Nominating Committee Improvements Implementation Project Plan

Status 20120301 reflected in implementation overview, page 3

Executive Summary

A. Introduction

- This Project Plan outlines the approach developed by ICANN's NomCom staff support to implement the recommendations outlined in the [Final Report of the NomCom Review finalization Working Group (29 January 2010)](#).
- The Final Report addressed 17 Recommendations provided by the independent reviewers. Six of these were found by the WG to be not desirable or already achieved in practice (#1, 4, 7, 8, 9, 11). No implementation actions are foreseen for these. For the remaining 11 Recommendations, implementation is foreseen as follows, by Recommendation number:
  2. Respect for Candidates - principle to be included in core documents
  3. Recruiting process and metrics - new processes and metrics to be developed
  5. Candidate info - assessment of external consultants to be introduced
  6. Awareness building/outreach - process for evaluation of activities to be developed
  10. Composition - to be considered in the next Review, when GNSO changes have taken effect
  12. Independence - "no alternative path" principle to be included in core documents
  13. Chair appointment one year in advance - Bylaws change already under way
  14. Confidentiality/transparency - opt-in practice and hand-over to be formalized
  15. Member removal - removal rules to be included in Bylaws and core documents
  16. Core values and procedures - to be identified, documented and adopted by the Board
  17. Performance assessment - metrics and surveying processes to be developed
- See section F for the detailed implementation steps foreseen.

B. Board Guidance

- The Plan conforms to the guidance contained in the ICANN Board's [Resolution 2010.06.25.05](#) (25 June 2010)
- The Plan has been developed by ICANN's NomCom staff.
- Advice from Legal staff has been incorporated in the plan.

C. Budgetary Implications

- There is no allocation in ICANN's FY11 Operating Plan and Budget for the implementation of the NomCom Review outcomes. This is in line with the WG Report that did not identify any measures requiring specific expenditures.
- Should specific expenditures beyond the FY11 budget for NomCom be needed for certain implementation steps, NomCom staff will propose that such steps in the process be deferred into FY12.

D. Liability

- The NomCom staff has not identified any potential liability of enacting this Improvements Implementation Project Plan. This needs to be verified in consultation with ICANN's Legal staff.

E. Bylaw Changes

- The NomCom staff has identified four changes to the ICANN Bylaws potentially required by the NomCom Review outcomes; all changes currently identified fall within Article VII (Nominating Committee).
- Proposed Bylaws revisions to address one of the Recommendations have been drafted by NomCom staff, in consultation with Legal staff. The SIC has recommend that the Board approve posting the proposed Bylaws revision for public comment. The other potential Bylaws revisions are under consideration.

F. Implementation Steps for Each Recommendation

- Section F summarizes the implementation plan for each NomCom Review recommendation, including a discrete task list, targeted completion dates, assigned work team and a description of task interdependencies.
- All tasks are currently scheduled for completion in or before FY12 T1 with the exception of a task regarding future review, scheduled for FY13.

A. Introduction

Purpose

This Project Plan outlines the approach developed by the NomCom staff to implement the 17 recommendations outlined in the [Final Report of the NomCom Review finalization Working Group (29 January 2010)](#).

In developing this plan, consultations are ongoing with ICANN's Legal staff on all steps to ensure any suggested changes comply with law, or Bylaws, as necessary.

Implementation status of each recommendation

The below NomCom Improvements Status table summarizes the progress to date, estimated completion timetable and potential sources of specific costs for each NomCom Improvements recommendation.

Recommendation	Status (% completed)				Estimated Completion	
	25%	50%	75%	100%		
1. Administrative Director	No action needed					
2. Respect for Candidates	x	x	x	x	Oct 2011	Principle introduced in new procedures
3. Recruiting Process and Metrics	x	x	x	x	Oct 2011	Steps taken in 2011, part of final guidelines, also ATRT rec. 1 and 3
4. Separation of Recruitment and Selection	No action needed					
5. On Candidate Info	x	x	x	x	Oct 2011	Included in survey that has been launched
6. On Awareness Building and Outreach	x	x	x	x	Oct 2011	Steps taken in 2011, in final guidelines
7. On Selection of Directors	No action needed					
8. SOs Selection of Council Members	No action needed					
9. ALAC Selection of a-L Committee members	No action needed					
10. On Size and Composition of NomCom					2013	Action to take in 2013
11. Select NomCom Members	No action needed					
12. On Independence	x	x	x	x	Oct 2011	Formal dual-path prohibition discussed, only preference agreed by NomCom, in new procedures
13. Appoint the Chair one year in advance	x	x	x	x	Oct 2011	Bylaws changes proposed and adopted. Part of NomCom2012 process
14. Confidentiality and Transparency	x	x	x	x	Oct 2011	Steps taken in 2011, clarifications in new procedures/draft guidelines, ATRT rec. 1
15. Rules for removal from NomCom	x	x	x	x	Oct 2011	Introduced in new procedures
16. Core working Values and Procedures	x	x	x	x	Oct 2011	Code of Conduct redrafted and approved. New procedures adopted and guidelines finalized
17. Assessment of NomCom Performance	x	x	x	x	Oct 2011	Surveys developed and launched. Annually recurrent processes

B. Board Guidance

Guidance from ICANN's Board regarding this plan is contained within the Board's [Resolution 2010.06.25.05](#) (25 June 2010), which states:

Resolved (2010.06.25.05), the SIC will, in coordination with staff, provide the Board with final implementation plans to conform with the measures recommended by the SIC to address the conclusions and recommendations in the final reports of the Board review Working Group, Nominating Committee review finalization Working Group and Security and Stability Advisory Committee review Working Group.

This Project Plan conforms to all guidance offered in this resolution.

C. Budgetary Implications
None identified to date.

D. Liability
No liability risks identified to date.

E. Bylaws Changes
Proposed Bylaws revisions to implement recommendation 13 have been drafted, accepted by SIC and delivered to the Board. Another potential Bylaws change to implement recommendation 15 may be needed. This is currently under investigation by NomCom staff, and consultation with Legal staff will proceed shortly. Whether Bylaws change are required to implement recommendations 2b and 16 is also under consideration by NomCom staff, who will consult with Legal staff to determine the necessity and scope of any changes to the Bylaws.
No further Bylaws changes appear to be required to implement the NomCom Review outcomes.

F. Implementation Steps for each Recommendation

Recommendation 1: Administrative Director			
Task No.	Implementation task	Targeted completion date	Comment
1.	No need for Administrative Director as sufficient level of staff support in NomCom and threats its independence	-	No action needed

Work team: None required
Dependency between tasks: Not applicable
Overall target completion date: Completed

Recommendation 2: Respect for Candidates			
Task No.	Implementation task	Targeted completion date	Comment
2.a	Treat candidates more respectfully – recent NomCom already adapted their working practices in this sense	-	No action needed

| 2.b | **Include a principle on respect of candidates in core binding rules governing the NomCom**
• Draft principle text for Code of Ethics
• Consult with NomCom members, SIC and General Counsel, redraft as needed
• Approval and Implementation | **Oct 2011**

Mar 2011
Jun 2011

Sep-Oct 2011 | Preference for amending Code of Ethics rather than Bylaws, both are core binding rules for NomCom. If Bylaws amendment is deemed necessary, will be drafted in consultation with General Counsel. |

Work team: ICANN Staff (including NomCom staff and General Counsel), NomCom members, SIC
Dependency between tasks: Not applicable
Overall target completion date: October 2011

Recommendation 3: Recruiting Process and Metrics			
Task No.	**Implementation task**	**Targeted completion date**	**Comment**
3.a	**Recruiting process based on specific profiles (gender, executive and board experience…)** • Develop draft processes for soliciting advise from Board and SO/AC Chairs • Consult with NomCom members, current Chairs, SIC and General Counsel, redraft as needed • Approval and Implementation in NomCom Procedures/Guidelines	**Oct 2011** Mar 2011 Jun 2011 Sep-Oct 2011	Processes needed for both annual advise and permanent change of criteria Board review recs. 4b and 4c
3.b	**Metrics to be devised for outreach and information shared** • Develop draft metrics • Consult with NomCom members and SIC, redraft as needed • Approval and Implementation in NomCom Procedures/Guidelines	 Mar 2011 May 2011 Sept-Oct 2011	Preferably coordinated with other surveys

Work team: Staff, NomCom members, SIC
Dependency between tasks: External dependency on implementation of Board Review Rec 4a and 4b
Overall target completion date: Oct 2011

Recommendation 4: Separation of Recruitment and Selection			
Task No.	**Implementation task**	**Targeted completion date**	**Comment**
4.a	Separation already achieved in recent years	-	No action needed

Task No.	Implementation task		Comment
4.b	To check whether present opt-in mechanism works for future NomComs, as well	-	No action needed (addressed in rec. 14)

Work team: -
Dependency between tasks: -
Overall target completion date: -

Recommendation 5: On Candidate Info			
Task No.	Implementation task	Targeted completion date	Comment
5.a	Seek candidates' info from many sources - already achieved	-	No action needed
5.b	**Regularly assess value & effectiveness of external consultants** • Develop draft process for soliciting input from current NomCom on value and effectiveness • Develop draft questionnaire • Consult with NomCom members and SIC, redraft as needed • Approval and Implementation in NomCom Procedures/Guidelines • Perform survey on a yearly basis • Summarize survey results	Mar 2011 Mar 2011 Jun 2011 Sep-Oct 2011 Recurrent Recurrent	Questionnaire Forward results to next NomCom Chair and committee

Work team: Staff, NomCom members, SIC
Dependency between tasks: Preferably coordinated with other surveys
Overall target completion date: Oct 2011

Recommendation 6: On Awareness building and outreach			
Task No.	Implementation task	Targeted completion date	Comment
6.a	Continue to increase awareness building, outreach	-	No action needed
6.b	**Effectiveness of activities to be evaluated** • Develop draft processes for soliciting advice from Board and SO/AC Chairs • Consult with NomCom members, current Chairs, SIC and General Counsel, redraft as needed	Mar 2011 Jun 2011	

	• Approval and Implementation in NomCom Procedures/Guidelines	Sep-Oct 2011	

Work team: Staff, NomCom members, current Chairs, SIC, General Counsel
Dependency between tasks: Preferably coordinated with other surveys
Overall target completion date: Oct 2011

Recommendation 7: On selection of Directors			
Task No.	**Implementation task**	**Targeted completion date**	**Comment**
7.a	Select all Directors from a pool – No implementation recommended	-	No action needed
7.b	ALAC to appoint 2 voting Directors	N/A	No NomCom action needed. Addressed by ALAC review, Board Review - 1 Director selected from the At-Large implemented in Bylaws on 28 October 2010.

Work team:-
Dependency between tasks: -
Overall target completion date:

Recommendation 8: SOs selection of Council members			
Task No.	**Implementation task**	**Targeted completion date**	**Comment**
8.	SOs to select Council members from a pool of volunteers - not agreed by WG	-	No action needed

Work team:-
Dependency between tasks:-
Overall target completion date: -

Recommendation 9: ALAC selection of a-L Committee members			
Task No.	**Implementation task**	**Targeted completion date**	**Comment**
9.	ALAC to select its A-L Committee members – out of remit	-	No action needed

Work team:-
Dependency between tasks: -
Overall target completion date: -

Recommendation 10: On size and composition of NomCom			
Task No.	Implementation task	Targeted completion date	Comment
10.a	Do not change size and composition at present time	-	No action needed
10.b	**Review composition and size in three years time, in presence of a more definitive structure of the GNSO** • To be addressed in next NomCom review	2013	Bylaw changes may be required as GNSO changes take effect.

Work team: Staff, SIC, Board
Dependency between tasks: External dependencies on GNSO Review implementation steps
Overall target completion date: 2013

Recommendation 11: Selection of NomCom members			
Task No.	Implementation task	Targeted completion date	Comment
11.	Select NomCom members by lottery - not agreed by WG	-	No action needed

Work team: -
Dependency between tasks: -
Overall target completion date: -

Recommendation 12: On independence			
Task No.	Implementation task	Targeted completion date	Comment
12.a	Focus on capacity to operate with independence of thought rather than on independence and non-affiliation	-	No action needed
12.b	**NomCom not to offer alternative paths to people not elected by their constituencies – to be eventually left to NomCom** • Develop draft principle for inclusion in NomCom Procedures/Guidelines • Consult with NomCom members and SIC, redraft as needed • Approval and Implementation in NomCom	 Mar 2011 April 2011 Sept – Oct 2011	Amend procedures/guidelines

	Procedures/Guidelines		

Work team: Staff, NomCom Members, SIC
Dependency between tasks: -
Overall target completion date: Oct 2011

Recommendation 13: Appoint the Chair one year in advance			
Task No.	Implementation task	Targeted completion date	Comment
13.	**Appoint the Chair one year in advance to serve as non-voting member the year before becoming Chair** • Consult with Staff, General Counsel, SIC and Board • Develop draft bylaw changes • Bylaw change procedure • Amend NomCom Procedures/Guidelines	Oct 2011 Mar 2011 Jun 2011 Sep-Oct 2011	Considerations to be given to appointment method, possible re-election of current Chair, total member numbers (whether Advisor and Assoc Chair would also remain) and potential transition provisions. Proposed Bylaws change submitted to Board and approved for posting for public comment. In conflict with rec 10a

Work team: Staff, SIC, General Counsel, Board
Dependency between tasks: -
Overall target completion date: Oct 2011

Recommendation 14: Confidentiality and Transparency			
Task No.	Implementation task	Targeted completion date	Comment
14.a	Maintain core confidentiality of candidates' data and eliminate secrecy – it corresponds to present NomCom practices	-	No action needed
14.b	**Document and formalize opt-in practice, guarantee that opt-in mechanisms work also for future NomComs** • Draft process mirroring current process • Consult with NomCom members, General Counsel and SIC, redraft as needed • Approval and Implementation in NomCom Procedures/Guidelines	 Mar 2011 May 2011 Sept-Oct 2011	Clarify application form for opt-in Section E

Work team: Staff, NomCom Members, General Counsel, SIC
Dependency between tasks: -
Overall target completion date: Oct 2011

Recommendation 15: Rules for removal from NomCom			
Task No.	Implementation task	Targeted completion date	Comment
15.	**To setup specific rules to remove non performing NomCom members, based on objective criteria (suggestions formulated in the report) – it requires Bylaw changes**		The main change will be in the existing procedures/guidelines.
	• Redraft existing procedures/guidelines to incorporate suggestions	Mar 2011	
	• Draft general bylaw provision for NomCom member removal	April 2011	A Bylaws change is potentially needed, featuring a general removal provision to be referenced in the procedures/guidelines.
	• Consult with NomCom members, SIC and General Counsel, redraft as needed	May 2011	
	• Bylaw change procedure	August 2011	
	• Approval of change in procedures/guidelines	Sept 2011	
	• Implementation in NomCom procedures/guidelines	Sept-Oct 2011	

Work team: Staff, NomCom Members, SIC, General Counsel, Board
Dependency between tasks: -
Overall target completion date: Oct 2011

Recommendation 16: Core working values and procedures			
Task No.	Implementation task	Targeted completion date	Comment
16.	**To identify and document a set of core working values and procedures, to be formally adopted by the Board as a binding guidance**		There are three parallel change processes that need to be synchronized
	• Draft separate section of procedures/guidelines for Board approval	Mar 2011	
	• Draft modified Code of Ethics if useful/appropriate	April 2011	
	• Draft general bylaw provision as a basis for reference, if necessary	April 2011	
	• Consult with NomCom members, former NomCom Chairs, SIC, Board and General Counsel, redraft as needed	May 2011	
	• Bylaw change procedure	August 2011	
	• Approval of changes in Code of Ethics and procedures/guidelines	Sept 2011	
	• Implementation in NomCom Code of Ethics and procedures/guidelines	Oct 2011	

Work team: Staff, NomCom Members, former NomCom Chairs, SIC, General Counsel, Board
Dependency between tasks: -

Overall target completion date: Oct 2011

Recommendation 17: Assessment of NomCom Performance			
Task No.	Implementation task	Targeted completion date	Comment
17.a	**Metrics and performance goals to be developed by each NomCom** • Develop draft process for setting metrics and goals by each NomCom • Develop base assumption for metrics and goals • Consult with NomCom members, former NomCom Chairs, SIC, Board and General Counsel, redraft as needed • Approval of process and base assumption, implementation in procedures/guidelines • Perform process on a yearly basis	Mar 2011 Mar 2011 April 2011 Sept-Oct 2011 Recurrent	Questionnaire To be used as a starting point for each NomCom Build a catalogue of annual NomCom metrics and goals for future reference
17.b	**Members to be polled on their experience on NomCom effectiveness and integrity** • Develop draft questionnaire • Approval and Implementation in NomCom Procedures/Guidelines • Perform survey on a yearly basis • Summarize survey results	Mar 2011 Sept-Oct 2011 Recurrent Recurrent	 To be used for improvement purposes
17.c	**Future NomCom to experiment with self-assessment of performances**	-	Addressed in 17.a and 17.b

Work team: Staff, NomCom Members, former NomCom Chairs, SIC, General Counsel, Board
Dependency between tasks: Preferably coordinated with other surveys
Overall target completion date: Oct 2011