

Operating Standards for Specific Reviews

Proposed Updated Draft for Public Comment
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1 Introduction

1.1 Background

Specific Reviews (hereafter: “Reviews”) are an integral part of ICANN’s accountability measures that derive from Article 4, Section 4.6 of ICANN’s Bylaws (hereafter: “Bylaws”). These Reviews are conducted by the ICANN community (hereafter: “community”), supported by the ICANN organization (hereafter: “ICANN org”), and overseen by the ICANN Board (hereafter: “Board”). Such Reviews adhere to the standards and criteria documented in these ICANN Operating Standards for Specific Reviews (hereafter: “Operating Standards”). The Operating Standards ensure that Reviews are conducted in a transparent, predictable, and efficient manner. The community-led review team is bound by the noted Bylaws provisions and these Operating Standards.

Reviews are based on the following principles:

- Efficiency: Efficient use of volunteer time and ICANN resources, including budget and staff time.
- Consistency: Conforming with the Bylaws-defined scope of the Specific Review (hereafter: scope) and the focus areas for the review (hereafter: focus areas).
- Effectiveness: Results in clearly defined Final Report that thoroughly explores review topics, identifies areas that require action, and if needed, presents recommendations that address specific findings and have broad community support.
- Timeliness: Duration of review team work should not exceed 12 months. The time for Board action on review Final Report and recommendations is less than six months.

1.2 ICANN Bylaws

Reviews assess how certain aspects of the ICANN ecosystem are performing, including how ICANN org, Board, and community fulfill various commitments. Specific Reviews are anchored in Article 4.6 of the Bylaws, and help ICANN achieve its mission as detailed in Article 1 of the Bylaws. Four Reviews are defined in the Bylaws: Accountability and Transparency (ATRT), Security, Stability, and Resiliency, Competition, Consumer Trust, and Consumer Choice, and Registration Directory Service.

2 Initialization and Planning

2.1 Development of Review Focus Areas

Before the Board’s decision to initiate a Review, there must be agreement among the community, Board, and ICANN org on the specific areas that the Review will focus on (hereafter: “focus areas”). Review focus areas must be within the Bylaws mandated scope for a Review, as defined in Section 4.6 (b) of the Bylaws, and should reflect areas of priority in line with ICANN’s Strategic and Operating Plans.

ICANN org will develop potential Review focus areas, present them to Supporting Organization (SO) and Advisory Committee (AC) leaders, and open a Public Comment proceeding to solicit community input. Following the closure of the proceeding, ICANN org will draft a summary report on the comments received and refine the focus areas in response to community input. The focus areas (updated as appropriate) will be presented to the Board to inform its decision to initiate the Review.

2.2 Review Initiation

The Board will initiate the Review based on the focus areas with a resolution containing at a minimum:

- Direction to ICANN org to develop the following:
 - Draft project plan to manage the entirety of the Review based on its focus areas, from initiation through the Board’s decision on the Final Report (hereafter: “project plan”). The project plan will be shared with the Chairs of the SOs and ACs for their input as managers of the community’s workload.
 - Terms of Reference to define the Review’s work and the modus operandi of the review team based on its focus areas, for adoption by the review team.
 - Call for volunteers for the SOs and ACs to solicit applicants to serve on the review team.
 - Draft work plan to outline how a review team will organize and schedule its work consistent with the Terms of Reference. The review team will update and adopt the work plan upon convening.
- Commitment to appoint a Board member to serve as a member of the review team.

2.3 Project Plan and Terms of Reference

2.3.1 Project Plan

ICANN org will develop the project plan using the Review focus areas. The project plan will contain:

- Project purpose, objectives, and deliverables.
- Research data collection requirements.
- Work breakdown structure.
- Resource plan:
 - Need for third-party resources, if any.
 - Required commitment of time and skills for review team.
 - Required resources from ICANN org.
 - Estimated budget for the Review.
- Project timeline and milestones.

2.3.2 Terms of Reference

ICANN org will develop the Terms of Reference based on the project plan for the Specific Review. The Terms of Reference will outline review work and define the review team's role in conducting the work. The Terms of Reference will contain:

- Overview
 - Purpose of the Review.
 - Scope and focus areas for the Review.
 - Review objectives, deliverables, timeline, and milestones.
- Methodology
 - Approach to work.
 - Roles and responsibilities.
 - Operating procedures.
 - Decision-making procedures.
 - Communication and engagement plan.

2.3.3 Sharing Project Plan and Terms of Reference with the SO/ACs and Board

ICANN org will share the draft project plan and Terms of Reference with the SO/AC Chairs for their information and input with regards to the community's workload. The SO/AC Chairs will be asked to provide input within two weeks of receiving the documents. Following input, if any, from the SO/AC Chairs, ICANN org will share the draft project plan and the Terms of Reference with the Board. ICANN org will then publish both documents on the Review's webpage as outlined in Section 4.1.3 of these Operating Standards.

2.4 Review Preparations

ICANN org will begin planning for the Review as per the project plan, including developing a call for volunteers, supporting the SO/ACs in review team selection, developing requirements for Review research and data collection, developing an onboarding plan, and procuring third parties, if needed, as per ICANN's established procurement process.

3 Review Team and Leadership Selection

As per the Bylaws, "[r]eview teams will be established for each applicable Review, which will include both a limited number of members and an open number of observers."

Review teams are comprised of members appointed by ICANN's SOs and ACs. As directed by the Board, ICANN org will develop a call for volunteers for each review team. The members must be qualified to conduct the respective Review and willing to commit the necessary time and work effort as described in the call for volunteers.

The review team selection is a three-step process:

- Call for volunteers: SO/ACs solicit applicants with the needed skill sets and experience.

- SO/AC Nomination: SO/ACs nominate a list of up to three primary candidates and up to four secondary candidates.
- SO/AC Selection: The SO/AC Chairs select the final review team from the list of SO/AC nominees. SO/ACs and their leadership are encouraged to refer to the [diversity elements](#)¹ agreed by the Work Stream 2 Community Coordination Group, when making a determination. The SO/AC Chairs must select the review team leadership from the list of selected review team members.

3.1 Call for Volunteers

ICANN org will develop the call for volunteers based on the requirements for a review and share it with each SO/AC prior to its announcement. The call for volunteers must contain the following components: a volunteer role description, required skill sets, desired attributes, acknowledgements required from the candidates, an application form, and a timeline for the nomination and selection process.

SO/ACs will follow their own processes to solicit applicants and nominate candidates. ICANN org will manage the collection of applications and share SO/AC specific applications with each respective group.

3.1.1 Volunteer Role Description

The volunteer role description must outline the following information:

- Explanation that review teams will conduct their work virtually. Opportunities for face-to-face meetings may occur during ICANN meetings, however travel for these events will not be covered by the Review budget.
- Wording to inform candidates that they might be asked to execute a nondisclosure agreement in order to obtain access to certain Review materials.
- Expectation that each candidate will complete a Statement of Interest (SOI) form and agree to comply with the Review’s Conflict of Interest (COI) policy.
- Indication of the time commitment expected from review team members.

The volunteer role description must also include specific skill sets consistent with the focus areas and project plan.

Some general skills and attributes should form part of the required skill set for all Reviews. These include but are not limited to:

- Familiarity with ICANN’s multistakeholder model.
- Team spirit, adaptability, consensus-seeking attitude.
- Willingness to learn.

¹ The agreed diversity elements result from implementation work conducted by the [Work Stream 2 \(WS2\) Community Coordination Group \(CCG\)](#). The WS2 CCG was created “to serve as a forum to exchange best practices, lessons learned, as well as for sharing information and progress” and to discuss “WS2 recommendations or topics that can benefit from a uniform, community-wide approach”.

- Readiness and time to contribute.
- Capacity to reason objectively, ability to put aside personal opinions or preconceptions.
- Analytical skills.
- No apparent COIs that may impact the review work.
- Capacity to draw fact-based conclusions in its evaluation of how the prior Review recommendations have been implemented and in new work undertaken by the review team.
- Provide useful observations and suggestions and recommendations, as needed.
- Leadership and group management skills (particularly relevant for leadership roles).

Each Review will also require skill sets relevant to its specific subject area, to be determined as relevant to each review, based on the Bylaws.

3.1.2 Application Form

The application form must contain fields to solicit the following:

- Applicant's skill set and experience, relevant to the Review.
- Applicant's demographic information.
- Consent to share the applicant's information contained in the application with the SO/ACs.
- Email address for the SO/ACs to contact the applicant.
- Consent to applicant's name, affiliation, and links to their completed application form – with certain private information redacted – to be posted publicly.

3.2 SO/AC Nomination Process

Each SO/AC will follow its own internal processes to nominate up to three primary candidates and up to four secondary candidates for each review team. SO/ACs must provide a list of their nominated candidates within two months of receiving the call for volunteers from ICANN org. Based on their internal processes, an SO/AC Chair(s) may choose to nominate someone that did not apply. Each SO/AC is encouraged to consider balance among their nominated candidates for diversity in skill set, geography, experience, prior service on review teams, and gender. Applications for candidates nominated by each SO/AC will be posted publicly. Personal contact information of candidates will not be made public.

If an SO/AC chooses not to participate in the candidate nomination process (or selection process detailed below), the Chair of that SO/AC must provide an acknowledgement in writing to ICANN org of the group's awareness of the process and its decision to not participate.

ICANN org will support SO/ACs throughout the candidate nomination process including managing and sharing applications as needed.

3.3 SO/AC Chairs' Selection of the Review Team

ICANN org will complete a nonbinding analysis of the diversity for all primary nominees within one week of the closure of the nomination process. This analysis will be based on the information provided in the candidates' applications as well as any other relevant, publicly available information.

SO/AC Chairs are encouraged to convene within two weeks after they receive the analysis. ICANN org shall organize a call(s) for the SO/AC Chairs to discuss and determine the final selection of the review team and its leadership. ICANN org shall provide appropriate administrative support for these meetings. The SO/AC Chairs may confer with their respective SO/ACs to select alternate nominees if the pool of primary and secondary nominees is insufficiently diverse.

ICANN org will share a diversity analysis of the SO/AC selected review team with the Board. As part of its oversight function, the Board will inform the SO/AC Chairs of any concerns regarding the diversity. Any Board concerns should be focused on the diversity of the review team, and not any individual nominee.

The SO/AC Chairs may deliberate in private, but for transparency purposes a post-factum summary report of the SO/AC Chairs' deliberations and decisions will be published no later than two weeks after the conclusion of the selection process. The report shall contain an overview of all relevant issues that were considered when selecting the review team, including any information and guidance which the Board may have communicated to SO/AC Chairs. ICANN org will compile the report.

3.4 Conflict of Interest Policy and Statements of Interest

Each review team is subject to a COI policy that is in line with the ICANN Board practice. The COI policy provides mechanisms for the review team to utilize when a review team member has a conflict that requires exclusion from discussion on a particular topic. To facilitate the identification of potential or actual COIs, all review team members are required to maintain and regularly update a SOI in the form provided by ICANN org. ICANN org will post the SOI on the review team webpage.

3.5 SO/AC Chairs' Selection of Review Team Leadership

SO/AC Chairs are encouraged to select two co-chairs for each review. SO/AC Chairs may nominate up to four selected review team members, in order of preference, to serve as Co-Chairs. The SO/AC Chairs will determine criteria for nominating review team leadership, based on the Roles and Responsibilities defined below. Nominated Co-Chairs will be offered the role in order of preference. If a review team member chooses not to accept the role of Co-Chair, the review team member next on the list will be offered the role. The roles and responsibilities of the review team leadership are outlined in Section 4.1.9.2.

3.6 Announcement of the Review Team

Once the SO/AC Chairs have finalized the review team selection, ICANN org will announce the review team membership through all appropriate communication channels.

3.7 Review Team Onboarding

ICANN org will conduct an onboarding for the review team with the objective of expediting the time needed for the team members to gain familiarity with relevant information and tools and to introduce each other. ICANN org will provide review team members with the following documents at least two weeks before the review team's inaugural meeting:

- Project plan and Terms of Reference.
- Draft review team work plan.
- Implementation briefings on prior Review recommendation(s) - per the ATRT3 requirement.
- Background information on relevant subject matters, as required.
- Outline of logistical information described in Section 4.1.

3.8 Observers

Anyone can observe a review team meeting.

Observers cannot participate in review team discussions or meeting chat rooms. Observers may provide input on the review team's work through their community group and/or members, or through Public Comment forums.

Please refer to Section 4.1.5 on Transparency Requirements for information on the public archival of review work.

4 Conducting the Review

4.1 Administrative Items

4.1.1 Support for Review Team

The review team will receive support for project management, meetings, document drafting, editing and distribution, data and information gathering, and other substantive contributions from ICANN org as aligned with each Review's Terms of Reference and these Operating Standards.

4.1.2 Language

The working language for review teams is English. Translations of major reports will be provided in line with ICANN's [Language Services Policy and Procedures](#).

4.1.3 Webpage

ICANN will maintain a publicly available workspace containing at a minimum:

- Review scope as defined in the Bylaws and the focus areas for the Review.
- Project plan and Terms of Reference for the Review.
- Review team nomination and selection information.
- Membership list of the review team, including regional affiliation and the SO/AC from which each was nominated.
- List of all review team meetings, including agendas, recordings, transcripts, and other meeting materials.
- Information on opportunities for observers to participate.
- Request or action item tracking.
- All published fact sheets (see Section 4.8).
- Engagement plan and archives of outreach conducted.
- Review work products, including the Research Findings Report.
- Link to the review team's public mailing list archive.

4.1.4 Transparency Requirements

ICANN org will maintain the public workspace as set out in Section 4.1.3. All review team meetings must be conducted in a transparent manner, recorded and transcribed. The recordings and transcripts must be posted on the Review's workspace in a timely manner, usually no later than 48 hours after the meeting. The mailing list(s), except those used for discussion of information provided to a review team under a nondisclosure agreement subject to the Confidential Disclosure Framework (see Section 6.1 of this document), must be publicly archived and linked on the Review's workspace.

4.1.5 Terms of Reference

The Terms of Reference will define the review team's work from its inaugural meeting through delivery of its Final Report. Upon convening, the review team must review and agree to follow the Terms of Reference for the Review.

4.1.6 Work Plan

The work plan defines how the review team will organize and schedule its work consistent with the Terms of Reference and project plan. ICANN org will provide the review team with a draft work plan. The review team must review the draft plan, update (if necessary) according to the team's agreed approach and schedule, and formally adopt the work plan.

4.1.7 Meeting Schedule

Each review team will decide its virtual meeting schedule with support from ICANN org in order to meet its milestones as set out in the project plan.

4.1.8 Meeting Agendas

The review team leadership will develop meeting agendas in coordination with ICANN org and post them to the Review's webpage no later than 24 hours before the meeting.

4.1.9 Meeting Attendance

Review team members should make their best efforts to attend all meetings. A minimum attendance of 50 percent + 1 of the review team membership is required to hold a meeting. If members are not able to attend a meeting, they are required to inform ICANN org within 48 hours so that their apology can be recorded. ICANN org will post attendance and apologies of review team members for each meeting on the Review's webpage. This information serves as the basis for review team participation reporting on the Review fact sheet (see Section 4.8), a tracking and reporting mechanism which details relevant metrics on Review progress.

Should review team member(s) fail to attend three consecutive meetings or demonstrate a pattern of inconsistent attendance, ICANN org will inform the review team leadership. The review team leadership will inform the SO/AC Chair(s) of the appointed review team member(s) for possible action. Please see Section 6.4 Review Team Management for the resignation, removal, and replacement of a new review team.

4.1.10 Roles and Responsibilities

4.1.10.1 Review Team

Review team members are expected to:

- Abide by the noted Bylaws provisions for Specific Reviews and these Operating Standards.
- Review and agree to follow the Terms of Reference.
- Behave in a collegial and constructive way toward the review team colleagues, the Board, and ICANN org, in accordance with [ICANN's Expected Standards of Behavior](#), ICANN's Community Anti-Harassment Policy, and any other policies or practices adopted within ICANN that govern ICANN community participant conduct.
- Meet requirements for meeting attendance (Section 4.1.8), actively participate in review team calls, and engage via relevant mailing lists and other collaborative tools by, for example, contributing substantively to discussions, voicing approval or disapproval when appropriate. If a review team member is unable to attend a meeting, there is an expectation that he/she will review all relevant meeting materials to be informed and up-to-date.

The review team is expected to:

- Participate in the reviewing, updating, and adopting the work plan and meeting schedule for the team to achieve the Review’s objectives, as defined in the Review’s project plan and Terms of Reference.
- Report back no less frequently than quarterly to their nominating entity on the progress of the review team (see Section 4.8).
- Provide timely updates and engagement opportunities to the community on the review team’s work.
- Post the review team’s Draft Report for Public Comment on ICANN.org, consider input and incorporate it as appropriate, and provide rationale for input not addressed.
- Produce the review team’s Draft and Final Report.
- Be available to provide clarification, as needed, during the Board’s consideration following the delivery of the Final Report during post review efforts, as noted in Section 5.1.

4.1.10.2 Review Team Leadership

The review team leadership, comprising up to two co-chairs, is expected to:

- Behave in a neutral, collegial, and constructive way towards the review team, the Board, and ICANN org, in accordance with [ICANN’s Expected Standards of Behavior](#), ICANN’s Community Anti-Harassment Policy, and any other policies or practices adopted within ICANN that govern ICANN community participant conduct.
- Adhere to the Review’s project plan, Terms of Reference, engagement plan, and these Operating Standards.
- Be accountable for the timely delivery of key work products according to the review team’s adopted work plan.
- Oversee review team participation in meetings and escalation of issues when appropriate.
- Facilitate consensus among the review team members, as well as determine levels of consensus once achieved.
- Manage the review team’s work with ICANN org to maintain adherence to ICANN’s accountability and transparency requirements.
- Work with ICANN org on any exceptional budget requests, if required.
- Regularly report on progress of the Review to the SO/AC Chairs and the Board.

4.1.10.3 SO/AC Chairs

SO/AC Chairs are expected to:

- Appoint review team members, review team Co-Chairs, and replacement review team members as needed.
- Monitor the review team’s progress, provide relevant and constructive input from their respective communities when appropriate, sharing any concerns with the review team as soon as they become apparent.
- Be informed on focus areas, project plan, Terms of Reference, Findings Report, and other material outputs.

- Provide guidance towards conflict resolution, as detailed in these Operating Standards.
- Provide input, via correspondence to the review team and the Board, on how closely the review team adhered to the Terms of Reference and the Operating Standards before the review team submission of the Final Report to the Board.

4.1.10.4 Board

The Board is expected to:

- Confirm the focus areas for the Review.
- Be presented with a project plan and Terms of Reference that are consistent with the Review's scope and focus areas.
- Monitor of Reference the progress of the Review, as they relate to the oversight of Reviews.
- Participate in the Review and present Board positions where appropriate, through the Board member that the Board appoints to serve on the review team.
- Provide input on any review team recommendations.
- Exercise its oversight in confirming that the Review is conducted in accordance with the Board's action to initiate the Review, the Review's project plan, Terms of Reference, and these Operating Standards.
- Oversee the implementation of any final Review recommendations that have been approved by the Board.

4.1.10.5 Board appointed review team member

The Board-appointed review team member is expected to:

- Participate in the work of the review team, report to the Board on the progress of review team activities, and facilitate Board consultation on the level of effort required and the expected impact of the recommendations being considered.

4.1.10.6 ICANN org

ICANN org is expected to:

- Provide all necessary briefings and background information to the review team, including any additional information requested during the review.
- Provide project management throughout the Review including the management of resources relevant to review team activities and budget, consistent with the project plan.
- Provide support for the review team as outlined in Section 4.1.1, including the provision of available templates and drafting of documents as required.
- Provide relevant input to the review team's work, including a Feasibility Assessment of potential solutions the review team may identify.
- Provide support to the Board in its review related work.

4.2 Decision-Making Procedure

According to the Bylaws “review team decision-making practices shall be specified in the Operating Standards, with the expectation that review teams shall try to operate on a consensus basis. In the event a consensus cannot be found among the members of a review team, a majority vote of the members may be taken.”²

Review team decision-making practices, as articulated in the Bylaws and described in the next paragraphs, should be followed when the review team is producing any substantive work product including the Research Findings Report, draft recommendations, and the Final Report. With regards to drafting recommendations for the Review, the Bylaws state: “Each report of the review team shall describe the degree of consensus or agreement reached by the review team on each recommendation contained in such report. Any member of a review team not in favor of a recommendation of its review team (whether as a result of voting against a matter or objecting to the consensus position) may record a minority dissent to such recommendation, which shall be included in the report of the review team [...]”³

The review team leadership will be responsible for designating each decision as one of the following:

- Full consensus No review team members speak against the proposed action or portion of the proposed action in its last readings.
- Consensus A small minority disagrees, but most agree.
- Strong support but significant opposition Most of the review team supports the proposed action or portion of the proposed action, but a significant number do not.
- Divergence No strong support for any particular position, many different points of view. Sometimes this is due to irreconcilable differences of opinion, and sometimes it is because no one has a strong or convincing viewpoint, but the members of the review team agree that it is worth listing the issue in the report, nonetheless.
- Minority dissent When only a small number of people are supportive or in opposition to a proposed action.

All minority dissents must be included in the Final Report including a rationale for that disagreement. The authors of minority dissents are encouraged to provide alternative proposals that include the same details and context as is required from the Final Report as per these Operating Standards (see Section 4.7). Review team members cannot use the Public Comment proceeding(s) to register dissenting opinions, or provide additional support for existing minority dissents.

Unless there is full consensus on a given decision, the review team must document divergent or dissenting opinions.

Consensus calls should always involve the entire review team. For this reason, the consensus process should take place on the designated mailing list to ensure that all review

² Bylaws, Article 4, Section 4.6(a)(iii), see <https://www.icann.org/resources/pages/governance/bylaws-en>.

³ Bylaws, Article 4, Section 4.6(a)(iv)(A), see <https://www.icann.org/resources/pages/governance/bylaws-en>.

team members have the opportunity to participate. It is the role of the leadership to note which level of consensus is reached and announce this designation to the review team. Members of the review team should be able to challenge the designation of the leadership as part of the review team's discussion. However, if several participants⁴ on a review team disagree with the designation given to a position by the leadership – or any other consensus call – they may follow these steps sequentially:

1. Send email to the leadership, copying the review team, explaining why the decision is believed to be in error.
2. If the leadership still disagrees with the opposing member, a poll shall be conducted to determine the result.

4.3 Review Work

4.3.1 Research, Analysis, and Findings

Research and analysis will be conducted according to the requirements outlined in the project plan and approach to work articulated in the Terms of Reference, consistent with the focus areas. The party conducting research for the Review will be determined based on Review focus areas and will be defined in the Review's resource plan, with the goal of optimizing available resources.

Following the conclusion of research and analysis, a Research Findings Report will be produced. The Research Findings Report will follow a template provided by ICANN org and contain:

- Executive summary.
- Research methods.
- Key findings including potential problems and opportunities.
- Recommended areas for action, if any.

The report will be provided to the review team for review and discussion. The review team will determine if any findings require action. If specific findings are determined to require action, preliminary recommendations and desired outcomes will be drafted.

4.3.2 Drafting Preliminary Recommendations

Should key findings from the Research Findings Report lead to the identification of a problem or opportunity that is deemed to require action, the review team may draft preliminary recommendations.

Each draft recommendation must contain the following:

- Specific problem or opportunity to be addressed.
- Evidence that it is within ICANN's mission and in alignment with the strategic plan.

⁴ Any review team member may raise an issue for reexamination with the review team leadership; however, a formal appeal to the leadership will require that a single member demonstrates a sufficient amount of support from among the review team before a formal appeal process with the leadership can be invoked. In those cases where a single review team member is seeking reexamination, the member will advise the review team leadership of their issue. The leadership will work with the dissenting member to investigate the issue and to determine if there is sufficient support among the review team for the reexamination to initiate a formal appeal process.

- Supporting statement for action that includes its relevance to the review’s objectives, and supporting material from the Research Findings Report.
- Desired outcome to address identified issue.
- Description of benefits the implementation of the recommendation would generate.

4.3.3 Feasibility Assessment of Preliminary Recommendations

ICANN org will perform a Feasibility Assessment for each preliminary recommendation, if any, to inform the review team of feasibility, viability, costs and dependencies. Following receipt of this assessment, the review team must address ICANN org’s input before finalizing its draft recommendations.

4.4 Draft Report

The review team must produce a Draft Report containing all of its work products for community input via Public Comment.

The Draft Report must include the following:

- Overview of the process for establishing the focus areas, project plan, and Terms of Reference.
- Overview of the approach to Review work.
- Research Findings Report.
- Determination of whether or not the researching findings require action.
- Preliminary recommendations, if required, and ICANN org’s Feasibility Assessment.
- The Draft Report should indicate a level of consensus as defined in Section 4.2.
- ICANN community and org time contributed to Review work (via fact sheets).
- Review team composition, including the SO/AC that nominated each member, and details of any changes in composition or leadership during the course of the Review.

4.5 Public Comment

The review team’s Draft Report must be published for Public Comment in accordance with the Bylaws⁵ and standard ICANN procedures. ICANN org will schedule and manage the opening and closing of Public Comment proceedings in accordance with the Review’s project plan and the review team’s work plan. Public Comment proceedings will be structured using guided submission forms to solicit community input on targeted areas of the review team’s work.

Review team members cannot use Public Comment to register or provide support for dissenting opinions (see Section 4.2). Such comments will be differentiated from other Public Comments and will not be included in the Public Comment summary report.

4.6 Analysis of Public Comment and Revisions to Review Work

⁵ <https://www.icann.org/resources/pages/governance/bylaws-en/#/article4>

ICANN org will produce a summary report for all comments received.

The review team must address all substantive input on review work and revise their recommendations, if any, accordingly. Although the review team is not required to revise their recommendations, it must explain why they chose not to address input received.

If the review team's recommendations require significant modification, a second Feasibility Assessment may be required as well as a Supplemental Public Comment proceeding. Once the recommendations have been finalized, the Final Report will be drafted. The review team must explain how it addressed input received from Public Comment in its Final Report.

4.7 Final Report

A draft of the Final Report will be shared with SO/AC Chairs. The Chairs will be asked to provide input on how transparently the review team conducted its work throughout the process, engaged with the community, and responded to input received. This input will be included in the appendix of the Final Report.

The review team will work to address any significant concerns from SO/AC Chairs in a timely manner. The review team members will achieve consensus on revisions to the Final Report through either via consensus call taken over the relevant mailing list, or a consensus call taken during a related meeting.

The Final Report must include the following:

- Overview of the process for establishing the focus areas, project plan, and Terms of Reference.
- Overview of the approach to review work.
- Research Findings Report.
- Determination of whether or not the research findings require action.
- Final recommendations, if applicable, including changes from the Draft Report and rationale.
- ICANN org's second Feasibility Assessment, if applicable.
- Summary of substantive input from Public Comment, public consultations, and engagement with SO/ACs and how it was addressed.
- Level of consensus as defined in these Operating Standards for each recommendation as defined in Section 4.2.
- Review team composition, including the SO/AC that nominated each member, and details of any changes in composition or leadership during the course of the Review.
- ICANN community and org time contributed to Review work (via fact sheets).

The review work of the review team will be completed once they deliver the Final Report to the Board. However, there may be a need for ICANN org to approach the review team for clarification during the Board consideration phase and potential subsequent implementation phase. The review team's publicly archived mailing list will remain active to allow ICANN org to seek such clarifications, as needed. Once implementation activities conclude, the mailing

list will be formally retired, and records publicly maintained. Please see Section 5.1 “Post Review Effort” for more detail.

4.8 Post Review Survey

Following the submission of the Final Report to the Board, ICANN org will survey review team members and the SO/AC Chairs to solicit input on the effectiveness of the Operating Standards and their role in facilitating the conducted Review. ICANN will analyze the input received to determine if updates to the Operating Standards are required.

4.9 Progress Reporting

ICANN org will provide the review team with a draft engagement plan outlining how the team should engage the community throughout the Review and how each member of the review team should regularly engage with their nominating group. The review team must finalize and adopt the engagement plan within two weeks of assembling for their inaugural meeting.

As outlined in Section 4.1.9.1, each review team member is required to regularly report to the SO/AC that nominated them, and share their SO/AC’s input with the review team. The enforcement of this reporting requirement lies solely with the nominating SO/AC.

ICANN org will provide the review team with tools and resources to facilitate a timely and consistent progress reporting.

The review team leadership is responsible for ensuring that the review team adheres to the engagement plan and reporting methods as detailed in the Terms of Reference. This will ensure that the community and the Board are informed about the work and its progress in a timely and appropriate fashion.

ICANN org will produce a fact sheet⁶ quarterly and present to the review team’s leadership for approval. The approved fact sheet will be shared with the review team before it is published to the Review’s webpage. The fact sheet is a tracking and reporting mechanism which details relevant metrics on Review progress against the work plan, deliverables, and the Review budget. Metrics include attendance records of review team members, and progression of work toward achieving key milestones.

4.10 Monitoring Review Progress

The review team will conduct its work within the scope defined in the Terms of Reference and these Operating Standards. Notwithstanding its autonomy, the review team is accountable to its appointing organizations and the global ICANN community for adhering to its Terms of Reference and these Operating Standards, and for utilizing volunteer time and ICANN resources prudently and appropriately.

⁶ For an example of a fact sheet, please see: <https://community.icann.org/display/atrt/Fact+Sheet+-+Pilot+Holistic+Review+Terms+of+Reference+Team>

The progress of the Review shall be monitored by the SO/ACs and the Board. The monitoring shall rely on similar metrics (see below) and without unduly interfering with or influencing the review team's scope and work. Specifically, SOs/ACs and the Board shall monitor via regular progress reporting relayed by ICANN org:

- Adherence to the Review focus areas, project plan, and Terms of Reference.
- Timely and effective completion of Review milestones and deliverables.
- Effective use of volunteer time and ICANN resources.
- Member participation and contribution levels.

5 Board Consideration

5.1 Post Review Effort

Should a clarification on the review team's Final Report, including possible recommendations, be needed to inform Board consideration and/or ICANN org's efforts to operationalize such output, ICANN org may contact the review team by email after the conclusion of the review effort.

The review team's publicly archived mailing list will remain active to allow ICANN org to seek such clarifications, as needed.

Should it be necessary, a conference call with the review team may be scheduled to discuss the request for clarification. The call would be recorded for transparency purposes.

No in-person meetings will be accommodated, nor travel support funding granted, for these follow up activities.

Once implementation activities conclude, as appropriate, the mailing list will be formally retired, and records publicly maintained.

5.2 Board Consideration and Implementation

The review team submits its Final Report to the Board via the ICANN Correspondence Process. The Board confirms receipt of the Final Report.

Should the Final Report include one or more recommendations for ICANN org to take on, ICANN org refines the feasibility assessment for operationalizing them and refreshes, as needed, the information on estimated costs, resources, and timing needed to implement such recommendations.

The Final Report and the feasibility assessment form the set of documents the community is asked to provide input on through a 40-day Public Comment period. To facilitate the process for contributing to the Public Comment period, ICANN org may provide guiding questions.

ICANN org releases a summary of the Public Comments received.

Per ICANN Bylaws, the Board has six months to consider the Final Report and the Public Comments on the Final Report to make a determination. To inform its decision, the Board also examines ICANN org's feasibility assessment on the review team outputs, if any.

The Board takes action on the review team's Final Report, and includes rationale for approving or rejecting any potential output.

Any review team output approved by the Board is subject to community prioritization through the [prioritization framework](#). ICANN org is responsible for implementing the prioritized recommendations.

Through the dedicated web pages, ICANN org continuously reports on the implementation status of outputs. In addition, ICANN org issues quarterly implementation progress reports to communicate on ICANN org's efforts in achieving implementation deliverables, estimated completion timeframes, and any possible implementation variances or timeline adjustments.

For any Board approved output that has been effectively operationalized, ICANN org produces implementation documentation. Implementation documentation encapsulates the story of an output's implementation journey, provides evidence of that implementation, and also a rationale for how and why improvements were operationalized in the given context and environment. In addition to strengthening the accountability and transparency of the process, this documentation is also intended to help future review teams in their assessment work.

Once the implementation project is completed, ICANN org produces an implementation closing report that documents how the review team's work was addressed. The implementation closing report is submitted for Public Comment.

The aforementioned reporting complements the Annual Review Implementation Report that ICANN org presents to the Board and the community, in accordance with Section 4.5 of the Bylaws.

Throughout the implementation phase, the Board continues to oversee progress and to receive regular updates.

6 Specific Review Policies

6.1 Confidential Disclosure Framework

As per the Bylaws⁷:

⁷ ICANN Bylaws, Article 4, Section 4.6(a)(iv)(A), see <https://www.icann.org/resources/pages/governance/bylaws-en>.

“To facilitate transparency and openness regarding ICANN's deliberations and operations, the review teams, or a subset thereof, shall have access to ICANN internal information and documents pursuant to the Confidential Disclosure Framework set forth in the Operating Standards (the "Confidential Disclosure Framework"). The Confidential Disclosure Framework must be aligned with the following guidelines:

1. ICANN must provide a justification for any refusal to reveal requested information. ICANN's refusal can be appealed to the Ombuds and/or the Board for a ruling on the disclosure request.
2. ICANN may designate certain documents and information as "for review team members only" or for a subset of the review team members based on conflict of interest. ICANN's designation of documents may also be appealed to the Ombuds and/or the Board.
3. ICANN may require review team members to sign a nondisclosure agreement before accessing documents.”

The Confidential Disclosure Framework, aligned with the provision set out in the Bylaws, is annexed to this document. A copy will be provided to all review team members at the start of the review.

Review team members that are unable to meet the conditions set forth in the Confidential Disclosure Framework to access confidential information, may continue to participate in the review. Yet, as detailed in the Confidential Disclosure Framework, they may face restrictions when accessing documents and when participating in discussions pertaining to those documents.

A copy of the current Confidential Disclosure Framework can be found on the ICANN website.⁸

6.2 Dispute Resolution

All conflict-related communication, whether internal to the review team or involving outsiders, shall conform with ICANN's transparency and accountability requirements, subject to privacy considerations. The review team and the party that raised the concern shall attempt to resolve the concern directly through constructive discussion. Every effort shall be made for an expedient and productive resolution, avoiding undue interruption of the review team's work and minimizing the impact on the review team's progress.

Any conflicts or disputes that arise among review team members (e.g., those of an interpersonal nature) shall be addressed in line with conflict resolution and escalation paths used in other community working groups, such as detailed in the [GNSO Operating Procedures](#) or any other relevant, publicly available document that has precedent as being used for conflict resolution within the ICANN community.

⁸ Please see the Confidential Disclosure Framework developed in August 2017: <https://community.icann.org/display/SSR/Legal+Documents?preview=%2F64950831%2F71599536%2FOperating+Standards+CONFIDENTIAL+DISCLOSURE+FRAMEWORK+UPDATE+August+2017.pdf>

Concerns about the review team’s scope, methodology, community outreach, or any issue related to its work, shall be communicated directly to the review team via the team member of the party raising the concern.

If the review team leadership is unable to resolve the concern, the concern will be escalated in accordance with the steps outlined below.

1. The concerned parties may bring the issue to the SO/AC Chairs.
2. The SO/AC Chairs, through a manner they deem appropriate, shall discuss the issue and provide an appropriate solution.
3. Through a manner they deem appropriate, the SO/AC Chairs should determine whether the concern is such that it should be brought to the attention of the Board.
4. If the SO/AC Chairs cannot agree on a solution, they shall suggest an alternative means to arrive at a timely and productive solution. This may include, but is not limited to, facilitation or public consultation. Such alternative means may require the review team to pause its work, understanding that such a disruption should be used only as a means of last resort.
5. The process for resuming or restarting the Review shall be defined by the SO/AC Chairs, with an eye toward overcoming the challenges that initially led to the dispute.

If the Board identifies an issue with the review process that poses a significant risk to the review team meeting the review’s objectives within the specified 12-months, the Board will initiate consultations with the SO/AC Chairs to remedy the issue, up to and including issuing a pause on review activities.

None of these procedures preclude any member of the review team or the SO/AC Chairs from lodging a complaint with the Office of the Ombuds on any grounds appropriate for reference to the Ombuds.

6.3 Review Resources

6.3.1 Budgeted Resources

At the start of the Review, ICANN org will brief the review team on the Review budget and resources allocated to support their work. The ICANN community, Board and org, and every review team is responsible for judicious use of allocated funds and reducing costs where possible.

ICANN org will proactively identify ways to optimize expenditures related to conducting reviews. Under exceptional circumstances, if the review team leadership determines a need for additional funds to complete its work, they must submit a well-documented request and justification. ICANN org will facilitate this process. Any exceptional budgetary requests will require approval by the Board.

6.3.2 Travel

The work of the review team and its meetings will be conducted virtually. Every effort will be made to leverage face-to-face interactions at ICANN meetings for informal dialogue and relationship building, where deemed necessary.

In exceptional circumstances where a face-to-face meeting is required, and included within the Review budget, travel support will be provided in accordance with [ICANN's Community Travel Support Guidelines](#).

6.3.3 Independent Experts

The need for independent experts will be identified during initial planning and included in the Review's resource plan. If a review team determines a need for independent experts outside of the allocated resources, the review team leadership may request the additional resources by following the process outlined in Section 6.3.1.

6.4 Review Team Management

6.4.1 Resignation of Review Team Members

Review team members may resign from the review team at any time. The resignation notification should contain an explanation and be addressed to the leadership of the review team, the SO/AC that nominated the resigning review team member, and the review support team. This notification would not be public.

6.4.2 Removal of an Inactive or Disruptive Review Team Member

If a review team member fails to participate actively in the review (see Section 4.1.8 on required meeting attendance and Section 4.1.9.1 on review team roles and responsibilities), demonstrates repeated disruptive behavior in violation of the Expected Standards of Behavior, or otherwise prevents the review team from performing effectively, the review team leadership must inform the nominating SO/AC Chair of the inactive or disruptive review team member. The SO/AC Chair must address the inactive or disruptive member and may determine to remove the member if deemed necessary.

The review team may independently choose to remove the inactive or disruptive member. To do so, at least 50 percent of team members (excluding the member in question) have to request the member to resign by vote. If the member refuses to resign, the SO/AC that nominated the member will be requested to withdraw their support and nominate a replacement.

Should the SO/AC not take action, the member can be removed by a 70 percent majority vote of the review team members (excluding the member in question). Voting shall be by confidential ballot (not identifying the names nor any personally identifiable information of the review team members associated with their vote choice in the ballot).

6.4.3 Replacement of Resigned or Removed Review Team Members

The SO/AC whose appointed member resigned or was removed may nominate a replacement in accordance with its own internal procedures if it considers it beneficial to do so at the current stage of review work.

The SO/AC may nominate a member from the initial group of applicants it received or seek another nominee within its group. The SO/AC at issue shall inform the review team leadership of its procedural decision and indicate a timeframe by which the new member will be nominated.

Depending on the status and remaining timeline of the review, or any other pertinent factors, the relevant SO/AC may choose not to nominate a replacement candidate.

The SO/AC Chairs and the Board will be notified of the replacement through regular Review reporting, as described in these Operating Standards.

6.4.4 Terminating a Review Team in Case of Failure

In case of circumstances which prevent the review team from achieving its output within the stipulated time frame (within reason), the Board and the SO/AC Chairs must decide together whether to terminate the review team. Such circumstances could be, for example: divergence of review team members' views on majority of the work products required by the review Terms of Reference (see Section 4.2, Decision-Making Procedure); the inability of the review team to build community support for their outputs; or other circumstances that indicate that proceeding further with the review represents a waste of community time or ICANN resources.

A decision to terminate a review should, as a general matter, be preceded by a full exhaustion of the conflict resolution mechanism laid out in these Operating Standards, unless circumstances implicate the ICANN Board's fiduciary responsibility. Any decision must include a detailed rationale with a proposed way forward regarding the completion or restart of the Review and the timing for the next steps.

7 Amending the Operating Standards

The Operating Standards must be aligned with the existing Bylaws at all times. Subject to that condition, the Operating Standards may be amended by a majority vote of the Board⁹. To assure consistency and predictability of Review conduct, the Board, community, and ICANN org shall update the Operating Standards no more frequently than once a year.

Upon completion of a Specific Review, the Board shall request input from the SO/AC Chairs and the review team members on how the Operating Standards facilitated the conduct of the

⁹ 5 Note: The Confidential Disclosure Framework, though referenced in these Operating Standards, has its own defined amendment and review process and is excluded from this section.

Review. Any input may then lead to a proposed amendment of the Operating Standards in accordance with the provisions below.

Before any amendment is considered by the Board, the amendment must be published for Public Comment, according to ICANN's standard procedure.

Once the Public Comment period closes and the staff summary report is published, the Board shall consider the proposed amendment, as well as all Public Comments submitted.

If the proposed change receives broad support from the community and conforms to the Bylaws and ICANN's Mission, the Board shall adopt the proposed change.

However, if the Board determines there is not sufficient community support for a modification, or that the modification is not aligned with the Bylaws, the Board may decline the change and encourage continued community-wide dialogue on the issue.

The final decision on amending the Operating Standards lies with the Board.

8 Glossary

Scope: The scope of the Review as defined in the ICANN Bylaws.

Focus areas: Specific areas of focus within the scope of the Review defined by the Bylaws. Focus areas are socialized with the community leaders and posted for Public Comment to gather community input. The focus areas inform the development of the project plan and Terms of Reference for the Review.

Fact sheet: A tracking and reporting mechanism which details relevant metrics on Review progress against the work plan, deliverables, and the Review budget. Metrics include attendance records of review team members, and progression of work toward achieving key milestones.

Project plan: The project plan defines how the project is organized, executed, monitored, controlled, and closed. The plan is used by the project manager and stakeholders to manage the project. It is often updated as the project progresses and, as such, is a living document. The project plan encompasses the entire lifecycle of a Review, from the steps to initiate the Review by the Board, through the implementation of recommendations.

Work plan: The work plan defines how the review team organizes its work and how the work is scheduled. This plan must be consistent with the Terms of Reference and project plan.

Engagement plan: The engagement plan outlines types, mediums, and frequencies of review team engagement throughout the review.

Proposed action: The actions that the review team must take at key junctures throughout the Review.

Recommendation: A formal suggestion or conclusion developed collaboratively by a group of community members tasked with evaluating a specific subject. Any recommendation must be based on a systematic review of evidence, data, findings, and relevant information gathered during the assessment or evaluation process. The purpose of any recommendation is to provide guidance, or suggest a line of action to address identified issues, if any, improve performance, as deemed appropriate, and therefore, to achieve potential desired outcomes. Recommendations from a review team are presented in the review Draft and Final Reports, are subject to a feasibility assessment for their operationalization, and are intended for consideration by ICANN Board.



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