

Nominating Committee Improvements Implementation Project Plan

Draft 20101105

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					Oct 2011	
3. Recruiting Process and Metrics					Oct 2011	
4. Separation of Recruitment and Selection	No action needed					
5. On Candidate Info					Oct 2011	
6. On Awareness Building and Outreach					Oct 2011	
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	
11. Select NomCom Members	No action needed					
12. On Independency					Oct 2011	
13. Appoint the Chair one year in advance	x				Oct 2011	Bylaws changes proposed for public comment
14. Confidentiality and Transparency					Oct 2011	
15. Rules for removal from NomCom					Oct 2011	
16. Core working Values and Procedures					Oct 2011	
17. Assessment of NomCom Performance					Oct 2011	Recurrent process

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 <ul style="list-style-type: none"> • 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.
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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...) <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • 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

4.b	To check whether present opt-in mechanism works for future NomComs, as well	-	No action needed (addressed in rec. 14)
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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 <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • 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	

	<ul style="list-style-type: none"> Approval and Implementation in NomCom Procedures/Guidelines 	Sep-Oct 2011	
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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 <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • 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		
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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.	<p>Appoint the Chair one year in advance to serve as non-voting member the year before becoming Chair</p> <ul style="list-style-type: none"> • Consult with Staff, General Counsel, SIC and Board • Develop draft bylaw changes • Bylaw change procedure • Amend NomCom Procedures/Guidelines 	<p>Oct 2011</p> <p>Mar 2011</p> <p>Jun 2011</p> <p>Sep-Oct 2011</p>	<p>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.</p> <p>In conflict with rec 10a</p>

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	<p>Document and formalize opt-in practice, guarantee that opt-in mechanisms work also for future NomComs</p> <ul style="list-style-type: none"> • Draft process mirroring current process • Consult with NomCom members, General Counsel and SIC, redraft as needed • Approval and Implementation in NomCom Procedures/Guidelines 	<p>Mar 2011</p> <p>May 2011</p> <p>Sept-Oct 2011</p>	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.	<p>To setup specific rules to remove non performing NomCom members, based on objective criteria (suggestions formulated in the report) – it requires Bylaw changes</p> <ul style="list-style-type: none"> • Redraft existing procedures/guidelines to incorporate suggestions • Draft general bylaw provision for NomCom member removal • Consult with NomCom members, SIC and General Counsel, redraft as needed • Bylaw change procedure • Approval of change in procedures/guidelines • Implementation in NomCom procedures/guidelines 	<p>Mar 2011</p> <p>April 2011</p> <p>May 2011</p> <p>August 2011</p> <p>Sept 2011</p> <p>Sept-Oct 2011</p>	<p>The main change will be in the existing procedures/guidelines.</p> <p>A Bylaws change is potentially needed, featuring a general removal provision to be referenced in the procedures/guidelines.</p>

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.	<p>To identify and document a set of core working values and procedures, to be formally adopted by the Board as a binding guidance</p> <ul style="list-style-type: none"> • Draft separate section of procedures/guidelines for Board approval • Draft modified Code of Ethics if useful/appropriate • Draft general bylaw provision as a basis for reference, if necessary • Consult with NomCom members, former NomCom Chairs, SIC, Board and General Counsel, redraft as needed • Bylaw change procedure • Approval of changes in Code of Ethics and procedures/guidelines • Implementation in NomCom Code of Ethics and procedures/guidelines 	<p>Mar 2011</p> <p>April 2011</p> <p>April 2011</p> <p>May 2011</p> <p>August 2011</p> <p>Sept 2011</p> <p>Oct 2011</p>	<p>There are three parallel change processes that need to be synchronized</p>

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	<p>Metrics and performance goals to be developed by each NomCom</p> <ul style="list-style-type: none"> • 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 	<p>Mar 2011</p> <p>Mar 2011</p> <p>April 2011</p> <p>Sept-Oct 2011</p> <p>Recurrent</p>	<p>Questionnaire</p> <p>To be used as a starting point for each NomCom</p> <p>Build a catalogue of annual NomCom metrics and goals for future reference</p>
17.b	<p>Members to be polled on their experience on NomCom effectiveness and integrity</p> <ul style="list-style-type: none"> • Develop draft questionnaire • Approval and Implementation in NomCom Procedures/Guidelines • Perform survey on a yearly basis • Summarize survey results 	<p>Mar 2011</p> <p>Sept-Oct 2011</p> <p>Recurrent</p> <p>Recurrent</p>	<p>To be used for improvement purposes</p>
17.c	<p>Future NomCom to experiment with self-assessment of performances</p>	-	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