

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

Draft Version #2

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## 1 Introduction and Background

According to the ICANN Bylaws the Empowered Community has the right to approve the following (each, an "Approval Action"):

(a) Fundamental Bylaw Amendments, as contemplated by Section 25.2 of the Bylaws;

(b) Articles Amendments, as contemplated by Section 25.2 of the Bylaws; and

(c) Asset Sales, as contemplated by Section 26 of the Bylaws.

As a participating Supporting Organization Decisional Participant, the ccNSO exercises its rights within the Empowered Community and interacts with other Decisional Participants, the Empowered Community Administration, and the ICANN Corporate Secretary.

## 2 Purpose of the Guideline

The purpose of this Guideline is to describe the protocol for all communications between the ccNSO and other Decisional Participants, the Empowered Community Administration (ECA), and the ICANN Corporate Secretary when the ccNSO receives an Approval Action Board Notice.

## **3 General Provisions**

### **3.1 Representation of the ccNSO**

The ccNSO interacts with other Decisional Participants, the Empowered Community Administration, and the ICANN Corporate Secretary through the ccNSO Council.

The ccNSO Council in turn is represented either by the Chair of the ccNSO Council or by the Approval Action Manager, if one is appointed by the ccNSO Chair. For clarity, the term Approval Action Manager will be used exclusively within this guideline, with the understanding that it means the ccNSO Council Chair if the Chair has not appointed an Approval Action Manager as defined in 3.1.1 below.

The ccNSO's representative to the Empowered Community Administration may not serve as an Approval Action Manager.

For purposes of this Guideline individual ccNSO Council members shall act in their individual capacity as ccNSO members, and not as ccNSO Council members, when communicating with other members of the ccTLD Community, other Decisional Participants, the Empowered Community Administration, ICANN Staff, or the ICANN Corporate Secretary.

#### **3.1.1 Approval Action Manager**

The ccNSO Chair may either elect to act as the Approval Action Manager for the Approval Action Board Notice, or may elect to appoint another ccNSO Council member to serve as the Approval Action Manager. The Approval Action Manager has principal responsibility for handling communications between the ccNSO Community, other Decisional Participants, the Empowered Community Administration, ICANN Staff, and the ICANN Corporate Secretary with respect to matters relating to the Approval Action Board Notice.

If an Approval Action Manager is appointed by the Council Chair, all other Decisional Participants, the Empowered Community Administration, the ccTLD Community, and the ICANN Corporate Secretary will be informed.

#### **3.1.2 Obligations of the Representative of the ccNSO**

The Chair of the ccNSO or Approval Action Issue Manager must

- Attend a conference call with the Decisional Participants regarding an Approval Action Board Notice if the Empowered Community Administration decides to request that ICANN arrange a publically-

available conference call prior to the Approval Action Community Forum.

- Attend the Approval Action Community Forum.
- Attend additional Approval Action Community Forums if either the ICANN Board or the Empowered Community Administration elects to hold them.
- Provide prompt and accurate accounts of developments relating to the Approval Action Board Notice to the ccNSO Council and the ccNSO Community.

## **3.2 Communication**

The preferred method of communication between the the Approval Action Manager with the ccTLD Community, other Decisional Participants, the Empowered Community Administration, ICANN Staff, and the ICANN Corporate Secretary, is email.

### **3.2.1 ccNSO Views and Questions**

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 Approval Action Manager, submit to the Empowered Community Administration the views and questions of the ccNSO with respect to the Approval Action Board Notice under consideration. Any written materials submitted to the Empowered Community Administration must also be submitted to the ICANN Corporate Secretary.

### **3.2.2 Archive**

All ccNSO information and communication with respect to a specific Approval Action will be archived separately. For each Approval Action Board Notice the ccNSO Secretariat creates a separate Archive and preserves there:

1. All emails related to the particular Approval Action Board Notice.
2. Any other communication between the Approval Action Issue Manager with either the ccTLD Community, other Decisional Participants, the Empowered Community Administration, ICANN Staff, or the ICANN Corporate Secretary. If necessary the communication first must be documented in writing.

A link to the Archive will be published on the ccNSO website.

## **4 ccNSO Procedures Relating to Approval Action Board Notice**

The ICANN Board sends a written notice to the Empowered Community Administration seeking approval of a Board action subject to Community Approval.

### **4.1 Approval Action Board Notice**

Upon receipt of an Approval Action Board Notice by the ccNSO Council, the ccNSO Council Chair instructs the ccNSO Secretariat to publish the Approval Action Board Notice on all relevant ccNSO and ccTLD mailing lists and the ccNSO web-site.

The ccNSO Chair will make a decision to either act as the Approval Action Manager, or select and appoint another ccNSO Council member (other than the ccNSO's representative to the Empowered Community Administration) to act as the Approval Action Manager. The decision of the chair will be published by the ccNSO Secretariat on all relevant ccNSO and ccTLD mailing lists, as well as on the ccNSOweb-site.

### **4.2 Community Feedback**

Who, how, what? NEED TO DECIDE UPON AND DOCUMENT HOW THE COMMUNITY RELAYS THEIR QUESTIONS/CONCERNS/COMMENTS REGARDING THE APPROVAL ACTION BOARD NOTICE BACK TO THE COUNCIL FOR THEIR CONSIDERATION. NEED TO DOCUMENT HOW THE VARIOUS INPUTS RECEIVED WILL BE COMBINED AND PUBLISHED TO THE COMMUNITY AND COUNCIL.

### **4.3 ccNSO Procedures with respect to the Approval Action Community Forum**

Who, how, what? NEED TO DECIDE UPON AND DOCUMENT HOW THE ccNSO (PRIMARILY THROUGH THE APPROVAL ACTION MANAGER) PRESENTS OUR COMMUNITY FEEDBACK AND OTHERWISE GENERALLY REPRESENTS THE ccNSO COMMUNITY IN THE PUBLIC FORUM (AS WELL AS IN ANY CONFERENCE CALL THAT MIGHT BE HELD PRIOR TO THE COMMUNITY FORUM).

### **4.4 ccNSO Council Actions**

Within 21 (twenty-one) day after the conclusion of the Approval Action Community Forum, the ccNSO Council needs to take a decision on the Approval Action Board Notice under consideration. The decision is support, object or abstain from the matter.

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.

In taking its decision the ccNSO Council shall take into account the feed-back, views and input received from the ccNSO community and the results of the Community Forum.

A simple majority is required for a decision on the Approval Action under consideration.

The decision of the ccNSO Council shall be conveyed by the representative of the ccNSO Council to the Empowered Community Administration AND ICANN Corporate Secretary and published on the relevant ccNSO and ccTLD mailing lists, as well as the ccNSO website.

## **5 Miscellaneous**

### **5.1 ccNSO Internal Guideline**

This Guideline is an internal rule of the ccNSO in accordance with Article 10 section 3.11 and Article 10 section 4.2 of the ICANN Bylaws.

### **5.2 Omission in or Unreasonable Impact of the Guideline**

In the event the Guideline does not provide guidance and/or the impact is unreasonable to conduct the business of the ccNSO or the ccNSO Council, the Chair of the ccNSO Council will decide.

### **5.3 Publication and Review of the Guideline**

The Guideline will be published as part of the rules and guidelines of the ccNSO after adoption by the ccNSO Council.

The Guideline will be reviewed every 2 years at the time of review of the annual Work plan, or adjusted when considered necessary. In order to become effective the updated Guideline must be adopted by the ccNSO Council and published on the ccNSO website.

Before publishing the updated Guideline, the Secretariat will adjust the version number and insert the date the Guideline was reviewed and adopted by the ccNSO Council.

## 6 Roles and Responsibilities Assignments

Task	Chair	Secretariat	ccNSO members	ECA	Secretary of ICANN

## 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)).