WS2 Staff Accountability
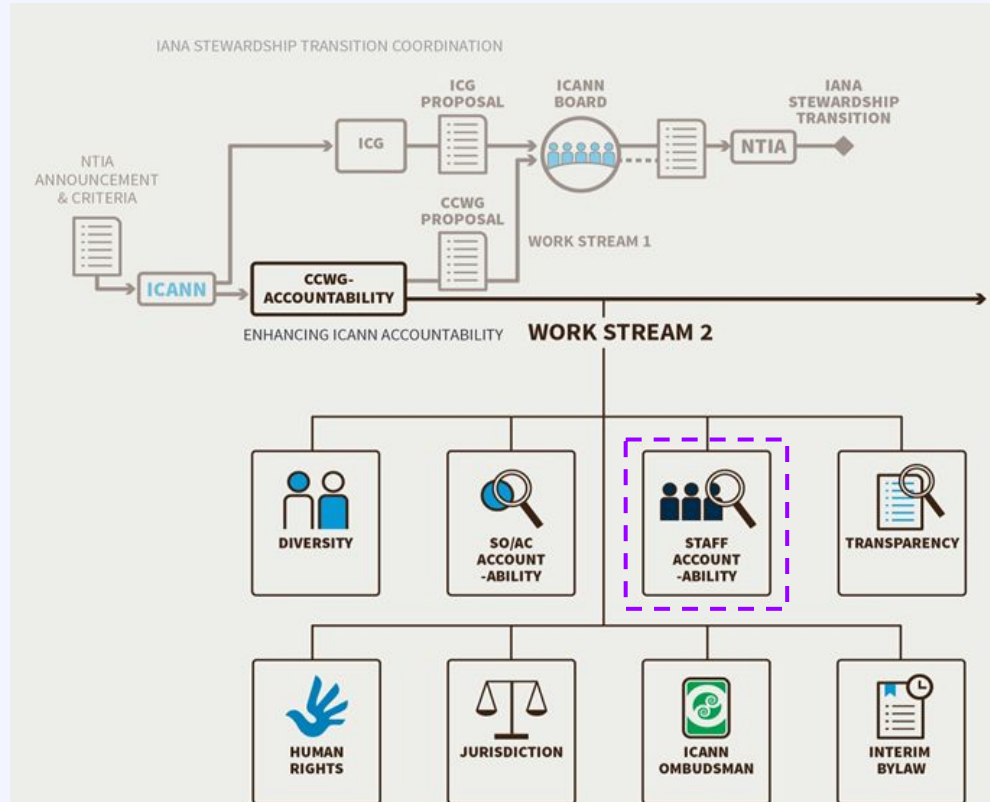
18 Aug 2016

Agenda

- Agenda Review
- SOI / Participation / Observation
  - List of participants at https://community.icann.org/display/WEIA/Staff+Accountability
- How is Sub Group situated within WS2 Accountability work
- The WS1 mandate for WS2 Staff Accountability
- Walk through of issues to be worked on
- Scheduling the meetings, doing the work
- AOB

WS2

Also:
- Review of CEP
- Community guidelines Board review/removal process
- IRP remaining issues

3

Role of Rapporteur

- Coordinate work of the subgroup
- Ensure subgroup stays within its « mandate »
  - CCWG Supplemental Report has framed each issue (background papers will be provided)
- Provide regular, neutral reports on proceedings to the CCWG
- Liaise with co-chairs and other rapporteurs as appropriate
- Ensure requests for legal advice (if any) are adequately documented and necessary

WS2 Deliverable

Executive summary

Description of issue

- Current state of play
- Supplemental Report

Recommendations

- requirements for recommendation (no wordsmithing expected)
- Rationale for recommendation

Assessment of recommendations

- How do the recommendations meet the "NTIA criteria" ?
- Are the recommendations compliant with WS1 recommendations ?

Subgroup working methods

Subgroup(s)

Given the small size of the subgroups and the specificity of the work each is undertaking its proposed that the subgroups meet via teleconference for one (1) hour on a weekly schedule. The majority of subgroup work is expected to be through written submissions using the subgroup mailing list.

Role of Staff Support

Staff support will participate on each subgroup's one (1) hour meeting to capture action items, however each group will need to be prepared to manage their own draft document development. Once the subgroup has submitted their agreed draft for CCWG Plenary consideration, staff support will assume document management on behalf of the CCWG.

Reporting

Reporting to the CCWG-ACCT

- Documents for consideration by a subgroup or the full CCWG-ACCT should be available at least 24 hours prior to a meeting to allow for proper consideration.
- It is requested that the rapporteurs for each subgroup prepare a written update for the full CCWG-ACCT to consider at its each of its meetings.
- Subgroups should be able to provide the CCWG-ACCT with a draft work plan and schedule within a month of the first subgroup meeting. This is necessary to ensure there are adequate resources available to meet the needs of the subgroups and the overall budget and timeline.
- If subgroups require legal advice that they will have to prepare a formal request clearly stating the question that needs to be answered and why legal advice is required. Once these are approved by the Legal Committee, and the Co-Chairs the request will be forwarded to the appropriate external legal counsel for a response.

Decisions

- The CCWG-ACCT as a whole (members <u>and</u> participants), as is current practice, will approve any of the subgroup recommendations.

  - As per its usual practice the CCWG-ACCT will not make any final decision on subgroup recommendations at a single meeting (two reading rule).
  - Most, if not all, CCWG-ACCT recommendations on these topics will also require at least one 40-day public consultation per topic. As such the subgroups are charged with providing written draft recommendations to the CCWG-ACCT for its consideration.
  - Only when the subgroup recommendations are approved by the CCWG-ACCT can they be posted for public consultation.
  - The CCWG-ACCT will consider the comments and decide if another public consultation is required before accepting any final recommendations.

Purpose of Staff Accountability

From: Annex 12 Committing to Further Accountability Work in Work Stream 2

In general, management and staff work for the benefit of the community and in line with ICANN's purpose and Mission. While it is obvious that they report to and are held accountable by the ICANN Board and the President and CEO, the purpose of their accountability is the same as that of the organization:

- Complying with ICANN's rules and processes.
- Complying with applicable Bylaws.
- Achieving certain levels of performance, as well as security.
- Making their decisions for the benefit of the community and not in the interest of a particular stakeholder or set of stakeholders or ICANN the organization alone.

Task of WS2 Accountability

From: Annex 12 Committing to Further Accountability Work in Work Stream 2

Having reviewed and inventoried the existing mechanisms related to staff accountability, areas for improvement include clarifying expectations from staff, as well as establishing appropriate redress mechanisms. The CCWG-Accountability recommends as part of its Work Stream 2:

- The CCWG-Accountability work with ICANN to develop a document that clearly describes the role of ICANN staff vis-à-vis the ICANN Board and the ICANN community. This document should include a general description of the powers vested in ICANN staff by the ICANN Board of Directors that need, and do not need, approval of the ICANN Board of Directors.
- The CCWG-Accountability work with ICANN to consider a Code of Conduct, transparency criteria, training, and key performance indicators to be followed by staff in relation to their interactions with all stakeholders, establish regular independent (internal and community) surveys and audits to track progress and identify areas that need improvement, and establish appropriate processes to escalate issues that enable both community and staff members to raise issues. *This work should be linked closely with the Ombudsman enhancement item of Work Stream 2.*

Issues to be worked on (1)

- Work with ICANN to develop a document describing respective roles and responsibilities for Board, Community and Staff.
- Consider a package of actions:
  - A Code of Conduct for staff
  - Transparency criteria
  - Training and staff KPAs
  - Independent surveys and audits of staff / community engagement
  - Escalation processes (link to Ombudsman work)

Issues to be worked on (2)

- Consider and understand case studies
    - Dot Registry LLC v ICANN
    - Respect for the bottom up multistakeholder policy process
    - Policy v Implementation tensions?
    - Whistleblowing protections? (Liaise with WS2 Transparency)
- Issue of staff participation in Sub Group

Doing the Work

- Staff paper expected late this week / early next
- Background notes - open for comment and suggested
  https://v.gd/ws2_staffacct_notes
- Work online as much as possible
  - Email List
  - ICANN wiki
  - Shared online documents, e.g. like the background notes
  - Other? E.g. ongoing group chat? Tools like Slack?
- Fortnightly calls?
- How long will the work take
  - Draft for CCWG by ICANN 57 - Hyderabad?
  - Draft for CCWG by ICANN 58 - Copenhagen?

Schedule details

Draft by Hyderabad

Simple/Lighter topics
- June 2016: sub-groups agreed, commence work on docs for public input
- Aug 2016: first discussion with CCWG
- Sep 2016: refining work
- Oct 2016: CCWG agrees for public input
- 20 Oct-30 Nov: Public Input comment period
- Dec 2016: Analyze public comment staff/subgroups
- Jan 2017: Sub-groups refines and revises output
- Feb 2017: CCWG agrees final Output for considera<on by community FOR ADOPTION at Copenhagen

Draft by Copenhagen

Complex Topics – Intermediate/Long Term
- Jun 2016: sub-groups agreed
- Sep-Oct 2016: first discussion with CCWG - iden<fies whether and how to update community at Hyderabad
- Nov-Dec 2016: second discussion with CCWG (first SUBSTANTIVE)
- Jan 2017: refining work
- Feb 2017: CCWG agrees docs for public input
- 1 Mar to 10 Apr: Public Input comment period
- Apr 2017: Analyze public comment staff/ subgroups
- May 2017: Sub-groups refines and revises output
- May/Jun 2017: CCWG agrees final Output for considera<on by community

Resources

- SubGroup Wiki Page

  https://community.icann.org/display/WEIA/Staff+Accountability

- Mailing list

  ws2-staff_acct@icann.org

- Archive

  http://mm.icann.org/pipermail/ws2-staff_acct/

- Background Notes

  https://v.gd/ws2_staffacct_notes