

Reconsideration Request Form

1. Requester Information

Name: Ron Andruff

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional): Contact Information Redacted

2. Request for Reconsideration of (check one only):

Board action/inaction

Staff action/inaction

3. Description of specific action you are seeking to have reconsidered.

The Board Governance Committee (BGC) chose to overlook my exemplary record of 16 years of volunteer service, sound leadership at ICANN and solid overall marks in my 360 Review, focusing instead on a subset of mean-spirited and targeted attacks on my reputation by a few individuals.

Ironically, 360 Leadership Reviews were established in the Nom Com three years ago as a result of my insistent request to have peer reviews performed on all Nom Com members to enable two objectives. The first was to enable the members to gain from the experience of critical feedback so that they could responsibly improve their skills and thus become more effective leaders within ICANN. The second was to enable the sending organizations (constituencies, SOs, ACs) to better evaluate how well or poorly their representatives had performed so that they could improve the quality of their representatives year-on-year.

In short, the reviews were intended to be a tool for improvement, rather than a basis for disqualification. That is especially true in regard to a review such as my own, which was strong overall while revealing a few areas that could be a focus for further improvement.

By way of example, TTG Consultants (facilitators of the 360 Review) stated to me that 2015 Nom Com Associate Chair, Cheryl Langdon-Orr, "was the 360 Review poster child on improvement over the three years she served" in leadership positions on the Nom Com. That is to say, the BGC gave her the latitude to continue despite having not scored well on her first 360 Review. I have not been accorded that same consideration.

In my case, 18 of 21 (86%) Nom Com members participated in the Written 360 Survey; while only 12 of 21 (57%) did the telephone interviews. With such a small sampling for the telephone interviews it takes but a few people to disproportionately skew the results.

The overall rating of my 360 Review is 42.3. A rating of 55 would mean a perfect score of all "A" rating responses on every question by all evaluators/raters. Who among us is perfect?

While humanly imperfect, I nonetheless received: 54 "A" (Strongly agree) responses; 75 "B" (Agree) responses; 37 "C" (Neutral) responses; 17 "D" (Disagree) responses; and only 4 "E" (Strongly disagree) responses. Taken together, that is 166 'points' in the A, B, or C range (of which 129 were A or B) versus 21 'points' on the negative side of the rating. The positive: negative ratio was 8:1 -- hardly a poor showing, much less one that should be the basis of the unprecedented step of blocking my ascension to the role of Chair after "paying my dues" through diligent and dedicated Nom Com service.

The BGC Chair, Chris Disspain, in the company of BGC member, Bruce Tonkin, told me that I was passed over because of "concerns about my 360 Review" and "lack of cultural sensitivity". While I do not dispute that my 360 Review shows some select areas where improvements can be made, it hardly demonstrates a lack of fitness to effectively assume the role of Chair. Further, "lack of cultural sensitivity" is a wholly subjective statement that is so vague in detail as to not even constitute the basis for self-corrective action. I must ask what culture I am supposedly insensitive to? Indeed, I find the assessment rather astounding given my interactions with a diverse population of ICANN members since the organization's inception, with many of whom I have become friends and with none of whom I have ever had a falling out over cultural matters. These unsubstantiated allegations are based upon someone's opinions or feelings but lack the backing of any detailed facts or evidence, and therefore should be given little weight.

The BGC interviewed me for the 2016 Chair position on August 18th and September 10th, with a follow-on call with just two BGC members on September 28th to tell me that they had reached the decision to not recommend me as Chair to the full Board at their meeting later that day (Sept. 28th). The fact that I was not informed of this wholly unexpected decision until the very day of the Board meeting provided no opportunity for development of a detailed response that the Board might have considered in reaching its decision, and seems procedurally unfair.

Regarding the interviews themselves, it is my recollection that of the seven BGC members, two had recused themselves (as they may potentially seek re-election to the Board this year), while another one or two were absent on both calls. With about half of BGC members absent during the interview calls, I do not believe I was provided with a fair review by the BGC.

Summing up, while I do not dispute the notion that a poor 360 review might be

the basis for passing over a Vice Chair, my 360 review provided no substantial basis for such action. In addition, I have absolutely no doubt, based on my personal interactions as well as the result of the 360 review, that if my ascension to Chair was put to a vote of the Nom Com members with whom I have served over the past year I would win by a substantial margin.

4. Date of action/inaction:

September 28, 2015 ICANN Board Meeting in Los Angeles.

5. On what date did you become aware of the action or that action would not be taken?

September 28, 2015

6. Describe how you believe you are materially affected by the action or inaction:

Having served ICANN on a volunteer basis since 1999, I have established an ardent reputation as a passionate consensus builder, a proficient Chair, a skilled Working Group member, and an individual thoroughly dedicated to the preservation and enhancement of ICANN's multistakeholder model. Being passed over without the courtesy of a comprehensive review by the full BGC and no opportunity to provide a "minority report" that the Board could have considered at the same time it received the BGC recommendation, and to have the BGC's unsupported determination validated by the full Board, is a personal affront and an object lesson in discouragement to all those volunteers who dedicate so much of their uncompensated time and effort to ICANN.

In addition, the BGC's error in judgment has the potential to cause substantial damage to my name and reputation within and outside of the ICANN community by inevitably opening the door to questions and speculation about my capabilities and discernment, and also holds the potential to negatively affect my consulting business and income. There can be doubt that the community will take notice that I was barred from assuming the Chair role, and it can be reasonably assumed that the same individuals who cast aspersions on my supposed insensitivity may engage in a "whisper campaign" to further sully my heretofore pristine reputation for hard work, dedication, and fair dealing with others.

7. Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern.

The entire ICANN community is adversely affected by this unfair action lacking in

adequate due process and unsupported by credible facts. The BGC is meddling in the affairs of the supposedly **independent** Nominating Committee. Interfering with successful and efficient processes within the body that selects 2-3 Board members each year is not only wholly unnecessary, it triggers suspicion about the very independence of the Nom Com. It is also likely to deter others from volunteering their time and energy within the NomCom and other ICANN bodies as they become aware of how review processes that are supposed to foster self-improvement can instead be used to unfairly tarnish reputations.

Since 2012, the Nom Com has established an effective succession plan that has enabled the Leadership to learn, administer and advise through moving from Chair-Elect to Chair to Associate Chair. The succession plan is a large part of why recent Nom Com's have been so productive in their annual deliberations and placements.

Devoid of any validated egregious actions on my part, and lacking justification from my 360 review, one can only wonder what warranted this unprecedented BGC action. This incident poses yet another major accountability question for the entire ICANN community to address.

8. Detail of Board or Staff Action – Required Information

I do not believe that the BGC made the Board aware of the following material facts prior to the full Board proceeding with a vote on the 2016 Nom Com Chair-Elect and Chair:

1. An insufficient number of BGC members were present for my interviews, as detailed in my response to item #3.
2. My 360 Review overall rating, as noted herein, cannot justify the 2015 Chair-Elect being passed over as 2016 Nom Com Chair. Of the 187 points scored, 69% were positive responses; 20% neutral (89% in the aggregate), and 11% negative.
3. "Lack of cultural sensitivity" is a totally subjective comment and no facts or evidence have been made known to me in justification of it. It has no basis in even alleged fact and therefore deserves little or no weight in my evaluation.
4. The Nom Com Chair-Elect does not speak in Nom Com meetings unless asked to do so by the Chair; i.e. the Chair-Elect does not comment on the candidates, does not poll, and does not vote. Because of this, the validity of the 360 Review on a Chair-Elect cannot adequately provide a true and full representation of the capabilities of an individual because there are too few opportunities to demonstrate them.
5. Having heard the negative comments written in my 360 Review firsthand, I believe that I know the individuals who took advantage of this opportunity to provide negative evaluations. These individuals and I have had a strained

relationship long before they came to serve on the 2015 Nom Com and it has persisted notwithstanding my attempts at reconciliation. I made the BGC aware of this unfortunate situation during my interviews, as well as the actions I attempted to normalize those relationships before, during and at the conclusion of the Nom Com deliberations. The BGC's decision to deny me the Chair position based on a small minority of comments emanating from individuals with a suspect agenda converts the 360 Review process into a forum for the pursuit of personal vendettas, and that is the worst possible outcome for ICANN and its stakeholders. In addition to all of this, the lack of procedural due process embodied in the fact that I was not informed of the BGC's decision until the very day of the Board meeting, denying me any reasonable opportunity to prepare a detailed response, prevented the Board from considering the material facts I have now recited in this filing.

9. What are you asking ICANN to do now?

I call on the Board to release the current (and formerly 2015) Nom Com Chair from duty and reinstate me to 2016 Nom Com Chair. That action is thoroughly justified based upon my overall high marks in the 360 review.

As Chair, I would have the option of inviting the current Chair to serve as my Associate Chair on the 2016 Nom Com.

10. Please state specifically the grounds under which you have the standing and the right to assert this Request for Reconsideration, and the grounds or justifications that support your request.

As stated in my response to item #6, there can be no doubt that the Board's less than fully informed decision to pass over me for the Nom Com Chair post will be noted within the ICANN community. It seems inevitable that this unprecedented action will cause substantial damage to my personal reputation within the ICANN community in which I have worked for nearly two decades, and will likely give rise to unsupported speculation that will result in additional damage. That damage is non-financial but nonetheless quite costly. While I cannot yet put a financial value on loss of future income that may result from widespread public knowledge of the Board's action I do believe that is also a likely result.

Who among us is perfect? Who within ICANN leadership can claim that they have no detractors? None. The allegations given undue weight by the BGC are wholly dubious, unsupported by any known evidence, and will not stand up to any serious scrutiny. In the absence of any substantiated evidence of an egregious act or a clear and consistent pattern of "cultural insensitivity" on my part, I submit that the BGC overreacted and committed a serious error compounded by lack of adequate notice and ability to respond in advance of the Board decision.

I call upon the Board – now in possession of the material facts I have provided – to take immediate measures to correct the BGC’s actions in this matter and restore me to the position of 2016 Nom Com Chair.

Given the substantial damage that can incur to the reputation and fortunes of any individual in a situation like this, blocking normal ascension to a one-year Chair position should only be undertaken when there is clear and convincing evidence that the individual under consideration is regarded negatively by a substantial percentage of his peers and lacks their support as well as the skills to perform the duties involved. My 360 review demonstrates, to the contrary, that I am well regarded by the majority of my Nom Com peers and, while perhaps needing to focus on a few areas of self-improvement, could admirably perform the Chair role if given a fair opportunity to do so.

11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check one)

Yes

No

Terms and Conditions for Submission of Reconsideration Requests

The Board Governance Committee has the ability to consolidate the consideration of Reconsideration Requests if the issues stated within are sufficiently similar.

The Board Governance Committee may dismiss Reconsideration Requests that are querulous or vexatious.

Hearings are not required in the Reconsideration Process, however Requestors may request a hearing. The BGC retains the absolute discretion to determine whether a hearing is appropriate, and to call people before it for a hearing.

The BGC may take a decision on reconsideration of requests relating to staff action/inaction without reference to the full ICANN Board. Whether recommendations will issue to the ICANN Board is within the discretion of the BGC.

The ICANN Board of Director’s decision on the BGC’s reconsideration recommendation is final and not subject to a reconsideration request.

[electronically signed: Ron Andruff]

11 October 2015

Signature _____ Date _____

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