New ICANN Bylaws - ALAC Web

28 September 2016
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ICANN Bylaws

- Approved by ICANN Board on May 27

- Puts into place requirements from transition proposal (ICG) and CCWG-Accountability Work Stream 1

- New roles for ALAC:

  - Empowered Community participation

  - Customer Standing Committee (PTI)

  - Representatives to IANA Functions Review

  - Selection of Review Team Membership

    - Nomination of up to seven members

    - Chair participates in selection

Establishing an Empowered Community

The CCWG-Accountability recommends creating an entity that will act at the direction of the community to exercise and enforce Community Powers called the **"Empowered Community."**

THE EMPOWERED COMMUNITY:

--→ Will be given the role of Sole Designator of ICANN's Board Directors and will have the ability to enforce directly or indirectly the Community Powers.

--→ Will act as directed by participating SOs and ACs, which will be referred to as the "Decisional Participants."

--→ Will have the rules by which it is governed constituted in ICANN's Fundamental Bylaws.
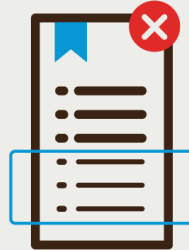
The Empowered Community

- A new **legal entity**

- The **mechanism** designed by the CCWG-Accountability for the community to come together and **exercise new powers**

- It is comprised of the **ASO, ALAC, ccNSO, GAC** and **GNSO** (the **Decisional Participants**)

- New form of checks and balances in the Post-transition environment

Community Powers
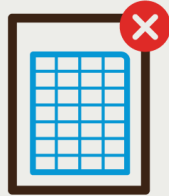
REJECT BUDGET OR STRATEGIC/ OPERATING PLAN

REJECT CHANGES TO ICANN STANDARD BYLAWS

APPROVE CHANGES TO FUNDAMENTAL BYLAWS OR ARTICLES, OR CERTAIN ASSET SALES

REMOVE INDIVIDUAL ICANN BOARD DIRECTORS

RECALL ENTIRE ICANN BOARD

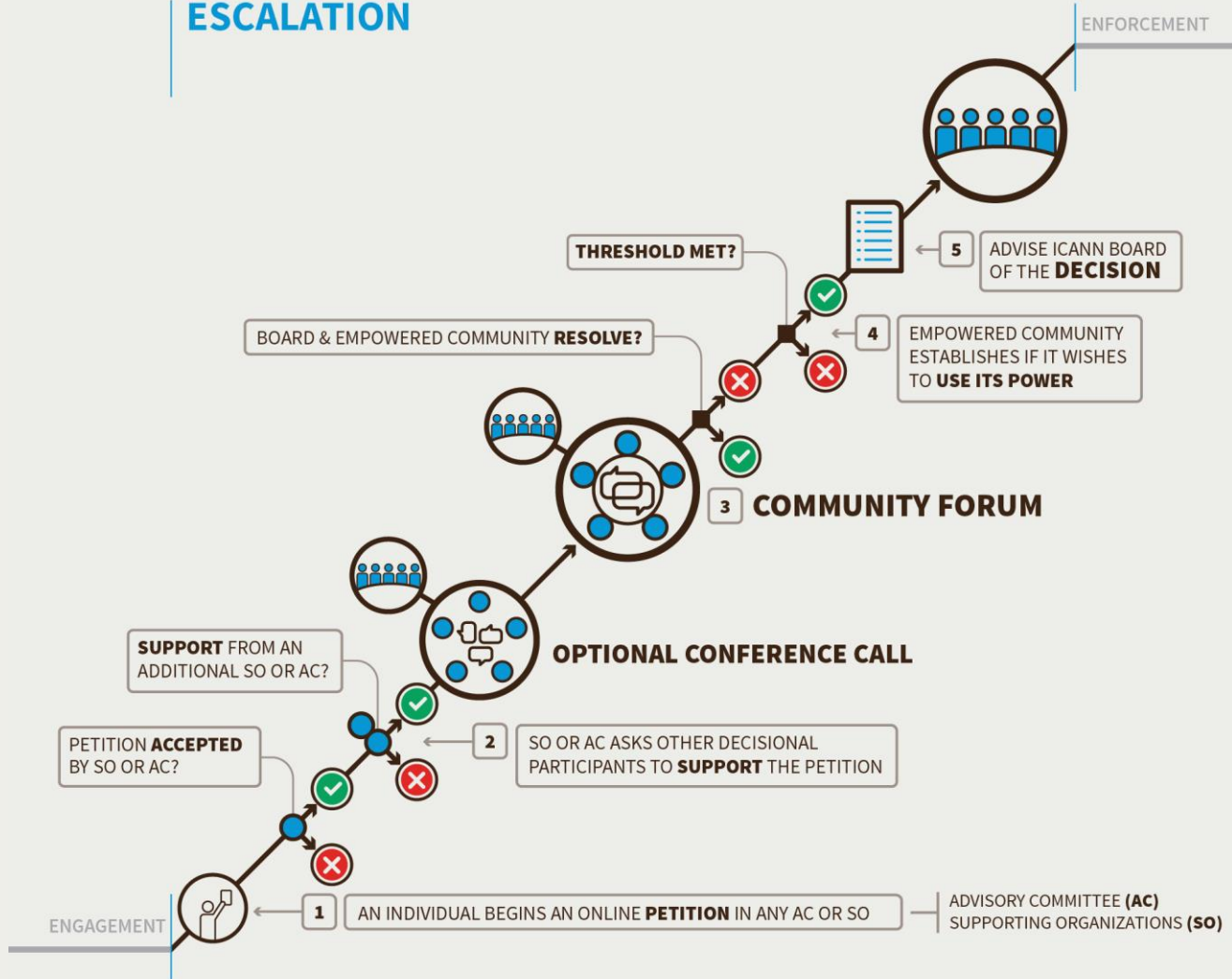**LAUNCH COMMUNITY INDEPENDENT REVIEW PROCESS OR REQUEST FOR RECONSIDERATION**

REJECT ICANN BOARD DECISIONS RELATING TO IANA FUNCTIONS REVIEWS
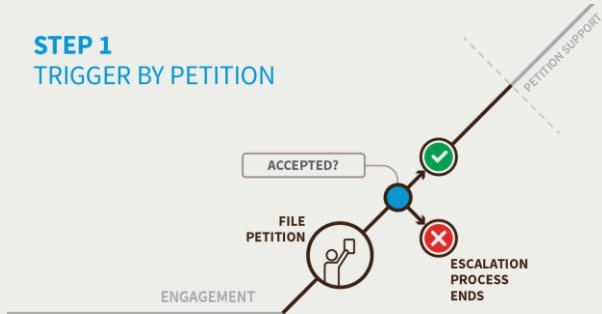
Escalation Path

ESCALATION

ENFORCEMENT

THRESHOLD MET?

5 — ADVISE ICANN BOARD OF THE **DECISION**

BOARD & EMPOWERED COMMUNITY RESOLVE?

4 — EMPOWERED COMMUNITY ESTABLISHES IF IT WISHES TO **USE ITS POWER**

3 **COMMUNITY FORUM**

SUPPORT FROM AN ADDITIONAL SO OR AC?

OPTIONAL CONFERENCE CALL

PETITION ACCEPTED BY SO OR AC?

2 — SO OR AC ASKS OTHER DECISIONAL PARTICIPANTS TO **SUPPORT** THE PETITION

ENGAGEMENT

1 — AN INDIVIDUAL BEGINS AN ONLINE **PETITION** IN ANY AC OR SO

ADVISORY COMMITTEE **(AC)** SUPPORTING ORGANIZATIONS **(SO)**

Required Thresholds for Escalation Processes

Required Community Powers	Should a conference call be held?	Should a Community Forum be convened?	Is there consensus support to exercise a Community Power?
1. Reject a proposed Operating Plan/Strategic Plan/Budget	2 AC/SOs support blocking	3 AC/SOs support blocking	4 support rejection, and no more than 1 objection
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 objection
3. Reject changes to regular Bylaws	2 AC/SOs support blocking	2 AC/SOs support blocking	3 support rejection, and no more than 1 objection
4a. Remove an individual Board Director appointed by a Supporting Organization or Advisory Committee	Majority within the appointing AC/SO	Majority within appointing AC/SO	Invite and consider comments from all SO/ACs. 3/4 majority within the appointing AC/SO to remove their director
4b. Remove an individual Board Director appointed by the Nominating Committee	2 AC/SOs support	2 AC/SOs support	3 support, and no more than 1 objection.
5. Recall the entire Board of Directors	2 AC/SOs support	3 AC/SOs support	4 support, and no more than 1 objection
6. Initiate a binding Independent Review Process	2 AC/SOs support	2 AC/SOs support	3 support, and no more than 1 objection. Require mediation before IRP begins
7. Reject ICANN Board decisions relating to reviews of IANA functions, including the triggering of Post-Transition IANA separation	2 AC/SOs support	3 AC/SOs support	4 support, and no more than 1 objection

Removing a Board Director (NOMCOM)

Removing a Board Director (SO/AC)

STEP 1
PETITION

ACCEPTED?

FILE PETITION

ESCALATION PROCESS ENDS

ENGAGEMENT

COMMUNITY FORUM

STEP 2
COMMUNITY FORUM

RESOLUTION?

BOARD MEMBER

ESCALATION PROCESS ENDS

COMMUNITY FORUM

PUBLISH COMMENTS & RECOMMENDATIONS

PETITION

STEP 3
PUBLISH COMMENTS & RECOMMENDATIONS
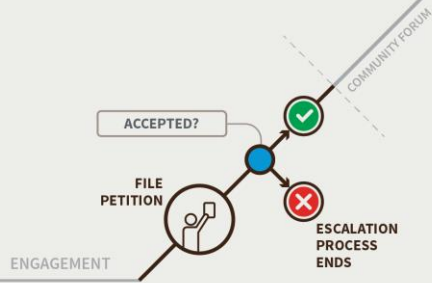
CIRCULATE COMMENTS & RECOMMENDATIONS

DECIDE

COMMUNITY FORUM
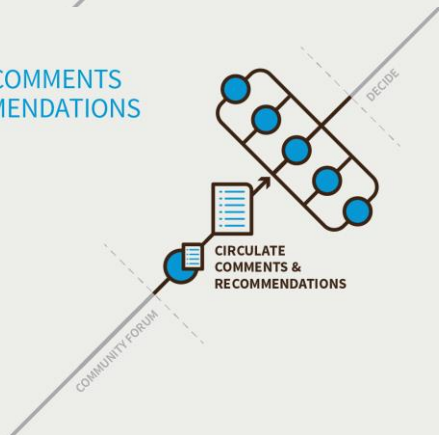
STEP 4
DECIDE TO USE COMMUNITY POWER

DOES NOMINATING SO/AC SUPPORT USE OF THE POWER?

ADVISING

ESCALATION PROCESS ENDS

PUBLISH COMMENTS

STEP 5
ADVISING

RESPECTIVE SO/AC NAMES REPLACEMENT

BOARD DIRECTOR STEPS DOWN

REPLACEMENT DIRECTOR FILLS SAME SEAT

EMPOWERED COMMUNITY

DECISION

DECIDE
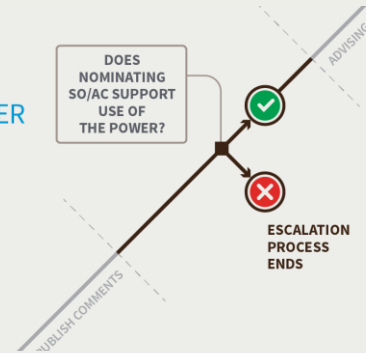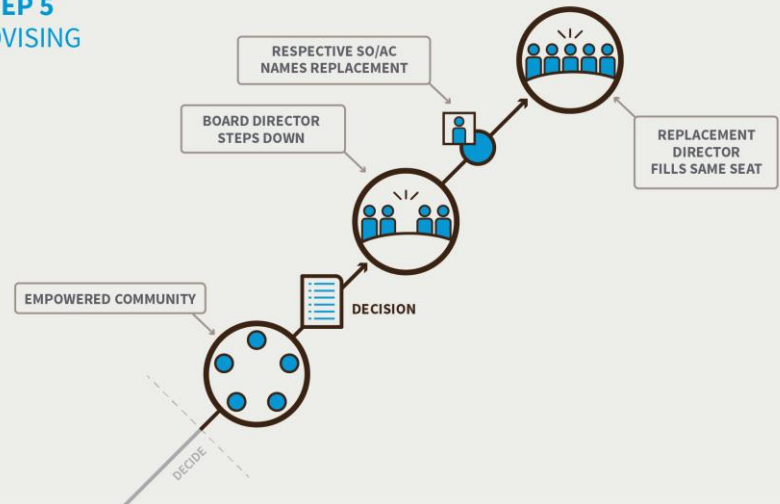
New Bylaws Work – Coordination

22 July 2016

CSC Selection completed

August 2016

Confirm CSC membership (ccNSO and GNSO)

Sept 2016

Today

1 Oct 2016

EC Administration selected; Review Team Member selection process; initial understanding/ plan of EC participation

By Early 2017

Be prepared for EC process on ICANN Budgets and Ops Plan

October 2017

Be prepared for CSC Charter Review