neustar

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Operating Standards for Specific Reviews

Neustar would like to take the opportunity to comment on the draft Operating Standards for Specific Reviews. Our comments have been constrained to a number sections as outlined below.

More generally, the Operating Standards would benefit from the inclusion of a section that provides a high level description of responsibilities as they relate to the ICANN Board, ICANN organisation, SO/ACs and the Review Team itself. This would facilitate broader community understanding of the decision points in the process and where ultimate responsibility lies.

It is unclear whether the intention is to apply these Operating Standards to Review Teams that have already begun their efforts. We believe it is important that this is made clear in any further versions of the Operating Standards.

2.1 Scope Setting

Review Team to Set the Scope

The process described for selecting a Drafting Team to develop the scope for Specific Reviews is not an efficient use of time or resources. As per section 3.22 of the draft Operating Standards, the scope can be amended by the Review Team, which suggests that scope setting done by a Drafting Team is potentially duplicative and, at worst, could be considered a waste of already scarce volunteer resources.

We note that, under section 3.12, the Review Team is responsible for developing and agreeing to Terms of Reference for the review that include, among other things, the scope. As such, it is more appropriate for the Review Team to set the scope of the review, guided by the ICANN bylaws, rather than establishing a separate entity to do this ahead of time.

ICANN bylaws provide guidance on what the specific reviews may assess, which Review Teams should consider when setting the scope of a Specific Review. Additionally, input from the ICANN Board, ICANN organisation, and community could be sought to inform the Review Team in developing scope.

Given that the ICANN Board is responsible for initiating the Specific Review and reviewing the Terms of Reference before they're finalised, the Board (or its Organizational Effectiveness Committee) would have the opportunity to raise any concerns about the scope prior to fulfilling the relevant Board resolution. The Review Team should then engage with the Board to resolve any issues or misunderstandings.

2.4 Call for Volunteers

Potential candidates with the requisite expertise to contribute to Review Teams may be disadvantaged, or even potentially disqualified from participating, because they do not have a Supporting Organisation (SO) or Advisory Committee (AC) to support their expression of interest. There must be consideration in the

selection process to ensure that a potential qualified candidate is not disqualified simply because they do not have a SO/AC to call home.

2.6 Review Team Selection Process

While the Operating Standards suggest a maximum number of members for a Review Team, they are silent on the minimum number. We believe that each Review Team must, at a minimum have at least, thirteen members.

3.8 Meeting Attendance

Given the length of time some of these reviews will, the requirement that a review team member attend all meetings is unreasonable.

3.11 Determining Review Team Leadership

Given the importance of the Specific Reviews, we believe it is essential that at least one member of the Leadership Team has proven experience in chairing or leading similar efforts and this requirement must be a consideration when the Review Team is selecting their Leadership Team.

3.15 Removal of Review Team Members

The decision by a Review Team to remove any of its members must be the result of an objective process and supported by evidence that a member has been disruptive or inactive, and should follow at least one warning about the concerns.

4.5 Submission of Final Report and Public Comment

We believe that it is important that the Board be required to consider the recommendation of a Final Report within three months of receipt.

We welcome the opportunity to discuss this further.

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