

RrSG Response to the Draft Final Report of the NomCom2 Review

The Registrar Stakeholder Group (RrSG) appreciates the effort put into drafting the final report of the NomCom2 Review by Professor William Brown, Dr. Mark Engle, and Dr. Greg Rafert. The report is substantial and generally speaking the recommendations are all valid and appropriate. Whilst the RrSG supports the final report overall, we would like to highlight and expand on some points below.

Additional Recommendation - Standing Committee

To start with, there is one recommendation that is not currently included in the report, but that the RrSG would like to suggest. Many of the recommendations described in this report are not the “one-and-done” variety that can be addressed once every 5 years by a Review Working Party. Instead, the RrSG believes there is a need to create a Standing Committee that exists in parallel to the annual NomCom comprised of ex-NomCom and/or ex-Board members and perhaps even the current NomCom Chair Elect or Associate Chair. This Standing Committee could be given the responsibility for improving the productivity, transparency and accountability of the NomCom. Their mandate would include reviewing the recommendations in the NomCom’s annual report and subsequently performing a feasibility study for those that are outside the scope or bandwidth of each year’s NomCom. In reference to this report, their institutional knowledge and experience could be used to provide input on, amongst others, a) training for the NomCom, (Recommendations 2, 3 and 4); b) the NomCom budget and staffing resources (Recommendation 12); c) the process diagram (Recommendation 13); d) the marketing plan for targeting prospective candidates (Recommendation 19) and e) the standardised evaluation matrix and interview questions (Recommendations 21 & 22).

Recommendation 1

The RrSG is in full support of further efforts being made to increase diversity within NomCom membership, as the lack of diversity within the Board is possibly a reflection of the NomCom’s own lack of diversity. The emphasis on independence is also key, as NomCom members should from the onset be mindful of, and disclose, any potential conflicts of interest arising from existing relationships with potential/actual candidates. If such a conflict is known in advance, any individual should consider against running for or standing in a NomCom position at that time, or already a NomCom member and the potential conflict comes up, the individual should immediately recuse themselves from any discussion of any candidates.

Recommendations 2, 3 & 4

The RrSG strongly supports the NomCom receiving appropriate training to better their understanding of general Board operations and the competencies required to do them, as well as the process of recruitment. The proposed Standing Committee would lead these efforts. The ICANN Human Resources department should logically be involved in the development of this training.

Recommendation 7

The RrSG supports NomCom member terms being extended from 1 to 2 years, with the exception of the Chair and Chair-Elect roles, as this will undoubtedly help retain institutional memory and knowledge, which is lacking under the current system.

Recommendation 9

The RrSG agrees that all NomComm members should be 'fully participating and voting members, except for NomCom leadership' as there is limited benefit to having non-voting members. However, as stated in the report, this would also necessitate these members being subject the same requirements, notably being term limited.

Recommendation 10

The RrSG supports a five year review of representation on the NomCom and would further support a first review to start immediately.

Recommendation 11

Some important decisions are made by ICANN staff without consultation or involvement with NomCom members and in advance of their convening (i.e. on the NomCom budget). Therefore having the senior staff member supporting NomCom to be as accountable by reporting to a senior office in ICANN is a good idea. Given that the NomCom's role is primarily one of recruitment, the RrSG believes that the VP of Human Resources should be considered as an alternative to the CEO office. The Standing Committee should also be involved with ensuring the NomCom receives adequate support from ICANN staff.

Recommendation 14

Having an up to date list of the competencies and experience that candidates should have helps to ensure that the NomCom is better aligned with the needs of the Boards and SO's that it is selecting candidates for. This would also help prevent a situation where a chosen candidate is missing a critical skillset or is prohibited by restrictions imposed by the Board or SO. The RrsG therefore supports having formalized communication between the NomCom and the Board, etc.

Recommendation 15

This recommendation states that the NomCom 'should continue the practise of publishing job descriptions...', however use of the word "continues" here may be misleading, since this practise was only just implemented by the 2018 NomCom. A reference to the process being newly implemented would be more appropriate. In general the RrSG believes publishing job descriptions is good practice to ensure NomCom is held accountable for the choices it ultimately makes.

Recommendation 16

The RrSG agrees that NomCom should receive feedback on the contribution and participation of members up for re-appointment to ensure that valued members are kept on the Board and SO's councils.

Recommendations 20, 21, 22 and 23

The RrSG strongly supports the implementation of records, matrixes and the standardisation of processes to prevent important and effective institutional memory from being lost due to the regular changeover of NomCom membership. The Standing Committee along with ICANN Staff should be responsible for keeping such data (ie, interview questions) to be able to share with each new NomCom.

Recommendation 24

The Board's effectiveness should be assessed every year to not only improve NomCom's processes, but to also analyse what competencies currently exist and what potentially need to be filled, so that these can be kept in mind when looking for candidates.

Recommendation 25

The RrSG supports making the most of individuals that, even if not chosen by the NomCom to fill a position, are still able persons who have identified themselves as interested in volunteering to work with ICANN and could potentially have a place in another role. This kind of capacity building for ICANN should be managed by HR and the Standing Committee.

Recommendation 26

The RrSG believes that it must be first decided and agreed upon as to whether the NomCom should be seeking Independent Directors, and if that is the case, then this should be added to the ICANN Bylaws. The Standing Committee would manage the Bylaw change processes.

In summary, the RrSG endorses the findings and recommendations of the NomCom2 Review Working Party with the addition of a Standing Committee. Once the Final Report is published, we look forward to making more contributions during the feasibility and implementation phases of the review process.