

# ccNSO Guideline for the Procedure for the Exercise of the Empowered Community's rights to Approve Specified Actions

Version 0.1 – 22 March 2017

## Section 1: General Provisions<sup>1</sup>

1. The following protocol will be observed for all communications between the ccNSO and other Decisional Participants, the Empowered Community Administration (ECA), and the ICANN Corporate Secretary:
  - a. The ccNSO, with respect to the exercise of its rights within the Empowered Community as a participating Supporting Organization Decisional Participant, will interact with other Decisional Participants, the Empowered Community Administration, and the ICANN Corporate Secretary, through the ccNSO Council.
  - b. The representative between the ccNSO Council and other Decisional Participants, the Empowered Community Administration, and the ICANN Corporate Secretary, shall be either the ccNSO Council Chairperson, or an alternative representative (known as the "Approval Action Issue Manager") appointed by the ccNSO Council Chairperson. If an Approval Action Issue Manager is appointed by the ccNSO Council Chairperson to act on his or her behalf, they serve at the pleasure of the ccNSO Council Chairperson.
  - c. In the event that the ccNSO Council Chair elects to appoint an Approval Action Issue Manager, the appointment of said Approval Action Issue Manager will be communicated to all other Decisional Participants, the Empowered Community Administration, the ccTLD Community, and the ICANN Corporate Secretary.
  - d. The preferred method of communication between the ccNSO Council Chairperson (or the Approval Action Issue Manager) with the ccTLD Community, other Decisional Participants, the Empowered Community Administration, ICANN Staff, and the ICANN Corporate Secretary, is email. All emails must be preserved for inclusion in an Archive devoted to the particular "Approval Action Board Notice" that is under consideration.
  - e. Any communication between the ccNSO Council Chairperson (or the Approval Action Issue Manager) with either the ccTLD Community, other Decisional Participants, the Empowered Community Administration, ICANN Staff, or the ICANN Corporate Secretary, must be documented in writing (if other than via email), and these summaries (and emails, where applicable) preserved for eventual inclusion in the Archive defined in 1(d).
  - f. Nothing in this Guideline shall proscribe an individual ccNSO Council member from communicating with either the ccTLD Community, other Decisional Participants, the Empowered Community Administration, ICANN Staff, or the ICANN Corporate Secretary regarding the Approval Action Board Notice under consideration.

## **Section 2: Actions that must be taken upon receipt of an Approval Action Board Notice**

1. Upon receipt of an Approval Action Board Notice by the ccNSO Council, the ccNSO Secretariat will publish the Approval Action Board Notice on both the ccNSO Community and ccTLD World mailing lists. The ccNSO Secretariat will also publish the Approval Action Board Notice on the ccNSO website.

## **Section 3: Procedures relating to the ccNSO's role as a Decisional Participant**

1. Prior to, and up to the convening of any Approval Action Community Forum convened by the Empowered Community Administration, the ccNSO may, via either the ccNSO Chairperson or the Approval Action Issue Manager, submit to the Empowered Community Administration the views and questions of the ccNSO with respect to the Approval Action Board Notice under consideration.
2. In the event that the Empowered Community Administration elects to have a conference call with the Decisional Participants regarding an Approval Action Board Notice, said conference call must be attended by either the ccNSO Council Chair or the Approval Action Issue Manager.
3. The Approval Action Community Forum must be attended by either the ccNSO Council Chair or the Approval Action Issue Manager.
4. In the event that either the ICANN Board or the Empowered Community Administration elects to hold additional Approval Action Community Forums, said forums must be attended by either the ccNSO Council Chair or the Approval Action Issue Manager.

## **Section 4: ccNSO Decision Making Procedures**

1. Upon the conclusion of the Approval Action Community Forum, the twenty-one day Approval Action Decision Period begins, during which the ccNSO Council needs to render a decision regarding the Approval Action Board Notice under consideration, or abstain from making any decision.
2. The procedures given in "Guideline: ccNSO Council Practices" (<https://ccnso.icann.org/about/guidelines-council-practices-09feb17-en.pdf>) prevail with respect to how the ccNSO Council comes to a decision with respect to the Approval Action Board Notice under consideration.
3. A simple majority is required for approval of the Approval Action Board Notice under consideration.
4. The decision of the ccNSO Council with respect to the Approval Action Board Notice under consideration shall be conveyed by the Chairperson of the ccNSO Council or the Approval Action Issue Manager to the Empowered Community Administration.

## Appendix A: Glossary

This Appendix contains definitions of terms used within the Bylaws (especially Annex D) relating to both Approval Action Board Notices and Rejection Action Board Notices.

<b>Term</b>	<b>Definition</b>
Approval Action	The right of the Empowered Community to approve one of the actions of the ICANN Board subject to Community review (D(1.1)).
Approval Action Board Notice	Written notice from the Board to the Empowered Community Administration seeking approval of a Board action subject to Community Approval (D(1.2)).
Approval Action Board Notification Date	The date the Approval Action Board Notice is delivered to the Empowered Community Administration (D(1.2)).
Approval Action Community Forum	A public forum (either via teleconference or in person during the next scheduled ICANN public meeting (D(1.3)(4)) at which Decisional Participants and interested parties may discuss the Approval Action (D(1.3)(1)). The forum must be held within the Approval Action Community Forum Period or, if scheduled for the next ICANN public meeting, by the end of said meeting (D(1.3)(3)).
Approval Action Community Forum Period	A 30 day period beginning with the submission of the Approval Action Board Notice (D(1.3)(3)).
Approval Action Decision Period	A 21 day period which begins at the conclusion of the Approval Action Community Forum Period, during which the Decisional Participants must make a decision regarding the Approval Action Board Notice (D(1.4)(a)).
Approval Action Issue Manager	Person (optionally) appointed by the ccNSO Chair to represent the ccNSO Council in interactions with other Decisional Participants, the Empowered Community Administration, and the ICANN Secretary (Section 1(b) of this Guideline).
Approval Process	The process surrounding a particular Approval Action (D(1.2)).
Approval Process Termination Notice	Written notice delivered by the Empowered Community Administration to the ICANN Secretary in the event that the Approval Action Board Notice does not receive the necessary support for approval by the Empowered Community (D(1.4)(c)).

Articles Amendment PDP Decisional Participant	The Decisional Participant whose PDP is the subject of the Approval Action Board Notice regarding an Article of Incorporation (D(1.2)).
Decisional Participant	One of (a) ASO, (b), ccNSO, (c) GNSO, (d) ALAC, and (e) GAC (6.1(a)).
EC Approval Notice	Written notice delivered by the Empowered Community Administration to the ICANN Secretary in the event that the Approval Action Board Notice receives the necessary support for approval by the Empowered Community (D(1.4)(b)(i—iii)).
EC Rejection Notice	Written notice delivered by the Empowered Community Administration to the ICANN Secretary in the event that the Supported Rejection Action Petition receives the necessary support for approval by the Empowered Community (D(2.4)(b)).
Empowered Community	Nonprofit association formed under California law consisting of (a) ASO, (b) ccNSO, (c) GNSO, (d) ALAC, and (e) GAC (known individually as a “Decisional Participant”, and collectively, as the “Decisional Participants” (6.1(a)).
Empowered Community Administration	The collection of individuals nominated by each of the Decisional Participants (one per Decisional Participant) to represent their respective Community) (6.3(a)).
Fundamental Bylaw Amendment PDP Decisional Participant	The Decisional Participant whose PDP is the subject of the Approval Action Board Notice regarding a Fundamental Bylaw (D(1.2)).
PDP Articles Statement	Statement within the Approval Action Board notice that cites the specific PDP and the specific provision within the Articles Amendment that is subject to the Approval Action Board Notice (D(1.2)).
PDP Fundamental Bylaw Statement	Statement within the Approval Action Board Notice that cites the specific PDP and the specific provision within the Fundamental Bylaw that is subject to the Approval Action Board Notice (D(1.2)).
PDP Standard Bylaw Statement	Statement within the Rejection Action Petition Notice that cites the specific PDP and the specific provision within the Standard Bylaw Amendment that is subject to the Rejection Action Petition Notice (D(2.2)(c)(i)(B)).
Rejection Action	The right of the Empowered Community to reject one of the actions of the ICANN Board subject to Community rejection (D(2.1(1—10))).

Rejection Action Board Notice	Written notice from the Board to the Empowered Community Administration notifying the Community that the Board has taken an action that is subject to Community rejection (D(2.2)(a)).
Rejection Action Board Notification Date	The date the Rejection Action Board Notice is delivered to the Empowered Community Administration (D(2.2)(a)).
Rejection Action Community Forum	A public forum (either via teleconference or in person during the next scheduled ICANN public meeting (D(2.3)(1)) at which Decisional Participants and interested parties may discuss the Rejection Action Supported Petition (D(2.3)(1)). The forum must be held within the Rejection Action Community Forum Period or, if scheduled for the next ICANN public meeting, by the end of said meeting (D(2.3)(3)).
Rejection Action Community Forum Period	A 21 day period beginning with the termination of the Rejection Action Petition Period (D(2.3)(3)).
Rejection Action Decision Period	A 21 day period which begins at the conclusion of the Rejection Action Community Forum Period, during which the Decisional Participants must make a decision regarding the Rejection Action Supported Petition (D(2.4)(a)).
Rejection Action Petition	Written petition submitted by an individual to the Decisional Participant that they are a member of specifying their objection(s) to the action that the Board has taken as described in the Board's Rejection Action Board Notice (D(2.2)(b)).
Rejection Action Petition Notice	Written notice from a Decisional Participant to the Empowered Community Administration, all other Decisional Participants, and the ICANN Secretary that the Decisional Participant is formally objection to the action that the Board has taken as describe in the Board's Rejection Action Board Notice (D(2.2)(c)(i)).
Rejection Action Petition Period	A 21 day period beginning with the submission of the Rejection Action Board Notice (D(2.2)(b)).
Rejection Action Petition Support Period	A 7 day period beginning with the expiration of the Rejection Action Petition Period during which other Decisional Participants may declare their support for the Rejection Action Petition submitted by the Rejection Action Petitioning Decisional Participant (D(2.2)(d)(i)).
Rejection Action Petitioning Decisional Participant	A Decisional Participant that has filled a Rejection Action Petition Notice (D(2.2)(c)(i)).

Rejection Action Supported Petition	A Rejection Action Petition Notice that has received the support of at least one Decisional Participant other than the Decisional Participant that originated the Rejection Action Petition Notice (D(2.2)(d)(i)).
Rejection Action Supporting Decisional Participant	A Decisional Participant that has formally notified the Rejection Action Petitioning Decisional Participant of their support of a Rejection Action Petition submitted by the Rejection Action Petitioning Decisional Participant (D(2.2)(d)(i)).
Rejection Process Termination Notice	Written notice delivered by the Empowered Community Administration to the ICANN Secretary in the event that no Rejection Action Petition is received by the Empowered Community Administration by a Decisional Participant within the Rejection Action Petition Period (D(1.4)(c)), or if a Rejection Action Petition Notice fails to receive the support of at least one additional Decisional Participant other than the Rejection Action Petitioning Decisional Participant (D(2.2)(ii)(A)).
Standard Bylaw Amendment PDP Decisional Participant	The Decisional Participant whose PDP is the subject of the Rejection Action Petition Notice regarding a Standard Bylaw (D(2.2)(c)(i)(B)).

## Commentary (to be removed when the Guideline is finalized)

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<sup>1</sup> SD: What I am trying to do in this section is establish that

1. The ccNSO Council represents the ccNSO Community, and speaks on their behalf when it comes to handling Approval Actions as described in Annex D, Article 1;
2. The ccNSO Chairperson in turn represents the ccNSO Council in discussions with other Decisional Participants and the Empowered Community Administration (ECA);
3. The ccNSO Chairperson may appoint someone to act on behalf of themselves (and thus the Council); this gives the Chairperson a way of off-loading this work effort if they are unable to fulfill it (and it might get intense at times, due to the tight timeframes that are sprinkled throughout the process);
4. Insure that all communications between the ccNSO and other Decisional Participants and the ECA are documented, and that the documented communications are collected in a central location (“the Archive”). What I am envisioning here is something along the lines of a listserv that would be available to Council members during the course of the Empowered Community’s deliberations regarding an Approval Action. I don’t want to see every last bit of inter-Decisional Participant/ECA communication pushed to the ccNSO Council mailing list. What I do want to see is that it all be collected in such a way that all of the communications are available for perusal at the convenience of individual Council members. And of course, at some point it is made available publically. Whether this latter action happens during the deliberation process, or after the deliberation process, is beyond the scope of this Guideline in my opinion. I’m just trying to insure that all the Communications are captured, made available to the ccNSO Council as quickly as possible in a form that is convenient for them to review at their leisure, and (eventually) made generally available.
5. Do nothing that limits the ability of a ccNSO Council member to interact with other Decisional Participants or the ECA during the deliberation of any Approval Action associated with a specific Approval Action Board Notice.