

Proposed Remedial Action Procedures

REVISED Oct 18 2017

I. Finding that a Performance Issue Exists

- a) Where the CSC has decided to undertake a review of a complaint to determine if a performance issue exists, it will invite the President of PTI to comment before finalizing its review
- b) Where the CSC determines that a performance issue exists, it will communicate its conclusions to the President of PTI within 48 hours of finalizing its report.

II. Development of Corrective Action Plan

- a) The President of PTI will initiate a conference call the CSC within 10 business days of the receipt of the CSC's report, **or within such other time as may be agreed to by the parties**, to discuss its findings and propose a Corrective Action Plan to address the performance issue.
- b) Where ICANN and PTI have previously agreed to a mitigation plan for the same issue or set of issues, it shall be duly considered in the development of the Corrective Action Plan.
- c) The Corrective Action Plan will contain a specific timeframe for implementing corrective measures along with specific milestones for achieving this and dates when the President of PTI will provide the CSC with an update of its progress in meeting these milestones.
- d) The CSC will meet within 10 business days of receiving a proposed Corrective Action Plan, **or within such other time as may be agreed to by the parties**, to review and approve the plan.
- e) In the development of proposed Corrective Action Plan, or any revised Corrective Action Plan, the CSC will, when requested by PTI, the PTI Board, the ICANN CEO or the ICANN Board, as the case may be, provide comments on any drafts of these plans.
- f) PTI will move expeditiously to implement the Corrective Action Plan and provide regular reports to the CSC on its progress in meeting the requirements of the plan.
- g) In the development of a Corrective Action Plan or revised Corrective Action Plan, the CSC will, when requested by PTI, the PTI Board, the ICANN CEO or the ICANN Board, as the case may be, provide comments on any drafts of these plans.**

III. First Escalation – to PTI Board

- a) Where the President of PTI fails to:
 - i. call a meeting or conference call, as required under II above,
 - ii. provide a Corrective Action Plan that is satisfactory to the CSC as required under II. above
 - iii. implement the corrective action agreed upon in the Corrective Action Plan within the timeframe agreed upon,
 - iv. provide an update on its progress in meeting the milestones set out in the Corrective Action Plan within the timeframe for reporting agreed to in that plan

the CSC may escalate the matter to the PTI Board by informing the Board Chair.

- b) Where the CSC has escalated the matter to the PTI Board, the Chair of the PTI Board shall call a meeting or conference call with the CSC within 10 business days of the receipt of the escalation, **or within such other time as may be agreed to by the parties**, to review the situation and agree upon a PTI Board Approved Corrective Action Plan which shall include the same requirements as the Corrective Action Plan e.g. timeframes, milestones etc..

IV. Second Escalation – to ICANN CEO

- a) Where the PTI Board fails to:
- i. call meeting or conference call to discuss the escalation within the time frame required in III above
 - ii. **provide a PTI Board Approved Corrective Action Plan that is satisfactory to the CSC within 10 days of the meeting or conference call with the CSC, or within such other time as may be agreed to by the parties**
 - iii. implement the corrective action agreed upon in the PTI Board Approved Corrective Action Plan, within the timeframe agreed upon,
 - iv. provide an update on its progress in meeting the milestones set out in the PTI Board Approved Corrective Action Plan within the timeframe for reporting agreed to in that plan

the CSC may escalate the matter to the ICANN CEO by informing the ICANN CEO

- b) Where the CSC has escalated the matter to the ICANN CEO, the ICANN CEO shall call a meeting or conference call with the CSC within 10 business days of being informed of the escalation, **or within such other time as may be agreed to by the parties**, to review the situation and agree upon an ICANN CEO Approved Corrective Action Plan which shall include the same requirements as the Corrective Action Plan e.g. timeframes, milestones etc..

V. Third Escalation – to ICANN Board

- a) Where the CEO of ICANN fails to:
- i. call a meeting or conference call, as required in IV above
 - ii. **provide a ICANN CEO Approved Corrective Action Plan that is satisfactory to the CSC within 10 days of the meeting or conference call with the CSC, or within such other time as may be agreed to by the parties**
 - iii. implement the corrective action agreed upon in the ICANN CEO Approved Corrective Action Plan, within the timeframe agreed upon,
 - iv. provide an update on its progress in meeting the milestones set out in the ICANN CEO Approved Corrective Action Plan within the timeframe for reporting agreed to in that plan

the CSC may escalate the matter to the ICANN Board by informing the ICANN Board Chair.

- b) Where the CSC has escalated the matter to the ICANN Board, the ICANN Board Chair shall call a meeting or conference call with the CSC within 10 business days of being informed of the escalation, or within such other time as may be agreed to by the parties, to review the situation and agree upon an ICANN Board Approved Corrective Action Plan which shall include the same requirements as the Corrective Action Plan e.g. timeframes, milestones etc..

- c) Where the performance issue remains unresolved following the escalation to the ICANN Board, the CSC may raise the issue with the ccNSO and GNSO, which may then decide to take further action, as is provided in the ICANN Bylaws, including the use of a Special IFR.