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ABU DHABI – NomCom Review: an Update by the Independent Examiner  
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UNIDENTIFIED MALE: Good morning. ICANN 60 November 1st NomCom Review: An Update by the Independent Examiner.

UNIDENTIFIED FEMALE: [inaudible], can you hear us?

UNIDENTIFIED MALE: No, no, no. [inaudible]

UNIDENTIFIED FEMALE: Great, thanks.

TOM BARRETT: Good morning, everybody. Thank you for coming today. I'm Tom Barrett, Chair of the NomCom 2 Review Working Party, and we have several other members here as well as - I see members of the current NomCom and past NomComs. So, ICANN conducts these reviews of all of its various stakeholder groups every few years.

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The objective is to find out if, in this case, a Nominating Committee has a purpose, should continue, and if there's a way to – assuming it should continue – if there's a way to improve its effectiveness and efficiency in terms of serving its various constituencies that it nominates candidates for, as well as the other stakeholders within the community. And finally, make sure that it's following principles of accountability and transparency to the various stakeholder groups, as well. So, we've hired an independent evaluator called the Analysis Group and so I'm going to hand this right off to them so they can go into their presentation. Greg, introduce yourself.

GREG RAFERT:

Hi, this is Greg Rafert for the record. I'm vice president of Analysis Group, and thank you for the introduction, Tom. Let's see how efficiently I can control my [inaudible]. You can kind of see the slides. There we go. Great. Yeah. Thank you for the introduction.

So as Tom was saying, we've been commissioned on behalf of ICANN to assess the NomCom, and I'm here with two of my colleagues, Mark Engle and William Brown. If you guys want to introduce yourselves.

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WILLIAM BROWN: Sure. I'm Will Brown. I'm with Texas A&M University and I've been looking at nonprofit boards for probably about 20 years.

MARK ENGLE: I'm Mark Engle with Association Management Center out of Chicago, and I've been studying nonprofit boards and performance for about 32 years.

GREG RAFERT: I think now we'll move forward, just to give you a little bit of a sense for kind of our understanding and kind of approach to the project. And then we'll dive in to some of the ways in which we've been assessing the NomCom and then give you a little bit of a sense for some of our preliminary findings, as well.

WILLIAM BROWN: Sounds good. Tom kind of gave you the overview. I think I touched on all of these points looking at the purpose, looking at effectiveness, and then accountability. What else do we got?

MARK ENGLE: This slide will take a little bit longer about the scope because it's going to drill down a little bit more into what we've been examining. So, regarding the fulfillment of mission and adherence to policies and procedures, we're looking at the

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decision making procedures of the Nominating Committee - if they've been consistent over the years. If not, why not.

Is flexibility important and what are the implications of that? The accountability and transparency to the public. How can the Nominating Committee selection process be improved – that's a major anchor of the study – including but not limited to transparency, accountability, diversity, and representation?

The composition membership processes and participation of the NomCom. Does the outcome of the selection processes of the various SO/ACs to the NomCom, including those of the GNSO stakeholder groups and constituencies? Do they lead to a functional, diverse, and representative NomCom?

Does representation in the current NomCom structure appropriately match ICANN's goals of diversity and representativeness? If not, how can that structure be amended for the better? Should there be term limits of NomCom membership?

Regarding communication, are the NomCom's communications and its community channels – both among its members and its internal processes and among the ICANN community about its roles and functions – are those communications clear and adequate? Can they be improved?

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Regarding governance and a management effectiveness of the execution, how effective has each annual NomCom been in terms of appointing candidates that meet the stipulated requirements? The assessment includes conducting performance assessments, not of individual appointees in aggregate.

Evaluation and measurement of outcomes. Is the NomCom's assessment process adequate to determine whether candidates possess the skills needed to perform the tasks that they've been assigned?

And then effective of implementation of prior review recommendations, looking into what the prior recommendations were and have they been implemented or considered? So that, in general, is the project scope.

GREG RAFERT:

All right. So, in terms of how we've approached it, we kind of structured it as a two-step process. So, in kind of the first step or phase one, as the slide indicates above, we started with a review of kind of a number of written materials, bylaws of the NomCom, various policies. After we did that and kind of grounded our understanding of how the NomCom kind of should be operating based on its bylaws, we then interviewed a number of people at ICANN 59. I think, at that meeting in particular, we interviewed

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somewhere between 35 and 40 people. Afterwards, we interviewed some people remotely, as well. And as some of you are aware, we've continued to interview, both formally and informally, at this meeting, too.

After conducting the interviews – and we'll go into this in a little bit more detail in several slides from now – we put together an online survey, which is actually still open. And so if you haven't taken it yet, even if we've interviewed you, we very much would appreciate you taking a little bit of time to take this survey, as well. There's a little bit more detail in terms of the questions that are asked there, and so even if you were interviewed, there might be some questions that we didn't have a chance to get to when we were actually conducting the interview, and so we'd appreciate you taking the survey.

As the current NomCom is aware, we've also been sitting in on many of your meetings during this ICANN meeting. And then finally, in terms of kind of concluding phase one, once we've conducted the interviews, had a chance to analyze the survey information, we will put together an assessment report, which will then be available for public comment.

Once we've had a chance to kind of put that report together, hear from the community with respect to kind of reactions to our assessment, we'll then put together a set of

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recommendations. And I think these will really be grounded in Mark and Will's kind of deep expertise in nonprofit and volunteer organizations. Let's go to the next slide.

I just wanted to quickly note that as part of this process, we've been working closely with ICANN staff and the Review Working Party. They've been incredibly valuable and instrumental in helping us outreach, or kind of get in touch with various members of the community, making sure that we're getting as many survey responses as possible, helping us find as many people as possible to interview. And I think kind of just one thing that's worthwhile noting is that although we've been working closely with them, this will not affect our independence and the recommendations that we ultimately develop.

So, just going into a little bit of the underlying process of the review, so with respect to the interviews, I think I've noted that we've talked to right around 50 people at this point. We have talked to, I think really a nice, diverse array of individuals within the community. And this has included current and former Board members, NomCom members, and SO and AC members, as well. As well as both successful and not successful NomCom appointees or candidates; and then, also, NomCom staff and, more generally, members of the ICANN community.

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In terms of identifying interviews – or interviewees, I should say – we wanted them to have at least some understanding of NomCom processes, although kind of the level of knowledge of those processes was quite varied, which was nice. They obviously had to have some interest in providing feedback on NomCom. We wanted to make sure that we are hearing from a diverse array of people in terms of region, gender, and affiliation with different ICANN communities. And then in terms of kind of making sure that we were finding those people, we relied on the Review Working Party, ICANN staff, and then recommendations from people within the ICANN community.

And then just as we’ve been attending, or as we attended both ICANN 59 and now ICANN 60, people have just kind of been able to approach us naturally and say, “Hey, I have a point of view or something I’d like to get across.” And so we’ve been making ourselves available to talk to those people.

If you’ve been involved in the interviews – and I think, kind of looking around, I can see a number of people who have – they’ve lasted about 45 minutes. They’ve been semi-structured, so we kind of come in with a set of questions that we would like to get some feedback on or some answers to, but then we see where the interviews go and the kind of the expertise and the knowledge and the experience of kind of various individuals has been.



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And as part of the interview process, we've asked people to think about kind of the strengths and weaknesses of the NomCom. And we also asked them for any kind of areas that they would in particular like to see improved as kind of we think about going forward.

So, after the interviews, we put together a survey. The survey was informed by what we learned in the interviews as well as Analysis Group's kind of deep expertise in putting together these types of online survey instruments. I think it's important to note that nothing – the survey isn't really designed to kind of be a statistical tool, so we're not – we didn't put it together with the hopes that we could say that, "On average, the ICANN community thinks that X should happen." It was really designed to cast a broader net, to make sure that people who weren't involved in the interview process had a chance to provide their input and kind of ensure that it was taken into account to kind of during our review process.

The promotion of the survey, which is kind of towards the bottom of that slide, ICANN helped us to publicize it pretty widely. It was announced in ICANN Webpage, through ICANN social media, and then we also relied on the Review Working Party to reach out to kind of members of various constituencies of any ICANN community so that we can get as many people as possible to respond to the survey.

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Thus far, so this number is a little dated but we received 82 completed surveys. It's a little lower, to be honest, than we would like to see, although we've obviously talked to a number of people through the interview process, as well. And so we've extended the open period for this survey through November 6th, and there's a link kind of at the bottom or middle part of this slide that if you haven't taken the survey, we will, I will once again encourage you to do so.

All right, so that's process. Let's talk a little bit about some of the results.

WILLIAM BROWN:

All right, so this slide – this is for the survey. So this slide gives you a sense of the associations that people report. They can report more than one association, so you'll see a variety of sort of alliances there. We feel pretty good about the range of folks and their affiliations within ICANN.

This gives you a sense of the gender breakdown, again, for the survey responses. And this gives you a sense of the geographic distribution of people. So again, feeling pretty good about the range of folks who are filling it out and that we've got at least a few respondents from each of the different regions.

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This is also particularly important because we really wanted to make sure that the folks who are filling out – the survey gets into quite a bit of detail. You may have already experienced it and participated, as well, but it does get into quite a bit of detail about practices, judgments of effectiveness, and then suggestions in reference to future practices.

And so what you can see here is that, by and large, people are at least moderate – many people are moderately or extremely familiar with the processes, which helps suggest that there's knowledgeable individuals that are filling out the survey, which helps us quite a bit. Mark, did you want to?

MARK ENGLE:

So, these are just at a very general, high level. One, the survey is still open; but two, as Greg and Will mentioned, it's really more indicative of areas for us to pursue than look for data points and solutions. So, these are, again, very generalizable and it's still pretty early in the process, but basically, over half of the respondents say the NomCom is either very effective or effective in performing its role in evaluating candidates. So, we figured that was a pretty good start. There's general acceptance to the effectiveness of the Nominating Committee.

The respondents noted there is room for improvement, particularly in the recruitment element. That's going to be

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probably a large focus of our result is how is this recruitment going and how could it be more robust. So, we definitely heard that scenario that we will be diving in deeper.

Documentation and publicizing of the Nominating Committee process. And we are going to be, hopefully, developing some tools that will aid in the transparency of what does the process look like and where can candidates enter into the process. So, we think there will be some pretty good recommendations on some documentation for that.

The Nominating Committee should select independent candidates that act in the general interest of the ICANN community. There was overwhelming support for the independence of these candidates, and so we're very sensitive to that as we're examining the systems and structures and procedures.

The Nominating Committee should appoint these to the Board: SOs and ACs that are competent or very competent. That's a very good indicator that by and large, there's a good degree of competence emerging from the Nominating Committee appointments, so we're always pleased to see that. I'm sure there's room for improvement, but by and large, there's a high level of competence emerging from the candidates.

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And respondents noted there's room for improvement and understanding the competencies for the SOAC appointments. And if there's one thing we've also learned in attending various meetings here – not just the Nominating Committee, but the meetings we've been able to attend here – is the amount of give and take of information for these other appointments, not Board appointments, and the communication back and forth that's required with that.

That wasn't a surprise, but the preponderance of evidence is pointing that we need to include that, make it that more robust two-way communication.

At a very high level, at a very preliminary basis, that's what we've been finding. The three of us will certainly go back after this week and compare all of our notes again. We've had at least 20 interviews, I think, since we've been here, it seems like, and all the meetings that we've attended. So we have a lot of information to filter and process, so this is just I would say a limited snapshot of our findings to date.

And that's the major element of it, I think. We'll talk about next steps now.

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GREG RAFERT:

Yeah, thanks, Mark. And I guess the one thing I would just add before I jump into next steps and then open it up for questions is, I think one thing that's been nice is what we've been learning from the interviews has been really consistent with what we've been seeing in the survey, as well. So it's kind of nice to see that corroboration of some of the kind of the more semi-structured interviews that we've been undertaking.

So, just in terms of next steps, so after this meeting ends, we'll be busy. We'll have a little bit, I guess right around a month, to put together our assessment report. Once we've developed that, we'll then make it available to the community and work on some outreach to kind of make sure that we're gathering any feedback or comments on that report.

Once we've done so, we'll then put together a final report that will be published on or around March 19th, as the slide indicates. That will include both our assessment and our recommendations. This will just be a draft. Once again, it won't go out for public comment. We look forward to what the community and, I guess, even more broadly, members of kind of the Internet community have to say. We'll then work on incorporating that feedback and then we'll publish a final report on June 1st of 2018.

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And with that, I think we're kind of done with the meat of our presentation and we'll open it up for questions. Do you have anything to add?

TOM BARRETT: Yes, please. Go ahead. Thank you, everybody, by the way. Great report.

VANDA SCARTEZINI: Looks good. For now, it looks good. One thing that I'd like to raise that we have been discussing in the At-Large meetings for many times is about the requisites from the people that are sitting in the NomCom. What is the best requisites we should give to each community to better choose their representatives to sit inside the NomCom? Because this means a lot.

If you have what is important now because people can put their names around, "Ah, I would like to go to the NomCom," but in my opinion, I have been in NomCom four times, one as a chair, and it was not – maybe sometimes the balance among people could be better if the communities around had followed some basic requisites. This is one big point.

The other is about the next steps. So, we had some difficult situations in ALAC with the review of ALAC, and I would like to suggest to put in that step some more interaction with the Board

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review, the review of this group – NomCom review group – before you go out and when you come back, before you finish, to avoid anything that was misunderstood or that was not exactly the words that we should do, whatever.

So, just a suggestion. Thank you.

MARK ENGLE: Clarifying question for you. Are you talking about kind of the credentials of the appointees to the Nominating Committee?

VANDA SCARTEZINI: It's more a kind of list what is we expected, so.

MARK ENGLE: Okay. The role more than the competence.

VANDA SCARTEZINI: No, not the role. What we expected. For instance, like you put all the discussion will be in English, so please send someone that speaks English. So, requisites, really, people more–

UNIDENTIFIED MALE: [inaudible]



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VANDA SCARTEZINI: Yeah, kind of. Some are more [inaudible]. We need it because sometimes it's just people, "Uh-uh. I don't want to go to this NomCom. Everybody criticizes," or, "I want to go because, yeah, I have a chance to go to the next meeting." So, that is not what we expected.

TOM BARRETT: I think, also, your other point was very important, which is sort of a review of the review process. And I think – we discussed this earlier on, but I think it's a fair point that we don't want to present the findings and the recommendations in one step. Right? We should first present the findings, see if those have validity and they resonate with the communities and stakeholder groups. And then as a second step of the process, do the findings. We should make sure that's built into the timeline.

VANDA SCARTEZINI: About the steps, it's [inaudible] I know that you have contracts but anyway, it happened with us in the other review, too. Could be nice if you have better opportunities to use the next meeting face-to-face to debate the finals, you know? That is something that when the [contract] is signed, you know staff should think about that the process should have the last face-to-face using the opportunity of the meeting to get together the feedback and

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maybe adjust a little bit the finals before you send to the Board. So, just thoughts about what [inaudible].

GREG RAFERT: I think it's a really good point and some combination of us, we haven't quite decided, will be in Puerto Rico for the next meeting to make ourselves available and discuss wherever we are in the process. So I think it's a really good point.

TOM BARRETT: Ron?

RON ANDRUFF: Thank you. Thanks, guys. It's really good that this is happening in such an in-depth way. I was very pleased with your methodology, I must say, so I just want to give a tip of the hat for that.

Two thoughts came up for me. One was how much were people talking about structure in terms of how many seats each body within ICANN gets? For example, one of our bodies is not represented at all, NPOC, and there's it seems a little strange that we have an organization that would like to have a seat but can't have a seat or doesn't have a seat right now.

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So I'm wondering how many people were speaking about the actual number of people represented by each body. ALAC, for example, have five seats because we have five regions. Whether that makes sense or not, that's something you'll come back to us with, I'm sure. So, that's one question. If you could give some response to that.

The second question was just, were there any big surprises, things that came up that you could reveal now that kind of struck you as interesting because you've got a lot of years of experience doing this? Were there some things that kind of jumped out at you that would be enlightening for us? Because we're a very crazy, strange body, ICANN, as you know. There's only one body like this in the world, so I wonder if there's any light you could shed. Thank you.

GREG RAFERT:

Yeah. Thanks for the questions. Maybe I'll take the first. So, it definitely came up in terms of – for the interviews, this is a rough guess, but probably something like 25% of the time, someone brought up either their feeling that a body was either under or over-represented. And then, with respect to the surveys, it's probably about the same number.

So, there were definitely some bodies that people – there was one body in particular that people thought was overrepresented

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on the NomCom. And, Mark, I don't know if anything kind of jumps out as being surprising.

MARK ENGLE:

I'll tell you the thing that's really surprised me, particularly this week, is that for an organization and an industry built around process, there's not a lot of consistency we've seen in the process. And that frankly is a surprise, and I think [inaudible] to the trouble of communication and transparency. So, I think you'll see that the recommendations are probably going to, at some point, after we have this iterative process, drive in deeper to some recommendations around processes that we're used to seeing in this type of an environment, frankly.

RON ANDRUFF:

That is very good because, as you're probably well aware, we've moved into the empowered community ICANN 2.0, which means that we need to close up some of these gaps and we're trying in many places. So, that would be very welcome, I'm sure, by the community. So, I'm glad that you're looking at that. Thank you very much.

TOM BARRETT:

Thanks, Ron. Jonathan?

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JONATHAN COHEN: Just a question about survey because I haven't seen it, I'm sorry. Maybe I'll take it. But does the survey have some question or questions that indicate the level of familiarity that the person taking it has with the operations of the NomCom? And the reason I ask the question is if you served on the NomCom or you followed it – sure, I get it that a lot of people, including Ron, who are making remarks, served on it for years like that, etc.

I was on the review team, the Board review team, I guess 10 years ago, and other than that, I mean, I've been here two days and I'm realizing how little I understood how it operated and, therefore, for me to fill out a survey when I don't really know is almost meaningless, frankly. And if it's only the people who served on it, you got a bunch of conflicting opinions, [from what I heard], a whole series about what should be and how it should be. So, I'm just wondering where this is going.

MARK ENGLE: The short answer is yes. So, we do have, in a quantitative tool, a mechanism to track what is your experience and knowledge base, and we did that very deliberately so that we can really dissect what type of experience is indicating what type of response. I think your thread is right on that you have to know the base of the person who's providing the input.

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And so, in fact, when we see the people who have stopped completing the survey either early on in the process, generally it's because they have a lack of experience within this environment and they don't feel equipped to answer it. And we think that's okay. So, we have a high number who have not completed the survey, but the people that have completed it we feel are very robust in their knowledge of the systems. So, that's a great question.

TOM BARRETT: Thanks, Jonathan. Mark?

MARK SEIDEN: Can you talk about the overall arc of when you'll be presenting findings and recommendations? I hope it'll be this year. I hope it'll be at the next two – I'm just fantasizing, perhaps, that it'll be at the next two meetings. Or will it stretch out longer than that, do you think?

GREG RAFERT: Thanks for the question, Mark. I don't know if this – this at least probably partially answers your question. I think our plan – and Lars can correct me if I'm wrong – but is to, like I said, at least some combination of Mark, Will, and myself will be available in Puerto Rico. And I would assume that we'll be presenting at least

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some of those findings there. And then, with respect to the final report, it'll certainly be made available publicly. I don't know whether we'll be at the next ICANN meeting to talk about that, but...

LARS HOFFMANN:

I'd just like to add to that. Lars Hoffmann from the ICANN Organization. Yeah, so I guess a little bit also to Vanda's point and your concern you raised from the At-Large process, so you see it as draft assessment report. So, really the idea is that the first report that comes out doesn't have actually any recommendations in there.

So, we really just encourage the Analysis Group to describe their findings, any shortcomings procedurally or substantively that they have found, and discuss that with the community to see whether we can agree on that. And not look at any solutions, just see that we think these are actually things that could merit improvement.

And we have some public consultation on that, so we won't have formal public comment, but we will probably have a Webinar and do outreach as necessary with the SOs and ACs. And then in March, absolutely, we'll draft a final report. This will include recommendations, and we fully expect somebody from the Analysis Group to be there to present that and, obviously, to

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receive comments as then there's a public comment period on both the assessment as well as the recommendations to address the shortcomings. Thanks.

UNIDENTIFIED MALE: May I follow up?

UNIDENTIFIED MALE: March 10th through the 15th.

VANDA SCARTEZINI: 10th?

UNIDENTIFIED MALE: 10th to the 15th.

VANDA SCARTEZINI: 15th. So, you're going to – the final draft report certainly with four days to finish is done, okay? So, you're going to [inaudible]. So, my idea is to have this opportunity like that to discuss your recommendations with this assessment group here because it's exactly when we can adjust for how viable is some recommendations sometimes. Because you can think about the best solutions, but sometimes the best solutions are not viable to be feasible to be inside the NomCom because there is, I don't



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know. I don't know the recommendation, but just adjust about the feasibility. It's important to be face-to-face because it's difficult to really go through in the form and blah, blah, blah. Okay, just that. Thank you, huh?

TOM BARRETT:

So, March 19th is just a week or so before the next meeting, so it'd be nice. You're almost suggesting some sort of public forum where we go through finding by finding, recommendation by recommendation, and getting the community to interact about does it make sense or is it nonsense, whatever. So, it's not a lot of time, but it's an interesting idea to schedule that for the March meeting, and actually an extended period. Sorry, Mark. Did you have a follow-up, as well?

MARK SEIDEN:

Well, I kind of did, but maybe it's not a follow-up. It's a question about, you're looking at the NomCom process as you call it. So one of the funny things about the NomCom process is, it isn't one process. It could be a different process every year, and so the initial meetings aside from outreach are involve setting up the process, and many of the people who do that are people who've not been on a NomCom before. So, it's often derived from the previous year's process.

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But are you looking at the historical trend of process and the central tendencies of those processes? In particular, in how selections are done and that sort of thing? Or are you just avoiding that and just leaving it to the NomCom as a rulemaking problem? And related to that, is the lack of institutional memory of NomComs they are supposed – I’ve been told I’m supposed to forget everything I learned in previous years, which seems paradoxical to me.

MARK ENGLE:

This is a very preliminary response to it, but what we have not observed is a lot of tools that carry forward and systems that allow consistency in evaluation like a mechanism. And therefore, there’s a high variability each year. That’s unusual, and we didn’t expect to see that. Again, we haven’t had a chance to dive deep into that, but if you’re looking for a theme that’s emerged, particularly this week, I’d say that’s a theme that we need to investigate further,. And frankly, we’ll probably have recommendations on tools that we’re used to seeing to provide some consistency and continuity in the evaluation process.

One other thing, your question about anomalies that we’ve experienced. And again, it’s so preliminary in the data, but one thing that’s struck me is there’s a polarity in the responses. We’re used to a higher degree of consensus in responses, I think.

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And we haven't had a chance to really discuss this, so I might get kicked under the table. But I was a little bit surprised at the polarity in the responses on the data. Again, it's a small sample size, but that did surprise me.

RON ANDRUFF:

If I may, I was really – I'm not surprised. I don't think anybody in this room is surprised, simply because our structure as a body – and we have to really do a full review of our GNSO and our GNSO Council. That's something we put off because we had to move into ICANN 2.0 and so it just got pushed aside, but when that's restructured, then I think you'll start to see more harmony. But we're in a situation where there's amazing polarity just by the nature of what's happened. Not by intention, but actually by the design.

TOM BARRETT:

I've got Sébastien and Cheryl in the queue.

SÉBASTIEN BACHOLLET:

Thank you very much. First of all, we used to talk about ICANN 2.0 in 2003, and maybe it's time to talk about ICANN 3.0 or 4.0, whatever. But 2.0, it was already [take] its trademark from the reviews and the change of ICANN in 2002 and 2003. Aside from

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that, I have two questions, and if you allow me after your answer, I would like to make a comment.

I have two questions. First of all, do you have taken data on what was the result of the NomCom since the beginning of the NomCom? How many people [inaudible] by gender and by any other data that you can gather?

And the second, I think very often when we do such type of work, yes, we take into account the majority. But sometimes, I don't know if you say that in English, but little noise are more important than the big noise. And how you can under that to announce the NomCom in the future? Thank you.

GREG RAFERT:

Maybe I'll start with, I think, your second question. I think it's actually a really good point is that – and it's one of the reasons why we wanted to conduct so many interviews of such a diverse array of people is to make sure that we're not missing kind of any really key points that kind of might get looked over if we were just conducting a survey, for example.

And so I think some of those little things, or not little things, but some of the things that we might have missed in a survey have really kind of come out through some of the interviews, and I think that's been really informative.

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And I guess with respect to your first questions, I think if – correct me if I’m wrong, but I understood kind of are we looking at kind of how the composition of the NomCom has changed over time? Or is it different? Sorry.

SÉBASTIEN BACHOLLET: I am talking about the result of what the NomCom is doing, the appointees.

GREG RAFERT: So, we do have those data. I can’t tell you off the top of my head what exactly they look like, but it is something that we looked at in terms of who’s actually been appointed, what region have they been from, what’s their gender bend. We don’t have any data on whether they, for example, performed well or not. We don’t want to kind of dive down into that level of detail to assess kind of the quality, for example, of individual appointees.

SÉBASTIEN BACHOLLET: Okay. I hope that you will publish them. I will, in the next few days, publish the same thing because I think that they are very relevant.

I just want to share with you two data from my point of view, very revealing. [Since the inception] of the NomCom [inaudible]

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select 35 people – 11 women, 24 men – and regarding the knowledge of ICANN prior joining. And I am just talking about the Board, sorry. Before joining the Board, 20 were already into the community and 15 were not into the community. Thank you.

TOM BARRETT: Thank you, Sébastien . Those are great stats. Cheryl?

CHERYL MILLER: Thank you. I had a comment and then two sort of questions. I don't know if you'll be able to answer them at this point or not. So, to your point about it being a sort of different organization, you're spot on. It's probably the only organization I've ever participated in where anyone can participate and contribute. Most organizations are not like that; there's some requirements. So, the thinking is that anyone can come in the door and sort of get off and running, even for the Board.

One question I have is for you and, during this process, what's been the biggest challenge? And you've touched a little bit on a point that you need to sort of dive into further that may be something that could be working better. What have you found to this point that you believe might be working quite well, if anything at all?

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MARK ENGLE: The last point of what's working well, and again, this is a preliminary comment. But it seems like there's a good variety and diversity of input into the system. The question is, how do you channel it and process it to drive results? And I'm not sure if there's good linkage. So, it seems like there's some good information and opportunities of sharing coming in, but how do you turn that into driving effectiveness? And we haven't seen that linkage yet, so.

WILLIAM BROWN: And as far as challenges, I mean, for me, it has been framing the nature of the networks that sort of exist and understanding who the different actors are. We don't need a deep, deep understanding, but a sufficient understanding of who the different players and actors are. That's been a challenge for me to get my mind wrapped around.

It's been a tremendous help to be here and to be talking to the different folks and understand that better, but that was one of the pieces that makes it. Greg had some pretty good framing of that as we came in. We've gotten quite a bit of information, but that's been something that I continue to work on.

TOM BARRETT: Thank you, Cheryl. So, I've got Ron and then Jonathan in the queue.

RON ANDRUFF:

Thanks a lot, Tom. I really am intrigued that Sébastien has done some legwork on the output, the quality of the appointees. I'm glad you brought that up because it didn't occur to me, but we have situations where we, as a NomCom, would be very high and very strong on a particular individual, and then we would appoint them and that particular individual may show up to one ICANN meeting and then not show up anymore. Or they may stay involved but maybe remotely or something like that.

And it's a real disappointment when you really think you've done all the homework, you've really debated and discussed and you feel this person is going to really bring their qualities to the Board and raise the Board level or whatever it might be – and not just the Board, across all of the other appointees.

It would be interesting to know which actually came and performed and continue to be involved and which – what would be the [inaudible] kind of stayed or dropped out. That would be a healthy number, and Sébastien, I wonder if you might consider sharing the data that you're working on with these gentlemen, because that would be helpful to know where we get the hits and where we got the misses, just as a piece of the information. I don't know how much it will serve us, but I think that I would



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certainly be interested to know that over the period of time.  
Thank you.

VANDA SCARTEZINI: In the same line, my question is, did you have a chance to interview people that just drop off, get out in the middle of the process? Someone like that stepped to the Board, stays some time. We have some [inaudible], and they step down in the middle of the term. So, I don't know if you have the chance to talk with some of them because it was important to understand why they feel themselves good enough or strong enough to face the challenge and then, in the middle of the process, they give up. So, it was very disappointing.

[GREG RAFERT]: [inaudible] the process [inaudible] been appointed.

VANDA SCARTEZINI: Yeah. So, that's one thing.

GREG RAFERT: So, I don't know off the top of my head if we have. No one comes to mind immediately, but we can certainly go back and look into that. Mark [will] if anyone comes to mind, but I don't think we have is the short answer.

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MARK ENGLE: I guess one of the questions that we might be able to probe into is what information is shared with the candidates in advance. You expect an awful lot of time from your Board members and you are an outlier in the community on that expectation. How much of that is shared with them in advance, and is that part of the problem?

VANDA SCARTEZINI: I believe it's more than this, more what they're going to face on that. Many people are used to be in the company board. They expect some things. When they move to the nonprofit organizations with the huge community that demands from you, you are not in that so [statured] position that you expected to. And maybe it's an ego problem. Maybe – what we should put in this process to make people to understand what they're going to face?

TOM BARRETT: Thanks, Vanda and Ron. Jonathan?

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JONATHAN COHEN:                   Actually, I’m not sure how this fits in, but what I took out of what my good friend Sébastien said was not what you heard about statistics, etc., although that’s useful and interesting. What I noted was that he, in a very simple way, encapsulated the difficulty that not only the NomCom faces, but the Board faces and the community faces.

What he said at the end was a paraphrase of a French understanding or saying that sometimes it’s the little things, or little knowledge, that’s more important than the big knowledge. So, anybody here who’s an English speaker who doesn’t know Alexander Pope’s poem that says, “a little knowledge is a dangerous thing.” You’re talking about a cultural thing that doesn’t, it isn’t always obvious.

So, when you have a room full of people from different countries and different cultures and different languages and different perceptions of things, it makes it difficult to develop process sometimes because their concept of what’s fair or what’s reasonable, if you come from a strong rule of law or if you’re a lawyer or if you’re not a lawyer. It’s a very complicated thing, and I don’t know how to dig down into that but I just thought I’d spit it out for what it’s worth.

TOM BARRETT:                   Thanks, Jonathan. Cheryl.

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CHERYL MILLER: So, I just want to address the comment that was made earlier. I actually think that there are a number of different reasons why people drop off of boards, and I don't think it's an ICANN issue. I've served on many different boards before and the same thing happens. I think that you're actually, you're targeting some very high-quality candidates who tend to overextend themselves.

One thing I will say. Last year, I think we beat, like a dead horse, how much time is involved in being on the Board. I think we probably overestimated on purpose – and others can disagree, but I think that was one of the main questions that we addressed with all of the candidates, was the amount of time that is involved in being on the Board. At least last year, I can't speak for other years because I wasn't on those NomComs. So, just to give you some feedback.

TOM BARRETT: Thank you, Cheryl. Sébastien.

SÉBASTIEN BACHOLLET: Yeah. Thank you for this, to follow this intervention. I think that the little noise are important and, therefore, at least it could be interesting to take two types of Board members – the one who resigned in the middle of the work, and I have at least one I

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would be [inaudible] interview her, but there are two or three; and the one who dropped after one term of three years. It's something I am very surprised.

It's when you do the statistic about the Board since the beginning, you discover that there are a pattern to which one are returned or not returned. And maybe for the NomCom, I don't know because it's not public data, if they apply or reapply. But it's interesting to see what is a pattern about that.

Then I really think that the little noise, once again, could be useful. And no, we are not a corporate board. And yes, yes, the Board of ICANN, if you want to do the work really seriously, even the data that – the figure that you put in the paper to be candidate lower than the reality.

I have made myself the account of time I spent on the Board activity when I was on the Board and it's to be short – two-thirds of my time, including the travel, including everything, the homework, the work done in face-to-face, and so on and so forth. And that means that it's much more than what you are saying in any paper in this organization what is reality.

Yes, you can be Board member with the same figure that you put it, but from my point of view, you don't do all the job you need to do as a Board member for this organization and the different constituencies. Thank you.

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TOM BARRETT: Thank you, Sébastien. Do we have some online questions in Adobe? Is that what that's saying up there. I can't read that from here. All right. Are there any other questions or comments or feedback? Yes, please.

ROBERTO GAETANO: I'm PIR Board chair, but talking in my personal capacity. I was wondering whether, at a certain point in time – it's probably not going to be happening in this review, but we have to take a wider view, a more radical approach, and wondering whether the whole mechanism of appointing Board members has to be reviewed in its globality.

I'm thinking something in terms of appointing people through the supporting organizations and the advisory councils is something that was extremely useful in the beginning when ICANN was in its infancy because we needed to have a representative body where we were making sure that all the constituencies had their voice.

I think, as a matured organization, we can go to the next step where we cut the potential conflict of interest links between the electing body and the elected person, although, in my – when I was serving on the Board, it was really not often the case that

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the person, that the Board Director was speaking in the interest of its own constituency and not in the global view.

But this is a potential problem, and I wonder whether we should move to a situation by which the NomCom elects all the whole Board and will have a wider slate of candidates and could do things in a better way in terms of balancing diversity and so on because the supporting organizations and the advisory councils are limited in their choice. And we see that, often, the NomCom has to patch things in terms of diversity because the SOs couldn't appoint people in enough diverse background.

So, this is something – of course, now it's a bit late in the game but I've been telling this in the last two or three years. And I'm trying to figure out why we cannot just seriously tackle this problem and in division of a future ICANN, I think that this is something that should be taken into account. It's just my personal opinion. Thank you.

TOM BARRETT:

Thank you. In terms of the scope of this versus the scope of some other effort, is there some other review process – Lars, maybe you might know – that might look at how the Board Director as a whole is appointed?

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LARS HOFFMANN: To the best of my knowledge – I follow the Trump Administration, so I know that’s always a good start. To the best of my knowledge, I can recall that is the case. However, I do believe that the ATRT has some reviewing related to the Board. That’s how far I can go. I would have to look at the wording exactly. But I’d think specifically this is, I don’t think, any merit of any of the existing review process.

MARK ENGLE: I think you’re asking the right question. I’m not sure that it’s the purview of this study, but there is – in reviewing the bylaws, we did note that there is a governance review, a Board governance review. And I think that’s the excellent time to ask where is ICANN in the maturity life cycle as an organization, and should the construct of the Board be changed because of its maturity?

So, I think you’re asking the right question. I’m struggling because I don’t think, I think that would broaden our purview too much at this stage. I think it needs to be really a Board discussion first. That would be my assessment.

TOM BARRETT: Yeah. It’s a great question. Sébastien.



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SÉBASTIEN BACHOLLET: Yes, thank you. Good question and not sure I agree with the answer, but it's something we need to obviously to happen. I have two points on that. I am, since long time, requesting that we stop some of the silo reviews and we do a holistic review of this organization, but things are going so fast and we are unable to do that. And I am not sure that the Board is the best place to start this discussion because there are concern directly that we've been conflict of interest to talk about that. It's half a joke.

But I hope that when we will got data of the composition of the Board since the beginning, it will enlighten some of the discussion we may have about the question of gender balance and about the diversity. And how we can tackle, that I have some idea but I think it will be very interesting and useful to open this discussion somewhere into this organization. Thank you.

TOM BARRETT: Thank you. Were there any other comments? Did you have a card up, Jonathan? You're good. Anyone else? Did you have any final comments or words? Thank you.

So, I'm going to ask one favor of everyone who's here. We are asking for – go back to your communities, your stakeholder groups, ask them all to fill out the survey one last time, even if

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you've already asked. We'd love to get as many survey responses as we can.

UNIDENTIFIED MALE: [inaudible]

TOM BARRETT: Yeah. We can put the link up or you can Google [inaudible] okay. But if you go to the ICANN announcements page, it's not that far down. It was extended until November 6th, so if you can just copy that link and ask people to fill it out, that would be great.

All right. And I think we can conclude this. Thank you very much. It's been a great discussion

**[END OF TRANSCRIPTION]**