

Fact sheet Operating Standards Specific Reviews

Item #	Topic	Description	Bylaws section	Issue addressed	Comment
1	Definition Operating Standards	operating standards developed for the conduct of specific reviews under this <u>Section 4.6</u>	Section 4.6 (a) (i)		
2	Development Operating Standards	Operating Standards shall be developed through community consultation, including public comment opportunities as necessary that comply with the designated practice for public comment periods within ICANN.	Section 4.6 (a) (i)	Method of development, initiative	Through community consultation seem to imply under auspices of staff/ ICANN Org. Would have expected agreement on development process Consultation and public comment. One cannot replace the other.
3	Guidance selection process	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 and skill.	Section 4.6 (a) (i),	Selection process by chairs	This is different from Nomination Process. Nomination process is not defined. See section 4.6 (a) (i) (A), (B) and (C)

4	Disclosure conflict of interest participants Specific review teams	Details on the conflict of interest practices are included in the Operating Standards.	Section 4.6 (a) (ii),	Disclose to ICANN and their applicable review team any conflicts of interest with a specific matter or issue under review	in accordance with the most recent Board-approved practices and Operating Standards. Mechanism & Practices to be included in OS, for example Exclusion of members by others.
5	Review team decision-making	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	Section 4.6 (a) (iii),	`Determines how the review teams are expected to operate.	With no guidance from OS a review team may first need to develop decision making practices to ensure continuity and avoid continued process discussions
6	Guidance how to deal with external experts	<p>Guidelines on how review teams are to work with and consider independent expert advice are specified in the Operating Standards.</p> <p>Review teams may also 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 contemplated</p>	Section 4.6 (a) (iv),	Cost of specific reviews, external expertise. Independence of Review teams	Need for budget. Fees and costs need to be consistent with the budget assigned for such review. Q: what is included in budget FY 17 and 18 for specific reviews? Who determines?

7	Confidential Disclosure	Operating Standards should include Confidential Disclosure Framework. Needs to be aligned with parameters	Section 4.6 (a) (vi)	Ensure transparency of ICANN's deliberations and operations	Rationale for not providing information, appeal with Ombudsman or Board. Limit accessibility to RT members, Ask for NDA (to be included in OS?)
8	Scope management	<p>The Board shall cause the specified reviews. However unclear who determines scope of reviews. Each of the reviews MAY contain certain elements defined in Bylaws.</p> <p>Language in the Bylaws: The issues that the review team for the Accountability and Transparency Review (the "Accountability and Transparency Review Team") MAY assess include, but are not limited to, the following:</p>	Example Section 4.6 (b) (ii) (A-F)	<p>Scoping reviews if different interpretations. Who determines scope ? SO and AC's, Board , Review team without decision making process?</p> <p>Differences in interpretation</p> <p>Mechanism to determine scope NOT included in Bylaws NOR mandatory part of the OS.</p>	<p>ATRT 3 discussions. ccNSO and SSAC support proposed limitation CCWG CCWG mandate to limit scope? GNSO agrees with limitation as advise to ATRT 3.</p> <p>See https://gnso.icann.org/en/meetings/transcript-council-16feb17-en.pdf</p> <p>Page 36 and 37.</p>