**Recommendation 3: Nominating Committee**

**Findings of ATRT 1:** This issue of Board composition and selection had been the subject of two independent reviews that predated ATRT1. ATRT1 found that the greatest relevance to its review process was the recommendation for ICANN to recruit and select based upon clear skill-set requirements. This included the establishment of a formal procedure by which the Nominating Committee (NomCom) would discover and understand the requirements of each body to which it makes appointments. ATRT1 found that, “[a]s such, codifying the processes for identifying, defining and reviewing these skills requirements, as well as the mechanisms by which stakeholders are consulted, could assist in improving the Board’s overall performance.”

**Recommendations**

*Recommendation 3*: The Board and Nominating Committee should, subject to the caveat that all deliberations and decisions about candidates must remain confidential, as soon as possible but no later than the Nominating Committee process commencing in late 2011 increase the transparency of the Nominating Committee’s deliberations and decision making process by doing such things as clearly articulating the timeline and skill-set criteria at the earliest stage possible before the process starts and, once the process is complete, explain the choices made.

**Summary of ICANN’s assessment of implementation:**

ICANN Staff reported to ATRT2 on implementation efforts undertaken by both the Board and NomCom. It has become standard operating procedure for the Board and NomCom to have consultations and information sharing sessions with respect to the Board skill-set requirements. The Board also implemented transparency guidelines for all NomComs and compliance with the transparency guidelines is standard operating procedure. The Nom Com provides a post selection report where it justifies its selections as standard operating procedure. These implementation measures and background documentation can be found here: http://nomcom.icann.org/nomcom-transparency-08oct12-en.pdf

**Summary of community input on implementation, including effectiveness**

ATRT2 did not receive significant comment on implementation of this Recommendation. Nominet stated that it supported the mechanism for nominating and electing ICANN Board members and it believes that it is a good example of a bottom-up mechanism for community input. Some commenters indicated they were not aware of the mechanisms for nominating and electing Board while others indicated their awareness and opinion that the term length for Directors was satisfactory.

**Summary of other relevant information**

Implementation of this Recommendation involved not only ICANN Board and Staff but also the NomCom itself. Two Chairs of the NomCom, Vanda Scartezini and Adam Peake, responded to ATRT2’s questionnaire and provided a substantial overview of the efforts undertaken by the NomCom in implementation. Both Chairs recognized the intent of the ATRT1 to bring greater transparency and accountability to the Director nomination process while at the same time respecting fundamental aspects of the process (e.g. confidentiality of candidates). They also recognized that it was important for the NomCom to maintain an independent role in the selection process.

Adam Peake reported that the ATRT1 Recommendations suggested a general feeling that the NomCom needn't be so obsessed by secrecy and that this was positive. He also noted that some of core ATRT recommendations were already NomCom practice, but the ATRT gave impetuous to take improvements seriously. In 2011, NomCom held workshops with the Community that he judged to be quite successful and that there was an attempt to improve communication throughout the process with the community (e.g. more email to lists, a blog), and with candidates (e.g. more information about the process, some communication to tell them what stage the process was at). He notes that in 2011, these communications efforts were mostly not realized (i.e. ideas that were not put into practice). In general, he found that the implementation efforts were worthwhile as improvements in 2013 are showing.

Vanda Scartezini noted a number of specific implementation activities that took place during the 2012 term. Among the implementation activities were:

a) Publishing and updating the timeline for NOMCOM activities during the whole cycle of NOMCOM to guaranty transparency to the Community and to candidates;

b) Formal consultations during all ICANN meetings with all ACs and SOs and its constituencies during the general assembly the previous year to identify all the profiles needed for the Board and their own leadership positions;

c) Publishing all the presentations to ACs and SOs;

d) Have a public meeting regarding ATRT and all other relevant aspects of NOMCOM process during ICANN formal meeting during 2012;

e) Formal meeting with Board chair and CEO and the BGC to collect their own opinion about Board member skill-sets needed for the next selection;

f) Meeting with General Counsel to guarantee all members inside NOMCOM will understand the requirements regarding privacy of candidate’s information;

g) Publishing the Identified profile characteristics for all leadership positions as a guideline for candidate application information.

h) Similar meeting as in a) to recheck with the ACs and SOs and constituencies during the first meeting of the year (2012) to orient NOMCOM’s members on the selection process.

i) After the selection process, a FINAL REPORT was written and published before the General Assembly on Toronto, October 2012. http://nomcom.icann.org/nomcom-final-report-08oct12-en.pdf

j) In the FINAL REPORT, all statistics related to NOMCOM 2012 can be found (e.g. number of the candidates, gender, and geographic distribution in clear graphics).

k) Inside the FINAL REPORT, a “matching matrix” with the information asked by the community and Board and the selected candidates’ profiles for the Board.

l) At the general Assembly in 2012, formal meetings again with each AC, SOs and its constituencies in order to give them feedback about the NOMCOM activities and how we respected their requirements for the Board positions, and for their own positions

Both Chairs believe that there is continued improvement (e.g. monthly report cards and having a standard matrix to use during and after the process.) Vanda Scartezini maintains that inside ICANN there is now a clearer vision about the NOMCOM process, and from the outside, a clearer view of the selection process and the requirements for someone to become a Board member. She also notes a sense of improvement regarding transparency in ICANN’s relationship with the community and the external world. Adam Peake notes that candidates have a better understanding of what's required and there is a better knowledge of what the board needs (both the skills of a candidates and the "gaps" in the board's collective skillset). He believes that an indirect benefit has been that the improved information about the desired candidate profile has been very useful in helping a professional recruitment company help NomCom identify potential candidates.

**ATRT2 analysis of recommendation implementation**

Implementation of the recommendation appears largely successful. There is improvement in transparency of the NomCom’s processes and in the adoption of standard operating procedures designed to enhance transparency. Importantly, implementation of the recommendation fostered dialogue across the Community and had the NomCom interacting with the Board, the Staff and ACs and SOs as it went about the business of implementation. Implementation of this Recommendation was not uniquely the responsibility of the ICANN Board or Staff. Rather, implementation required the interaction of the NomCom and the Board as well as the execution of individual tasks. It appears that both bodies undertook individual tasks and interacted successfully to implement the Recommendation as a whole.

**ATRT2 assessment of recommendation effectiveness**

The recommendation is effective with respect to creating a regular exchange of information between the Board and NomCom to identify necessary skill-sets for Directors and incorporating them into the nominating process. Implementation of the Recommendation has also had the effect of creating NomCom transparency standard operating procedures. The NomCom now regularly holds open meetings at ICANN meetings, another positive step toward transparency. Additionally, post selection reporting by the NomCom that provides a rationale for selection is consistent with spirit of the AoC.

|  |
| --- |
|  |