**GNSO Standing Selection Committee**

**Charter Review**

**Overview**

The GNSO Standing Selection Committee Charter was approved on an interim basis by the GNSO Council on 15 March 2017. Furthermore, the GNSO Council resolved that, following the completion of two selection processes, the “SSC [is] to report back to the GNSO Council with its assessment of whether the charter provides sufficient guidance and flexibility to carry out its work, and/or whether any modifications should be considered”. The SSC has completed five selection processes to date:

* GNSO-endorsed candidates for the RDS-RT
* GNSO representative to the Empowered Community Administration
* Replacement candidate for the SSR2-RT
* GNSO-endorsed candidates for the ATRT3
* GNSO Liaison to the GAC

Drawing on its experience conducting these selections under the SSC Charter, the SSC will now review its Charter and provide feedback on its provisions for consideration by the GNSO Council. The template below has been created by staff to facilitate this review. The comments and recommendations currently included are the result of staff observations and experience with the charter to date. Of course, the SSC is free to endorse, disagree or modify these observations based on its experiences. Similarly, the SSC could decide to separate out staff observations from SSC observations or not include the staff observations at all.

**Comments and Recommendations on Specific Charter Provisions**

| **Section** | **Charter Provision** | **Observations** | **Recommendation** |
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| **II. Mission, Purpose, and Deliverables** | **Mission and Scope:**  The GNSO Standing Selection Committee (SSC) is tasked, as requested by the GNSO Council, to 1), where applicable, prepare and issue calls for applications related to the selection or nomination of candidates for ICANN structures such as ICANN review teams as well as structures related to the Empowered Community, 2) review and evaluate all relevant applicants/candidates, 3) rank candidates and make selection/appointment recommendations for review and approval by Council and 4) communicate selections to all interested parties.  This charter sets out the general guidelines and principles that the SSC is expected to apply to any selection process, recognizing that depending on the scope or nature of the selection in question certain modifications may have to be made. For any selection process, the SSC is expected to communicate in advance the expected steps and timeline that will apply to that specific selection process.  The SSC is expected to provide its full consensus recommendations to the GNSO Council for consideration, which will make the ultimate determination on any appointments, selections and/or nominations. | The mission and scope of the SSC continue to be appropriate.  Noting the time constraints associated with the initial selection processes, timelines were condensed to meet external deadlines. For future selections, the SSC will strive to provide notice to Council on selection process steps and timeline prior to beginning the selection process.  Although the SSC has been able to come to full consensus on all appointments to date, it is worth emphasizing that the full consensus requirement does mean that any member can block the SSC from achieving full consensus, preventing it as a result delivery of recommendations to the GNSO Council.  The Council may want to consider a possible scenario where eight SSC members strongly agree on a selection, but the single “hold out” prevents a recommendation to the GNSO Council regarding the selection. The Council must determine if this is an acceptable outcome and whether or not any ‘crisis management’ procedures need to be put in place to deal with such a scenario. | Council to consider whether to keep full consensus requirement or whether to change it to a different model, for example, to a ‘supermajority’ consensus that would follow how supermajority is defined at the Council level (two-thirds (2/3) of the Council members of each House, or three-fourths (3/4) of the Council members of one House and a majority of the Council members of the other House).  Considering that we have been able to come to a full consensus I would recommend not changing this part of the process for now. |
| **II. Mission, Purpose, and Deliverables** | **Objectives and Goals:**  To provide full consensus recommendations to the GNSO Council on the selection and/or nomination of GNSO representatives to ICANN structures, such as, for example, review teams as well as Empowered Community related structures. | Objectives and goals continue to be appropriate.  See previous observation regarding full consensus requirement. | See previous recommendation. |
| **II. Mission, Purpose, and Deliverables** | **Deliverables and Timeframes:**  The SSC is expected as one of its first work products to develop a proposed timeline as well as expected steps for the different appointments and/or nominations that are of a recurring nature such as the:   * Nominations for ICANN review teams as provided for in the ICANN Bylaws (note, that this does not include the SCWG & IFR RT – appointments for those efforts are made directly by GNSO SGs); * Appointment of the GNSO representative to the Empowered Community Administration; * GNSO liaison to the GAC, and; * The GNSO non-registry liaison to the Customer Standing Committee. | The SSC has developed a document outlining a standard set of steps and default timeline for selection processes. This document was piloted in the process to select GNSO-endorsed candidates for the ATRT3 and used in subsequent selection processes. The SSC agrees that it is important to produce a comprehensive set of timelines as well as expected steps for the different appointments and/or nominations. | No changes recommended, apart from linking to the wiki page where the standard steps of and default timeline can be found.  Agreed |
| **III. Formation, Staffing, and Organization** | **Membership Criteria:**  The SSC shall consist of a total of 9 members (not including the ex-officio members), appointed as follows:  - One member appointed by each Stakeholder Group of the Contracted Party House;  - One member appointed respectively from each of the Business Constituency, theIntellectual Property Constituency, and the Internet Service Providers and Connectivity Providers Constituency;  - Three members appointed by the Non-Commercial Stakeholder Group; and,  - One member from one of the three Nominating-Committee appointees to the GNSO Council.  If a member is not able to attend, that member will be responsible to identify an alternate who is expected to participate in the SSC deliberations in case of absence of the member or in cases where a member may be conflicted (e.g. in case he or she is one of the candidates to be reviewed by the SSC). Members or alternates do not need to be Council members but they do need to be appointed and/or reconfirmed by the leadership of the appointing SG and/or C.  The SSC is expected to select its Chair(s) from its membership. | The initial three selection processes were conducted with 8 members, as the NCSG had only initially appointed 2 of 3 members. The 9th member was announced on 22 August and has participated in the upcoming selection processes. The SSC selected one Chair and two Vice-Chairs to lead the group. Having a relatively small group does mean deliberations can be conducted in an effective manner, but it also means that it may be difficult to make progress if a few members are absent and/or do not engage (note, to date, even though it has not always been possible to schedule meetings at times that everyone was available, all SSC members have actively engaged in the deliberations).  In practice, alternates have been appointed for selections that involved SSC members as candidates but not for ad-hoc absences which might be challenging in any case as it would be difficult for the alternate to get up to speed on previous deliberations.  The SSC has had two Council members as part of its membership to date which has facilitated the submission of motions as well as relaying expectations from the GNSO Council. However, it is not a requirement for an SSC member to be a Council member so this could change in the future. As such, the Council may want to reconsider whether the GNSO Chair and/or Vice-Chairs should be ex-officio members of the SSC to ensure that there is always a direct link between the SSC and the GNSO Council.  Question: are SSC members still comfortable with language around alternates? In practice, members that have been unable to attend meetings have participated by email instead. The written process may still be appropriate for longer-term absences or conflicts?  Additional question: Julf Helsingius noted the following “If the phrase "appointed from" is read strictly, it would imply that the Stakeholder Groups of the CPH can appoint anyone, as can the NCSG, but the BC, IPC, ISPCPC and NCAs can only appoint  from amongst themselves. I don't think that lack of symmetry was intended by the drafting group. It also would uniquely restrict the NCA's to only select one of their number, while the SGs and Cs can select non-Council members (and in the case of CPH and NCSG pretty much anyone).” Are adjustments to the text needed?  Response from staff: Consider clarifying the language to specify that all groups are expected to appoint from their membership as this is expected to be a representative role and not an individual one? | Council to consider whether to continue existing membership structure or whether modifications should be explored. Council to reconsider whether the GNSO Chair and/or Vice-Chairs should be ex-officio members of the SSC to ensure that there is always a direct link between the SSC and the GNSO Council.  Clarify that members are expected to be selected from the membership of respective SG/Cs/NCAs.  Agreed – we should clarify the language and ensure that all members have the same criteria for selection. |
| **III. Formation, Staffing, and Organization** | **Committee Formation, Dependencies, & Dissolution:**  The SSC will be a standing committee. The membership is expected to be confirmed by each Stakeholder Group and Constituency and the nominating committee appointees within 3 weeks after the end of the ICANN AGM. Members may not serve for more than two consecutive terms, with the exception of the GNSO Chair and/or Council Vice-Chairs. Upon establishment of the SSC, it will make a recommendation for staggering of the original membership by either agreeing on a 1 year term limit or a 3 year limit for a number of the members or a combination thereof. At any time the GNSO Council may decide to dissolve the standing committee should there no longer be a need for such committee. | The Charter foresees that the SSC will make a recommendation about staggering the original membership. This is an item for further discussion by SSC members. If processes and procedures are well documented by the current SSC members, it may not be necessary to stagger the original membership to ensure continuity.  Re-confirmation of SSC leadership is not addressed in the original charter. It will need to take place annually following re-confirmation of membership. | Update Charter to state that SSC leadership will be re-confirmed by the SSC annually following re-confirmation of membership.  Agreed – do we need to outline the process for re-confirming members.  How do we track membership length? |
| **III. Formation, Staffing, and Organization** | **Committee Roles, Functions & Duties:**  The ICANN Staff assigned to the SSC will fully support the work of the committee as requested by the Chair including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate.  The standard Committee roles, functions & duties shall be applicable as specified in Section 2.2 of the Working Group Guidelines. | This language continues to be appropriate. | No changes recommended. |
| **III. Formation, Staffing, and Organization** | **Statements of Interest (SOI) Guidelines:**  Each member of the Standing Committee is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedures. | Consider adding language to clarify that if an SSC member is a candidate for a position for which the SSC is expected to carry out the selection member, the SSC member in question is expected to recuse him/herself from the deliberations (but may appoint an alternate). This is what has happened in practice, but there is currently no requirement to do so. | Update charter to reflect that in those instances where an SSC member is a candidate for a position for which the SSC is expected to carry out the selection process, the member in question will recuse him/herself from the deliberations and decision-making process concerning that specific position. |
| **III. Formation, Staffing, and Organization** | **Transparency:** Unless otherwise directed by the GNSO Council, the names of all applicants and all documents received during the selection process shall be considered public and published on the GNSO web-site or other ICANN web-site. To facilitate its deliberations, the SSC may decide to conduct some or all of its deliberations in private, but if so, it is expected to provide a rationale with its recommendations. | Names and most documentation for each selection process has been published on the SSC wiki. An exception was made for the GNSO Liaison to the GAC for which applicant materials were not publicly posted but shared with members of the SSC as these included significant personal information. So far, records of deliberations have been open, but there may be circumstances where members prefer to keep deliberations private in the future. | Consider adding flexibility for the SSC to keep certain materials confidential or available upon request instead of publicly posting. In my opinion, the name of the candidate and their SOI should always be public. If there is a private information that the candidate provides but does not want public we may want to consider accommodating that.  It is concerning that the deliberations of the SSC are immediately public and the candidates are able to access these before an official announcement is made public. Can we delay the availability of the deliberations until notice is given to the Council of the SSC’s decisions? |
| **IV. Rules of Engagement** | **Review Team Appointments Principles:** For any appointments and/or nominations, the SSC is expected to apply the following guiding principles, noting that depending on the scope or nature of the selection in question certain modifications may have to be made. For any selection process, the SSC is expected to communicate in advance the expected steps and timeline that will apply to that specific selection process.   1. The SSC should ensure adequate representation and participation of its members to ensure diversity of views. Should there be any concerns in relation to participation of selected members, the SSC is expected to raise those concerns with the appointing SG/C. 2. Following receipt of the list of candidates, the SSC is expected to reach out to each SG/C to confirm affiliation as stated by candidates. 3. Each SG/C should be provided with sufficient opportunity to provide this confirmation as well as any other information the SG/C deems useful for the SSC to consider as part of its evaluation. 4. In those cases where the SSC is responsible for the call for volunteers or has been requested to provide input, it will, at a minimum, list the nature and responsibilities of the position, the skill set desired of applicants and the criteria that will be used by the SSC to rank and select applicants. The call for applications shall be submitted to the GNSO Council for review prior to publication. 5. Members of the SSC are expected to individually evaluate all candidates. Following that, the SSC will collectively review and evaluate all the applications and other materials relevant to the selection through a method determined by the SSC (for example, a survey tool may be used to assess the skills and qualifications of candidates). 6. The SSC will, based on this review, by consensus (see next section), rank the candidates according to the criteria listed in the call for applications. 7. The SSC shall strive as far as possible to achieve balance, representativeness, diversity and sufficient expertise appropriate for the applicable selection process. In order to achieve balance and diversity on the Review Teams, the SSC is strongly encouraged to employ a system of rotation to Review Team selections. Any Stakeholder Group which nominated candidates(s) for a Review Team but did not have a candidate selected for that Review Team shall be preferred as a qualified applicant from their Stakeholder Group for one of the three guaranteed slots for the next GNSO Review Team appointment processes. 8. The SSC shall communicate to the GNSO Council the selected candidate(s), including proposed ranking where applicable. The level of consensus reached by the SSC on the selected candidates will also be communicated as well as any minority views, should these exist.   Following receipt of the SSC recommendations, the GNSO Council is expected to consider the proposed candidate(s) for approval. Should the GNSO Council disagree, or partially disagree, with the SSC recommendations, it has the ability to 1) approve the recommendations in part or 2) return the recommendations to the SSC with a request for further consideration.  Following approval by the GNSO Council, the GNSO Chair, with the assistance of the GNSO Secretariat, will inform the relevant party (for example, in the case of Review Team nominations, the SO/AC Chairs) of the selection and possible ranking of candidates. | In general, this process has worked well so far. Some of these points have also been incorporated into the document outlining a standard set of steps and default timeline for selection processes. Under point 7, text could be added indicating that if the Council wants to share specific instructions on diversity considerations for a particular process, this input is welcome.  The Council may want to consider if any special instructions or provisions should be added these steps with respect to the NomCom.  It may also be useful to add to this text that once the SSC has agreed on a recommendation, it should communicate the result to candidates before sending the recommendation to Council. | It may also be useful to add to this text that once the SSC has agreed on a recommendation, it should communicate the result to candidates before sending the recommendation to Council.  Not sure I agree with the above since we are making a recommendation to the council. I guess at the very least we could inform the candidates at the same time as sending it to the Council. |
| **IV. Rules of Engagement** | **Decision-Making Methodologies:**  The Chair will be responsible for designating the position as having the following designation:   * **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus.** | The SSC has been able to operate within the full consensus model, interpreting that to mean that following deliberations, full consensus is reached if no objections are raised. See also previous observations in relation to this topic. |  |
| **IV. Rules of Engagement** | **Status Reporting:**  As requested by the GNSO Council. | The SSC remains available to provide status updates upon request. | No changes recommended. |
| **IV. Rules of Engagement** | **Problem/Issue Escalation & Resolution Processes:**  *{Note: the following material was extracted from Sections 3.4, 3.5, and 3.7 of the Working Group Guidelines and may be modified by the Chartering Organization at its discretion}*  The SSC will adhere to ICANN’s Expected Standards of Behavior as documented in Section F of the ICANN Accountability and Transparency Frameworks and Principles, January 2008.  If a SSC member feels that these standards are being abused, the affected party should appeal first to the Chair and, if unsatisfactorily resolved, to the Chair of the Chartering Organization or their designated representative. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such. However, it is expected that SSC members make every effort to respect the principles outlined in ICANN’s Expected Standards of Behavior as referenced above.  The Chair is empowered to restrict the participation of someone who seriously disrupts the SSC. Any such restriction will be reviewed by the Chartering Organization. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed.  Any SSC member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the SSC or CO should first discuss the circumstances with the WG Chair. In the event that the matter cannot be resolved satisfactorily, the SSC member should request an opportunity to discuss the situation with the Chair of the Chartering Organization or their designated representative.  In addition, if any member of the SSC is of the opinion that someone is not performing their role according to the criteria outlined in this Charter, the same appeals process may be invoked. | This text is standard and extracted from the Working Group Guidelines. No issues of this nature have been raised to date by SSC members. | No changes recommended. |
| **IV. Rules of Engagement** | **Closure & Working Group Self-Assessment:**  At any time the GNSO Council may decide to dissolve the standing committee should there no longer be a need for such committee. | This language continues to be appropriate. | No changes recommended. |