

Questions to address:

1. What is your interpretation of the designated community defined in the Bylaws? For example, do you view your designated community more broadly or narrowly than the Bylaws definition?
 2. What are the published policies and procedures by which your AC/SO is accountable to the designated community that you serve?
 - 2a. Your policies and efforts in outreach to individuals and organizations in your designated community who do not yet participate in your AC/SO.
 - 2b. Your policies and procedures to determine whether individuals or organizations are eligible to participate in your meetings, discussions, working groups, elections, and approval of policies and positions.
 - 2c. Transparency mechanisms for your AC/SO deliberations, decisions and elections
 - 2d. Were these policies and procedures updated over the past decade? If so, could you clarify if they were updated to respond to specific community requests/concerns?
 3. Mechanisms for challenging or appealing elections. Does your AC/SO have mechanisms by which your members can challenge or appeal decisions and elections? Please include link where they can be consulted.
 4. Any unwritten policies related to accountability. Does your AC/SO maintain unwritten policies that are relevant to this exercise? If so, please describe as specifically as you are able.
-

Responses from the Business Constituency (BC):**1. What is your interpretation of the designated community defined in the Bylaws? For example, do you view your designated community more broadly or narrowly than the Bylaws definition?**

The Commercial and Business Users Constituency (BC) is described in ICANN Bylaws at Section 11.5

(a) ([link](#)):

(iii) Commercial Stakeholder Group representing the full range of large and small commercial entities of the Internet ("Commercial Stakeholder Group"), which includes the Business Constituency ("Business Constituency"), Intellectual Property Constituency ("Intellectual Property Constituency") and the Internet Service Providers and Connectivity Providers Constituency ("Internet Service Providers and Connectivity Providers Constituency")

The BC interprets the definition of its Constituency as representing business registrants and users, and specifically those dealing with electronic commerce. In this respect, we view our role within the designated community as in agreement current Bylaws definition.

The purpose of the Constituency is to represent the interests of business registrants and users, as described in §3.1 of the current BC Charter and in §1.2 of the new BC Charter. In the new BC Charter, the mission of the BC is stated as

“...[ensuring] that ICANN is accountable and transparent in the performance of its functions and that its policy positions are consistent with the development of an Internet which:

- Is committed to a multi-stakeholder, bottom-up, consensus-driven model of engagement;
- Is technically stable, secure, and interoperable;
- Promotes user confidence in online communications and business interactions; and
- Offers choice in the supply of registry, registrar, and domain name-related services and such services are offered in a reasonable and pro-competitive manner for the benefit of the business community and users.

This segment of Internet users is comprised of electronic commerce in a broad sense. Thus, the BC “represents customers of other companies, who provide domain name, Internet Protocol address and related services who are typically members of the Contracted Parties House.” The New BC Charter was approved by the BC in Oct-2016 and submitted to ICANN to undergo the five-stage approval process.

More information regarding the BC can be found at our website, <http://www.bizconst.org/>.

2. What are the published policies and procedures by which your AC/SO is accountable to the designated community that you serve?

The published policies and procedures to which the BC are accountable to are the ICANN Bylaws and Expected Standards of Behaviors, GNSO bylaws and procedures, the CSG Charter, and the BC Charter.

The Commercial and Business Users Constituency (BC) is a member of ICANN’s Generic Names Supporting Organization (GNSO), and is located within the Commercial Stakeholders Group (CSG) in the Non-Contracted Parties House (NCPH). As such, it is accountable to the procedures outlined by the groups’ respective governing documents. The CSG has its own charter, at <http://www.bizconst.org/assets/docs/ICANNCSGCharter2010.pdf>

For example, the GNSO Procedures, in Section 6.1.2 j state: “No legal or natural person should be a voting member of more than one Group,” meaning, that organizations cannot vote in more than one Constituency within the GNSO.

Further, under the BC’s current Charter, the BC requires any organization/company/association that participates in more than one Constituency/SG to maintain a “divisional separation” between their work in the BC and other Constituencies. As such, they need to identify which other Constituencies they and their organization participate in, and identify in which specific Constituency the organization chooses to vote. Their representative to the BC must not represent their organization in another Constituency within the GNSO.

Specific sections relevant to responding to this question are cited below:

Appeals – BC Charter (new) §2.6

In the new BC Charter, the Executive Committee (EC) is entrusted with responsibilities in §2.6:

2.6.5 Resolve Disputes. The EC will hear and resolve Member disputes in a timely manner including conflicts of interest and any appeal from a decision of the Credentials Committee.

2.6.8 Decisions. All members of the EC will participate faithfully in making decisions. A quorum of at least two-thirds (2/3) of the members of the EC is required for making decisions not otherwise delegated to an individual officer. Wherever possible, decisions will be made by consensus; however, if the EC cannot resolve a matter through consensus, the Chair shall conduct a vote in which a simple majority will prevail. All members of the EC, including the Chair, have a vote. In the case of a tie, the Chair's vote is decisive; however, at the Chair's option, the EC may conduct a vote of the Members.

Accountability – BC Charter (new) §2.7

The new BC Charter also outlines accountability procedures which hold the EC responsible for their work within the Constituency in §2.7.

2.7 Executive Committee Accountability.

If a Business Constituency Member files a complaint or the Chair is notified by ICANN Staff that an EC member or CR has failed to faithfully perform the duties of the office, including satisfying attendance and/or participation requirements, the EC shall conduct an investigation requesting supporting information with respect to the alleged deficiency.

2.7.1 As an initial step, the EC will communicate in writing with such leader outlining the deficiency and providing an opportunity for the leader to respond to the particulars, including rationale and/or remedy, within fourteen (14) days.

2.7.2 If the leader fails to respond or the response (a) does not commit to remedy the deficiency or (b) does not provide a rationale convincing to the EC, the EC will ask the leader to voluntarily resign from office within fourteen (14) days.

2.7.3 If the leader does not resign within the prescribed period, the EC, except the individual being investigated, will take a vote to recall such leader. If two-thirds (2/3) of the EC supports the recall:

The EC shall formally notify the individual of removal from office;

A message may be copied to the Private List stating that the individual is being removed pursuant to this provision; and

The EC shall call an election to fill such vacancy.

RESOURCES:

- *GNSO Bylaws are contained in the ICANN Bylaws. Please see Section X: GENERIC NAMES SUPPORTING ORGANIZATION:* <https://www.icann.org/resources/pages/governance/bylaws-en#X>
- *GNSO Operating procedures:* <https://gns0.icann.org/en/council/op-procedures-01sep16-en.pdf>
- *CSG Charter:* <http://www.bizconst.org/assets/docs/ICANNCSGCharter2010.pdf>
- *Current BC Charter (adopted in 2009):* <http://www.bizconst.org/charter>

Note: the BC charter is currently undergoing the ICANN review process, and is expected to be presented to the community for public comment in 2017.

- *BC Charter (proposed revisions, 2016), pending review by ICANN Staff. Section 2.6 outlines EC duties:* <http://www.bizconst.org/assets/docs/Charter/bc%20charter%20v3%200-final%20draft%20v5.pdf>
- *ICANN's Expected Standards of Behavior:* <https://www.icann.org/resources/pages/expected-standards-2012-05-15-en>
- *ICANN's core values 1.2(b) of the ICANN bylaws:* <https://www.icann.org/resources/pages/governance/bylaws-en/#article1>

2a. Your policies and efforts in outreach to individuals and organizations in your designated community who do not yet participate in your AC/SO.

The BC's commitment to outreach is described in the current BC Charter at §12 and in the new Charter at [Section 9](#):

2009 CHARTER, §12:

"Business users' participation in ICANN is critical. The BC will, in tandem with other members of the CSG, make best efforts to broaden the participation of business users wherever possible according to available resources."

2016 CHARTER (undergoing review by ICANN Staff), §9.2:

The new BC Charter in §9.2 presents the Chair and Vice-Chair for Finance and Operations as being "primarily responsible for allocating funds, proposing plans/programs, and encouraging Member participation in activities designed to achieve the Business Constituency's outreach and recruitment goals." Complete text of new BC Charter can be read [here](#).

Outreach Committee - Overview

The BC's Outreach Committee is comprised of a small group of BC members, who discuss outreach opportunities during ICANN Public meetings and other conferences and events.

Outreach Strategy

Annually, a BC Outreach Strategy is created and approved within the BC, outlining its implementation strategy for the upcoming year, and expected outcomes. BC Outreach strategy is administered by the BC Outreach Committee with the support of its Executive Committee and ICANN staff. In FY16, the BC's Outreach spending totaled 12,750.00 €, which includes activities such as support of events and travel requests.

The Outreach committee meets via teleconference before each ICANN Public meeting for planning purposes. The Outreach team also drafts an Outreach and Strategic Plan annually, which can be found on the ICANN Wiki space (<https://community.icann.org/x/XQKbAw>) and actively participates in the Community Regional Outreach Pilot Program (CROPP).

Newsletters

Newsletters are published by the BC in advance of every ICANN Public Meeting (<http://www.bizconst.org/newsletter>). Articles are written by BC members and designed by the BC for outreach purposes at each ICANN Public Meeting, and various outreach events that the BC participates in (such as AfICTA Summits, trade events, and IGF forums).

RESOURCES:

- *BC Charter (2009 - current): §12* – <http://www.bizconst.org/charter>
- *BC Charter (2016 - undergoing review by ICANN Staff): §9*
- *BC Outreach and Strategic Plan for FY17: <https://community.icann.org/x/XQKbAw>*
- *BC's CROPP travel forms for past and upcoming travel and outreach events in FY17 will be tracked here: <https://community.icann.org/x/zw2OAw>*
- *BC Newsletters (published in tandem with every ICANN Public Meeting): <http://www.bizconst.org/newsletter>*

2b. Your policies and procedures to determine whether individuals or organizations are eligible to participate in your meetings, discussions, working groups, elections, and approval of policies and positions.

BC policies for determining whether individuals or organizations are eligible to participate in BC meetings, discussions, etc., are outlined in §3 of the current BC Charter (<http://www.bizconst.org/charter>). In the new Charter, eligibility is outlined in §5. Given the length of this section, the complete text of the new BC Charter appears [here](#).

Eligibility to Participate

BC Membership Application Process & Credentials Committee

In order to be eligible to participate within the BC, organizations and their representatives (primary representative and others), the organization must first become a member. Eligibility criteria is outlined in §3 within the current charter and §5 in the new charter.

The process for becoming a member of the BC begins with submitting an application to the BC Secretariat (info-bc@icann.org) or via the website bizconst.org, which is then reviewed by the BC's Credentials Committee (CC) for consideration per the membership eligibility criteria. If an application is approved, the applicant (i.e., the organization/association/company) is notified within 14 business days and sent an invoice to be paid. Once the invoice is paid, the applicant is approved as a BC Member. The BC maintains a public list of all members, at <http://www.bizconst.org/bc-membership-list>.

Appeals of membership eligibility decisions

Appeal mechanisms for membership applications and membership credentials are outlined in Section 5.6.2 of the new BC Charter, which gives empowers the Credentials Committee to conduct a review upon request:

“Any Member may request that a review be conducted of another Member, its Designated Representatives, or itself by submitting written documentation, including supporting rationale, to the Credentials Committee (CC). Requestors must be identified (i.e., not anonymous); however, the CC will maintain confidentiality of their identities until a disposition has been reached (see §5.6.2-c below). The CC will promptly notify the EC and the affected party or parties of the review’s essential nature. Except in the case of a dismissal (§5.6.2-c-iv), in the interests of transparency, information concerning the review will be disclosed to the Business Constituency membership at its conclusion.”

The specific steps are outlined in the Charter, including when the termination of a membership is deemed appropriate. If a BC member is not satisfied with EC decision, that member may pursue the complaint with ICANN’s Ombudsman.

Meetings

The BC’s teleconference meetings are held bi-weekly, and are open to all BC Members. The BC holds a meeting open to guests during each ICANN Public Meeting. The procedures outlining BC Meetings are in the new BC Charter, in §8.

RESOURCES:

- *BC Charter (2009 - current): §3. Membership – <http://www.bizconst.org/charter>*
- *BC Charter (2016 - undergoing review by ICANN Staff): §5. Membership*
- *Membership list: The BC maintains a public list of all members, <http://www.bizconst.org/bc-membership-list>*

2c. Transparency mechanisms for your AC/SO deliberations, decisions and elections

Transparency mechanisms for the BC are outlined in the new BC Charter in §6, which covers the process for objecting to and voting on policy positions and decisions, such as an election.

For example, “except for elections (§6.2) and written policy development positions (§6.3), voting shall be relied upon only to the extent that is necessary in cases where general agreement cannot be reached” (§6.2).

Specifically, “before any vote is taken, there must be a quorum of at list fifty percent of Members registered as participants of the relevant entity” (§6.1.2.a). Electronic voting is permitted where the presiding leader indicates this as the manner of voting to be used.

RESOURCES:

- *Minutes for BC Members’ calls: Minutes of BC teleconference meetings and ICANN Public open meetings are drafted by the Secretariat, approved by Excomm and circulated to BC Members*
- *Minutes for BC Excomm calls: minutes are drafted by the Secretariat and sent to Excomm*
- *Election timeline (BC Charter 2009 - current), §5. Elections: Outlined in the charter:*

Nomination period – 2 weeks

Candidate Statements/deliberation – 1 week

Candidate call (time permitting)

Voting period opens, for all paid, voting BC member representatives – 1 week

- *Additionally, procedural timeline for an election cycle is circulated to members on the BC Private list, in advance of the election cycle*

- *Election timeline (BC Charter – 2016 undergoing review by ICANN Staff): outlined in §6.2 Decision-Making Elections, and Policy Positions*
- *Calls posted to the BC's website/wikispace: <http://www.bizconst.org/telephone-conferences> and <https://community.icann.org/x/OYHbAQ>*

2d. Were these policies and procedures updated over the past decade? If so, could you clarify if they were updated to respond to specific community requests/concerns?

The current Charter displayed on the BC website was revised in 2009. In 2014, the BC established a Charter revision committee to explore another charter update. A new Charter was approved by BC Members in Oct-2016 and submitted to ICANN to undergo the five-stage approval process. The new charter appears in the Appendix and at <http://www.bizconst.org/assets/docs/Charter/bc%20charter%20v3%200-final%20draft%20v5.pdf>

The BC updates its Charter based upon cumulative requests from BC members. Requests typically note a need for clarifications, for specific amendments, or the need to update the Charter to account for changing circumstances.

3. Mechanisms for challenging or appealing elections. Does your AC/SO have mechanisms by which your members can challenge or appeal decisions and elections? Please include link where they can be consulted.

The elected BC Executive Committee is the first step for appeals regarding any complaints about an election or decision process. The new BC Charter describes how the Executive Committee (EC) decides on complaints received from members:

2.6.5 Resolve Disputes. The EC will hear and resolve Member disputes in a timely manner, including conflicts of interest and any appeal from a decision of the Credentials Committee.

2.6.8 Decisions. All members of the EC will participate faithfully in making decisions. A quorum of at least two-thirds (2/3) of the members of the EC is required for making decisions not otherwise delegated to an individual officer. Wherever possible, decisions will be made by consensus; however, if the EC cannot resolve a matter through consensus, the Chair shall conduct a vote in which a simple majority will prevail. All members of the EC, including the Chair, have a vote. In the case of a tie, the Chair's vote is decisive; however, at the Chair's option, the EC may conduct a vote of the Members.

If a BC member is not satisfied with an EC decision, that member may pursue the complaint with ICANN's Ombudsman.

RESOURCES:

- *BC Charter (2009 – current), §8.2.3. Special rules for elections:*
“During elections there is a need for special rules in line with §5 of the Charter to ensure the integrity of the process and fairness to all candidates. This means inter alia that the returning officer for the election will unless otherwise agreed instruct the list administrator as follows:
 - to open a nomination period but only publish nominations to the list at the close of that period;
 - to open a discussion period (where the external timetable allows) but to monitor air time to ensure fairness to all candidates, and if necessary delete or suspend postings;
 - to open a voting period and suspend all election and candidate related list mail during that period.”

4. Any unwritten policies related to accountability. Does your AC/SO maintain unwritten policies that are relevant to this exercise? If so, please describe as specifically as you are able.

The BC endeavors to put its policies in writing, as part of its charter. While there are unwritten prior practices cited for some activities, we are not aware of any that are responsive to these questions.

Other resources:

ICANN WIKI: <https://icannwiki.com/CBUC>

ICANN GNSO BC Page: <https://gns0.icann.org/en/about/stakeholders-constituencies/csg/cbuc>

ICANN GNSO CSG Page: <https://gns0.icann.org/en/about/stakeholders-constituencies/csg>

**APPENDIX – Relevant Sections of the New BC Charter
(Approved by BC members Oct-2016, undergoing review by ICANN Staff)**

5.0 Membership.**5.1. Eligibility.**

5.1.1 Eligible Organizations. To be eligible to be a Member of the Business Constituency, an applicant must be a legally recognized for-profit entity which uses the Internet to conduct business related to electronic commerce and which fully subscribes to the Business Constituency's mission (§1.2) and principles (§1.3) and otherwise be:

- a. A trade association or other legally recognized for-profit entity which uses the Internet to conduct business related to electronic commerce; or
- b. A consultant advising Business Users.

5.1.2 Ineligible Organizations. The purpose of the Business Constituency is to represent the interests of Business Users as described in §5.1.1. To avoid conflicts of interest, the following is a non-exhaustive list of entities which are not eligible to be a Member:

- a. Not-for-profit entities excepting trade associations or coalitions representing for-profit entities;
- b. Entities which derive more than 10 percent of annual revenue as a registry operator, registrar, reseller, or otherwise related to domain name supply (collectively, "Contracted Parties");
- c. Political organizations whose primary purpose is to elect government officials;
- d. Individuals or entities that represent governments in any way or in any capacity at ICANN;
- e. Other groups not chartered to support Business Users as described in §5.1.1.

An entity which does not fall within the non-exhaustive criteria set forth above may nonetheless be ineligible to be a Member based upon a review and determination by the Credentials Committee in accordance with the provisions contained in §5.6.

5.1.3 Non-Voting Members: An otherwise eligible Member according to §5.1.1 that is owned, controlled by, or under common ownership with any entity that votes in the Business Constituency or another Stakeholder Group or Constituency in either house of the GNSO is ineligible for Voting status within the Business Constituency; however, such Member may be accorded Non-Voting status subject to the following:

- a. A representative of a Non-Voting Member may not hold an elected position, including Officer or GNSO Council Representative, within the Business Constituency; and
- b. With the exception of restrictions specified in §5.1.3, all other rights and privileges of membership apply to Non-Voting Members.

5.1.4 Representation. Whether Voting or Non-Voting, Members must agree to represent the interests of Business Users for all business and matters addressed inside the Business Constituency.

5.2 Member Representation.

5.2.1 Member Representative (MR). Each Member, whether it has Voting or Non-Voting status, shall appoint one Member Representative (MR) to act on its behalf and serve as its principal point-of-contact. At its discretion, each Member may also appoint an Alternate Member Representative (AMR) to serve in the capacity of the MR whenever circumstances warrant (e.g., scheduled or incidental absence); however, the AMR must satisfy all of the conditions and specifications below:

- a. The designated MR must be either a director or employee of that Member or majority-owned subsidiary and whose position aligns with the purpose and mission of the Business Constituency. An association will ordinarily designate a staff member as its MR, but may choose a director or employee of one of its member companies.
- b. An individual is ineligible to serve as an MR if s/he holds (a) executive office in a current or prospective ICANN Contracted Party, or (b) a 10% or greater ownership stake in such entity, or (c) derives more than 10% of income from one or more ICANN Contracted Parties.
- c. Each MR shall have the power to speak publicly on behalf of the Member organization within the Business Constituency.
- d. Unless otherwise provided in this Charter, the MR or acting AMR is the only person able to vote on behalf of a Voting Member. A Voting Member may appoint a proxy for a specific meeting of the Business Constituency. The proxy must fulfill the conditions of appointment as an MR or be another Member's MR within the Business Constituency. A formally designated AMR, when serving in the capacity of MR, is assumed to have and is not required to pre- register a voting proxy. Notification of a proxy must be made in writing to the Secretariat at least 48 hours before the start of the meeting.
- e. A Member may change its MR if the departing MR or other qualified individual, as noted herein, of the organization:
 - i. Notifies the EC of the change; and
 - ii. Authorizes a new MR following the departure of the prior representative.
 - iii. A new MR appointed in accordance with this Charter does not assume an elected or appointed office within the Business Constituency held by the prior representative. The EC will fill any office vacancy created by a departing MR according to applicable provisions in this Charter.

5.2.2 Additional Contacts. A Member may request that a reasonable number of additional contacts be subscribed to Business Constituency email and/or publication lists for information purposes:

- a. Additional contacts do not vote on behalf of the Member organization; however, they may participate in Business Constituency discussions, meetings, committees, and working groups. Such contacts must identify themselves as affiliated with the Member when participating in Business Constituency affairs.
- b. The EC may establish eligibility guidelines for, and limits on the number of, additional contacts that will be applicable to all Member organizations.

5.2.3 The MR, AMR, and a Member's additional contacts are hereinafter collectively referred to as "Designated Representative(s)."

5.3 Fees and Member Voting Categories.

5.3.1 Fees. The Business Constituency has the right to require membership fees, which shall be established by the Finance Committee in accordance with the fiscal needs of the Business Constituency.

5.3.2 Member Voting Categories. Members will be assigned to one of three categories of declining fee and voting eligibility:

- a. Category 1: (i) macro enterprises defined as companies which have both 10 or more employees and annual revenue of at least US\$500,000; or (ii) associations with members based in more than one ICANN region [3 votes];
- b. Category 2: associations with members based in only one ICANN region [2 votes]; and
- c. Category 3: micro enterprises defined as companies which have fewer than 10 employees or annual revenue less than US\$500,000 [1 vote].

5.4 Applications for Membership and Eligibility Renewal.

- 5.4.1 Member Application and Eligibility. All prospective and existing Members must complete and maintain a , which shall be used by the Credentials Committee in evaluating new membership applications as well as renewals of existing Members for the purpose of confirming eligibility and voting status. This form, once initially approved by the Credentials Committee, will represent a permanent Member record and shall be updated whenever a Member's circumstances change materially or at any other time as specifically directed by request of the Executive Committee or Credentials Committee.
- 5.4.2 Effective Date. Membership and voting status are effective upon written notification from the Credentials Committee posted on the Business Constituency's Private List.

5.5 Member Rights/Privileges

The rights and privileges documented in this section apply to the Member and, where applicable, its Designated Representatives. They are subject to various restrictions and/or provisions contained elsewhere in this Charter; otherwise, each Member of the Business Constituency in good standing shall have the right to:

- 5.5.1 Vote. Vote in all general elections of the Business Constituency including, but not limited to officers and CRs; and, whenever a general membership vote has been called by an authorized officer of the Business Constituency.
- 5.5.2 Participate in Leadership Elections. Run for, or nominate other Members to, elected positions of the Business Constituency by complying with the procedures described in §6.2 and as determined by the Vice-Chair for Finance and Operations;
- 5.5.3 Receive Communications.
 - a. Have access to the Business Constituency web presence(s), Public and Private Email Lists, and any other communications mechanisms established pursuant to Chapter 7.0;
 - b. Be given timely notice of all policy development initiatives being considered by the Business Constituency; and

- c. Be provided timely information concerning meetings, significant actions, and decisions of the Executive, Finance, and Credentials Committees as well as relevant matters occurring within the GNSO Council.
- 5.5.4 Participate. Be afforded the opportunity to participate in Business Constituency discussions, whether via teleconference, e-mail list, website, or in person, on all policy and administrative issues for which notice is given on the Private List.
- 5.5.5 Submit Agenda Items. Submit agenda items for Business Constituency meetings. If there are too many agenda items to include in the time available, the Chair may limit the agenda excepting any items (a) submitted at least ten (10) days prior to the scheduled meeting and (b) seconded by a Member.

5.6 Determinations and Reviews of Member Eligibility, Status, and Rights/Privileges.

- 5.6.1 Determination of Eligibility and Status. The Credentials Committee is responsible for evaluating Business Constituency membership applications and determining Member eligibility and voting status consistent with Chapter 5.0.
- 5.6.2 Reviews of Member Eligibility, Status, and Rights/Privileges
 - a. Any Member may request that a review be conducted of another Member, its Designated Representatives, or itself by submitting written documentation, including supporting rationale, to the Credentials Committee (CC). Requestors must be identified (i.e., not anonymous); however, the CC will maintain confidentiality of their identities until a disposition has been reached (see §5.6.2-c below). The CC will promptly notify the EC and the affected party or parties of the review's essential nature. Except in the case of a dismissal (§5.6.2-c-iv), in the interests of transparency, information concerning the review will be disclosed to the Business Constituency membership at its conclusion.
 - b. Reviews will be conducted by the CC and must involve a thorough examination of all relevant facts including supporting documentation. A review is not limited to, but may be indicated when:
 - i. There is a potential conflict of interest;
 - ii. A Member or Designated Representative allegedly engages in behavior or activities which appears to be (a) inappropriate for or threatening to the stability, functionality, or reputation of the Business Constituency, or (b) is inconsistent with its Mission (§1.2) and/or Principles (§1.3);
 - iii. A Member's circumstance changes such that it would be grounds for refusal of an initial application; or
 - iv. A Member or prospective applicant may be involved in a violation §6.1.2(j) of the GNSO Operating Procedures which states, "No legal or natural person should be a voting member of more than one Group." The Business Constituency discourages entities which might wish to switch voting status between multiple Stakeholder Groups or Constituencies over relatively short periods.
 - c. After a review, the Credentials Committee may, by simple majority vote, apply the following actions, depending on the circumstances:

- i. If a new membership denial, a formal written notice of the issue of concern, which will be sent through the Secretariat to the applicant.
 - ii. If an existing Member or Designated Representative, a defined period of suspension of some/all Business Constituency rights and/or privileges.
 - iii. Termination of membership in the Business Constituency. Such termination decisions must be reviewed by the Executive Committee. If a majority of the Executive Committee disagrees with the decision of the Credentials Committee, the members of both committees will meet together to discuss their respective viewpoints. If, after such discussion, agreement cannot be reached, the Executive Committee's decision is final. Any affected Member should be notified that further appeal would be to the ICANN Ombudsman. Correspondence will be managed by the Secretariat. Except for instances where the Member would no longer qualify for membership, termination must be preceded by at least one other disciplinary action under this section.
 - iv. Dismissal of the review if, in the CC's judgment, it is determined not to have merit or there are insufficient grounds for action. In such a case, with the concurrence of the EC, further communication of its nature shall remain confidential except to the originally affected party or parties.
- d. Before any disciplinary action may take effect, the affected party or parties will have an opportunity to:
- i. Review the cause of action and supporting rationale;
 - ii. Provide a written response to the CC; and
 - iii. Request reconsideration by the CC of any action if submitted within 21 days of notification.
 - iv. Appeal any decision of the CC to the EC (§2.6.5).
- e. CC or EC members who cannot maintain objectivity in conducting or evaluating a formal review of the alleged behavior or activity will recuse themselves from any denial/discipline process or related deliberation other than responding to direct communications with the Credentials and Executive Committees. A reviewed party may request the recusal of any such member by submitting a timely written statement including supporting rationale.

5.6.3 Payment of Fees. Once approved by the Credentials Committee an applicant is expected to pay membership fees within a reasonable period of time in order to continue participating in the Business Constituency. Should exceptions be required, the Credentials Committee, Finance Committee, and Executive Committee should review the circumstances.

9.0 Outreach

9.1 Outreach Policies.

9.1.1 Commitment. The Business Constituency is committed to being inclusive and representative of commercial Internet users globally and will conduct outreach to qualifying for-profit entities eligible for membership as outlined in §5.1.

9.1.2 Objective. Recruiting will be focused on assuring representation from each ICANN geographic region with emphasis in areas historically under-represented in ICANN structures.

9.2 Primary Officers.

The Chair and Vice-Chair for Finance and Operations are primarily responsible for allocating funds, proposing plans/programs, and encouraging Member participation in activities designed to achieve the Business Constituency's outreach and recruitment goals.

9.3 Outreach Opportunities.

The Chair and Vice-Chair for Finance and Operations will seek opportunities at each ICANN public meeting to recruit new Members and educate interested attendees about the Business Constituency and ICANN.

9.4 Special Committees/Groups/Teams.

Consistent with the Business Constituency's commitment to global outreach, the Executive Committee may create temporary or permanent committees/groups/teams (see §2.6.4) to focus on broadening geographic and participatory diversity including, but not limited to: (a) taking advantage of ICANN funding/programs targeted at outreach; (b) recruiting new members into the Business Constituency from under-represented regions; and (c) evaluating proposals to allocate internal funds designated for outreach activities not covered by other programs.