Public Comment Period #2
Section 8.2: Staff Accountability (Pages 68-70)

The CCWG-Accountability recommends taking the following actions as part of its Work Stream 2:

1. Develop a document that clearly describes the role of ICANN staff vis-a-vis the ICANN Board and the ICANN community. This document should include a general description of the powers vested in ICANN staff by the ICANN Board of Directors that need, and do not need, approval of the ICANN Board of Directors.

2. Consider the creation of a Code of Conduct, transparency criteria, training, and key performance indicators to be followed by Staff in relation to their interactions with all stakeholders, establishment of regular independent (internal + community) surveys/audits to track progress and identify areas that need improvement, establish appropriate processes to escalate issues that enable both community and staff members to raise issues. This work should be linked closely with the Ombudsman enhancement item of Work Stream 2.

Areas of Consensus

A total of 9 comments relating to Staff Accountability were received by the CCWG that directly addressed the CCWG's recommendations on Staff Accountability. All of the commenters agreed with the notion that ICANN continue to build on existing accountability of all stakeholders, including clear identification of the roles and responsibilities of the Board, staff and the community in their interaction. Strong support for the concept that the method to ensure such accountability of the staff is through the CEO.

Areas Needing Refinement

- Several of the Commenters, including Cyberinvasion Ltd., Nominet and the ICANN Board cautioned against direct accountability of the ICANN staff to the community.

- In addition, the same commenters cautioned against bypassing existing and normal chains of command, giving the community any operational role in staff management, or interfering with internal practices/policies governing the employment relationship.

- William Currie (CCWG Advisor) offered support for both recommendations being handled as part of Work Stream 2.

- CENTR and Norid (.No) welcome "the creation of a Code of Conduct, transparency criteria, training, and key performance indicators to be followed by Staff . . ." and recommends any new process to be kept simple and easily accessible by both staff and community representatives.

- CDT believes that as part of the review, the community should consider whether it would be appropriate for the interactions between ICANN senior management and the Board on the one hand and governments on the other to be made more transparent.

- The Internet Association supports the proposal but cautions against adding more accountability reviews because it is worried that the ICANN community is assuming a burdensome level of reviews that may make it difficult for the community to complete substantive work in the face of recurring procedural work.

Areas of Divergence

The ICANN board noted that the staff accountability work should not be treated as part of the "conditions for the IANA Stewardship Transition". May be implying that the work should not even be listed as a Work Steam 2 item.

Options for CCWG Consideration

- The CCWG may consider clarifying that measuring and ensuring staff accountability is not intended to interfere with, or be a substitute for, the normal employment relationship.

- The CCWG may wish to clarify that any issues with staff accountability should be addressed to the ICANN Board to take action through ICANN's CEO. Failure of the CEO to remedy any staff accountability failings could then be raised to the community through one of the formal community measures.

- The CCWG may want to clarify that this is not intended to create causes of action between the community and individual staff member.

- Although already listed as work to be done in Work Stream 2, to address the ICANN Board, the CCWG could clarify that this work will not hold up the IANA Stewardship Transition.