



EN

AL-ALAC-ST-0118-02-00-EN

ORIGINAL: English

DATE: 12 January 2018

STATUS: Pending Ratification

AT-LARGE ADVISORY COMMITTEE

ALAC Statement on the Recommendations to Improve ICANN Staff Accountability

Introduction

Maureen Hilyard, ALAC Member of the Asian, Australasian, and Pacific Islands Regional At-Large Organization (APRALO) and ALAC Vice Chair developed an initial draft of the Statement on behalf of the ALAC.

On 08 January 2018, the first draft of the Statement was posted on its [At-Large Workspace](#).

On that same date, ICANN Policy Staff in support of the At-Large Community sent a Call for Comments on the Statement to the At-Large Community via the [ALAC Work mailing list](#).

On 12 January 2018, a version incorporating the comments received was posted on the aforementioned workspace and the ALAC Chair requested that Staff open an ALAC ratification vote.

In the interest of time, the ALAC Chair requested that the Statement be transmitted to the ICANN public comment process, copying the ICANN Staff member responsible for this topic, with a note that the Statement is pending ALAC ratification.

ALAC Statement on the Recommendations to Improve ICANN Staff Accountability

The ALAC commends the CCWG-Accountability for their recommendations which: 1) identify how ICANN can better address contentious issues; 2) suggest mechanisms that can aid more effective and collaborative relationships between the staff and the community; and 3) provide greater clarity about roles and responsibilities as well as greater transparency and accountability in relation to ICANN's performance management and other evaluative processes.

It was appreciated that recommendations from WS1 had already been addressed by ICANN. For example, "ICANN's Delegation of Authority" details the powers vested in ICANN staff, and the "ICANN Expected Standards of Behavior" is regarded as a Code of Conduct. The ALAC notes that, moving forward, ICANN will aim to improve the visibility and transparency of the ICANN's accountability mechanisms and of staff training related to their implementation. The recommendation that these will be published on the ICANN website will give more clarity for stakeholders on staff performance and accountability.

The ALAC also commends the development of a "cross-community" panel, involving the Ombudsman and the Complaints Officer as well as representatives of the Empowered Community and the ICANN Board, to deal more holistically with any contentious staff accountability issues.



**Comment on Draft
Recommendations to
Improve ICANN’s Staff
Accountability**

Status: FINAL

Version: 1

14-Jan-2018

Business Constituency Submission

GNSO//CSG//BC

Background

This document is the response of the ICANN Business Constituency (BC), from the perspective of business users and registrants, as defined in our Charter:

The mission of the Business Constituency is to ensure that ICANN policy positions are consistent with the development of an Internet that:

1. promotes end-user confidence because it is a safe place to conduct business
2. is competitive in the supply of registry and registrar and related services
3. is technically stable, secure and reliable.

BC Comments on Draft Recommendations to Improve ICANN's Staff Accountability

The BC appreciates the opportunity to comment on the Cross Community Working Group's on Enhancing ICANN Accountability ("CCWG-Accountability") Staff Accountability Draft Recommendations ("Recommendations")¹.

The draft report consists of several recommendations, briefly summarized below:

- Address the lack of transparency about existing accountability mechanisms by publishing additional information about performance management, goal setting, and key accountability-related roles within the organization;
- Provide the community with input mechanisms into staff performance evaluations;
- Create a regular feedback mechanism by which the community can provide input about ICANN's overall accountability;
- Establish expectations regarding timing and substance for regular interactions with the community including public comment reports, correspondence, and other requests;
- Explore a mechanism for complex issues that may require coordination across a number of accountability-related offices such as the ombudsman, the complaints officer, and the Empowered community; and
- Publish clearer service level targets for services that ICANN provides to registries and registrars and the broader ICANN stakeholder community.

We support the reasoned approach taken by the Working Group in addressing staff accountability in terms of broad concerns and service delivery and organizational and departmental accountability objectives, without scrutinizing individual personnel or specific incidents. We believe that the recommendations adopted as part of this work track must be similarly balanced to provide the ICANN community with reasonable accountability and transparency improvements, while allowing ICANN to operate efficiently as an organization and its staff to perform their roles comfortably and confidently.

¹ ICANN Comment page at <https://www.icann.org/public-comments/accountability-recs-2017-11-13-en>

We strongly support the recommendations made to improve transparency regarding staff expectations and existing accountability mechanisms, particularly with respect to organizational and departmental goal setting and service level targets for regular processes and interactions with the community.

To ensure they are not counterproductive, the establishment of service level targets must be focused on delivery of outcomes to the community and should not be padded with additional process or opportunity for delay. For example, timelines for responding to community correspondence should not be taken to refer to an interim template acknowledgement of the correspondence, but rather a substantive response that takes into account the concerns raised by the particular constituency or stakeholder group.

Care must also be exercised so that service level targets are not set in such a way that diminishes the quality of important work being carried out by ICANN staff. For example, public comment summaries vary greatly both in terms of breadth and quality of analysis and timeline for delivery, which generally have a target date of two weeks from the close of the comment period. These published deadlines have occasionally been noted as a reason for the perceived decline in quality of some comment summaries. In many cases the value of high-quality summaries outweighs that of strict adherence to the 2-week SLA.

Similarly, if ICANN's compliance service level targets solely on ticket volume and timeline of closure, staff members might be incentivized to focus only on the simplest issues that could easily be resolved by deadline and ignore more complex issues that required longer resolution time, but for which resolution may be more beneficial to the community. An approach that provides some flexibility so that issues that are the most complex or controversial can still be addressed on a reasonable timeframe, provided reasonable transparency about the modified targets and their rationale, may help ensure that timeliness and quality are appropriately balanced against each other in service delivery.

Service to the community is an integral part of many public-facing ICANN-staff roles and accordingly should be accounted for in performance evaluations for these staff. However, new feedback mechanisms that affect individual staff members must also be implemented with care. ICANN staff members are often in the position of having to reconcile diverging views within the community. Staff in these roles must feel free to carry out their roles independently and comfortably without fearing that they will be unfairly punished for engagement in divisive work, or feeling swayed to take a particular position in order to win certain allies within the community.

The working group could additionally consider recommending some positive incentives, such as mechanisms to provide recognition staff members that go above and beyond duty in their service to the community on an ongoing basis. Recognition could also feed into a community-selected community recognition award for staff, similar to the ICANN multi-stakeholder ethos awards.

If the working group intends further review of staff accountability, please consider looking at:

- staff empowerment, including whether staff feel meaningfully engaged in their work and have the resources and decisional latitude to effectively carry out their roles; and

- the relationship between community needs and staff growth and distribution.

--

This comment was drafted by Stephanie Duchesneau, with edits by Marilyn Cade and Steve DelBianco.

It was approved in accord with the BC charter.



COMMENTS OF THE INTELLECTUAL PROPERTY CONSTITUENCY (IPC)

RECOMMENDATIONS TO IMPROVE ICANN STAFF ACCOUNTABILITY

January 14, 2018

The Intellectual Property Constituency (IPC) of the Generic Names Supporting Organization (GNSO) is pleased to submit supportive comments on *Recommendations to Improve ICANN Staff Accountability* (Draft),¹ published for public comment on November 13, 2017.

The IPC supports the efforts the CCWG-Accountability Work Stream 2 (WS2) to examine ways to improve ICANN staff accountability. ICANN staff plays an important role in the protection of intellectual property online and preventing the deception of consumers, which future ICANN efforts to improve staff accountability should reinforce. The IPC generally supports the proposed Recommendations included in the Draft, and commits to work constructively with ICANN to improve staff's ability to serve ICANN org and the community.

The IPC provides the following specific comments on the Draft:

- We support Recommendation 1's proposals to provide transparency into existing staff accountability mechanisms and to enhance existing accountability mechanisms to include collection of data from the community (surveys, focus groups, etc.). ICANN should consider recognizing staff for exemplary service to the community based on input collected from the community through these mechanisms.
- The IPC supports the proposed creation of a mechanism for an ad-hoc four-member panel to review concerns or issues raised by the community, the Ombudsman, ICANN staff or the ICANN board that at least two panel members agree requires further effort.
- The IPC supports ICANN setting service level definitions and guidelines for members of the community. We urge ICANN to set goals for staff that balance a transparent and predictable process with the flexibility to accomplish meaningful outcomes.

¹ <https://www.icann.org/public-comments/accountability-recs-2017-11-13-en>.

Thank you for your consideration of these comments.

Respectfully submitted,

Intellectual Property Constituency

Memorandum for the RrSG

This document presents a response to Recommendation to Improve ICANN Staff Accountability. <https://www.icann.org/en/system/files/files/ccwg-acct-ws2-draft-recs-accountability-31oct17-en.pdf>

Preface

It is vital not to conflate the proliferation of accountability mechanisms with increasing accountability effectively.

The tendency and temptation of all exercises in holding people accountable is to add to the number of mechanisms and thereby blur lines of authority. The incentives apply to both groups involved in this exercise: ICANN staff and the stakeholder groups. The people who are being held accountable, in this case ICANN staff, have incentives to add to the number of managers, institutions, and mechanisms to whom and by which they report, or at least not to resist them too hard. Why? Because the multiplication of interests, managers and mechanisms creates blurred accountability, which engenders a loss of clarity as to who is responsible to whom and for what. The temptation of stakeholder groups may also be to think that increasing the number and kind of accountability mechanisms will actually increase accountability. The result is budget bloat and a lack of effectiveness.

With that caution in mind, the RrSG makes the following observations.

Our Understanding of the Accountability Draft Recommendations, October 2017

The [CCWG-Accountability-WS2 -Staff Accountability Draft Recommendations](#) is the subject of this commentary. Its introduction reads in part as follows:

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.

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 Office of the Ombudsman. 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 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.

The Staff Accountability Subgroup then observes:

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) and performance management approaches where things don't go well.

The subgroup then concludes that the principal problems appear to be (in our paraphrase):

- Lack of knowledge of and understanding of staff accountability codes
- Lack of understanding of how the organization sets department and individual goals
- Lack of an effective diagnostic mechanism "to clearly identify and then address accountability concerns between community and organization"

The report of the CCWG 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.

RrSG Observation #1

The RrSG notes the contradiction between the elaborate mechanisms already in place and the apparent reluctance of people to use them (as the Study Group avers in its Issues section on page 6). It might be asked why, if the mechanisms are in place, and they are considered "formal" and "alarmist", the addition of more mechanisms and procedures would improve accountability.

The answer may be that the specific recommendations of the CCWG may lessen confusion, and increase the general understanding of members of stakeholder groups and of ICANN staff of what they may reasonably expect from one another.

RrSG Observation #2

The staff of the ICANN Organization are responsible to the chief executive officer, and the CEO is in turn responsible to the Board. The ICANN organization acts as a supplier of services to the constituencies or stakeholder groups. Accordingly, the relationship of the ICANN Organization and ICANN Board to its Community is one of supplier to customers. This relationship came into being when ICANN severed its relation to the US Department of Commerce.

RrSG Observation #3

Measures to increase or make more effective the accountability relationship of ICANN organization staff to the Stakeholder Groups need to be considered in the light of the customer-supplier relationship.

Stakeholder groups must be able to know what they may reasonably expect from staff, and what the limits are of their respective roles.

Keeping in mind these three observations, it is now appropriate to examine the CCWG's recommendations.

CCWG recommendation #1

To address the lack of understanding of the existence and/or nature of existing staff accountability mechanisms, by posting on icann.org in one dedicated area the following

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:

1. Description of the organization's performance management system and process
2. Description of how departmental goals map to ICANN's strategic goals and objectives.
3. Description of The Complaints Office and how it relates to the Ombuds Office

4. Organization policies shared with the CCWG Accountability during the course of the WS2 work
 5. ICANN Organization Delegations document
 6. The roles descriptions included in this overall report
 7. 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.

RrSG Observation #4

The RrSG considers these ideas virtuous and to a degree desirable but not likely to be significant.

CCWG Recommendation #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:
 1. 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.

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.

- 2) Results of these evaluations should be made available to the Community.

RrSG Observation #5

The RrSG considers this recommendation 2a to be without merit. It consists of needless complexity, and implies that accountability is achieved by mechanisms, and if one does not work, let's add another.

CCWG Recommendations 2 b and 2c

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.

RrSG Observation #6

The registrars consider these two recommendations have real merit. Recommendation 2b is consistent with the idea that ICANN serves a clientele, which is composed of stakeholder groups, and that obligations are owed to the customers.

Recommendation 2c would have the effect of allowing ICANN management to measure the effectiveness of community-facing personnel by their relationships to the people they are supposed to serve. This is a radically sound idea.

CCWG Recommendation #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 a mechanism for an ad-hoc four-member panel composed of the Ombudsman, the Complaints Officer, a representative chosen by the Empowered Community and a Board member. The panel could review concerns or issues raised by the community, ombudsman, staff or board that at least two panel members determine require further effort. 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.

RrSG Observation #7

The RrSG considers this recommendation to be more a symptom of the problem besetting ICANN's institutional style than its solution. The problem is the proliferation of processes, groups, subgroups, mechanisms and bureaucratic busy-ness, all of which raise costs, increase the opacity of the organization and reward insider knowledge. Surely with all the talent available someone or some people can pick up a phone and sort out a problem informally. Providing for every corner-case is unwise.

CCWG Recommendation #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.

The RrSG also notes that it is written the ‘community needs to be sure.... that staff are held accountable through the usual set of Human Resources (HR) and performance management approaches where things don’t go well’. This wording could be read as referring to HR as a place where things don’t go well instead of the inferred situation of when there is an issue of staff performance.

RrSG Observation #8

The Registrars consider these two ideas to be the best in the whole report. Our reasons are as follows:

- They are consistent with the customer – supplier arrangement that now characterizes ICANN’s relationship to its stakeholders;
- They require no new organizations;
- They establish clearer expectations of everyone in ICANN;
- They are practical;
- They cause a focus by management and staff on what needs to happen between ICANN and its stakeholders-customers;
- They shift attention away from a preoccupation with procedural fairness issues, which dominate too much of the internal workings of the organization
- The SLAs are the accountability mechanisms. The idea behind service level agreements provides the criteria by which to evaluate the other recommendations of this report.

The various mechanisms discussed in the Staff Accountability document make sense or not insofar as they re-inforce the idea of a service relationship between stakeholders and ICANN staff. The ones that the RrSG considers to be ineffective, or largely beside the point, were predicated on vagueness as to the accountability of ICANN to its customers.

Working out the details of the service level agreements will cause a salutary improvement in organizational focus and delivery of services, and implementing them will cause even more improvement.

The report under discussion reflects the changes in approach between the old ICANN and the new one: the old being focused on procedural fairness, with its quasi-judicial overtones, and multiplicity of mechanism and offices, and the new one on rational expectations for defined services within defined timeframes.

Registries Stakeholder Group Statement

Issue: **Recommendations to Improve ICANN Staff Accountability**

Date statement submitted: **12 January 2018**

Reference URL: <https://www.icann.org/public-comments/accountability-recs-2017-11-13-en>

Background

The CCWG-Accountability Work Stream 2, sub-group on Staff Accountability developed a set of draft recommendations to Improve ICANN staff accountability. The focus of the group was staff accountability and performance at the service delivery, departmental, or organizational level, and not at the individual or personal level. The analysis revealed an extensive accountability system both within ICANN org. as well as in the mechanism of review and redress afforded the Community, and the group found that many issues and concerns would benefit from making existing mechanisms more transparent. The proposed recommendations are designed to work with the existing systems and processes.

Registries Stakeholder Group (RySG) comment:

The Registries Stakeholder Group (RySG) welcomes the opportunity to comment on the proposed Recommendations to Improve ICANN Staff Accountability. The RySG wants to express its appreciation for the work and commitment of the members of the CCWG Accountability Work Stream Two on this issue.

The RySG wishes to make the following comments on the proposed recommendations.

With respect to **Recommendation #2**: 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. The RySG believes that seeking such input twice yearly would not be achievable in practice, but seeking input on an annual basis would be appropriate.

The RySG is mindful that there are potential risks to ICANN staff associated with seeking input from community members about their performance. To that end, the input sought should specifically relate to performance against previously agreed goals and should only be sought from community members that have a direct relationship with the staff member in the performance of their duties. It may be appropriate to restrict this recommendation to apply to certain staff positions, for example Vice Presidents of the Policy Department or the GDD.

With respect to **Recommendation #3** (that ICANN investigate use of an ad-hoc four-member panel composed of the Ombudsman, the Complaints Officer, a representative chosen by the Empowered Community and a Board member to informally help with complex issues): the RySG appreciates that this is a recommendation to investigate at this point, and we note that much more work would be required to make this a proposal for formal consideration.

The RySG welcomes **recommendation #4** and expects that such service level guidelines and definitions will contribute to creating clear expectations and as such will be helpful for contracted parties as well as for individual staff members.

ICANN Board Inputs - CCWG WS2 Staff Accountability Report

Summary: The CCWG-Accountability provides a report on the topic of Staff Accountability with the following:

- 1) Description of roles and responsibilities across ICANN organization, Board, and community.
- 2) An assessment of identified issues.
- 3) Recommendations to address the identified issues.

The ICANN Board appreciates the opportunity to provide input to the CCWG WS2 report on recommendations to improve ICANN's Staff Accountability. We are providing these inputs to the Staff Accountability public comments for the further deliberations by the Subgroup and CCWG-Accountability.

One general observation before some specific comments that factor into these comments are the considerations of the recommendations in relation to ICANN's resources and ability to serve the global community. As ICANN operates within a specific budget based on limited funding, recommendations that add costs to ICANN's operations result in the organization needing to make trade-offs with other items, such as implementation of new policies, or innovation of existing programs or services to the global community. They might also establish a situation where the organization is unable to effectively meet community expectations with either the new recommendations or existing obligations. The CCWG-Accountability should consider these factors when providing guidance on the extent to which these recommendations should be implemented or prioritized.

With regards to the recommendations on staff accountability, there are many useful ideas presented, and a number of actionable and implementable recommendations. There are some recommendations where further clarification would serve to avoid misinterpretation or unintended consequences for ICANN. There are also some recommendations where there are resource implications and the community needs to assess how these are prioritized against other resources. This input is intended to provide observations and information to further the Subgroup and CCWG-Accountability's efforts as it finalizes its full report.

Regarding Description of Roles and Responsibilities

The descriptions laid out in this section are concise and straightforward. Following from the work that lead to ICANN's *Delegation of Authority Guidelines*, the CCWG-Accountability's work in providing clear roles and descriptions for how the three parts of ICANN work together provide a basis for understanding and evaluating how these roles and responsibilities are conducted.

The role and responsibilities of ICANN's President and CEO as it relates to the broader accountability of the ICANN organization is a key consideration when

viewing these recommendations. All members of the ICANN organization are ultimately accountable to the ICANN President and CEO in the performance of their work. The President and CEO is then accountable to the Board for performance of the organization, including how service is delivered to the community.

Regarding Assessment of Issues

The ICANN organization appreciates the challenges involved with broaching this topic, and acknowledges the challenge in gathering data of individual instances of concern and synthesizing that information into broader themes that accurately reflect issues at the service delivery or departmental level. As noted before, however, greater detail of the evidence collected is necessary to support the conclusions of the Subgroup and CCWG-Accountability.

Regarding Recommendations to Improve Staff Accountability

Much of the first recommendation, focused on transparency and accessibility of information that the CCWG-Accountability has identified as important components of staff accountability, are easily implemented. While there are different uses of the term “accountability mechanisms” within ICANN, we understand the following elements to be important regarding the relationship between the ICANN Community, Organization and Board:

- ICANN organization/staff goals and assessments: Information on how individual goals are set to align with ICANN’s strategic goals, and information on the process of how staff member performance is assessed against those goals;
- Publication of key employee policies;
- Information on Roles and Responsibilities;
- Information on processes within ICANN, such as handling of correspondence;
- Information on where to raise concerns about staff accountability, with more information about the differing roles of the Complaints Officer and the Ombudsman.

Making this information accessible from a single page seems to be a practical and implementable recommendation, as is the consideration of how else this information can be communicated or available. A lot of this information is already available, but in various places. ICANN organization may also need to develop some additional documentation regarding the performance management system process for posting.

The reference to “expectations and guidelines regarding the development of staff reports for Public Comment” is an area where the report could benefit from more specific problem statements. It is not clear what is being requested here.

In the second recommendation, the overarching goal that ICANN should continue to support and evolve ways to understand and measure accountability concerns between community members and staff members is useful. As the report notes, there are already many new efforts underway to measure this, such as the regular reporting of the Complaints Office and satisfaction surveys for those using the Global Support Center or Contractual Compliance department. Additionally, the regular CEO reports provide regular updates to the community on ICANN organization activities. ICANN organization agrees that a focus on the effectiveness of existing tools should be considered prior to developing new or potentially duplicative processes. Further expansion of information acquisition mechanisms will incur new ongoing resource requirements, which carry prioritization and funding considerations.

The second recommendation also aligns with the Board's FY18 priorities as announced prior to ICANN60. As part of the Board's priority of improving interaction with the community, the Board specified:

5.2 – Service Satisfaction – The Board will review the findings of community surveys <https://www.icann.org/search/#!/?searchText=survey> conducted over the past three years to understand whether ICANN (Board and ICANN Org) activities actually lead to overall improvement of service satisfaction within the community.
<https://www.icann.org/news/blog/about-the-fy18-board-activities-priorities>

In relation to interactions with the ICANN community, the ICANN Board intends to use the outcomes of its review to work with the President and CEO to identify where improvements need to be made, including issues of staff accountability.

On the standardization and publication of guidelines on timeframes for acknowledgement and resolution of requests, ICANN already maintains some timeframes for certain groups of the community it serves, such as the contracted parties. There are multiple ways that requests can come into ICANN, and different purposes behind those requests that might require differing timeframes. To the extent that this recommendation is focusing on service being delivered in predictable (and published) timeframes, that goal should be upheld. However, as some timeframes are very targeted, ICANN organization would benefit from additional information on the differing “requests” about which the CCWG-Accountability is seeking information. It is also important to understand how this differs from the fourth recommendation on service level guidelines.

Additionally, the Board expects that issues such as responsiveness to requests would be raised through the surveys identified above. It is likely that one of the ways to address areas of community dissatisfaction evidenced through those surveys would be to set up some key performance indicators and other goals, such as those that are already being reported on through ICANN's Accountability

Indicators dashboard. In addition, ICANN organization has already started setting expectations on responsiveness, such as making sure that correspondence coming into ICANN is acknowledged, and for those requiring response, delivering responses within 30 days.

On solicitation of inputs from “appropriate community members” as part of ICANN’s performance review process, more consideration will have to be made about whether and how it is feasible to solicit and incorporate such input. The feasibility concerns include how to solicit and receive inputs in a timely fashion, ensure fairness in how these inputs are considered, and how the inputs would impact the individual reviews. Performance reviews are internal management issues. However, community feedback on staff performance can already be given via a number of mechanisms. For example, if there is positive or negative feedback regarding performance, that feedback can be provided to any of ICANN’s executives, to the head of the relevant project or process, or to those overseeing the staff person’s work. The Complaints Officer is also available to receive complaints or reports of concerns from the ICANN community. These inputs can then be factored into the performance review process.

The third recommendation, calling for the creation of an informal ad-hoc four-member panel to deal with complex situations, does not seem to be appropriate at this time and raises questions of fairness. It is not clear what issues this recommendation is seeking to solve that are not dealt with under the mechanisms and roles and responsibilities currently in place such as the complaints officer, Ombudsman, CEO and management, and the Board. Additionally, this recommendation raises some concerns in its view of the Empowered Community. The Empowered Community, developed in WS1 of the CCWG-Accountability and brought into the Bylaws as part of the transition process, has limited and defined powers. The Empowered Community has a specific range of actions that it may challenge and raise, and concerns of fairness (individually or collectively) are not one of those enumerated powers, nor is the power to make selections to an ad-hoc review committee.

Even if this recommendation is limited to focus on the use of an informal ad-hoc panel for issues that “repeat regularly and are not susceptible to redress by any one of the accountability mechanisms”, there are still issues about scope, function and implementation. It would be very helpful to have some examples of what the CCWG-Accountability could see being addressed through this ad-hoc panel in order to better understand the intended purpose and usage. For any new group formed, we must consider how such group would be held accountable, and to whom. What would this panel do, if it has no powers? Alternatively, if powers were to be assigned, what limits should there be? What if the Complaints Officer or Ombudsman (or Board) had already reviewed this issue to the dissatisfaction of the complainant – would they be appropriate to be part of this panel? We understand the concern that there may important issues that can arise that are systemic in nature, and for which no current process exists. For those, ICANN organization

commits to remaining open to discussion about how to best address and solve those issues as they arise. However, empowering an informal ad-hoc panel without scope, limit or defined power is not the most appropriate solution.

Regarding the fourth recommendation, the development of service level guidelines, the Board is uncomfortable moving towards this type of relationship with the community. As it is currently written the recommendation's scope is expansive, and could present challenges including how this is separate from the outcomes the Board is expecting from its oversight work discussed above. As noted in discussion of the second recommendation, more information is needed to address this recommendation, what it is seeking to achieve, and to understand if different outcomes are intended. Further guidance, or inclusion of additional examples for specific areas of service activity and expectation, would be needed to help ensure resources are appropriately applied.

We would further note that the ICANN organization posed several questions to the subgroup on expected forms of engagement by the community with the ICANN organization and staff. We've not received specific feedback on these, but would encourage the community as part of its ongoing work to factor these into their work and continued community accountability and transparency mechanisms, including in the SO and AC accountability.

Acknowledgment

We thank the CCWG-Accountability and the Staff Accountability Subgroup for its work on the draft recommendations. We encourage the community to assess the recommendations for further clarity and how implementation would impact prioritization of resources. We are happy to discuss our input with the CCWG, and look forward to providing further inputs as appropriate during the finalization of the recommendations by the community.

[Comments-icann-accountability-13nov17] Staff Accountability

Kris Seeburn [seeburn.k at gmail.com](mailto:seeburn.k@gmail.com)

Mon Jan 8 14:19:44 UTC 2018

- Next message: [\[Comments-icann-accountability-13nov17\] Registries Stakeholder Group \(RySG\) comments on Recommendations to Improve ICANN Staff Accountability](#)
- Messages sorted by: [\[date \]](#) [\[thread \]](#) [\[subject \]](#) [\[author \]](#)

From ALAC - AFRALO Perspective

I just wanted to add something important to the whole list. Describing all these annexes and so on is great but the most important thing is and also personal view. I would like to see ICANN accountability is a very clear cut way. I am unsure where these will fit but I would really like to ensure that not everything either is board or staff or community. It is a shared responsibility. So I'd let staff see best fit on this.

“How do I get people/staff to be more accountable for results?”

Accountability is not simply taking the blame when something goes wrong. It's not a confession. Accountability is about delivering on a commitment. It's responsibility to an outcome, not just a set of tasks. It's taking initiative with thoughtful, strategic follow-through.

And it's necessary at all levels of the hierarchy. Executives high on the org chart can't really be accountable unless the people who report to them also follow through on their commitments. Getting angry with people when they fall short is not a productive process for holding people accountable. It almost always reduces motivation and performance.

So what can we do to foster accountability in the people around us? We need to aim for clarity in five areas:

Clear expectations. The first step is to be crystal clear about what to expect (if in doubt clear doubts - there should be no ambiguity at all before starting work or else). This means being clear about the outcome you're looking for, how you'll measure success, and how people should go about achieving the objective. It doesn't all have to come from you. In fact, the more skilled your people are, the more ideas and strategies should be coming from them. Have a genuinely two-way conversation, and before it's over, ask the other person to summarize the important pieces - the outcome they're going for, how they are going to achieve it, and how they'll know whether they're successful - to make sure you're ending up on the same page. Writing out a summary is a good idea but doesn't replace saying it out loud.

Clear capability. What skills does the person need to meet the expectations? What resources will they need? If the person does not have what's necessary, can they acquire what's missing? If so, what's the plan? If not, you'll need to delegate to someone else. Otherwise you're setting them up for failure.

Clear measurement. Nothing frustrates leaders more than being surprised by failure. Sometimes this surprise is because the person who should be delivering is afraid to ask for help. Sometimes it comes from premature optimism on both sides. Either way, it's completely avoidable. During the expectations conversation, you should agree on weekly milestones with clear, measurable, objective targets. If any of these targets slip, jump on it immediately. Brainstorm a solution, identify a fix, redesign the schedule, or respond in some other way that gets the person back on track.

Clear feedback. Honest, open, ongoing feedback is critical. People should know where they stand. If you have clear expectations, capability, and measurement, the feedback can be fact-based and easy to deliver. Is the person delivering on her commitments? Is she working well with the other stakeholders? If she needs to increase her capability, is she on track? The feedback can also go both ways - is there something you can be doing to be more helpful? Give feedback weekly, and remember it's more important to be helpful than nice <<https://hbr.org/2011/03/dont-be-nice-be-helpful/>>.

Clear consequences. If you've been clear in all of the above ways, you can be reasonably sure that you did what's necessary to support their performance. At this point, you have three choices: repeat,

reward, or release. Repeat the steps above if you feel that there is still a lack of clarity in the system. If the person succeeded, you should reward them appropriately (acknowledgement, promotion, etc.). If they have not proven accountable and you are reasonably certain that you followed the steps above, then they are not a good fit for the role, and you should release them from it (change roles, fire them, etc.).

These are the building blocks for a culture of accountability. The magic is in the way they work together as a system. If you miss any one, accountability will fall through that gap.

Kris Seeburn

[seeburn.k at gmail.com](mailto:seeburn.k@gmail.com)

www.linkedin.com/in/kseeburn/ <<http://www.linkedin.com/in/kseeburn/>>

----- next part -----

An HTML attachment was scrubbed...

URL: <<http://mm.icann.org/pipermail/comments-icann-accountability-13nov17/attachments/20180108/1bf2a709/attachment-0001.html>>

----- next part -----

A non-text attachment was scrubbed...

Name: KeepItOn_Social_animated.gif

Type: image/gif

Size: 51490 bytes

Desc: not available

URL: <http://mm.icann.org/pipermail/comments-icann-accountability-13nov17/attachments/20180108/1bf2a709/KeepItOn_Social_animated-0001.gif>

-
- Next message: [[Comments-icann-accountability-13nov17](#)] [Registries Stakeholder Group \(RySG\) comments on Recommendations to Improve ICANN Staff Accountability](#)
 - Messages sorted by: [[date](#)] [[thread](#)] [[subject](#)] [[author](#)]

[More information about the Comments-icann-accountability-13nov17 mailing list](#)



EN

AL-ALAC-ST-0118-02-00-EN

ORIGINAL: English

DATE: 12 January 2018

STATUS: Pending Ratification

AT-LARGE ADVISORY COMMITTEE

ALAC Statement on the Recommendations to Improve ICANN Staff Accountability

Introduction

Maureen Hilyard, ALAC Member of the Asian, Australasian, and Pacific Islands Regional At-Large Organization (APRALO) and ALAC Vice Chair developed an initial draft of the Statement on behalf of the ALAC.

On 08 January 2018, the first draft of the Statement was posted on its [At-Large Workspace](#).

On that same date, ICANN Policy Staff in support of the At-Large Community sent a Call for Comments on the Statement to the At-Large Community via the [ALAC Work mailing list](#).

On 12 January 2018, a version incorporating the comments received was posted on the aforementioned workspace and the ALAC Chair requested that Staff open an ALAC ratification vote.

In the interest of time, the ALAC Chair requested that the Statement be transmitted to the ICANN public comment process, copying the ICANN Staff member responsible for this topic, with a note that the Statement is pending ALAC ratification.

ALAC Statement on the Recommendations to Improve ICANN Staff Accountability

The ALAC commends the CCWG-Accountability for their recommendations which: 1) identify how ICANN can better address contentious issues; 2) suggest mechanisms that can aid more effective and collaborative relationships between the staff and the community; and 3) provide greater clarity about roles and responsibilities as well as greater transparency and accountability in relation to ICANN's performance management and other evaluative processes.

It was appreciated that recommendations from WS1 had already been addressed by ICANN. For example, "ICANN's Delegation of Authority" details the powers vested in ICANN staff, and the "ICANN Expected Standards of Behavior" is regarded as a Code of Conduct. The ALAC notes that, moving forward, ICANN will aim to improve the visibility and transparency of the ICANN's accountability mechanisms and of staff training related to their implementation. The recommendation that these will be published on the ICANN website will give more clarity for stakeholders on staff performance and accountability.

The ALAC also commends the development of a "cross-community" panel, involving the Ombudsman and the Complaints Officer as well as representatives of the Empowered Community and the ICANN Board, to deal more holistically with any contentious staff accountability issues.



**Comment on Draft
Recommendations to
Improve ICANN’s Staff
Accountability**

Status: FINAL

Version: 1

14-Jan-2018

Business Constituency Submission

GNSO//CSG//BC

Background

This document is the response of the ICANN Business Constituency (BC), from the perspective of business users and registrants, as defined in our Charter:

The mission of the Business Constituency is to ensure that ICANN policy positions are consistent with the development of an Internet that:

1. promotes end-user confidence because it is a safe place to conduct business
2. is competitive in the supply of registry and registrar and related services
3. is technically stable, secure and reliable.

BC Comments on Draft Recommendations to Improve ICANN's Staff Accountability

The BC appreciates the opportunity to comment on the Cross Community Working Group's on Enhancing ICANN Accountability ("CCWG-Accountability") Staff Accountability Draft Recommendations ("Recommendations")¹.

The draft report consists of several recommendations, briefly summarized below:

- Address the lack of transparency about existing accountability mechanisms by publishing additional information about performance management, goal setting, and key accountability-related roles within the organization;
- Provide the community with input mechanisms into staff performance evaluations;
- Create a regular feedback mechanism by which the community can provide input about ICANN's overall accountability;
- Establish expectations regarding timing and substance for regular interactions with the community including public comment reports, correspondence, and other requests;
- Explore a mechanism for complex issues that may require coordination across a number of accountability-related offices such as the ombudsman, the complaints officer, and the Empowered community; and
- Publish clearer service level targets for services that ICANN provides to registries and registrars and the broader ICANN stakeholder community.

We support the reasoned approach taken by the Working Group in addressing staff accountability in terms of broad concerns and service delivery and organizational and departmental accountability objectives, without scrutinizing individual personnel or specific incidents. We believe that the recommendations adopted as part of this work track must be similarly balanced to provide the ICANN community with reasonable accountability and transparency improvements, while allowing ICANN to operate efficiently as an organization and its staff to perform their roles comfortably and confidently.

¹ ICANN Comment page at <https://www.icann.org/public-comments/accountability-recs-2017-11-13-en>

We strongly support the recommendations made to improve transparency regarding staff expectations and existing accountability mechanisms, particularly with respect to organizational and departmental goal setting and service level targets for regular processes and interactions with the community.

To ensure they are not counterproductive, the establishment of service level targets must be focused on delivery of outcomes to the community and should not be padded with additional process or opportunity for delay. For example, timelines for responding to community correspondence should not be taken to refer to an interim template acknowledgement of the correspondence, but rather a substantive response that takes into account the concerns raised by the particular constituency or stakeholder group.

Care must also be exercised so that service level targets are not set in such a way that diminishes the quality of important work being carried out by ICANN staff. For example, public comment summaries vary greatly both in terms of breadth and quality of analysis and timeline for delivery, which generally have a target date of two weeks from the close of the comment period. These published deadlines have occasionally been noted as a reason for the perceived decline in quality of some comment summaries. In many cases the value of high-quality summaries outweighs that of strict adherence to the 2-week SLA.

Similarly, if ICANN's compliance service level targets solely on ticket volume and timeline of closure, staff members might be incentivized to focus only on the simplest issues that could easily be resolved by deadline and ignore more complex issues that required longer resolution time, but for which resolution may be more beneficial to the community. An approach that provides some flexibility so that issues that are the most complex or controversial can still be addressed on a reasonable timeframe, provided reasonable transparency about the modified targets and their rationale, may help ensure that timeliness and quality are appropriately balanced against each other in service delivery.

Service to the community is an integral part of many public-facing ICANN-staff roles and accordingly should be accounted for in performance evaluations for these staff. However, new feedback mechanisms that affect individual staff members must also be implemented with care. ICANN staff members are often in the position of having to reconcile diverging views within the community. Staff in these roles must feel free to carry out their roles independently and comfortably without fearing that they will be unfairly punished for engagement in divisive work, or feeling swayed to take a particular position in order to win certain allies within the community.

The working group could additionally consider recommending some positive incentives, such as mechanisms to provide recognition staff members that go above and beyond duty in their service to the community on an ongoing basis. Recognition could also feed into a community-selected community recognition award for staff, similar to the ICANN multi-stakeholder ethos awards.

If the working group intends further review of staff accountability, please consider looking at:

- staff empowerment, including whether staff feel meaningfully engaged in their work and have the resources and decisional latitude to effectively carry out their roles; and

- the relationship between community needs and staff growth and distribution.

--

This comment was drafted by Stephanie Duchesneau, with edits by Marilyn Cade and Steve DelBianco.

It was approved in accord with the BC charter.



COMMENTS OF THE INTELLECTUAL PROPERTY CONSTITUENCY (IPC)

RECOMMENDATIONS TO IMPROVE ICANN STAFF ACCOUNTABILITY

January 14, 2018

The Intellectual Property Constituency (IPC) of the Generic Names Supporting Organization (GNSO) is pleased to submit supportive comments on *Recommendations to Improve ICANN Staff Accountability* (Draft),¹ published for public comment on November 13, 2017.

The IPC supports the efforts the CCWG-Accountability Work Stream 2 (WS2) to examine ways to improve ICANN staff accountability. ICANN staff plays an important role in the protection of intellectual property online and preventing the deception of consumers, which future ICANN efforts to improve staff accountability should reinforce. The IPC generally supports the proposed Recommendations included in the Draft, and commits to work constructively with ICANN to improve staff's ability to serve ICANN org and the community.

The IPC provides the following specific comments on the Draft:

- We support Recommendation 1's proposals to provide transparency into existing staff accountability mechanisms and to enhance existing accountability mechanisms to include collection of data from the community (surveys, focus groups, etc.). ICANN should consider recognizing staff for exemplary service to the community based on input collected from the community through these mechanisms.
- The IPC supports the proposed creation of a mechanism for an ad-hoc four-member panel to review concerns or issues raised by the community, the Ombudsman, ICANN staff or the ICANN board that at least two panel members agree requires further effort.
- The IPC supports ICANN setting service level definitions and guidelines for members of the community. We urge ICANN to set goals for staff that balance a transparent and predictable process with the flexibility to accomplish meaningful outcomes.

¹ <https://www.icann.org/public-comments/accountability-recs-2017-11-13-en>.

Thank you for your consideration of these comments.

Respectfully submitted,

Intellectual Property Constituency

Registries Stakeholder Group Statement

Issue: **Recommendations to Improve ICANN Staff Accountability**

Date statement submitted: **12 January 2018**

Reference URL: <https://www.icann.org/public-comments/accountability-recs-2017-11-13-en>

Background

The CCWG-Accountability Work Stream 2, sub-group on Staff Accountability developed a set of draft recommendations to Improve ICANN staff accountability. The focus of the group was staff accountability and performance at the service delivery, departmental, or organizational level, and not at the individual or personal level. The analysis revealed an extensive accountability system both within ICANN org. as well as in the mechanism of review and redress afforded the Community, and the group found that many issues and concerns would benefit from making existing mechanisms more transparent. The proposed recommendations are designed to work with the existing systems and processes.

Registries Stakeholder Group (RySG) comment:

The Registries Stakeholder Group (RySG) welcomes the opportunity to comment on the proposed Recommendations to Improve ICANN Staff Accountability. The RySG wants to express its appreciation for the work and commitment of the members of the CCWG Accountability Work Stream Two on this issue.

The RySG wishes to make the following comments on the proposed recommendations.

With respect to **Recommendation #2**: 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. The RySG believes that seeking such input twice yearly would not be achievable in practice, but seeking input on an annual basis would be appropriate.

The RySG is mindful that there are potential risks to ICANN staff associated with seeking input from community members about their performance. To that end, the input sought should specifically relate to performance against previously agreed goals and should only be sought from community members that have a direct relationship with the staff member in the performance of their duties. It may be appropriate to restrict this recommendation to apply to certain staff positions, for example Vice Presidents of the Policy Department or the GDD.

With respect to **Recommendation #3** (that ICANN investigate use of an ad-hoc four-member panel composed of the Ombudsman, the Complaints Officer, a representative chosen by the Empowered Community and a Board member to informally help with complex issues): the RySG appreciates that this is a recommendation to investigate at this point, and we note that much more work would be required to make this a proposal for formal consideration.

The RySG welcomes **recommendation #4** and expects that such service level guidelines and definitions will contribute to creating clear expectations and as such will be helpful for contracted parties as well as for individual staff members.

[Comments-icann-accountability-13nov17] Staff Accountability

Kris Seeburn [seeburn.k at gmail.com](mailto:seeburn.k@gmail.com)

Mon Jan 8 14:19:44 UTC 2018

- Next message: [\[Comments-icann-accountability-13nov17\] Registries Stakeholder Group \(RySG\) comments on Recommendations to Improve ICANN Staff Accountability](#)
- Messages sorted by: [\[date \]](#) [\[thread \]](#) [\[subject \]](#) [\[author \]](#)

From ALAC - AFRALO Perspective

I just wanted to add something important to the whole list. Describing all these annexes and so on is great but the most important thing is and also personal view. I would like to see ICANN accountability is a very clear cut way. I am unsure where these will fit but I would really like to ensure that not everything either is board or staff or community. It is a shared responsibility. So I'd let staff see best fit on this.

“How do I get people/staff to be more accountable for results?”

Accountability is not simply taking the blame when something goes wrong. It's not a confession. Accountability is about delivering on a commitment. It's responsibility to an outcome, not just a set of tasks. It's taking initiative with thoughtful, strategic follow-through.

And it's necessary at all levels of the hierarchy. Executives high on the org chart can't really be accountable unless the people who report to them also follow through on their commitments. Getting angry with people when they fall short is not a productive process for holding people accountable. It almost always reduces motivation and performance.

So what can we do to foster accountability in the people around us? We need to aim for clarity in five areas:

Clear expectations. The first step is to be crystal clear about what to expect (if in doubt clear doubts - there should be no ambiguity at all before starting work or else). This means being clear about the outcome you're looking for, how you'll measure success, and how people should go about achieving the objective. It doesn't all have to come from you. In fact, the more skilled your people are, the more ideas and strategies should be coming from them. Have a genuinely two-way conversation, and before it's over, ask the other person to summarize the important pieces - the outcome they're going for, how they are going to achieve it, and how they'll know whether they're successful - to make sure you're ending up on the same page. Writing out a summary is a good idea but doesn't replace saying it out loud.

Clear capability. What skills does the person need to meet the expectations? What resources will they need? If the person does not have what's necessary, can they acquire what's missing? If so, what's the plan? If not, you'll need to delegate to someone else. Otherwise you're setting them up for failure.

Clear measurement. Nothing frustrates leaders more than being surprised by failure. Sometimes this surprise is because the person who should be delivering is afraid to ask for help. Sometimes it comes from premature optimism on both sides. Either way, it's completely avoidable. During the expectations conversation, you should agree on weekly milestones with clear, measurable, objective targets. If any of these targets slip, jump on it immediately. Brainstorm a solution, identify a fix, redesign the schedule, or respond in some other way that gets the person back on track.

Clear feedback. Honest, open, ongoing feedback is critical. People should know where they stand. If you have clear expectations, capability, and measurement, the feedback can be fact-based and easy to deliver. Is the person delivering on her commitments? Is she working well with the other stakeholders? If she needs to increase her capability, is she on track? The feedback can also go both ways - is there something you can be doing to be more helpful? Give feedback weekly, and remember it's more important to be helpful than nice <<https://hbr.org/2011/03/dont-be-nice-be-helpful/>>.

Clear consequences. If you've been clear in all of the above ways, you can be reasonably sure that you did what's necessary to support their performance. At this point, you have three choices: repeat,

reward, or release. Repeat the steps above if you feel that there is still a lack of clarity in the system. If the person succeeded, you should reward them appropriately (acknowledgement, promotion, etc.). If they have not proven accountable and you are reasonably certain that you followed the steps above, then they are not a good fit for the role, and you should release them from it (change roles, fire them, etc.).

These are the building blocks for a culture of accountability. The magic is in the way they work together as a system. If you miss any one, accountability will fall through that gap.

Kris Seeburn

[seeburn.k at gmail.com](mailto:seeburn.k@gmail.com)

www.linkedin.com/in/kseeburn/ <<http://www.linkedin.com/in/kseeburn/>>

----- next part -----

An HTML attachment was scrubbed...

URL: <<http://mm.icann.org/pipermail/comments-icann-accountability-13nov17/attachments/20180108/1bf2a709/attachment-0001.html>>

----- next part -----

A non-text attachment was scrubbed...

Name: KeepItOn_Social_animated.gif

Type: image/gif

Size: 51490 bytes

Desc: not available

URL: <http://mm.icann.org/pipermail/comments-icann-accountability-13nov17/attachments/20180108/1bf2a709/KeepItOn_Social_animated-0001.gif>

-
- Next message: [[Comments-icann-accountability-13nov17](#)] [Registries Stakeholder Group \(RySG\) comments on Recommendations to Improve ICANN Staff Accountability](#)
 - Messages sorted by: [[date](#)] [[thread](#)] [[subject](#)] [[author](#)]

[More information about the Comments-icann-accountability-13nov17 mailing list](#)



12 January 2018

Comments on the CCWG-Accountability-WS2 Staff Accountability Draft Recommendations October 2017

Valideus provides new gTLD consultancy and registry management services to prospective and existing new gTLD registry operators. We co-ordinated over 120 applications for new gTLDs on behalf of a number of applicants all of whom are owners of global brands.

We appreciate the thoughtful work of the subgroup in seeking to identify issues and concerns relating to ICANN staff accountability and welcome the opportunity to comment on the resulting draft recommendations contained in the *CCWG-Accountability-WS2 Staff Accountability Draft Recommendations*. We would like to comment on the following specific recommendations:

Recommendation 2ai

The proposed “regular information acquisition mechanism” may be helpful. There is a natural tendency to recollect and report on a bad experience far more readily than a good one. Consideration should be given as to how an information acquisition mechanism can be developed in a way to encourage the capture of the positive and not just the negative. This would ensure that ICANN Organization is aware of what is working effectively, and what is not working and may require change.

Recommendation 2c

We have concerns about this recommendation, which would encourage “people managers of community-facing staff [to] seek input from the appropriate community members during the organization’s twice-annual performance reviews”. Absent great care in the development of such an input process, and in the treatment and weight given to such community input, this has the risk of serious unintended consequences.

We note that this recommendation to seek input into individual staff performance reviews does not align with the focus of the subgroup, as set out in paragraph 3 of the Introduction, as being to “assess “staff accountability” and performance at the service delivery, departmental, or organizational level, and **not** at the individual, personnel level” (emphasis added). Given that individual performance reviews are frequently conducted to coincide with assessments on pay increases and bonuses, and that they can be expected to also be taken into account in relation to promotion prospects and disciplinary proceedings, this gives rise to a number of considerations, concerns and risks, including the following:

- (i) ICANN staff are not employed by the community, but rather by ICANN Organization. It is the ICANN Organization, therefore, which sets individual priorities, team staffing levels, and allocates resources. Whilst there should be organizational accountability for this, members of the community, sitting outside of that structure, may not be in a position to know if a perceived failure by a staff member is a personal failure of theirs, or whether it is due to the systems and processes that they are obliged to work with. This was presumably the reasoning behind the subgroup’s stated focus as **not** being at the individual, personnel level. Nevertheless, the feedback would form part of an individual’s personnel record and impact on them personally.
- (ii) Any system of community input would need to build in robust mechanisms for investigating the veracity and fairness of the feedback. If claims from the community are not investigated, then there is the risk that employees will not have a fair hearing. Feedback provided by

community members could arise out of an individual personal issue, difference of opinion, or, at worst, malice. In the worst case, this could leave a community input process open to abuse by community members, including the potential for bullying of staff, and could have the effect of deterring staff from acting in a neutral manner because they are concerned about the feedback that they will receive.

- (iii) Given the importance of all parties being able to present their version of events to ensure fairness, this may not be a process which is best suited to the timing of a formal biannual, or even annual, performance review. Performance reviews tend to be conducted at set times of year, and usually under fairly inflexible timelines. This may not be the best opportunity to properly investigate an issue of concern.
- (iv) It is also noted that other mechanisms already exist for the community to raise concerns within ICANN, including speaking to a staff member's manager, either informally or formally, or raising the matter with the Complaints Office and Ombudsman. While Issue B identifies the need for "less formal or alarmist" reporting mechanisms and a desire for a "safe forum for expressing concerns", it is unclear how having the community input into the formal performance review of a staff member would satisfy this.

Thank you for considering these points.

Yours sincerely,

Susan Payne
Head of Legal Policy
Valideus Ltd

28-30 Little Russell Street
London WC1A 2HN
T: +44 7421 8299 W: www.valideus.com



12 January 2018

Comments on the CCWG-Accountability-WS2 Staff Accountability Draft Recommendations October 2017

Valideus provides new gTLD consultancy and registry management services to prospective and existing new gTLD registry operators. We co-ordinated over 120 applications for new gTLDs on behalf of a number of applicants all of whom are owners of global brands.

We appreciate the thoughtful work of the subgroup in seeking to identify issues and concerns relating to ICANN staff accountability and welcome the opportunity to comment on the resulting draft recommendations contained in the *CCWG-Accountability-WS2 Staff Accountability Draft Recommendations*. We would like to comment on the following specific recommendations:

Recommendation 2ai

The proposed “regular information acquisition mechanism” may be helpful. There is a natural tendency to recollect and report on a bad experience far more readily than a good one. Consideration should be given as to how an information acquisition mechanism can be developed in a way to encourage the capture of the positive and not just the negative. This would ensure that ICANN Organization is aware of what is working effectively, and what is not working and may require change.

Recommendation 2c

We have concerns about this recommendation, which would encourage “people managers of community-facing staff [to] seek input from the appropriate community members during the organization’s twice-annual performance reviews”. Absent great care in the development of such an input process, and in the treatment and weight given to such community input, this has the risk of serious unintended consequences.

We note that this recommendation to seek input into individual staff performance reviews does not align with the focus of the subgroup, as set out in paragraph 3 of the Introduction, as being to “assess “staff accountability” and performance at the service delivery, departmental, or organizational level, and **not** at the individual, personnel level” (emphasis added). Given that individual performance reviews are frequently conducted to coincide with assessments on pay increases and bonuses, and that they can be expected to also be taken into account in relation to promotion prospects and disciplinary proceedings, this gives rise to a number of considerations, concerns and risks, including the following:

- (i) ICANN staff are not employed by the community, but rather by ICANN Organization. It is the ICANN Organization, therefore, which sets individual priorities, team staffing levels, and allocates resources. Whilst there should be organizational accountability for this, members of the community, sitting outside of that structure, may not be in a position to know if a perceived failure by a staff member is a personal failure of theirs, or whether it is due to the systems and processes that they are obliged to work with. This was presumably the reasoning behind the subgroup’s stated focus as **not** being at the individual, personnel level. Nevertheless, the feedback would form part of an individual’s personnel record and impact on them personally.
- (ii) Any system of community input would need to build in robust mechanisms for investigating the veracity and fairness of the feedback. If claims from the community are not investigated, then there is the risk that employees will not have a fair hearing. Feedback provided by

community members could arise out of an individual personal issue, difference of opinion, or, at worst, malice. In the worst case, this could leave a community input process open to abuse by community members, including the potential for bullying of staff, and could have the effect of deterring staff from acting in a neutral manner because they are concerned about the feedback that they will receive.

- (iii) Given the importance of all parties being able to present their version of events to ensure fairness, this may not be a process which is best suited to the timing of a formal biannual, or even annual, performance review. Performance reviews tend to be conducted at set times of year, and usually under fairly inflexible timelines. This may not be the best opportunity to properly investigate an issue of concern.
- (iv) It is also noted that other mechanisms already exist for the community to raise concerns within ICANN, including speaking to a staff member's manager, either informally or formally, or raising the matter with the Complaints Office and Ombudsman. While Issue B identifies the need for "less formal or alarmist" reporting mechanisms and a desire for a "safe forum for expressing concerns", it is unclear how having the community input into the formal performance review of a staff member would satisfy this.

Thank you for considering these points.

Yours sincerely,

Susan Payne
Head of Legal Policy
Valideus Ltd

28-30 Little Russell Street
London WC1A 2HN
T: +44 7421 8299 W: www.valideus.com