



Process for Recognition of New GNSO Constituencies

SIC DRAFT: 10 January 2011

I. Purpose

The two-step process described in this document, which replaces any and all previous versions, is adopted by the Board in fulfillment of its responsibilities under Article X, Section 5.4 of the ICANN Bylaws, allowing groups to petition the Board for recognition as a Constituency. The procedures in Section III establish criteria by which each application will be evaluated throughout the course of the process.

II. Scope

The processes, procedures, and criteria described in this document apply to Constituency applications submitted after [insert date]. Applications submitted prior to [insert date] will be evaluated under the procedures existing at the time of submission.

III. Procedures

There are two steps defined within this process. At the end of each of step, an evaluation will be conducted by the applicable Stakeholder Group Executive Committee (SGEx), which will determine whether the application is approved to proceed to the next phase subject to Board ratification. Specific evaluation criteria are documented in the appendices so that proponents can learn, in advance, what tasks and activities are expected of them and how each one will be measured and assessed.

STEP 1. Application Phase

A. Application for Candidacy (AFC) Submittal

Proponents of a new Constituency complete and submit to the appropriate Stakeholder Group Executive Committee (via new-constituency@icann.org) a GNSO Constituency Application for Candidacy (AFC) available at: {Link TBD}. If desired, a cover letter may accompany the application form. Staff will post the application to the ICANN website for a 30-day public comment period. At the end of the 30-day period, Staff will provide, within 10 working days, a report to the SGEx summarizing the comments received.

This first formal evaluation phase for an Applicant Constituency places a premium on the need for a clear and relevant purpose to ICANN, focused representation, and a demonstration of broad and diverse support from prospective community members. The AFC and any accompanying documentation must fully address the criteria contained in Appendix 1 including:

- 1) Mission and Purpose
- 2) Operating Principles



Process for Recognition of New GNSO Constituencies

SIC DRAFT: 10 January 2011

3) Uniqueness and Representational Focus

- a) In order to properly accommodate a new Constituency in accordance with this criterion, proponents may recommend a restructure of the SG's membership and/or the representational elements of one or more existing (or proposed) Constituencies. Any recommended design changes must be delineated clearly so that an evaluation of uniqueness can be made in light of the alternative structure. In its oversight role, the Board is amenable to considering various organizational designs for the Commercial and Non-Commercial SGs and encourages frameworks that support multiple mutually exclusive Constituency groupings which, it believes, will (1) foster the development of a broader and more diverse GNSO community over time and (2) enable those Constituencies, as they form and grow, to envelop the full breadth of the global communities that the SGs are intended to represent.

4) Applicant Constituency Community Support and Diversity

- a) A GNSO Constituency may be comprised of individuals (e.g. registrants), organizations, or any combination thereof.
- b) A "Large" organization is defined to have at least 50 employees or, if a membership organization, 500 or more individual members. A "Small" organization is defined to have at least 10 employees or, if a membership organization, 100 or more individual members.

B. SGEx Evaluation

Within 90 days of the receipt of an AFC, the SGEx will transmit a written decision regarding the application to the ICANN Board. The SGEx may either:

- 1) Accept the proposed Constituency for admission to the Candidate phase of the process by a simple majority vote;
- 2) Reject the application by a supermajority (2/3) vote; or
- 3) If the SGEx is unable to reach a decision specified in (1) or (2), the SGEx shall notify the Board of such inability. Failure to act within the allowed timeframe will be considered by the Board as an inability of the SGEx to reach a decision.

During this phase, the SGEx and the application proponents are obligated to engage in collaborative consultation and dialogue with a goal of maximizing mutual collaboration and understanding. As part of this process, the SGEx will take into account the public comments regarding the application and will apply the criteria described in Appendix 1. In its written submission to the Board, the SGEx will provide the rationale for its decision and include an explanation of the criteria elements that were or were not adequately addressed in the application. The written SGEx decision will be publicly posted.

C. Board Ratification



Process for Recognition of New GNSO Constituencies

SIC DRAFT: 10 January 2011

Upon receipt of the SGEx's application decision, the ICANN Board shall strive to take one of the following actions at one of its next two regularly-scheduled meetings:

- 1) Ratify the decision of the SGEx by a simple majority vote;
 - a) If the Board ratifies the decision of the SGEx to admit the applicant to the Candidate Phase, Constituency candidacy will be deemed to start on the date the ratification is taken by Resolution of the Board.
 - b) If the Board ratifies the decision of the SGEx to reject the applicant's admission to the Candidate Phase, the application shall be deemed denied, without prejudice to the right of the proponents to resubmit a new application.
- 2) Reject the decision of the SGEx by a supermajority (2/3) vote and provide a written statement of its concerns, including an explanation of any criteria elements that were not adequately considered by the SGEx in its decision-making process; or
- 3) If the SGEx was unable to reach a decision, the Board shall make a determination to accept or reject the applicant's request for admission to the Candidate phase.

In its review prior to making its decision, the ICANN Board may ask questions and otherwise consult with the SGEx, the application proponents, and seek public comments regarding the SGEx decision.

If it is not feasible for the Board to take action on the SGEx decision within two Board meetings of receipt of the written SGEx decision, the Board, through a committee designated for this purpose, shall report the circumstances that prevented it from making a final action and its best estimate of the time required to reach an action.

D. SGEx Reconsideration

Within 60 days after receiving a notice of rejection from the Board, the SGEx shall review and consider the comments of the ICANN Board and may either:

- 1) Accept the comments of the ICANN Board and, by a simple majority vote, modify the SGEx's previous decision accordingly;
- 2) Reject the comments of ICANN Board and, by a super majority (2/3) vote, resubmit the SGEx's original decision to the ICANN Board; or
- 3) If the SGEx is unable to reach a decision specified in (1) or (2), the SGEx shall notify the Board of such inability. Failure to act within the allowed timeframe will be considered by the Board as an inability of the SGEx to reach a decision.

During its review and consideration of the decision of the ICANN Board, the SGEx may engage in a dialogue as appropriate with the ICANN Board, the application proponents, as well as consult with the SG community. The written SGEx decision will be publicly posted.

E. Board Ratification



Process for Recognition of New GNSO Constituencies

SIC DRAFT: 10 January 2011

Upon receipt of a reconsidered decision from the SGEx, the ICANN Board shall strive to take one of the following actions at one of its next two regularly-scheduled Board meetings:

- 1) Ratify the reconsidered decision of the SGEx by a simple majority vote,
 - a) If the Board ratifies the decision of the SGEx to admit the applicant to Candidacy phase, the Candidacy phase will be deemed to start on the date the ratification is taken by Resolution of the Board.
 - b) If the Board ratifies the decision of the SGEx to reject the applicant's admission to Candidacy phase, the application shall be deemed denied, without prejudice to the right of the applicant to resubmit a new application.
- 2) Reject the reconsidered decision of the SGEx by a supermajority (2/3) vote and make a determination to accept or reject the applicant's admission to the Candidacy phase; or
- 3) If the SGEx was unable to reach a reconsidered decision, the Board shall make a determination to accept or reject the applicant's admission to the Candidacy phase.

STEP 2. Candidate Phase

During this period, the Candidate Constituency will be supplied with a toolkit of administrative support services supplied by ICANN Staff to include such capabilities as telephone conference bridges and meeting facilities at ICANN Public meetings.

A. Request for Recognition (RFR) Submittal

Within 6 months of a Board resolution approving an Applicant Constituency to enter the Candidate Phase, the proponents will submit to the SGEx (via new-constituency@icann.org) a Request for Recognition (RFR) [Link: TBD] as a Constituency in the SG. This request will include:

- 1) An Activity Report containing:
 - a) A summary of the Candidate Constituency's participation in the SG's activities as described in Appendix 2 of this document, and
 - b) The Candidate Constituency's membership growth to reach the goals described in Appendix 2 of this document.
- 2) A proposed charter for the Constituency developed in accordance with the criteria in Appendix 3.
- 3) An indication of the proposed resources that will be needed by the Constituency to participate in the SG (and the GNSO and ICANN) as a fully recognized Constituency.

If the Candidate Constituency needs more time to complete STEP 2, it may request a one-time automatic six-month extension (submitted to new-constituency@icann.org). The Candidate Constituency need not use the entire period. It may submit its materials at any time within that period. At the end of the extension period, if STEP 2 has not been completed, as outlined above,



Process for Recognition of New GNSO Constituencies

SIC DRAFT: 10 January 2011

the Constituency's candidate status will be considered terminated, at which point any subsequent petition for new Constituency consideration must begin anew at STEP 1.

B. Staff Charter Analysis and Post for Public Comment

Upon receipt of the Request for Recognition, Staff will analyze the proposed charter provisions for consistency with the ICANN Bylaws as well as documented procedures within the GNSO; and provide an impact assessment of the Request on ICANN resources. Staff will complete its analysis and provide a report, within 10 working days, to both the SGEx and the Candidate Constituency for use in the deliberations regarding the Request for Recognition. If the Staff analysis indicates any areas that may require modification and the Candidate Constituency decides to complete such modification(s), the SGEx shall grant a period of no more than 30 days for the Candidate Constituency to revise its Request for Recognition.

Upon completion of the 30-day revision period or earlier determination by the SGEx and Candidate Constituency that no further revisions will be made to the Request for Recognition, Staff will post its analysis and the latest Request for Recognition for a 30-day public comment period. At the conclusion of the public comment period the Staff will produce, within 10 working days, a summary of the comments submitted.

C. SGEx Evaluation

Within 30 days of the receipt of the Staff summary of the public comments submitted on the Request for Recognition, the SGEx shall take action on the Request for Recognition and transmit a written decision to the ICANN Board. The SGEx may either:

- 1) Approve the Request for Recognition by a simple majority vote;
- 2) Reject the reject the Request for Recognition by a supermajority (2/3) vote; or
- 3) If the SGEx is unable to reach a decision specified in (1) or (2), the SGEx shall notify the Board of such inability. Failure to act within the allowed timeframe will be considered by the Board as an inability of the SGEx to reach a decision.

During this phase, the SGEx and the application proponents are obligated to engage in collaborative consultation and dialogue with a goal of maximizing mutual collaboration and understanding. As part of this process, the SGEx will take into account the public comments regarding the Request for Recognition and will apply the criteria described in Appendix 2. In its written submission to the Board, the SGEx will provide the rationale for its decision and include an explanation of any criteria elements that were not adequately addressed in the application. The written SGEx decision will be publicly posted.

D. Board Ratification

Upon receipt of the SGEx's decision on the Request for Recognition, the ICANN Board shall strive to take one of the following actions at one of its next two regularly-scheduled Board meetings:



Process for Recognition of New GNSO Constituencies

SIC DRAFT: 10 January 2011

- 1) Ratify the decision of the SG by a simple majority vote;
 - a) If the Board ratifies the decision of the SGEx to recognize the Constituency, the Constituency will be formally recognized as of the date the Board Resolution is approved.
 - b) If the Board ratifies the decision of the SGEx to reject the recognition of the Constituency, the application shall be deemed denied without prejudice to the right of the applicant to resubmit a new application.
- 2) Reject the decision of the SG by a supermajority (2/3) vote and provide to the SGEx a written statement of its concerns, including an explanation of any criteria elements that were not adequately considered by the SGEx in its decision-making process; or
- 3) If the SGEx was unable to reach a decision, the Board shall make a determination to accept or reject the Candidate Constituency's Request for Recognition.

In its review prior to making a decision, the ICANN Board may ask questions and otherwise consult with the SGEx, the Candidate Constituency proponents, as well as seek public comments regarding the SGEx decision.

If it is not feasible for the Board to take action on the SGEx decision within two Board meetings of receipt of the written SGEx decision, the Board, through a committee designated for this purpose, shall report the circumstances that prevented it from making a final action and its best estimate of the time required to reach an action.

E. SGEx Reconsideration

Within 60 days after receiving a notice of rejection from the Board, the SGEx shall review and consider the comments of the ICANN Board and may either:

- 1) Accept the comments of the ICANN Board and, by a simple majority vote, modify its previous decision accordingly;
- 2) Reject the comments of the ICANN Board and, by a super majority (2/3) vote, resubmit its original decision to the ICANN Board; or
- 3) If the SGEx is unable to reach a decision specified in (1) or (2), the SGEx shall notify the Board of such inability. Failure to act within the allowed timeframe will be considered by the Board as an inability of the SGEx to reach a decision.

During its review and consideration of the decision of the ICANN Board, the SGEx may engage in a dialogue with the ICANN Board, the Candidate Constituency, as well as consult with the SG community, including the GNSO Council. Any further decision of the SGEx shall be in writing, and will be publicly posted, and shall be forwarded to the ICANN Board.

F. Board Ratification

Upon receipt of a re-evaluated decision from the SGEx, the ICANN Board shall strive to take one of the following actions at one of its next two regularly-scheduled Board meetings:



Process for Recognition of New GNSO Constituencies

SIC DRAFT: 10 January 2011

- 1) Ratify the reconsidered decision of the SGEx by a simple majority vote;
 - a) If the Board ratifies the reconsidered decision of the SGEx to recognize the Constituency, the Constituency will be formally recognized as of the date the Board Resolution is approved.
 - b) If the Board ratifies the reconsidered decision of the SGEx to reject the recognition of the Constituency, the application shall be deemed denied without prejudice to the right of the applicant to resubmit a new application.
- 2) Reject the reconsidered decision of the SGEx by a supermajority (2/3) vote and make a determination to accept or reject the applicant's Request for Recognition; or
- 3) If the SGEx was unable to reach a reconsidered decision, the Board shall make a determination to accept or reject the applicant's Request for Recognition.

Recognized Constituency

Upon becoming formally recognized, the Constituency will enjoy full participation rights and obligations as described in the applicable Stakeholder Group Charter. The Constituency, like all other GNSO Constituencies will be subject to periodic review. At a minimum this will be concurrent with the review of the GNSO. The Board will describe the criteria for the review.

The following minimum criteria are intended to apply a rigorous level of inquiry to ensure the legitimacy and suitability of the proposed Constituency within ICANN and the GNSO.

- 1) Mission and Purpose: The Applicant Constituency's stated mission and purpose must be relevant to and consistent with:
 - (a) The mission and goals of ICANN and the GNSO.
 - (b) The Charter of the Stakeholder Group to which the proponents are applying.
- 2) Operational Principles:
 - The proposed Constituency must state that it will operate in accordance with ICANN's Standards of Behavior and the principles of openness, fairness, and transparency.
- 3) Uniqueness and Representational Focus:
 - (a) The proposed Constituency must state how it is unique and non-duplicative of other Constituencies within the Stakeholder Group to which the proponents are applying.
 - (b) The membership representation of the proposed Constituency must be limited to a defined subset of the Stakeholder Group comprising one or more discrete and logically related segments according to: (a) a recognized classification system such as, but not limited to, [NAICS](#), [ISIC](#), or [NTEE-CC](#); or (b) an alternate construct proposed by the Applicant (see Step 1-A).
- 4) Applicant Constituency Community Support and Diversity

For Constituencies comprised primarily of organizations, criterion (a) will apply. For Constituencies comprised primarily of individuals, criterion (b) will apply.

- (a) Proponents must provide authorized letters of support from at least two (2) Large and eight (8) Small organizational entities (see Step 1-A for definitions), which express an intention to become members and support the mission of the Constituency if it is approved. Two of those entities must be located in each of at least four ICANN Geographic Regions or at least one entity from all five ICANN Geographic Regions. To satisfy this criterion, the entities must be unrelated to each other. Individuals who may be eligible for Constituency membership, but are not part of an organization, are not counted in assessing this support and diversity criterion.
- (b) Proponents must provide authorized letters of support from at least thirty-five (35) separate individuals who express an intention to become members and support the mission of the Constituency if it is approved. Seven of these individuals must be located in each of at least four ICANN Geographic Regions or at least four individuals from all five Geographic Regions.

To qualify to become a Recognized Constituency, at a minimum, the Candidate Constituency must:

- 1) Have prepared and submitted a formal charter with specific governance mechanisms and provisions that are consistent with the checklist set forth in Appendix 3.
- 2) Have participated actively in at least two GNSO Working Groups (including committees, work teams, drafting teams, or other Council-approved structures) with its representatives attending at least 50% of the scheduled meetings.
- 3) Have prepared and submitted at least two Constituency policy position statements or other policy analyses to its Stakeholder Group and/or other recognized GNSO forum (e.g. GNSO Council, ICANN Public Comment Forum).
- 4) Have demonstrated active engagement in the applicable Stakeholder Group by becoming a participant in at least two committees with its representatives attending at least 50% of the scheduled meetings.
- 5) For Constituencies comprised primarily of organizations, criterion (a) will apply; for Constituencies comprised solely of individuals, criterion (b) will apply.
 - a) Show a membership count of at least four Large and sixteen Small organizational entities (as defined in Appendix 1, Criterion 4-a) with four entities located in each of at least four ICANN Geographic Regions or at least two entities from all five ICANN Geographic Regions. To satisfy this criterion, the entities must be unrelated to each other.
 - b) Show a membership count of seventy (70) individual members with fourteen individuals located in each of at least four ICANN Geographic Regions or at least seven individuals from all five ICANN Geographic Regions.

While creativity in content organization and format are supported by the Structural Improvements Committee (SIC), charters should incorporate the following elements:

I. Mission and Principles

<input type="checkbox"/>	<u>Charter Scope</u> . Reference to ICANN Bylaws.
<input type="checkbox"/>	<u>Mission</u> . Statement of purpose consistent with ICANN Bylaws and Board-approved GNSO Improvement/Restructuring recommendations.
<input type="checkbox"/>	<p><u>Principles for Leaders and Members</u>. Includes:</p> <ul style="list-style-type: none"> a) Important overarching principles, consistent with ICANN Bylaws and Board direction, emphasizing fairness, openness, and transparency in all policies, practices, and operations; b) Service standards for leadership positions including impartiality, accountability, and conflicts of interest declarations; and c) Behavioral expectations of all leaders, members, and participants including adhering to ICANN Expected Standards of Behavior; supporting the bottom-up consensus model; treating others with dignity, respect, courtesy, and civility; listening attentively to understand others; acting with honesty, sincerity, and integrity; and maintaining community good standing.

II. Organization, Leadership, and Committee(s)

<input type="checkbox"/>	<u>Structure</u> : Identify and define each of the permanent structural components needed to govern, manage, and administer the SG/C including leadership positions, committees/group(s), GNSO Council Representatives, and Members.
<input type="checkbox"/>	<u>Purpose and Function</u> : For each <u>permanent</u> committee (or council) envisioned (e.g. executive, administrative, policy development, membership, communications), what is the purpose of that entity and what are its principal functions?
<input type="checkbox"/>	<u>Officers, Eligibility, and Terms of Office</u> : What officers and positions comprise the committee’s (or council’s) leadership structure; how are they appointed or elected; what are the relevant eligibility criteria; what term limits and/or staggered terms apply; and how are resignations, suspensions, removals, and vacancies handled within the SG/C?
<input type="checkbox"/>	<u>Responsibilities</u> : Describe the roles, duties, and responsibilities of each leadership position including delegated powers and authorities.

III. Membership

<input type="checkbox"/>	<u>Member Qualification and Eligibility</u> : Address how the SG/C defines its membership including factors such as representation, diversity, member expertise/knowledge, markets or interest areas served, et al.; what entities are eligible and, if applicable, ineligible to join this SG/C; and what membership states are recognized including active, inactive, registered, non-registered, et al.
<input type="checkbox"/>	<u>Member Rights and Responsibilities</u> : Describe the rights, privileges, and responsibilities of membership including voting, participation, involvement, and recruitment. How are membership status and eligibility monitored/reviewed and what procedures govern disciplinary action including warnings, suspensions, and terminations. Document any appeals processes that apply.
<input type="checkbox"/>	<u>Appointed Representatives</u> : Describe the SG/C’s requirements and standards for appointed representatives including services to be performed, credentials/qualifications, knowledge/expertise, time/interest requirements, and participation/involvement expectations.
<input type="checkbox"/>	<u>Recruitment and Outreach</u> : Describe the SG/C’s commitment to and policies, practices, and values with respect to expansion and growth. What steps does a prospective Member follow to apply for membership?

IV. GNSO Council Representatives (CR)

Pursuant to Article X, Section 3 of the ICANN Bylaws, each GNSO Stakeholder Group is accorded the authority to establish its own mechanisms for selecting GNSO Council representatives from its community. To the extent the applicable SG Charter establishes such a process, each underlying Constituency Charter should acknowledge and follow that process. To the extent that the SG Charter does not establish a process, or otherwise assigns that task to its member Constituencies, the Constituency charter should include processes consistent with the following two provisions:

<input type="checkbox"/>	<u>Elections</u> . Specify how CR candidates are nominated, what eligibility criteria apply, how geographic diversity is taken into account, and what election system(s) will be used including voting methodologies. If weighted voting is utilized, specify the factors involved and how the computations are determined and applied consistently. Timeframes should be specified for each step in the process and how election results will be determined, communicated, verified, and publicized.
<input type="checkbox"/>	<u>CR Terms</u> . In order to promote continuity of CRs elected to the GNSO Council from the SG, describe how CRs shall serve staggered terms such that <i>i</i> CRs will be elected in odd years and <i>j</i> CRs will be elected in even years. Charters should note that GNSO Council Representatives are subject to terms limits as specified in Article X, Section 3 of the Bylaws and the GNSO Operating Procedures, Section 2.1

V. Communications

<input type="checkbox"/>	<u>Meetings/Conferences</u> : What types of meetings will the organization hold including frequency/duration and for what general or specific purposes? How will notifications and agendas be handled and what protocols will be employed to guide the sessions (e.g. Robert’s Rules of Order)? What attendance options are supported (e.g. remote teleconference)? Are observers permitted? How will sessions be recorded (e.g. audio, minutes), published, and archived? Will translation/interpretation services be offered or available?
<input type="checkbox"/>	<u>Publication Policies</u> . Describe the organization’s responsibility for and supervision of communications media including appropriate and inappropriate content, privacy rules, and disciplinary action for violation including removal of content, suspension/termination of privileges, and any appeal processes that may apply.
<input type="checkbox"/>	<u>Records Retention</u> . What is the organization’s commitment to maintain all records, databases, and documents, including archives, of the Constituency for at least a four year period as specified by ICANN?

VI. Elections, Voting, and Decisions

<input type="checkbox"/>	<u>Eligibility for Elected Office</u> : Include any general eligibility criteria pertaining to elected positions not elsewhere covered under a particular title.
<input type="checkbox"/>	<u>Election Procedures</u> : Describe the organization’s processes, rules, and associated timelines for handling announcements, nominations, circulations, candidates formal acceptance, and submission of resumes/bios/qualifications; balloting sequence; acceptable or allowable voting mechanisms; quorum rules; proxies; outcome determinations including how ties are resolved; publication/announcement; and confidentiality provisions.
<input type="checkbox"/>	<u>Rights, Privileges, and Limitations</u> : Which members are permitted to vote and under what circumstances, if any, might a member’s voting privileges be revoked or suspended (e.g. fee delinquency, conflict of interest, suspension)?

VII. Finances

<input type="checkbox"/>	<u>Revenues</u> . Itemize the organization’s revenue sources including, as applicable, membership dues, fees, subscriptions, grants, gifts, et al. Specify applicable provisions for payment, non-payment, settlements, refunds, and waivers for extenuating circumstances including, if applicable, special rates for small companies or organizations from developing countries.
<input type="checkbox"/>	<u>Expenses</u> . How are funds disbursed and what procedures are in place for authorization and review of expenditures?
<input type="checkbox"/>	<u>Policies/Practices</u> : What is the organization’s accounting period (e.g. fiscal, calendar); budgeting process; annual financial reporting/publication policy including transparency; and process for independent review? Does the organization follow generally accepted accounting principles?

VIII. Amendments, Revisions, and Document Control

Amendments. Explain how charter amendments or revisions are made and approved including document control (see sample below).

Version	Date	Name	Description
1.0	1 Sep 2010	John Individual	First draft for team review and discussion
1.1	15 Sep 2010	Mary Person	Changes made to Sections to ...