

Operating Standards: Update Overview

Introduction

This overview highlights proposed updates to the Draft Operating Standards in several key areas of importance to the community and to the productive specific review process. These highlights will be presented to the community via webinars and a public session at ICANN63.

The ICANN Bylaws call for the development of Operating Standards to provide detailed guidance to Review Teams (RT) to conduct Specific Reviews efficiently and effectively. The development process, in consultation with the community, began shortly after the adoption of the Bylaws.

The development of Operating Standards has taken some time since the adoption of the Bylaws, to allow for:

- The community to formulate their approach to selecting RTs
- The reviews launched under the new Bylaws requirements to formulate their work
- The formulation of useful lessons, and for the community to provide input on this important community-led review mechanism

The result has been useful input into the Draft Operating Standards, which will inform the work of Specific Review Teams – current (to the extent applicable) and future. The Draft Operating Standards has evolved as a living document.

Draft Operating Standards were posted for [public comment](#) on 27 October 2017. The public comment closed on 2 February 2018. ICANN organization is in the process of modifying [Draft Operating Standards](#) based on public comments and recent experience with Specific Reviews that were launched and/or conducted under the new Bylaws¹, including best practices and process improvements and [public comments](#) on [Long-Term Options to Adjust the Timeline for Specific Reviews](#).

The complete, revised Draft Operating Standards, with all updates and edits in red-line mode, will be posted for public comment after ICANN63.

Objective

The objective of this document is to provide context and support a dialogue with the community on the proposed updates to the Draft Operating Standards

ICANN organization is developing new sections of content for the Draft Operating Standards and modifying current sections, to further elaborate on the topics of significance highlighted in this document.

¹ Competition, Consumer Trust and Consumer Choice Review (CCT); the second Security, Stability and Resiliency Review (SSR2), and the second Registration Directory Service Review, formally WHOIS Review (RDS-WHOIS2)

General approach to the update

- Incorporates feedback from [public comment](#) wherever possible
- Includes best practices and lessons learned, during the Specific Review work, during the past year
- Focuses on topics of significance to the community and the effective review process

Key Input/Feedback Obtained from the Public Comment and Proposed Updates to Draft Operating Standards

1. Nomination of RT Candidates

Community feedback:

- Existing non-binding ICANN organization analysis of skills and diversity of candidates is welcome².
- SO/AC should be allowed to nominate any candidate who applied regardless of whether they sought nomination from that or any other SO/AC.

What is proposed:

- Non-binding analysis of skills and diversity of applicants to be shared with nominating SO/ACs, as is already the practice.
- Each SO/AC, following its own internal processes, nominates up to seven candidates for each RT. Each SO/AC is encouraged to document its internal processes and exercise suitable transparency.
- SO/ACs shall take into consideration candidates' skillset, diversity, and any potential conflicts of interest. SO/ACs are encouraged to seek input on skills and possible conflicts of interest from their peers, the wider community, and ICANN organization.
- SO/ACs are not limited to selecting candidates that requested their nomination; may nominate any of the candidates.
- SO/ACs are encouraged to complete selection within 10 weeks of the closing of the call for volunteers; if a SO/AC requires more time they shall inform their fellow SO/ACs by what time they anticipate completing the selection process.

2. Selection of RT Members

Community feedback:

- SO/ACs preference of nominated candidates should be binding on SO/AC chairs.
- Support for ICANN organization to provide SO/AC chairs with a non-binding analysis of the set of nominees' skills and diversity based on skill requirements in the call for volunteers.
- SO/ACs should not reserve RT seats for later selection to avoid disruption of the RT's work.

² Under the current practice, ICANN organization provides the nominating SO/ACs with an analysis of skills and expertise of all candidates. This analysis is based on the information provided in the applications and assessed against the skills and expertise required as per the call for volunteers.

What is proposed:

- Non-binding analysis of skills and diversity of set of nominees to be shared with the SO/AC chairs for their information, and also communicated with the Board via the OEC.
- As part of its oversight function, the Board, via the OEC, will inform the SO/AC chairs of any concerns it has with regard to diversity or skill set of the nominees meeting the requirements detailed in the Bylaws.
- SO/AC chairs are encouraged (but not required) to select the RT within three weeks after receiving the nominee list and ICANN organization's non-binding skill and diversity analysis.
- The SO/AC chairs may confer with their respective SO/ACs to nominate different candidates if the pool of nominees is insufficiently diverse or skilled.
- If the SO/AC chairs find that the pool of candidates does not reflect a sufficiently diverse and skilled RT, they may agree to reopen the call for volunteers.
- SO/AC chairs cannot reserve RT seats for selection later.³

3. Scope Setting

Community feedback:

- Strong support for RT being charged with setting its own scope without prior community consultation. Large majority of community sees no reason to have scope set before RT is assembled.

What is proposed:

- RT sets its own scope within suggested 8-week timeframe (not mandated). Scope of work is included in a dedicated section of the Terms of Reference and elaborated in more detail in the Work Plan.⁴
- Once RT adopts its scope of work and work plan, it will seek input from SO/AC leadership and ICANN Board.
- RT is encouraged (but not required) to take input from community and Board into account and update scope, unless the Board finds the scope violates the Bylaws.
- The Board has the responsibility to assure the scope does not violate Bylaws, if the Board finds a potential violation, the RT is required to adapt the scope.

Definitions: **Scope of work** - specifies the topics the Review Team will address, within the bounds of ICANN Bylaws. **Terms of Reference** - demonstrate at a high level how the objective of the review will be accomplished within the available time and with specified resources. It should provide a clear articulation of work to be done and a basis for how the success of the project will be measured.

Work Plan - details the specific tasks to be performed to effectively complete the scope of work of the review, with clear deadlines, milestones and task owners.

³ If the RT determines that it does not have sufficient skills or diversity, they can address this with the SO/ACs in whatever form the RT deems appropriate.

⁴ There are two other essential planning documents that the RT agrees on at the start of a review: 1. Terms of Reference, which includes an explanation of working guidelines and rules, in addition to the scope of work; 2. Work Plan, which articulates how the RT plans to accomplish their work through the use of timelines, milestones, and resources.

4. RT's reporting requirements

Community feedback:

- N/A – this section was not part of the previous iteration of Draft Operating Standards.

What is proposed:

- The RT is strongly encouraged to update the community consistently and transparently using a variety of mechanisms.
- It is useful for the RT to define in its Terms of Reference, a procedure by which it will ensure progress is being relayed to the ICANN community and the ICANN Board in a timely and appropriate fashion.
- The RT is also encouraged to develop and adhere to an outreach plan, based on any commitments made in the Terms of Reference. ICANN organization will provide a template for the outreach plan to the RT.
- RT leadership should provide these updates throughout the review; if requested, ICANN organization may support these outreach efforts.
- As is already its practice, ICANN organization will continue to develop Fact Sheets to support reporting no less frequently than every quarter. Fact Sheets shall detail, at a minimum, relevant metrics on the review, including attendance records of RT members, progression of work, and budget updates.

5. Monitoring review progress

Community feedback:

- N/A – this section was not part of the previous iteration of Draft Operating Standards; however, community feedback on reviews conducted under new Bylaws have reiterated the need to monitor review progress appropriately.

What is proposed:

- RT conducts its work autonomously within its mission, defined scope and budget, in accordance with the provisions of the Bylaws and Operating Standards.
- RT members are empowered to formulate recommendations based on its evaluation of facts.
- The RT is accountable to the global ICANN community in performing its duties effectively, by adhering to the Terms of Reference and Operating Standards and utilizing volunteer time and ICANN resources appropriately.
- SO/ACs and the Board via, the OEC, to monitor:
 - Timely and effective completion of milestones;
 - Effective use of volunteers' time;
 - Members' participation and contributions levels;
 - Scope of the review to avoid duplication of other community initiatives and to help ensure the review results in useful recommendations.

6. Dispute Resolution

Community feedback:

- N/A – this section was not part of the previous iteration of Draft Operating Standards; however, community feedback on reviews conducted under new Bylaws have reiterated

the need to find consensus-based solution to concerns raised regarding the conduct of reviews.

What is proposed:

- Conflicts or disputes between RT members (i.e. interpersonal disputes) shall be addressed in line with conflict resolution and escalation paths used in other community working groups, such as detailed in the [GNSO Operating Procedures](#). The RT may decide to use other guidelines or procedures that have precedent within the ICANN community.
- Concerns about scope of work, methodology, community outreach and other similar elements unique to Specific Reviews should be communicated directly to the RT via the RT leadership.
- The RT and the party that raised the concern should attempt to resolve the concern directly through fruitful discussions. Every effort should be made for an expedient and productive resolution, without undue disruptions to the work of the review.
- Subject to privacy concerns, all conflict-related conversations should be in conformity with ICANN’s transparency and accountability requirements.
- Suggested approach to resolving conflicts/issues if direct interaction of the concerned parties does not lead to a productive outcome:
 1. The concerned parties may bring the issue to the SO/AC chairs.
 2. SO/AC chairs, or a forum of their choice, shall discuss the issue and provide appropriate resolution.
 3. If SO/AC chairs cannot agree on a solution, they would suggest an alternative means to arrive at a timely resolution - via facilitation, public consultation or some other means as determined by the SO/AC chairs, to overcome the impasse. Such alternative means may require the RT to pause its work, but such disruptions should be used only as a means of last resort.
 4. If the Board identifies an issue with a review that poses a significant risk to meeting Bylaws obligations or signifies a misuse of financial resources, the Board will initiate consultation with the SOs/ACs, up to and including issuing a pause on review activities.
- Once dispute is resolved, consideration will be given to determine whether the current process should be modified.

7. Roles & Responsibilities

Community feedback:

- N/A – this section was not part of the previous iteration of Draft Operating Standards.

What is proposed (highlights):⁵

- RT

⁵ The ‘Roles and Responsibilities’ document that has been previously considered by the Board will be updated to reflect any changes

- Actively participate in RT meetings and engage on email lists
- Actively engage with relevant stakeholder groups with the ICANN community
- Undertake desk research as required in accordance with scope of work, and participate in drafting as required
- RT leadership
 - Drive toward delivery of key milestones, maintaining standards of focus on the aims of the RT as established in Terms of Reference
 - Determine and identify the level of consensus
 - Manage the RT's budget and work with ICANN organization to maintain accountability and transparency.
- SO/ACs
 - Nominate up to seven candidates for the RT, taking into consideration the skillset and diversity of the applicants, as well as the potential for an applicant to have a conflict of interest in any specific matter or issue likely to be in the review.
 - Review the RT's adopted scope and share any concerns with the RT.
 - Monitor the RT's progress and provide input when appropriate.
- SO/AC chairs
 - Select a group of up to 21 RT members, balanced for diversity and skill, from the prospective members nominated.
 - Provide advice towards conflict resolution.
- ICANN Board
 - Perform requirements as outlined in the Bylaws
 - Oversee the conduct of the review through via the OEC
 - Through its Board-appointed RT member, participate in reviews as a RT member representing Board positions
- ICANN Organization
 - Provide project management and administrative support to RT
 - Provide guidance to RT on best practices and useful resources
 - Project manage the implementation of Board-approved recommendations

Reminder of Next Steps

- Community-wide webinar on 4 October 2018 16:00 UTC and 5 October 2018 00:00 UTC [[see wiki for details](#)].
- Public session at ICANN63 (Wednesday, 24 October, 15:30-16:45 local time)
- Public comment period on full document opens December 2018
- Board adoption in March-April 2019