

I C A N N
ANNUAL GENERAL

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MONTRÉAL

2-7 November 2019



GNSO Bylaws Drafting Team Update at ICANN66

Guidelines & Motion Templates:
GNSO's Responsibilities as an Empowered
Community member

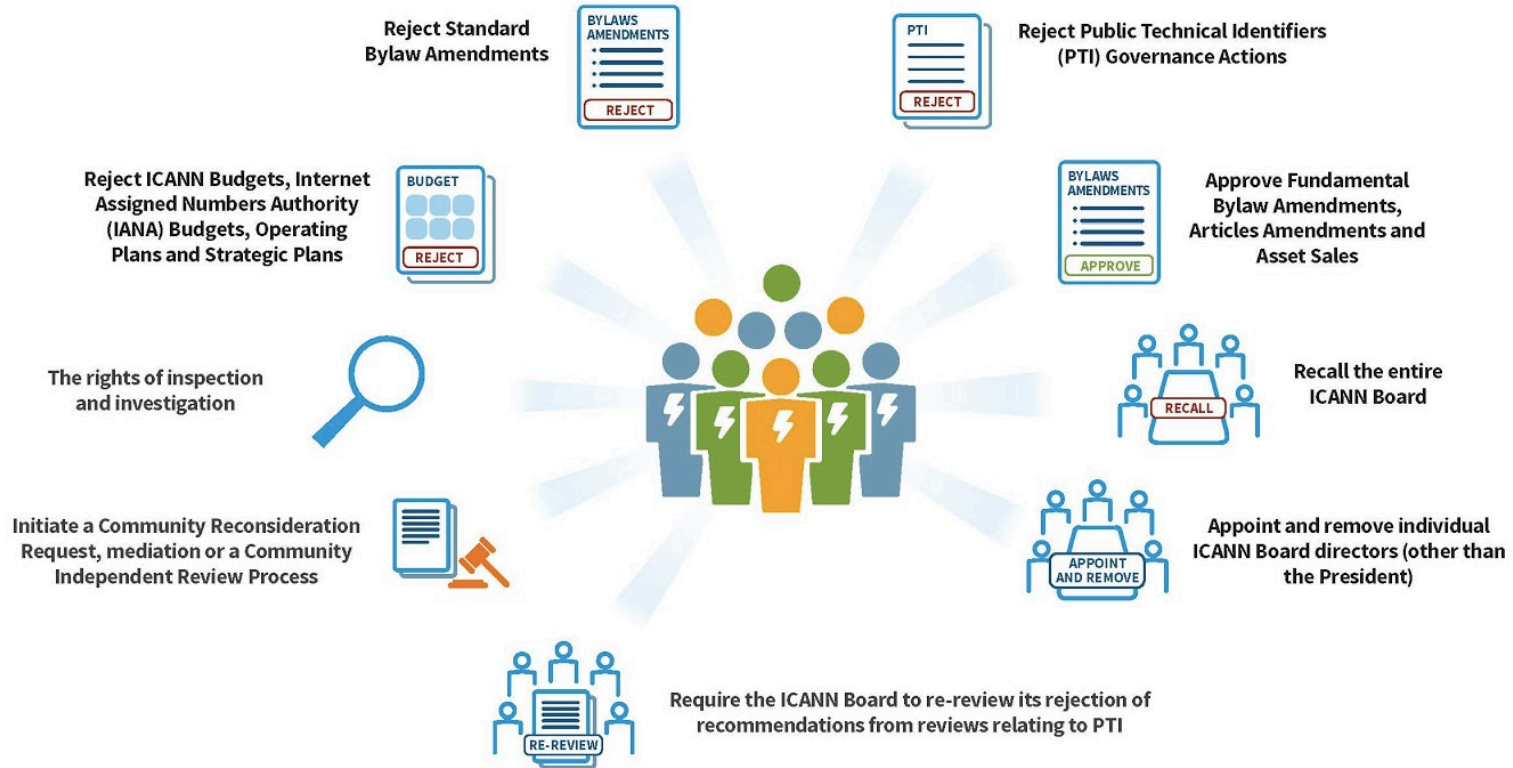
November 2019

Empowered Community Overview

WHAT ARE THE EMPOWERED COMMUNITY POWERS?



The Empowered Community has nine powers to ensure the Internet Corporation for Assigned Names and Numbers (ICANN) Board and organization are accountable:



Empowered Community Overview (Cont.)

HOW DOES THE EMPOWERED COMMUNITY USE THEIR POWERS?

The Empowered Community has a process to raise concerns with an action or inaction made by the ICANN Board or organization. This escalation process gives ICANN's Supporting Organizations (SOs) and Advisory Committees (ACs) opportunities to discuss solutions with the ICANN Board.

Seven Core Steps in the Escalation Process



Escalation of a concern can be stopped at any point if a threshold is not met or if a solution is found.

What is the Empowered Community?

The Empowered Community is the mechanism through which ICANN's SOs and ACs can organize under California law to legally enforce community powers. The community powers and rules that govern the Empowered Community are defined in the **ICANN Articles of Incorporation** and **Bylaws**.



Who can participate in the Empowered Community?

All of ICANN's SOs, as well as the At-Large and Governmental ACs, can participate in the Empowered Community including: the Generic Names Supporting Organization, the Country Code Names Supporting Organization, the Address Supporting Organization, the Governmental Advisory Committee and the At-Large Advisory Committee.



Empowered Community Guidelines & Templates

DT developed guidelines and draft Council motion templates for carrying out the GNSO's responsibilities as a Decisional Participant in the Empowered Community: <https://community.icann.org/x/BYc2Bg>

- ⦿ Approval Action Community Forum & Decision Whether to Approve an Approval Action [Annex D, Art 1, Sections 1.3 and 1.4]
- ⦿ Petition Process for Specific Actions & Rejection Action Community Forum [Annex D, Art 2, Sections 2.2 and 2.3]
- ⦿ Nominating Committee Director Removal Process [Annex D, Art 3, Section 3.1]
- ⦿ SO/AC Director Removal Process [Annex D, Art 3, Section 3.2]
- ⦿ Board Recall Process [Annex D, Art 3, Section 3.3]
- ⦿ Independent Review Process (IRP) for Covered ICANN Actions & Community IRP [Art 4, Sections 4.2 and 4.3]

GNSO Council Agenda in ICANN66 Montreal

GNSO Council to review (and vote, if ready) on full set of Guidelines and Templates developed by the DT, which comprises:

- ⦿ Guidelines and Templates on the previous slide, plus
- ⦿ GNSO-ccNSO Joint Consultation Guidelines on the Initiation of a Special IANA Function Review [Art 18, Section 18.12]
 - Associated Guideline for GNSO Internal Review Process to satisfy Art 18, Section 18.12(a)(i)-(ii) of the ICANN Bylaws

Approval Action

- ⦿ An “Approval Action” is comprised of the process set forth in Annex D, Article 1 of the ICANN Bylaws that governs the escalation procedures for the Empowered Community to approve the following under the Bylaws:
 - Fundamental Bylaw Amendments, as contemplated by Section 25.2 of the Bylaws;
 - Articles Amendments, as contemplated by Section 25.2 of the Bylaws; and
 - Asset Sales, as contemplated by Article 26 of the Bylaws.
- ⦿ Guidance is provided to the GNSO concerning how:
 - the GNSO community provides feedback to the Community Forum for an Approval Action; and
 - the GNSO Council decides to support, object, or abstain from an Approval Action.
- ⦿ See the [flowchart](#) for additional details.

Rejection Action

- ⦿ A Rejection Action is comprised of the process set forth in Annex D, Article 2 of the ICANN Bylaws, which shall govern the escalation procedures for the Empowered Community to reject an action.
- ⦿ Guidance is provided to the GNSO concerning how:
 - an individual submits a Rejection Action Petition to the GNSO Council;
 - the GNSO community provides feedback on the Petition;
 - the GNSO Council decides to accept or reject a Petition, or support a Petition from another Decisional Participant;
 - the GNSO community provides feedback before and after a Community Forum for a Rejection Action; and
 - the GNSO Council decides to accept, reject, or abstain from a Rejection Action.
- ⦿ See the [flowchart](#) for additional details.

Board Director Removal (NomCom Selected)

Removal of a Board Director selected by the Nominating Committee (seat 1 through seat 8):

1. an individual submits a Nominating Committee Director Removal Petition to the GNSO Council;
2. the affected Director, the petitioner, the Board Chair/Vice Chair, and the GNSO Representative on the ECA conduct a dialogue;
3. the GNSO community provides feedback on a Petition;
4. the GNSO Council decides whether to accept or reject a Petition;
5. the GNSO community provides feedback before and after a Community Forum on the Nominating Committee Director Removal; and
6. the GNSO Council decides to support, object, or abstain from a Nominating Committee Director Removal.

Note:

- The GNSO needs support from at least one other Decisional Participant to escalate the Petition to Community Forum;
- The GNSO has the opportunity to decide whether to support a Petition from another Decisional Participant;
- See the [flowchart](#) for additional details.

Board Director Removal (GNSO Appointed)

Removal of a Board Director appointed by the GNSO (seat 13 or seat 14):

1. an individual submits a SO/AC Director Removal Petition to the GNSO Council;
2. the affected Director, the petitioner, the Board Chair/Vice Chair, and the GNSO Representative on the ECA conduct a dialogue;
3. the GNSO community provides feedback on a Petition;
4. the GNSO Council decides whether to accept or reject a Petition;
5. the GNSO community provides feedback before and after a Community Forum on the SO/AC Director Removal; and
6. the GNSO Council decides the level of support to remove the GNSO appointed Board Director.

Note:

- The GNSO does NOT need support from other Decisional Participants to escalate the Petition to Community Forum;
- There is an additional 7-day comment period following the Community Forum;
- GNSO Council voting thresholds for step 4 and step 6 are different;
- See the [flowchart](#) for additional details.

Board Recall (Entire ICANN Board)

Recall of the entire ICANN Board of Directors:

1. an individual submits a Board Recall Petition to the GNSO Council;
2. the GNSO community provides feedback on a Petition;
3. the GNSO Council decides whether to accept or reject a Petition;
4. the GNSO community provide feedback before and after a Community Forum on the Board Recall; and
5. the GNSO Council decides to support, object, or abstain from a Board Recall.

Note:

- The GNSO needs support from at least two other Decisional Participants to escalate the Petition to Community Forum;
- The GNSO has the opportunity to decide whether to support a Petition from another Decisional Participant;
- See the [flowchart](#) for additional details.

Community Independent Review Process

- ⦿ The Community Independent Review Process (IRP) is an accountability mechanism provided by the Article 4, Section 4.3 & Annex D, Section 4.2 of the ICANN Bylaws;
- ⦿ The IRP allows for third-party review of actions (or inactions) by the ICANN Board or staff that are allegedly in violation of the Bylaws or Articles of Incorporation;
- ⦿ Guidance is provided to the GNSO Council concerning whether and how it:
 - should decide to approve a petition to initiate a Community IRP;
 - support a Community (IRP);
 - become a Reconsideration Request requestor;
 - file an IRP Claim as a Claimant.
- ⦿ See the [flowchart](#) for additional details.

Special IANA Function Reviews

- ⦿ Joint Consultation Guidelines are developed for the ccNSO and GNSO in their consideration, under ICANN Bylaws Section 18.12(a), of whether their Councils should approve the initiation by the ICANN Board of a Special IANA Function Review (Special IFR);
- ⦿ The process for considering and initiating a Special IFR formally starts when the Customer Standing Committee (CSC) notifies the ccNSO and GNSO Councils that a performance issue remains unresolved following escalation to the ICANN Board;
- ⦿ Guidance is provided concerning:
 - the establishment of a Special IFR Coordination Team (SICT);
 - internal review process to consider the outcome of Remedial Action Procedure and IANA Problem Resolution Process (see the associated “Guideline for GNSO Internal Review Process”);
 - consultation with other Supporting Organizations & Advisory Committees;
 - a public comment period of the draft SICT recommendation;
 - ccNSO & GNSO Council votes on the SICT final recommendation.