Guideline:

ccNSO Procedure for the Exercise of the
Empowered Community's rights to Reject
Specified Actions

Draft Version 43
25 September 2017

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Draft Version 3
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Date of adoption by the ccNSO Council: TBD

1   Introduction and Background

According to the ICANN Bylaws, the Empowered Community has the right to reject the following (each, a "Rejection Action"):

1. PTI Governance Actions, as contemplated by Section 16.2(d) of the Bylaws;
2. IFR Recommendation Decisions, as contemplated by Section 18.6(d) of the Bylaws;
3. Special IFR Recommendation Decisions, as contemplated by Section 18.12(e) of the Bylaws;
4. SCWG Creation Decisions, as contemplated by Section 19.1(d) of the Bylaws;
5. SCWG Recommendation Decisions, as contemplated by Section 19.4(d) of the Bylaws;
6. ICANN Budgets, as contemplated by Section 22.4(a)(v) of the Bylaws;
7. IANA Budgets, as contemplated by Section 22.4(b)(v) of the Bylaws;
8. Operating Plans, as contemplated by Section 22.5(a)(v) of the Bylaws;
9. Strategic Plans, as contemplated by Section 22.5(b)(v) of the Bylaws; and
10. Standard Bylaw Amendments, as contemplated by Section 25.1(e) of the Bylaws.

As a Decisional Participant, the ccNSO exercises its rights as an associate of the Empowered Community and interacts with other Decisional Participants, the Empowered Community Administration, and ICANN.

Applicability of the rules of the ccNSO. According to the rules of the ccNSO, a Council decision comes into effect 7 days after publication. In general, decisions of the Council are subject to a members vote if 10% of the members notify the Chair of the ccNSO of their objection. If the 10% threshold is met, a membership vote must be held to ratify or veto the decision of the Council. A vote of the members may commence 5 days after the notification, and the voting period stays open for at least 14 days. The member's vote is subject to a quorum rule: At least 50% of the members have to cast their vote in order to have a valid vote.

The Rules of the ccNSO are internal rules of the ccNSO in accordance with Article 10, section 3.k and Article 10 section 4.b of the ICANN Bylaws. These rules have to be consistent with the

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ICANN Bylaws. Therefore the timelines prescribed in the relevant section of Annex D of the ICANN Bylaws are paramount. For this reason, only the ultimate decision of the Council with respect to a Rejection Action is subject to the Rules of the ccNSO.

2   Purpose of the Guideline

The purpose of this Guideline is to describe the roles and procedures for the ccNSO in its capacity as a Decisional Participant with respect to Rejection Actions.

3   General Provisions

3.1   Representation of the ccNSO

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

The ccNSO Council shall appoint a person to manage Rejection Action Processes on behalf of the Council (the "Rejection Action Manager"). The Rejection Action Manager must be a member of the ccNSO Council. The ccNSO representative to the Empowered Community Administration is ineligible to serve as a Rejection Action Manager. The appointed Rejection Action Manager may not initiate any Rejection Action Petition during their term of office.

Following the receipt of a Rejection Action Board Notice, the Rejection Action Manager has principal responsibility for managing the 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 Rejection Action Process.

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

3.2   Appointment of the Rejection Action Manager

The Rejection Action Manager is appointed by the ccNSO Council for a term of one (1) year beginning at the conclusion of the "A" format ICANN public meeting (the first public meeting in a given calendar year).

The Rejection Action Manager will be listed on the ccNSO website as the person to whom Rejection Action Petitions should be sent. The ccNSO Chair shall promptly inform all other Decisional Participants, the Empowered Community Administration, the ccTLD Community, and the ICANN Corporate Secretary of the appointment of the Rejection Action Manager.

In the event that a Rejection Action Petition is received, thus triggering a Rejection Process, the Rejection Action Manager will promptly inform the ccNSO Council Chair, who in turn shall promptly inform all other Decisional Participants, the Empowered Community Administration, and the ICANN Corporate Secretary of the receipt of a Rejection Action Petition.

3.2.1 Roles and responsibilitiesObligations of the Rejection Action Manager

The Rejection Action Manager shall:

- Attend a conference call with the Decisional Participants regarding a Rejection Action Board Notice if the Empowered Community Administration decides to request that ICANN arrange a publically-available conference call prior to the Rejection Action Community Forum.
- Attend the Rejection Action Community Forum.
- Attend additional Rejection 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 Rejection Action Board Notice to the ccNSO Council and the ccNSO Community.
- Manage the Rejection Action Process on behalf of the ccNSO in accordance with Annex D Article 2 of the ICANN Bylaws.

3.3 Appointment of the Rejection Action Petition Review Committee

The Rejection Action Petition Review Committee consists of the Rejection Manager and two (2) additional ccNSO Council members appointed by the ccNSO Council for a term of one (1) year beginning at the conclusion of the "A" format ICANN public meeting.

3.3.1 Obligations of the Rejection Action Petition Review Committee

The Rejection Action Petition Review Committee will evaluate any Rejection Petition received by the Rejection Petition Manager to insure that it meets the requirements for a Rejection Petition as set forth in Annex D Article 2.2 (c) (A-B).

3.4 Communication

Email is tThe preferred method of communication between the Rejection Action Manager and the ccTLD Community, other Decisional Participants, the Empowered Community Administration and ICANN, including but not limited to ICANN's Corporate Secretary, is email.

Task	Chair	Council	Secretariat	ccNSO members	ECA	Secretary of ICANN

> **Commented [Office1]:** In my view obligations is too heavy handed. This is not a contract of Bylaw

> **Formatted Table**

Appointment Rejection Action Manager		X			
List Manager on Website etc.			X		
Appointment Rejection Action Petition Review Committee		X			
List Committee on Website etc.			X		

4   ccNSO Procedures Relating to a Rejection Action Process

4.1   Anticipated Rejection Action Board Notice

Prior to the formal receipt of a Rejection Action Board Notice from the ICANN Corporate Secretary, there will be strong indications that a Rejection Action Board Notice is forthcoming, due to the cyclic nature of Board Actions for which Rejection Action Board Notices must be issued.

In anticipation of a Rejection Action Board Notice, the Chair of the ccNSO Council or the Rejection Action Manager will alert the ccTLD community. The ccNSO Secretariat will be directed to create dedicated web and/or wiki pages to record correspondence, etc. relating to the Rejection Action Board Notice.

Task	Chair	Rejection Action Manager	Secretariat	ccNSO members	ECA	Secretary of ICANN
Alert Community of forthcoming Board Notice	X	x				
Create dedicated web and wiki page			X			

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4.2 Receipt of a Rejection Action Board Notice

Upon receipt of a Rejection Action Board Notice by the ccNSO Council, the Rejection Action Manager shall instruct the ccNSO Secretariat to publish on the ccNSO website and the relevant email lists that the ccNSO has received a Rejection Action Board Notice and other related relevant information, such as the timelines and milestones.

4.3 ccNSO Procedures with respect to Rejection Action Petitions

This section details the procedures to be followed when a ccTLD Community Member, exercising their rights within the Empowered Community, submits a Rejection Action Petition to the ccNSO for consideration and adoption by the ccNSO Council.

All references to "notices" and "notification" in this section mean written notice, either as formal correspondence or email.

4.3.1 Rejection Action Petition Submission, Publication, and Certification

4.3.1.1 Scheduling of ccNSO Council Meeting

Immediately upon the delivery of a Rejection Action Board Notice to the ccNSO, the ccNSO Chair will begin arrangements for a ccNSO Council meeting to be held in twenty (20) days. If this date coincides with an ICANN Public meeting, then the meeting will be a Face-to-Face meeting. Otherwise it will be via tele-conference.

4.3.1.2 Rejection Action Petition Submission

Within the first seven (7) days of the commencement of a Rejection Access Petition Period, any ccTLD Community Member/individual may submit a Rejection Action Petition to the ccNSO Council for its consideration and adoption. For purposes of the Guideline, (a) person(s) directly associated with a ccTLD manager, ccTLD managers, ccNSO WGs and, Committees that, which are adequately mandated by the ccNSO, the ccNSO Council, or other ccTLD community related entities, as defined in ICANN Bylaws Section 10.5 (such as the Regional Organizations as defined in ICANN Bylaws Section 10.5) are considered an Individual as foreseen in ICANN Bylaw Section 6.1 (g) community members.

Any Rejection Action Petition submitted to the Rejection Action Manager shall include at least the following:

- Name and affiliation of the Petitioner,
- If it is a ccNSO mandated group, reference to its mandate,
- If it is a ccTLD Community related group, the nature of its relationship,

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- The rationale upon which rejection is sought (Annex D Section 2.2 (c) (i) (A)),
- If the Rejection Action Petition relates to a Standard Bylaw Amendment, a statement that the Standard Bylaw Amendment is based solely on the outcome of a PDP, citing the specific PDP and the provision in the Standard Bylaw Amendment subject to the Board Notice that implements such PDP. Additionally The Rejection Action Petition must include the name of the Supporting Organization that is a Decisional Participant that undertook the PDP (Annex D Section 2.2 (c) (i) (B)),
- If the Rejection Petition relates to an ICANN budget, an IANA(PTI) Budget, an Operating Plan or a Strategic Plan, the Petition shall also include a clarification that the rationale is based on one or more significant issues that were specifically raised in the applicable public comment and these issues relate to perceived inconsistencies with the ICANN mission, purpose and role set forth in ICANN's Articles and Bylaws, the global public interest, the needs of ICANN's stakeholders , ICANN's financial stability or other matter of concern to the community (Annex D Section 2.2 (c) (i) (A)).

4.3.1.3 Rejection Action Petition Review and Certification

Upon receipt of a Rejection Petition, the Rejection Petition Manager will promptly inform the ccNSO Chair, the ccNSO Council, and the Rejection Action Petition Review Committee, and circulate the Rejection Petition to the other members of the Rejection Action Petition Review Committee.

The Rejection Action Petition Review Committee will meet either in person or via tele-conference within four (4) days of the conclusion of the Petition Rejection Submission Period to assess whether or not the Rejection Petition meets the requirements as set forth above and in Annex D Section 2.2 2.2 (c) (i) (A-B).

Upon completion of its review of the Rejection Petition, the Rejection Action Petition Review Committee will either certify the Rejection Petition as having met the requirements for a Rejection Petition as set forth in Annex D Section 2.2 (c) (A-B), or will return the Rejection Petition to the Petitioner with an explanation as to why the Rejection Petition could not be certified.

Upon certification of a Rejection Petition, the Rejection Petition Manager shall promptly circulate the Rejection Petition on the ccNSO Council list and arrange with the ccNSO Secretariat to have the Rejection Petition published on the ccNSO website/wiki page. Once published, the ccNSO Secretariat shall send notice of its publication to the ccTLD Community. Said notice shall include language soliciting feedback from the Community to the Rejection Action Manager regarding the Certified Rejection Petition.

4.3.1.4 Solicitation of Community Feedback

Certification of a Rejection Petition by the Rejection Action Petition Review committee triggers a seven (7) day window during which Community members may submit their opinion on the merits of the Rejection Petition to the Rejection Petition manager. Immediately upon the conclusion of the Community Feedback period, the Rejection Petition Manager will categorize and summarize any comments received, and promptly post them to the ccNSO Council list. The ccNSO Secretariat shall promptly post the Rejection Petition Manager's summary to the ccNSO website/wiki.

4.3.1.5 Council Decision on whether to accept the Rejection Petition

The ccNSO Council shall meet either in person or via tele-conference on the twentieth (20th) day of the Rejection Action Petition Period to decide whether or not to accept or reject the Rejection Petition. The decision shall be made by a simple majority vote.

In taking its decision the ccNSO Council shall consider: the feed-back, views and input received from the ccNSO community regarding the Rejection Action Petition; the importance of the matter for the ccTLD community and other factors deemed relevant by the Council. The ccNSO Council decision shall be published directly after it has been taken and the ccTLD community will be informed about the decision.

If the ccNSO Council decides to accept the Rejection Petition, the Rejection Petition Manager shall promptly provide a Rejection Action Petition Notice to the Empowered Community Administration, the other Decisional Participants, and the ICANN Corporate Secretary (Annex D Section 2.2(c) (i)). The Rejection Action Petition Notice must include:

(a) The Council Decision, and the rationale for their decision to accept the Rejection Petition.
(b) The Rejection Petition and the rationale for the Petition

If the ccNSO Council has not reached a decision with respect to the proposed Rejection Action Petition by the end of the twentieth (20th) day of the Rejection Action Petition Period, the Council is deemed to have rejected the proposed Rejection Action Petition and the matter will be considered closed. The Community shall be informed accordingly by the ccNSO Secretariat on the relevant ccNSO and ccTLD mailing lists, as well as on the ccNSO website and/or wiki.

4.3.1.6 Solicitation of Support from other Decisional Participants

Immediately upon submission of the Rejection Action Petition Notice to ICANN, the other Decisional Participants, and the Empowered Community Administration, the

Rejection Action Petition Manager will contact the other Decisional Participants and the Empowered Community Administration regarding support of the Rejection Action Petition by other Decisional Participants. All correspondence between the Rejection Action Manager and the Empowered Community Administration and other Decisional Participants shall be forwarded to the ccNSO Secretariat for posting on the ccNSO website/or wikispace, and to the ICANN Corporate Secretary and the Empowered Community Administration.

4.3.1.7 Support from other Decisional Participants

In the event that the ccNSO receives the support for the Rejection Action Petition from at least one other Decisional Participant, then within twenty-four (24) hours of receiving said support, the Rejection Action Manager will inform the Empowered Community Administration, the other Decisional Participants, and the ICANN Corporate Secretary of receiving support from at least one other Decisional Participant in writing.

Additionally, the Rejection Action Manager will formally submit the Rejection Action Supported Petition to the Empowered Community Administration, the other Decisional Participants, and the ICANN Corporate Secretary. Said submission will conform to the requirements set forth in Annex D Section 2.2(d)(i)(A-E) of the ICANN Bylaws and will include at a minimum the following:

- A supporting rationale in reasonable detail,
- Contact details for the Rejection Action Manager,
- A statement whether or not a Rejection Action Community Forum is requested,
- A statement whether or not the Rejection Action Community Forum, should one be requested, be held during the next scheduled ICANN public meeting.

These requirements are detailed in Annex D, Section 2.2 (d) (i) (A-E).

If, at the conclusion of the seventh (7th) day after the submission of the Rejection Action Petition by the ccNSO, no other Decisional Participant has agreed to support the ccNSO Rejection Action Petition, the Rejection Action Manager shall notify the Empowered Community Administration of the lack of support for the Rejection Action Petition. Additionally, the Rejection Action Manager shall inform the ccNSO Council and the ccNSO Secretariat that the Rejection Action Petition cannot go

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forward due to a lack of support from another Decisional Participant. The ccNSO Secretariat will publish this information to the ccNSO and ccTLD Community mailing lists, as well as post it on the ccNSO website/wiki.

4.3.1.8 Rejection Action Petition Community Forum Participation

Following the ICANN announcement of convening the Rejection Action Community Forum, the Rejection Action Manager will inform the ccTLD Community of the details of the Community Forum.

4.3.1.9 Rescinding Support of the Rejection Action Supported Petition during the Community Forum Period

At any time up to and until eight (8) days before the end of the Rejection Action Community Forum period, the ccNSO Council may elect to rescind their support for the Rejection Action Supported Petition via a formal vote of the Council.

A simple majority vote of the Council in favor of rescinding the Council's prior support of the Rejection Action Supported Petition is sufficient to rescind the Council's prior approval.

In the event that the Council rescinds their support for the Rejection Action Petition the ccNSO Secretariat will promptly publish the Council notice of the decision of the rescinding of support for the Rejection Action Supported Petition to the ccNSO and ccTLD mailing lists, and publish the notice on the ccNSO website/wiki. Once the Council decision has become definite in accordance with the rules of the ccNSO, the Rejection Action Manager shall promptly notify the Empowered Community Administration, the other Decisional Participants, and the ICANN Corporate Secretary of the Council's decision.

In making its decision, the ccNSO Council shall consider: the feed-back, views, and input received from the ccNSO Community regarding the Rejection Action Petition; the importance of the matter for the ccTLD Community and other factors deemed relevant by the Council

4.3.1.10 ccNSO Decision with regards to the Rejection Action Supported Petition

No later than the thirteenth (13th) day of the Rejection Action Decision Period, the ccNSO Council must decide whether to support the Rejection Action Supported Petition, reject the Rejection Action Supported Petition, or abstain.

~~In making its decision, the ccNSO Council shall consider: the feed-back, views, and input received from the ccNSO Community regarding the Rejection Action Petition; the importance of the matter for the ccTLD Community and other factors deemed relevant by the Council. The ccNSO Council decision shall be published directly after it has been taken and the ccTLD Community informed about the decision.~~

~~If the decision of the ccNSO Council does not come into effect by the conclusion of the Rejection Action Decision Period, the Council will be deemed as having abstained from a decision.~~

~~**4.3.1.11 Submission of the Council's Decision to ICANN, other Decisional Participants, and the Empowered Community Administration**~~

~~As soon as the ccNSO Council decision has become effective (or it becomes clear that the decision will not become effective prior to the expiration of the Rejection Action Decision Period), the Rejection Action Manager shall convey the decision of the ccNSO Council in writing to the Empowered Community Administration and the ICANN Corporate Secretary (Annex D, Section 2.4 (a)).~~

~~The ccNSO Council decision shall be published on the ccNSO website/wiki as soon as practically possible and the ccTLD Community shall be informed about the decision by the ccNSO Secretariat.~~

4.3.2 Procedures for the ccNSO <u>to</u> act~~ing~~ as a Rejection Action Supporting Decisional Participant

This section details the procedures to be followed when a Decisional Participant within the Empowered Community solicits the support of the ccNSO, as a Decisional Participant, to support their Rejection Action Petition.

All references to "notices" and "notification" in this section mean written notice, either as formal correspondence or email.

4.3.2.1 Scheduling of ccNSO Council Meetings

Immediately upon publication of a Rejection Action Petition by another Decisional Participant, the ccNSO Chair will begin arrangements for a ccNSO Council meeting to be held on the twenty seventh (27) day from the date of the Rejection Action Board Notification Date. The purpose of this meeting is for the ccNSO Council to make a decision whether or not to become a Supporting Decisional Participant, should the Decisional Participant which has submitted a Rejection Action Petition solicits the ccNSO for its support of their Rejection Action Petition.

Additionally, immediately upon publication of a Rejection Action Petition by another Decisional Participant, the ccNSO Chair will begin arrangements for a ccNSO Council

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meeting to be held on the sixty second (62) day from the date of the Rejection Action Board Notification Date. The purpose of this meeting is for the ccNSO Council to make a decision whether or not to approve, disapprove, or abstain with respect to the Rejection Action Petition initiated by another Decisional Participant.

4.3.2.2 Receipt and Publication of a Request from another Decisional Participant to Support their Rejection Action Petition

Solicitation by another Decisional Participant of the ccNSO's support for a Rejection Action Petition filed by them will be handled by the Rejection Action Manager.

Upon receipt of a request from another Decisional Participant to support their Rejection Action Petition, the Rejection Action Manager shall notify the ccNSO Chair and Council, as well as the ccNSO Secretariat, and post the solicitation letter to the ccNSO Council list. Additionally, the ccNSO Secretariat will promptly publish the request for support on the ccNSO website/wiki, and post a notification of the publication of the support request to both the ccNSO and ccTLD Community mailing lists. The notice shall include a link to the Rejection Action Petition, as well as a solicitation for comments from the Community regarding the support request, and an overview of the support solicitation process, along with the time lines involved.

4.3.2.3 Solicitation of Community Feedback

The acceptance of a Rejection Action Petition by the Empowered Community Administration triggers a seven (7) day window during which the Petitioning Decisional Participant can seek support for their Rejection Action Petition from other Decisional Participants. Due to how the ccNSO operates, the ccNSO Community's window to provide input to Council with regards to the solicitation to participate as a Rejection Action Supporting Decisional Participant is somewhat less: three (3) days. During this three (3) day period, Community members may submit their opinion on the merits of the ccNSO becoming a Rejection Action Supporting Decisional Participant. Immediately upon the conclusion of this Community feedback solicitation period, the Rejection Petition Manager will categorize and summarize any comments received, and promptly post them to the ccNSO Council list.

4.3.2.4 Council Decision with Respect to Becoming a Rejection Action Supporting Decisional Participant

The ccNSO Council shall convene either in person or via tele-conference on the twenty seventh (27) day from the date of the Rejection Action Board Notification Date (the fourth (4th) day of the Rejection Action Petition Support Period) to make a decision whether or not to agree to become a Rejection Action Supporting Decisional Participant.

In making its decision, the ccNSO Council shall consider: the feed-back, views, and input received from the ccNSO Community regarding the Rejection Action Petition for which the ccNSO has been solicited to become a Rejection Action Petition Supporting Decisional Participant; the importance of the matter for the ccTLD Community and other factors deemed relevant by the Council. The ccNSO Council decision shall be published directly after it has been taken and the ccTLD Community informed about the decision.

4.3.2.5 Notification to ICANN, other Decisional Participants, and the Empowered Community Administration of the ccNSO's decision to become a Rejection Action Supporting Decisional Participant.

Within twenty four (24) hours of the ccNSO Council's decision to support the Rejection Action Petition as a Rejection Action Supporting Decisional Participant, the Rejection Action Manager shall provide written notice to the Empowered Community Administration, the other Decisional Participants, and the ICANN Corporate Secretary of the decision of the ccNSO Council to have the ccNSO become a Rejection Action Supporting Decisional Participant. The notice must include the following:

- A supporting rationale in reasonable detail,
- Contact details for the Rejection Action Manager,
- A statement whether or not a Rejection Action Community Forum is requested,
- A statement whether or not the Rejection Action Community Forum, should one be requested, be held during the next scheduled ICANN public meeting.

These requirements are detailed in Annex D, Section 2.2 (d) (i) (A-E).

~~4.3.2.6~~   **4.4** **ccNSO Role with respect to a ~~as a~~ Rejection Action ~~Supporting Decisional Participant in the Rejection Action~~ Petition Community Forum and Rejection Action Supported Petition**

4.4.1 Community Forum Following the ICANN announcement of the convening of a Rejection Action Community Forum, the Rejection Action Manager will inform the ccTLD community on the details of the Community Forum.

The ccNSO, via the Rejection Action Manager, will participate in any Rejection Action Petition Community Forum convened by ICANN.

4.4.2 ccTLD community input. The Rejection Action Manger will request the ccTLD community to provide input and/or feed-back on the Rejection Action Petition under consideration to inform the Rejection Action Community Forum. The manner in which the input and feed-back from the community shall be requested and

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provided to the Empowered Community Administration will be determined by the ccNSO Council prior to requesting the ccTLD community to provide their feed-back and input. For example the ccNSO Council could decide that the most appropriate manner will be a ccNSO Statement according to the ccNSO Statement procedure. To determine the most appropriate course of action the ccNSO Council will take into account and be guided by the matter for approval, the anticipated timelines, importance for the ccTLD community and other factors deemed relevant by the Council.

4.3.2.7   4.4.3 Rescinding Support of the Rejection Action Supported Petition during the Community Forum Period

During any time up and until eight (8) days prior to the end of the Rejection Action Community Forum period, the ccNSO Council may elect to rescind their support of the Rejection Action Supported Petition via a formal vote of the Council. The decision shall be made by a simple majority vote.

In taking its decision the ccNSO Council shall consider: the feed-back, views and input received from the ccNSO community regarding the Rejection Action Supported Petition; the importance of the matter for the ccTLD community and other factors deemed relevant by the Council. The ccNSO Council decision shall be published directly after it has been taken and the ccTLD community shall be informed about the decision.

In the event that the ccNSO Council rescinds itstheir support for the Rejection Action Supported Petition the ccNSO Secretariat will promptly publish the Council notice of the rescinding of support for the Rejection Action Supported Petition to the ccNSO and ccTLD mailing lists, and publish the notice on the ccNSO website/wiki. Once the decision has become definite, the ccNSO Secretariat shall notify the Rejection Action Manager, who in turn shall notify the Empowered Community Administration, the other Decisional Participants, and the ICANN Corporate Secretary of the decision by the ccNSO Council to rescind their support for the Rejection Action Supported Petition.

If the Rejection Action Petitioning Decisional Participant and each of the Rejection Action Supporting Decisonal Participants agree

4.3.2.8 4.5 Rejection Action Supported Petition Final Decision

4.5. 1 The ccNSO decision. No later than the thirteenth (13th) day of the Rejection Action Decision Period, the ccNSO Council must have decided whether to support the Rejection Action Supported Petition (and thereby reject the Rejection Action Board Notice), objects to the Rejection Action Supported Petition, or has determined to abstain from the matter.

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In taking its decision the ccNSO Council shall consider: the feed-back, views and input received from the ccNSO Community regarding the Rejection Action Supported Petition; the importance of the matter for the ccTLD Community and other factors deemed relevant by the Council. The ccNSO Council decision shall be published directly after it has been taken and the ccTLD community informed about the decision.

The ccNSO Council decision shall be published on the ccNSO website/wiki as soon as practically possible and the ccTLD community shall be informed about the decision by the ccNSO Secretariat.

If the ccNSO Council has not taken such a decision in time, the ccNSO Council is deemed to have abstained from the matter.

4.3.2.9 4.5.2 Submission of the Council's Decision to ICANN, other Decisional Participants, and the Empowered Community Administration

As soon as the ccNSO Council decision has become effective, the decision of the ccNSO Council shall be conveyed to the Empowered Community Administration and ICANN Corporate Secretary by the Rejection Action Manager in writing, and this correspondence shall be published on the relevant ccNSO and ccTLD mailing lists, as well as the ccNSO website/wiki.

In the event that the ccNSO Council has been deemed to have abstained (i.e. not taken a timely decision) the Empowered Community Administration and ICANN Corporate Secretary will be notified by the Rejection Action Manager in writing, and this correspondence shall be published on the relevant ccNSO and ccTLD mailing lists, as well as the ccNSO website/wiki.

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5 Miscellaneous

5.1 Archive

All ccNSO information and communication with respect to a specific Rejection Action will be archived separately. This is true for Rejection Actions initiated by the ccNSO, and for Rejection Actions for which the ccNSO was solicited for support as a Rejection Action Supporting Decisional Participant by a Rejection Action Decisional Participant. For each Rejection Action the ccNSO Secretariat shall create a separate Archive and preserves there:

1. All emails and correspondence related to the specific Rejection Action.
2. Any other communication between the Rejection Action 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/wiki.

5.2 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. In the event of conflict between this Guideline and the ICANN Bylaws, the ICANN Bylaws shall be paramount.

5.3 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 on a way forward. However, in all events the ICANN Bylaws shall remain paramount

5.4 Publication and Review of the Guideline

This 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 two (2) years at the time of review of the annual Work plan, or adjusted when considered necessary. To become effective, the updated Guideline must be adopted by the ccNSO Council and published on the ccNSO website/wiki.

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

Martin's comments

On a practical note, I think it would be helpful to make clear the references in the document to the bylaws and what are our guidelines for implementing the bylaws. This might clutter up the guidelines a little, but it will serve as a direct link to what we have authority to do and what are the rules we need to follow. (So, for example, in section 1 there is a reference to the ccNSO role as decisional participant, which is from section 6.1 (a) of the bylaws and in the following paragraph there could usefully be a reference for the ccNSO rule cited. The first para of 3.1 might have a reference to the bylaws section 6.3 (a). Fairly trivial, perhaps, but it might make it easier for those trying to make decisions within the ICANN bylaws, ccNSO rules and guidelines.)

Similarly, there needs to be a bit of tidying up on nomenclature (and oh boy can this be convoluted!): simply put, the guidelines need to be consistent throughout, and preferably in line with the terminology in the bylaws. This is fairly simple editing, I think, and it might be easier when the

Draft 20 October25 September 2017, version 43

glossary is written. The main culprits seem to be Rejection Petition (Rejection Action Petition) and Rejection Petition Manager (Rejection Action Manager).

While I'm on the trivia, I think (2nd para under 4.3.1.3) the last line has a "2.2" too many, the Decisional Participant should solicit (not "solicits": para 1 of 4.3.2.1). In the second para of 4.3.2.1 I'm not sure whether the decision is to disapprove: reject would be a better word at least in British English.

More importantly:

- From Section 3 onwards I think this is primarily guidelines, but there were places where I was not sure. Given that the Chair can overrule guidelines, but not bylaws or ccNSO rules, we need to make clear what the guidelines are.

- Wording could usefully be more clearly linked to the bylaw text. So, for example, the first para of 3.1 could be, "In section 6.3 of the bylaws, Decisional Participants shall act through their respective chairs or such other persons as may be designated by the Decisional Participants. The ccNSO intends to interact with other Decisional Participants, the Empowered Community Administration, and ICANN through the ccNSO Council and will notify the Empowered Community accordingly." I question whether guideline text should include words like "shall," "must" or "may not."

- 3.2: Why one-year appointment terms? Should there be a deputy? (Given how complex all this stuff is, having a hot-wired stand in might be useful! We might have this from the committee referred to in section 3.)

- 3.3: again I wonder why appointments for a single year: is this usual for ccNSO Council member appointments?

- 2.4: to designated email addresses? And I assume that we should notify addresses, too.

- 4.3.1.3 final para, last sentence: "This notice should ask for feedback from the …"

- 4.3.1.5 first para: Given the serious nature of these actions, I would hope that decisions at the Council would be rather more decisive than a bare majority. If it were as close as this, wouldn't an abstention be more appropriate?

- After (b) should there be a section on action should the Council decide to reject the Rejection Action Petition? And another section for when it decides to abstain (rather than abstention because it failed to act in time!)? I think all the decisions (as opposed to the absence of a decision) need to be explained.

- Sections 4.3.1.6 & 7 are specifically about a ccNSO-led petition. In 4.3.1.6 it is the Rejection Action Petitioning Decisional Participant (ie the ccNSO's Decisional Participant) that does the contacting.

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- Section 4.3.2.1: Is it worth putting in all of the ccnso Council's decision-making points here for meeting days to be scheduled around these?

- Section 4.3.2.4 first para: I must have lost concentration! Yes, the 27th day is important because that's when the meeting has been scheduled for the Council to make the decision. But is it possible to have a single calendar system?

- Second para: no mention of majority – simple or otherwise – in this case?

- Section 4.3.2.7 first para: I could not find the bylaw reference to this!

- Section 5.3: What will the Chair of the Council decide? "The Chair of the ccNSO Council will propose a way forward"?

BB Comment Addressed in section 5.3 and 5.1: Bylaws always remain paramount and included language

7 Timeline: ccNSO as a Decisional Participant

The following table provides an overview of the timeframe and decision making constraints imposed on the ccNSO when it is acting as a Decisional Participant with regards to a Rejection Action Petition:

Elapsed				Rejection Action Timeline		ccNSO / ccTLD Community Rejection Action Timeline
Days		Day	Event Period Name	Event Description	Day	ccNSO/ccTLD Community Action
0			0	Rejection Action Board Notification Date	Delivery of "Rejection Action Board Notice" by ICANN	

Elapsed	Rejection Action Timeline	ccNSO / ccTLD Community Rejection Action Timeline

1			1	Rejection Action Petition Period	0	ccTLD Community member submits a Rejection Action Petition Notice
2			2	Rejection Action Petition Period	1	ccTLD Community member submits a Rejection Action Petition Notice
3			3	Rejection Action Petition Period	2	ccTLD Community member submits a Rejection Action Petition Notice
4			4	Rejection Action Petition Period	3	ccTLD Community member submits a Rejection Action Petition Notice

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Commented [Office2]: Suggest to simplify it a little, buy collapsing it to the different phases, and maybe include a reference to the section in the guideline

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5		5	Rejection Action Petition Period	4	ccTLD Community member submits a Rejection Action Petition Notice
6		6	Rejection Action Petition Period	5	ccTLD Community member submits a Rejection Action Petition Notice
7		7	Rejection Action Petition Period	6	ccTLD Community member submits a Rejection Action Petition Notice
8		8	Rejection Action Petition Period	7	Rejection Action Petition Notice certification
9		9	Rejection Action Petition Period	8	Rejection Action Petition Notice certification
10		10	Rejection Action Petition Period	9	Rejection Action Petition Notice certification
11		11	Rejection Action Petition Period	10	Rejection Action Petition Notice certification
12		12	Rejection Action Petition Period	11	Certified Rejection Action Petition Publication
13		13	Rejection Action Petition Period	12	ccTLD Community Solicitation Period
14		14	Rejection Action Petition Period	13	ccTLD Community Solicitation Period
15		15	Rejection Action Petition Period	14	ccTLD Community Solicitation Period
16		16	Rejection Action Petition Period	15	ccTLD Community Solicitation Period
17		17	Rejection Action Petition Period	16	ccTLD Community Solicitation Period

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18	1 8	Rejection Action Petition Period	1 7	ccTLD Community Solicitation Period
19	1 9	Rejection Action Petition Period	1 8	ccTLD Community Solicitation Period
20	2 0	Rejection Action Petition Period	1 9	ccNSO Community comments summarized and sent to Council
21	2 1	Rejection Action Petition Period	2 0	ccNSO Council decides whether or not to accept the Rejection Petition
22	1	Rejection Action Petition Support Period	Rejection Action Petition Support Period begins	
23	2	Rejection Action Petition Support Period	2	ccNSO Solicitation for a Supporting Decisional Participant (Day 2)
24	3	Rejection Action Petition Support Period	3	ccNSO Solicitation for a Supporting Decisional Participant
25	4	Rejection Action Petition Support Period	4	ccNSO Solicitation for a Supporting Decisional Participant
26	5	Rejection Action Petition Support Period	5	ccNSO Solicitation for a Supporting Decisional Participant
27	6	Rejection Action Petition Support Period	6	ccNSO Solicitation for a Supporting Decisional Participant
28	7	Rejection Action Petition Support Period	7	ccNSO Solicitation for a Supporting Decisional Participant

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29	1	ECA reports to ICANN Secretary	ECA determines if there is a Rejection Action Petition
30	1	Rejection Action Community Forum Period	(Public forum held during this period)
31	2	Rejection Action Community Forum Period	
32	3	Rejection Action Community Forum Period	
33	4	Rejection Action Community Forum Period	
34	5	Rejection Action Community Forum Period	
35	6	Rejection Action Community Forum Period	
36	7	Rejection Action Community Forum Period	
37	8	Rejection Action Community Forum Period	
38	9	Rejection Action Community Forum Period	
39	10	Rejection Action Community Forum Period	
40	11	Rejection Action Community Forum Period	
41	12	Rejection Action Community Forum Period	
42	13	Rejection Action Community Forum Period	
43	14	Rejection Action Community Forum Period	
44	15	Rejection Action Community Forum Period	
45	16	Rejection Action Community Forum Period	

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46	1 7	Rejection Action Community Forum Period		
47	1 8	Rejection Action Community Forum Period		
48	1 9	Rejection Action Community Forum Period		
49	2 0	Rejection Action Community Forum Period		
50	2 1	Rejection Action Community Forum Period		
51	1	Rejection Action Decision Period	Start of Rejection Action Decision Period	
52	2	Rejection Action Decision Period		
53	3	Rejection Action Decision Period		
54	4	Rejection Action Decision Period		
55	5	Rejection Action Decision Period		
56	6	Rejection Action Decision Period		
57	7	Rejection Action Decision Period		
58	8	Rejection Action Decision Period		
59	9	Rejection Action Decision Period		
60	1 0	Rejection Action Decision Period		
61	1 1	Rejection Action Decision Period		
62	1 2	Rejection Action Decision Period		

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63	1 3	Rejection Action Decision Period		Deadline for ccNSO Council to decide on the Rejection Petition
64	1 4	Rejection Action Decision Period	1	ccNSO Community Council Decision Objection Period
65	1 5	Rejection Action Decision Period	2	ccNSO Community Council Decision Objection Period
66	1 6	Rejection Action Decision Period	3	ccNSO Community Council Decision Objection Period
67	1 7	Rejection Action Decision Period	4	ccNSO Community Council Decision Objection Period
68	1 8	Rejection Action Decision Period	5	ccNSO Community Council Decision Objection Period
69	1 9	Rejection Action Decision Period	6	ccNSO Community Council Decision Objection Period
70	2 0	Rejection Action Decision Period	7	ccNSO Community Council Decision Objection Period
71	2 1	Rejection Action Decision Period	1	ccNSO Council Decision finalized (assuming no Community Objection)
72	1	ECA reports to ICANN Secretary	EC Rejection Notice delivered to ICANN Secretary	

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8 Timeline: ccNSO as a Supporting Decisional Participant

The following table provides an overview of the timeframe and decision making constraints imposed on the ccNSO when it is acting as a Decisional Participant with regards to a Rejection Action Petition:

Elapsed Days	Day	Rejection Action Timeline		Day	ccNSO / ccTLD Community Supporting Participant Timeline
		Event Period Name	Event Description		ccNSO/ccTLD Community Action
0	0	Rejection Action Board Notification Date	Delivery of "Rejection Action Board Notice" by ICANN		
1	1	Rejection Action Petition Period		1	
2	2	Rejection Action Petition Period		2	
3	3	Rejection Action Petition Period		3	
4	4	Rejection Action Petition Period		4	
5	5	Rejection Action Petition Period		5	
6	6	Rejection Action Petition Period		6	
7	7	Rejection Action Petition Period		7	
8	8	Rejection Action Petition Period		8	
9	9	Rejection Action Petition Period		9	
10	10	Rejection Action Petition Period		10	
11	11	Rejection Action Petition Period		11	
12	12	Rejection Action Petition Period		12	
13	13	Rejection Action Petition Period		13	

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14	14	Rejection Action Petition Period		14	
15	15	Rejection Action Petition Period		15	
16	16	Rejection Action Petition Period		16	
17	17	Rejection Action Petition Period		17	
18	18	Rejection Action Petition Period		18	
19	19	Rejection Action Petition Period		19	
20	20	Rejection Action Petition Period		20	
21	21	Rejection Action Petition Period		21	ccNSO Community Council Decision Objection Period
22	1	Rejection Action Petition Support Period	Rejection Action Petition Support Period begins	1	Publication of the request by another Decisional participant for the ccNSO to support them
23	2	Rejection Action Petition Support Period		2	Solicitation of comments regarding the Rejection Action Petition filed by the other Decisional Participant
24	3	Rejection Action Petition Support Period		3	Solicitation of comments regarding the Rejection Action Petition filed by the other Decisional Participant
25	4	Rejection Action Petition Support Period		4	Solicitation of comments regarding the Rejection Action Petition filed by the other Decisional Participant
26	5	Rejection Action Petition Support Period		5	ccTLD Community comments summarized and sent to Council
27	6	Rejection Action Petition Support Period		1	ccNSO Council decision regarding request to become a Supporting Decisional Participant
28	7	Rejection Action Petition Support Period		2	Publication of the ccNSO Council decision to ECA; Decisional participants, and ICANN Secretary
29	1	ECA reports to ICANN Secretary	ECA determines if there is a Rejection Action Petition		
30	1	Rejection Action Community Forum Period			(Public forum held during this period)
31	2	Rejection Action Community Forum Period			

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32	3	Rejection Action Community Forum Period	
33	4	Rejection Action Community Forum Period	
34	5	Rejection Action Community Forum Period	
35	6	Rejection Action Community Forum Period	
36	7	Rejection Action Community Forum Period	
37	8	Rejection Action Community Forum Period	
38	9	Rejection Action Community Forum Period	
39	10	Rejection Action Community Forum Period	
40	11	Rejection Action Community Forum Period	
41	12	Rejection Action Community Forum Period	
42	13	Rejection Action Community Forum Period	
43	14	Rejection Action Community Forum Period	
44	15	Rejection Action Community Forum Period	
45	16	Rejection Action Community Forum Period	
46	17	Rejection Action Community Forum Period	
47	18	Rejection Action Community Forum Period	
48	19	Rejection Action Community Forum Period	
49	20	Rejection Action Community Forum Period	
50	21	Rejection Action Community Forum Period	
51	1	Rejection Action Decision Period	Start of Rejection Action Decision Period
52	2	Rejection Action Decision Period	

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53	3	Rejection Action Decision Period			
54	4	Rejection Action Decision Period			
55	5	Rejection Action Decision Period			
56	6	Rejection Action Decision Period			
57	7	Rejection Action Decision Period			
58	8	Rejection Action Decision Period			
59	9	Rejection Action Decision Period			
60	10	Rejection Action Decision Period			
61	11	Rejection Action Decision Period			
62	12	Rejection Action Decision Period			Deadline for ccNSO Council to decide on the Rejection Petition
63	13	Rejection Action Decision Period			Publication of the ccNSO Council decision to the ECA, Decisional Participants, and ICANN Secretary
64	14	Rejection Action Decision Period		1	ccNSO Community Council Decision Objection Period
65	15	Rejection Action Decision Period		2	ccNSO Community Council Decision Objection Period
66	16	Rejection Action Decision Period		3	ccNSO Community Council Decision Objection Period
67	17	Rejection Action Decision Period		4	ccNSO Community Council Decision Objection Period
68	18	Rejection Action Decision Period		5	ccNSO Community Council Decision Objection Period
69	19	Rejection Action Decision Period		6	ccNSO Community Council Decision Objection Period
70	20	Rejection Action Decision Period		7	ccNSO Community Council Decision Objection Period
71	21	Rejection Action Decision Period		1	ccNSO Council Decision finalized (assuming no Community Objection)
72	1	ECA reports to ICANN Secretary	EC Rejection Notice delivered to ICANN Secretary		

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Appendix A. Glossary

(COMING SOON!)

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Appendix B. Rejection Action Petition Certification Checklist

(COMING SOON)