To: Cross-Community Working Group on Auction Proceeds

From: Samantha Eisner, Deputy General Counsel, ICANN

Date: 12 August 2019

In July 2019, the CCWG-AP requested a proposal for how an individual appeals process might be designed within the selected mechanism, in order to allow for applicants to challenge individual grant application decisions they believe were taken outside of process. Taking into consideration the examples already provided to the CCWG-AP and the discussions surrounding those applications, here is proposed language for inclusion in the final report, which would then be filled out with appropriate details during implementation.

The CCWG-AP recommends that the mechanism develop an operational policy on direct appeal of denials of applications for grant funding. Individual appeals shall not be available or made on grounds of disagreement with the decision of the independent panel. The policy shall allow applicants to appeal if they consider that the process for reviewing their application was not adhered to or that it was not conducted fairly.

The operational policy shall include the following elements:

1. Identification of an administrative head or lead panelist to which an appeal should be directed. That person shall maintain the same level of independence as the panelists.
2. Allow for appeals to be brought to challenge issues of fairness or propriety of the process. This will include considerations of potential undisclosed conflicts of interest amongst the independent panel, or if the applicant has any documentation that demonstrates that the panel received erroneous information provided by a person or entity other than the applicant. Whether it is appropriate to include similar specific grounds for appeal based upon the operation of the implemented mechanism shall be considered at the time of the development of the operational policy.
3. Include a time-limit on the filing of an appeal, so as to allow for proper and timely consideration of the tranche of applications.
4. Any decision on the appeal is final.