Appendix 1: Community Decision Making in the Dublin Approach

Community Decision Process, as described in CCWG breakout session on 17-Oct and updated 20-Oct, and updated 30-Oct.

Background: at the CCWG working session in Dublin, a breakout team was tasked to describe a method of consensus-style decision-making to replace the supermajority voting system in 2nd draft proposal. Requirements included:

- Base the method upon support/objections from SOs and advice from ACs
- No single AC/SO should be able to veto or otherwise block a community power by lack of participation
- Be flexible for ACs and SOs to participate on any particular exercise of power

On the 30-Oct-2015 WP1 call, we explored one assumption made by the breakout group: that each AC and SO would arrive at a single decision (Support, Object, or provide advice).

- The binary (Support or Object) assumption is a departure from the CCWG's 1st and 2nd draft proposals, which allowed AC and SO to split their decisions if desired.
- The binary assumption creates the potential for GNSO to lose its voice in the decision method, since GNSO procedures require majority support from each House in GNSO (Contract Party House and Non-Contract Party House).
- The binary assumption does not account for decisions made by minorities within an AC/SO, even though the cumulative minority decision might contribute to reaching the thresholds for support or objection to exercise of a community power.

As a result of discussion in the 30-Oct call, WP1 requested a revised decision-making table that reflected a variant on the binary assumption where each AC/SO must either Support or Object. The table below reflects that variant as an extra column, created by allowing each AC/SO to express its preferences with 5 votes, and to split those votes if the AC/SO desired to do so.

Required Community Powers	Should we have a Conference Call?	Should we Convene a Community Forum?	Consensus Support to exercise the power?	
			Counting each AC/SO as either Support or Object	Giving each AC/SO 5 votes that may be split
1. Block a proposed Operating Plan/Strategic Plan/Budget	2 AC/SOs support blocking	3 AC/SOs support blocking	4 support blocking, and no more than 1 objects	20 votes support blocking, and no more than 5 votes object
2. Approve changes to Fundamental Bylaws and Articles of Incorporation	2 AC/SOs support approval	3 AC/SOs support approval	4 support approval, and no more than 1 objects	20 votes support approval, and no more than 5 votes object
3. Block changes to regular bylaws	2 AC/SOs support blocking	2 AC/SOs support blocking	3 support blocking, and no more than 1 objects	15 votes support blocking, and no more than 5 votes object
4a. Remove individual board directors appointed by AC/SO.	Majority within the appointing AC/SO	Majority within appointing AC/SO	Invite and consider comments from all SO/ACs. 75% majority within the appointing AC/SO to remove their director	Invite and consider comments from all SO/ACs. 75% majority within the appointing AC/SO to remove their director
4b. Remove individual board directors appointed by NomCom	2 AC/SOs support	2 AC/SOs support	3 support, and no more than 1 objects	15 votes support, and no more than 5 votes object
5. Recall the entire board of directors	2 AC/SOs support	3 AC/SOs support	4 support, and no more than 1 objects*	20 votes support, and no more than 5 votes object
6. Initiate a binding IRP where panel decision is enforceable in any court recognizing int'l arbitration results	2 AC/SOs support	2 AC/SOs support	3 support, and no more than 1 objects Require mediation before IRP begins	15 votes support, and no more than 5 votes object
7. Reconsider/reject board decisions relating to reviews of IANA functions, including trigger of PTI separation	2 AC/SOs support	3 AC/SOs support	4 support, and no more than 1 objects	20 votes support, and no more than 5 votes object

*a minority of CCWG participants prefer to require 5 AC/SOs, or allow 1 objection to block consensus

Detail on row 4a, Removal of individual board director appointed by AC/SO:

A petition for removal would arise in the relevant SO/AC

The SO/AC would organise a briefing call to establish whether there is sufficient support within the SO/AC to move to the next step. A clear reasoning/rationale must be provided and the Director given a chance to respond. Sufficient support threshold is simple majority. This call should be open to all to attend but is a discussion of the SO/AC.

If there is a simple majority to proceed then the SO/AC would convene a Community Forum for the discussion to proceed. The forum can be light weight and very possibly not face to face. It is open to all. A clear reasoning/rationale must be provided and the Director given a chance to respond.

Immediately after the Community Forum, the relevant SO/AC sends every other SO/AC a request for comment on the removal.

The other SO/ACs provide written comments.

The relevant SO/AC then makes a decision. Removal of the Director requires a 75% majority in the relevant SO/AC.

The relevant SO/AC must publish the results and an explanation if the Director is removed.

Column 2: **Should we have a Conference Call?**

1. Any individual can begin an online petition in any AC or SO, where that AC/SO defines its own threshold to determine whether it supports the petition.

2. An AC/SO supporting the petition communicates the petition to other AC/SOs, along with sufficient preliminary rationale explaining the reasons for doing so.   Each AC/SO may use its own methods to determine whether it supports the petition to hold a conference call.

3.   If any 2 AC/SOs (in total) support the petition, all AC/SOs are invited to participate in a conference call to discuss the petition and whether to convene a Community Forum.

4.   The Petitioning ACs/SOs circulate written justification for exercising the Community Power in preparation for the conference call. This should be circulated with enough advance notice to allow preparation by other AC/SOs. Any AC/SO may contribute preliminary thoughts or questions in writing before the call is held.

5. ICANN hosts a conference call open to any interested participants, and the call would be recorded, transcribed, translated, etc. Representatives of the ICANN board are expected to attend.

6. After the call, ACs and SOs use their own decision-making methods to decide whether they support convening a Community Forum. The threshold for convening a Community Forum is proposed in column 3 of the table.

Column 3: **Should we convene a Community Forum?**

1. If the threshold for convening a Community Forum is met, ICANN organizes a Forum. AC/SOs determine whether to hold an online or face-to-face meeting. If a face-to-face meeting is chosen, it could be scheduled adjacent to a regular ICANN meeting or, if the timing is not appropriate, at an inter-sessional meeting.

2. The Community Forum would be planned for 1 to 2 days, supported by ICANN staff and with travel funding for participants designated by ACs and SOs.

3. The Community Forum would be open to all via Adobe Connect, and would be recorded, transcribed, translated, etc. Representatives of the ICANN board are expected to attend.

4. AC/SOs may request independent legal advice to the community, depending upon the issue and power being considered.

5. The Community Forum has as its purpose the sharing of information (the rationale for the petition, etc.) and the airing of views on the petition by the community. Accordingly, any AC/SO may circulate in writing their preliminary views on the exercise of this community power.

6. The Community Forum will make no decision or attempts to take a "sense of the room" or strive to seek consensus. It will not decide on whether to advance the petition to the decision stage, since this is up to the AC/SOs to determine after the Forum.

7. The Community Forum should be managed/moderated in a fair and neutral manner. Should the discussions of the petition require additional time it may extend the Forum. If AC/SOs determine need for further deliberation, a second and third session of the Community Forum could be held online, with at least least one week between each session.

8. ICANN staff will collect and publish a public record of the Forum(s), including all written submissions.

Column 4: **Is there Consensus Support to exercise the power?**

1. After the Community Forum, each AC/SO would decide, using its own methods, whether it supports the proposed exercise of the community power, whether it objects to the exercise of the community power, or whether it wishes to remain silent on the matter. .

2. If the AC/SO community achieves the required levels of support without more than 1 objection, the power will be exercised. If so the AC/SO community must publish a statement of explanation. A minority statement could be published by any AC/SO that objected to the decision or explanation.