Work Stream 2 Community Coordination Group Report on Implementation of Work Stream 2 Recommendation 1.7 regarding Diversity Complaints and issues - 31 July 2023

Introduction to the Work Stream 2 Community Coordination Group and Its Work

As each individual ICANN community structure continues to consider and address the recommendations applicable to each group from the Work Stream 2 (WS2) outcomes developed by the Cross Community Working Group on Enhancing ICANN Accountability, ICANN's community leaders agreed to create the WS2 Community Coordination Group (WS2 CCG) to serve as a forum to discuss best practices and lessons learned, as well as for sharing information and progress. The WS2 CCG is where the WS2 recommendations or topics that may benefit from community coordination can be identified and addressed. Specifically, the WS2 recommendations that were identified as likely to benefit from community coordination are Recommendation 1.1 (on seven proposed elements of diversity), Recommendation 1.7 (on a process for handling complaints about diversity), and Recommendation 2.3 (on a standalone framework for exercising Empowered Community powers). Since the group's establishment, CCG discussions have evolved to also encompass Recommendations 1.2 (on identifying diversity elements mandated in community governance documents) and 1.6 (on the creation of a diversity toolkit).

Summary of CCG Work on Recommendation 1.7 to Date

This report outlines the CCG's discussions[1] and its proposal for completing implementation of recommendation 1.7. The WS2 CCG had four meetings to discuss this topic. During one of these meetings the ICANN Complaints Officer and the Office of Ombudsman were invited to explain their responsibilities and respond to questions from CCG members.

> *Recommendation 1.7: ICANN staff should support SO/AC/Groups in developing and publishing a process for dealing with diversity-related complaints and issues.*

The CCG agrees that existing complaints mechanisms can be used to handle diversity-related complaints. Based on recommendation 1.7 and WS2 CCG members' discussions, certain categories of diversity-related complaints or issues were listed, mechanisms to handle each time of complaint or issue were introduced, and a sample process was identified to assist potential complainants with determining which complaints mechanism may be most appropriate for their situation.

The CCG also proposes that the community consider a future mechanism should a trend of increasing diversity-related complaints emerge over time.

Categories of Diversity-related Complaints and Issues

In order to identify categories of diversity-related complaints and issues, the group agreed to include definitions of "complaint" and "issue". A **complaint** is an expression of dissatisfaction or

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[1] Detailed discussions of WS2 CCG can be found in Annex A.

discontentment about a particular situation, service, or individual. It typically arises when someone feels that their expectations have not been met or that they have been treated unfairly. Complaints are often directed toward an organization or an individual responsible for the perceived problem. They can be formal or informal in nature and are usually intended to draw attention to a specific concern or problem. An **issue** refers to a broader problem, concern, or matter that may or may not have been formally raised or expressed as a complaint. It is a more general term that encompasses various challenges, difficulties, or conflicts. An issue can be specific to an individual or an organization.

The group agreed upon three broad categories of complaints or issues including:

1. Diversity-related complaints or issues alleging a systemic problem
2. Diversity-related complaints or issues originating within a particular community group
3. Diversity-related complaints or issues originating from an external party or complaints against the leadership of a group

The ICANN Bylaws provide rights to complaining parties under prescribed circumstances to bring complaints to the ICANN Ombudsman or Complaints Officer. While these rights exist independently of SO/AC/Groups complaint procedures, the CCG understands that these ICANN functions will operate in a manner that is sympathetic to the procedures adopted by SO/AC/Groups.

Recommendation for a Future Mechanism

The group recommends the formation of an ad hoc diversity group across the ICANN community when there is a discernible increase in trends related to diversity complaints. These trends can be identified through inclusion of specific data on diversity-related complaints in the Ombudsman's and Complaints Officer's annual or other periodic report. The ad hoc group, if formed, will be tasked with providing advice to the Ombudsman or ICANN on diversity complaints and related issues. The expected Continuous Improvement Program or future Holistic Reviews, recommended by the Third Accountability and Transparency Review Team, may also assist in identifying these trends.

Sample Process (Current)

The CCG agreed to include a visual process documentation as Annex B to this document to depict the current processes for diversity related complaints and issues.

Summary of WS2 CCG Meetings on Recommendation 1.7

To date, WS2 CCG held three meetings to discuss recommendation 1.7.

On 2 May 2023, WS2 CCG members began their discussion on recommendation 1.7 and agreed that:

(1) There are different structural realities in each group (for example registrars are dominantly from a certain region).
(2) Whether or not the complainant is a member of the community group is likely relevant in determining what happens to the diversity complaint.
(3) Existing complaint mechanisms of ICANN can be used, including but not limited to the ICANN Ombudsman and the ICANN Complaints Office. However, the group will discuss the existence of any type of complaint that cannot be addressed by current mechanisms.
(4) The ICANN Ombudsman and the ICANN Complaints office are to be invited to an extraordinary WS2 CCG meeting.

On 18 May 2023, WS2 CCG members continued to discuss recommendation 1.7 with the attendance of the ICANN Ombudsman and the ICANN Complaints Office. During the meeting, the ICANN Ombudsman and the ICANN Complaints Office explained their scopes, types of complaints they receive and answered questions. Additionally [Existing Complaint Mechanisms at ICANN](#) are summarized in a Google Sheet document and shared with the participants. During the meeting the group agreed that:

1. There are three categories of possible complaints to consider:
    (a) Diversity-related complaints alleging a systemic problem
    (b) Diversity-related complaints originating within a particular community group
    (c) Diversity-related complaints originating from an external party or complaints against the leadership of a group

On 6 July 2023, WS2 CCG members continued to discuss the recommendation 1.7. During the meeting the members worked on the report and made suggestions including using a softer language in the report, inclusion of discussion on issues in addition to complaints and adding a section on recommendations for governance to the report. Although a creation of a diversity body across the community idea was taken into consideration, objections were raised. However, creation of diversity bodies within each group had a broader consensus and no objections were recorded.

On 20 July 2023, WS2 CCG members continued to discuss the recommendation 1.7. There were several comments on the report in addition to the distinction between a complaint and an issue. During the meeting members agreed that creation of diversity bodies within each SO/AC/Group would increase the amount of bureaucracy within community groups. After a long discussion, the CCG agreed that creating a diversity body across the ICANN community would be a better idea if and when an uptick is determined in the diversity related complaint and issue trends.

Annex B

- IF a complaint is systemic, the Ombudsman investigates
- IF a complaint is made within a group, the group might use their own complaint mechanism as the primary venue OR parties can go to the ICANN Ombudsman per Bylaws.
- IF a complaint is against the leadership team OR the complainant is not part of the group, the complainant can work with the Ombudsman per ICANN Bylaws.
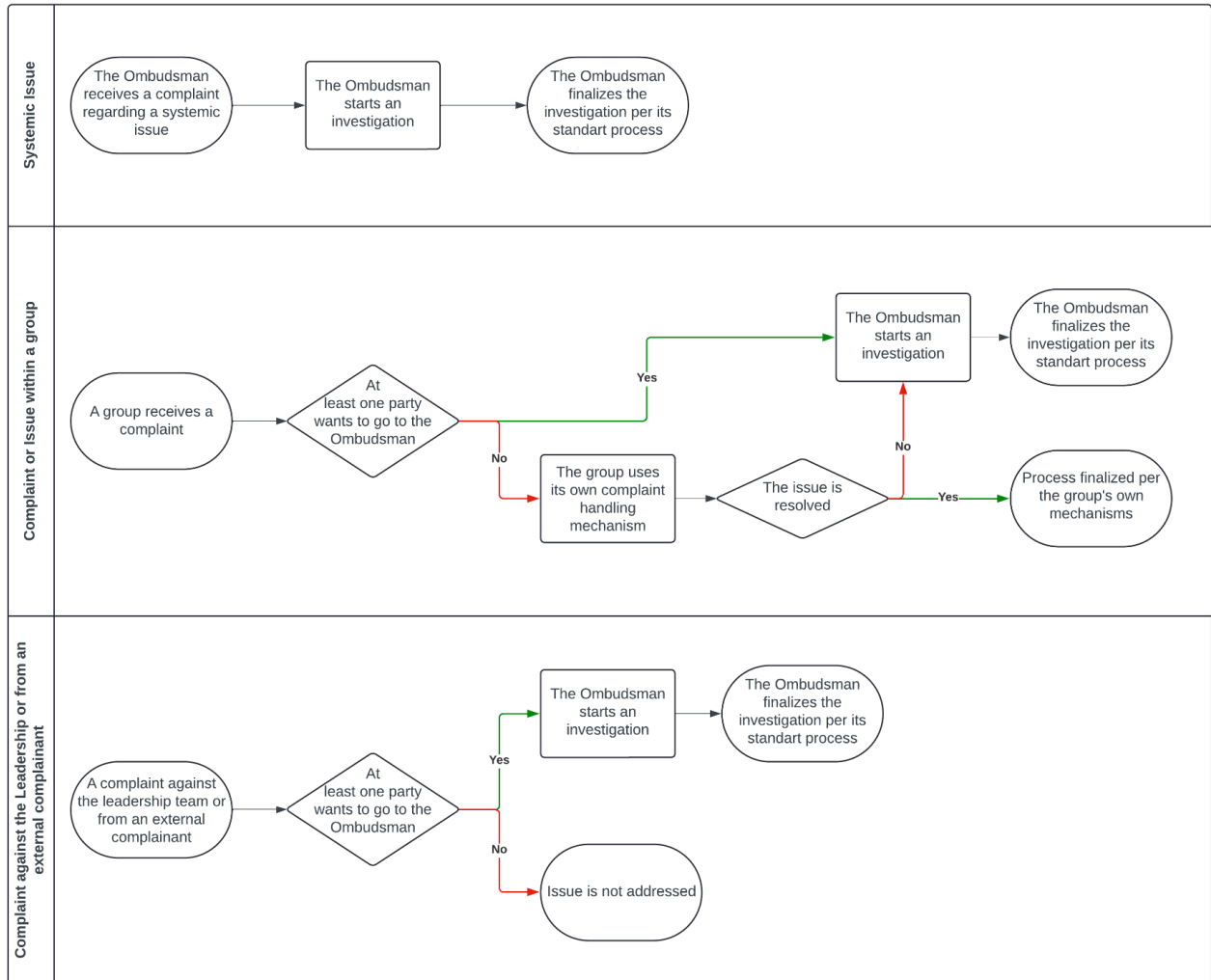
Visual process documentation for diversity complaints and issues