**Proposed Next Steps – Readiness for post-transition Bylaws**
*15 May 2018*

Following the adoption by the GNSO Council of the revised GNSO Operating Procedures, as well as the proposed modifications to the ICANN Bylaws adopted by the ICANN Board of Directors on 13 May 2018, staff has outlined in the table below the additional proposed steps to be taken to ensure preparedness as well as facilitate the ability for the GNSO Council to act in relation to the new roles and responsibilities outlined in the post-transition Bylaws. The GNSO Council is requested to review the proposed next steps and to provide feedback whether it is supportive of these proposed next steps or whether modifications should be considered., staff has outlined in the table below the additional proposed steps to be taken to ensure preparedness as well as facilitate the ability for the GNSO Council to act in relation to the new roles and responsibilities outlined in the post-transition Bylaws.

The GNSO Council is requested to review the proposed next steps and to provide feedback whether it is supportive of these proposed next steps or whether modifications should be considered. Staff has proposed to develop first drafts of templates and possible guidelines for the Council's consideration, but the Council could also consider setting up a dedicated committee / drafting team to take on this task and/or collaborate with staff, noting that any proposed templates and/or guidelines would still need to come back to the GNSO Council for approval. In order to facilitate such an assignment, the Council could consider reinstating the Bylaws Drafting Team to take on this role. As you may recall, the Bylaws Drafting Team was originally tasked by the GNSO Council to identify the GNSO's new rights and obligations under the revised ICANN Bylaws, and to prepare an implementation plan for the GNSO Council's consideration, which was recently completed following the adoption by the ICANN Board of the additional GNSO voting thresholds. Reinstating the Bylaws Drafting Team would include (re)confirming the member representatives from the different GNSO Stakeholder Groups and Constituencies.

The proposed next steps fall broadly into the following three categories:

1. Guidance/principles: Guidance or principles for the GNSO to complete a particular action(s). These fall within the GNSO's existing processes and procedures, but where additional details and steps are deemed to be helpful.
2. Templates: These are templates for motions or other actions. These fall within the GNSO's existing processes and procedures, but where templates are deemed helpful to ensure all required information as outlined in the Bylaws is provided.
3. Actions that do not require specific guidelines or templates, and as such, no further steps are needed at this stage.

| Bylaws Section | Description | Proposed Next Step |
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| **ARTICLE 4 ACCOUNTABILITY AND REVIEW** <br> **4.2 & 4.3 RECONSIDERATION REQUESTS; (IRP) FOR COVERED ICANN ACTIONS** <br><br> "Any person or entity materially affected by an action or inaction of the ICANN Board or Staff may request ("Requestor") the review or reconsideration of that action or inaction by the Board (….). The EC Administration shall designate individuals to represent the EC in the mediation (…)" | The GNSO will need to develop further details for the process to decide to be a Reconsideration Requestor, including how a decision to be a Reconsideration Requestor is reached and how has the GNSO been adversely affected by one of the applicable ICANN actions (Section 4.2(c)). Presumably this would be in the form of a motion and it would need to cover at a minimum the basis for the dispute and the harms to the GNSO in reasonable detail. | Staff to develop a first draft of a template that provides guidance for what should appear in the motion. Specifically, it would state, ""The claim shall state the basis for the dispute and the harms in reasonable detail." <br><br> Staff also to develop a template for completing the reconsideration request form at: https://www.icann.org/resources/pages/accountability/reconsideration-en. |
| **ARTICLE 4 ACCOUNTABILITY AND REVIEW** <br> **4.3 INDEPENDENT REVIEW PROCESS (IRP) FOR COVERED ICANN ACTIONS** <br><br> "(a) In addition to the reconsideration process described in Section 4.2, ICANN shall have a separate process for independent third-party review of Disputes (defined in Section 4.3(b)(iii)) alleged by a Claimant (as defined in Section 4.3(b)(i)) to be within the scope of the Independent Review Process ("**IRP**"). The IRP is intended to hear and resolve Disputes for the following purposes ("**Purposes of the IRP**") …" <br><br> "(d) An IRP shall commence with the Claimant's filing of a written statement of a Dispute (a "**Claim**") with the IRP Provider (described in Section 4.3(m) below). For the EC to commence an IRP ("**Community IRP**"), the EC shall first comply with the procedures set forth in Section 4.2 of Annex D." | The GNSO will need to develop further details for the process to decide to be an IRP Requestor. <br> • How a decision to initiate an IRP is reached - not just the threshold, but what it covers. Presumably it would need to cover at a minimum the basis for the dispute and the harms to the GNSO in reasonable detail. <br> • Who would represent the GNSO? <br> • Who would pay for representation? <br> • How would a claim that is supported by the GNSO be put forward? <br> Such details could be in the form of separate guidelines which eventually are to be added to the GNSO Operating Procedures. | Staff to develop a first draft of a template that provides guidance for what should appear in the motion. Specifically, it would state, ""The claim shall state the basis for the dispute and the harms in reasonable detail." <br><br> Staff (to work with DT, if applicable) also to develop proposed guidelines for initiating an IRP, representation and payment, and decision to make the claim for Council consideration. |
| **4.7 COMMUNITY MEDIATION** <br><br> "If the Board refuses or fails to comply with a duly authorized and | The GNSO request, via the GNSO's EC Administration representative, for the EC to initiate a mediation will be put before the GNSO | Staff to develop a first draft of a template that provides guidance for what should appear in the motion. |

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| valid EC Decision under these Bylaws, the EC Administration representative of any Decisional Participant who supported the exercise by the EC of its rights in the applicable EC Decision during the applicable decision period may request that the EC initiate a mediation process…"<br><br>"(b) If a Mediation Initiation Notice (as defined in Section 4.1(a) of Annex D) is delivered to the Secretary pursuant to and in compliance with Section 4.1(a) of Annex D, as soon as reasonably practicable thereafter, the EC Administration shall designate individuals to represent the EC in the mediation ("**Mediation Administration**") and the Board shall designate representatives for the mediation ("**Board Mediation Representatives**"). Members of the EC Administration and the Board can designate themselves as representatives. ICANN shall promptly post the Mediation Initiation Notice on the Website." | Council as a motion for consideration. Threshold for approval is a simple majority vote of each house, which per Section 11.3-I of the ICANN Bylaws is the default voting threshold.<br><br>The EC Administration "shall designate individuals to represent the EC in the mediation". As such, the EC Administration is expected to develop a process for coordinating this designation with the Decisional Participants. | |
| **ARTICLE 6 EMPOWERED COMMUNITY**<br>**SECTION 6.1 COMPOSITION AND ORGANIZATION OF THE EMPOWERED COMMUNITY**<br><br>"(a) The Empowered Community ("EC") shall be a nonprofit association formed under the laws of the State of California consisting of the ASO, the ccNSO (as defined in Section 10.1), the GNSO (as defined in Section 11.1), the ALAC (as defined in Section 12.2(d)(i)) and the GAC (each a "Decisional Participant" or "associate," and collectively, the "Decisional Participants")." | The process for selecting the GNSO representative on the EC Administration will be carried out by the GNSO Standing Selection Committee. | Reference the documented process on the GNSO Procedures Web Page. |
| **SECTION 6.3 EC ADMINISTRATION**<br><br>"(a) The Decisional Participants shall act through their respective | The process for selecting the GNSO representative on the EC Administration will be carried out | Reference the documented process on the GNSO Procedures Web Page. |

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| chairs or such other persons as may be designated by the Decisional Participants (collectively, such persons are the "EC Administration"). Each Decisional Participant shall deliver annually a written certification from its chair or co-chairs to the Secretary designating the individual who shall represent the Decisional Participant on the EC Administration.<br>(b) In representing a Decisional Participant on the EC Administration, the representative individual shall act solely as directed by the represented Decisional Participant and in accordance with processes developed by such Decisional Participant in accordance with Section 6.1(g)." | by the GNSO Standing Selection Committee. | |
| **SECTION 11.3 GNSO COUNCIL** | In those instances where there is a reference to GNSO Supermajority, there is no need to add the voting threshold to section 11.3 as a GNSO Supermajority is already a defined term.<br><br>For those additional GNSO voting thresholds which are different from the current threshold of simple majority vote of each house that are intended to address all the new or additional rights and responsibilities in relation to participation in the GNSO as a Decisional Participant in the EC changes to the ICANN Bylaws will be required.<br><br>The reference to simple majority of GNSO Council refers to the default voting threshold of simple majority of each house. | During its meeting on 30 January 2018, the GNSO Council resolved unanimously (https://community.icann.org/display/gnsocouncilmeetings/Motions+30+January+2018) to recommend that the ICANN Board of Directors adopt the proposed changes to section 11.3.i of the ICANN Bylaws to reflect additional GNSO voting thresholds which are different from the current threshold of a simple majority vote of each House (see https://www.icann.org/en/system/files/files/proposed-revisions-bylaws-article-11-gnso-redline-19jun17-en.pdf). These additional voting thresholds are intended to address all the new or additional rights and responsibilities in relation to participation of the GNSO as a Decisional Participant in the Empowered Community to fully implement these new or additional rights and responsibilities as they appear in the revised GNSO Operating Procedures published on 30 January 2018 (see https://gnso.icann.org/en/council/o |

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| | | ). These have now been approved by the ICANN Board of Directors and will require a Board Rejection Action Notice to the EC. |
| **SECTION 17.2 CSC COMPOSITION, APPOINTMENT, TERM AND REMOVAL**<br><br>a) The CSC shall consist of: (i) Two individuals representing gTLD registry operators appointed by the Registries Stakeholder Group; (ii) Two individuals representing ccTLD registry operators appointed by the ccNSO; and (iii) One individual liaison appointed by PTI, each appointed in accordance with the rules and procedures of the appointing organization; provided that such individuals should have direct experience and knowledge of the IANA naming function. (b) If so determined by the ccNSO and GNSO, the CSC may, but is not required to, include one additional member: an individual representing top-level domain registry operators that are not considered a ccTLD or gTLD, who shall be appointed by the ccNSO and the GNSO. Such representative shall be required to submit a letter of support from the registry operator it represents. (c) Each of the following organizations may also appoint one liaison to the CSC in accordance with the rules and procedures of the appointing organization: (i) GNSO (from the Registrars Stakeholder Group or the Non-Contracted Parties House), (ii) ALAC, (iii) either the NRO or ASO (as determined by the ASO), (iv) GAC, (v) RSSAC, (vi) SSAC and (vii) any other Supporting Organization or Advisory Committee established under these Bylaws. | • The reference to "1 CSC Member" should be read as "liaison" in accordance with the Bylaws.<br>• The GNSO process for selecting the optional additional ccNSO-GNSO registry operator member on the CSC will be carried out by the GNSO Standing Selection Committee and is to be coordinated with the ccNSO.<br>• The GNSO and ccNSO will need to discuss whether or not to formalize the joint approval process and what process / procedures should be in place in case of disagreement / non-approval by one of the two.<br>• If one or more letters of support are provided for a non ccTLD or gTLD representative to join as a member, a procedure will need to be developed to identify how the GNSO will (i) internally and (ii) externally [with the ccNSO] determine the additional member.<br>• It is the expectation that the RySG will publish its procedure for appointing members will be documented in the GNSO Operating Procedures. | The small group that will be looking at the CSC/IFR review overlap is requested to also propose a process and timeline with ccNSO and document in the GNSO Operating Procedures or as a separate document. |

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| (d) The GNSO and ccNSO shall approve the initial proposed members and liaisons of the CSC, and thereafter, the ccNSO and GNSO shall approve each annual slate of members and liaisons being recommended for a new term | | |
| **SECTION 17.3 CSC CHARTER; PERIODIC REVIEW**<br><br>b) The effectiveness of the CSC shall be reviewed two years after the first meeting of the CSC; and then every three years thereafter. The method of review will be determined by the ccNSO and GNSO and the findings of the review will be published on the Website.<br>(c) The CSC Charter shall be reviewed by a committee of representatives from the ccNSO and the Registries Stakeholder Group selected by such organizations. This review shall commence one year after the first meeting of the CSC. Thereafter, the CSC Charter shall be reviewed by such committee of representatives from the ccNSO and the Registries Stakeholder Group selected by such organizations at the request of the CSC, ccNSO, GNSO, the Board and/or the PTI Board and/or by an IFRT in connection with an IFR. | How this review is to be conducted as well as the timeline is to be discussed and coordinated with the ccNSO. Following agreement on the process and timeline, this could eventually be documented as part of the GNSO Operating Procedures or as a standalone document.<br><br>Coordination with the ccNSO in relation to any possible amendments is anticipated. | The small group that will be looking at the CSC/IFR review overlap is requested to also propose on process and timeline with ccNSO and document in the GNSO Operating Procedures or as a separate document. |
| **ARTICLE 18 IANA NAMING FUNCTION REVIEWS -- SECTION 18.2 FREQUENCY OF PERIODIC IFRS**<br><br>"The Board, or an appropriate committee thereof, shall cause periodic and/or special reviews (each such review, an "IFR") of PTI's performance of the IANA naming function against the contractual requirements set forth in the IANA Naming Function Contract and the IANA Naming | | List so that the GNSO is aware what decisions it may be required to or may be asked to make as part of the EC. Staff to develop a template for a decision on the recommendations of an IFR or delay of an IFR. |

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| Function SOW to be carried out by an IANA Function Review Team ("IFRT") established in accordance with Article 18, as follows:<br>(a) Regularly scheduled periodic IFRs, to be conducted pursuant to Section 18.2 below ("Periodic IFRs"); and<br>(b) IFRs that are not Periodic IFRs, to be conducted pursuant to Section 18.12 below ("Special IFRs")."<br><br>"a) The first Periodic IFR shall be convened no later than [1 October 2018].<br>(b) Periodic IFRs after the first Periodic IFR shall be convened no less frequently than every five years, measured from the date the previous IFRT for a Periodic IFR was convened.<br>(c) In the event a Special IFR is ongoing at the time a Periodic IFR is required to be convened under this Section 18.2, the Board shall cause the convening of the Periodic IFR to be delayed if such delay is approved by the vote of (i) a supermajority of the ccNSO Council (pursuant to the ccNSO's procedures or, if such procedures do not define a supermajority, two-thirds (2/3) of the ccNSO Council's members) and (ii) a GNSO Supermajority. Any decision by the ccNSO and GNSO to delay a Periodic IFR must identify the period of delay, which should generally not exceed 12 months after the completion of the Special IFR." | | |
| **SECTION 18.7 COMPOSITION OF IFR REVIEW TEAMS**<br><br>"Each IFRT shall consist of the following members and liaisons to be appointed in accordance with the rules and procedures of the appointing organization:<br>... | There is no role here for the GNSO Standing Selection Committee as appointments are directly made by the SGs and this has been made clear in the charter for the GNSO Standing Selection Committee.<br><br>Each SG will publish the procedures for making | Staff to collect SG procedures and link to those on the GNSO web-site. |

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| (c) Two representatives appointed by the Registries Stakeholder Group;<br>(d) One representative appointed by the Registrars Stakeholder Group;<br>(e) One representative appointed by the Commercial Stakeholder Group;<br>(f) One representative appointed by the Non-Commercial Stakeholder Group;" | appointments in its respective operating procedures. | |
| **SECTION 18.12 SPECIAL IFRS**<br><br>"(a) A Special IFR may be initiated outside of the cycle for the Periodic IFRs to address any deficiency, problem or other issue that has adversely affected PTI's performance under the IANA Naming Function Contract and IANA Naming Function SOW [under] the following conditions:<br>(i) The Remedial Action Procedures of the CSC set forth in the IANA Naming Function Contract shall have been followed and failed to correct the PTI Performance Issue and the outcome of such procedures shall have been reviewed by the ccNSO and GNSO according to each organization's respective operating procedures;<br>(ii) The IANA Problem Resolution Process set forth in the IANA Naming Function Contract shall have been followed and failed to correct the PTI Performance Issue and the outcome of such process shall have been reviewed by the ccNSO and GNSO according to each organization's respective operating procedures;" | In those instances where there is a reference to GNSO Supermajority, there is no need to add the voting threshold to section 11.3 as a GNSO Supermajority is already a defined term.<br><br>For (a) there needs to be a process for revising the procedures and outcomes (i) and (ii) and then a consultation process developed with the ccNSO on whether to initiate the IFR. Only then the threshold comes into play.<br><br>For the review referenced in ii, the GNSO has processes available such as the GIP it could use. | Staff (to work with DT, if applicable) to develop for (a) a proposed process for revising the procedures and outcomes (i) and (ii) and then a consultation process developed with the ccNSO on whether to initiate the IFR. Only then the threshold comes into play. |
| **SECTIONS 19.5 SCWG COMPOSITION AND 19.6 ELECTION OF CO-CHAIRS AND LIAISONS**<br><br>"(a) Each SCWG shall consist of the following members and liaisons to be appointed in accordance with | There is no role here for the GNSO Standing Selection Committee as appointments are directly made by the SGs and this has been made clear in the charter for the GNSO Standing Selection Committee. | Staff to collect SG procedures and link to those on the GNSO web-site. |

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| the rules and procedures of the appointing organization:<br>(i) Two representatives appointed by the ccNSO from its ccTLD registry operator representatives;<br>(ii) One non-ccNSO ccTLD representative who is associated with a ccTLD registry operator that is not a representative of the ccNSO, appointed by the ccNSO; it is strongly recommended that the ccNSO consult with the regional ccTLD organizations (i.e., AfTLD, APTLD, LACTLD and CENTR) in making its appointment;<br>(iii) Three representatives appointed by the Registries Stakeholder Group;<br>(iv) One representative appointed by the Registrars Stakeholder Group;<br>(v) One representative appointed by the Commercial Stakeholder Group;<br>(vi) One representative appointed by the Non-Commercial Stakeholder Group;"<br><br>"a) The SCWG shall be led by two co-chairs: one appointed by the GNSO from one of the members appointed pursuant to clauses (iii)-(vi) of <u>Section 19.5(a)</u> and one appointed by the ccNSO from one of the members appointed pursuant to clauses (i)-(ii) of <u>Section 19.5(a)</u>." | Each SG will publish the procedures for making appointments in its respective operating procedures. | |
| **SECTION 25.2 AMENDMENTS TO FUNDAMENTAL BYLAWS & ARTICLES OF INCORPORATION**<br><br>"(b) Notwithstanding any other provision of these Bylaws, a Fundamental Bylaw or the Articles of Incorporation may be altered, amended, or repealed (a "**Fundamental Bylaw Amendment**" or an "**Articles Amendment**"), only upon approval by a three-fourths vote of all Directors and the approval of | The motion should include direction to forward to EC Administration, which will just tally the votes to determine if the overall EC threshold is met. There is no specific additional role for the EC Administration or for the GNSO representative to the EC Administration. | Staff to develop motion template |

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| the EC as set forth in this Section 25.2." | | |
| **ARTICLE 26 SALE & DISPOSITION OF ICANN ASSETS**<br><br>"(a) ICANN may consummate a transaction or series of transactions that would result in the sale or disposition of all or substantially all of ICANN's assets (an "**Asset Sale**") only upon approval by a three-fourths vote of all Directors and the approval of the EC as set forth in this Article 26." | **Add new voting threshold** for the following action by GNSO Council to section 11.3.i of the ICANN Bylaws:  Approval of Sale & Disposition of ICANN Assets -- GNSO Supermajority.  This is currently under consideration by the ICANN Board of Directors.<br><br>The motion should include direction to forward to EC Administration, which will just tally the votes to determine if the overall EC threshold is met. There is no specific additional role for the EC Administration or for the GNSO representative to the EC Administration. | Staff to develop motion template |
| **SECTION 1.3 APPROVAL ACTION COMMUNITY FORUM** | | |
| **1.3(b)** If the EC Administration requests a publicly-available conference call by providing a notice to the Secretary, ICANN shall, at the direction of the EC Administration, schedule such call prior to any Approval Action Community Forum, and inform the Decisional Participants of the date, time and participation methods of such conference call. | The GNSO Council may wish to consider the following item as inputs to the EC Administration: Does the GNSO believe that a conference call will be appropriate?  If so, they can direct the EC Admin rep to request one. (community conversation should take place to determine how many members of the EC Admin are required to convene the conference call.) | Staff to develop motion template |
| **(f)** ICANN and any SO or AC (including Decisional Participants) may deliver to the EC Administration its views and questions on the Approval Action prior to the convening of and during the Approval Action Community Forum. | This item is not about GNSO as a participant in the EC. This item is about how the GNSO will develop inputs (views and questions) for consideration at the Community Forum. Once that process is agreed, then whatever is produced is sent for information and posting. This should not focus on any action by the EC Admin Rep. | Staff (to work with DT, if applicable) to identify or develop a proposed process for developing input, within the GNSO's existing procedures. |
| **1.3(i)** During the Approval Action Community Forum Period, an additional one or two Community Forums may be held at the discretion of the Board or the EC Administration. | The GNSO will need to determine how it communicates to the EC Administration that it thinks another community forum is of use, as well as determine what is the community coordination requirement on that. | Process communicating to the EC Administration that GNSO thinks another community forum is of use, as well as determine what is the community coordination requirement on that.  It is expected that this process would fall under |

| | | the GNSO's existing processes and practices and as such, no further action is needed. |
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| **SECTION 2.2 PETITION PROCESS FOR SPECIFIED ACTIONS** | | |
| **(b)** During the period beginning on the Rejection Action Board Notification Date and ending on the 21st day after the Rejection Action Board Notification Date, subject to the procedures and requirements developed by the applicable Decisional Participant, an individual may submit a petition to a Decisional Participant, seeking to reject the Rejection Action and initiate the Rejection Process (a "**Rejection Action Petition**"). <br> **(c)** A Decisional Participant that has received a Rejection Action Petition shall either accept or reject such Rejection Action Petition; provided that a Decisional Participant may only accept such Rejection Action Petition if it was received by such Decisional Participant during the Rejection Action Petition Period. <br> (i) If, in accordance with the requirements of Section 2.2(c) of this Annex D, a Decisional Participant accepts a Rejection Action Petition during the Rejection Action Petition Period, the Decisional Participant shall promptly provide …written notice of such acceptance | **Addition to the GNSO Operating Procedures** to: 1) clarify that in specific circumstances, the GNSO Council may waive the timeframes currently referenced in the GNSO Operating Procedures in relation to submission of motions as well as scheduling of meetings to meet its obligations under the timelines outlined in the ICANN Bylaws as a Decisional Participant, and 2) add a provision to clarify that all petitions submitted by an individual must be submitted through a GNSO Stakeholder Group or Constituency to the GNSO Council. For this purpose, each GNSO Stakeholder Group and Constituency must develop clear rules for the submission of such petitions, including any requirements for the criteria to be included in a petition. These rules would be added to the GNSO Operating Procedures as an annex once available. <br><br> GNSO Council action on the receipt, acceptance or rejection of a Rejection Action Petition will be put before the GNSO Council as a motion for consideration. The motion must be framed as a petition, and include the Bylaws-required rationale. Threshold for approval is a simple majority vote of each house, which per Section 11.3-I of the ICANN Bylaws is the default voting threshold and as such does not require any further change. | Staff to develop template for motion. <br><br> Staff (to work with DT, if applicable) to develop proposed rules for submitting petitions. Staff would produce the initial draft of the rules, consistent with the ccNSO guideline, including the identification of specific issues / questions via a consultation with the Drafting Team and the Stakeholder Groups and Constituencies, to ensure consistencies in the rules. |
| **(d)** Following the delivery of a Rejection Action Petition Notice to the EC Administration pursuant to Section 2.2(c)(i) of this Annex D, the Rejection Action Petitioning Decisional Participant shall contact the EC Administration and the | (A) Supporting rationale, (B) Contact information, (C) Statement re: conference call, (D) Statement re: forum, (E) Citing PDP Standard Bylaw Statement. | Staff to develop template for motion as well as template for Rejection Action Supporting Petition. <br><br> Staff (to work with DT, if applicable) to develop proposed processes to identify its representative for |

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| other Decisional Participants to determine whether any other Decisional Participants support the Rejection Action Petition. <br> (i) If the Rejection Action Petitioning Decisional Participant obtains the support of at least one other Decisional Participant (a "**Rejection Action Supporting Decisional Participant**") … the Rejection Action Petitioning Decisional Participant shall provide written notice, to include: <br> (A) a supporting rationale in reasonable detail; <br> (B) Contact information for at least one representative who has been designated by the Rejection Action Petition Decisional Participant who shall act as a liaison with respect to the Rejection Action Supported petition. <br> (C) a statement as to whether or not the Rejection Action Petitioning Decisional Participant and/or the Rejection Action Supporting Decisional Participant requests that ICANN organize a conference call prior to the Rejection Action Community Forum for the community to discuss the Rejection Action Supported Petition; <br> (D) a statement as to whether the Rejection Action Petitioning and Supporting Decisional Participants have determined to hold the Rejection Action Community Forum during the next scheduled ICANN public meeting. <br> (E) a PDP Standard Bylaw Statement | The first part of this process is only triggered if the GNSO received a petition and accepts it according to its procedures. Notice of acceptance must include rationale, etc. as set forth in 2.2ciA. Then the GNSO will need to determine the process that it would follow to become a Supporting Decisional Participant if it receives notice of a petition from another DP. <br><br> The GNSO will also need processes to identify its representative for purpose of the petition to act as a liaison and how it will provide direction to that person. | purpose of the petition to act as a liaison and how it will provide direction to that person. <br> It is expected that this process would fall under the GNSO's existing processes and practices. |
| **SECTION 2.3 REJECTION ACTION COMMUNITY FORUM** | | |
| **2.3(a)** If the EC Administration receives a Rejection Action Supported Petition under Section 2.2(d) of this Annex D during the Rejection Action Petition Support Period, ICANN shall, at the direction of the EC Administration, convene a forum at which the | If there is a supported petition, the need for a community forum is automatic. <br> The GNSO can consider how it wishes to organize its representation and participation at the Community Forum. | Staff (to work with DT, if applicable) to develop proposed principles for how the GNSO organizes its representation and participation at the Community Forum. It is expected that this process would fall under the GNSO's existing processes and practices. |

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| Decisional Participants and interested parties may discuss the Rejection Action Supported Petition | | |
| **(f)** ICANN and any SO or AC may deliver to the EC Administration in writing its views and questions on the Rejection Action Supported Petition prior to the convening of and during the Rejection Action Community Forum. | EC will need to decide on process for receiving and processing submissions; however, this section is not about GNSO participation in the EC, it is about how the GNSO will develop its inputs (views and questions) for consideration at the Community Forum. Once that process is agreed, then whatever is produced is sent for information and posting.<br><br>GNSO will use existing practices and processes for collecting views and questions. | Staff to develop template for motion.<br><br>Staff (to work with DT, if applicable) on proposed process for how the GNSO will develop its inputs (views and questions) for consideration at the Community Forum. It is expected that this process would fall under the GNSO's existing processes and practices. |
| **(h)** If the Rejection Action Petitioning and Supporting Decisional Participants for a Rejection Action Supported Petition agree before, during or after the Community Forum that the issue has been resolved, such Rejection Action Supported Petition shall be deemed withdrawn | Further details may need to be developed in relation to how the GNSO determines that an issue is resolved if they are a petitioner or supporting decisional participant. | Staff (to work with DT, if applicable) to develop a proposed process for how the GNSO determines that an issue is resolved if they are a petitioner or supporting decisional participant. It is expected that this process would fall under the GNSO's existing processes and practices. |
| **(i)** During the Rejection Action Community Forum Period, an additional one or two Rejection Action Community Forums may be held at the discretion of a Rejection Action Petitioning and Supporting Participant or the EC Administration | The GNSO will need to determine how it communicates to the EC Administration that it thinks another community forum is of use, as well as determine what is the community coordination requirement on that. | Staff to develop template for motion.<br><br>Staff (to work with DT, if applicable) to develop proposed process for communicating to the EC Administration that GNSO thinks another community forum is of use, as well as determine what is the community coordination requirement on that. It is expected that this process would fall under the GNSO's existing processes and practices in the form of written guidance (non-objection) or formal motion. |
| **SECTION 3.1 NOMINATING COMMITTEE DIRECTOR REMOVAL PROCESS**<br><br>"(a) Subject to the procedures and requirements developed by the applicable Decisional Participant, | **Add new voting threshold** for the following action by GNSO Council to section 11.3.i of the ICANN Bylaws:<br><br>• Approval of a petition to remove a director holding | Staff (to work with DT, if applicable) to develop proposed guidance for the submission of such petitions, including any requirements for the criteria to be included in a petition. |

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| an individual may submit a petition to a Decisional Participant seeking to remove a Director holding Seats 1 through 8 and initiate the Nominating Committee Director Removal Process ("**Nominating Committee Director Removal Petition**"). Each Nominating Committee Director Removal Petition shall set forth the rationale upon which such individual seeks to remove such Director. The process set forth in this Section 3.1 of Annex D is referred to herein as the "**Nominating Committee Director Removal Process.**"" | seats 1 through 8 – GNSO Supermajority<br><br>Note, the petition which is to be submitted in the form of a motion is expected to include the information as required per the ICANN Bylaws.<br><br>**Addition to the GNSO Operating Procedures** to clarify that in specific circumstances, the GNSO Council may waive the timeframes currently referenced in the GNSO Operating Procedures in relation to submission of motions as well as scheduling of meetings to meet its obligations under the timelines outlined in the ICANN Bylaws as a Decisional Participant and 2) add a provision to clarify that all petitions concerning a director removal process submitted by an individual must be submitted directly to the GNSO Council.<br><br>For this purpose, the GNSO Council will develop a clear process and rules for the submission of such petitions, including any requirements for the criteria to be included in a petition. These rules would be added to the GNSO Operating Procedures as an annex once available.<br><br>Note, in relation to 1), due to the added requirement here for a dialogue with the affected Director, to take place during the 21-day petitioning period, the Operating Procedures would make clear that any expedited Council vote should not take place before this dialogue (or a reasonable opportunity for one) has taken place. | |
| **SECTION 3.2 SO/AC DIRECTOR REMOVAL PROCESS** | **Add new voting threshold** for the following action by GNSO Council | Staff to develop template for motion. |

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| "a) Subject to the procedures and requirements developed by the applicable Decisional Participant, an individual may submit a petition to the ASO, ccNSO, GNSO or At-Large Community (as applicable, the "**Applicable Decisional Participant**") seeking to remove a Director who was nominated by that Supporting Organization or the At-Large Community in accordance with Section 7.2(a) of the Bylaws, and initiate the SO/AC Director Removal Process ("**SO/AC Director Removal Petition**"). The process set forth in this Section 3.2 of this Annex D is referred to herein as the "**SO/AC Director Removal Process**."" | to section 11.3.i of the ICANN Bylaws:<br><br>• Approval of a petition to remove a director holding seats 13 or 14 - three-quarters of the House that appointed that Director.<br><br>Note, the petition which is to be submitted by a member of the House that appointed the director, is expected to be in the form of a motion and to include the information as required per the ICANN Bylaws.<br><br>**Addition to the GNSO Operating Procedures** to clarify that in specific circumstances, the GNSO Council may waive the timeframes currently referenced in the GNSO Operating Procedures in relation to submission of motions as well as scheduling of meetings to meet its obligations under the timelines outlined in the ICANN Bylaws as a Decisional Participant and 2) add a provision to clarify that all petitions concerning a director removal process submitted by an individual must be submitted directly to the GNSO Council.<br><br>For this purpose, the GNSO Council will develop a clear process and rules for the submission of such petitions, including any requirements for the criteria to be included in a petition. These rules would be added to the GNSO Operating Procedures as an annex once available. | Staff (to work with DT, if applicable) to develop proposed guidance for the submission of such petitions, including any requirements for the criteria to be included in a petition. |
| **SECTION 3.3 BOARD RECALL PROCESS**<br><br>"a) Subject to the procedures and requirements developed by the applicable Decisional Participant, an individual may submit a petition to a Decisional Participant | **Add new voting threshold** for the following action by GNSO Council to section 11.3.i of the ICANN Bylaws:  Approval of Board recall petition – GNSO Supermajority<br><br>Note, the petition which is to be submitted in the form of a motion | Staff to develop template for motion.<br><br>Staff (to work with DT, if applicable) to develop proposed guidance for the submission of such petitions, including any requirements for the criteria to be included in a petition. |

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| seeking to remove all Directors (other than the President) at the same time and initiate the Board Recall Process ("**Board Recall Petition**"), provided that a Board Recall Petition cannot be submitted solely on the basis of a matter decided by a Community IRP if (i) such Community IRP was initiated in connection with the Board's implementation of GAC Consensus Advice and (ii) the EC did not prevail in such Community IRP. Each Board Recall Petition shall include a rationale setting forth the reasons why such individual seeks to recall the Board. The process set forth in this Section 3.3 of this Annex D is referred to herein as the "**Board Recall Process**."" | is expected to include the information as required per the ICANN Bylaws.<br><br>**Addition to the GNSO Operating Procedures** to clarify that in specific circumstances, the GNSO Council may waive the timeframes currently referenced in the GNSO Operating Procedures in relation to submission of motions as well as scheduling of meetings to meet its obligations under the timelines outlined in the ICANN Bylaws as a Decisional Participant and 2) add a provision to clarify that all petitions concerning a director removal process submitted by an individual must be submitted directly to the GNSO Council.<br><br>For this purpose, the GNSO Council will develop a clear process and rules for the submission of such petitions, including any requirements for the criteria to be included in a petition. These rules would be added to the GNSO Operating Procedures as an annex once available. | |
| **SECTION 4.2 COMMUNITY IRP**<br><br>"(a) After completion of a mediation under Section 4.7 of the Bylaws, the EC Administration representative of any Decisional Participant who supported the exercise by the EC of its rights in the applicable EC Decision during the applicable decision period may request that the EC initiate a Community IRP (a "Community IRP Petitioning Decisional Participant"), as contemplated by Section 4.3 of the Bylaws, by delivering a notice to the EC Administration and the Decisional Participants requesting the initiation of a Community IRP ("Community IRP Petition"). The | The steps as outlined in the Bylaws are to be followed, factoring in the customary GNSO practices and procedures.<br><br>The GNSO to consider how it will develop the advice to its representative on the EC Administration. How the GNSO wishes to join a petition raised by a different Decisional Participant could be part of the same process. (see also other related items). | Staff to develop template for motion.<br><br>Staff (to work with DT, if applicable) to develop proposed process for developing GNSO advice to its representative on the EC Administration. How the GNSO wishes to join a petition raised by a different Decisional Participant could be part of the same process. (see also other related items).<br>It is expected that this process would fall under the GNSO's existing processes and practices. |

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| Community IRP Petitioning Decisional Participant shall forward such notice to the Secretary for ICANN to promptly post on the Website. The process set forth in this <u>Section 4.2</u> of this <u>Annex D</u> as it relates to a particular Community IRP Petition is referred to herein as the "Community IRP Initiation Process."" | | |