Report from WS2 Staff Accountability -
This doc:
https://docs.google.com/document/d/1vH5su7SDGE0i_rTstbYJ7tIaOFuRnV4dfqpwMTPoYa8/edit?usp=sharing

Table of Contents

Introduction

This document is the product of the Work Stream 2 Staff Accountability subgroup. The group conducted its work in line with the mandate set out in the Work Stream 1 report (see Supplement, Part VI).

The group adopted the definition of "accountability" used by the board and organization in its development of the board resolution on delegated authorities, passed in November 2016. Accountability in this context is defined, according to the NETmundial multistakeholder statement, as "the existence of mechanisms for independent checks and balances as well as for review and redress."

The focus of this group was to assess "staff accountability" and performance at the service delivery, departmental, or organizational level, and not at the individual, personnel level.

The group's work was a combination of problem-centered analysis as well as solution-focused exploration, with the goal of identifying any gaps to address as part of an effort to create a comprehensive system of checks and balances, based on the assessment of tools and systems currently or newly in place. The group considered the roles and responsibilities of ICANN's Board, staff and community members and the links between them, sought input on issues or challenges relating to staff accountability matters, and assessed existing staff accountability processes in ICANN[1].A description of the process followed by the subgroup is documented in

---

[1] This report is using the agreed upon usage for ICANN Organization (which includes all full, part time and contracted staff), ICANN Board, and ICANN Community. The term ICANN, when used alone, refers to the trinity of ICANN Organization, ICANN Board and ICANN Community.

the Supplement, Part I. The Supplement also includes the worksheets we used in the process of developing the recommendations (Supplement, Part IV).

Commented [1]: Likely need to evaluate the language in the supplement to align with final text we determine in this document.

Commented [2]: This remains yet to done.

In general, these efforts revealed an extensive accountability system both within ICANN organization as well as in the mechanisms of review and redress afforded the Community, including the Board's role, the Empowered Community Powers, Complaints Office, and Ombuds. The group found that many of the issues or concerns identified by the group will benefit from simply making existing mechanisms more transparent. The group has identified a few important changes that ICANN we believe will further enhance these accountability mechanisms. The changes proposed are designed to work with existing systems and processes, and to help establish mechanisms to support continuous improvement within the ICANN system.

We seek community input on the recommendations presented below. Please offer your comments and thoughts about the issues we identified; whether other issues concern you regarding ICANN Organization (staff) accountability; whether the changes we propose are workable and fit for purpose.

A Supplement to this report is also being published which includes a record of the work done by the WS2 SubGroup on Staff Accountability. This supplement can be used to further understand what went into the definition of issues and recommendations. No consensus determination was made regarding the supplement.

This report has the consensus of the Staff Accountability Subgroup for submission to the WS2 plenary. There are no minority reports

Roles & Responsibilities

1. The primary role of those who work for ICANN – the "ICANN staff" or "ICANN Organization" – is to execute the strategy and plans adopted by the ICANN Board. They do the day-to-day work of the organization, working with the ICANN community in many cases to do that work.

2.   This staff role is distinct from the roles of the ICANN Board and ICANN Community.

3.   The ICANN Board is made up of people from within and beyond the ICANN Community. It is the formal governance body. It is responsible for the usual set of governance functions, and is integral to maintaining and developing ICANN as an open and accountable organization.

4.   The ICANN Community is the stakeholder groups and individuals who participate through its processes in advancing ICANN's mission. They are co-producers in much of ICANN's work. The community are not governors and are not staff: their involvement in ICANN is generally voluntary from ICANN's point of view.

5.   Formally speaking, staff accountability is through the Chief Executive to the ICANN Board.

6.   Informally speaking, relationships between and among staff, board and community are integral to the successful work of the ICANN system. ICANN needs to hold staff accountable for succeeding in those relationships and in dealing with any problems.

7.   In thinking about Staff Accountability, the important point is that collaboration is essential to ICANN's success. The community needs to be sure, when appropriate, that ICANN staff will be congratulated and thanked when things are working well, and also to be sure, when appropriate, that staff are held accountable through the usual set of Human Resources (HR)[2] and performance management approaches where things don't go well. Formal and informal systems need to be working together to achieve this.

8.   Clear delegations, and open and well-communicated process for resolving issues, will help generate certainty and clarity, and ensure that issues if they arise are dealt with well. Such an approach also generates important information and feedback for ICANN allowing it to evolve and improve over time.

9.   An ICANN document, "**ICANN's Delegation of Authority Guidelines[3]**", sets out more detail of the respective roles of ICANN's Board, CEO and staff, and how these interact. It was first published in November 2016. The organization has been improving the clarity of this over time as it has matured, and this document will continue to evolve over time.

Issues

The Staff Accountability subteam reached out to the larger community to identify occasions on which there has been concern about accountability issues related to staff. The subteam received descriptions of various issues including copies of messages sent to the board, individual written statements and verbal comments during meetings. As this Staff Accountability process is about improving the processes and culture associated with staff accountability at the service delivery, departmental, or organizational level, the group did not identify individuals and does not identify specific incidents in this report.

After the elements involved in the group's assessment were collected and discussed, the following themes emerged which the group determined are of a sufficiently systemic nature and should be addressed by the community.

Underlying issues or concerns, identified through the group's analysis:

---

[2] In this document HR is used in its Human Resources, i.e. personnel, meaning
[3] See: https://www.icann.org/en/system/files/files/delegation-of-authority-guidelines-08nov16-en.pdf

A) Lack of broad and consistent understanding of the existence and/or nature of existing staff accountability codes of conduct and other mechanisms.

The work of the CCWG-Accountability noted a lack of understanding of how the organization sets department and individual goals, how those goals support ICANN's mission and strategic goals and objectives, and how the community might be able to provide constructive input into the performance of ICANN services, departments, or individuals they interact with.

Also identified was an inconsistent understanding of the expectations related to the development of public comment staff reports, or other substantive response to community feedback.

B) Lack of an effective diagnostic mechanism to clearly identify and then address accountability concerns between community and organization.
.
One of the overriding themes of the group's work was addressing the challenge that much of the evidence provided was general or anecdotal in nature. There was broad consensus that there were concerns in the community, but it was difficult to single out the key sources of the concern. The group noted in its discussions that there was no established approach for measuring the satisfaction or relationship "health" of the overall community and of its respective components with respect to service delivery at the departmental or organizational level
.
The work of the group identified a consistent theme of the desire for a safe forum for expressing concerns regarding Organizational performance in a less formal or alarmist fashion than the current mechanisms of sending "formal" correspondence directly to the Complaints office, CEO or Board. Another consistent theme was the concern about how to best address perceived inconsistencies or concerns regarding implementation of community recommendations.

Recommendations:

Based on these underlying issues or concerns, the group is proposing the following recommendations.

1) To address the lack of understanding of the existence and/or nature of existing staff accountability mechanisms the following actions should be taken:
    a) ICANN organization should improve visibility and transparency of the organization's existing accountability mechanisms, by posting on icann.org in one dedicated area the following:
        i) Description of the organization's performance management system and process
        ii) Description of how departmental goals map to ICANN's strategic goals and objectives.
        iii) Description of The Complaints Office and how it relates to the Ombuds Office

     iv)   Organization policies shared with the CCWG-Accountability during the course of the WS2 work

     v)   ICANN Organization <u>Delegations</u> document

     vi)   The roles descriptions included in this overall report

     vii)   Expectations and guidelines regarding the development of staff reports for Public Comments, or staff response to Community correspondence.

   b)   ICANN organization should also evaluate what other communication mechanisms should be utilized to further increase awareness and understanding of these existing and new accountability mechanisms.

2) To address the lack of clearly defined, or broadly understood, mechanisms to address accountability concerns between community members and staff members regarding accountability or behavior:

   a)   ICANN organization should enhance existing accountability mechanisms to include:

     i)   A regular information acquisition mechanism (which might include surveys, focus groups, reports from Complaints Office) to allow ICANN Organization to better ascertain its overall performance and accountability to relevant stakeholders.

        ~~ii)~~   The group notes that several new mechanisms are now established but have not yet been exercised enough to determine effectiveness or potential adjustments. The evaluation mechanism proposed here would be helpful in determining effectiveness of these recent mechanisms before creating yet more mechanisms that may turn out to be duplicative or confusing for the organization and community.

     ~~iii)~~ii)   Results of these evaluations should be made available to the Community.

   b)   ICANN organization should standardize and publish guidelines for appropriate timeframes for acknowledging requests made by the community, and for responding with a resolution or updated timeframe for when a full response can be delivered.

   c)   ICANN organization should Include language in the performance management guidelines for managers that recommends people managers of community-facing staff seek input from the appropriate community members during the organization's twice-annual performance reviews.

3) In some situations, issues may be complex and require cooperation among several of the ICANN accountability mechanisms. An example might be a complaint about fairness filed by one or more parts of the empowered community. Another example might involve situations among the Board, Community and/or Organization that repeat regularly and are not susceptible to redress by any one of the accountability mechanisms. ICANN should investigate the creation of <u>a mechanism for</u> an <u>a</u>d-hoc~~n~~ ~~informal~~ four-member panel<u>s</u> composed of the Ombudsman, the Complaints Officer, a representative chosen by the Empowered Community and a Board member. The panel could review

---

Comments:

Commented [3]: One comment during the call: Finn Petersen, GAC - DK: Part of Rec 2 a) is not a recommendation but background information and should be removed from the recommendation section of the document.

Commented [4]: I believe it is import to keep this in, but perhaps they should be a note under 2ai instead of a numbered item.

Commented [5]: would making it a footnote be more consistent? happy either way

Formatted: Indent: Before: 2", Add space between paragraphs of the same style, No bullets or numbering

Commented [6]: ah-hoc and informal pretty much redundant redundant

Commented [7]: not really.

ad-hoc generally signifies a solution designed for a specific problem or task, non-generalizable, and not intended to be able to be adapted to other purposes.

Informal: not according to the prescribed, official, or customary way or manner; irregular; unofficial:

some thing can informal without being ad-hoc. actually this probably won't be so much ad-hoc as informal. But I do not think it makes a lot of difference.

concerns or issues raised by the community, ombudsman, staff or board that at least two panel members determine require further effort. ~~While this panel should work transparently, it will, at its discretion, be able to treat issues that require it, as confidential.~~ This panel would have no powers beyond those of its members and their ability to cooperate.

While this panel should work transparently, it will, at its discretion, be able to treat issues that require it, as confidential. Examples of appropriate reasons include discussion of confidential topics such as:

a. trade secrets or sensitive commercial information whose disclosure would cause harm to a person or organization's legitimate commercial or financial interests or competitive position.
b. internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course.
c. information whose disclosure would constitute an invasion of personal privacy, such as medical records.
d. information whose disclosure has the potential to harm the security and stability of the Internet.
e. information that, if disclosed, would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice.[4]

3)

4) ICANN Organization should work with the community to:
    a. Develop and publish service level guidelines (similar to the Service Level Agreement for the IANA Numbering Services) that clearly define all services provided by ICANN to contracted parties and the service level target for each service.
    b. Develop and publish service level definitions that clearly define services provided to members of the community, and the expected service level target for each type of service.

Thank you to the ICANN Organization for their collaboration in preparing this work. Staff accountability is of vital concern to the leaders of any organization; the recommendations here are designed to be enhancements of a system that is generally believed by many to be working well.

---

[4] These conditions originated in the Transparency subgroup as prepared for the SOAC Accountability subgroup. They are copied from the SOAC Accountability report and should be subject to any edits made to those in order to keep example conditions consistent.

Formatted: Indent: Before: 0.5", Add space between paragraphs of the same style, No bullets or numbering

Commented [8]: There was a request that further comment be obtained on this. The original request had been for service level agreements. While there was strong support in the group for service level guidelines, there was still objection to the change.

Commented [9]: No further comments were received from the GNSO contracted parties, and no comments were made during the 1st reading. The subgroup and 1st reading accepted the subgroup consensus.