

Treatment of the Ongoing Monitoring issue  
Email from David McAuley – 4 December 2017

Dear members of the IRP IOT:

One item that will be on our agenda for our **call this coming Thursday, Dec. 7<sup>th</sup>, at 19:00 UTC**, will be to confirm First Reading of the Ongoing Monitoring issue that Avri has been leading.

As background, the ALAC recommended in their public comment that as we gain experience with these new IRP procedures there be ongoing monitoring to ensure continued improvement.

An [email](#) string from Sept. 1<sup>st</sup> also provides good background information of our earlier discussions.

On our last call, I took Avri's comments in this regard to be that the best way forward is likely to suggest a bylaws change to bylaw section 4.6(b)(ii)(F) from '[may](#)assess' to '[shall](#) assess', at least as respects the IRP (see pages 16-17 of the [raw caption notes\[community.icann.org\]](#) of the call). (Note – the pertinent bylaw language is at the bottom of this email.)

I personally (as participant, not as leader) agree that this would be the best way forward for a couple of reasons:

1. We will likely be suggesting some minor bylaws changes anyway, not unlike a "technical corrections" legislation to clean up inadvertent issues in original legislation;
2. Making review a certainty rather than a possibility seems sensible for the new IRP, especially considering that their rulings are binding.

I would add to this suggestion, as I believe Avri was alluding to, a requirement that the Chief Panelist of the standing panel be a member of the review team.

We have discussed this several times and the net result, I believe, is that this appears to be the best course. If we agree this concept we would instruct Sidley to come up with the suggested bylaw language for our report.

Let's confirm on the call – if you have another suggestion please provide specific text that we can look at – we need to wrap this one up.

I will send agenda tomorrow.

Best regards to all,  
David

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Here is what bylaw says at present, with 'may' underlined.

*Section 4.6. SPECIFIC REVIEWS*

...

*(b) Accountability and Transparency Review*

...

*(ii) 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:*

...

*(F) assessing and improving the Independent Review Process. ...*