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Intro

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.

ICANN has corporate policy on several areas. The Staff Accountability subgroup received copies of the following policies on 4 Feb 2017.

- Anonymous Hotline Policy v2 Oct 2016
  Purpose: The Organization is committed to the highest possible standards of ethical, moral and legal business conduct. Organization policies, including those entitled "Open Door," "Prohibition of Harassment," and "Fraud," provide employees, contractors and consultants (collectively for purposes of this policy only, employees, contractors and consultants shall be referred to as "staff members") with procedures for reporting work-related concerns.

- Confidentiality v2.1 Oct 2016
  Purpose: To define ICANN's policy for maintaining the confidentiality of sensitive and proprietary information of ICANN and of third parties that is in ICANN's possession. ICANN shall generally operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness as appropriate under the given circumstances. As a staff member, it is important to realize that ICANN possesses confidential and proprietary information regarding the conduct of its business that must remain confidential. Additionally, ICANN possesses proprietary and confidential information of third parties that rely on ICANN to keep such information confidential.

- Conflict of Interest Policy Staff v4 Oct 2016
  Purpose: To define ICANN's policy for staff members regarding conflicts of interest and the protection of ICANN's interests.
  A conflict of interest may exist when a staff member is involved in an activity or has a personal interest that might interfere with the staff member's objectivity in performing ICANN duties and responsibilities. Any such activities or personal interests or activities are prohibited unless formally approved in writing.

- Employee Conduct and Work rules V2.0
  Purpose: To define the Company's rules of conduct (work rules) in order to

ensure the efficient and orderly operation of the business and to protect the rights and safety of all employees.

- Equal Employment v2
  Purpose: To define the Company's policy for the equal opportunity and treatment of employees and applicants with regard to employment.

- Fraud v2
  Purpose: To establish guidelines for detecting and reporting any defalcation, misappropriation or other irregularities inappropriate to the normal operation of Company business.

- Open Door v2
  Purpose: ICANN has an Open Door policy that encourages employee participation in decisions affecting them and their daily professional responsibilities. Employees who have job-related concerns or complaints are encouraged to discuss them with their immediate supervisor or any other management representative with whom they feel comfortable to do so. ICANN believes that employee concerns are best addressed through this kind of informal and open communication. Ordinarily, employees should raise their concerns and/or complaints through the following procedure.

- Outside Business Activities v2.1 Oct 2016
  Purpose: To define ICANN's policy concerning staff members who own or operate a business and/or engage in other employment or engagement (including contracting or consulting work), whether paid or unpaid, while actively working with ICANN (collectively referred to as Outside Business Activities).
  ICANN desires to ensure that Outside Business Activities do not adversely affect a staff member's performance of his or her duties for ICANN, create conflicts of interest, scheduling problems, distractions, and other problems that could negatively impact ICANN's interests. Because of these concerns, Outside Business Activities, are generally discouraged (except for part time staff).

- Prohibition of Harassment v4 April 2016
  Purpose: To define ICANN's policy against unlawful harassment in the workplace.
  ICANN is committed to providing a work environment that is free of unlawful harassment. Workplace harassment violates ICANN's policy and is prohibited by various laws such as Title VII of the federal Civil Rights Act and state Fair Employment and Housing Act in the United States, and similar laws in other countries.

Code of conduct

Employee Conduct and Work rules

This 3 page document contains 30 rules that "could result in disciplinary action, ranging from oral and/or written warnings to suspension and/or termination of employment." these rules refer to the workplace, relation to superior, relationship with of staff members and gernal behavior. They make no mention so relations with community member or of a mulitstakeholder ethic in work behavior.

The ICANN Standards of expected behavior

The Standards of expected behavior is defined as holding for all ICANN participants, including staff. The Standards are defined as:

> *"Those who take part in ICANN multi-stakeholder process, including Board, staff and all those involved in Supporting Organization and Advisory Committee councils[1]*
>
> - ***Act*** *in accordance with ICANN's Bylaws. In particular, participants undertake to act within the mission of ICANN and in the spirit of the values contained in the Bylaws.*
> - ***Adhere*** *to ICANN's conflict of interest policies.*
> - ***Treat*** *all members of the ICANN community equally, irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age, or sexual orientation; members of the ICANN community should treat each other with civility both face to face and online.*
> - ***Act*** *in a reasonable, objective and informed manner when participating in policy development and decision-making processes. This includes regularly attending all scheduled meetings and exercising independent judgment based solely on what is in the overall best interest of Internet users and the stability and security of the Internet's system of unique identifiers, irrespective of personal interests and the interests of the entity to which an individual might owe their appointment.*
> - ***Listen*** *to the views of all stakeholders when considering policy issues. ICANN is a unique multi-stakeholder environment. Those who take part in the ICANN process must acknowledge the importance of all stakeholders and seek to understand their points of view.*

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[1] https://www.icann.org/resources/pages/expected-standards-2012-05-15-en

- ***Work*** *to build consensus with other stakeholders in order to find solutions to the issues that fall within the areas of ICANN's responsibility. The ICANN model is based on a bottom-up, consensus driven approach to policy development. Those who take part in the ICANN process must take responsibility for ensuring the success of the model by trying to build consensus with other participants.*
- ***Facilitate*** *transparency and openness when participating in policy development and decision-making processes.*
- ***Support*** *the maintenance of robust mechanisms for public input, accountability, and transparency so as to ensure that policy development and decision-making processes will reflect the public interest and be accountable to all stakeholders.*
- ***Conduct*** *themselves in accordance with ICANN policies.*
- ***Protect*** *the organization's assets and ensure their efficient and effective use.*
- ***Act*** *fairly and in good faith with other participants in the ICANN process.*
- ***Promote*** *ethical and responsible behavior. Ethics and integrity are essential, and ICANN expects all stakeholders to behave in a responsible and principled way.*

It should be noted that while including th staff in the obligations, it does not differentiate among staff, board and other stakeholders, referring instead to "all stakeholders" in the process.

Transparency criteria

In terms of internal staff documents, most are only available with special request/permission or through the DIDP process. The guideline on document transparency are currently the responsibility of the WS2 Transparency Subteam.

Another concern with Staff accountability concerns safe whistleblowing by ICANN employees. ICANN provides its employees with an Anonymous Hotline. The Anonymous Hotline Policy is being reviewed in the Transparency Subteam. An outside review is being commissioned. Once the result of that are published, this subteam should review them and decide whether anything further is required on the subject in regards to Staff Accountability.

Training

During onboarding, staff is also provided with information on all aspects of the organization, including the roles of the Board and the community. ICANN's strategic plans and the kpi's associated

with the plans, in addition accountability and transparency obligations are covered generally during the onboarding, and then any which may specifically apply to a staff person's responsibilities will be explained by their managers and/or addressed in regular department meetings. Additional training is periodically provided on the best practices in many areas, such as managing people, interpersonal communication and facilitation.[2]

There is also the ICANN learn system which is in use to new volunteers. Need to determine to what extent this is used by staff and whether it should be expected?

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KPIs re staff relationships with stakeholders

ICANN maintains a dash board for KPIs[3]. These do not cover the issue of staff relationship with stakeholders, though the relationships are an integral part of meeting the goals. Possibly relevant are the KPI 5.2 Promote ethics, transparency and accountability across the ICANN community, and 5.3 Empower current and new stakeholders to fully participate in ICANN activities

Independent surveys and audits

Escalation processes (incl Ombudsman, Complaints Officer)

Currently the Ombudsman can be brought into any issue where a stakeholder has concerns a situation where they have been treated unfairly. The Ombudsman can recommend action, but at this time has no enforcement powers. A separatesperate group in WS2 is currently working on new definition of Ombudsman scope. The current scope does not permit issues to be brought to the Ombudsman office by

At this point there are still more questions about the role and powers of the new Complaint Officer position than explanations, though the job posting[4] offers some indications.

Job Description

The Complaints Officer will be responsible for receiving, investigating, responding, resolving, and reporting on all complaints about the ICANN's organization's effectiveness.. The position will serve as a dedicated resource

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[2] Responses

[3] https://www.icann.org/progress

[4] From Complaints Officer job Description
https://chj.tbe.taleo.net/chj06/ats/careers/v2/viewRequisition;jsessionid=F8649222198C7014FE6159E81631E5F6?org=ICANN&cws=37&rid=1082

to track, analyze, and report on the resolution of such complaints in order to assist in continuous improvement of ICANN as it performs its mission.

Key Responsibilities

- *Responsible for receiving, investigating and responding to complaints about ICANN's effectiveness as an organization, and will be responsible for all complaints systems and mechanisms across the ICANN organization.*
- *Coordinate with ICANN's other complaint-handling mechanisms to minimize any duplication or gaps, and ensure that all complaints are being handled across ICANN's functions..*
- *Develop and implement policies and ensure continuous improvement for the handling of complaint mechanisms across the ICANN organization.*
- *Ensure that complaints and particularly those of community members regarding systemic issues concerning the effectiveness of the organization are heard, reviewed, analyzed and resolved as appropriate.*
- *The Complaints Officer will attempt to resolve complaints about the organization's performance using methods including fact-gathering, analysis, investigations, informal mediation, shuttle diplomacy, other dispute resolution mechanisms where appropriate, and will make recommendations for further organization, Board or community consideration.*
- *Ensure that the process for making complaints is easy to access and understand, particularly for members of community that may require additional assistance or different approaches such as people with culturally diverse backgrounds.*
- *Manage the complainants' expectations by explaining the complaint handling process, what the organization can and cannot do, the timeframes for dealing with the complaints and when they might expect a response.*
- *Ensure responses and outcomes of complaints are recorded, filed and reported to management and monitor implementation of remedies and actions to improve practices.*
- *Analyze complaints to identify recurring issues and trends and report these to management to assist with organization's continued efforts in improving its effectiveness.*
- *Keep information relating to complaints confidential as needed, while acting in an open transparent and accountable manner.*
- *Deal with complaints in an equitable, objective and fair manner.*

Assesses current/planned measures in place

Describe any proposed Changes / Clarifications

Describe any activities that should be started/continued/stopped

- Discuss mechanisms by which issues can be noticed and discussed between the community and the staff before they become problems and complaints.
- Institute a pattern of informal social/discussion gatherings among participants in the various community processes and the staff members who support them. These could be similar to the 'fika'[5] currently being introduced by the new CEO for the staff and management.
- Institute discussions between relevant community members and management in preparation for reviews of community facing staff.

Recommendations

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[5] from https://en.wikipedia.org/wiki/Fika_(Sweden) "The work *fika* is an important social event where employees can gather and socialize to discuss private and professional matters. It is not uncommon for management to join employees and to some extent it can even be considered impolite not to join one's colleagues at *fika"* ref: Paulsen, Roland (2014) *Empty Labor: Idleness and Workplace Resistance*. Cambridge University Press, Cambridge. ISBN 9781107066410; p. 90 [1]