

## Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI)

### WS2

## Status of This Document

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This is the Recommendations Report of the Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI) as a result of its review of the Work Stream 2 items that were [assigned](#) by the GNSO Council in March 2022.

## Preamble

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The objective of this Recommendations Report is to document the CCOICI's deliberations on its review of the WS2 recommendations as assigned by the GNSO Council. By adopting this report, the GNSO Council would confirm the status designations as well as recommended next steps to implement specific WS2 recommendations outlined in this report.

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## A. Executive Summary

Based on its deliberations and analysis the CCOICI recommends to the GNSO Council that it confirms the following status designations for WS2 recommendations applicable to the GNSO Council as well as the implementation recommendations related to 2.1.2 (Petition for Removal of Directions) as well as 3 (Framework of Interpretation for Human Rights):

Rec 1.1, 1.2 Defining Diversity		
1.1	Recommendation 1: SO/AC/Groups should agree that the following seven key elements of diversity should be used as a common starting point for all diversity considerations within ICANN: [graphic] 1) Geographical / regional representation, 2) Language, 3) Gender, 4) Age, 5) Physical disability, 6) Diverse skills, 7) Stakeholder group or constituency.	Not Applicable for Action
<b>Rationale:</b> <i>this recommendation is within the scope of the ICANN community, SG/Cs and/or ICANN org to address, NOT the GNSO Council</i>		
1.2	Recommendation 2: Each SO/AC/Group should identify which elements of diversity are mandated in their charters or ICANN Bylaws and any other elements that are relevant and applicable to each of its levels including leadership (Diversity Criteria) and publish the results of the exercise on their official websites.	Complete
<b>Rationale:</b> <i>this recommendation is considered complete. See <a href="#">section 11.3 of the ICANN Bylaws</a>. Clear diversity language is included here with SG/Cs carrying the responsibility for ensuring diversity.</i>		
Rec 1.3, 1.4, 1.5 Measuring and Promoting Diversity		
1.3	Recommendation 3: Each SO/AC/Group, supported by ICANN staff, should undertake an initial assessment of their diversity for all of their structures including leadership based on their Diversity Criteria and publish the results on their official website.	Not Applicable for Action
<b>Rationale:</b> <i>GNSO Council does not have this responsibility. It is up to the SG/Cs to select their representative.</i>		
1.4	Recommendation 4: Each SO/AC/Group should use the information from their initial assessment to define and publish on their official website their Diversity Criteria objectives and strategies for achieving these, as well as a timeline for doing so.	Not Applicable for Action
<b>Rationale:</b> <i>This is the responsibility of the SGs/Cs and not of the GNSO Council.</i>		
1.5	Recommendation 5: Each SO/AC/Group, supported by ICANN staff, should undertake a regular update of their diversity assessment against their Diversity Criteria and objectives at all levels including leadership. Ideally this update should be carried out annually but not less than every three years. They should publish the results on their official website and use this information to review and update their objectives, strategies, and timelines.	Not Applicable for Action
<b>Rationale:</b> <i>This is the responsibility of the SGs/Cs and not of the GNSO Council.</i>		

Rec 1.6, 1.7, 1.8 Supporting Diversity		
1.6	Recommendation 6: ICANN staff should provide support and tools for the SO/AC/Groups to assist them in assessing their diversity in an appropriate manner. ICANN should also identify staff or community resources that can assist SO/ACs or other components of the community with diversity-related activities and strategies.	Not Applicable for Action
<b>Rationale:</b> <i>This is the responsibility of the SGs/Cs and not of the GNSO Council.</i>		
1.7	Recommendation 7: ICANN staff should support SO/AC/Groups in developing and publishing a process for dealing with diversity-related complaints and issues.	Not Applicable for Action
<b>Rationale:</b> <i>This is the responsibility of the SGs/Cs and not of the GNSO Council.</i>		
1.8	Recommendation 8: ICANN staff should support the capture, analysis, and communication of diversity information, seeking external expertise if needed, in the following ways: 1.8.1. Create a Diversity section on the ICANN website. 1.8.2. Gather and maintain all relevant diversity information in one place. 1.8.3. Produce an Annual Diversity Report for ICANN based on all the annual information and provide a global analysis of trends and summarize SO/AC/Groups recommendations for improvement, where appropriate. This should also include some form of reporting on diversity complaints. 1.8.4. Include diversity information derived from the Annual Diversity Report in ICANN's Annual Report.	Not Applicable for Action
<b>Rationale:</b> <i>This is the responsibility of the SGs/Cs and not of the GNSO Council.</i>		
Rec 2.1 Petition for Removal of Directors		
2.1.1	2.1.1 May for any reason; and	Complete
<b>Rationale:</b> <i>there is no restrictive language anywhere in the guidelines to say that such petitions must be for specific reasons, implying that the petitions for removal may be for any reason consistent with recommendation 2.1.1 (see section 4.2.2 of the guidelines for the requirements for a <a href="#">Nominating Committee Director Removal petition</a> as well as requirements for an <a href="#">SO/AC Director Removal petition</a>)</i>		
2.1.2	2.1.2 Must: 2.1.2.1 Be believed by the Indemnified Party to be true. 2.1.2.2 Be in writing. 2.1.2.3 Contain sufficient detail to verify facts; if verifiable facts are asserted. 2.1.2.4 Supply supporting evidence if available/applicable. 2.1.2.5 Include references to applicable by-laws and/or procedures if the assertion is that a specific by-law or procedure has been breached. 2.1.2.6 Be respectful and professional in tone.	Implementation Panned
<b>Rationale:</b> <i>as noted in the staff assessment, section 4.2.2. of the related guidelines include the phrase "shall include at least the following" with respect to the requirements for such petitions. This phrase offers wide discretion for inclusion of other requirements, criteria, or material to be provided by the petitioner. Further, there is no restrictive language anywhere in the Guidelines to say that additional requirements for the petitions are prohibited or will not be considered. In other words, there is nothing preventing the petitioner from satisfying</i>		

	<i>the WS2 requirements when following the process as outlined in the Guidelines. At the same time, the guidelines should draw specific and explicit attention to the additional mandatory requirements as outlined in WS2 Rec 2.1.2.</i>	
	<p><b>Implementation Recommendation #1:</b> The CCOICI recommends to the GNSO Council that the guidelines are updated as follows:</p> <ol style="list-style-type: none"> <li>1) Update Section 4.2.2 of the <a href="#">NomCom Director Removal Guideline</a> and <a href="#">SO/AC Director Removal Guideline</a> by inserting the following phrase between “...the Petition shall” and “...include at least the following” in the first paragraph: “in addition to satisfying the requirements set out in Recommendation 2.1.2 of the <a href="#">WS2 Final Report</a>”.</li> <li>2) Update the <a href="#">GNSO webpage</a> which contains all the Guidelines by including a note that petitioners utilizing the Board Director Removal related Guidelines should also refer to the mandatory requirements outlined in the Recommendation 2.1.2 of the <a href="#">WS2 Final Report</a>.</li> </ol>	
<b>Rec 2.2 Recommendations for Guidelines with respect to procedures for consideration of Board removal notices by SO/ACs</b>		
2.2.1	Reasonable time frames for investigation by SO/AC councils or the equivalent decision-making structures if the SO/AC deems that an investigation is required.	Complete
	<p><b>Rationale:</b> Section 4.2.4 and Section 4.2.5 of the <i>NomCom Director Removal Guideline</i> and <i>SO/AC Director Removal Guideline</i> satisfy the “investigation” requirement. Section 4.2.4 requires that the GNSO Council holds a dialogue between the Director subject to the petition, the Chair of the Board (or Vice Chair of the Board if the Chair is the affected Director), the Petitioner, and the GNSO Representative on the EC Administration. Section 4.2.5 states that GNSO Stakeholder Groups (SGs) and Constituencies (Cs) be asked to provide feedback, opinion, or comments on the merits of the petition, which will be reviewed by the GNSO Council. The dialogue and the GNSO community feedback should help the GNSO Council investigate the situation and decide whether to support such a petition. Section 4.2.11 of the <i>NomCom Director Removal Guideline</i> and Section 4.2.8 of the <i>SO/AC Director Removal Guideline</i> satisfy the “reasonable time frames” requirement for investigation. The time tables in those sections set out the suggested deadlines for the GNSO Council to hold the dialogue (per Section 4.2.4) and to receive GNSO community feedback (per Section 4.2.5). The time tables were developed by following the timeline in the ICANN Bylaws with respect to the Director Removal Petition Period and taking into account other necessary administrative steps for processing the petition.</p>	
2.2.2	Period of review by the entire membership of the SO/AC provided the SO/AC organizational structure customarily provides review for individual members; otherwise, period of review by those empowered to represent the SO/AC in decisions of this nature	Complete
	<p><b>Rationale:</b> Section 4.2.5 and Section 4.3.3 of the <i>NomCom Director Removal Guideline</i>, as well as Section 4.2.5 of the <i>SO/AC Director Removal Guideline</i> include the expectation and the suggested time period for the wider GNSO community to review the petition and provide feedback on its merits. The GNSO community feedback is intended to help the GNSO Council make an informed decision on whether to support such a petition.</p>	
2.2.3	Consistent and transparent voting method for accepting or rejecting a petition; such voting maybe be by the entire membership or those empowered to represent the SO/AC in decisions of this nature.	Complete
	<p><b>Rationale:</b> Section 4.2.6 of the <i>NomCom Director Removal Guideline</i> and <i>SO/AC Director Removal Guideline</i> outline the method for the GNSO Council to decide whether to support or reject such a petition, as well as specifies the threshold needed to reach a decision in</p>	

	<i>accordance with the ICANN Bylaws. In addition, Section 4.3.4 of the NomCom Director Removal Guideline includes similar guidance regarding the voting method for the GNSO Council to decide whether to support a petition initiated by another Decisional Participant.</i>	
2.2.4	Documentation of the community process and how decisions are reached.	Complete
	<b>Rationale:</b> <i>Section 4.2.7 of the NomCom Director Removal Guideline and SO/AC Director Removal Guideline outline the method for informing the community, the other Decisional Participants, and the EC Administration the GNSO Council decision on the petition. The guidelines specify the required information to be included in the Petition Notice, such as the GNSO Council decision and the rationale for the decision. In addition, Section 4.3.5 the NomCom Director Removal Guideline includes similar guidance regarding informing the ICANN org, the other Decisional Participants, and the EC Administration the GNSO Council’s decision whether to support a petition initiated by another Decisional Participant. The guidelines specify the required information to be included in a written notice.</i>	
<b>Rec 3 Framework of Interpretation for Human Rights</b>		
3.0	<p>The CCWG-Accountability WS2 recommends the adoption of the Framework of Interpretation it developed for the ICANN Bylaws dealing with Human Rights, which can be found in <a href="#">Annex 3</a>.</p> <p>See <a href="#">Annex 3</a> of the WS2 Final Report for further details, but in particular: “Supporting Organizations could consider defining and incorporating Human Rights Impact Assessments (HRIAs) in their respective policy development processes. HRIAs should not consider particular human rights in isolation since they are universal, indivisible, interdependent, and interrelated. Given the interrelated nature of Core Values, the Supporting Organizations could also consider other Core Values, as part of the balancing required by the Bylaws.”</p>	Action/Decision Required
	<p><b>Implementation Recommendation #2</b></p> <p><i>The CCOICI recommends to the GNSO Council that:</i></p> <ol style="list-style-type: none"> <li><i>To facilitate the continuous consideration of the impact of GNSO policy development on human rights, existing templates, such as the <a href="#">Request for an Issue Report</a>, the <a href="#">Preliminary Issue Report</a>, the <a href="#">Charter Template</a>, the <a href="#">Initial Report</a> and <a href="#">Final Report</a>, as well as future templates for GNSO policy processes, are updated to include a check-list of questions that aim to provide a lightweight mechanism to assess whether an impact to human rights is likely or expected as a result of the consideration of a specific topic and/or the related recommendations. The CCOICI is of the view that flagging potential impact on human rights at an early stage in the process will assist in focusing attention on this topic throughout the deliberations as well as allowing for a more detailed human rights impact assessment if an impact is expected or established.</i></li> <li><i>As the manager of the GNSO PDP, the GNSO Council will have the responsibility to consider at the various stages of the PDP cycle whether sufficient attention has been given to this topic and/or whether further action needs to be undertaken. For example, if the Council anticipates that there is likely a significant impact on human rights, it can call this out in the PDP team instructions and/or charter or it can request that a human rights impact assessment is undertaken before it considers policy recommendations for adoption.</i></li> <li><i>If the Council agrees with these recommendations, the Council is expected to instruct the GNSO Staff Support team to work on a proposed implementation of these recommendations, consulting relevant community experts as needed. This proposed</i></li> </ol>	

	<i>implementation is to be reviewed by the GNSO Council before implementation is carried out.</i>	
<b>Rec 6.1 Accountability</b>		
6.1.1	SO/AC/Groups should document their decision-making methods, indicating any presiding officers, decision-making bodies, and whether decisions are binding or nonbinding.	Complete
	<b>Rationale:</b> <i>The GNSO Council has documented its decision-making methods in the <a href="#">GNSO Operating Procedures Chapter 4.0 Voting</a></i>	
6.1.2	SO/AC/Groups should document their procedures for members to challenge the process used for an election or formal decision.	Not Applicable for Action
	<b>Rationale:</b> <i>A challenge process used for an election or formal decision is not envisioned in the GNSO Council Operating Procedures. The GNSO Council has its designated process and timeline to consider a decision or conduct an election. GNSO Councilors have a reasonable timeframe to provide input prior to a vote. There is an existing mechanism for Councilors to amend or defer a motion. Once a decision is made, it is final. See details in the GNSO Operating Procedures Chapter 4.0 Voting.</i>	
6.1.3	SO/AC/Groups should document their procedures for non-members to challenge decisions regarding their eligibility to become a member.	Not Applicable for Action
	<b>Rationale:</b> <i>The GNSO Council is a representative body comprised of representatives appointed by GNSO Stakeholder Groups and Constituencies, as well as appointees from the NomCom. Any challenge pertaining to membership eligibility should be addressed at the GNSO SG/C and NomCom level.</i>	
6.1.4	SO/AC/Groups should document unwritten procedures and customs that have been developed in the course of practice, and make them part of their procedural operation documents, charters, and/or bylaws.	Complete
	<b>Rationale:</b> <i>The GNSO Council is known for having extensive procedures in its various areas of work, and this is reflected in the GNSO Operating Procedures, its annexes, and other procedures and processes as documented on this <a href="#">webpage</a>. The GNSO Framework for Continuous Improvement Oversight and Implementation allows for the continuous scoping and execution of projects that are focused on GNSO structural, procedural, and process improvements. Forward looking, any additional unwritten procedures and customs that need to be memorialized can be addressed by the CCOICI. Since the GNSO Council already has a mechanism in place (i.e., CCOICI) to tackle further implementation work (if necessary), staff considered WS2.Rec 2.1.4 complete.</i>	
6.1.5	Each year, SO/AC/Groups should publish a brief report on what they have done during the prior year to improve accountability, transparency, and participation, describe where they might have fallen short, and any plans for future improvements.	Partially Complete

	<p><b>Rationale:</b> The GNSO Council currently does not have a dedicated report on accountability, transparency, and participation. However, the GNSO Council already publishes a variety of materials, such as the Strategic Planning Session meeting report, to assess GNSO Council's effectiveness as a policy development process manager. Other materials such as the candidate statement of GNSO Chairs during elections, GNSO Policy Update webinar, GNSO Policy Briefing, project package pertaining to PDPs' progress, as well as annual report published by each SO/AC (including the GNSO Council) also provide supplementary information on GNSO PDPs' participation levels, progresses, and challenges, helping hold the GNSO Council accountable for its manager role. Since it is envisioned that a community wiki page will be developed to include a template of the accountability reporting to be used by ICANN community groups, the existing and relevant materials of the GNSO Council can be linked to the community wiki page once it is established. This recommendation can be fulfilled in this manner. Therefore, the current status of the recommendation is "partially complete".</p>	
6.1.6	Each Empowered Community (EC) Decisional Participant should publicly disclose any decision it submits to the EC. Publication should include description of processes followed to reach the decision.	Complete
	<p><b>Rationale:</b> All GNSO Council decisions, including decisions submitted to the EC, are published on the GNSO website in the form of <a href="#">resolutions</a>. All communications from the GNSO Council to other entities, including the EC administration, other community groups, the ICANN Board, the ICANN Org, are published on the <a href="#">correspondence page</a> of the GNSO website. In addition, the GNSO Council has a set of guidelines and templates that help the GNSO fulfill its role and obligation as a Decisional Participant in the Empowered Community (EC). These guidelines include requirement, process, and time frame for publicly disclosing decisions the GNSO Council submits to the EC. See the <a href="#">GNSO Council Procedures</a> webpage for more detail.</p>	
6.1.7	Links to SO/AC transparency and accountability (policies, procedures, and documented practices) should be available from ICANN's main website, under "accountability." ICANN staff would have the responsibility to maintain those links on the ICANN website.	Not Applicable for Action
	<p><b>Rationale:</b> This recommendation is pertaining to ICANN staff's responsibility to include relevant links on the ICANN.org main website, hence not applicable for action by the GNSO Council.</p>	
<b>Rec 6.2 Transparency</b>		
6.2.1	Charter and operating guidelines should be published on a public webpage and updated whenever changes are made.	Complete
	<p><b>Rationale:</b> The current version of the GNSO Council Operating Procedures and its annexes are published on the GNSO Council Procedures webpage. Version updates are documented in the "Version Control" section of the Operating Procedures.</p>	
6.2.2	Members of the SO/AC/Group should be listed on a public webpage.	Complete
	<p><b>Rationale:</b> The list of GNSO Council members is published and maintained on this <a href="#">webpage</a>.</p>	
6.2.3	Officers of the SO/AC/Group should be listed on a public webpage.	Complete
	<p><b>Rationale:</b> The GNSO Council leadership members are published and maintained on this <a href="#">webpage</a>.</p>	



6.2.4	<p>Meetings and calls of SO/AC/Groups should normally be open to public observation. When a meeting is determined to be members-only, that should be explained publicly, giving specific reasons for holding a closed meeting. Examples of appropriate reasons include discussion of confidential topics such as:</p> <p>6.2.4.1 Trade secrets or sensitive commercial information whose disclosure would cause harm to a person or organization's legitimate commercial or financial interests or competitive position.</p> <p>6.2.4.2 Internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course.</p> <p>6.2.4.3 Information whose disclosure would constitute an invasion of personal privacy, such as medical records.</p> <p>6.2.4.4 Information whose disclosure has the potential to harm the security and stability of the Internet.</p> <p>6.2.4.5 Information that, if disclosed, would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice.</p>	<div style="text-align: center; background-color: #d9ead3; border: 1px solid #ccc; border-radius: 5px; padding: 5px; width: fit-content; margin: 0 auto;">Complete</div>
<p><b>Rationale:</b> Closed GNSO Council meetings have rare occurrences. In the event of closed meetings, the GNSO Chair informs the Councilors on the public Council list, noting the reasons for such closed sessions. One example is the closed Strategic Planning Session (SPS), and reason is noted as "Internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course". This example is cited in WS2.Rec 6.2.4.2.</p>		
6.2.5	<p>Records of open meetings should be made publicly available. Records include notes, minutes, recordings, transcripts, and chat, as applicable.</p>	<div style="text-align: center; background-color: #d9ead3; border: 1px solid #ccc; border-radius: 5px; padding: 5px; width: fit-content; margin: 0 auto;">Complete</div>
<p><b>Rationale:</b> Records of open GNSO Council meetings, including notes, minutes, recordings, transcripts, and chats, are published on the <a href="#">calendar</a> page of the GNSO website. The calendar page also publishes records of the open sessions of GNSO Council managed groups, teams, and projects.</p>		
6.2.6	<p>Records of closed meetings should be made available to members, and may be made publicly available at the discretion of the AC/SO/Group. Records include notes, minutes, recordings, transcripts, and chat, as applicable.</p>	<div style="text-align: center; background-color: #d9ead3; border: 1px solid #ccc; border-radius: 5px; padding: 5px; width: fit-content; margin: 0 auto;">Complete</div>
<p><b>Rationale:</b> Records of closed meetings of the GNSO Council are typically sent to attendees through direct emails.</p>		
6.2.7	<p>Filed comments and correspondence with ICANN should be published and publicly available.</p>	<div style="text-align: center; background-color: #d9ead3; border: 1px solid #ccc; border-radius: 5px; padding: 5px; width: fit-content; margin: 0 auto;">Complete</div>
<p><b>Rationale:</b> GNSO Council's filed comments and correspondence with ICANN org are published on the <a href="#">correspondence page</a> of the GNSO website. The <a href="#">correspondence page</a> on <a href="#">icann.org</a> also publishes them.</p>		
<b>Rec 6.3 Participation</b>		
6.3.1	<p>Rules of eligibility and criteria for membership should be clearly outlined in the bylaws or in operational procedures.</p>	<div style="text-align: center; background-color: #d9ead3; border: 1px solid #ccc; border-radius: 5px; padding: 5px; width: fit-content; margin: 0 auto;">Complete</div>
<p><b>Rationale:</b> Rules of eligibility and criteria for members of the GNSO Council are outlined in Section 11.3 of the ICANN Bylaws and Section 2.1 of the GNSO Operating Procedures.</p>		

6.3.2	Where membership must be applied for, the process of application and eligibility criteria should be publicly available.	Not Applicable for Action
<b>Rationale:</b> <i>The GNSO Council is a representative body comprised of representatives appointed by GNSO Stakeholder Groups and Constituencies, as well as appointees from the NomCom. The process of application and eligibility criteria for the GNSO Councilor position should be addressed by each GNSO SG/C and the NomCom.</i>		
6.3.3	Where membership must be applied for, there should be a process of appeal when application for membership is rejected.	Not Applicable for Action
<b>Rationale:</b> <i>The GNSO Council is a representative body comprised of representatives appointed by GNSO Stakeholder Groups and Constituencies, as well as appointees from the NomCom. The process of appeal when application for the GNSO Councilor position is rejected should be addressed by the relevant GNSO SG/C and the NomCom.</i>		
6.3.4	An SO/AC/Group that elects its officers should consider term limits.	Complete
<b>Rationale:</b> <i><a href="#">Section 11.3(b)</a> of the ICANN Bylaws and <a href="#">Section 2.1</a> of the GNSO Operating Procedures provides details regarding GNSO Council member term limits, as well as special circumstances that allow a Councilor appointed by a Stakeholder Group to serve one more term. This general term limit also apply to the GNSO Council leadership members (i.e., GNSO Chair and Council Vice Chairs). Leadership team members need to be confirmed on an annual basis, but there is no limit on the number of reappointments, as that is dictated by the general term limits for all GNSO Councilors.</i>		
6.3.5	A publicly visible mailing list should be in place.	Complete
<b>Rationale:</b> <i>GNSO Council mailing list archives and the mailing list archives of the GNSO Council managed groups, teams, and projects are published on this <a href="#">webpage</a>.</i>		
<b>Rec 6.4 Outreach</b>		
6.4.1	Each SO/AC/Group should publish newsletters or other communications that can help eligible non-members to understand the benefits and process of becoming a member.	Complete
<b>Rationale:</b> <i>Some of the GNSO Council managed working groups published newsletters to help non-members follow their progress. GNSO Council related updates are also published on ICANN's monthly regional newsletters. These materials help promote the activities managed by the GNSO Council and indirectly provide insight into the benefits of being involved in the GNSO policy work.</i>		
6.4.2	Each SO/AC/Group should maintain a publicly accessible website/wiki page to advertise their outreach events and opportunities.	Not Applicable for Action
<b>Rationale:</b> <i>Since the GNSO Council is a representative body, it does not have a role for doing outreach. GNSO Stakeholder Groups and Constituencies as well as the NomCom appointed members to the GNSO Council. Therefore, those groups are in position to conduct and promote outreach events and opportunities.</i>		

6.4.3	Each SO/AC/Group should create a committee (of appropriate size) to manage outreach programs to attract additional eligible members, particularly from parts of their targeted community that may not be adequately participating.	Not Applicable for Action
<b>Rationale:</b> <i>Since the GNSO Council is a representative body, it does not have a role for doing outreach. Outreach programs should be handled at the GNSO SG/C and NomCom level.</i>		
6.4.4	Outreach objectives and potential activities should be mentioned in SO/AC/Group bylaws, charter, or procedures.	Not Applicable for Action
<b>Rationale:</b> <i>Since the GNSO Council is a representative body, it does not have a role for doing outreach. Outreach objectives and potential activities are not applicable to be included in the GNSO Operating Procedures</i>		
6.4.5	Each SO/AC/Group should have a strategy for outreach to parts of their targeted community that may not be significantly participating at the time, while also seeking diversity within membership.	Not Applicable for Action
<b>Rationale:</b> <i>Since the GNSO Council is a representative body, it does not have a role for doing outreach. Outreach strategy should be developed at the GNSO SG/C and NomCom level.</i>		
<b>Rec 6.5 Updates to Policies and Procedures</b>		
6.5.1	Each SO/AC/Group should review its policies and procedures at regular intervals and make changes to operational procedures and charter as indicated by the review.	Complete
<b>Rationale:</b> <i>There is an existing process in the GNSO Council for reviewing and updating the Operating Procedures. The "<a href="#">Version Control</a>" section of the GNSO Operating Procedure includes the revision records as an outcome of such review. In addition, there are additional mechanisms for the review of GNSO procedures, including the GNSO Framework for Continuous Improvement Oversight and Implementation and the Holistic Review.</i>		
6.5.2	Members of SO/AC/Groups should be involved in reviews of policies and procedures, and should approve any revisions.	Complete
<b>Rationale:</b> <i>Any update to the GNSO Operating Procedures requires review and approval by the entire GNSO Council.</i>		
6.5.3	Internal reviews of SO/AC/Group policies and procedures should not be prolonged for more than one year, and temporary measures should be considered if the review extends longer	Complete
<b>Rationale:</b> <i>The GNSO Framework for Continuous Improvement Oversight and Implementation, which is a permanent structure in the GNSO Council, allows for the continuous scoping and execution of projects that are focused on GNSO structural, procedural, and process improvements. It provides a mechanism to conduct internal review of GNSO procedures based on specific issues and focuses. This recommendation is satisfied due to the existence of this mechanism.</i>		

## B. Background

### Council Committee for Overseeing and Implementing Continuous Improvement

The GNSO Framework for Continuous Improvement Pilot was initiated in June 2021 to determine whether the framework, as outlined [here](#), could serve as an approach for dealing with the various projects that are focused on improvements to GNSO processes and procedures. In addition to two original tasks, the GNSO Council tasked the Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI) in March 2022 with one additional task as part of the pilot, namely reviewing the status of Work Stream 2 (WS2) recommendations that pertain to the GNSO Council.

#### Council direction

The GNSO Council [directed](#) the CCOICI to consider the following WS2 items:

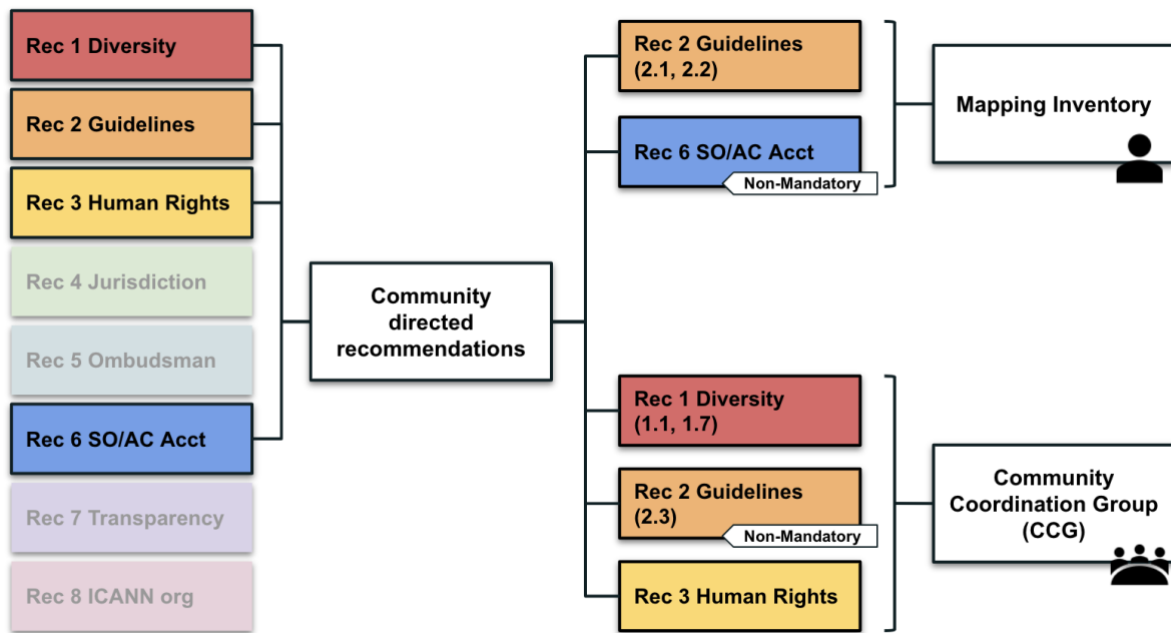
- a. Review the staff assessment of GNSO Council's implementation status of Recommendation 2 Guidelines for Good Faith Conduct (2.1, 2.2) and Recommendation 6 SO/AC Accountability (6.1-6.5);
- b. Recommendation 1 Diversity – revisit Council's initial prioritization and carry out implementation for applicable sub-recommendations, if any;
- c. Recommendation 3 Human Rights Framework – carry out implementation from GNSO Council's perspective;
- d. Recommendation 6.1.5 (non-mandatory) – discuss whether the GNSO Council wishes to implement, and if so, how to implement;
- e. Rank Recommendations 1, 2.3 and 3 from Council's perspective to help inform the prioritization by the Community Coordination Group.<sup>1</sup>

### WS2 - Role of the Community and Next Steps

For the WS2 recommendations that are directed at the community, two different work tracks have been identified: the Mapping Inventory and the Community Coordination Group (CCG).

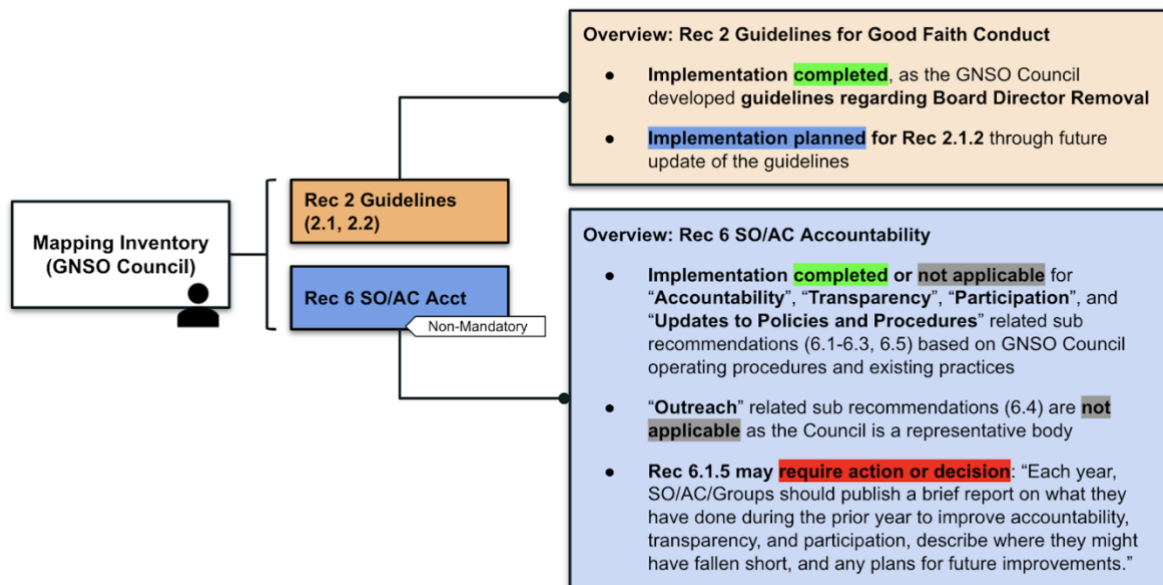
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<sup>1</sup> Note, the results of this ranking were communicated to the CCG by the CCOICI Chair and GNSO Council representative to the CCG on 20 April 2022 (see <https://mm.icann.org/pipermail/ws2-ccg/2022-April/000022.html>)



**Mapping Inventory**

**Mapping inventory of Recommendations 2.1, 2.2, and 6 to be reviewed by the individual community groups.** Policy support staff conducted an initial assessment of the implementation status of those recommendations by each SO/AC/Group. This staff assessment is intended to assist each group with its review and consideration of whether, and what, will be needed to implement each of those recommendations. The staff assessment and suggested implementation statuses for these recommendations as related to the GNSO Council WS2 implementation was [presented](#) during the GNSO Council meeting on 17 February 2022. The GNSO Council is requested to review and confirm these implementation statuses.



*Summary of staff assessment of GNSO Council Implementation of WS2 Recs 2.1, 2.2, and 6*

To facilitate understanding of these statuses, proposed definitions are provided below in the GNSO Council context.

- **"Complete"**: Recommended action/decision is completed by the GNSO Council
- **"Partially Complete"**: Recommended action/decision is partially completed by the GNSO Council, further implementation may or may not be within scope to be addressed by the GNSO Council
- **"Action/Decision Required"**: GNSO Council needs to make a decision on whether the recommended action/decision is applicable for action by the GNSO Council and assign an appropriate implementation status in this list
- **"Not applicable for action"**: Recommended action/decision and its respective implementation is not within scope to be addressed by the GNSO Council
- **"Implementation Planned"**: GNSO Council is planning to implement the recommended action/decision
- **"Implementation Ongoing"**: GNSO Council's implementation on the recommended action/decision is ongoing
- **"Won't be Implemented"**: Recommended action/decision is within scope to be addressed by the GNSO Council, but GNSO Council chooses not to implement (this may apply to the non-mandatory recommendations)

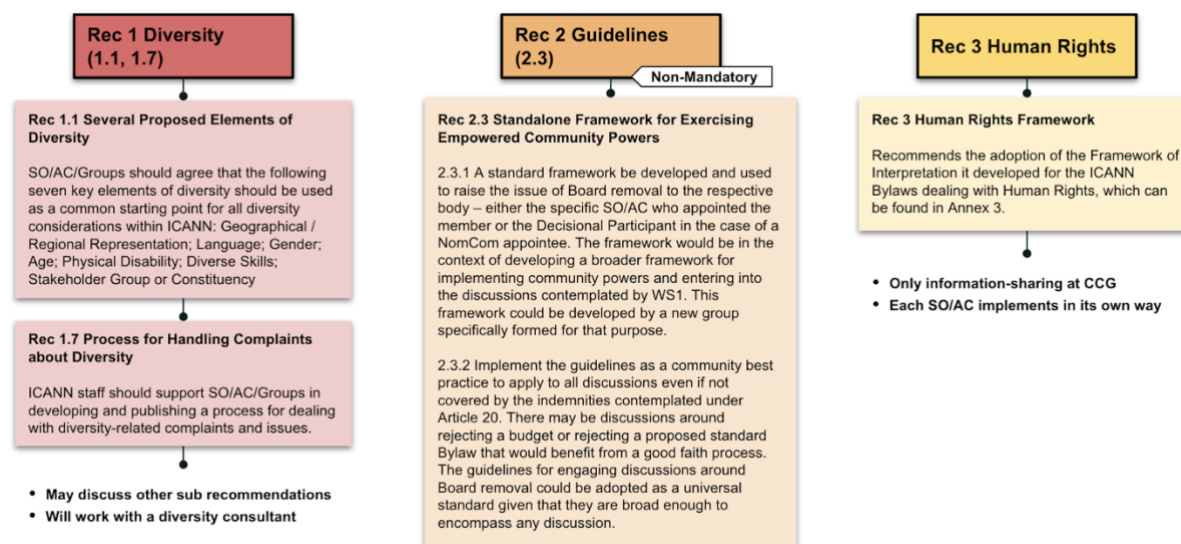
**Groups to complete their review and respond to the mapping inventory.** This exercise involves each group reviewing the mapping inventory of the WS2 recommendations that are relevant to it, and determining whether the initial gap analysis is accurate. Groups are expected to work with their support staff to complete the inventory and to respond. For each of the recommendations, groups are expected to determine and assign the appropriate status and communicate this to ICANN org so it can be tracked accordingly.

**Groups to decide whether or not to implement specific non-mandatory WS2 recommendations (i.e. sub-recommendations under Recommendation 6) and how to approach implementation of mandatory recommendations (i.e. Recommendation 2.1 & 2.2).** Following completion of its review of the relevant recommendations, each group should then determine the priority level, timing, and implementation methods for those WS2 recommendations that it wishes to or are required to implement. In some cases, additional work may be required to complete implementation. In other cases, groups may determine that a particular recommendation is either inapplicable to them or has been implemented fully.

### Community Coordination Group

**Creation of a Community Coordination Group (CCG).** In December 2021, the SOAC chairs agreed to form a lightweight coordination group to serve as a forum to exchange best practices, lessons learned, as well as for sharing information and progress. On 17 February 2022, the GNSO Council appointed Olga Cavalli as its representative on the CCG.

**Determine which recommendations require coordination.** The CCG will determine which recommendations to work with; however, an initial assessment of the recommendations suggest that the group will work on Recommendations 1.1 and 1.7 (Diversity), 2.3 (Guidelines for Good Faith Conduct), and possibly 3 (Framework on Human Rights). The group will determine the sequence of work for these recommendations.



**Schedule of calls.** An initial call of the CCG is expected to be held after ICANN73, once names of all representatives are determined. This group will determine the frequency to meet.

**CCG is for coordination purposes only.** This group is not a decision-making body. It will coordinate community implementation where appropriate, share best practices and information from their communities, and report on decisions made by their communities.

### Additional Implementation Considerations for the Community

**Levels of community involvement vary.** Levels of community involvement vary by recommendation, adding to the complexity of implementation. Some recommendations are only directed at the SOAC level (e.g., Rec 2 on Guidelines for Good Faith; Rec 3 on a Framework of Interpretation of Human Rights). Other recommendations include implementation by the RALOs and GNSO SG/Cs (i.e., Rec 6 on Accountability; Rec 1 on Diversity). This adds to the complexity of the work.

**Long term planning.** ICANN org and the community leaders have agreed that planning and prioritization of the community's work is crucial, to ensure that workload remains manageable and org support and resources are allocated appropriately. The anticipated extended time period needed for WS2 implementation means that this work should be factored into each SO/AC/Group's annual work plan and decision making for prioritizing work, including work on policy advice and development, and on Reviews implementation.

For further background on WS2, please see Annex A.

## C. Recommendation 1 – Diversity

### Recommendation 1 Diversity – From WS2 Final Report

#### 1 Recommendations to Improve Diversity

##### Defining diversity

1.1. Recommendation 1: SO/AC/Groups should agree that the following seven key elements of diversity should be used as a common starting point for all diversity considerations within ICANN: [graphic] 1) Geographical / regional representation, 2) Language, 3) Gender, 4) Age, 5) Physical disability, 6) Diverse skills, 7) Stakeholder group or constituency.

1.2. Recommendation 2: Each SO/AC/Group should identify which elements of diversity are mandated in their charters or ICANN Bylaws and any other elements that are relevant and applicable to each of its levels including leadership (Diversity Criteria) and publish the results of the exercise on their official websites.

##### Measuring and Promoting Diversity

1.3. Recommendation 3: Each SO/AC/Group, supported by ICANN staff, should undertake an initial assessment of their diversity for all of their structures including leadership based on their Diversity Criteria and publish the results on their official website.

1.4. Recommendation 4: Each SO/AC/Group should use the information from their initial assessment to define and publish on their official website their Diversity Criteria objectives and strategies for achieving these, as well as a timeline for doing so.

1.5. Recommendation 5: Each SO/AC/Group, supported by ICANN staff, should undertake a regular update of their diversity assessment against their Diversity Criteria and objectives at all levels including leadership. Ideally this update should be carried out annually but not less than every three years. They should publish the results on their official website and use this information to review and update their objectives, strategies, and timelines.

##### Supporting Diversity

1.6. Recommendation 6: ICANN staff should provide support and tools for the SO/AC/Groups to assist them in assessing their diversity in an appropriate manner. ICANN should also identify staff or community resources that can assist SO/ACs or other components of the community with diversity-related activities and strategies.

1.7. Recommendation 7: ICANN staff should support SO/AC/Groups in developing and publishing a process for dealing with diversity-related complaints and issues.



1.8. Recommendation 8: ICANN staff should support the capture, analysis, and communication of diversity information, seeking external expertise if needed, in the following ways:

- 1.8.1. Create a Diversity section on the ICANN website.
- 1.8.2. Gather and maintain all relevant diversity information in one place.
- 1.8.3. Produce an Annual Diversity Report for ICANN based on all the annual information and provide a global analysis of trends and summarize SO/AC/Groups recommendations for improvement, where appropriate. This should also include some form of reporting on diversity complaints.
- 1.8.4. Include diversity information derived from the Annual Diversity Report in ICANN's Annual Report.

Note: In the context of the Diversity Questionnaire and throughout this report, the term SO/AC/Groups refers to:

- SO – ccNSO, GNSO, ASO
- AC – ALAC, GAC, RSSAC, SSAC
- Groups – ICANN Board, ICANN staff, NomCom, Stakeholder Group, Constituency, RALO

When recommendations in this report refer to ICANN, it means all of those entities included in SO/AC/Groups.

#### Council Ask

CCOICI to revisit Council's initial prioritization and carry out implementation for applicable sub recommendations, if any

#### Council's initial prioritization

Note that the [Council's Initial Prioritization](#) effort deemed all of these recommendations to be within the scope of the ICANN community, SG/Cs and/or ICANN org and NOT the GNSO Council. Apart from recommendation 1.1. (medium to high), all other recommendations that were not solely the responsibility of ICANN org were flagged as medium priority items.

#### CCOICI Proposed Status Designations

##### 1.1, 1.2 – Defining Diversity

- **1.1 - "Not applicable for action"** - this recommendation is within the scope of the ICANN community, SG/Cs and/or ICANN org to address, NOT the GNSO Council
- **1.2. - "Complete"** - this recommendation is considered complete. See section 11.3 of the ICANN Bylaws (<https://www.icann.org/resources/pages/governance/bylaws->

en#article11.3.b). Clear diversity language is included here with SG/Cs carrying the responsibility for ensuring diversity.

### **1.3, 1.4, 1.5 – Measuring and Promoting Diversity**

- **1.3: "Not applicable for action"** - GNSO Council does not have this responsibility. It is up to the SG/Cs to select their representative.
- **1.4 - "Not applicable for action"** - This is the responsibility of the SGs/Cs and not of the GNSO Council.
- **1.5 - "Not applicable for action"** - This is the responsibility of the SGs/Cs and not of the GNSO Council.

### **1.6, 1.7, 1.8 – Supporting Diversity**

- **1.6 - "Not applicable for action"** - This is the responsibility of the SGs/Cs and not of the GNSO Council.
- **1.7 - "Not applicable for action"** - This is the responsibility of the SGs/Cs and not of the GNSO Council.
- **1.8 - "Not applicable for action"** - This is the responsibility of the SGs/Cs and not of the GNSO Council.

## D. Recommendation 2 – Guidelines for Good Faith Conduct

### Recommendation 2 Guidelines for Good Faith Conduct (2.1, 2.2) – From WS2 Final Report

#### 2. Recommendations for Guidelines for Standards of Conduct Presumed to be in Good Faith Associated with Exercising Removal of Individual ICANN Board Directors

The proposed guidelines apply to all Board seats whether the Director is appointed by the SO/AC or the ICANN Nominating Committee (NomCom) and are as follows:

##### 2.1 Recommendations for guidelines with respect to Petitions for removal:

2.1.1 May for any reason; and

2.1.2 Must:

2.1.2.1 Be believed by the Indemnified Party to be true.

2.1.2.2 Be in writing.

2.1.2.3 Contain sufficient detail to verify facts; if verifiable facts are asserted. 2.1.2.4 Supply supporting evidence if available/applicable.

2.1.2.5 Include references to applicable by-laws and/or procedures if the assertion is that a specific by-law or procedure has been breached.

2.1.2.6 Be respectful and professional in tone.

##### 2.2 Recommendations for guidelines with respect to procedures for consideration of board removal notices by SO/ACs to include:

2.2.1 Reasonable time frames for investigation by SO/AC councils or the equivalent decision-making structures if the SO/AC deems that an investigation is required.

2.2.2 Period of review by the entire membership of the SO/AC provided the SO/AC organizational structure customarily provides review for individual members; otherwise, period of review by those empowered to represent the SO/AC in decisions of this nature

2.2.3 Consistent and transparent voting method for accepting or rejecting a petition; such voting maybe be by the entire membership or those empowered to represent the SO/AC in decisions of this nature.

2.2.4 Documentation of the community process and how decisions are reached.

#### Council Ask

CCOICI to review the staff assessment of GNSO Council's implementation status

#### Staff Assessment of GNSO Council's implementation status

#### Summary: Staff Assessment of 2.1 and 2.2

**Rec 2 Guidelines  
(2.1, 2.2)**

**Rec 2.1 Petitions for Removal of Directors**

2.1.1	May be for any reason	Complete
2.1.2	Must: • Be believed by the Indemnified Party to be true. • Be in writing. • Contain sufficient detail to verify facts, if verifiable facts are asserted. • Supply supporting if available/applicable. • Include references to applicable by-laws and/or procedures if the assertion is that a specific by-law or procedure has been breached. • Be respectful and professional in tone.	Implementation Planned
<b>Rec 2.2 Recommendations for guidelines with respect to procedures for consideration of board removal notices by SO/ACs to include:</b>		
2.2.1	Reasonable time frames for investigation by SO/AC councils or the equivalent decision-making structures if the SO/AC deems that an investigation is required.	Complete
2.2.2	Period of review by the entire membership of the SO/AC provided the SO/AC organizational structure customarily provides review for individual members; otherwise, period of review by those empowered to represent the SO/AC in decisions of this nature.	Complete
2.2.3	Consistent and transparent voting method for accepting or rejecting a petition; such voting maybe be by the entire membership or those empowered to represent the SO/AC in decisions of this nature.	Complete
2.2.4	Documentation of the community process and how decisions are reached	Complete

2.1 Recommendations for guidelines with respect to Petitions for removal:  
2.1.1 May for any reason; and

**Staff Assessment of 2.1.1 "Complete"**

In 2019, the GNSO Council developed a set of guidelines and templates that help the GNSO fulfill its role and obligation as a Decisional Participant in the Empowered Community (EC). This included guidelines and a motion template in relation to a Board Director Removal, both in case of a Nominating Committee appointed Director as well as an SO/AC appointed Director.

Section 4.2.2 of the [NomCom Director Removal Guideline](#) and [SO/AC Director Removal Guideline](#) requires that the Board Director Removal petition shall include at least the following:

- Name and affiliation of the Petitioner; and
- Name and term of the affected Director who holds a seat designated between, and including, seat 1 through seat 8; and
- Rationale upon which the Petitioner seeks to remove the affected Director; and
- Confirmation that the affected Director, during the same term, had NOT previously been subject to a petition for removal that led to a "Community Forum" (as discussed in Annex D, Section 3.2(d) of the ICANN Bylaws).

There is no restrictive language anywhere in the Guidelines to say that such petitions must be for specific reasons, implying that the petitions for removal may be for any reason.

- 2.1.2 Must:
- 2.1.2.1 Be believed by the Indemnified Party to be true.
  - 2.1.2.2 Be in writing.

- 2.1.2.3 Contain sufficient detail to verify facts; if verifiable facts are asserted. 2.1.2.4 Supply supporting evidence if available/applicable.  
2.1.2.5 Include references to applicable by-laws and/or procedures if the assertion is that a specific by-law or procedure has been breached.  
2.1.2.6 Be respectful and professional in tone.

### Staff Assessment of 2.1.2 **“Implementation Planned”**

The [NomCom Director Removal Guideline](#) and [SO/AC Director Removal Guideline](#) are not in conflict with the requirements from WS2 Recommendation 2.1.2.

Section 4.2.2 of these two Guidelines includes the phrase “...shall include **at least** the following” with respect to the requirements for such petitions. This phrase offers wide discretion for inclusion of other requirements, criteria, or material to be provided by the petitioner. Further, there is no restrictive language anywhere in the Guidelines to say that additional requirements for the petitions are prohibited or will not be considered. In other words, there is nothing preventing the petitioner from satisfying the WS2 requirements when following the process as outlined in the Guidelines.

Given that the intention of the Guidelines is to guide someone who wishes to invoke the Empowered Community powers through the GNSO Council, the Guidelines should draw specific and explicit attention to the additional mandatory requirements as outlined in WS2.Rec 2.1.2.

When those Guidelines were [adopted](#) by the GNSO Council in November 2019, the GNSO Council requested that relevant Guidelines be reviewed after an action of the GNSO as a Decisional Participant has been completed, or on an annual basis if no action is initiated. It is expected that the GNSO Council will have an opportunity to update the Guidelines as an outcome of such review or as needed, including to satisfy the mandatory WS2 requirements. Therefore, staff assessed that implementation for WS2.Rec 2.1.2 is being “planned”.

### Staff Suggestion for Completing Implementation of 2.1.2

In order to complete the implementation of WS2.Rec 2.1.2 by the GNSO Council, the CCOICI may wish to ask the GNSO Council to consider the following approaches, including but not limited to:

Option 1: Update Section 4.2.2 of the [NomCom Director Removal Guideline](#) and [SO/AC Director Removal Guideline](#) by inserting the following phrase between “...the Petition shall” and “...include at least the following” in the first paragraph: “in addition to satisfying the requirements set out in Recommendation 2.1.2 of the [WS2 Final Report](#)”.

Option 2: Update the [GNSO webpage](#) which contains all the Guidelines by including a note that petitioners utilizing the Board Director Removal related Guidelines should also refer

to the mandatory requirements outlined in the Recommendation 2.1.2 of the [WS2 Final Report](#).

2.2 Recommendations for guidelines with respect to procedures for consideration of board removal notices by SO/ACs to include:

2.2.1 Reasonable time frames for investigation by SO/AC councils or the equivalent decision-making structures if the SO/AC deems that an investigation is required.

#### Staff Assessment of 2.2.1 **"Complete"**

Section 4.2.4 and Section 4.2.5 of the [NomCom Director Removal Guideline](#) and [SO/AC Director Removal Guideline](#) satisfy the "investigation" requirement. Section 4.2.4 requires that the GNSO Council holds a dialogue between the Director subject to the petition, the Chair of the Board (or Vice Chair of the Board if the Chair is the affected Director), the Petitioner, and the GNSO Representative on the EC Administration. Section 4.2.5 states that GNSO Stakeholder Groups (SGs) and Constituencies (Cs) be asked to provide feedback, opinion, or comments on the merits of the petition, which will be reviewed by the GNSO Council. The dialogue and the GNSO community feedback should help the GNSO Council investigate the situation and decide whether to support such a petition.

Section 4.2.11 of the [NomCom Director Removal Guideline](#) and Section 4.2.8 of the [SO/AC Director Removal Guideline](#) satisfy the "reasonable time frames" requirement for investigation. The time tables in those sections set out the suggested deadlines for the GNSO Council to hold the dialogue (per Section 4.2.4) and to receive GNSO community feedback (per Section 4.2.5). The time tables were developed by following the timeline in the ICANN Bylaws with respect to the Director Removal Petition Period and taking into account other necessary administrative steps for processing the petition.

The GNSO Council also provides similar guidance with respect to a NomCom Director Removal petition initiated by another Decisional Participant. Section 4.3.3 of the [NomCom Director Removal Guideline](#) states that during a three- (3-) day period directly following the receipt of the Petition Notice, GNSO Stakeholder Groups and Constituencies may provide their feedback, opinions or comments, which may help the GNSO Council decide whether it wishes to support such a petition.

2.2.2 Period of review by the entire membership of the SO/AC provided the SO/AC organizational structure customarily provides review for individual members; otherwise, period of review by those empowered to represent the SO/AC in decisions of this nature

#### Staff Assessment of 2.2.2 **"Complete"**

As mentioned above, Section 4.2.5 and Section 4.3.3 of the [NomCom Director Removal Guideline](#), as well as Section 4.2.5 of the [SO/AC Director Removal Guideline](#) include the expectation and the suggested time period for the wider GNSO community to review the petition and provide feedback on its merits. The GNSO community feedback is intended to help the GNSO Council make an informed decision on whether to support such a petition.

2.2.3 Consistent and transparent voting method for accepting or rejecting a petition; such voting maybe be by the entire membership or those empowered to represent the SO/AC in decisions of this nature.

#### Staff Assessment of 2.2.3 **"Complete"**

Section 4.2.6 of the [NomCom Director Removal Guideline](#) and [SO/AC Director Removal Guideline](#) outline the method for the GNSO Council to decide whether to support or reject such a petition, as well as specifies the threshold needed to reach a decision in accordance with the ICANN Bylaws.

In addition, Section 4.3.4 of the [NomCom Director Removal Guideline](#) includes similar guidance regarding the voting method for the GNSO Council to decide whether to support a petition initiated by another Decisional Participant.

2.2.4 Documentation of the community process and how decisions are reached.

#### Staff Assessment of 2.2.4 **"Complete"**

Section 4.2.7 of the [NomCom Director Removal Guideline](#) and [SO/AC Director Removal Guideline](#) outline the method for informing the community, the other Decisional Participants, and the EC Administration the GNSO Council decision on the petition. The guidelines specify the required information to be included in the Petition Notice, such as the GNSO Council decision and the rationale for the decision.

In addition, Section 4.3.5 the [NomCom Director Removal Guideline](#) includes similar guidance regarding informing the ICANN org, the other Decisional Participants, and the EC Administration the GNSO Council's decision whether to support a petition initiated by another Decisional Participant. The guidelines specify the required information to be included in a written notice.

### CCOICI Proposed Status Designations & Implementation Recommendation

#### 2.1.1, 2.1.2 – Petitions for removal of Directors

- **2.1.1 - "Complete"** - there is no restrictive language anywhere in the guidelines to say that such petitions must be for specific reasons, implying that the petitions for removal may be for any reason consistent with recommendation 2.1.1 (see section

4.2.2 of the guidelines for the requirements for a [Nominating Committee Director Removal](#) petition as well as requirements for an [SO/AC Director Removal](#) petition)

- **2.1.2 - "Implementation Planned"** - as noted in the staff assessment, section 4.2.2. of the related guidelines include the phrase "shall include at least the following" with respect to the requirements for such petitions. This phrase offers wide discretion for inclusion of other requirements, criteria, or material to be provided by the petitioner. Further, there is no restrictive language anywhere in the Guidelines to say that additional requirements for the petitions are prohibited or will not be considered. In other words, there is nothing preventing the petitioner from satisfying the WS2 requirements when following the process as outlined in the Guidelines. At the same time, the guidelines should draw specific and explicit attention to the additional mandatory requirements as outlined in WS2 Rec 2.1.2.

**Implementation Recommendation #1:** The CCOICI recommends to the GNSO Council that the guidelines are updated as follows:

- 3) Update Section 4.2.2 of the [NomCom Director Removal Guideline](#) and [SO/AC Director Removal Guideline](#) by inserting the following phrase between "...the Petition shall" and "...include at least the following" in the first paragraph: "in addition to satisfying the requirements set out in Recommendation 2.1.2 of the [WS2 Final Report](#)".
- 4) Update the [GNSO webpage](#) which contains all the Guidelines by including a note that petitioners utilizing the Board Director Removal related Guidelines should also refer to the mandatory requirements outlined in the Recommendation 2.1.2 of the [WS2 Final Report](#).

#### **2.2.1, 2.2.2, 2.2.3, 2.2.4 – Recommendations for Guidelines with respect to procedures for consideration of Board removal notices by SO/ACs**

- **2.2.1 - "Complete"** - Section 4.2.4 and Section 4.2.5 of the [NomCom Director Removal Guideline](#) and [SO/AC Director Removal Guideline](#) satisfy the "investigation" requirement. Section 4.2.4 requires that the GNSO Council holds a dialogue between the Director subject to the petition, the Chair of the Board (or Vice Chair of the Board if the Chair is the affected Director), the Petitioner, and the GNSO Representative on the EC Administration. Section 4.2.5 states that GNSO Stakeholder Groups (SGs) and Constituencies (Cs) be asked to provide feedback, opinion, or comments on the merits of the petition, which will be reviewed by the GNSO Council. The dialogue and the GNSO community feedback should help the GNSO Council investigate the situation and decide whether to support such a petition. Section 4.2.11 of the [NomCom Director Removal Guideline](#) and Section 4.2.8 of the [SO/AC Director Removal Guideline](#) satisfy the "reasonable time frames" requirement for investigation. The time tables in those sections set out the suggested deadlines for the GNSO Council to hold the dialogue (per Section 4.2.4) and to receive GNSO community feedback (per Section 4.2.5). The time tables were developed by following the timeline in the ICANN Bylaws with respect to the Director Removal Petition Period and taking into account other necessary administrative steps for processing the petition.



- **2.2.2 - "Complete"** - Section 4.2.5 and Section 4.3.3 of the [NomCom Director Removal Guideline](#), as well as Section 4.2.5 of the [SO/AC Director Removal Guideline](#) include the expectation and the suggested time period for the wider GNSO community to review the petition and provide feedback on its merits. The GNSO community feedback is intended to help the GNSO Council make an informed decision on whether to support such a petition.
- **2.2.3 - "Complete"** - Section 4.2.6 of the [NomCom Director Removal Guideline](#) and [SO/AC Director Removal Guideline](#) outline the method for the GNSO Council to decide whether to support or reject such a petition, as well as specifies the threshold needed to reach a decision in accordance with the ICANN Bylaws. In addition, Section 4.3.4 of the NomCom Director Removal Guideline includes similar guidance regarding the voting method for the GNSO Council to decide whether to support a petition initiated by another Decisional Participant.
- **2.2.4 - "Complete"** - Section 4.2.7 of the [NomCom Director Removal Guideline](#) and [SO/AC Director Removal Guideline](#) outline the method for informing the community, the other Decisional Participants, and the EC Administration the GNSO Council decision on the petition. The guidelines specify the required information to be included in the Petition Notice, such as the GNSO Council decision and the rationale for the decision. In addition, Section 4.3.5 the NomCom Director Removal Guideline includes similar guidance regarding informing the ICANN org, the other Decisional Participants, and the EC Administration the GNSO Council's decision whether to support a petition initiated by another Decisional Participant. The guidelines specify the required information to be included in a written notice.

## E. Recommendation #6 – SO/AC Accountability

### Recommendation 6 – From WS2 Final Report

Each SO/AC/Group should implement these Good Practices, to the extent these practices are applicable and an improvement over present practices. It is not recommended that implementation of these practices be required. Nor is it recommended that any changes be made to the ICANN Bylaws. It should be noted that the Operational Standards for periodic Organizational Reviews conducted by ICANN could include an assessment of Good Practices implementation in the AC/SO subject to the review.

#### 6.1 Accountability

6.1.1 SO/AC/Groups should document their decision-making methods, indicating any presiding officers, decision-making bodies, and whether decisions are binding or nonbinding.

6.1.2 SO/AC/Groups should document their procedures for members to challenge the process used for an election or formal decision.

6.1.3 SO/AC/Groups should document their procedures for non-members to challenge decisions regarding their eligibility to become a member.

6.1.4 SO/AC/Groups should document unwritten procedures and customs that have been developed in the course of practice, and make them part of their procedural operation documents, charters, and/or bylaws.

6.1.5 Each year, SO/AC/Groups should publish a brief report on what they have done during the prior year to improve accountability, transparency, and participation, describe where they might have fallen short, and any plans for future improvements.

6.1.6 Each Empowered Community (EC) Decisional Participant should publicly disclose any decision it submits to the EC. Publication should include description of processes followed to reach the decision.

6.1.7 Links to SO/AC transparency and accountability (policies, procedures, and documented practices) should be available from ICANN's main website, under "accountability." ICANN staff would have the responsibility to maintain those links on the ICANN website.

#### 6.2 Transparency

6.2.1 Charter and operating guidelines should be published on a public webpage and updated whenever changes are made.

6.2.2 Members of the SO/AC/Group should be listed on a public webpage.

6.2.3 Officers of the SO/AC/Group should be listed on a public webpage.

6.2.4 Meetings and calls of SO/AC/Groups should normally be open to public observation. When a meeting is determined to be members-only, that should be explained publicly, giving specific reasons for holding a closed meeting. Examples of appropriate reasons include discussion of confidential topics such as:

6.2.4.1 Trade secrets or sensitive commercial information whose disclosure would cause harm to a person or organization's legitimate commercial or financial interests or competitive position.

6.2.4.2 Internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course.

6.2.4.3 Information whose disclosure would constitute an invasion of personal privacy, such as medical records.

6.2.4.4 Information whose disclosure has the potential to harm the security and stability of the Internet.

6.2.4.5 Information that, if disclosed, would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice.

6.2.5 Records of open meetings should be made publicly available. Records include notes, minutes, recordings, transcripts, and chat, as applicable.

6.2.6 Records of closed meetings should be made available to members, and may be made publicly available at the discretion of the AC/SO/Group. Records include notes, minutes, recordings, transcripts, and chat, as applicable.

6.2.7 Filed comments and correspondence with ICANN should be published and publicly available.

### 6.3 Participation

6.3.1 Rules of eligibility and criteria for membership should be clearly outlined in the bylaws or in operational procedures.

6.3.2 Where membership must be applied for, the process of application and eligibility criteria should be publicly available.

6.3.3 Where membership must be applied for, there should be a process of appeal when application for membership is rejected.

6.3.4 An SO/AC/Group that elects its officers should consider term limits.

6.3.5 A publicly visible mailing list should be in place.

### 6.4 Outreach

6.4.1 Each SO/AC/Group should publish newsletters or other communications that can help eligible non-members to understand the benefits and process of becoming a member.

6.4.2 Each SO/AC/Group should maintain a publicly accessible website/wiki page to advertise their outreach events and opportunities.

6.4.3 Each SO/AC/Group should create a committee (of appropriate size) to manage outreach programs to attract additional eligible members, particularly from parts of their targeted community that may not be adequately participating.

6.4.4 Outreach objectives and potential activities should be mentioned in SO/AC/Group bylaws, charter, or procedures.

6.4.5 Each SO/AC/Group should have a strategy for outreach to parts of their targeted community that may not be significantly participating at the time, while also seeking diversity within membership.

## 6.5 Updates to Policies and Procedures

6.5.1 Each SO/AC/Group should review its policies and procedures at regular intervals and make changes to operational procedures and charter as indicated by the review.

6.5.2 Members of SO/AC/Groups should be involved in reviews of policies and procedures, and should approve any revisions.

6.5.3 Internal reviews of SO/AC/Group policies and procedures should not be prolonged for more than one year, and temporary measures should be considered if the review extends longer

### Council Ask

CCOICI to review the staff assessment of GNSO Council's implementation status

### Staff Assessment of GNSO Council's implementation status

#### Summary: Staff Assessment of 6.1 Accountability

Rec 6 SO/AC Acct  
(6.1)

Non-Mandatory

##### Rec 6.1 Accountability

6.1.1	SO/AC/Groups should document their decision-making methods, indicating any presiding officers, decision-making bodies, and whether decisions are binding or nonbinding.	Complete
6.1.2	SO/AC/Groups should document their procedures for members to challenge the process used for an election or formal decision.	Not Applicable for Action
6.1.3	SO/AC/Groups should document their procedures for non-members to challenge decisions regarding their eligibility to become a member.	Not Applicable for Action
6.1.4	SO/AC/Groups should document unwritten procedures and customs that have been developed in the course of practice, and make them part of their procedural operation documents, charters, and/or bylaws.	Complete
6.1.5	Each year, SO/AC/Groups should publish a brief report on what they have done during the prior year to improve accountability, transparency, and participation, describe where they might have fallen short, and any plans for future improvements.	Action/Decision Required
6.1.6	Each Empowered Community (EC) Decisional Participant should publicly disclose any decision it submits to the EC. Publication should include description of processes followed to reach the decision.	Complete
6.1.7	Links to SO/AC transparency and accountability (policies, procedures, and documented practices) should be available from ICANN's main website, under "accountability." ICANN staff would have the responsibility to maintain those links on the ICANN website.	Not Applicable for Action

6.1.1 SO/AC/Groups should document their decision-making methods, indicating any presiding officers, decision-making bodies, and whether decisions are binding or nonbinding.

#### Staff Assessment of 6.1.1 "Complete"

The GNSO Council has documented its decision-making methods in the [GNSO Operating Procedures Chapter 4.0 Voting](#).

6.1.2 SO/AC/Groups should document their procedures for members to challenge the process used for an election or formal decision.

#### Staff Assessment of 6.1.2 "Not Applicable for Action"

A challenge process used for an election or formal decision is not envisioned in the GNSO Council Operating Procedures. The GNSO Council has its designated process and timeline to consider a decision or conduct an election. GNSO Councilors have a reasonable timeframe to provide input prior to a vote. There is an existing mechanism for Councilors to amend or defer a motion. Once a decision is made, it is final. See details in the [GNSO Operating Procedures Chapter 4.0 Voting](#).

6.1.3 SO/AC/Groups should document their procedures for non-members to challenge decisions regarding their eligibility to become a member.

**Staff Assessment of 6.1.3 "Not Applicable for Action"**

The GNSO Council is a representative body comprised of representatives appointed by GNSO Stakeholder Groups and Constituencies, as well as appointees from the Nominating Committee. Any challenge pertaining to membership eligibility should be addressed at the GNSO SG/C and NomCom level.

6.1.4 SO/AC/Groups should document unwritten procedures and customs that have been developed in the course of practice, and make them part of their procedural operation documents, charters, and/or bylaws.

**Staff Assessment of 6.1.4 "Complete"**

The GNSO Council is known for having extensive procedures in its various areas of work, and this is reflected in the GNSO Operating Procedures, its annexes, and other procedures and processes as documented on this [webpage](#). The GNSO Framework for Continuous Improvement Oversight and Implementation allows for the continuous scoping and execution of projects that are focused on GNSO structural, procedural, and process improvements. Forward looking, any additional unwritten procedures and customs that need to be memorialized can be addressed by the CCOICI. Since the GNSO Council already has a mechanism in place (i.e., CCOICI) to tackle further implementation work (if necessary), staff considered WS2.Rec 2.1.4 complete.

6.1.5 Each year, SO/AC/Groups should publish a brief report on what they have done during the prior year to improve accountability, transparency, and participation, describe where they might have fallen short, and any plans for future improvements.

**Staff Assessment of 6.1.5 "Action / Decision Required"**

The GNSO Council currently does not have a dedicated report on accountability, transparency, and participation. However, the GNSO Council already publishes a variety of materials, such as the Strategic Planning Session meeting report, to assess GNSO Council's

effectiveness as a policy development process manager. Other materials such as the candidate statement of GNSO Chairs during elections, GNSO Policy Update webinar, GNSO Policy Briefing, project package pertaining to PDPs' progress, as well as annual report published by each SO/AC (including the GNSO Council) also provide supplementary information on GNSO PDPs' participation levels, progresses, and challenges, helping hold the GNSO Council accountable for its manager role.

Since a dedicated report on the accountability subject does not exist, CCOICI may wish to consider whether the current materials are sufficient to satisfy the WS2.Rec. 6.1.5, and whether the GNSO Council should develop such a dedicated report on an annual basis. This recommendation is intended to serve as a "best practice" suggestion and is non-mandatory.

### **Staff Suggestion for Completing Implementation of 6.1.5**

If the CCOICI considers the implementation of this recommendation necessary and proposes to the GNSO Council to develop a dedicated report on accountability, transparency, and participation, please see staff suggested approach for implementation in [Recommendation 6.1.5](#) later in this working document.

6.1.6 Each Empowered Community (EC) Decisional Participant should publicly disclose any decision it submits to the EC. Publication should include description of processes followed to reach the decision.

### **Staff Assessment of 6.1.6 "Complete"**

All GNSO Council decisions, including decisions submitted to the EC, are published on the GNSO website in the form of [resolutions](#). All communications from the GNSO Council to other entities, including the EC administration, other community groups, the ICANN Board, the ICANN Org, are published on the [correspondence page](#) of the GNSO website.

In addition, the GNSO Council has a set of guidelines and templates that help the GNSO fulfill its role and obligation as a Decisional Participant in the Empowered Community (EC). These guidelines include the requirements, process, and time frame for publicly disclosing decisions the GNSO Council submits to the EC. See the [GNSO Council Procedures](#) webpage for more detail.

6.1.7 Links to SO/AC transparency and accountability (policies, procedures, and documented practices) should be available from ICANN's main website, under "accountability." ICANN staff would have the responsibility to maintain those links on the ICANN website.

### **Staff Assessment of 6.1.7 "Not Applicable for Action"**

This recommendation is pertaining to ICANN staff's responsibility to include relevant links on the ICANN.org main website, hence not applicable for action by the GNSO Council.

### Summary: Staff Assessment of 6.2 Transparency

Rec 6 SO/AC Acct  
(6.2)

Non-Mandatory

#### Rec 6.2 Transparency

6.2.1	Charter and operating guidelines should be published on a public webpage and updated whenever changes are made.	Complete
6.2.2	Members of the SO/AC/Group should be listed on a public webpage.	Complete
6.2.3	Officers of the SO/AC/Group should be listed on a public webpage.	Complete
6.2.4	Meetings and calls of SO/AC/Groups should normally be open to public observation. When a meeting is determined to be members-only, that should be explained publicly, giving specific reasons for holding a closed meeting. Examples of appropriate reasons include discussion of confidential topics such as: <ul style="list-style-type: none"> <li>• Trade secrets or sensitive commercial information whose disclosure would cause harm to a person or organization's legitimate commercial or financial interests or competitive position.</li> <li>• Internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course.</li> <li>• Information whose disclosure would constitute an invasion of personal privacy, such as medical records.</li> <li>• Information whose disclosure has the potential to harm the security and stability of the Internet.</li> <li>• Information that, if disclosed, would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice.</li> </ul>	Complete
6.2.5	Records of open meetings should be made publicly available. Records include notes, minutes, recordings, transcripts, and chat, as applicable.	Complete
6.2.6	Records of closed meetings should be made available to members, and may be made publicly available at the discretion of the AC/SO/Group. Records include notes, minutes, recordings, transcripts, and chat, as applicable.	Complete
6.2.7	Filed comments and correspondence with ICANN should be published and publicly available.	Complete

6.2.1 Charter and operating guidelines should be published on a public webpage and updated whenever changes are made.

#### Staff Assessment of 6.2.1 "Complete"

The current version of the GNSO Council Operating Procedures and its annexes are published on the [GNSO Council Procedures](#) webpage. Version updates are documented in the "Version Control" section of the Operating Procedures.

6.2.2 Members of the SO/AC/Group should be listed on a public webpage.

#### Staff Assessment of 6.2.2 "Complete"

The list of GNSO Council members are published and maintained on this [webpage](#).

6.2.3 Officers of the SO/AC/Group should be listed on a public webpage.

#### Staff Assessment of 6.2.3 "Complete"

The GNSO Council leadership members are published and maintained on this [webpage](#).

6.2.4 Meetings and calls of SO/AC/Groups should normally be open to public observation. When a meeting is determined to be members-only, that should be explained publicly, giving specific reasons for holding a closed meeting. Examples of appropriate reasons include discussion of confidential topics such as:

- 6.2.4.1 Trade secrets or sensitive commercial information whose disclosure would cause harm to a person or organization's legitimate commercial or financial interests or competitive position.
- 6.2.4.2 Internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course.
- 6.2.4.3 Information whose disclosure would constitute an invasion of personal privacy, such as medical records.
- 6.2.4.4 Information whose disclosure has the potential to harm the security and stability of the Internet.
- 6.2.4.5 Information that, if disclosed, would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice.

**Staff Assessment of 6.2.4 "Complete"**

Closed GNSO Council meetings are rare occurrences. In the event of closed meetings, the GNSO Chair informs the Councilors on the public Council list, noting the reasons for such closed sessions. One example is the closed Strategic Planning Session (SPS), and reason is noted as "Internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course". This example is cited in WS2.Rec 6.2.4.2.

6.2.5 Records of open meetings should be made publicly available. Records include notes, minutes, recordings, transcripts, and chat, as applicable.

**Staff Assessment of 6.2.5 "Complete"**

Records of open GNSO Council meetings, including notes, minutes, recordings, transcripts, and chats, are published on the [calendar](#) page of the GNSO website. The calendar page also publishes records of the open sessions of GNSO Council managed groups, teams, and projects.

6.2.6 Records of closed meetings should be made available to members, and may be made publicly available at the discretion of the AC/SO/Group. Records include notes, minutes, recordings, transcripts, and chat, as applicable.

**Staff Assessment of 6.2.6 "Complete"**



Records of closed meetings of the GNSO Council are typically sent to attendees through direct emails.

6.2.7 Filed comments and correspondence with ICANN should be published and publicly available.

### Staff Assessment of 6.2.7 **"Complete"**

GNSO Council's filed comments and correspondence with ICANN org are published on the [correspondence page](#) of the GNSO website. The [correspondence page](#) on icann.org also publishes them.

### Summary: Staff Assessment of 6.3 Participation

Rec 6 SO/AC Acct  
(6.3)

Non-Mandatory

Rec 6.3 Participation		
6.3.1	Rules of eligibility and criteria for membership should be clearly outlined in the bylaws or in operational procedures.	Complete
6.3.2	Where membership must be applied for, the process of application and eligibility criteria should be publicly available.	Not Applicable for Action
6.3.3	Where membership must be applied for, there should be a process of appeal when application for membership is rejected.	Not Applicable for Action
6.3.4	An SO/AC/Group that elects its officers should consider term limits.	Complete
6.3.5	A publicly visible mailing list should be in place.	Complete

6.3.1 Rules of eligibility and criteria for membership should be clearly outlined in the bylaws or in operational procedures.

### Staff Assessment of 6.3.1 **"Complete"**

Rules of eligibility and criteria for members of the GNSO Council are outlined in [Section 11.3](#) of the ICANN Bylaws and [Section 2.1](#) of the GNSO Operating Procedures.

6.3.2 Where membership must be applied for, the process of application and eligibility criteria should be publicly available.

### Staff Assessment of 6.3.2 **"Not Applicable for Action"**

The GNSO Council is a representative body comprised of representatives appointed by GNSO Stakeholder Groups and Constituencies, as well as appointees from the Nominating Committee (NomCom). The process of application and eligibility criteria for the GNSO Councilor position should be addressed by each GNSO SG/C and the NomCom.

6.3.3 Where membership must be applied for, there should be a process of appeal when application for membership is rejected.

**Staff Assessment of 6.3.3 "Not Applicable for Action"**

The GNSO Council is a representative body comprised of representatives appointed by GNSO Stakeholder Groups and Constituencies, as well as appointees from the NomCom. The process of appeal when application for the GNSO Councilor position is rejected should be addressed by the relevant GNSO SG/C and the NomCom.

6.3.4 An SO/AC/Group that elects its officers should consider term limits.

**Staff Assessment of 6.3.4 "Complete"**

[Section 11.3\(b\)](#) of the ICANN Bylaws and [Section 2.1](#) of the GNSO Operating Procedures provides details regarding GNSO Council member term limits, as well as special circumstances that allow a Councilor appointed by a Stakeholder Group to serve one more term. This general term limits also applies to the GNSO Council leadership members (i.e., GNSO Chair and Council Vice Chairs). Leadership team members need to be confirmed on an annual basis, but there is no limit on the number of reappointments, as that is dictated by the general term limits for all GNSO Councilors.

6.3.5 A publicly visible mailing list should be in place.

**Staff Assessment of 6.3.5 "Complete"**

GNSO Council mailing list archives and the mailing list archives of the GNSO Council managed groups, teams, and projects are published on this [webpage](#).

**Summary: Staff Assessment of 6.4 Outreach and 6.5 Updates to Policies and Procedures**

<b>Rec 6 SO/AC Acct (6.4, 6.5)</b>		
<span style="border: 1px solid black; padding: 2px;">Non-Mandatory</span>		
<b>Rec 6.4 Outreach</b>		
6.4.1	Each SO/AC/Group should publish newsletters or other communications that can help eligible non-members to understand the benefits and process of becoming a member.	<b>Complete</b>
6.4.2	Each SO/AC/Group should maintain a publicly accessible website/wiki page to advertise their outreach events and opportunities.	<b>Not Applicable for Action</b>
6.4.3	Each SO/AC/Group should create a committee (of appropriate size) to manage outreach programs to attract additional eligible members, particularly from parts of their targeted community that may not be adequately participating.	<b>Not Applicable for Action</b>
6.4.4	Outreach objectives and potential activities should be mentioned in SO/AC/Group bylaws, charter, or procedures.	<b>Not Applicable for Action</b>
6.4.5	Each SO/AC/Group should have a strategy for outreach to parts of their targeted community that may not be significantly participating at the time, while also seeking diversity within membership.	<b>Not Applicable for Action</b>
<b>Rec 6.5 Updates to Policies and Procedures</b>		
6.5.1	Each SO/AC/Group should review its policies and procedures at regular intervals and make changes to operational procedures and charter as indicated by the review.	<b>Complete</b>
6.5.2	Members of SO/AC/Groups should be involved in reviews of policies and procedures and should approve any revisions.	<b>Complete</b>
6.5.3	Internal reviews of SO/AC/Group policies and procedures should not be prolonged for more than one year, and temporary measures should be considered if the review extends longer.	<b>Complete</b>
<p>6.4.1 Each SO/AC/Group should publish newsletters or other communications that can help eligible non-members to understand the benefits and process of becoming a member.</p> <p><b>Staff Assessment of 6.4.1 "Complete"</b></p> <p>Some of the GNSO Council managed working groups published <a href="#">newsletters</a> to help non-members follow their progress. GNSO Council related updates are also published on ICANN’s monthly regional newsletters. These materials help promote the activities managed by the GNSO Council and indirectly provide insight into the “benefits” of being involved in the GNSO policy work.</p>		
<p>6.4.2 Each SO/AC/Group should maintain a publicly accessible website/wiki page to advertise their outreach events and opportunities.</p> <p><b>Staff Assessment of 6.4.2 "Not Applicable for Action"</b></p> <p>Since the GNSO Council is a representative body, it does not have a role for doing outreach. GNSO Stakeholder Groups and Constituencies as well as the NomCom appointed members to the GNSO Council. Therefore, those groups are in position to conduct and promote outreach events and opportunities.</p>		
<p>6.4.3 Each SO/AC/Group should create a committee (of appropriate size) to manage outreach programs to attract additional eligible members, particularly from parts of their targeted community that may not be adequately participating.</p> <p><b>Staff Assessment of 6.4.3 "Not Applicable for Action"</b></p>		

Since the GNSO Council is a representative body, it does not have a role for doing outreach. Outreach programs should be handled at the GNSO SG/C and NomCom level.

6.4.4 Outreach objectives and potential activities should be mentioned in SO/AC/Group bylaws, charter, or procedures.

**Staff Assessment of 6.4.4 "Not Applicable for Action"**

Since the GNSO Council is a representative body, it does not have a role for doing outreach. Outreach objectives and potential activities are not applicable to be included in the GNSO Operating Procedures.

6.4.5 Each SO/AC/Group should have a strategy for outreach to parts of their targeted community that may not be significantly participating at the time, while also seeking diversity within membership.

**Staff Assessment of 6.4.5 "Not Applicable for Action"**

Since the GNSO Council is a representative body, it does not have a role for doing outreach. Outreach strategy should be developed at the GNSO SG/C and NomCom level.

6.5.1 Each SO/AC/Group should review its policies and procedures at regular intervals and make changes to operational procedures and charter as indicated by the review.

**Staff Assessment of 6.5.1 "Complete"**

There is an existing process in the GNSO Council for reviewing and updating the Operating Procedures. The "[Version Control](#)" section of the GNSO Operating Procedure includes the revision records as an outcome of such review. In addition, there are additional mechanisms for the review of GNSO procedures, including the GNSO Framework for Continuous Improvement Oversight and Implementation and the Holistic Review.

6.5.2 Members of SO/AC/Groups should be involved in reviews of policies and procedures, and should approve any revisions.

**Staff Assessment of 6.5.2 "Complete"**

Any update to the GNSO Operating Procedures requires review and approval by the entire GNSO Council.

6.5.3 Internal reviews of SO/AC/Group policies and procedures should not be prolonged for more than one year, and temporary measures should be considered if the review extends longer

#### Staff Assessment of 6.5.3 **“Complete”**

The GNSO Framework for Continuous Improvement Oversight and Implementation, which is a permanent structure in the GNSO Council, allows for the continuous scoping and execution of projects that are focused on GNSO structural, procedural, and process improvements. It provides a mechanism to conduct internal review of GNSO procedures based on specific issues and focuses. This recommendation is satisfied due to the existence of this mechanism.

#### CCOICI Proposed Status Designations

##### 6.1 - Accountability

- **6.1.1: “Complete”** -- The GNSO Council has documented its decision-making methods in the [GNSO Operating Procedures Chapter 4.0 Voting](#).
- **6.1.2: “Not Applicable for Action”** -- A challenge process used for an election or formal decision is not envisioned in the GNSO Council Operating Procedures. The GNSO Council has its designated process and timeline to consider a decision or conduct an election. GNSO Councilors have a reasonable timeframe to provide input prior to a vote. There is an existing mechanism for Councilors to amend or defer a motion. Once a decision is made, it is final. See details in the [GNSO Operating Procedures Chapter 4.0 Voting](#).
- **6.1.3: “Not Applicable for Action”** -- The GNSO Council is a representative body comprised of representatives appointed by GNSO Stakeholder Groups and Constituencies, as well as appointees from the NomCom. Any challenge pertaining to membership eligibility should be addressed at the GNSO SG/C and NomCom level.
- **6.1.4: “Complete”** -- The GNSO Council is known for having extensive procedures in its various areas of work, and this is reflected in the GNSO Operating Procedures, its annexes, and other procedures and processes as documented on this [webpage](#). The GNSO Framework for Continuous Improvement Oversight and Implementation allows for the continuous scoping and execution of projects that are focused on GNSO structural, procedural, and process improvements. Forward looking, any additional unwritten procedures and customs that need to be memorialized can be addressed by the CCOICI. Since the GNSO Council already has a mechanism in place (i.e., CCOICI) to tackle further implementation work (if necessary), staff considered WS2.Rec 2.1.4 complete.
- **6.1.5: “Partially Complete”** -- The GNSO Council currently does not have a dedicated report on accountability, transparency, and participation. However, the GNSO Council

already publishes a variety of materials, such as the Strategic Planning Session meeting report, to assess GNSO Council's effectiveness as a policy development process manager. Other materials such as the candidate statement of GNSO Chairs during elections, GNSO Policy Update webinar, GNSO Policy Briefing, project package pertaining to PDPs' progress, as well as annual report published by each SO/AC (including the GNSO Council) also provide supplementary information on GNSO PDPs' participation levels, progresses, and challenges, helping hold the GNSO Council accountable for its manager role.

Since it is envisioned that a community wiki page will be developed to include a template of the accountability reporting to be used by ICANN community groups, the existing and relevant materials of the GNSO Council can be linked to the community wiki page once it is established. This recommendation can be fulfilled in this manner. Therefore, the current status of the recommendation is "partially complete".

- **6.1.6: "Complete"** -- All GNSO Council decisions, including decisions submitted to the EC, are published on the GNSO website in the form of [resolutions](#). All communications from the GNSO Council to other entities, including the EC administration, other community groups, the ICANN Board, the ICANN Org, are published on the [correspondence page](#) of the GNSO website.

In addition, the GNSO Council has a set of guidelines and templates that help the GNSO fulfill its role and obligation as a Decisional Participant in the Empowered Community (EC). These guidelines include requirement, process, and time frame for publicly disclosing decisions the GNSO Council submits to the EC. See the [GNSO Council Procedures](#) webpage for more detail.

- **6.1.7: "Not Applicable for Action"** -- This recommendation is pertaining to ICANN staff's responsibility to include relevant links on the ICANN.org main website, hence not applicable for action by the GNSO Council.

## 6.2 - Transparency

- **6.2.1: "Complete"** -- The current version of the GNSO Council Operating Procedures and its annexes are published on the GNSO Council Procedures webpage. Version updates are documented in the "Version Control" section of the Operating Procedures.
- **6.2.2: "Complete"** -- The list of GNSO Council members is published and maintained on this [webpage](#).
- **6.2.3: "Complete"** -- The GNSO Council leadership members are published and maintained on this [webpage](#).
- **6.2.4 "Complete"** -- Closed GNSO Council meetings have rare occurrences. In the event of closed meetings, the GNSO Chair informs the Councilors on the public Council list, noting the reasons for such closed sessions. One example is the closed Strategic Planning Session (SPS), and reason is noted as "Internal strategic planning whose

disclosure would likely compromise the efficacy of the chosen course". This example is cited in WS2.Rec 6.2.4.2.

- **6.2.5: "Complete"** – Records of open GNSO Council meetings, including notes, minutes, recordings, transcripts, and chats, are published on the [calendar](#) page of the GNSO website. The calendar page also publishes records of the open sessions of GNSO Council managed groups, teams, and projects.
- **6.2.6: "Complete"** – Records of closed meetings of the GNSO Council are typically sent to attendees through direct emails.
- **6.2.7: "Complete"** – GNSO Council's filed comments and correspondence with ICANN org are published on the [correspondence page](#) of the GNSO website. The [correspondence page](#) on icann.org also publishes them.

### 6.3 - Participation

- **6.3.1: "Complete"** – Rules of eligibility and criteria for members of the GNSO Council are outlined in Section 11.3 of the ICANN Bylaws and Section 2.1 [gns0.icann.org] of the GNSO Operating Procedures. –
- **6.3.2: "Not Applicable for Action"** – The GNSO Council is a representative body comprised of representatives appointed by GNSO Stakeholder Groups and Constituencies, as well as appointees from the NomCom. The process of application and eligibility criteria for the GNSO Councilor position should be addressed by each GNSO SG/C and the NomCom.
- **6.3.3: "Not Applicable for Action"** – The GNSO Council is a representative body comprised of representatives appointed by GNSO Stakeholder Groups and Constituencies, as well as appointees from the NomCom. The process of appeal when application for the GNSO Councilor position is rejected should be addressed by the relevant GNSO SG/C and the NomCom.
- **6.3.4: "Complete"** – [Section 11.3\(b\)](#) of the ICANN Bylaws and [Section 2.1](#) of the GNSO Operating Procedures provides details regarding GNSO Council member term limits, as well as special circumstances that allow a Councilor appointed by a Stakeholder Group to serve one more term. This general term limit also apply to the GNSO Council leadership members (i.e., GNSO Chair and Council Vice Chairs). Leadership team members need to be confirmed on an annual basis, but there is no limit on the number of reappointments, as that is dictated by the general term limits for all GNSO Councilors .
- **6.3.5: "Complete"** – GNSO Council mailing list archives and the mailing list archives of the GNSO Council managed groups, teams, and projects are published on this [webpage](#).

### 6.4 - Outreach

- **6.4.1: "Complete"** -- Some of the GNSO Council managed working groups published [newsletters](#) to help non-members follow their progress. GNSO Council related updates are also published on ICANN's monthly regional newsletters. These materials help promote the activities managed by the GNSO Council and indirectly provide insight into the benefits of being involved in the GNSO policy work.

- **6.4.2: "Not Applicable for Action"** – Since the GNSO Council is a representative body, it does not have a role for doing outreach. GNSO Stakeholder Groups and Constituencies as well as the NomCom appointed members to the GNSO Council. Therefore, those groups are in position to conduct and promote outreach events and opportunities.
- **6.4.3: "Not Applicable for Action"** – Since the GNSO Council is a representative body, it does not have a role for doing outreach. Outreach programs should be handled at the GNSO SG/C and NomCom level.
- **6.4.4: "Not Applicable for Action"** - Since the GNSO Council is a representative body, it does not have a role for doing outreach. Outreach objectives and potential activities are not applicable to be included in the GNSO Operating Procedures
- **6.4.5: "Not Applicable for Action"** - Since the GNSO Council is a representative body, it does not have a role for doing outreach. Outreach strategy should be developed at the GNSO SG/C and NomCom level.

#### **6-5 – Updates to Policies and Procedures**

- **6.5.1: "Complete"** - There is an existing process in the GNSO Council for reviewing and updating the Operating Procedures. The "[Version Control](#)" section of the GNSO Operating Procedure includes the revision records as an outcome of such review. In addition, there are additional mechanisms for the review of GNSO procedures, including the GNSO Framework for Continuous Improvement Oversight and Implementation and the Holistic Review.
- **6.5.2: "Complete"** - Any update to the GNSO Operating Procedures requires review and approval by the entire GNSO Council.
- **6.5.3 - "Complete"** - The GNSO Framework for Continuous Improvement Oversight and Implementation, which is a permanent structure in the GNSO Council, allows for the continuous scoping and execution of projects that are focused on GNSO structural, procedural, and process improvements. It provides a mechanism to conduct internal review of GNSO procedures based on specific issues and focuses. This recommendation is satisfied due to the existence of this mechanism.



## F. Recommendation 3 – Framework of Interpretation for Human Rights

### *CCOICI Deliberations*

- Per the WS2 recommendations, the CCOICI is considering defining and incorporating Human Rights Impact Assessments (HRIAs) in the GNSO policy development processes.
- The CCOICI recognizes the importance of considering the impact of GNSO policy recommendations on other rights, including human rights.
- The CCOICI points out that the GNSO PDP Manual already foresees that a PDP Initial Report should include “A statement on the WG discussion concerning impact of the proposed recommendations, which could consider areas such as economic, competition, operations, privacy and other rights, scalability and feasibility”. In addition, there is ample opportunity for the community to provide input on the potential impact on human rights of a certain topic during the various public comment periods that take place in the PDPs lifecycle.
- At the same time, the CCOICI recognizes there may be opportunities to further highlight the importance of considering the impact on human rights, but that this should not be limited to a single point in time during the PDP but should be a continuous effort. Similarly, considering the impact of GNSO policy development on human rights cannot be the responsibility of one single entity, but should be a shared responsibility between ICANN org, the ICANN community and the ICANN Board.
- The CCOICI supports building in a lightweight mechanism throughout the different stages of the GNSO PDP to facilitate the consideration of the possible impact on human rights. Such a mechanism could consist of a check-list of questions that help guide staff support as well as community members involved in the PDP or other GNSO policy processes to identify whether there is an expected impact on human rights which could in turn trigger further focus on this topic. Example questions for such a check-list are: 1) Is there a likely human rights impact, 2) who are the groups expected to be impacted, 3) what is the expected severity of the impact (high / medium / low). The CCOICI wants to emphasize that even if an impact is anticipated, it does not mean that work cannot proceed, it just means that further attention will need to be paid to this issue through questions such as: 1) is the proposed action necessary, 2) is the proposed action proportionate, 3) is the proposed action legitimate.
- The CCOICI has been informed that an ICANN Learn course on Human Rights is in the process of being developed. When this course is available, it should be included as part of the background and preparatory materials for PDP Working Groups as this may help promote the understanding of this topic and the potential impact ICANN policy development can have on human rights.

### **Recommendations:**

The CCOICI recommends to the GNSO Council that:

4. To facilitate the continuous consideration of the impact of GNSO policy development on human rights, existing templates, such as the [Request for an Issue Report](#), the

[Preliminary Issue Report](#), the [Charter Template](#), the [Initial Report](#) and [Final Report](#), as well as future templates for GNSO policy processes, are updated to include a check-list of questions that aim to provide a lightweight mechanism to assess whether an impact to human rights is likely or expected as a result of the consideration of a specific topic and/or the related recommendations. The CCOICI is of the view that flagging potential impact on human rights at an early stage in the process will assist in focusing attention on this topic throughout the deliberations as well as allowing for a more detailed human rights impact assessment if an impact is expected or established.

5. As the manager of the GNSO PDP, the GNSO Council will have the responsibility to consider at the various stages of the PDP cycle whether sufficient attention has been given to this topic and/or whether further action needs to be undertaken. For example, if the Council anticipates that there is likely a significant impact on human rights, it can call this out in the PDP team instructions and/or charter or it can request that a human rights impact assessment is undertaken before it considers policy recommendations for adoption.
6. If the Council agrees with these recommendations, the Council is expected to instruct the GNSO Staff Support team to work on a proposed implementation of these recommendations, consulting relevant community experts as needed. This proposed implementation is to be reviewed by the GNSO Council before implementation is carried out.

## G. Next Steps

The CCOICI has submitted this report to the GNSO Council for its consideration and approval.

## Annex A – WS2 Background

### Background on WS2

**Purpose.** Initiated in 2014, the [IANA Stewardship Transition](#) triggered community work on improved accountability mechanisms to ensure that ICANN remained accountable in the absence of its historical and contractual relationship with the US government. Work on these accountability mechanisms were divided into two Work Streams: Work Stream 1 (WS1) and Work Stream 2 (WS2). WS1 focused on mechanisms that were to be in place (or committed to) within the transition timeframe. Recommendations not required to be in place within the IANA Stewardship Transition timeframe were addressed in the WS2 Final Report.

**WS2 Final Recommendations.** The [Final Report](#) on Work Stream 2 (WS2) Recommendations is divided into eight, high-level recommendations which categorize over 100 consensus recommendations, all of which were approved by the Board. Below is a high-level summary of the recommendations and the primary owner for their implementation.

Recommendation	Owner
Recommendation 1 - Diversity (1.1-1.8)	SO/ACs (1.1-1.5); ICANN org (1.6-1.8)
Recommendation 2 - Guidelines for Good Faith Conduct (2.1-2.3)	SO/ACs
Recommendation 3 - Human Rights Framework	SO/ACs; ICANN org
Recommendation 4 - Jurisdiction (4.1-4.2)	ICANN org
Recommendation 5 - Office of the Ombudsman (5.1-5.11)	ICANN org
Recommendation 6 - SO/AC Accountability (6.1-6.5)	SO/ACs/Groups (6.1-6.5); ICANN org (6.3.6)
Recommendation 7 - Staff Accountability (7.1-7.3)	ICANN org (7.1-7.3); SO/ACs (7.3)
Recommendation 8 - Transparency (8.1-8.4)	ICANN org

**WS2 remains a priority for ICANN org.** ICANN org intends to prioritize WS2 implementation through FY23. Implementation remains a key part of the org’s operating initiatives under the ICANN org Five-Year Operating Plan and Strategic Plan.

**WS2 is a multiyear effort.** Implementation of WS2 recommendations will be a multiyear effort. For the recommendations directed at the community, the timing and timeline of when recommendations will be completed depends on how this work is prioritized by the community, in relation to its other projects.

**WS2 keeps ICANN accountable.** Accountability to the global multistakeholder community is a commitment carried through the implementation of ICANN Board-approved, community-issued recommendations. This is an important follow-through on the work and commitments made during the IANA stewardship transition.

**WS2 requires community involvement.** WS2 implementation work requires community involvement and decision making in relation to those recommendations directed at the community. Community groups involved in WS2 include the Supporting Organizations, Advisory Committees, Regional At-Large Organizations, and GNSO Stakeholder Groups and Constituencies, and the NomCom.

**Not all WS2 recommendations directed at the community are mandatory.** However, for these non-mandatory recommendations, the relevant SO/AC/Group is required, at minimum, to review and consider whether it wishes to implement them: for example, Recommendation 6 on SOAC Accountability, which are considered good practices.

## Links to WS2 Recommendation Reports

### Timeline of Milestones related to WS2 implementation

- **2014-October.** The Cross-Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) was chartered.
  - WS2 work was a cross-community effort that was part of the IANA stewardship transition, as described in [Section 27.1. of the ICANN Bylaws](#).
- **2018-March.** The WS2 Final Report was completed for [Public Comment](#).
- **2019-March.** The ICANN Board formally [adopted](#) all the consensus recommendations contained in the Final Report, having also considered the [WS2 Implementation Assessment Report](#) that it had requested ICANN org to prepare.
- **2020-May through 2021-May.** ICANN org provided periodic updates to the community about WS2 implementation planning (see this [blog](#) post, a subsequent [update](#), and this [webinar](#)).
- **2021-November.** ICANN org published a [summary report](#), highlighting the work completed to date on WS2 and outlining next steps.

## Annexes

Final report on [Work Stream 2 \(WS2\) Recommendations](#). The WS2 recommendations are categorized under eight higher level recommendations:

- Recommendation 1 - Diversity
  - [Annex 1 – Diversity – Final Report and Recommendations](#)
- Recommendation 2 - Guidelines for Good Faith Conduct

- [Annex 2 – Guidelines for standards of conduct presumed to be in good faith associated with exercising removal of individual ICANN Board Directors \(Guidelines for Good Faith\) – Final Report and Recommendations](#)
- Recommendation 3 - Human Rights Framework
  - [Annex 3 - Human Rights Framework of Interpretation \(HR-FOI\) – Final Report and Recommendation](#)
- Recommendation 4 - Jurisdiction
  - [Annex 4.1 – Jurisdiction – Final Report and Recommendations](#)
  - [Annex 4.2 – Jurisdiction – Minority Statement](#)
  - [Annex 4.3 – Jurisdiction – ICANN 60 transcript of Jurisdiction discussion at WS2 Face to Face meeting.](#)
- Recommendation 5 - Office of the Ombudsman
  - [Annex 5.1 – Ombuds – Final Report and Recommendations](#)
  - [Annex 5.2 – Ombuds – Report by the external evaluator](#)
- Recommendation 6 - Accountability
  - [Annex 6 – SO/AC Accountability – Final Report and Recommendations](#)
- Recommendation 7 - Staff Accountability
  - [Annex 7 – Staff Accountability – Final Report and Recommendations](#)
- Recommendation 8 - Transparency
  - [Annex 8.1 – Transparency – Final Report and Recommendations](#)
  - [Annex 8.2 – Transparency – Minority Statement](#)