Process for Streamlining Organizational Reviews: A Proposal

This paper provides context to the proposed streamlining process of organizational reviews. While reading this document, please bear in mind the following **four questions that are the focus of this public comment:**

1. Do you/your organization agree with the proposed list of issues that should form the focus of the streamlining process? If not, with which do you disagree and what would you like to add?
2. Do you/your organization agree with the proposed underlying principles that should guide the solutions? If not, with which do you disagree and what would you like to add?
3. Do you/your organization agree with the community role in the streamlining process? If not, what would you propose?
4. Do you/your organization agree with the proposed high-level timeline? If not, what would you propose?

Please note, the list of issues and guiding principles, as well as the role of the community and the high-level timeline, are not finalized. The community feedback on this proposal, and any other inputs you would like to provide, will be relayed to the Organizational Effectiveness Committee (OEC), as it further considers a framework to guide the streamlining process for organizational reviews. The OEC will be leading the initial efforts and providing recommendations for consideration by the Board as a whole.

Introduction

Organizational reviews are an essential component of ICANN accountability and transparency measures, mandated by the ICANN Bylaws, Section 4.4.

Although some improvements were made during the second round of organizational reviews,[1] the community identified a number of areas of the organizational review process that may benefit from additional streamlining, see: Long-Term Options to Adjust Timeline for Specific Reviews (link) and Next Steps on Reviews (link). With the second round of organizational reviews concluding in July 2019[2], and the next round scheduled to start in June 2021[3], the OEC, having consulted with the Board, believes that now is an opportune time to try and streamline ICANN's organizational review process.

As a first step, the OEC has asked ICANN org to open this comment forum to seek community input on the issues that ought to be subject to streamlining, the underlying principles that ought to guide the formulation of solutions, and the role of the community as well as a high-level timeline of the streamlining process. Following public comment, the proposal for the process for streamlining organizational reviews will be adjusted based on community input and the Board will take action on next steps.[4]

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[1] See summary on the community wiki page.
[2] July 2019 is currently the expected submission date of the final report of the ccNSO Review by the independent examiner. While this process marks the completion of the work of the independent examiner, the entire review process will only be concluded once all Board-approved recommendations are implemented, likely in early 2022.
[3] The GNSO2 Review final report was accepted by the Board on June 2016 and the Bylaws prescribe five years from that date for the subsequent review to start.
[4] Subject to the comments and input received and the necessary adjustment made, next steps will be either for the Board to move forward with the proposed streamlining process, or to re-post the proposal for public comment.

Streamlining Organizational Reviews: What, how, who, and when?

This proposal marks the first steps in the process of streamlining organizational reviews and it contains three sections on which the OEC has asked ICANN org to obtain community input:

    A. What: An overview of areas that will be subject to the streamlining process.
    B. How: An overview of the underlying principles by which any solutions should be guided.
    C. Who: Detailing the role of the community, the ICANN Board, and the ICANN organization in the streamlining process.
    D. When: A proposed high-level timeline.

A. What: Areas subject to streamlining

This proposed list is distilled and derived from community feedback received,[5] as well as the OEC's observations during the second round of organizational reviews.

    (i)   <u>Purpose and scope of organizational reviews</u>
            With the second review cycle almost completed, it has become apparent that there is a lack of agreement as to what organizational reviews should achieve and what areas should be subject to the review process.

    (ii)   <u>Limited pool of suitable independent examiners, and selection of independent examiners</u>
            It has been challenging for the OEC and ICANN org to strike the right balance between finding an independent examiner who has the necessary understanding of ICANN and its multistakeholder model, or can demonstrate that they can acquire that knowledge quickly. At the same time, it appears paramount that the independent examiner is sufficiently detached from the entity under review, or even ICANN as a whole, to avoid even the perception of any conflicts of interest. Consequently, the pool of suitable applicants often remains limited.

    (iii)   <u>Whether or not recommendations issued by independent examiner should be binding or non-binding</u>
            The current review process allows for the entity under review to respond to the independent examiner's findings and recommendations. There is a possibility that a large number of recommendations issued by the independent examiner may not be accepted by the entity under review. Such a rejection questions the review process itself and also could be perceived as an obstacle to greater effectiveness and accountability of the organizational review process.

    (iv)   <u>Length of the entire review process including implementation</u>
            The independent examiner typically concludes their work within 12 months. However, the subsequent community-led implementation work, following the Board acceptance of the final report (which resets the 5-year clock until the next review process starts) takes, on average, 36 months. This includes assembling an implementation team, drafting a detailed

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[5] See: Long-Term Options to Adjust Timeline for Specific Reviews ([link](#)) and Next Steps on Reviews ([link](#)).

implementation plan, conducting the implementation work, as well as all applicable OEC and Board actions. This, then, leaves only 24 months for the improvements to be put to the test before the next review round is due to start.

B. How: Proposed principles that should guide the solutions to the issues listed in section A.

This proposed list is distilled and derived from community feedback received[6], as well as the OEC's observations.

(i) <u>Accountability</u>
Any procedural changes to the organizational review process should adhere, wherever possible, to the good practices of accountability, transparency, outreach, and updates to policies and processes as detailed on pages 8-11 of <u>Annex 6 – SO/AC Accountability Sub-Group Final Report and Recommendations – CCWG-Accountability WS2</u>.

(ii) <u>Timing</u>
Any procedural changes to the organizational review process should consider the issue of timing concerning the procurement process to engage an independent examiner, the length of review, the length of implementation, and the time required between the end of implementation and the start of the next review, ensuring that the impact of one review can be adequately assessed before the next one starts.

(iii) <u>Consistency</u>
Any procedural changes to the organizational review process should ensure that reviews are uniform and consistent, and that they allow to compare effectiveness and accountability across all ICANN entities subject to organizational reviews.

(iv) <u>Industry-wide best practices</u>
Any procedural changes to the organizational review process should ensure that the review methodology and approach is based, wherever possible, on the best practices for evaluation of organizations that are comparable to ICANN's multistakeholder model.

C. Who: Roles of the community, the ICANN Board, and the ICANN organization in the streamlining process

The ICANN Board, the ICANN community, and ICANN org all have an important role to play in the streamlining process. Clarity around these roles will facilitate an effective and inclusive process, as well as a timely progression of work. Please note, the timeline of the streamlining process will be subject to changes, depending on the need for additional community input, timing of ICANN meetings, the schedule of the ICANN Board and other factors.

(i) <u>Community's role in the streamlining process</u>
The individual experiences of each Supporting Organization (SO) and Advisory Committee (AC), as well as the Nominating Committee (NomCom) regarding the organizational review process all differ. For a successful outcome of the streamlining process, all community views should be heard and considered equally and with an open mind. Overall, the role of the

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[6] See: Long-Term Options to Adjust Timeline for Specific Reviews (<u>link</u>) and Next Steps on Reviews (<u>link</u>).

community in the streamlining process of organizational reviews is to provide substantial input and agree on possible solutions for the issues that require improvements. Whenever possible, final improvements need to be based on the broadest possible community consensus.

(ii) ICANN Board's role in the streamlining process
The ICANN Board will be responsible for alignment of the streamlining process with the intent and the spirit of the ICANN Bylaws and with the strategic direction and priorities of ICANN as a whole. As the responsible Board committee, the OEC will coordinate the Board's work in overseeing the streamlining process, updating and consulting the Board whenever necessary. In its oversight function, the OEC will work with the community and ICANN org to drive forward the streamlining work, and, ultimately, and subject to community support, recommend to the Board a path forward towards a streamlined organizational review process.

(iii) ICANN org's role in the streamlining process
ICANN org will enable and support community wide discussions on possible solution. ICANN org will also draft strawman proposals and facilitate community interaction to achieve the broadest possible consensus among the community in support of any changes to the organizational review process.

D. When: Proposed High-Level Timeline

According to the Bylaws, the third round of organizational reviews is scheduled to start in June 2021; five years after the Board's adoption of the final report of the second GNSO review. Therefore, a newly streamlined organizational review process needs to be approved by the Board approximately 6-8 months prior to the start of the third round of reviews to allow for adequate preparation activities to take place.

In accordance with community input,[7] the next round of reviews should not start until this streamlining process is completed. Therefore, if more time is needed the ICANN Board will work with the SO/ACs to ensure that the next round of organizational reviews does not start until this streamlining process is completed, or an alternative solution is found.

Step 1 – Finalization of issues, principles, and community role/timeline
- Following the Public Comment, the OEC (in consultation with the Board) will engage with the community on finalizing the scope and principles of the organizational review streamlining process, as well as the role of the community and a high-level timeline; most likely via one or more dedicated webinar(s).
- Based on all community input, ICANN org will draft and publish a finalized list of issues, principles, and timeline of streamlining process.

Step 2 – Streamlining proper starts with ICANN org facilitating community discussion on possible solutions

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[7] See Long-Term Options to Adjust Timeline for Specific Reviews, August 2018 (link); and Next Steps on Reviews, October 2018 (link).

- ICANN org will engage the community to explore possible solutions on the agreed-upon issues, based on the agreed-upon principles.
- This will take place via some or all of these mechanisms: webinars, interactive sessions during ICANN meetings, surveys, strawman proposals, public comment.

Step 3 – ICANN org to draft a proposal based on community input
- ICANN org will publish for public comment a complete document aggregating the solutions to the identified issues, based on the agreed principles and supported by the broadest possible consensus among the community. The proposal will also be subject to an interactive community discussion during an ICANN meeting.
- ICANN org will update the proposal into a finalized document, which, subject to the level of community consensus, will either be put out once more for public comment, or be submitted to the Board for its consideration.

Step 4 – Board consideration and third round of organizational reviews
- OEC will review the finalized document and, subject to its deliberations, may recommend to the Board to adopt the newly streamlined organizational review process.
- The Board will consider the newly streamlined organizational review process.
- Following Board adoption, the third round of organizational reviews can commence based on the newly streamlined process.