forth the reasons why the recall of the Board is sought	Commented [BB30]: See Annex D section 3.3 (a). This is
34	the Petition is deemed to be rejected by the ccNSO Council. The Removal Process Manager, shall	not about the substnace of the rationale, but just the
35	inform the petitioner and the ccNSO Council accordingly.	requirement to include a rationale.
36		
27	6.2.2 Actions huthe Demovel Dresses Menores, and a Deard Dearl Deticing Deviced has	
37 38	6.2.2 Actions by the Removal Process Manager, once a Board Recall Petition Period has started	
39 40	Within two business days of the start the ccNSO Director Removal Petition Period, the Removal Process Manager chall:	
40 41	Process Manager shall:	
41 42	<ul> <li>Inform the ccNSO Council of receipt of a Removal Petition</li> <li>Inform the ccNSO Membership of receipt of a Removal Petition</li> </ul>	
₩∠	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.

24

1 2	iii. Instruct the secretariat to open the Board Removal section on the relvant web-page and in the wikispace.	
$\frac{2}{3}$	iv. Inform the other Decional Participants of petion receiver, and possible NOMCOM Director	
4		
	Removal Support Period, the period during which other Decisional Particpant need to	
5	decide, whether to support, reject or abstain from the NOMCOM Director Removal	
6	Petition <mark>.</mark>	Comm
7	v. Propose dates for the ccNSO Council meeting where the ccNSO Council shall accept or	DPs are action/
8	reject the petition, which shall be no later than one day before the end of the Period	Note: f
9	(which will be the twentieth (20 <sup>th</sup> ) day of the Period.	extraor schedu
10	6.2.3 Rejection or Support Board Recall Petition.	Note th from at
11	During the <b>Board Recall Petition Period</b> , the ccNSO Council shall decide to accept or reject the	I I I I I I I I I I I I I I I I I I I
12	<b>Board Recall Petition.</b> The ccNSO Council shall meet either in person or via tele-conference, no	
12	later than one day before the end of <b>Board Recall Petition Period</b> (which - unless the period is	
-		
14	extended in accordance with section 4.2.2 (iv) above - is the twentieth (20 <sup>th</sup> ) day) to decide	
15	whether or not to accept or reject the Petition(s).	
16		
17	The <b>Board Recall Petition</b> shall be deemed to be rejected, if one or more of the following	
18	conditions applies as determined at the sole discretion of the ccNSO Council:	
19	• If one or more of the requirements of the <b>Board Recall Petition</b> is/are not met at the	
20	time of the Council meeting.	
21	<ul> <li>If the ccNSO Council has not reached a decision on the Board Recall Petition one day</li> </ul>	
22	before the end of the <b>Board Recall Petition Period</b> at 23.59 Pacific Time.	
23		
24	At its meeting, the ccNSO Council shall decide whether to support or reject the Board Recall	
25	Petition(s). In taking its decision, the ccNSO Council shall consider:	
26	• the feedback, views and input received from the ccTLD community, regarding the	
27	Board Recall Petition(s), if any;	
28	<ul> <li>Remainder of the term of the appointed Director</li> </ul>	
29	<ul> <li>Other factors deemed relevant by the ccNSO Council.</li> </ul>	
30		
31	The Board Recall Petion Notice shall include the rationale upon which the recall of the Board is	
32	sought.	
33	-	
34	The decision to support the <b>Board Recall Petition</b> must be supported by at least 10 Councillors	
35	and at least one from each of the ICANN Geographic Regions.	
36		
50		
37	6.2.4 Communicating the decision to accept or reject the Board Recall Petition.	
38	The Removal Process Manager shall:	
39	1. Promptly, within 24 hours of the decision by the ccNSO Council to support <b>Board Recall</b>	
40	Petition provide the Board Recall Petition Notice to the Empowered Community	
41	Administration, the other Decisional Participants, and the ICANN Secretary.	
42	Administration, the other becisional randopunts, and the renew secretary.	
43	The Board Recall Petition Notice must include:	
44	a. The rationale upon which the removal of the Board is	
45	sought.	

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nented [BB31]: This is added to ensure that the other re informed as timely as possible so they can take /decision timely. for some DPs this may require ability to organise an rdinary meeting at short notice, outside regular

le. hat the Board Recall Petition needs additional support t least two other DPs (see: Annex D, section 3.3 (c) (i).

1	b. The contact information of the Removal Process Manager	
2		
3	If the EC Administration has not received the relevant <b>Board Recall Petition Notice</b> during	
4	the ccNSO Director Removal Petition Period, the NOCOM Director Removal Process shall	
5 6	automatically be terminated with respect to the applicable Board Recall Petition	
0 7	2. Inform the ccNSO membership of result of the ccNSO Council decision making procedure on	
8	the <b>Board Recall Petition</b> . The result shall be published within 24 hours after the end of the	
9	(extended) <b>Board Recall Petion Period.</b> 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 <b>Removal Process Manager</b> , 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 22	website/or wiki space.	
22	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	Commented [BB32]: See Annex D section 3.3 (c) (i)
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 <b>Removal Process Manager</b> will formally submit the <b>Board Recall Supported Petition</b> to	
32	the:	
33 34	<ul> <li>Empowered Community Administration,</li> <li>other Decisional Participants, and</li> </ul>	
34	<ul> <li>other Decisional Participants, and</li> <li>ICANN Secretary.</li> </ul>	
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	<ul> <li>Contact details for the Removal Process Manager, and/or contact details of the Board Recall</li> </ul>	
40	Supporting Decisional Particpant	
41	- A statement whether the ccNSO and/or Board Recall Supporting Decisional Particpant	
42	requests that ICANN organize a publically available conference call prior to the <b>Board Recall</b>	
43	Community Forum is requested,	

6 . I. . . . .

-	A statement whether the estate and the state bound head outpointing becausional i a depart	
2	have determined to hold a Board Recall Community Forum during the next	
3	scheduled ICANN public meeting.	Comment
4		virtual mee
5	6.3.3 No Support for ccNSO Board Recall Petition	
6	If, at the end of the seventh (7 <sup>th</sup> ) day after conclusion of the <b>Board Recall Petition Period</b> 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 <b>Board Recall Petition</b> . Additionally, the <b>Removal Process Manager</b> shall	
10	inform the ccNSO Council and ccTLD community that the <b>Board Recall Petition</b> 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	
12		
-	website/wiki.	
14		
15	6.4 Procedures with respect to Board Recall Community Forum	
16	This section details the ccNSO procedures with respect to a <b>Board Recall Community Forum</b> . 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 he Forum will be held during the next scheduled ICANN Public meeting <sup>9</sup> .	
21	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.	Comment
26		the Forum
		may also b such as tel
27	6.4.2 ccNSO community input	such other
28	The Removal Process Manager will request the ccTLD community to provide input and/or feedback on	the EC Adn
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 <b>Board Recall Petition</b> (section 6.3 above) or request to support	
33 34		
	Board Recall Petion already supported by other DP (section 7 below).	
35		
36	6.5 Alternative 1: Final Decision Board Recall Supported Petition	
37	6.5.1 Council meeting	
38	Following the ICANN announcement to convene a Board Recall Community Forum, the Chair of the	
38 39		
	ccNSO Council shall schedule a Council meeting for final decision making on the <b>Board Recall Supported</b>	
40	Petition(s).	

- A statement whether the ccNSO and the other Board Recall Supporting Decisional Particpant

40 41

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<sup>9</sup> ICANN Bylaws, Annex D, section 3.3 (d) (ii)

27

nted [BB33]: What does this imply in times of neetings

nted [BB34]: Note: According to section 3.3 (d) (iii) *um shall* have at least one face-to-face meeting and *b* be conducted via remote participation methods eleconference, web-based meeting room and/or er form of remote participation as dministration selects

1	This ccNSO Council meeting should be scheduled by (no later than) the eleventh (11 <sup>th</sup> ) day of the <b>Board</b>
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 (11 <sup>th</sup> ) day at 23.59 UTC of the Decision Period, the ccNSO Council must
6	have decided whether to:
7	<ul> <li>Support the Board Recall Supported Petition (and thereby support the removal of the Board),</li> </ul>
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	<ul> <li>the feed-back, views and input received from the ccNSO Community regarding the Board Recall</li> </ul>
13	Supported Petition;
14	<ul> <li>the importance of the matter for the ccNSO Community and other factors deemed relevant by</li> </ul>
15	the ccNSO Council.
16	The ccNSO Council decision to support the <b>Board Recall Supported Petition</b> 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 <b>Board Recall Supported Petition</b> 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 abstained <sup>10</sup> .
23	
24	This ccNSO Council decision to support or reject a <b>Board Recall Supported</b> 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.
28	
29	If the ccNSO Council decision is not effective by the 20 <sup>th</sup> day at 23.59 Pacific Time of the <b>Board Recall</b>
30	Supported Petition Decision Period (as defined in the ICANN Bylaws), the ccNSO is deemed to have
31	abstained from the matter.

 $<sup>^{10}</sup>$  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 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 21 <sup>st</sup> 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	<ul> <li>the feed-back, views and input received:</li> </ul>	
11	<ul> <li>The Petitioner, if any</li> </ul>	
12	<ul> <li>the ccNSO and broader ccTLD Community, if any</li> </ul>	
13	<ul> <li>during the Board Removal Community Forum</li> </ul>	
14	<ul> <li>From the Board, if any</li> </ul>	
15	<ul> <li>Other factors deemed relevant by the ccNSO Council.</li> </ul>	
16	The ccNSO Council decision whether to support or reject the <b>Board Recall Supported Petition</b>	
17	has to be taken ultimately at the eleventh (11 <sup>th</sup> ) day at noon (12.00) UTC into the Board Recall	
18	Decision Period.	
19		
20	The ccNSO Council decision shall be published on the ccNSO Website immediately following the	
21	closure of the meeting and shall include an explanation of its decision.	
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 20 <sup>th</sup> day of the ccNSO Director Removal Decision	
33	Period at 23.59, UTC. UNLESS by the 20 <sup>th</sup> 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.	<b>Commented [MOU36]:</b> If 34 % of the membership does not support the petion it measn that there is no supermajoriyt
36		amongst the members. Assuming that 66 % of the mebership
37		is considered a supermajority.
38	6.5.2.2 ccNSO Decision to reject the Board Recall Supported Petition	
39	(i) the end of the end of the president of the president of the president of the end of	
40	If the ccNSO Council does not support the <b>Board Recall Supported Petition (i.e., there is</b>	
41	no supermajority to support the Petition), the Decision shall become effective on the	
42	20 <sup>th</sup> day of the Board Recall Decision Period at 23.59 UTC UNLESS by the 20 <sup>th</sup> day into	
43	the <b>ccNSO Director Removal Decision Period</b> at least 67 % of the ccNSO Members	<b>Commented [MOU37]:</b> This is a supermajority of more then 2/3 of the membership who support the petition
44 45	indicate to support the <b>Board Recall Supported Petittion.</b>	2.5 St the memoership who support the petition
45 46	C F 2 2 No coNSO Decision or too late	
+0	6.5.2.3 No ccNSO Decision or too late	
	29 17 January 2022, version 14	

1	If the ccNSO Council has not decided by the 11 <sup>th</sup> 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 11 <sup>th</sup> day at 23.59 UTC. If by the 20 <sup>th</sup> 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.
8	
9	
10	6.6 Board Recall Notice
11	As soon as the ccNSO Council's decision has become effective, and prior to 21 <sup>st</sup> day, 23:59 Pacific Time
12	(the local time of the LA office of ICANN) the Removal Process Manager MUST have conveyed a notice

**Commented [MOU38]:** This need to be discussed with the members ! Priciple decision. Possibly: run a webinar explain this and then circualte draft for comments.

ce 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 18decision 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.

## 7. ccNSO Procedures to support other Decional Participants Board Removal Petitions

In section 7.1 the preparatory actions are described i. e those actions of the ccNSO which are taken prior 3 4 to the formal request from another Decisional Particpant to support ther Removal or Recall petions 5 6 The ccNSO decisions whether to support the removal or recall petion 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 Petion 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 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 Porcess Manager, will tentatively include a suggested date for a Council 23 meeting for decision to suppor-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 Decional Participant that his Decisional Participant has received 27 and is considering a Board Removal Petion 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 suppor-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 Decisonal Particpant that has received the Removal or Recall Pettion by the 11<sup>th</sup> day into NOMCOM 35 Director Petion 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 38 The relevant Decision Particpant 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

443 The DP's NONCOM Director Removal Petition of DP's Board Recail Petition is defined as the NONCOM
 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

31

1 2

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 6 <sup>th</sup> day at 23.59 UTC into the	
5	ccNSO Nominating Committee Director Removal Petition Support Period or ccNSO Board Recall	
6	Petition Support Period.	
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 Petion 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 Decisonal Partic[pant that has received the the Board R'ecall Petion	
16	or NOMCOM Director R`emoval Petiotion 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 6 <sup>th</sup> day at 23.59 Pacirifc Time Zone, the ccNSO is deemed to	Commented [BB39]: Note thsi would allow the ccNSO
19	have rejected the DP's NOMCOM Director Removal Petition or DP's Board Recall Petition.	COuncil to convene at 23.59 UTC and take a decision b
20		23.59 PST.
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	o other needs declined relevant by the ecoso council.	
29	The decision to support the <b>DP's NOMCOM Director Removal</b> or <b>DP's Board Recall Petition</b> (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	
55	- The factoriale upon which the removal of the Nomcon Director of Tecan 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 [BB40]: What does this imply in times of
41		virtual meetings
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	
10		

Director Removal or DP's Board Recall Petition(s). 46

32

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**d [BB39]:** Note thsi would allow the ccNSO convene at 23.59 UTC and take a decision before

1 This notification MUST include at a minimum the following:

2 3	<ul> <li>The supporting rationale upon which the NOMCOM Diretor removal or recall of the Board is sought</li> </ul>	
4	- Contact details for the Removal Process Manager, who shall as act the liaison with respect to	
5	the supported petition. t he other Deciosnal Paricpants and and/or contact details of the <b>Board</b>	
6	Recall Supporting Decisional Particpant	
7	- A statement whether the ccNSO requests that ICANN organize a publically available conference	
8	call prior to the NOMCOM Diretor 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		
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 Operational Procedure of the ccNSO per Article 10 section 3.11 and Article

- 18 10, section 4.2 of the ICANN Bylaws.
- 19

23

30

33 34

#### 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.

# 24 **8.3** Publication and Review of the Guideline

To become effective the Guideline must be published on the ccNSO Wensite after adoption by the ccNSOCouncil.

The Guideline will be adjusted when considered necessary. To become effective, the updated Guideline
must be adopted by the ccNSO Council and published on the ccNSO website.

Before publishing the updated Guideline, the Secretariat will adjust the version number and insert the
 date the Guideline was reviewed and adopted by the ccNSO Council

**Commented [MD42]:** Maybe add here 'except to the extent the applicable bylaws rtequire otherwise' or something like

Commented [BB41]: What does this imply in times of

virtual meetings

that.

#### 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
- meeting impact the Bylaw set dates: example under this Guideline (and Annex D of the Bylaws) Section
   5.3.2: 5.3.2 ccNSO Director Removal Action Community Forum Period. Unless the ccNSO Council has
   requested the forum to be held in conjunction with an ICANN meeting,
- 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

#### 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