

Summary of Action Items and Notes
Rights Protection Mechanisms Working Group
01 February 2018

Action Items:

1. Staff to move the 4 bullet points/questions suggested by the Co-Chairs (page 10, including comments noted on the page) to Column 3 of Section M in Part 2 of the consolidated document;
2. WG members to consider if additional edits to the Co-Chairs suggested 4 bullet points/questions are needed in view of discussion on the call of 1 Feb (see notes, 'alternative questions').

Notes:

Co-Chairs' Statement on URS Review (page 9-10)

Question 3: Have URS decisions been limited to cases meeting the “clear and convincing evidence” standard, and been properly explained? (Note: This will require a qualitative review of a statistically significant percentage of URS decisions.)

Alternative questions – suggestion added as a comment to Section M, column 3:

- What instructions have the URS providers given to the panelists?
- What did the URS providers advise the panelists?
- Does the URS providers have minimal standards for panelists for decision making?
- Have the minimal standards been met?
- What are the URS providers' procedures? Have the URS providers done their work?
- How have the URS providers ensured that the "clear and convincing evidence" standard has been applied?
- How do the URS providers police the existing rules for the panelists?
- What does "clear and convincing evidence" mean?

- The WG has general agreement to amend/revise Question 3.
- The WG may consider recommending that the panelists should issue URS decisions with rationale / opinion, as the current practice does not provide that.
- The WG adopted Brian Beckham's suggestion in paragraph 1.
- The WG adopted Susan Payne's comments in paragraph 2.
- Adopted suggestion in paragraph 3; WG to consider if additional edits to the Co-Chairs' suggested questions (especially question 3) are needed in view of discussion on the call of 1 February.