Operating Standards

For Specific Reviews

To be considered for adoption by the ICANN Board on 23 June 2019

The Operating Standards were drafted by ICANN organization through community consultation. More information on the drafting process and community input can be found at https://community.icann.org/x/OpRIAw.

ICANN

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1 Introduction

1.1 Background

Specific Reviews (hereafter: "Reviews") are an integral part of ICANN's accountability measures that derive from Article 4, Section 4.6 of ICANN's Bylaws (hereafter: "Bylaws"). These Reviews are conducted by the ICANN community (hereafter: "community"), supported by ICANN organization, and overseen by the ICANN Board (hereafter: "Board"). Such Reviews adhere to the standards and criteria documented in these ICANN Operating Standards for Specific Reviews (hereafter: "Operating Standards"). The Operating Standards ensure that Reviews are conducted in a transparent, consistent, efficient, and predictable manner, while supporting the community's work to derive the expected benefit and value from review processes.

To assure that Reviews are conducted productively, they shall adhere to the following principles:

- Efficiency: make prudent use of volunteer time and ICANN resources, including budget and staff time.
- Effectiveness: result in recommendations that are specific, measurable, attainable, realistic, and time-aware.
- Timeliness: establish and adhere to meaningful time boundaries for all review activities.

1.2 Values

Reviews are one of ICANN's means for continuous improvement. They are conducted in accordance with the Bylaws and provide the means for an effective, transparent, and accountable assessment of how well ICANN is meeting its goals and is accomplishing its mission.

1.3 Overview of ICANN's Four Specific Reviews

As of 1 October 2016,[1] four Reviews are part of the ICANN Bylaws:

- Accountability and Transparency: A review of ICANN's execution of its commitment to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making reflect the public interest and are accountable to the Internet community (Section 4.6(b) of the Bylaws).
- Security, Stability, and Resiliency: A review of ICANN's execution of its commitment to enhance the operational stability, reliability, resiliency, security, and global interoperability of the systems and processes, both internal and external, that directly affect and are affected by the Internet's system of unique identifiers that ICANN coordinates (Section 4.6(c) of the Bylaws).

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[1] Prior to 1 October 2016, ICANN committed to perform four types of Reviews under Section 9 of the Affirmation of Commitments (AoC) it held with the U.S. government, see https://www.icann.org/resources/pages/affirmation-of-commitments-2009-09-30-en.

- Competition, Consumer Trust, and Consumer Choice: Examine (a) the extent to which the expansion of generic top-level domains (gTLDs) has promoted competition, consumer trust, and consumer choice; and (b) the effectiveness of the New gTLD Round's application and evaluation process and safeguards put in place to mitigate issues arising from the New gTLD Round (Section 4.6(d) of the Bylaws).
- Registration Directory Service: Assess the effectiveness of the then current gTLD registry directory service and whether its implementation meets the legitimate needs of law enforcement, promoting consumer trust, and safeguarding registrant data (Section 4.6(e) of the Bylaws).

According to the Bylaws, most of these Specific Reviews shall be carried out in five-year intervals measured from the convening of the previous review team. The exception is the Competition, Consumer Trust, and Consumer Choice (CCT) Review, which is to take place after a New gTLD Round has been in operation for one year. The Reviews will be conducted by a community-selected review team "balanced for diversity and skill."[2]

2 Planning Phase

2.1 Review Initiation

The Board initiates the Review within the timeframes set out in the Bylaws for each Review, with a resolution containing at a minimum:

- Direction to ICANN organization to issue a call for volunteers for review team membership.
- Commitment to appoint a Board Director or Liaison as the Board Designee of the review team.
- Instruction to the review team to produce the terms of reference including the review scope[3], work plan,[4] and a timeline.

2.2 Review Team

Each review is conducted by a volunteer review team. The members shall be qualified to conduct the respective review and willing to commit the necessary time and work effort as referenced in the call for volunteers and as detailed in these Operating Standards.

2.3 Call for Volunteers

As directed by the Board, ICANN organization shall issue a call for volunteers for each review team. In this context, ICANN organization will be responsible for:

Sharing a draft of the call for volunteers with the Chairs of the Supporting Organizations (SO) and Advisory Committees (AC) to solicit SO/AC input. The SO/ACs, via their Chairs

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[2] ICANN Bylaws, Article IV, Section 4.6(a)(i); https://www.icann.org/resources/pages/governance/bylaws-en.
[3] Details on requirements for the terms of reference can be found in Section 3.12.
[4] Details on requirements for the work plan can be found in Section 3.13.

or any other means of their choice,[5] shall provide the input within 6 weeks.
- Assuring timely publication of the call for volunteers.
- Determining the need to extend the call, in case of an insufficient number of diverse or skilled applicants. A rationale for an extension of the call for volunteers shall be communicated to the SO/AC Chairs to obtain their approval for the extension. ICANN organization shall duly consider any responses it receives from the SO/AC Chairs regarding the proposed extension of the deadline.
- Assuring that each applicant indicates the SO or AC from which they seek nomination and encourage applicants to familiarize themselves with the work and leadership of that SO/AC.

The call for volunteers shall include a form for applicants that contains fields for:
- Candidates to indicate from which SO/AC they seek nomination, and request for consent to share the candidate's information contained in the application with the SO/AC (mandatory).
- Prompting candidates to indicate whether they consider themselves a member of that SO/AC and, if not, why they seek nomination from that SO/AC.
- Asking candidates whether they would like to be considered by any other SO/AC for nomination to the review team and, if so, why; as well as the requirement that they then agree to share their application information with that SO/AC. Candidates may select multiple, or all, SO/ACs in this field.
- Candidates acknowledge that they agree to be selected by any of the SO/ACs
- Candidates consent that SO/AC may reach out to them for voice interviews by telephone, video call, or any other mean deemed appropriate by the SO/ACs and the respective candidate.
- Candidates to indicate consent for the SO/AC from which candidates seek nomination to contact the candidate to seek additional information related to the nomination.
- Candidates to provide an email address for the SO/ACs to contact the candidate.
- Soliciting information from applicants regarding their skill set and experience, relevant to the review.
- Candidates to consent to their application and all contained information to be shared with the SO/ACs.
- Candidates to consent to their name, affiliation, and links to their completed application form – with certain private information redacted - to be posted publicly.

The call for volunteers shall also contain:
- Explanation that, while review teams will make every effort to conduct their work remotely, face-to-face meetings will occur, potentially before and during ICANN meetings and also at other times or locations suitable to the review team, including a clarification that travel, lodging, and per diems will covered by the review budget.
- Wording to inform candidates that they may be asked to execute a nondisclosure agreement in order to obtain access to certain review materials.

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[5] The Review Team will share the draft with the SO/AC Chairs, the means of providing input is left to the applicable internal procedures of the SO/ACs.

- Statement of Interest (SOI) and Conflict of Interest (COI) forms to be completed and signed by every candidate.
- Indication of the time commitment expected from review team members.

The call for volunteers shall remain open for no less than ten and no more than fourteen weeks.

Once the call for volunteers is closed, ICANN organization will share with each SO/AC Chair the information of all applicants who have sought their respective nomination and post relevant information publicly. Personal information of applicants, such as email addresses, dates of birth, and phone numbers will not be made public.

2.4 Eligibility Criteria for Review Candidates

ICANN organization shall publish a list of the skill set that each candidate should have in the initial call for volunteers, consistent with the requirements detailed in these Operating Standards. This desired skill set shall be shared with the SO/ACs to inform their nomination process, as well as the SO/AC Chairs to inform their selection process.

Criteria should be consistent with each Review's scope and criteria may be adapted to fit each of the Reviews. However, some general skills and attributes should form part of the required skill set for all Reviews. These include but are not limited to:

- Familiarity with ICANN's multistakeholder model.
- Team spirit, adaptability, consensus-seeking attitude.
- Willingness to learn.
- Readiness and time to contribute.
- Capacity to reason objectively, ability to put aside personal opinions or preconceptions.
- Analytical skills.
- No apparent conflicts of interest that may impact the review work.
- Capacity to draw fact-based conclusions and provide feasible recommendations.
- Leadership and group management skills.

In addition, each Review may also require skill sets relevant to its specific subject area, including but not limited to:

2.4.1 Skill set relevant to Accountability and Transparency (ATRT) Review Team may include:

- o Knowledge of performance assessment and audits.
- o Expertise in good governance and board performance.
- o Understanding of performance measurement.
- o Knowledge of process improvement.
- o Knowledge of recognized frameworks for organizational excellence.
- o Understanding of principles of accountability applicable to organizations broadly similar to ICANN.

2.4.2 Skill set relevant to the Security, Stability, and Resiliency (SSR) Review may include:

o Knowledge of Internet unique identifiers, including Domain Name System (DNS), Internet Protocol (IP) numbering, Autonomous System (AS) numbers, and protocol parameters.
o Knowledge of unique identifier abuse.
o Understanding of registry and registration security and abuse.
o Understanding of operation of the DNS root name system.
o Understanding of malware and abuse vectors and mitigations.
o Knowledge of risk assessment and management.
o Understanding of corporate data security, business systems, or both.
o Understanding of incident response.

2.4.3 Skill set relevant to Competition, Consumer Trust, and Consumer Choice (CCT) Review:

o Knowledge of ICANN and its working practices and culture, including the New gTLD Program.
o Expertise in consumer protection matters.
o Understanding of the New gTLD application processes and protection mechanisms.
o Expertise in or knowledge of mitigating DNS and potential security threats.
o Experience in evaluating competition and market forces in the gTLD space or in other industries.
o Expertise in quantitative analysis and information systems.
o Expertise in or knowledge of intellectual property rights protection.
o Knowledge of competition, consumer trust, and consumer choice in the domain name or other marketplaces.

2.4.4 Skill set relevant to Registration Directory Service (RDS) Review may include:

o Familiarity with operation of the DNS.
o Familiarity with WHOIS registrant data collection, compliance, directory service (RDDS) management.
o Familiarity with translation and transliteration of WHOIS contact information.
o Familiarity with ICANN procedure for handling WHOIS conflicts with privacy law.
o Familiarity with malware, abuse vectors, and mitigations, including cybercrime.
o Familiarity with WHOIS data retention waiver process.

The SO/AC Chairs may provide additional skills during the consultation process on the draft call for volunteers (see 2.3 above).

2.5 Review Team Selection Process

As per the Bylaws, "[r]eview teams will be established for each applicable review, which will include both a limited number of members and an open number of observers. The Chairs of the

Supporting Organizations and Advisory Committees participating in the applicable review shall select a group of up to 21 review team members from among the prospective members nominated by the Supporting Organizations and Advisory Committees, balanced for diversity[6] and skill. In addition, the Board may designate one Director or Liaison to serve as a member of the review team."[7]

In addition, the Bylaws state that the selection process must "be aligned with the following guidelines: Each Supporting Organization and Advisory Committee participating in the applicable review may nominate up to seven prospective members for the review team; any Supporting Organization or Advisory Committee nominating at least one, two, or three prospective review team members shall be entitled to have those one, two, or three nominees selected as members to the review team, so long as the nominees meet any applicable criteria for service on the team; and if any Supporting Organization or Advisory Committee has not nominated at least three prospective review team members, the Chairs of the Supporting Organizations and Advisory Committees shall be responsible for the determination of whether all 21 SO/AC member seats shall be filled and, if so, how the seats should be allocated from among those nominated."[8]

Therefore, the selection process is a two-step procedure: first, SO/ACs must each provide a list of up to seven nominated candidates to the SO/AC Chairs. Second, the SO/AC Chairs will select the final review team from said list of SO/AC nominees.

2.5.1 SO/AC Nomination Process

Once the call for volunteers closes, ICANN organization shall conduct a nonbinding skill and diversity analysis of all candidates, based on the information provided in the candidates' applications as well as any other relevant, publicly available information. ICANN organization should complete this analysis within two weeks of closing the call for volunteers. Once completed, ICANN organization shall share the nonbinding skill and diversity analysis of all candidates with all SO/ACs.

At the same time, each SO/AC shall receive a list of all applicants, indicating which candidates has sought nomination from which SO/AC. Candidates may seek nomination from more than one SO/AC. If that happens, ICANN organization will notify each of the relevant SO/ACs of this situation.

As detailed in the Bylaws, each SO/AC follows its own internal processes and nominates up to seven candidates for each review team. SO/ACs may communicate directly with candidates for follow-up questions or any other purpose related to the nomination process, including voice interviews or using the email address provided by the candidate.

During the selection process, SO/ACs shall consider the nonbinding skill set and diversity analysis, any relevant information from the candidates' applications, and how it aligns with the skill set required for the relevant review, as detailed in these Operating Standards and the applicable call for volunteers. In addition, SO/ACs also should take into consideration, based on the information candidates provided in their Statement of Interest (SOI), whether an applicant

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[6] Diversity requirements, when referred to in this document, shall be based on the definitions and guidelines provide in Annex 1 of the Diversity Sub-Group Final Report and Recommendations:
https://community.icann.org/display/WEIA/Final+Report?preview=/88575036/97846127/Annex%201%20%E2%80%9
3%20Diversity%20Sub.pdf
[7] Bylaws, Article 4, Section 4.6(a)(i).
[8] Bylaws, Article 4, Section 4.6(a)(i)(A-C).

may have a conflict of interest on any specific matter likely to be considered as part of the Review.

To set applicants' expectations and assure an efficient and timely process, the SO/AC nomination process should be completed no later than ten weeks following the submission of the list of candidates by ICANN organization to the SO/ACs.

Once the nominations are completed, the SO/ACs shall submit their nominations to ICANN organization. If more than three candidates are nominated, the SO/ACs should include an indication of preferences for selection. ICANN organization will share them with the SO/AC Chairs and make them available publicly.

2.5.2 SO/AC Chairs Selecting the Review Team

Based on the candidates nominated by the SO/ACs and taking into consideration any preferences in nominated candidates, ICANN organization shall prepare a nonbinding analysis of the diversity of skill set, geography, and gender for the chosen review team. This analysis shall be based on the information contained in the application documents, as well as and other publicly available information. The document should also be based on the one ICANN organization previously submitted to the SO/ACs on all applicants (see section above).

ICANN organization should complete this analysis within two weeks of receiving nominations from all seven SO/ACs.[9]

ICANN organization will also share the analysis document with the Board, via the Organizational Effectiveness Committee (OEC). As part of its oversight function, the Board will inform the SO/AC Chairs of any concerns it may have regarding the diversity or skill set of the nominees meeting the requirements detailed in either the Bylaws or these Operating Standards. Any Board concerns should be focused on the full review team membership, and not any individual nominee.

SO/AC Chairs are encouraged to convene no later than three weeks after ICANN organization submitted the nonbinding skill and diversity analysis to them. Based on availability, ICANN organization shall organize a call for the SO/AC Chairs to discuss and determine the final selection of the review team.

If more than one call is required, the SO/AC Chairs shall determine the frequency. ICANN organization shall provide appropriate administrative support for these meetings.

The SO/AC Chairs' selection must be subject to the criteria laid out in the Bylaws and should take into consideration skill set and diversity requirements detailed in the call for volunteers.

In addition to the preference indicated by each of the SO/ACs, the SO/AC Chairs are strongly encouraged to take into consideration the nonbinding diversity and skill analysis, as well as any other relevant information, to assure a diverse and competent review team.

The SO/AC Chairs may confer with their respective SO/ACs to nominate different candidates if the pool of nominees is insufficiently diverse or skilled. If the SO/AC Chairs find that the pool of

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[9] Or indicate that a SO/AC will not be nominating any members to the review team.

candidates is not sufficiently diverse, the SO/AC Chairs may agree, in consultation with their SO/ACs, to reopen the call for volunteers.

SO/ACs Chairs should conclude the selection process or agree to reopen the call for volunteers no later than four weeks after ICANN organization submitted the nonbinding skills and diversity analysis to them.

In their deliberations, and per the Bylaws, if one or more SO/ACs nominated fewer than three candidates, the SO/AC Chairs may choose to select more than three nominated candidates from any SO or AC that has nominated more than three candidates. This may aid the goal of an adequate balance of diversity and skill among the review team as required by the Bylaws.

In their selection process, the SO/AC Chairs are encouraged to select a review team of at least 15 members.

The SO/AC Chairs may not reserve seats on the review team for later selection, as it is preferential for review team members to serve for the entirety of the review and not introduce new members in the middle of a review. If the review team once established determines that it does not have either an adequate skill set or diversity, it shall confer with the SO/AC Chairs on how to resolve its shortcomings.

The SO/AC Chairs may deliberate in private, but for transparency purposes a post-factum summary report of the SO/AC Chairs deliberations and decisions will be published no later than two calendar weeks after the conclusion of the selection process. The report shall contain an overview of all relevant issues that were considered when selecting the review team, including any information and guidance which the Board may have communicated to SO/AC Chairs. The report will be compiled by ICANN organization. Personal information of applicants, such as email addresses, dates of birth, and phone numbers will not be made public.

2.6 Announcement of the Review Team

Once the SO/AC Chairs have finalized their review team selection, ICANN organization shall announce the composition of the review team through all appropriate communication channels.

3 Conducting the Review

3.1 Administrative Issues

3.1.1 Support for Review Team

ICANN organization will support the review team's work by providing project management, meeting support, document drafting if requested, document editing and distribution, data and information gathering if requested, and other substantive contributions when deemed appropriate.

3.1.2 Language

The working language of all review teams is English. Translations of major reports will be provided in line with ICANN's Language Services Policy and Procedures.

3.1.3 Wiki Space (Or Equivalent)

Each review team shall maintain a publicly available online work space (such as a community wiki space) that shall contain at a minimum:

- Membership list of the review team, including regional affiliation and the SO/AC from which each was nominated.
- Terms of reference, including scope.
- Work plan.
- List of all review team and sub-team meetings, if applicable, including agendas, recordings, transcripts and other meeting materials.
- Information on opportunities for observers to participate.
- Request or action item tracking.
- All published fact sheets (see Section 3.6).
- Clear description of all outreach efforts.
- List of all research efforts undertaken by the review team, ICANN organization, or outside researchers.
- Link to the review team's public email archive.

3.1.4 Conflicts of Interest Policy and Statements of Interest

All review teams will be subject to a conflict of interest policy that is in line with the Board practice. The conflict of interest policy shall provide mechanisms for the review team to utilize when a review team member has a conflict that requires exclusion from discussion on a particular topic. To facilitate the identification of potential or actual conflicts of interests, all review team members shall maintain current SOI in the form provided by ICANN organization.[10] If the review team identifies that, pursuant to the conflict of interest policy, a member could have an actual or perceived conflict of interest on a number of issues across the review team's work such that participation in review team work is significantly impaired, the review team leadership shall request that the SO/AC that endorsed the member withdraw support and determine if it is appropriate to replace the member, in accordance with the process set out in Section 3.4 below.

3.1.5 Transparency Requirements

The review teams, with assistance from ICANN organization,[11] shall maintain a public wiki space or equivalent as set out in Section 3.1.3 of this document. All review team plenary meetings must be conducted in a transparent manner, recorded and transcribed. The recordings and transcripts must be posted on the review's wiki page in a timely manner, usually no later than 48 hours after the meeting. Mailing lists, except those used for discussion of information provided to a review team under a nondisclosure agreement subject to the Confidential Disclosure Framework (see Section 3.12 of this document), must be publicly archived and linked on the review's wiki page.

3.1.6 Meeting Schedules

Review teams shall decide on their own meeting schedule. There must be a sufficient number of meetings to assure that review teams meet their milestones as set out in the work plan.

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[10] For a sample SOI, see:
https://community.icann.org/display/WHO/Legal+Documents?preview=/71600710/71600714/RDS-SOI-Sept%202017.docx.
[11] A full list of administrative support that ICANN organization provided to review teams can be found in Section 3.1.9.6.

3.1.7 Meeting Agendas

Based on information received from the review team leadership, ICANN organization shall circulate a draft agenda to the review team no later than 24 hours before a meeting and post it on the review wiki page. The final agenda is subject to review team approval during the meeting. Draft agendas for face-to-face meetings shall be circulated to the review team at least five calendar days in advance.

3.1.8 Meeting Attendance

Review team members should make best efforts to regularly attend all meetings and are expected to attend a minimum of 90% of all meetings. If members are not able to attend a meeting, they shall inform ICANN organization so that their apology can be recorded in the meeting's minutes. ICANN organization shall post attendance and apologies of review team members for each meeting, posted on the review's wiki page. This information serves as the basis for review team participation reporting on the review fact sheet.

3.1.9 Roles and Responsibilities

3.1.9.1 *Review Team Members*
- Behave in a collegial and constructive way towards the review team colleagues, the Board, and ICANN organization, in accordance with ICANN's Expected Standards of Behavior.
- Actively participate in review team calls and face-to-face meetings and engage via relevant email lists and other collaborative tools by, for example, contributing substantively to discussions, voicing approval or disapproval when appropriate, and reporting work progress regularly to the nominating SO/ACs.
- Review team members shall provide apologies for absence at least 24 hours in advance for all meetings.
- Actively engage with relevant stakeholder groups within the ICANN community. Individual review team members are encouraged to report back to their nominating entity on the progress of the review team.
- Provide fact-based inputs and comments based on core expertise and experience.
- Undertake desk research as required in accordance with scope of work and participate in drafting documents as required.
- Adhere to any additional roles and responsibilities as documented in the Review Team's terms of reference.
- Expect that reporting metrics outlined in Section 3.6 of these Operating Standards will be posted to the review team's public wiki page.

3.1.9.2 *Review Team Leadership*
- Behave in a neutral, collegial, and constructive way towards the review team, the Board, and ICANN organization, in accordance with ICANN's Expected Standards of Behavior.
- Drive the review team towards the timely delivery of key milestones according to the work plan, maintaining standards of focus on the goals of the review team, as established in the terms of reference.

- Facilitate consensus among the review team members, as well as determine levels of consensus once achieved.
- Prudently manage the review team's budget, and work with ICANN organization to maintain adherence to ICANN's accountability and transparency requirements.
- Adhere to any additional roles and responsibilities as documented in the Review Team's terms of reference.

3.1.9.3 SO/ACs

- Nominate up to seven candidates for the review team in accordance with the Bylaws and these Operating Standards. The skill set and diversity of the applicants will be considered, and - based on the information candidates provided in their SOI - whether an applicant may have a conflict of interest on any specific issue likely to be considered as part of the Review will be taken into account.
- Regularly review the progression of work towards fulfilling the adopted scope and work plan, sharing any concerns with the review team as soon as concerns become apparent.
- Regularly monitor the review team's progress and provide relevant and constructive input when appropriate.

3.1.9.4 SO/AC Chairs

- Select a group of up to 21 review team members in accordance with the Bylaws and these Operating Standards, balanced for diversity and skill, from the prospective members nominated by the SO/ACs. The SO/AC Chairs shall be mindful of any conflicts of interest, or a perception thereof, of potential review team members.
- Provide appropriate advice towards conflict resolution, as detailed in these Operating Standards.
- Act as an initial forum for the Board or ICANN organization for the review team to raise concerns that cannot be raised with the review team directly, or that have been raised but no solution has been found.

3.1.9.5 ICANN Board

- Perform all requirements related to reviews outlined in the Bylaws.
- Monitor the progress of the review via the OEC, as detailed in these Operating Standards.
- Through the Board Designee, participate in reviews and represent Board positions where appropriate.
- Confirm that the reviews are conducted in accordance with ICANN's Bylaws and Mission.

3.1.9.6 ICANN Organization

- Provide project management and administrative support to the review team, including provision of any available templates relevant to review team activities.
- Provide guidance to the review team on best practices and useful

resources.

- Provide relevant input to the review team's work if and when requested to do so. This includes relevant input by ICANN organization subject matter experts pertaining to issues included in the scope of the review.
- Project manage the implementation of Board approved recommendations and provide regular updates to the community (including the Annual Review Implementation Report).

3.1.10 Sub-Teams

The review team may establish sub-teams of members that act as research teams to explore specific issues. The review team can create as many sub-teams as it deems necessary to complete its tasks through its standard decision-making process, as follows:

- Sub-teams will only be composed of review team members and will have a clear scope, timeline, and set of deliverables.
- In forming sub-teams, the Review Team should strive to achieve a group composition balanced for diversity, skill, and community perspectives.
- Sub-teams will appoint a rapporteur who will report the progress of the sub-team back to the plenary on a defined timeline.
- Sub-teams will operate as per the provisions of the Operating Standards. All sub-team requests for support, including but not limited to funding, resources, or support from ICANN organization, require review team approval.
- Sub-teams may arrange face-to-face meetings in conjunction with review team face-to-face meetings, subject to approval by the full review team.
- All documents, reports, and recommendations prepared by a sub-team require review team approval before being considered a product of the review team.

The review team may terminate any sub-team at any time.

Sub-teams shall receive support from ICANN organization to the same extent as the full review team is supported, subject only to staffing limitations. ICANN organization will inform the review team of any staffing limitations.

3.1.11 Determining Review Team Leadership

At the inception of the review team, and only until review team leadership is appointed, a member of ICANN organization will lead and facilitate all review team calls.

The review team shall decide on its own leadership structure. At the first review team meeting, the facilitator shall call for interested review team members to volunteer for a leadership position. The review team should decide the format of the leadership position; e.g., a chair, a chair and vice chair(s), multiple co-chairs, etc. All review team members, with the exception of the Board Designee, are eligible and can nominate themselves for a leadership position.

The nominations for leadership positions shall remain open for two calendar weeks.

If more than one candidate is put forward, such candidates are encouraged to discuss among themselves a division of the leadership roles and, if they achieve consensus, present their proposed leadership structure to the entire review team for approval.

If more than one candidate is put forward and the candidates cannot agree on a leadership structure, or the review team rejects their proposal, a facilitator shall conduct a leadership election. The first step of that election should be a determination of the leadership structure that the review team would like to abide by, such as one chair, one vice chair; two co-chairs; one chair, two vice chairs; etc. Once the structure is agreed, the facilitator shall organize one or several polls to fill the agreed-upon leadership roles. The poll can be conducted during a call, by email, in person, or a combination of the three.

Diversity in many forms among the leadership team members is highly valued, and practical efforts can be made to encourage this. For example, choosing leadership members that live and operate across varied time zones or appointing members to a review team from underrepresented SO/ACs.

3.2 Terms of Reference, Scope, and Work Plan

The terms of reference, scope, and work plan are the first work products each review team must develop. The three items must clearly lay out which topic areas the review team plans to address, the objectives, and how it plans to complete the review. This needs to be in place to supplement the broad list of topics referred to in the Bylaws.

All three documents must be adopted by consensus and submitted to the Board (see Section 3.2.4 below) as a package in the timeframe indicated by the Board in its respective resolution for its review to confirm that the scope and timeline are consistent with the requirements of the ICANN Bylaws and ICANN community expectations.

ICANN organization will provide the review team with templates for the terms of reference and work plan. The templates are based on best practices, documents, and procedures used during previous reviews. The review team may adapt the templates to specific needs.

3.2.1 Terms of Reference

Once the leadership of the review team is selected, and before any substantive review work commences, the review team shall develop its terms of reference. The terms of reference shall contain:

- Overview
    - Background of the review.
    - Scope.
    - Deliverables as specified in the work plan.
    - Method and cadence of progress reporting to the community, including an outreach plan.
- Membership
    - Roles and responsibilities of review team members and review team leadership, including any additions to those listed in these Operating Standards.
- Methodology

- o Decision-making, subject to the requirements in the Bylaws and the guidelines provided in these Operating Standards.
  - o Accountability and transparency requirements, subject to the guidelines provided in these Operating Standards.
  - o Reporting procedures.
  - o Dependencies on other reviews, if applicable.
  - o Methodology.
- Outreach Plan
  - o Review team shall decide how best to update the community and Board comprehensively and on a consistent basis on all relevant work output, milestone achievement, potential delays, or roadblocks.
  - o The review team shall update the community and Board through regular blogs, webinars, public sessions during ICANN Public Meetings, and any other appropriate means as detailed in the outreach plan.
  - o Individual members shall update the SO/ACs that nominated them on a regular basis.

3.2.2 Scope

The review team is responsible for setting the scope of its work as part of its terms of reference. The review team is strongly encouraged to complete the terms of reference, including scope, no later than eight weeks after its inaugural meeting.

The review team is encouraged to informally share its draft scope with the SO/AC Chairs and the Board for input. The final scope shall be submitted by the review team to the Board for its review to confirm that the scope and timeline are consistent with the requirements of the ICANN Bylaws and ICANN community expectations (see Section 3.2.4 below), should be adjusted based on any feedback the review team deems relevant and appropriate.

3.2.3 Work Plan

The review team should develop a work plan based on the agreed upon scope and budget with consideration of available resources and overall review timing. The work plan shall contain, at a minimum, target dates for the following deliverables:

- Analysis of implementation activities from prior review.
- Determination of desired number and times of face-to-face meetings, with consideration of cost estimates.
- Identification of need for any external research and an explanation of relevance.
- Publication of interim findings.
- Publication of a draft report for Public Comment.
- Public Comment period for draft report.
- Submission of final report to the Board.

The review team shall regularly consult the work plan and update it if and when necessary. The work plan shall be published on the review team's wiki page.

3.2.4 Submission of the Terms of Reference, Work Plan, and Scope to the Board

Once completed and adopted by consensus, the review team shall provide the terms of reference, scope, and the work plan collectively to the Board for its review to confirm that the scope and timeline are consistent with the requirements of the ICANN Bylaws and ICANN community expectations, in line with the relevant Board resolution.

The Board has the responsibility to review the submitted documents to confirm that:

- The Terms of reference and work plan provide a clear articulation of work to be done and a basis for how the success of the review will be measured.
- The scope of the review does not violate the Bylaws. If the Board considers the scope to violate the Bylaws, it will return the scope to the review team with a clear rationale for its assessment. The review team will then revise the scope to assure full compliance with the Bylaws.

In addition, the Board may also provide feedback on the feasibility of the proposed review scope, the intended use of resources, the proposed timeline, or any other issue contained in the terms of reference, work plan, or scope. The review shall duly consider any such feedback offered by the Board.

The review team shall also share their terms of reference, work plan, and scope with the SO/AC Chairs. The review shall duly consider any such feedback offered by the SO/AC Chairs.

3.3 Resignation of Review Team Members

Review team members may resign from the review team at any time. The resignation notification should contain a rationale and be addressed to the leadership of the review team and to the SO/AC that nominated the resigning review team member.

3.4 Removal of an Inactive or Disruptive Review Team Member

If a review team member consistently fails to participate actively in the review, demonstrates repeated disruptive behavior, egregiously or repeatedly acts in violation of the Expected Standards of Behavior, or otherwise prevents the review team from performing effectively, the review team leadership shall inform the nominating SO/AC Chair of the inactive or disruptive review team member.

As a last resort, the review team may choose to remove the inactive or disruptive member. To do so, at least 50% of review team members (excluding the member in question) have to request the member to resign. If the member refuses to resign, the SO/AC that nominated the member will be requested to withdraw their support and nominate a replacement. Should the SO/AC not take action, the member can be removed by a 70% majority vote of the review team members (excluding the member in question). Voting shall be by secret ballot.

None of these procedures preclude any member of the review team or the SO/AC Chairs lodging a complaint with the Office of the Ombudsman seeking assistance resolving the dispute or enforcing the Expected Standards of Behavior.

3.5 Replacement of Resigned or Removed Review Team Members

The SO/AC whose member resigned or was removed may elect to nominate a replacement in accordance with its own internal procedures if it considers it beneficial to do so due to the status of the review. The SO/AC may nominate a member from the initial group of applicants it received or publish a call for volunteers to receive new applications. It shall inform the review team leadership of their procedural decision and indicate a timeframe by which the new member will be nominated.

Depending on the status and remaining timeline of the review, or any other factors, the relevant SO/AC may choose not to nominate a replacement candidate.

3.6 Reporting

The review team leadership is responsible for ensuring that the review team adheres to the reporting methods and outreach plan detailed in the terms of reference, so that the community and the Board are informed about the work progress in a timely and appropriate fashion.

Each review team member is required to regularly report to the SO/AC that nominated them. The enforcement of this reporting requirement lies solely with the nominating SO/AC.

In consultation with the review team, ICANN organization will provide a fact sheet[12] to each review team, no less frequently than every quarter. The fact sheet is a tracking and reporting mechanism which details relevant metrics on review progress against the work plan and deliverables determined by the review team, and the review budget. Metrics include attendance records of review team members, progression of work towards achieving key milestones, and actual spends against the review team budget.

ICANN organization collates the fact sheet data for review team approval. The review team should appoint one or more liaisons to review and approve the fact sheets on behalf of the review team. It is strongly recommended that the review team liaison(s) review and approve the fact sheets within two weeks of receipt. Approved fact sheets will be posted on the relevant review wiki page.

3.7 Monitoring Review Progress

The review team shall conduct its work autonomously within its defined scope and budget, and in accordance with ICANN's Mission, relevant provisions of the Bylaws, and these Operating Standards. Notwithstanding its autonomy, the review team is accountable to the global ICANN

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[12] For an example of a fact sheet, please see: https://community.icann.org/display/WHO/Fact+Sheet.

community for adhering to its terms of reference and these Operating Standards, and for utilizing volunteer time and ICANN resources prudently and appropriately.

The progress of the review shall be monitored by the SO/ACs and the Board. The Board's monitoring will take place via the OEC for all procedural issues and via the Board Caucus Group for any substantive matter. The monitoring shall rely on similar metrics (see below) and without unduly interfering with or influencing the review team's scope and work. Specifically, SO/ACs and the OEC shall monitor:

- Adherence to the work plan.
- Timely and effective completion of milestones.
- Review team's budget.
- Effective use of volunteer time.
- Members' participation and contribution levels.
- Scope of the review to avoid duplication of other community initiatives and to help ensure the review results in useful recommendations.

3.8 Budget Management

The review team is responsible for managing its own budget as far as it related to the monies allocated to the review team for its conduct of the review. ICANN organization team that supports the review team may provide the review team with best practices when it comes to budget management to ensure that funds are spent effectively and appropriately.

At the start of the review, ICANN organization shall brief the review team on the allocated budget for the review team and applicable costing factors for the conduct of the review.

All expenditures related to third parties are subject to ICANN's procurement policy. All travel expenditures are subject to ICANN's Community Travel Support Guidelines.[13] The overall budget for each review is approved by the Board as part of ICANN's annual budget process; the review team will work with ICANN organization to provide appropriate justification, rationale, and clear documentation of the review team's requested expenditures in line with ICANN's transparency and accountability standards.

The approved review team budget covers:

- Costs related to face-to-face meetings, such as hotel, travel, technology support, and catering.
- Services provided by independent experts.[14]
- Other tools or services relevant to the review work.

If additional funds are required beyond the budget allocation, the review team must submit a request including a rationale and in accordance with all applicable procedures to the Board, subject to relevant timelines.

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[13] See https://community.icann.org/display/trvlconstit/Travel+Support+Guidelines.
[14] Contracting of independent experts is subject to Section 3.10 of these Operating Standards.

Budget and spending related to ICANN organization's support of the review team's work is managed under the annual Operating Plan and Budget as adopted by the ICANN Board. ICANN organization is accountable to identify the resources required to support the review team, and these support resources are separate from the review team's cost management obligations for the approved review team budget as discussed within Section 3.8.

3.8.1 Managing Budget Implications of Face-To-Face Meetings

Face-to-face meetings represent significant expenditures for review teams. Therefore, review teams shall take budgetary implications into account when deciding on the timing, location, and frequency of face-to-face meetings. Review teams are strongly encouraged to hold face-to-face meetings at ICANN office locations, due to reduced costs for room hires, technical equipment, and staff support.

In order to schedule face-to-face meetings, ICANN organization requires adequate notice to assure cost control and avoid cancellation charges. ICANN organization will provide review teams with all applicable policy and travel procedures at the start of each review. To allow for adequate planning time for ICANN's meetings, contracting, and travel teams, review teams shall submit their final travel requirements to ICANN organization within the timeframe provided to them at the beginning of the review; based on current travel guidelines this is no less than 120 days.

3.8.1.1 Face-to-Face Meetings in Conjunction with ICANN Meetings

Due to contracting and logistical constraints, review team face-to-face meetings cannot take place within two weeks after the end of an ICANN meeting, neither at the location of the ICANN meeting nor any other. Review teams may meet face-to-face either directly preceding an ICANN Meeting, at that location, or during an ICANN meeting. As with any other face-to-face meeting, review teams shall submit their final travel requirements for meetings preceding or during ICANN meetings to ICANN organization within the timeframe provided to them at the beginning of the review; based on current travel guidelines this is no less than 120 days.

3.9 Travel Support

Members of the review team who request funding from ICANN to attend review team face-to-face meetings convened outside of ICANN's Public Meetings will receive travel support in accordance with ICANN's Community Travel Support Guidelines and subject to the review team's budget.

When a review team face-to-face meeting is held during or in conjunction with an ICANN Public Meeting, review team members who are not funded otherwise may receive travel support for the days necessary for the review team members to attend these meetings and any review team outreach sessions scheduled during the ICANN Public Meeting.

3.10 Independent Experts

As per the Bylaws, review teams may solicit and select independent experts "to render advice as requested by the review team. ICANN shall pay the reasonable fees and expenses of such

experts for each review required by [Section 4.6](#) of the Bylaws to the extent such fees and costs are consistent with the budget assigned for such review."

For the purpose of reviews, independent experts are third parties that may be contractually engaged by ICANN organization to provide advice to the review team. Should the need for independent experts arise, the review team will consider the scope of work required, expected deliverables, necessary skill set, and the budget implications associated with the project.

3.10.1 Procurement of Independent Experts

To initiate a request for engagement of an independent expert, the review team will create and formally approve a statement of work. The statement of work will include:

- A clear, specific project title and concise description of the work to be performed.
- A description of required skills, skill level, and particular qualifications.
- Concrete timelines for deliverables, including milestones and measurable outcomes.
- The requirement for all candidates to disclose any real or perceived potential conflict of interest.
- Any additional information or reference material to detail requirements.

The review team leadership will communicate the request to ICANN organization for processing in accordance with ICANN's standard procedures, including ICANN's procurement guidelines.

Selection of experts to support the work of the review team will follow ICANN's procurement processes and guidelines.

The roles and responsibilities for the procurement and management of an independent expert are shared as follows:

Review team
- Determines scope of work, skill set, deliverables, timeline.
- Selects their preferred candidate if presented with more than one suitable candidate meeting all requirements.
- Approves expenditure.
- Manages substantive aspects of work as defined in statement of work and within budgetary constraints.

ICANN organization
- Liaise with review team to determine scope of work, skill set, deliverables, and timelines.
- Determines appropriate procedural steps based on scope of work.
- Manages operational elements, financials, and deliverables based on contractual terms.
- Manages invoicing and remittances.
- Monitors for compliance with contractual terms.
- Ensures compliance with procurement process and best practices.
- Secures applicants agreement with ICANN organization to share relevant information with designated point person(s) on the review team; cost and contractual terms cannot be shared.
- Announces request for submissions or proposals.

- Identifies contractors based on criteria.
- Evaluates candidates, including for any real or perceived potential conflict of interest.
- Negotiates contract.

3.10.2 Considering Advice from Independent Experts

The review team shall give appropriate consideration to any work submitted by an independent expert.

While the review team can adopt or reject any advice provided by an independent expert, it must include a dedicated section in its draft and final reports that details how the independent expert's work was taken into consideration. The review team should provide a rationale if it rejects concrete advice provided by the independent expert. Any work that the independent expert submits to the review team shall be included in full as an annex to the review team's draft and final reports.

3.11 Decision-Making Procedure

According to the Bylaws: "Review team decision-making practices shall be specified in the Operating Standards, with the expectation that review teams shall try to operate on a consensus basis. In the event a consensus cannot be found among the members of a review team, a majority vote of the members may be taken."[15]

With regards to drafting recommendations, the Bylaws state: "Each report of the review team shall describe the degree of consensus or agreement reached by the review team on each recommendation contained in such report. Any member of a review team not in favor of a recommendation of its review team (whether as a result of voting against a matter or objecting to the consensus position) may record a minority dissent to such recommendation, which shall be included in the report of the review team […]."[16]

Decision-making methodologies shall be included in the review team's terms of reference. The review team may adapt or change the decision-making procedure specified in the Operating Standards by unanimous consent. In such instances, the review team must update its terms of reference and inform the SO/AC Chairs and the ICANN Board of the changes, including the rationale for the modification.

The review team leadership will be responsible for designating each decision as one of the following:

- Full consensus - no review team members speak against the recommendation in its last readings.
- Consensus - a small minority disagrees, but most agree.
- Strong support but significant opposition - most of the review team supports a recommendation, but a significant number do not.
- Divergence - no strong support for any particular position, many different points of view. Sometimes this is due to irreconcilable differences of opinion, and sometimes it is

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[15] Bylaws, Article 4, Section 4.6(a)(iii), see https://www.icann.org/resources/pages/governance/bylaws-en.
[16] Bylaws, Article 4, Section 4.6(a)(iv)(A), see https://www.icann.org/resources/pages/governance/bylaws-en.

because no one has a strong or convincing viewpoint, but the members of the review team agree that it is worth listing the issue in the report, nonetheless.
● Minority statement (see also Section 4.4) - a proposal where a small number of people support the recommendation.

In cases of consensus, strong support but significant opposition, and no consensus, the review team should document that variance in viewpoint and adequately present any minority statements that may have been made. Documentation of minority statement recommendations is subject to appropriate text of such statements being offered by the proponent(s). In all cases of divergence, the review team leadership should encourage the submission of minority statement(s).

The recommended method for discovering the consensus level designation on recommendations is as follows:

i. After the review team has discussed an issue long enough for all issues to have been raised, understood, and discussed, the leadership makes an evaluation of the designation and publishes it for the review team to assess.
ii. After the review team has discussed the leadership's evaluation of the designation, the leadership should reevaluate and publish an updated evaluation.
iii. Steps (i) and (ii) should continue until the leadership makes an evaluation that is accepted by the review team.
iv. The leadership may decide that a majority statement is reasonable – in line with the Bylaws Article IV, Section 4.6(a)(C)(iii). Reasons for this, for example, might be:
   o A decision needs to be made within a timeframe that does not allow for the natural process of iteration and settling on a designation to occur.
   o It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to distinguish between consensus and strong support but significant opposition, or between strong support but significant opposition and divergence.

Based upon the review team's needs, the leadership may direct that review team participants do not have their name explicitly associated with any full or partial consensus view or position. However, in all cases where a review team member represents the minority statement, their name must be explicitly linked to that position.

Consensus calls should always involve the entire review team. For this reason, the consensus process should take place on the designated mailing list to ensure that all review team members have the opportunity to fully participate. It is the role of the leadership to designate which level of consensus is reached and announce this designation to the review team. Members of the review team should be able to challenge the designation of the leadership as part of the review team's discussion. However, if several participants[17] on a review team disagree with the designation

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[17] Any review team member may raise an issue for reexamination with the review team leadership; however, a formal appeal to the leadership will require that a single member demonstrates a sufficient amount of support from among the review team before a formal appeal process with the leadership can be invoked. In those cases where a single review team member is seeking reexamination, the member will advise the review team leadership of their issue.

given to a position by the leadership - or any other consensus call - they may follow these steps sequentially:

1. Send email to the leadership, copying the review team, explaining why the decision is believed to be in error.

2. If the leadership still disagrees with the opposing member, a straw poll shall be conducted to determine the result.

3.12 Confidential Disclosure Framework

As per the Bylaws:[18]

"To facilitate transparency and openness regarding ICANN's deliberations and operations, the review teams, or a subset thereof, shall have access to ICANN internal information and documents pursuant to the Confidential Disclosure Framework set forth in the Operating Standards (the "Confidential Disclosure Framework"). The Confidential Disclosure Framework must be aligned with the following guidelines:

(1) ICANN must provide a justification for any refusal to reveal requested information. ICANN's refusal can be appealed to the Ombudsman and/or the Board for a ruling on the disclosure request.

(2) ICANN may designate certain documents and information as "for review team members only" or for a subset of the review team members based on conflict of interest. ICANN's designation of documents may also be appealed to the Ombudsman and/or the Board.

(3) ICANN may require review team members to sign a nondisclosure agreement before accessing documents."

The Confidential Disclosure Framework, aligned with the provision set out in the Bylaws, is annexed to this document. A copy will be provided to all review team members at the start of the review.

Review team members that do not wish to adhere to the conditions set forth in the Confidential Disclosure Framework to access confidential information, may continue to participate in the review. Yet, as detailed in the Confidential Disclosure Framework, they may face restriction when accessing documents and when participating in discussions pertaining to those documents.

A copy of the current Confidential Disclosure Framework can be found on the ICANN website.[19]

The leadership will work with the dissenting member to investigate the issue and to determine if there is sufficient support among the review team for the reexamination to initiate a formal appeal process.

[18] ICANN Bylaws, Article 4, Section 4.6(a)(iv)(A), see https://www.icann.org/resources/pages/governance/bylaws-en.

[19] Please see the Confidential Disclosure Framework developed in August 2017: https://community.icann.org/display/SSR/Legal+Documents?preview=%2F64950831%2F71599536%2FOperating+Standards-+CONFIDENTIAL+DISCLOSURE+FRAMEWORK-+UPDATE+August+2017.pdf

3.13 Modifications to the Scope of Work While Review is Underway

During the course of a review, if the review team agrees by consensus that the scope is either too broad or too narrow, the review team leadership may initiate a review team discussion to change the review team's scope.

Any proposed change in scope shall include the rationale for the change, be supported by full consensus among the review team members, and beaccompanied by an assessment of the impact of the change on the review timeline and budget. The proposed amended scope must be in line with the Bylaws and ICANN's Mission.

Before submitting the amended scope to the Board (see below), the review team is encouraged to share the amended scope including the accompanying rationale with the SO/AC Chairs, who may provide their thoughts to the review team for consideration.

The amended scope, including the accompanying rationale, shall be submitted to the Board for consideration. The scope will only be amended if the Board consents that the amended scope remains aligned with the ICANN Bylaws and ICANN's Mission.

Once the Board's consent is confirmed, the terms of reference and work plan shall be updated. An announcement on the updated scope will be posted to icann.org.

Depending upon the extent of changes to the scope, the Board may review the updated Terms of Reference and Work Plan in line with its responsibilities under Section 3.1.9 of this document.

3.14 Role of Observers

Anyone can sign up as an observer to any Specific Review team. The number of observers is not limited.

There shall be clear instructions on the review team wiki space on how to become an observer. All candidates who have applied for a review team but were not selected shall be offered by ICANN organization to participate as an observer. All observers shall receive plenary meeting agendas and information on where to find recordings of meetings and any supporting documentation.

Observers may:

- Attend a meeting virtually: All meetings, whether in person or online, will provide a participation opportunity for observers.
- Subscribe to the observers' email list: Observers may send a request to the relevant staff person from ICANN organization or mssi-secretariat@icann.org requesting to be subscribed to the observers' email list. This information will be provided on the review wiki page.
- Attend a meeting in person: When review team members gather for public face-to-face meetings, observers may attend to share their input and questions with the review team, subject to any applicable space limitation. The calendar of scheduled calls and meetings

is published on the review team's wiki page. ICANN will not cover any expenses incurred by observers.

- Email input to the review team: Observers may send an email to the review team to share input on their work. The relevant email address to direct such input shall be posted on the review team's wiki page. Having received input from observers via email, the review team is encouraged to respond, if appropriate, and ensure that a record of the submission is posted on the review wiki page.
- Provide input during Public Comment proceedings: Observers may contribute their views via the standard Public Comment process and during public consultations.

4 Review Output and Board Consideration

4.1 Recommendations

Review team members are empowered to formulate recommendations based on their research and evaluation of facts. The review team is expected to use all reasonably available information to provide answers, solutions, and recommendations to the issues, problems, and questions raised within the scope of the review. The review team is encouraged to provide context, inputs received, and overview of relevant discussions as they pertain to each of the recommendations. The review team should state each finding clearly and the corresponding recommendation.

To help assure effective implementation and long-lasting improvements, the review team is expected to address all issues raised in the scope and provide specific, measurable, achievable, realistic, and time-bound (SMART) recommendations based on fact-based findings. The review team is strongly encouraged to lay out problems it discovered and explain how its recommendations will address these, leading to substantive improvements. To facilitate the eventual implementation of its recommendations, the review team shall include, wherever possible, relevant metrics and applicable key performance indicators (KPIs) that could be applied to assess the implementation of each of its recommendations.

To assure the feasibility and usefulness of its recommendations, the review team shall consult with ICANN organization and Board in addition to its community-wide outreach. An open and transparent exchange between the review team, subject matter experts, ICANN organization, ICANN Board must occur so that the identified problems, the recommended solutions, and the expected impact of implementation is clearly defined and well understood by all.

The review team shall take into consideration the expected impact of implementation on ICANN resources and on the ICANN community workload. Also, the review team should consider whether there is sufficient community capacity and expertise to ensure successful implementation. These considerations should not limit the number of recommendations a review team may issue.

Recommendations shall address specific problems as identified by the review team. Review teams are encouraged to categorize each recommendation as 'high priority', 'medium priority', or 'low priority', as a useful guideline for the planning of the implementation work, as prescribed in the Bylaws (Section 4.6 (a) (vii) (A)).

4.2 Draft Report

While the review team may produce several iterations of its draft report, at least one draft report must be published for Public Comment and should follow standard ICANN procedures.

The Board is encouraged to provide its input via the Public Comment process or through other means that are consistent with ICANN's transparency requirements and mindful of the review team's timeline.

The review team is strongly encouraged to formulate clear statements of identified issues and how the draft recommendations would address these issues – bounded by the agreed upon scope of work.

Draft and final reports should include the following:

- Overview of the review team's working methods, tools used, and analysis conducted.
- Facts and findings related to the investigation of the objectives identified in the scope.
- Resolution of all questions raised in the scope or those that arose subsequently during the course of the review.
- Summary of public consultations and engagement with SO/ACs and their input on the findings.
- Whether any independent experts were contracted, and if so, clearly state the areas where their advice has been considered and to what extent.
- Assessment of what processes work well and where improvements can be made; the assessment should be based on and refer to facts, findings, and data provision wherever possible.
- Preliminary recommendations that address significant and relevant issues.
- A preliminary[20] impact analysis of the desired impact of each recommendation, including the desired outcome, metrics to measure the effectiveness of the recommendations, and where possible the source(s) of baseline data for that purpose:[21]
  - o Identification of issue.
  - o Definition of desired outcome, including metrics used to measure whether the recommendations' goals are achieved.
  - o Initial identification of potential problems in attaining the data or developing the metrics.
  - o A suggested timeframe in which the measures should be performed.
  - o Define current baselines of the issue and initial benchmarks that define success or failure.
  - o Data retained by ICANN.
  - o Industry metric sources.
  - o Community input.

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[20] If it is not practical for the review team to include all details of the impact analysis, a rationale shall be included in the draft report, and the complete analysis can then be included in the final report only.
[21] The review team is expected to communicate with ICANN organization on the availability and relevancy of all data points.

- o   Surveys or studies.

- All recommendations should indicate a preliminary, nonbinding level of consensus as defined in the Operating Standards that they have received. This is to inform the community during the Public Comment period the level of review team support for each recommendation, without binding the review team members to their support level in the final report.
- Review Team composition, including the SO/AC that nominated each member, and details of any changes in composition or leadership during the course of the review.

4.3 Minority Dissents

According to the Bylaws, "Any member of a review team not in favor of a recommendation of its review team (whether as a result of voting against a matter or objecting to the consensus position) may record a minority dissent to such recommendation."[22]
All minority dissents must detail the analysis of recommendations in the final report with which its author disagrees, including a rationale for that disagreement.

The authors of minority dissents are encouraged to provide alternative recommendations that include the same details and context as is required from the recommendations in the final report as per the Operating Standards (see Sections 4.1 and 4.2).

4.4 Submission of Final Report and Public Comment

The review team shall review and consider the Public Comments received, input from the Board, or any other relevant information received on its draft report. The review team shall then determine any corresponding changes and submit its final report to the Board. The final report shall contain the same information as required in the draft report. In addition, the final report should contain a section detailing the Public Comments received on the draft report, an explanation why and how they were incorporated into the final report, or why and how they were rejected by the review team.

Once submitted to the Board, the final report shall be published for Public Comment in advance of the Board's consideration as mandated by the Bylaws. ICANN organization will then provide a staff summary of the comments to the Board for its consideration.

As per the Bylaws, all minority dissents "shall be included in the report of the review team."[23]

4.5 Implementation Shepherd

Once the final report is submitted to the Board, the review team shall determine among itself one or several "implementation shepherds". The review team should not exclude any volunteering member from acting as an implementation shepherd.

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[22] Article IV, Section 4.6(a)(vii)(A).
[23] Article IV, Section 4.6(a)(vii)(A).

Implementation shepherds will take up their role once the Board has resolved on the final report. The role of the implementation shepherd is to be the first contact for any questions or clarifications ICANN organization is seeking once the implementation is underway. The implementation shepherd may provide information and clarification via publicly archived emails or recorded calls on:

- Intent of recommendations.
- Rationale for recommendations.
- Facts that led the review team to certain conclusions.
- The envisioned implementation timeline.
- Metrics related to the measure of implementation success.

All discussions between the implementation shepherd and ICANN organization and the ICANN Board shall be publicly archived. In case of complex questions or issues, the implementation shepherd is strongly encouraged to confer with former review team colleagues or, if appropriate, the wider community.

The role of the implementation shepherd does not negate ICANN organization or Board's option to reach out to the community for additional input at any time during the implementation process.

Implementation is not linked to ICANN meetings. Therefore, the implementation shepherd shall not be eligible for travel funding in relation to this role.

4.6 Board Consideration and Implementation

In accordance with the Bylaws: "Each final report of a review team shall be published for Public Comment in advance of the Board's consideration. Within six months of receipt of a final report, the Board shall consider such final report and the public comments on the final report, and determine whether to approve the recommendations in the final report. If the Board does not approve any or all of the recommendations, the written rationale supporting the Board's decision shall include an explanation for the decision on each recommendation that was not approved. The Board shall promptly direct implementation of the recommendations that were approved" (see Section 4.6 (a) (vii) (C)). This does not preclude the Board from engaging transparently with the review team prior to reaching a decision on the final report. The Board may only reject recommendations in the final report by a vote of no less than 60% of the full Board.

In accordance with the Bylaws, once the Board has made its decision, it shall direct ICANN organization to draft an implementation plan that contains at a minimum the following:

- Priority for implementation (e.g., high, medium, low).
- Time and resources required for both ICANN community and ICANN organization.
- Potential obstacles, risks, and proposed mitigations.
- Measurability (status quo versus desired outcome).
- Details on how the recommendations align with ICANN's strategic plan.
- Impact and dependencies on existing and ongoing improvements and work within the

organization and work of community groups.[24]

When leading the implementation, ICANN organization shall cooperate closely with the review team's appointed implementation shepherd and the wider community. This includes providing timely updates on progress, highlighting roadblocks, and confirming that implementation reflects the intention of the review team.

ICANN organization should report on implementation status on a regular basis. Under the OEC's mandate, implementation updates will be provided to the OEC and posted publicly. This is in addition to the Annual Review Implementation Report that ICANN organization shall present to the Board and the community once per calendar year, in accordance with Section 4.5 of the Bylaws. At a minimum, the implementation status report shall contain current status of the implementation progress for all recommendations, all past and ongoing community consultations on the implementation efforts (if applicable), and provide a timeline for the remaining implementation work.

5 Dispute Resolution

All conflict-related communication, whether internal to the review team or involving outsiders, shall conform with ICANN's transparency and accountability requirements, subject to privacy considerations.

Any conflicts or disputes that arise among review team members (e.g., those of an interpersonal nature) shall be addressed in line with conflict resolution and escalation paths used in other community working groups, such as detailed in the GNSO Operating Procedures or other relevant, publicly available document that has precedent as being used for conflict resolution within the ICANN community.

Concerns about the review team's scope, methodology, community outreach, or any issue related to the review team's work, whether voiced by review team members, the Board, the community, or ICANN organization, shall be communicated directly to the review team via the review team leadership.

If a SO/AC should have a concern about a review team's work, the Chair of that SO/AC should raise the concern with the other SO/AC Chairs. Through a manner they deem appropriate, the SO/AC Chairs should make a preliminary determination as to whether the concern can be addressed directly and efficiently with the review team through constructive discussion, or whether the concern is such that it should be brought to the attention of the Board or wider community. As outlined in these Operating Standards, the SO/AC Chairs should notify the review team leadership directly the concern has been raised and, if applicable, the SO/AC Chairs determination that the concern should be brought to the attention of the Board or community.

The review team and the party that has raised the concern shall attempt to resolve the concern directly through constructive discussion. Every effort shall be made for an expedient and

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[24] The discussions currently underway between the Board and the community in connection with costing, prioritization, and trade-offs based on benefit to be derived from Specific Review recommendations are likely to lead to community-supported process improvements, which would be reflected in updates to this section.

productive resolution, avoiding undue interruption of the review team's work and minimizing the impact on the review team's progress.

If direct interaction between parties involved in a dispute does not lead to a productive solution, the following steps shall be taken:

1. The concerned parties may bring the issue to the SO/AC Chairs.
2. The SO/AC Chairs, though a manner they deem appropriate shall discuss the issue and provide an appropriate solution.
3. If the SO/AC Chairs cannot agree on a solution they shall suggest an alternative means to arrive at a timely and productive solution. This may include, but is not limited to, facilitation or public consultation. Such alternative means may require the review team to pause its work, understanding that such a disruption should be used only as a means of last resort.

If the Board identifies an issue with a review that poses a significant risk to meeting Bylaws' obligations, the Board will initiate consultations with the SO/AC Chairs to remedy the issue, up to and including issuing a pause on review activities. If the Board finds the review team misused financial resources, it shall share its findings with the SO/AC Chairs. If both the Board and the SO/AC Chairs agree about the misuse, they shall propose a solution, up to and including issuing a pause on review activities, the latter being the last resort.

The process for restarting the review shall be defined by the SO/AC Chairs, with an eye toward overcoming the challenges that initially led to the dispute.

5.1 Safety Clause for Terminating a Review Team in Case of Failure

In case of extreme dysfunctionality, the ICANN Board and the SO/AC Chairs may agree together to terminate a Review. Such a decision must be preceded by a full exhaustion of the conflict resolution mechanism laid out in these Operating Standards as well as a prior involvement of the Office of the Ombudsman to try to resolve the situation, when applicable. Such a decision must be taken jointly and include a detailed rationale with a proposed way forward regarding the completion or restart of the Review.

6 Amending the Operating Standards

The Operating Standards must be aligned with the existing ICANN Bylaws at all times. Subject to that condition, the Operating Standards may be amended by a majority vote of the Board.[25] To assure consistency and predictability of Specific Review conduct, the ICANN Board, ICANN community, and ICANN organization shall update the Operating Standards no more frequently than once a year.

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[25] Note: The Confidential Disclosure Framework, though referenced in these Operating Standards, has its own defined amendment and review process and is excluded from this section.

Upon completion of a Specific Review, 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. Those inputs may then lead to a proposed amendment of the Operating Standards in accordance with the provisions below.

Separately, a proposal for an amendment to the Operating Standards may be made by:

- Any one of ICANN's Supporting Organizations.
- Any one of ICANN's Advisory Committees.
- The Accountability and Transparency Review Team (ATRT).
- ICANN organization.

Before any amendment is considered by the Board, the amendment must be published for Public Comment, according to ICANN's standard procedure. If the amendment is proposed by the ATRT in its final report, no Public Comment in addition to the one for the final report needs to be conducted, unless the text of the amendment is not available in the final report.

During the Public Comment period, SO/ACs may submit objections or concerns, as may any other member of the ICANN community or the general public.

Once the Public Comment period closes and the staff summary report is published, the Board shall consider the proposed amendment, as well as all public comments submitted.

If the proposed change receives broad support from the community and conforms to the Bylaws and ICANN's Mission, the Board shall adopt the proposed change.

However, if the Board determines there is not sufficient unity within the community to support a modification, or that the modification is not aligned with the Bylaws, the Board may decline the change and encourage continued community-wide dialogue on the issue.

The final decision on amending the Operating Standards lies with the Board.