Process Proposal for Streamlining Organizational Reviews

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Section I: General Overview and Next Steps

The second round of organizational reviews being almost complete, the community has raised issues that indicate the reviews would benefit from streamlining and the ICANN Board has concurred that the organizational review process would benefit from adjustments. ICANN organization has drafted this proposal on how the process of streamlining should be conducted and on which issues it should focus. Once these criteria are agreed upon, the Board will work with the ICANN community, assisted by ICANN org, to find appropriate solutions that have community support.

This public comment proceeding sought to obtain community input on four questions related to the document "**Process for Streamlining Organizational Reviews: A Proposal**", which was the focus of this public comment:

1. Do you/your organization agree with the proposed list of issues that should form the focus of the streamlining process? If not, with which do you disagree and what would you like to add?

2. Do you/your organization agree with the proposed underlying principles that should guide the solutions? If not, with which do you disagree and what would you like to add?

3. Do you/your organization agree with the community role in the streamlining process? If not, what would you propose?

4. Do you/your organization agree with the proposed high-level timeline? If not, what would you propose?

ICANN.org will incorporate feedback from this public comment proceeding into an updated final document capturing the process and focus of the streamlining of organizational reviews. The streamlining process will start as soon as possible thereafter.

Section II: Contributors

At the time this report was prepared, a total of ten (10) community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
ccNSO Council	Katrina Sataki	ccNSO
Business Constituency	Steve DelBianco	BC
GNSO Intellectual Property Constituency	Brian Scarpelli	IPC
Registrar Stakeholder Group	Zoe Bonython	RrSG
gTLD Registries Stakeholder Group	Samantha Demetriou	RySG
Root Server System Advisory Committee	Andrew McConachie	RSSAC
Non-Commercial Stakeholder Group	Rafik Dammak	NCSG

Individuals:

Name	Affiliation (if provided)	Initials
Cheryl Langdon-Orr		CLO
Chokri Ben Romdhane		CBR
Kristy Buckley & Mallorie Bruns	Meridian Institute	KBMB

Section III: Summary of Comments

General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

Of the ten (10) comments filed, one (1) was submitted from ICANN Advisory Committees, one (1) from a Supporting Organization, five (5) from a GNSO stakeholder group/constituency, one (1) from organizations and two (2) comments were submitted by individuals.

This staff summary document provides an overview of the comments submitted to the public comment forum. All comments provided here are reproduced verbatim.

The overview is divided into three sub-sections: Sub-Section III-A provides an overview of the questions asked in the public comment, pertaining to the process of the streamlining process, including the proposed list of issues and underlying concepts. The streamlining process will be updated, taking into account community responses to the four questions asked.

Sub-Section III-B provides ideas and possible solutions that were provided unsolicited by the community. This is highly valuable and much appreciated input. While this feedback will not

impact the process of the streamlining process itself – i.e., the next step in the process – it will be extremely valuable once the streamlining is under way.

Sub-Section III-C summarizes any additional comments that did not fit into Sections I and II and, again, this feedback will be considered during appropriate times of the streamlining process.

Sub-Section III-A

Input on four questions related to the document "[Process for Streamlining Organizational Reviews: A Proposal](...)", which was the focus of this public comment

> **Public comment question**: *Do you/your organization agree with the proposed list of issues that should form the focus of the streamlining process? If not, with which do you disagree and what would you like to add?*

- **ccNSO**: We would expect a broader view on the costs in the streamlining paper, an element that we do not see in the proposal. Such a view should take into account not only costs related to ICANN Org but also costs of any volunteer during the entire review process. It is necessary to understand and have an informed discussion about the community fatigue. The role of community members in any review processes should be well-defined so that the possible impact of any choice is known up front.
- **CLO**: I do agree with the proposed list of issues. *(on Length of the entire review process during implementation)* This is where I see the desirability of not only the smaller changes proposed in this paper regarding the issues and guided by the principles as important tools to remedy this 'problem' but that a more extensive review and possible rebuild/restructure of a program by the Community and in the light of both recent organizational changes and evolutions, as well as yet to be implemented recommendations from previous Reviews and the Cross Community Activities under the Work Stream 2 banner, as both timely and opportunity at this unique point in time.
- **IPC**: The IPC agrees that this *(the limited pool of suitable independent examiners)* is an important issue which again presents an opportunity for broader critical reflection on the impact of perceived conflicts of interest on all ICANN activities (including organizational reviews, policy development processes, current and former Board members). The IPC agrees that this (whether or not recommendations issued by independent examiner should be binding or non-binding) is an important issue which has obvious connections both to the issue of the independence of examiners and the purpose of review. The BC agrees that we need more time to implement and assess prior review recommendations.
- The **RySG** generally agrees with list of areas subject to streamlining. (Limited pool of suitable independent examiners, and selection of independent examiners) seems more like a foundational issue that needs to be addressed rather than an area for streamlining, per se.
- The **RSSAC** broadly agrees with the proposed list of issues, which address recommendations one, two, and three from RSSAC041. However, the RSSAC encourages the ICANN organization to proactively manage the work of independent

examiners conducting organizational reviews per recommendation four from RSSAC041. The RSSAC also encourages the ICANN organization to more thoroughly consider recommendation five from RSSAC041 to capture lessons learned after each organizational review.

- The **NCSG** agrees with streamlining the issues mentioned in this document but we are curious as to how they will be implemented. Is this streamlining process going to become guidelines for holding reviews? How binding are these guidelines going to be? The NCSG agrees that ICANN needs to undertake organizational reviews in order to keep the community accountable and effective. There may be ways in which ICANN can keep the costs of conducting these reviews down, such as by cutting down unnecessary expenditure. ICANN should not shorten the duration of any review or predict budget cuts that could potentially hamper the necessary and important steps of undertaking the review.

   Public Comment question: *Do you/your organization agree with the proposed underlying principles that should guide the solutions? If not, with which do you disagree and what would you like to add?*

- **CLO**: I do agree with the proposed underlying principles, but would further suggest that with an appropriate hiatus in the current cycling of Organizational Reviews and resourcing of a well defined and strictly but reasonably time bound, cross community activity, to explore and debate this matter (and that of ICANN Reviews in general, so Specific and Organizational) with a scope that should include some out of the box thinking, on how the desirable objectives of the current ICANN Reviews program can be better and more efficiently achieved. This could be conducted in the light of ICANN's changes over the last few years as well as in a way that would promote more of a Continuous Improvement /Quality Systems approach with greater focus on less extensive targeted and regular internal procedures (audit, review or via Oversight activity work) along with less frequent overarching approaches, which allows for more holistic, realistically resourced and meshed programs of recommendation implementation and improvements and then occasional (with a longer but regularized timing for external or independently review/audit/assessment/reporting activities) being carried out in a manner that is predictable in terms of an expectation of 'every X years or no longer than X+ years since the last report', etc., or 'as triggered by a Y event such as 'Concern of the Community endorsed for action by the Empowered Community / Board' etc. That can then start to build on opportunities for staged implementation processes, changing prioritization of issues and needs analysis, other internal or external factors unpredicted at the time of the previous review etc., The timing for this to happen now is both opportune and advantageous not just because of the OEC and Boards current focus on the matter but also because of the current engagement with the community work going on within the Evolution of ICANN Governance project and because there is convened and active an ATRT, which can of course make analysis, and recommendations (including as to if there is a need to terminate or modify any periodic review under Sec 4.6 of the ICANN Bylaws) regarding Reviews.
- **BC**: The BC participated extensively in the CCWG-Accountability, and agrees that any procedural changes coming out of this streamlining should adhere to the good practices of accountability, transparency, outreach, and updates to policies and processes on pages 8-11 of Annex 6 – SO/AC Accountability Sub-Group Final Report and Recommendations –

CCWG-Accountability WS2. Timing of Organizational Reviews should be adjusted […].
[…] Reviews should be spread out such that just 1 review begins each year.

- **CBR**: Specifically, the reviewing process should preserve and reinforce the regional and geographic balance within ICANN structures.
- **RrSG** supports the proposed underlying principles.
- **RySG** generally agrees with the principles outlined.
- The **RSSAC** broadly agrees with the proposed underlying principles to guide the solutions for the streamlining process of organizational reviews. The RSSAC also encourages the ICANN organization to consider the principles of attribution, objectivity, professionalism, and evidence from RSSAC041.
- **NCSG**: We agree with the principles but we reserve the right to disagree at a later stage if the principles are construed in ways that NCSG does not agree with.

  Public Comment question: *Do you/your organization agree with the community role in the streamlining process? If not, what would you propose?*

- **CLO**: I do indeed agree with the proposed role of Community, Board and in particular ICANN.org, however in the discussion paper it was noted that, "*the list of issues and guiding principles, as well as the role of the community and the high-level timeline, are not finalized*", I am assuming therefore and am sincerely hoping that, the input from community to this call for comments as well as some additional interactions during meetings and webinars for example is intended to fully engage and be a minimum of interaction that will aid if not specifically direct what really should be more 'community lead' development of recommendations and action relating to the issues and to make any required refinements to what I personally see as the already quite suitable guiding principles of 'Accountability, Timing, Consistency and the use of Industry-wide best practices' in our Reviews. I believe, and I am confident the Community would better support a strong, transparent and inclusive engagement of the widest possible nature, with the full ICANN Community in the 'bottom up' development of this desirable 'next step' in the continuous improvement of ICANNs Organizational Reviews processes. I therefore strongly support the proposal in the paper that states that *"...the role of the community in the streamlining process of organizational reviews is to provide substantial input and agree on possible solutions for the issues that require improvements. Whenever possible, final improvements need to be based on the broadest possible community consensus*." In my view this is as absolutely essential, not only under the "not about us - without us" principle but also to draw upon the very specific experiences and expertise. This is of course reflected in the paper with the following statement *"... The individual experiences of each Supporting Organization (SO) and Advisory Committee (AC), as well as the Nominating Committee (NomCom) regarding the organizational review process all differ. For a successful outcome of the streamlining process, all community views should be heard and considered equally and with an open mind.*'' This of course will allow us to build on, amongst other things, the experiences that the community has had in the last two iterations of Organizational Reviews can bring to the success and acceptance of the outcomes of the process; It is also well noted that the role of the ICANN Board to be " … responsible for alignment of the streamlining process with the intent and the spirit of the ICANN Bylaws and with the strategic direction and priorities of ICANN as a whole…" Noting of course that the Board is in itself a part of the wider ICANN Community and could also engage with full community based activities directly as well.

- **BC**: We fully agree that the broadest possible community of internet users and registrants should be involved in designing and evaluating the proposed streamlining improvements. This is particularly true because some SO/ACs are substantially controlled by stakeholders who benefit from retaining the status quo and are resistant to change. We agree that the Board should be the steward of "ICANN as a whole". We agree with ICANN org's role in the streamlining process.

- **RrSG**: The RrSG response to this question really depends on the meaning of "community", which must first be defined for each review. For example, notably in the case of ALAC, is community defined as ALAC only or all SO/ACs? The SO/ACs should be involved in streamlining its own review process. The RrSG would also ask whose consensus is required to agree on whatever the streamlined review process will become for each body. The question of who gets to decide is linked to the issue of binding vs non-binding recommendations noted in 1iii). The body subject to the review should certainly have consensus on how to implement recommendations, but should follow any streamlining process that is agreed upon by the community.

- **RySG:** Suggests that, in addition to the community consultation process proposed in the discussion paper, ICANN also solicit specific feedback from individuals who have direct, first-hand experience with organizational reviews, such as past SO/AC leaders who served during a review or were tasked with implementing the recommendations that resulted from a review.

- **RSSAC:** Agrees that the role of the community in the streamlining process of organizational reviews is "to provide substantial input and agree on possible solutions for the issues that require improvements."

- **NCSG:** Yes. The NCSG agrees with the role of the community, but we also would like to point out that the community's public comments have to be taken seriously. It is not enough for the community to be allowed to speak - the community must also be heard.

Public Comment question: *Do you/your organization agree with the proposed high-level timeline? If not, what would you propose?*

- **CLO:** On this matter, whilst I see and understand the rationale for the proposed timeline, and I do not disagree that is would be workable, I strongly encourage ICANN to follow the option outlined in the paper *"...In accordance with community input, the next round of reviews should not start until this streamlining process is completed. Therefore, if more time is needed the ICANN Board will work with the SO/ACs to ensure that the next round of organizational reviews does not start until this streamlining process is completed, or an alternative solution is found."* and so clearly prefer that at this time while ICANN has so much opportunity for effective changes to be made in an efficient yet still community driven way, that a 'hard break' or moratorium is declared to allow such work to be fully explored without the additional pressure of what is actually a highly artificial, and it could be argued even unnecessary time cycle pressure. If this approach was taken however the scope of such work, a strict but sufficient project duration and suitable resourcing to achieve the work plan to be executed would need to be well designed and provided for. I recognize that some parts of the Community will perhaps wish to slavishly continue under the existing cycle timing as it is in the bylaws" and whilst there may seem to be a pressure

from the current time in our cycle of reviews (with the 5 year clock being started again with the imminent acceptance of the final report of reviewed component parts of the ICANN Organization in the cycle of Organizational Reviews by the ICANN Board) I believe that a strong and convincing argument could and should be made now to take a moratorium on further Organization Reviews until the current reviews of these and other reviews is predominantly completed with full engagement with the ICANN Community. This seems a reasonable design for an inclusive process, and should the wisdom of a more fulsome review of Reviews by the Community be seen and agreed to would need only minor variation to be used in such a large review and redesign process requirement.

- **BC**: Agrees with the proposed timeline to develop, finalize, and implement streamlining improvements for Organizational Reviews.
- **IPC**: The IPC encourages ICANN Org to pursue a more aggressive timetable. Critical reflection on organizational reviews is valuable, but this process cannot turn into what is, in effect, itself a time- and scope-bloated organizational review. We the ICANN community must seize this as an opportunity to be more efficient and effective, rather than an opportunity to perpetuate existing inefficiencies and volunteer burnout.
- **RrSG**: Subject to the comments above (i.e. including a ring-fencing of key organizational elements in the process), we would agree with the proposed timeline.
- **RySG**: The paper lacks any details on the time each step would take, which makes it difficult to provide feedback on the timeline as a whole. The RySG suggests ICANN put together a plan that at least features some estimates for each step. It makes sense to complete the streamlining process before commencing future organizational reviews. However, all reviews are critical accountability mechanisms for ICANN and as such, this streamlining process should not be dragged out in a way that results in significant undue delays to the commencement of the next round of reviews.
- **RSSAC**: The RSSAC agrees with the proposed high-level timeline and that the "next round of [organizational] reviews should not start until this streamlining process is complete."
- **NCSG**: Yes

Section III-B

Potential answers and thoughts on the subject lists provided by ICANN org. Community feedback from this section will help inform the streamlining process, once under way

Substantive Community Feedback on:
Purpose and scope of organizational reviews

- **CLO**: One aspect of a more specific or focused scope of organizational reviews would be as we move from the second round into subsequent ones, is a Detailed analysis of the

effectiveness, success in meeting objectives or aims etc. of all the implemented actions in response to earlier recommendations from previous reviews […]. Also, suitably discreet or focused scope or purpose of the next Reviews will assist in resourcing and time management demands associated with them, regardless of how they are structured.

- **BC**: Prior reviews have not sufficiently examined whether and how SO/ACs are accountable to the stakeholders they were created to represent, which is supposed to be part of these reviews, per Bylaws section 4.4 a(iii) "whether that organization, council or committee is accountable to its constituencies, stakeholder groups, organizations and other stakeholders." In our Jun-2019 comment on Evolving ICANN's Multistakeholder Model, the BC suggested several concrete steps to improve recruitment, representativeness, and inclusivity of each SO/AC. If these steps were taken, the next Organizational Review would find a broader range of stakeholders to which the SO/AC should be accountable.

- **ccNSO**: Organizational reviews were introduced in 2002 (following the Evolution and Reform Process). Although ICANN structures have become established and are constantly refining their internal operations and procedures, the need and concepts developed for Organizational Reviews in 2002 do not reflect the current role of the SO/ACs as part of the Empowered Community. The review model and topics to be addressed fail to take into account the evolved ICANN model, including the role of SO/ACs as Decisional Participants of the Empowered Community.

- **IPC**: This is an important issue which presents an opportunity to ensure alignment between the Bylaws, ICANN's mission, and the 2021-2015 Strategic plan. […] Reflection on the scoping of organizational reviews must take place as part of a broader effort to improve scoping across ICANN as a whole; focusing narrowly on improving the scope of organizational reviews will perpetuate the siloed approach currently being taken.

- **RrSG**: Proposition that Organizational Reviews be utilized to identify the processes within an organization that are appropriate for continuous lightweight self-review. At the same time, each reviewed body should identify elements that would be considered foundational to the reviewed body and thus external or out-of-bounds to the scope of the review ("ring-fencing").

- **NCSG**: Each organization's purpose has been defined in the ICANN Bylaws. The purpose of the review should be related to the purposes of the organizations' mandates as defined by the Bylaws. The scope of the review should respect ICANN bylaws and its technical and narrow mission. The scope of the review has to be based on a narrow interpretation of the Bylaws. Review of the structures should happen very carefully. Sometimes it is very obvious that a structure is not balanced. For example, the GNSO is divided into two houses. Within the Non-Contracted Parties House the two Stakeholder Groups are supposed to be equal in terms of power and representation. Yet the Non-Commercial Stakeholder group has only one representative on the Nominating Committee, while the Commercial Stakeholder Group has three representatives on the Nominating Committee. This is an obvious imbalance which unfortunately the most recent NomCom Review did not sufficiently address and we are still underrepresented. However, some groups might want to support structural changes to break the stakeholder group balance that has been

carefully crafted and has worked so far. The ICANN Board has been aware of such attempts in the past and should continue being cautious when it comes to matters of changes in the structure of an organization.

Substantive Community Feedback on:
Limited pool of suitable independent examiners, and selection of independent examiners

- **CLO**: […] This should not be a negative factor in a redesigned process where less frequent and often more holistic ICANN.org reviews conducted by External subject matter experts, and more frequent and regularized continuous improvement programs and associated review/audits are conducted more frequently. I would also note that a likely consequence of more frequent internal review processes will be the in service training of a larger pool of individuals with the appropriate experience, that if able to professionally distance themselves to establish appropriate independence, could extend the options of suitable examiners to be available in the pool in the future.
- **ccNSO**: At the ccNSO Council level we experienced that even with an open-minded and fair reviewer, it takes quite some effort to bring them up to speed and – more importantly – to ensure that during the review process an adequate level of knowledge and historic background is maintained.
- **BC**: Limited pool of suitable examiners could be a concern, but this not an impossible problem. There are 7 SO/ACs to review, each with 1-year engagement of the independent examiner, followed by 5-6 years until the next review. If these reviews were spread out such that just 1 review begins each year, there would be no more than 2 independent reviewers engaged at the same time. So, a pool of just 5-7 suitable reviewers offers sufficient choice and capacity to handle these reviews.
- **RrSG**: The RrSG does not agree with the current approach to selecting independent examiners. The pool is limited only because of the requirement that consultants must have certain knowledge of ICANN. The predominant requirement is an expertise in organizational reviews; thus examiners could be industry agnostic and still be able to effectively review an ICANN body. There may also be benefits to deploying reviewers with outside and cross-industry experience.
- **KBMB**: From our perspective, any independent third party with experience in multi-party and/or multi-stakeholder processes should be an eligible applicant. Many independent third parties are accustomed to entering new and complex contexts. As long as they can demonstrate past performance ability to quickly grasp complex systems and/or technical discussions, they are capable of conducting a review. Their expertise does not have to be with the subject matter at hand but with their own profession—as an independent third-party evaluator. Based upon the organizational review RFP and supplier interview process, there seemed to be too much emphasis put on whether and how much an independent examiner has a priori understanding of a particular community, which should not be a mandatory criterion for selecting an independent examiner. Demonstrating

competency in understanding and working within complex multi-stakeholder policy processes is critical to an independent evaluation of a body within that process. In-depth, insider knowledge of the community and how it works, de facto, may hinder the examiner's ability to be objective as they may already have preconceived notions about what works well and what needs improvement (i.e., what is codified in writing vs. accepted as common practice ((see CCWG-Accountability Recommendation 6.1.4)). Circulating RFPs more broadly to diverse, non-Internet communities would help raise awareness of ICANN's multi-stakeholder model among groups that are unaware it exists and/or are unsure of how to engage. This awareness-raising could, in turn, help support the diversity of participation in the multi-stakeholder model itself." As I believe it is only putting more emphasis on the previous text.

- **NCSG**: While ICANN has a peculiar governance structure, many of the issues that ICANN review processes raise are typical organizational and management issues that can be addressed by those who are not familiar with ICANN structure. Hence the knowledge that an independent examiners may or may not have about ICANN should not be a selection criterion, as such familiarity might even hamper their independence.

Substantive Community Feedback on:
Whether or not recommendations issued by independent examiner should be binding or non-binding

- **CLO, CBR,** and **BC** agree with the process allowing for the entity under review to respond to the independent examiner's findings and recommendations, whereas RySG is against.
- **CLO**: […] The ability for an inhouse feasibility assessment, prioritization and costed implementation plan is an important step in an effective and organizationally efficient process for a number of reasons, including but not limited to; responsible and situationally specific resource management, as well as significant learning and organizational governance and process evolution that is facilitated by the thinking and analysis /discussion associated with the development of such Feasibility and Implementation planning.
- **CBR**: It's very hard to find an independent examiner who has a wide knowledges of ICANN activities, so it's worth that SO/AC have to decide whether or not to adopt or not recommendations submitted by the examiners.
- **BC**: We do not […] believe that the SO/AC should be able to block a recommendation from being considered by the public and the Board. That might allow an entrenched group within an SO/AC to block reform recommendations that diminish their control. Better to allow those in the subject SO/AC to offer comments on findings and recommendations, and to present those for public comment and Board consideration.
- **ccNSO**: Currently, all three SOs and two of the ACs have been designated as Decisional Participants and are members of the Empowered Community. In the view of the ccNSO Council, it is not up to an Independent Reviewer, acting under the guidance of ICANN

Board and Org, to answer the question whether a Decisional Participant has a continuing purpose.

- **RrSG**: The reviewed body should always recognize that recommendations have at least partial validity and should not completely ignore them. Thus, the RrSG is reluctant to call for fully binding recommendations, because there should be some flexibility for how and when the recommendations are implemented, but this should be balanced with a responsibility to deeply consider the validity of the recommendations.

- **RySG**: The RySG believes that the recommendations issued by the independent examiner should not be made binding. The goal of the review is to determine whether the SO/AC has a continuing purpose in the ICANN structure, whether any change in structure or operations is desirable to improve its effectiveness, and whether the SO/AC is accountable to its constituencies, stakeholder groups, organizations and other stakeholders. These are fundamental issues and no independent organization should be able to dictate change based on a 'drop-in' review without Board approval at a super-majority level. The question on whether they should be binding or not is somewhat beside the point. If the community rejects them (officially) or resents them (unofficially), they will not likely lead to continuous improvement. […] However, if the objective of independent evaluations is continuous improvement, it would follow that recommendations towards continuous improvement should—to the extent feasible—be embraced by the community that has the responsibility to implement them.

- **KBMB**: Based upon our experience evaluating the ccNSO, we would suggest that guidance be given to the independent examiner to develop its findings followed by engagement with the community (through interview and survey respondents) to prioritize findings and develop ideas for how to best address them. The independent examiner can still offer their own ideas and use professional judgement about which solutions are most appropriate to address the findings. However, the process of collecting potential solutions from the community will yield greater interest, buy-in, and most likely, higher degrees of implementation. It is important to note that some findings and recommendations are most likely higher priority than others. For significant challenges relating to structure, operations, and accountability, it may be helpful for independent examiners to be able to indicate which recommendations they see as highest priority (which should perhaps be binding), and which recommendations are important for continuous improvement but not as urgent (perhaps non-binding).

- **NCSG**: The bylaws in section 4.4 state: "The results of such reviews shall be posted on the Website for public review and comment, and shall be considered by the Board no later than the second scheduled meeting of the Board after such results have been posted for 30 days. The consideration by the Board includes the ability to revise the structure or operation of the parts of ICANN being reviewed by a two-thirds vote of all Directors, subject to any rights of the EC under the Articles of Incorporation and these Bylaws." It can be construed that if the Board decides on implementing some of the recommendations which relate to the structural changes, it can only do so with two-thirds of the vote of all Directors. If we can interpret in the same vein, the Board might be able to vote on the review to be adopted and be binding by ⅔ of votes. If the Board cannot decide

on that and the community has positively responded to other recommendations, those recommendations can be implemented by the organization under review on a voluntary basis. However non implementation of the recommendations should be explained and the majority of the review results have to be adopted. Some organizations implementation teams have rejected half of the recommendations of the review in the past. Considering the importance of the reviews for ICANN's organizations accountability and effectiveness, it is important for the implementation review team to accept at least most of the recommendations supported by the community so long as they do not concern the structure of the organization.

Substantive Community Feedback on:
Length of the entire review process including implementation

- **BC:** There would be no more than 2 independent reviewers engaged at the same time. Second, we suggested that the 5-year cycle begins when implementation of prior review recommendations has begun, instead of starting when the board receives the final report. This change would add 1-2 years to the time between reviews of any given SO/AC. Agreement with listed "Consistency" and "industry-wide best practice" principles.
- **CBR**: The bylaws give enough flexibility to the Board to decide which ICANN instances will be subject of reviewing so the board will be responsible of prioritizing reviewing actions in order to avoid interference between an implementation of organizational review and new review round and give enough time to the review implementation to be mature.
- **ccNSO**: Given the limited time volunteers of some communities can spend on ICANN and SO/AC related matters, reviews might not be a top priority for them. Organizational reviews are perceived as a (unnecessary) burden, distracting from the primary reasons why volunteers participate in ICANN.
- **IPC**: The IPC agrees that this is an important issue that must take into account the number of reviews, the length and frequency of the review cycle, and how to align the review cycle and process with the Strategic Plan to facilitate achievement of (rather than frustrate or obfuscate) Strategic Plan objectives. Timelines within ICANN are not currently either developed in concert or working together, and indeed often conflict or frustrate each other. As we evaluate organizational review timelines, we must also evaluate the timing of the development of the Strategic Plan and the Budget, and whether these timelines drive or are driven by SO/AC activity.
- **RrSG**: Ideally, the examiner review work should be time-limited over 3 ICANN meetings (i.e. 9 months) and completed by the 4th meeting (12 months). Where possible, examiners should attend the face-to-face meetings of the body under review in order to gain a clear understanding of how it operates. To enable better use of the time spent on the review process, the examiners should also provide a prioritized list of recommendations that are based on value and validity, which the organization can then effectively triage and implement the most beneficial recommendations. ICANN could also consider options for

an Organizational Review to conclude with no recommendations or propose that no further review is required (for X period of time).

- **NCSG**: It seems that the challenges of multiple reviews happening at the same emerged as a result of delays in undertaking the reviews during the IANA transition period. If that is the case, then the Board could decide to delay one or more reviews (in consultation with the community) so that reviews are not held at the same time and there is time for implementation. Section 4.4 of the Bylaws provides such flexibility, stating: "These periodic reviews shall be conducted no less frequently than every five years, based on feasibility as determined by the Board". Since delay in reviews have been done in the past and have resulted in holding reviews within a timespan of every 7 years,[1] it seems that the Board can either change the bylaws to reflect that reviews should happen every 7 years or continue deciding on whether to delay the reviews on a case-by-case basis.

Substantive Community Feedback on:
Proposed principles that should guide the solutions to the issues listed in section A.

Accountability

- **ccNSO**: It is the right time to reflect on the nature of Supporting Organizations and Advisory Committees as entities to be reviewed: these are entities through which the "volunteers" are organized as part of the multi-stakeholder model. As a result, the culture and structure of each SO/AC are very specific and have evolved over the years to meet specific operational needs of the communities they represent. We should take into account that the vast majority of the volunteers participating in the ccNSO do so because of their work within their ccTLD.
- **RySG**: It should also be made clear […] that in 'adhering' to these practices in effectuating procedural changes to the organizational review process, nothing will be done to undercut the fact that such practices are not meant to be mandatory on SOs/ACs as a consequence of the 'assessments' undertaken in organizational reviews.

Substantive Community Feedback on:
Proposed principles that should guide the solutions to the issues listed in section A.

Timing

- **RySG**: This is somewhat vague. It recommends ensuring that the impact of one review can be adequately assessed before the next one starts, but it is unclear how much time is actually required for that assessment to take place.

Substantive Community Feedback on:
Proposed principles that should guide the solutions to the issues listed in section A.

Consistency

- **KBMB**: Consistency could prove very difficult due to a range of factors:

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[1] The second review of the At-Large Advisory Committee was delayed due to the IANA transition.

- o Different independent evaluators being selected for each individual review
- o Staggered timing of the reviews leading to "review burn-out" by the time the last organizational review gets underway and many people have been asked for interviews and to complete surveys multiple times for each review.
- o Varying organizational cultures in terms of open communication, trust, and expectations
- o ICANN org is reviewed by the community, not an independent evaluator, creating inconsistency in the reviews conducted across the multi-stakeholder model, of which ICANN Org is a part.
- o Industry-wide best practices

Substantive Community Feedback on:
Roles of the community, the ICANN Board, and the ICANN organization in the streamlining process

Community's role in the streamlining process

- **IPC**: The IPC highlights the inherently diverse nature of the GNSO community, and acknowledges the many (at times, conflicting) stakeholder interests represented within the GNSO. Effective participation of the entire GNSO community in the streamlining process cannot be achieved through the GNSO Council, the structure of which does not fairly or adequately reflect, either qualitatively or quantitatively, the post-New gTLD, post-IANA transition DNS. Effective GNSO participation in the streamlining process should involve direct participation of the Stakeholder Groups and Constituencies (through their respective leaderships), not solely the participation of the GNSO Council.

Substantive Community Feedback on:
Proposed principles that should guide the solutions to the issues listed in section A.

ICANN Board's role in the streamlining process

- **CBR:** Public comments are not sufficient in order to detect community thought and needs about any organizational reviews a jointly and permanent work with SO/AC representative should be engaged. The board will be responsible of prioritizing reviewing actions in order to avoid interference between an implementation of organizational review and new review round and give enough time to the review implementation to be mature.
- **IPC**: Requests that the roles and responsibilities of the ICANN Board, ICANN Org, SO/AC leaders and broader community be considered as part of this process

Section III-C

Other comments

- **BC**: The independent examiner report should also show relative weights for each recommendation, so that critical issues are properly prioritized. This feeds into the ongoing debates about the evolution of ICANN's model, particularly in relation to the issue of prioritization.
- **CBR**: The scope and the mission of independent examiner should be reduced to some specific technical or legislative advices, in relation with organizational reviews, this will avoid the use of some examiners to serve some parties interests, and will facilitate the independent examiners selection process.
- **CBR**: A permanent organizational reviewing Instances may be created within each SO/AC, these instances will collect and inventory any organizational reviewing needs based on each SO/AC experience, these instances will also follow the implementation of any organizational reviewing.
- **IPC**: Transparency (ICANN Bylaws Article 3) – The community, and indeed the review team members, of the Security, Stability and Resiliency 2 review were taken by surprise by the sudden "pause" of this organizational review. A commitment to transparency, insofar as is possible and not impacting on commercial in-confidence information, is necessary in scoping, operation and implementation of organizational reviews.
- **IPC**: Conformity with relevant principles of international law and international conventions and applicable local law (ICANN Bylaws Article 1, Section 1.2(a)) – […] organizational review teams and implementation teams must have the input of qualified legal experts to ensure that outcomes are consistent with and do not impinge upon long-recognized international intellectual property rights conventions. Organizational reviews are not an opportunity to attempt to develop new law or lobby for international law reform; ICANN is a private body, and as such is not empowered to serve as a law-making forum.
- **IPC**: Enable competition and open entry in Internet-related markets (ICANN Bylaws Article 1, Section 1.2(a)) - The IPC believes that organizational reviews and their outcomes must prioritize consumer protection.
- **IPC**: We believe that all future development of the ICANN community must take the Strategic Plan into account to achieve cohesive, achievable results. All aspects of ICANN's operations, strategy and mission must work together for us to be effective in delivering on any of these.
- **KBMB**: It can probably be safely assumed that all of the SOs/ACs do have a continuing purpose since they have now gone through two rounds of organizational review. Asking questions about *what* the continuing purpose(s) and roles of the organization are rather than *whether* they have a continuing purpose may yield more valuable insights back to the community and its leadership on the evolution of the organization/committee. If, in future reviews, respondents begin to indicate through interviews that there is no continuing purpose for the organization, the independent examiner can call this into question in their report. If this happens across several organizations, it may be worth revisiting if the 'whether' aspect of continuing purpose needs to be integrated back into the scope of the review.
- **KBMB**: In addition, it would be helpful for ICANN org to give guidance to the independent examiner to strive for recommendations that address the relevant finding(s) and seem

feasible to implement, based upon consultations with the Review Working Party of the SO/AC. Again, the examiner is still independent and can issue recommendations they deem appropriate to address the findings. However, through dialogue with the RWP, they should be able to get a sense of whether they can be implemented—the ultimate realization of continuous improvement.

- **KBMB**: […] it would be helpful for independent examiners to structure interviews and the survey to collect both data around potential challenges as well as ideas to address them. Where a respondent observes a challenge or opportunity for improvement, a follow-up question could be: "how would you suggest this be addressed?" This would streamline the process for developing recommendations following the draft findings report. Setting a limit on the number of RWP members would help streamline scheduling of calls and enable more regular consultations. The process for implementation (36-months) seems overly time-consuming. For instance, it seems that the assembly of an implementation team is only necessary if an existing body within the organization cannot implement the recommendations on their own (e.g., the Council, the Guidelines Working Group). Perhaps an implementation team is only necessary for recommendations that cut across the organization/committee and that require coordinated planning and action. Assuming the community is not in opposition to the recommendations (which would hopefully be the case if a more consultative approach were taken between the independent examiner and the RWP), they could begin implementation following the draft final report.
- **KBMB** If a truly "uniform and consistent" approach is desired, it may be worth considering the pros and cons of different design elements, for example: Selecting an independent examiner to conduct all SO/AC reviews (or all organizational reviews, including of ICANN org). This would ensure consistency in methods, approach, communication, and timing.
- **KBMB** Conducting a "360-review" of each organization/committee within the multi-stakeholder model. This could entail identifying a representative number of people from each organization/committee to provide interviews and survey responses for each organization/committee. This 360-review data could be compiled with the organization's/committee's self-assessment to yield a set of findings and proposed solutions. The independent evaluator could then develop recommendations within (and if appropriate) across each organization/committee.
- **KBMB** Developing more prescriptive methods (e.g., standardized interview and survey questions; standards for the number and diversity of respondents) for each independent examiner to follow to ensure consistency across all organizational reviews.
- **KBMB**: […] Based upon our experience, some institutions and sectors are seeking ways to better embrace the complex, interconnected, and dynamic aspects of their work by pursuing more holistic, systems- approaches to evaluation. These types of evaluative methods may be useful to consider in relation to the multi-stakeholder model as a whole system, ensuring that organizational reviews reflect and serve that system and not only its component parts.
- **KBMB**: ICANN org's role in drafting strawman proposals and facilitating community interaction towards consensus on potential solutions may prove challenging for a couple reasons. First, based upon observations attending ICANN meetings and conducting an organizational review, it seems there is often an adversarial relationship between ICANN

org and the community. In some cases, people within the community and organization under review feel threatened that ICANN has hired a supplier to review them, which is different than the organization having ownership over their own review process.

  - o To address this, it may be helpful to convene and engage Review Working Party members in the procurement process, so they better understand why and how an independent examiner was chosen. It may also be helpful to consider some type of 360-review as described previously so that all organizations within the multi-stakeholder model are subject to consistent (however this is ultimately defined) reviews. It may be that consistency entails ICANN org's review be included in the streamlined approach.

- **KBMB**: In the process of streamlining reviews, the community may want to consider developing definitions of key terms it uses regularly as foundational elements of the multi-stakeholder model. With respect to reviews, a key term to define is continuous improvement.

- **KBMB**: A second challenge is that ICANN org is the current manager and likely future implementer of the community consensus adopted for streamlining organizational reviews. As such, they may not be perceived as fully independent or objective in their role of facilitating community discussions. To address this, ICANN org and the community may wish to consider having an independent third party facilitate engagement and consensus around solutions for streamlining reviews.

- **NCSG** thanks "he Organizational Effectiveness Committee (OEC) for respecting the bottom-up multistakeholder process and seeking their input on this process, these issues, and for including them in every step.

- **RrSG**: […] Clear metrics should be defined by the examiners or implementation team for measuring and reporting subsequent implementation and outcome. Otherwise, organizations can often get so wrapped up in internal processes that a lot of the improvement work that should come out of an Organizational Review doesn't actually get done.

- **RySG**: Item references the duration of each individual review, but it may also be prudent to consider the timing of each review relative to the other reviews – e.g., should organizational reviews occur concurrently, or would it create less strain on community resources to sequence the reviews?

Section IV: Analysis of Comments

A majority of comments were aimed at providing input on possible solutions to perceived problems of the current organizational review process. While this public comment was focused on sharing the proposed streamlining process, ICANN org will incorporate feedback from this public comment proceeding into an updated final document capturing the process and focus of the streamlining of organizational reviews, once the streamlining process gets underway.