

Due Diligence Background Screening of Elected Board Candidates

Experience from other SO/ACs

ASO: Background check

The elected candidate will be subject to an independent due diligence review conducted by an ICANN provided contractor referred to as due diligence provider. This review will require written consent of the elected candidate, obtained by the due diligence provider before the due diligence review begins. All candidates will provide this consent during the nomination phase. Depending on the region in which the elected candidate is located, this due diligence review process generally takes 3-4 weeks from when the due diligence provider is notified of the elected candidate. The process is meant to ensure that there is nothing in the candidate's past or the information provided to the ASO AC during the nomination process which would raise any concerns about the candidate serving as a member of the ICANN Board.

Source: <https://aso.icann.org/documents/operational-documents/operating-procedures-of-the-address-council-of-the-address-supporting-organization/#A.9.Selection.of.Individuals.to.the.ICANN.Board.of.Directors>

ALAC: Background check

27.3 Board Candidate Evaluation Committee

The ALAC shall name a Board Candidate Evaluation Committee (BCEC) to compile an initial slate of candidates for election to Seat 15. A new BCEC consisting of two delegates selected by each of the RALOs plus a chair selected by the ALAC will be convened for each Board seat selection process. No member of the electorate (see 27.7) may simultaneously serve as a member of the BCEC. The BCEC shall solicit Statements of Interest (SoI) and only those submitting such SoIs may be considered by the BCEC. The task of the BCEC is to identify applicants who would each make an excellent Board Director, who have the highest integrity and capability, who are knowledgeable about both ICANN's and At Large's mission and environment, and who are best able to articulate and advance the views and needs of the global community of Internet endusers to the ICANN Board. The BCEC Operating Principles in use for the 2010 selection can be found at https://st.icann.org/absdt/index.cgi?draft_bcec_operating_principles.

NomCom: Background check

IV Selection phase – ends when the selectees are officially announced

- Deliberations and decisions made on final slate, with alternates
- Selected candidates contacted, to confirm interest and inform on next steps
- **Selected candidates undergo due diligence**
- Confirmation of selection, provided due diligence positive
- Conference calls if needed
- Bios and photos requested from selected candidates

Source: <https://www.icann.org/resources/pages/nomcom2016-guidelines-2015-11-12-en>

It appears that the ASO and ALAC are using the NomCom independent provider (currently the James Mintz Group).

Possible procedure for ccNSO Due Diligence background screening

Based on above, in particular the basic procedure of the ASO, the following procedure is proposed for this Board Seat 12 Nomination:

1. In Abu Dhabi **both candidates publicly agreed** to be subject to the Due diligence background screening procedure.
2. After the ccNSO members have elected the candidate, the Chair of the ccNSO will have the due diligence provider informed and requests to initiate the due diligence background screening.
3. The candidate will be approached by the due diligence provider and asked to sign a consent form. In the event a candidate does not provide consent or rescinds the consent to undergo the due diligence process, the ccNSO Council will be informed, the nomination process will be terminated and new nomination period initiated.
4. After the due diligence has taken place, the results of the due diligence are provided to the Chair and Vice-chair(s) of the ccNSO. The candidate will be informed accordingly. In case concerns surfaced, the candidate will be given the opportunity to provide additional clarifications/information to the Chair and Vice chair(s).
5. The Chair of the ccNSO will update the ccNSO Council, taking into account section 7.4 (a) of the ICANN Bylaws on the results of the due diligence background screening, i.e., whether no concerns have surfaced, or concerns were raised which warrant further consideration and decisions.
 - a. After a satisfactory conclusion of the due diligence process, i.e., no concerns surfaced resulting from the due diligence background screening, the ccNSO Council shall nominate the candidate for the Board seat. The nomination is conducted at the first ccNSO Council meeting following the conclusion of the due diligence background screening procedure.
 - b. If relevant integrity concerns surfaced about the nominated candidate's ability to serve on the ICANN Board of Directors, the ccNSO Council may request the candidate to step-down and rescind the candidacy or take any other action to ensure the issue is resolved.

A ccNSO Council decision to terminate the nomination process needs to be taken by a simple majority vote.