

## Pilot Holistic Review ToR Team Comments – 28 April Plenary Call

### *Comments during 28 April Plenary Call*

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- a. Leverage and tailor where necessary a set of guiding principles to be applied across the structures to be used in subsequent Holistic Reviews to evaluate:
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- b. Consider what impact, if any, the ongoing work on enhancing the effectiveness of the Multistakeholder model has on this work area.
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**Sebastien:** If we want something across all the organization, we will get into trouble. How we can have something that will work for the nominating committee and for SOs or for some advisory committee, we can't say just we want to bring this for all the structure. Yes, if we can find some it will be great, but we will need also some specific elements for each structure or some of the structure.

**Pat:** So, if I can expand upon that a little bit Sebastian. Are you suggesting that we have specific items for each of the structures or specific objectives across all of the structures?

**Sebastien:** Both, I think here it's written that we need to have specific for across the structure, and I suggest that we add that we may need to have some specific for each structure.

**Pat:** So, as an example the GNSO would have specific items and the SSAC would have specific items. Is that where you're driving towards.

**Sebastien:** Yes.

**Avri:** What's got me is somewhere between the overall text of C and these points that we start, maybe it's a bit of staring at it too much and too often, but it's like we're talking about reviewing all these things as a whole, and then in the first part we're reviewing each of them kind of individually. And I think that actually bears on one of the questions we've gotten before this of people asking: are you looking at the structure as a whole or are you looking at the individual pieces? And seeing the statement seems to say look at it as a whole and look at the architecture of it, but then we get to the first point, and we're looking at each of the individuals and studying them. Maybe it's not an ambiguity, maybe we do mean to do the whole by inspecting the individuals, but I think we need to say more, we need to make it clearer, I don't know if that makes sense to others. But the feeling was that we're talking about the whole, no we're talking about the individuals. I've heard that from other people that ask that kind of question, so perhaps we need to clarify there.

## Pilot Holistic Review ToR Team Comments – 28 April Plenary Call

**Pat:** Thank you, Avri. I think that that's right, because I think that that's still one of the conversations that I go back to that I had with the business constituency, specifically Steve DelBianco, which was, are we evaluating the performance of the entity or are we evaluating the necessity of the entity. I think that was from two years ago, when we talked through this, but I believe that it was about the relevance of the entity or the necessity of the entity within the organism within the structure. And not necessarily how they performed, how accountable were they, how transparent were they, those types of things as we looked at the group. Does the SSAC or the RSAC continue to serve its community or constituency? Does the GNSO continue to serve its constituency? Because the specific conversation that I keep recalling with Steve, was having 2 BC reps on the ICANN board and getting at that level. So, from what Steve was saying, he was suggesting that the ICANN board didn't serve elements of the constituency, and that was what he wanted to evaluate, not necessarily performance of the board. So, I think that was where we were going. Correct me if I'm wrong anybody.

**Cheryl (CHAT):** is it still Fit for Purpose.

**Avri:** I have a follow up on that. I don't see that as saying that at all. First of all, you know when we start talking about the board that they're not supposed to be representing interests, etc., so we need to get into that, but I don't see this mentioning the board at all but mentioning the structures. And so, if we want to say that we're looking at the structures to see whether their board level is fine, that seems like it would have to be worded differently, I am now even more confused and before I asked my question.

**Cheryl (CHAT):** Pat's example took us down a side road @Avri.

**Matthew:** I think Avri said it, but I think we have to just be a little bit careful when it comes to the board and representation issues. More specifically, to point C, I actually go to the third line here and see that as perhaps the most important dimension of this. Because what we're saying here is review the SOs and ACs to determine if they continue to have a purpose, as they're currently constituted. But then what we're talking about really, are there any changes that are desirable to improve the overall effectiveness of ICANN. I think we have to bear that in mind as well, and I think that bears on the point that Sebastian was raising, which was in A., are we developing or looking to leverage a set of guiding principles to be applied across the structures or do they have to cater to the individual structures. I would suggest that as we're seeking to improve the overall effectiveness of ICANN where we're looking at those guiding principles, they should be developed with all of the structures in mind, as a kind of a point of departure, but if, as we go through this, we find that that may not be suited to the structures individually, then we may wish to consider that. But the point of departure I would certainly suggest has to be a common set of principles, recognizing that may need to evolve as we move forward.

**Maarten:** No issue on that. For sure the guidelines overall and how to do the continuous improvement, we can learn from each other. But maybe some note for the standards to kind of comply or explain, that's often helped us. I didn't think of that, but I fully agree. On one hand you have "so are the structures still relevant", the other on is "how do you optimize the continuous improvement by looking at what the different bodies do". Then, if you have guidelines, then it's comply or explain. People don't have to use things that don't make sense, I would say, but it's still worth considering.

## Pilot Holistic Review ToR Team Comments – 28 April Plenary Call

**Pat:** And objective D has got the continuous improvement items, and that was really again focused on the program itself, not necessarily the outcomes of the continuous improvement.

**Sebastien:** I would like if just we consider that if what we are writing will allow what was done in 2002, the disbanding of the PSO, the creation of the CCNSO out of the DNSO. Because if we can't do that with our wording, therefore, we are missing something. I am not saying that we will end up doing something like in 2002. But I just want to be sure that if we need to create a new structure or to disband one structure, we have the possibility within the text we are writing.

**Cheryl:** A couple of things here, first of all it seems we have our couplet, and as Pat pointed out, D picks up the Continuous Improvement aspect. But C to start with, was that it was just a purpose check, and if it's fit for the purpose, it's either fit, is fit - with the modification for improvement, isn't fit - needs modifications for improvement, or needs radical overhaul. That's another one of those quadrant decision things. So that that's sort of the overarching first check aspect, so to that end and to Sebastien's point, yes. If indeed such a review did say this little part of it is no longer fit for purpose and without this change or is not fit for purpose, this is why, and it can't be changed and therefore it shouldn't exist anymore, then that's where it will be picked up. But it's not going to be, I would predict, such a radical overhaul that the necessity for ongoing aspects of component parts and their own continuous improvement, isn't able to be picked up in the following principle. And that's very much where those guidelines and the discussion we've had on that should come in. I think if we just keep this fitness for purpose, check the component parts, so that the whole is effective and make its purpose that's the main, at least in my memory, what this is all about.

**Vanda:** Do we believe that, for example, that in the future each AC or SO or NC will come out with their own evaluation that they have no purpose on that. But this will be only comparing with the others related to the purpose of the overall ICANN. So, because sometimes maybe some groups can understand, they really do not fit anymore in that structure, and perhaps do not see any more purpose for them. But if will we analyzed from the outside, in the whole group of ICANN, we can see a purpose for them, so I'm just think about if this could be possible in the future, and what you think about that. Because I believe this will be complex if it happens in the future.

**Cheryl (CHAT):** Such change would be challenging but possible I assume @Vanda. But identify opportunity first step. Then plan any changes required next step.

**Pat:** I think that's right that it would be complex, but I do think it's possible. I mean, I think an example that would be, maybe even more relevant would be what's going on right now with the root server operators RSAC and the GWG process. I can see a world, just because I work with Brad Bird and we talked about this, I could see a world where the outcome of that process might require a supporting organization for those entities if they come under the accountability structure of ICANN specifically where today they don't. So, I could see where we would be creating a new structure to meet some of the accountabilities that we now have responsibility for within the Community.

**Avri:** So, if I start to sort of look at this, if I'm understanding and I'm not positive that I am, that at one point, we have to decide what are the purposes that are needed. And I'm not sure where we're necessarily doing that, is that part of this? Then there's a part of saying, are all those purposes being satisfied in the proper way in a proper place? And then almost turns into a gap analysis, it sort of says we know the purposes, we see what purposes are being handled by the

## Pilot Holistic Review ToR Team Comments – 28 April Plenary Call

various SOs and ACs, but we still got this one that's not covered. Is that kind of what we're thinking of? But then there's that other parallel element that keeps getting brought in is that not only is it fulfilling its proper purpose but is it fulfilling it adequately and serving its constituency, which becomes yet another dimension. Not, do we need, I'll use NCSG which is the one that I'm inactive in, the NCSG was charged with the following activities and reaching the following community. And we say yep that's a purpose we need, we need the civil society there that's taking on all those human rights and other types of things. And then it's a separate question, do they need it do they not versus the question, what do we need all this civil society human rights stuff for, it's not one of the purposes we need to fill. Or you know, or we need the human rights purposes, but NSCG just isn't doing it. And those questions are different, are those all questions we think need to be asked and answered under C? Am I understanding a semi reasonable breakdown on this?

**Cheryl (CHAT):** The overall purpose must come from the ICANN Mission etc., and yes the structure fit for purpose stuff also identifies opportunities internally and an overall Gap Analysis.

**Cheryl:** To my mind, yes, they are the sorts of questions that can be asked and answered within this sort of process. Whether or not, they all need to be asked and answered at the same time, whether or not they all need to be asked and answered in the first review or even the second review, is also another matter. But a pilot could very well identify the likelihood of desire and willingness for certain types of changes. It could identify, perhaps, even the major gap analysis pieces and so then some planning can go into how the rest happens. It doesn't have to be burn it all down and start again, that usually puts organizations in a very different footing. But if you've got an identified pathway, by asking and answering those sorts of questions in terms of fitness for purpose, and that's got to come from the mission right, we went through an awful lot of community understanding on what a mission is, yes it can be complicated, but if it's well organized it can still be done. It doesn't have to be done at once, it can be done in a staged, planned mechanism.

**Avri:** If I can follow, we're not saying that here. At least I don't see us giving that. So, I guess if that's the instruction of figure out the purposes and go on, because this ToR is for the pilot and not for the whole notion of holistic. So, I think we're going to have to figure out how to nail down those, yes that's what ATRT3 said and that's good. In the pilot, however, that...

**Cheryl:** Can still be done, but it doesn't have to be all things it would be in a full blown. I think there are a few Yes/Nos, as opposed to, oh, no not quite or this that could be better.

**Avri:** So, we don't expect the pilot to do a full slice and dice.

**Cheryl:** It can't.

**Avri:** Right. Okay, we got to say that because you could read this and say here, this is an open door for either a burn it down and start from scratch, or a full slice and dice. And I think we want to try and limit it to what it is we kind of expect a pilot to be able to do even if holistic has a grander notion.

**Cheryl:** Okay, part of what we're dealing with here, Avri, is the difference between what ATRT3 envisioned and desired and what can happen because we're doing a pilot. I understand why we're doing pilot, that's not an issue what ATRT3 envisioned when it wrote this recommendation. So, yes, we do therefore need, as you just suggested, and thank you for that lightbulb moment, we now need to make sure that within this language regarding C and the

## Pilot Holistic Review ToR Team Comments – 28 April Plenary Call

fitness purpose, that it is using some terms, a little preamble I guess, I look to Sam and her team again, with the right language without great gaping holes the misinterpretation. The pilot is about identification of aspects or something along those lines. We recognize this cannot be a full slice and dice, the true meaning of the term holistic. But that it will limit itself to a gap analysis and aspects of the fitness of purpose. And we can leave it as aspects in my view, but I'm not the language expert here, I don't write legally, but that's how I would fix that difference between this being written by ATRT3 with a certain notion of how it happened and how it's actually going to happen. Does that make sense?

**Avri:** Okay, yea it does. Thanks for that. Perhaps a question for a future time is, the difference between a pilot and a regular one would have still been 18 months, so the notion of doing all of this in one actual as opposed to one pilot, kind of escapes me but okay. That we would have been more if it wasn't a pilot, we would be able to do more in the same 18 months is an interesting comment, but we can get back to that later when we're talking about future.

**Pat:** If I could interject on that one. Are we suggesting that as part of objective C, that we either ask the pilot team to limit the structures that they review as part of the pilot, or do we want the terms of reference identify the structures that would be part of the pilot? And I just throw that out for consideration.

**Sebastien:** None of the above. The pilot, just because we can't go to the bylaws. But the Pilot, it's a full Holistic Review. There is no boundary by us. The only things that the group need to take into account is that they have just 18 months. And they need to be organized to be able to deliver in 18 months. And that's where the limit is. Do not think "oh do not look at ACs, just operate on SOs". The fact that we are calling that a pilot, for me, it's not because it will be something different, what will be done in the next iteration is just the term we need and that the Board is using and I understand why, because it can't be embedded in the bylaws. And it's also interesting to see what will be done during this 18 months to help to organize the next one in better form.

**Cheryl (CHAT):** To my thinking 18m is still a time binding worthy of keeping and you either work harder have additional facilitation expertise added etc., or not. I know that has been your view all along Seb, but I am unsure if that is still a universal one for us all... The 1st time we run one of these we also don't expect to get everything identified done of course! This is also a proof of concept to the community this time round...

**Pat:** Sebastian, when I think about a pilot, there's got to be plenty of time to have conversations or engage with this group as to what we intend, or what we intended with terms of reference, as the as the pilot team learns more. I think to give them an 18-month marching order and say, "do what you can in 18 months" or "what you see from a pilot", I'm not certain that allows us an off ramp, if you will, to have conversations on things that either we're not clear upon or in practice when the pilot team goes through this we didn't contemplate in terms of how we described our objectives. And I would offer that up for consideration in terms of how we scope or how we modify this specific objective in the terms of reference.

**Avri:** So, this text needs to be reformed somewhat according to this conversation.

**Cheryl:** Yea, I think we need a little bit of draft texting to go on top of it. And we'll talk about that at the coordination team meeting who needs to own that drafting and bring it back.

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## Pilot Holistic Review ToR Team Comments – 28 April Plenary Call

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**Sebastien:** To me it is important that there are differences between bylaw mandated Reviews and other ICANN activities.

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**Larisa:** Just to clarify that the roadmap that's mentioned here would be their having done the pilot and completed the pilot. It would be the development of a roadmap to consider how continuous improvement efforts and all these other elements that were considered as part of the ATRT3 objectives, how that would translate into work for the next Holistic Review team. The roadmap that we will be discussing later today is a much simpler roadmap it's just a roadmap for how to get through the 18-month of the pilot considering the different deliverables, so both are roadmaps but of two completely different topics.

## Pilot Holistic Review ToR Team Comments – 28 April Plenary Call

**Cheryl (CHAT):** Yes, that I recognized in my comment, but I also think that we will find out in the agenda today is worthy of road mapping.

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**D. ATRT3 stated objective: “Review continuous improvement efforts of SO/AC/NC based on good practices.” This will be addressed by the following proposed Holistic Review Pilot steps:**

- a. Leverage and tailor where necessary a set of principles that could be applied across all structures to be used in subsequent evaluations of continuous improvement efforts across all structures.
- b. Define “good practices” based upon a set of guiding principles.
- c. Aggregate existing continuous improvement efforts across the structures; analyze based on the defined good practices - to serve as a baseline for future Holistic Reviews.

**Avri:** Putting together my comment and some of the others. There seems to be an opportunity, if we want to take it, because some are indeed doing what they consider, from a bottom up perspective, continuous self-improvement. We're starting to see it in lots of the SOs and ACs in one way or another. In one sense also they're sort of extracting from what people are doing, what are some of the things that need to be in continuous improvement. As we won't be starting with a blank sheet of paper, we will have people that are doing it, so how do we basically combine those. I think that goes along also with Katrina and other comments that there is stuff going on, there is stuff we can learn from, and yes, there may be other things that the HR may want to suggest or define or recommend for continuous improvement. So that's why I'm putting in that notion that can we have them look at what's being done and see “gee you know that's useful”, “that works well”, “what a great idea”. And move on with that as something that's been learned already.

**Sebastien:** I have no problem with that. But just to be sure that the idea was not too much to have a group above the SOs and ACs who will decide what is a continuous improvement program, it was supposed to be done at each level of the organization and even down to the constituency, house, whatever name, NARALOs and so on. Therefore, I don't think the HR will say “hey you need to do that” or “you need to do that in this way”. I agree that if we have some inputs coming it's good, but what is important for the next HR is that you have a full set for all the organization with a continuous improvement program and that could give a better image at some points done by one or the other.

**Pat:** I used to think that when we did this that each organization or structure would have their own view on what a continuous improvement program looked like. But in reading through this, I'm wondering how does the HR team, at some point, evaluate very different continuous improvement programs. You know if everyone has a different view or a different flavor that they would like to follow within their own structure, I think that's a big burden on the review team itself and if we're going to limit it to 18-months, they might spend some time unnecessarily just figuring out how each of the continuous improvement programs work or are measured or those kinds of things. Any thoughts around that?

**Matthew (CHAT):** Agree Pat - perhaps as we discussed earlier there needs to be a set of baseline common measures.

**Cheryl:** I think we need to recognize that the aggregation of existing continuously improvement efforts, which is what (c.) talking about, was just exactly that as I understood it. That would be a data collection exercise on who is doing something along the lines of CIP, if so, what? Then we

## Pilot Holistic Review ToR Team Comments – 28 April Plenary Call

have it all aggregated. That then, at a future point, this is used as a baseline for other future HRs. So, you've got a baseline of what's happening now in terms of at least the first one, in this case the pilot, and then that baseline is then data for a comparison to see if continuous improvement is continuing and improving. Does that make sense?

**Pat:** I think it does.

**Larisa:** The thought that I am kind of trying to wrap my head around is the continuous improvement program in the separate recommendation is sort of the evolution of the organizational reviews. I think that was the vision of ATRT3 that organizational reviews evolve into something that is more effective and more impactful for the different structures, a form of continuous improvement. So, in kind of recognizing that with Organizational Reviews at the moment, you know before changes start taking place, we know that there's a number of observations about them not hitting the mark in many different regards. But they are a consistent process applied in some manner across the different structures. So, I think it would be helpful to think about how there could be some consistency across the structures, especially in how things are evaluated and could be brought to bear for the continuous improvement program. And also, not just to make it kind of easier and more effective for the next HR team, but also to give the different structures a clear set of expectations as to what they ought to be working toward and how and how they would be evaluated. It seems like that kind of meeting of the minds and shared the agreement across the different structures would be useful.

**Cheryl (CHAT):** As opposed to trying to design the singing and dancing version of a CoIP. Yes, as Org Reviews focus on the CoIP so this 1st HR needs only a baseline of who is doing what (or not) as a base to compare with later. The aggregation would indeed allow for other parts to do their own compare and contrast.

**Avri (CHAT):** So, they can look at what is emerging as practice and see what can be normalized across the whole range?

**Cheryl (CHAT):** to my mind Yes @Avri

**Tola (CHAT):** Yea, I agree pretty much with Larisa.

**Matthew (CHAT):** Agree.

**Vanda (CHAT):** +1 Larisa.

**Pat:** So that kind of emphasizes part of stated objective D part C, which is: analyze based on the defined good practices serve as a baseline for future holistic reviews. I think that maybe if we modify that a little bit or define that a little bit to say, "what are the basic elements of a CIP that have to be included", that gives at least some flexibility to the structures, and gives a baseline of either metrics or items that the HR team can count on from a consistent standpoint as they evaluate everything moving forward.

**Sebastien:** I just wanted to say that what was suggested here it's effectively as Larisa said, to replace or to evolve the Organizational Review by the continuous improvement program. I just wonder why we are asking something more common than within the Organization Reviews, there were very few things were in common and there is no reason why we want to ask that all the organizations do the same. I feel that when the HR will get the inputs, they may end up saying "oh, we got good information here, that's a good practice, and we would like the other to



## Pilot Holistic Review ToR Team Comments – 28 April Plenary Call

do the same”. But it can’t be “we want that”, it could be “we asked for”. That's a little bit different to my point of view.

**Cheryl (CHAT):** We are not asking all the organization parts to do the same but rather allow them to develop best of breed CoIP's to suit themselves with hopefully a few base principles.

**Maarten (CHAT):** To benefit from it, not to be limited by it.

**Giovanni (CHAT):** @Maarten, well-stated.

**Pat:** I think you're right if we were taking a look at this being “just” and “or”, do one or do another or do another. But I think what we're talking about or suggesting between what Larisa was saying and I think that I added a little bit to, was we're thinking about it from an “and” standpoint, that there's a baseline set that has to be included and then structures can put on top of it other things that they want to. But I think that I think this is an “and” view and not “or” view.