Frequently Asked Questions (FAQ) supporting the ICANN Public Comment proceeding: NomCom2 Review Proposed Implementation

1. **What is the NomCom Review?**

The Nominating Committee (NomCom) Review is an ICANN Organizational Review. Organizational Reviews are anchored in Article 4.4. of the [ICANN Bylaws](#) to assess the effectiveness of ICANN's Supporting Organizations (SOs) and Advisory Committees (ACs). Organizational Reviews are conducted by independent examiners to assess:

> (i) whether that organization, council or committee has a continuing purpose in the ICANN structure.

> (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness.

> (iii) whether that organization, council or committee is accountable to its constituencies, stakeholder groups, organizations, and other stakeholders.

The Nominating Committee (NomCom) is an independent committee tasked with identifying and selecting individuals for leadership positions. The ICANN Bylaws call for NomCom to make a specified number of appointments to the ICANN Board of Directors (Board), the Generic Names Supporting Organization (GNSO) Council, the Country-Code Names Supporting Organization (ccNSO) Council, and the At-Large Advisory Committee (ALAC).

The second Organizational Review of the NomCom (NomCom2 Review) concluded in 2018, with the publication of the independent examiner's Final Report. The NomCom2 Review Implementation Working Group (NomComRIWG) drafted a detailed implementation plan for NomCom2 Review recommendations, which was accepted by the ICANN Board in 2019. The NomComRIWG submitted regular implementation status reports to the ICANN Board via the Organizational Effectiveness Committee (OEC), including its final implementation report in 2022.

2. **What is the NomComRIWG, and who are its members?**

In 2019, as requested by the ICANN Board (see the 14 March 2019 resolution [here](#)), the NomComRIWG was formed to develop a detailed implementation plan, including appropriate costing, for the 27 recommendations of the NomCom2 Review. The NomComRIWG oversaw the implementation of these recommendations, as approved by the Board, and was composed of community volunteers from various SOs and ACs (see membership [here](#)), while remaining open to new members throughout its work. The NomComRIWG will address feedback from the NomCom2 Review ICANN Public Comment proceeding, where relevant.

3. **What is the purpose of the NomCom Standing Committee? What would it be responsible for?**

The Independent Examiner conducting the NomCom2 Review found that there was a lack of continuity in process across different years in NomCom, such that the operational performance of any individual NomCom was routinely impacted. The independent examiner recommended that a Standing Committee be formed to suggest and assist in implementing changes to NomCom processes, since the NomCom itself operates on a tight timeline and needs to focus on its recruiting and evaluation activities.

Recommendation 24: "An empowered body of current and former NomCom members should be formed to ensure greater continuity across NomComs, and in particular, to recommend and assist in implementing improvements to NomCom operations."

The NomComRIWG implementation of Recommendation 24 resulted in the proposed NomCom Standing Committee, and its draft Charter is included in the ICANN Public Comment proceeding for community input.

4. **Why is it important to have a definition and principles for "Unaffiliated" Directors?**

The NomCom2 Review Recommendation 27 is to "Provide clarity on desire for independent directors and designate three specific seats for 'Unaffiliated Directors'." The Independent Examiner's recommendation recognizes the challenges inherent in identifying and selecting fully "Unaffiliated" Directors. The purpose of this recommendation being 1) to find highly strategic directors that bring an outside perspective to ICANN, and 2) to provide a duty of loyalty to ICANN overall versus the perception of duty to an ICANN constituency. The Independent Examiner recommended that three seats be designated for "Unaffiliated" Directors, and did not suggest that all eight NomCom directors be "Unaffiliated". The recommendation for designating three seats is an acknowledgement that it could be difficult to find completely "Unaffiliated" Directors, and that appointing people to the ICANN Board with previous experience at ICANN (who otherwise meet the NomCom's goal of finding people who act in the best interests of the global Internet community) can be a benefit. Of course, the NomCom would be free to fill other Board seats with individuals that meet this definition of "Unaffiliated".

There are certain objective measures that can help demonstrate that a candidate for the Board has no prior affiliation with ICANN. These are provided to inform the NomCom during its selection process when evaluating whether a candidate is able to be appointed as "Unaffiliated" Directors. In accordance with the NomCom2 Review Recommendation 27, the NomComRIWG developed a proposed statement defining what "Unaffiliated" could mean, with an emphasis on bringing new perspectives to the ICANN Board demonstrated by a lack of formal involvement in ICANN.

5. **What is the role of the NomCom Review Implementation Working Group, now that the Board passed the resolutions [2023.03.16.16-19](#)?**

The NomComRIWG is on stand-by during the Public Comment proceeding. Depending on the nature of comments received, the ICANN Board may contact the NomComRIWG to address feedback and concerns that may require the NomComRIWG to modify its proposals.

6. What is the status of the recommendation to rebalance the NomCom?

The Board acknowledged the NomComRIWG's position that Recommendation 10 of NomCom2 Review, stating "Representation on the NomCom should be re-balanced immediately and then be reviewed every five years", is not feasible for implementation at this time, and has been withdrawn. Recognizing that the ICANN community has an important responsibility to address NomCom rebalancing, along with the ICANN Board and org, the Board directed ICANN org to facilitate and support Board's engagement with the Supporting Organizations (SOs) and Advisory Committees (ACs) to understand community views on how the NomCom should be rebalanced, who should conduct this work and the level of priority that the SO and ACs would assign to this work within their planning efforts.