Discussion Draft
4 January 2023 (revised 11 April 2023)
Title: Proposed Improvements to the Specific Reviews Process

Executive Summary

This paper provides an overview of proposed improvements to ICANN's Specific Reviews[1]
process. The intent is to socialize these proposals with the ICANN community and work toward
practical and impactful improvements to the reviews process.

Reviews are an important process that enhances accountability for the purpose of continuously
improving ICANN's ability to deliver on its mission, as per the ICANN Bylaws. They contribute to
maintaining a healthy multistakeholder model and assess how certain aspects of the ICANN
ecosystem are performing, including how ICANN remains accountable to various commitments.

The ICANN organization (org) aims to enhance the reviews process by introducing additional
project management and audit principles and best practices to better support the assessment of
review topics and the production of well-informed, implementable recommendations. These
efforts aim to ensure that reviews continue to be an effective improvement and accountability
process that supports ICANN in delivering its mission in the public interest.

Over the course of numerous review cycles, challenges have emerged with the reviews process
that impact the ability of reviews to effectively fulfill their purpose. Some of these challenges
include: low volunteer participation on review teams, difficulty in recruiting and nominating
appropriately skilled review team members, resource planning without an established scope of
work, a lack of structure and support for the recommendation development process, and a lack
of a clear process for effectively garnering broad community support for recommendations.

Addressing these problems requires a twofold approach, in that some controls originate with
ICANN org's processes, whereas others exist outside ICANN org's processes – e.g. updates to
the Operating Standards for Specific Reviews, accepted norms and, in a few instances, Bylaws
provisions.

For improvements that fall within ICANN org's direct control, such as improving logistical
planning, the org is better positioned to implement changes quickly. For improvements that fall
outside of ICANN org's processes, such as updates to the Operating Standards, more time and
investment in community education, engagement, and support will be required to introduce
change.

To address the aforementioned challenges, ICANN org created the Lifecycle of Reviews Project.
This project has been chartered to identify impactful improvements to the reviews process and
create a Lifecycle of Reviews Program to develop and implement them. Under the Lifecycle of
Review Program, ICANN org will also facilitate an open exchange of ideas with the Board and

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[1] The improvements to the Specific Reviews process are expected to have some application to and
impact on the Organizational Reviews in the future, as the implementation of the Third Accountability and
Transparency Review (ATRT3) recommendations to create a Holistic Review and to evolve
Organizational Reviews into a Continuous Improvement Program progress.

community to further develop improvements that result in changes to the Operating Standards and Bylaws. This work builds on the ongoing conversations between the community, Board, and org on the importance of reviews and aspects of the current process that are no longer fit for purpose.

ICANN org developed the following list of proposed improvements to initiate discussions on how the existing reviews processes could evolve to achieve improved outcomes within a reasonable time, ideally before the next round of reviews. Various engagements with the ICANN community are planned to discuss the proposed improvements featured in this paper to inform further development and next steps (please see [wiki page]). These proposed improvements will culminate in a draft revision of the Operating Standards for Specific Reviews which will be tentatively published for Public Comment in early calendar year 2024.

Initial Short List of Proposed Improvements
The following proposed improvements were identified based on feedback from review teams, community inputs, Board discussions, and ICANN org's evaluation of lessons learned[2]. This is an initial short list as improving the reviews process will be an iterative exercise.

1. **Review scope setting:** Move scope setting to the preplanning phase and involve Supporting Organization (SO) and Advisory Committee (AC) leadership, along with the Board and ICANN org, based on defined roles and responsibilities.
2. **Review team leadership:** Develop and refine required skill sets for the review team leadership to ensure the facilitation of a highly engaged, collaborative review process.
3. **Review team selection and nomination:** Revise the process of recruiting, selecting, and nominating Specific Review team members to create a balance between highly experienced ICANN volunteers and those who represent new voices.
4. **Review process:** Develop a standardized process for research, problem identification, and recommendation development, including the role of subject-matter experts (SMEs) from ICANN org.
5. **Review monitoring:** Define a suitable role for the SO and AC leadership or similar group to monitor the progress of a review team relative to the established scope of work and community expectations.
6. **Reviews continuous improvement:** Develop a continuous improvement program to facilitate ongoing improvements to the efficiency and effectiveness of the reviews process.

For each proposed change, ICANN org is providing a description of the current state, the observed problem, and the context and impact leading to the proposed improvement. Additionally, ICANN org has identified initial considerations and open questions that can inform further discussions with the ICANN community and Board.

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[2] As noted during the discussions on 9 June 2020, 14 July 2020, 25 August 2020, 15 September 2020 of the Organizational Effectiveness Committee of the ICANN Board, which oversees the process of ICANN reviews.

1. Move the scope setting to the preplanning phase and involve SO and AC leadership, along with the Board and ICANN org, based on defined roles and responsibilities.

Current state: The current practice is that the community-appointed review team for a given Specific Review sets its own scope of work at the start of the review, based on the issues outlined for assessment by each review in the Bylaws. The SOs and ACs select community volunteers to serve on the review team without advanced knowledge of the scope of work and the specific skills required to perform the work. The SOs and ACs and the broader community do not have an effective means to help them monitor or impact the work areas pursued by the appointed review team, or determine if the progression of the review team's work supports the established scope of work.

Observed problems: The current practice of the review team determining the scope of work for the review has resulted in numerous logistical and operational issues: SOs and ACs are unable to nominate review team members with the appropriate skills, ICANN org is unable to properly plan for and secure review resources, and review teams are unable to properly schedule vital work such as research, recommendation development, and feasibility review due to time spent determining the scope of work. These problems can result in schedule compression, causing the review team to draft recommendations without having the opportunity to validate findings, receive input on feasibility, or garner community buy-in in connection with findings and proposed solutions.

Context and impact: During the development of the Operating Standards for Specific Reviews nearly five years ago, the community was hesitant to take the development of scope out of the hands of the review team, primarily due to concerns over the ability of the review teams to remain impartial and independent.

Over the course of the last five years it became evident that the benefits of having a clearly articulated and focused scope of work ahead of the review team's appointment would seem to outweigh any general concerns about impartiality and independence. These benefits include: ensuring community buy-in for the review team's focus, achieving alignment with ICANN's Strategic Plan and prioritization of work, and optimizing volunteer participation and review workflow. This change would additionally enable ICANN org to draft required volunteer skills and project plans, assemble required documentation, and start planning for needed resources to support the work of the review team earlier in the process. This would allow the review team to start the substantive work of data gathering and analysis faster, schedule the work more efficiently, and manage it within the review timeline.

Proposed recommendation for improvement: Move the scope setting to take place prior to the selection of the review team (to the preplanning phase) and involve SO and AC leadership or a group empowered by SO and AC leadership, along with the Board and ICANN org, based on defined roles and responsibilities.

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Initial considerations and open questions: What would be the best structure to include the stakeholders in the scoping discussion? New roles and responsibilities will need to be defined for this process. A way to prioritize focus areas will need to be determined.

2. Develop and refine required skill sets for the review team leadership to ensure the facilitation of a highly engaged, collaborative review process.

Current state: Review team members select the leadership of the review team at the start of the review. The existing guidance contained in the Operating Standards is limited.

Observed problem: The review team members do not have a set of criteria to evaluate candidates for review team leadership positions. Selecting leaders on a case-by-case basis without specific guidance or selecting individuals that the group perceives to have the most experience with ICANN reviews is not always supportive of the best review outcome.

Context and impact: Past experience suggests that certain leadership skills are of critical importance to help a review team produce impactful outcomes. Such critical skills include: effective facilitation and an ability to build trust and consensus among a diverse group of individuals. Selecting a leadership team (chair, co-chair, vice chair) rather than only a chair is often an effective way to mitigate various leadership risks.

Proposed recommendation for improvement: Develop and refine required skill sets for review team leadership to ensure the facilitation of a highly engaged, collaborative review process, by building trust and guiding a diverse group of review team members toward consensus.

Initial considerations and open questions: Criteria for effective review team leadership will need to be identified. There may also be a need to consider whether an unaffiliated or paid external consultant with the appropriate leadership and facilitation skills should be an option for reviews.

3. Revise the process of nominating and selecting Specific Review team members to create a balance between highly experienced ICANN volunteers and those that bring new voices.

Current state: The nomination and selection process of community-led review teams does not prioritize or emphasize the importance of a balance between highly experienced ICANN volunteer veterans and those who may bring new voices and perspectives. In combination with the problem of not knowing the scope of work and thus the skills required for a review, SOs and ACs have tended to select veteran volunteers with deep ICANN policy or review experience, resulting in a few of the same volunteers participating in numerous reviews.

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There are currently no term limits for serving on Specific Review teams.

Observed problem: There is a risk that a review team may be controlled by volunteers with significant ICANN policy and review team experience, leaving volunteers with new views and perspectives on the future of ICANN with fewer opportunities to participate and drive forward-looking improvements.

Context and impact: The Lifecycle of Reviews Project presents an opportunity to introduce measures that would make it easier for volunteers that bring in new views and perspectives on the future of ICANN and participate in a more balanced way.

An additional consideration could be to propose a term limit for serving on reviews. Individuals who become ineligible to serve on a review team could play an important role within their SO or AC in connection with monitoring and engaging with the review teams as part of the newly proposed lines of accountability (see Proposed Improvement 5). They could also become mentors and advisers to the less-experienced review team members.

Proposed recommendation for improvement: Revise the process of nominating and selecting Specific Review team members to create a balance between highly experienced volunteers and those who bring new voices.

Initial considerations and open questions: A new vetting process for volunteers will need to be defined. New criteria for review team participation would also need to be determined.

4. Develop a standard process for review team research, problem identification, recommendation development, and ICANN org SMEs engagement.

Current state: Review teams develop their own strategies for conducting research, identifying problems, and formulating recommendations using the SMART (Specific, Measurable, Achievable, Relevant and Time-bound) methodology to evaluate the quality of their recommendations. Prior to SMART, there was no guidance for formulating useful recommendations.

At present, there is a step in the [Specific Review Process Flow Chart](#) to consult with ICANN org SMEs to review feasibility, validity, and potential conflicts with existing policies or recommendations during the formulation of findings. However, adequately planning for and scheduling these activities with the appropriate SMEs has been difficult under the current process. As a result of these challenges, these steps have not been formally operationalized and have not been adopted into practice.

Observed problem(s): There are currently no guidelines for review teams on how to request and conduct research, allowing each review team to create and use its own methods. In addition to

not using the volunteer time effectively, this lack of uniformity results in findings that are not always easy or possible to validate. Past review team recommendations were also not always clearly tied to specific problems, which made it difficult to understand their intent. Additionally, review teams often spend considerable time developing their scopes of work (as described in Proposed Improvement 1) and initial research, which can leave limited time for checking the validity of findings, developing and modifying recommendations, and effectively engaging ICANN SMEs to support these activities.

Review teams have found the SMART methodology to be limiting and not responsive to the needs of community review teams. In some cases, the application of the SMART methodology produced recommendations that were highly detailed but did not provide a clear case for the root problem, its significance or impact, or its possible implications for ICANN and the public interest.

Context and impact: This problem can be seen in the recent efforts to implement the ATRT3 recommendation regarding the Holistic Review. Several years after the ATRT3 issued this recommendation and the Board approved it with caveats, there continue to be divergent views across ICANN of what problem this recommendation is aiming to address and the breadth of its scope. This lack of shared understanding has contributed to extensive time and effort being invested into the recomendation's implementation.

The use of SMART methodology has additionally created a backlog of recommendations that, because of their binding specificity and definitive time frames, are more challenging to address. Notable examples include the Second Security, Stability, and Resiliency of the Domain Name System (DNS) Review (SSR2) Recommendation 9.3 (external auditing of ICANN org compliance activities) and the Competition, Consumer Trust, and Consumer Choice (CCT) Review Recommendation 15 (negotiation of amendments to Registrar Accreditation Agreement and Registry Agreements regarding DNS abuse) which are still pending, and CCT Recommendation 26 (study to ascertain the impact of the New gTLD Program on the costs required to protect trademarks in the expanded DNS space), which has been approved and prioritized.

Proposed recommendation for improvement: Develop a standard process for review team research, problem identification, recommendation development, and ICANN org SME engagement. The approach would include both clearer procedures and uniform templates, which could be featured in the review team's Draft and Final Report for greater transparency and clarity.

Initial considerations and open questions: Appropriate best practices for requesting, initiating, conducting, and interpreting research, and the roles and responsibilities of appropriate parties, will need to be determined. This will need to include determining what constitutes an "in-scope" problem and how data and research findings will contribute to a quality recommendation. In addition, questions such as the most appropriate party to conduct the research (e.g. ICANN org

or a third-party consultant), as well as when and how to plan for and engage ICANN org SMEs, will also need to be determined.

5. Define a suitable role for the SO and AC leadership or similar group to monitor the progress of a review team relative to the established scope of work and community expectations.

Current state: While the SOs and ACs are responsible for appointing volunteers to serve on a review team, there are no clear lines of review team accountability to the community throughout the review process. Review team members are each expected to keep their appointing organization informed of review team findings, progress, and challenges. No process exists to ensure that these updates occur, and there is no mechanism in place for any active, regular, and ongoing reporting to, or engagement with, the SOs and ACs or their leaders as the work progresses.

The Public Comment proceeding on a review team's draft recommendations is thus the first formal opportunity for the community to understand the review team's work and provide input. Because this step occurs in the later part of a review, there is often little time for substantive discussions and revisions.

Observed problem: With no clear lines of review team accountability back to the SOs and ACs, there is a risk that substantial amounts of time and resources could be dedicated to activities that are not consistent with community expectations or priorities.

To date, many review teams have focused on key milestones to produce their deliverables, such as the Terms of Reference, Draft Report and Recommendations published for Public Comment, and Final Report to the Board, on schedule. However, these milestones can be achieved without developing sufficient shared community understanding of the review team's focus and findings, or buy-in for its recommendations.

Context and impact: Through its Organizational Effectiveness Committee, the ICANN Board oversees a community-led review team's work. However, the Board's actions are limited to input through a Board-appointed representative during the course of the review. Board actions are also reserved until a review team's work is done, when the Board can either approve or reject the review team's recommendations. Several challenges encountered by recent review teams highlighted the need for engagement and buy-in earlier in the review process (for example, the divergent community views on the purpose and scope of the Holistic Review recommended by the ATRT3 and differing views on the scope of work and focus areas identified by the SSR2, which led to the pause of that review.)

Establishing lines of accountability from a review team to the SOs and ACs from the start of a review would help build a shared understanding of the focus of a review, and ensure that review

team findings, identified problems, and recommendations are fact-based, feasible, and aligned with the public interest. The SO and AC leadership or appointed group could additionally facilitate the SO and ACs endorsement of, or general support for, the findings and recommendations contained in the Final Report before it goes to the Board.

Proposed recommendation for improvement: Define a suitable role for the SO and AC leadership or similar group (e.g. a representative group appointed by the SO and AC leaders, with a specific mandate and accountability requirements) to monitor the progress of a review team relative to the established scope of work and community expectations. As part of the process and at a minimum, appropriate touch points must be built in for the review team to check in with the SO and AC leadership or appointed group at regular intervals during the review.

Initial considerations and open questions: What is the best structure for this type of reporting process? What is the role of the SO and AC chairs as a collective governance body, if any? What would be required to create and support this reporting process?

6. Develop a continuous improvement program to facilitate ongoing improvements to the efficiency and effectiveness of the reviews process.

Current state: Although the Operating Standards state, "The Board shall request inputs from the SO/AC Chairs and the review team members on how the Operating Standards facilitated the conduct of the review," no system currently exists to collect, document, or analyze those inputs to update the Operating Standards. There is additionally no system in place to evaluate the effectiveness of the individual reviews or the entire set of ICANN reviews, also referred to as the ICANN Reviews Program.

Observed problem: Over the past five years, ICANN org has received a variety of input on the efficiency and effectiveness of the reviews process. In focusing on keeping up with the Bylaws-mandated cadence of reviews, ICANN org has been unable to systematically compile the input, analyze it, or develop action-oriented improvements for individual reviews or the ICANN Reviews Program.

Context and impact: Changes to the reviews process are required to ensure reviews evolve with the ICANN ecosystem so they can effectively fulfill their purpose as an accountability mechanism under the Bylaws and continue to support ICANN's multistakeholder model.

A continuous improvement program for ICANN reviews would allow ICANN org to actively solicit input from key stakeholders, identify and analyze problems, and develop improvements on an ongoing basis. These inputs, along with a set of key performance indicators, could be used to evaluate if reviews are effectively fulfilling their intended purpose both individually and

programmatically, ensuring that any gaps or needed changes are expediently identified and addressed.

Proposed recommendation for improvement: Develop a continuous improvement program to facilitate ongoing improvements to the efficiency and effectiveness of the reviews process. The program would collect and analyze inputs from review stakeholders as well as operational metrics from reviews, including the implementation of recommendations, to evaluate reviews individually and programmatically against their intended purpose.

Initial considerations and open questions: What means are available, and what means should be used, for efficiently soliciting, analyzing, and cataloging this information? How are the intended purposes of reviews individually and programmatically quantified and measured?