
RECORDED VOICE: This meeting is now being recorded.

SEBASTIEN BACHOLLET: Thank you very much and welcome to this 18th not counting the meeting we had in Copenhagen, of this subgroup, the ICANN Ombudsman Office. I am Sebastien Bachollet, the rapporteur of this subgroup and I want to thank you for your participation, because it's not often that we need to have a call so short after the end of the ICANN meeting. With the deadline of the timing we have I thought it would be better to have this call today, and really thank you very much for participating today. Do we have people who are not on the Adobe Connect room, and be recognized, who are just on the phone?

DEBRA RUSSELL: Yes, I've just dialed in by phone, Sebastien.

SEBASTIEN BACHOLLET: It's Debra? Yes?

DEBRA RUSSELL: Yes, that's right.

SEBASTIEN BACHOLLET: But you don't have Adobe Connect, you don't have the presentation? You can't see the presentation?

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DEBRA RUSSELL: No, I'm sorry. I didn't realize there was a presentation tonight.

SEBASTIEN BACHOLLET: There is a presentation. Doesn't matter, do you want us to send you the document? Like that, without going to Adobe, you can have a look at? Or you don't have your laptop with you? Or your...?

DEBRA RUSSELL: I have my laptop, if you're able to do that conveniently, that would be terrific, thank you.

SEBASTIEN BACHOLLET: Okay, then I will try to do that in parallel of what I am trying to do now. And the suggested agenda is on the screen. I will try to forward to Debra the presentation. Okay, the proposal for this today call is to have participation and dashboard quickly, we can go through the external review of the ICANN Ombudsman's Office. Feedback on what's happened from the reviewer in Copenhagen ICANN 58, which members of the committee were already interviewed and one we think that it could be useful to be. And then discuss the timeline and more specifically the timeline for the survey.

Then I would like to give you some information on what's happened in Copenhagen regarding the ICANN complaints office, discuss the next meetings, and any other business. Any additions, questions on this agenda?

Okay. If not, let's go to the first part. Debra, I think I have sent the mail to you, then you may be able to get the presentation. Just a short about the participation in our team, as I say during the Copenhagen feedback to the [inaudible] session, one third of our so called active participants participate to more than one sub of our meeting.

And I don't know what to do, but I think that this sub -- in fact the people here today, mostly we are the real active participants. There are less, less active. But thank you to be here once again. And just to show where we were on the work done end of February, how things are moving with the reviews in the next months, as the dashboard will be very different, but one second, I was thinking that it could be useful for you to have a look to that.

Okay, now let's go the external review of the ICANN Ombudsman Office, and I would like to give the floor to Debra. In the presentation I just keep because I am not sure that everybody gets this information and the information about who's the staff retained as the outside reviewers, and it's Cameron Ralph, Julio and the two reviewers are Philip Couris and Debra Russell. And Debra is with us today and I guess I will give you the floor immediately, if you can give us a feedback on what was your impression, your main findings, what you want to tell us about your interaction with ICANN during the Copenhagen meeting.

DEBRA RUSSELL:

Well, we felt that the time spent in Copenhagen was extremely valuable and we got a much better sense, both of the ICANN organization and community and also particularly the Ombudsman's Office and how it

had evolved over the period since 2004, when it was established. We met with as well as the sub team of course. We met with I think it was about 15 people individually, and people were very generous with their time and very open and very helpful to us. We heard quite a range of views, and clearly the people that we spoke to some of them had interacted directly with the Ombudsman's Office and some hadn't.

It was terrific to hear people who had direct experience of matters being referred to the Ombudsman's Office, and some of those experiences were very satisfactory experiences and some were not quite as satisfactory. And that was all extremely valuable. We also spent a lot of time with the Ombudsman, the current Ombudsman, herb Waye. Is he on the phone actually at the moment? 'Cause he's part of this sub team, isn't he? And he's--

HERB WAYE: Yes, I'm here, Debra.

DEBRA RUSSELL: Yeah, well Herb was very, very good to us and I think we saw him pretty much each day that we were in Copenhagen, so that was terrific and so as we heard from other people that sort of enriched us both our questioning and we got far more out of what Herb had to say. And particularly on the last day, Herb took us through some of the specific cases he had and showed us the correspondence from either different part of the organization and the correspondence back.

So, all of that really started to give us a much, much better sense of the sort of matters that are coming to the Ombudsman's Office and the value that the Ombudsman's Office can offer. So, all of that was terrific. We will speak to some additional people we didn't manage to catch up with General Council we did speak to Sam, but we didn't, and that was only fairly brief and we do have a list of questions for John and so that is going to be arranged.

And it was suggested to us and we agreed that there would be benefit [unclear] to the previous Ombudsman, so we're going to try and organize that, and put that to Lars. And Lars is I think also thinking about who else we might speak to and Sebastien was kind enough to offer us some names and so we're just thinking through that and checking to see what coverage we've had of the community so far.

The next stage of inquiry and involvement of the community will be through a survey? So, we've been putting together some questions, and that we're proposing to put out, and we're talking to Lars about the mechanics around that, how we release the survey and how we try and ensure that that's targeted successfully so that we get a reasonable level of responses, in the timeframe and all that sort of thing.

So, that's what we're working on, we're not waiting for those things to happen, we are also starting to type up our thoughts, coming out of the meetings that we've had, and through the insights we've had through Herb of what's involved in the Office and thinking about the experience the way in which other Ombudsman go about their roles. I mean, as I think we've mentioned to you before, we don't think it's a one size fits

all, it's very much a case of shaping an Ombudsman function to the needs of the organization, that's really the challenge.

But there is always some things to be learnt from other experiences as long as they're thoughtfully applied so we've been encouraged by people to put a range of models, so we will try and provide some more insight around either how Ombudsman offices are structured and their powers, and how the model does operate in different environments. And then, provide our recommendations about how to take the office to the next stage of its development. So, that's really where we've got to at the moment. I'm very happy to take questions and comments and advice?

SEBASTIEN BACHOLLET: Yes, thank you, Debra. Sebastien Bachollet speaking, we have two persons on the queue and then I really think that we need to speed the discussion and feedback from Copenhagen, then we will go to the list of persons you already spoke with and the list of possible additional people to speake with, and then we will discuss about the survey and more specifically about the timeline. But I have Lars and then Asha. Please, Lars, go ahead.

LARS HOFFMANN: Thank you Sebastien, this is Lars for the record. Can you hear me okay?

SEBASTIEN BACHOLLET: Yes, good.

LARS HOFFMANN:

Wonderful, thank you. Just two quick points, thank you, Debra, for the great overview. Just to clarify for the record that we work with Cameron Ralph together and the names we worked with Debra were the interviews that, you know, Sebastien, they came from you and you saw from the list who they have spoken to, to this point. We have actually calls scheduled for later this week, Wednesday, Thursday, depending which continent you're one, for us from the Admin side team to speak to Debra, and Phil and we will go through [inaudible]. I'm going to take notes about the names you gave me in Copenhagen already and others that reach out as well including Asha as well, obviously, and we'll set that out and we can maybe share a list of people who we've fixed interviews with on list with the team here.

And then another point, just very quickly on the survey, we're looking forward, obviously to the discussions on this call. But I'd just like to reassure, well, not reassure, but just inform the sub team that from our perspective, from the MSSSI perspective we would treat this as any survey that goes out during what we call class organizational reviews, so we will work with various mailing lists, the ICANN announcement page, we would very, very much encourage all of you, when it comes to it, to reach out to your peers which is always much more effective than an email going on the mailing list, it's much better if you reach out to individuals with a link to the survey. But I will reiterate that when the time comes around. Thank you.

SEBASTIEN BACHOLLET: Thank you Lars. Asha? Please, go ahead.

ASHA HEMRAJANI: Hello, can you hear me?

SEBASTIEN BACHOLLET: Yes, I can.

ASHA HEMRAJANI: Yes, thank you. Thank you, Sebastien. So, I just wanted to say I was happy to hear that Debra mentioned that it's been recommended that she speak with the previous Ombudsman, and I recall that when we met in Copenhagen, I had suggested also that if you get the chance to read the PhD thesis for ICANN's first Ombudsman, Doctor Frank Fowley, then if you have the chance to meet with him, that also might be good. But that might be a little difficult but it might be worthwhile to try. I've forgotten his name when we met in Copenhagen, but I managed to dig it out. Frank Fowley. Thanks.

DEBRA RUSSELL: Good, thank you. And we haven't forgotten, you're still about looking at his PhD thesis and we talked about that, and I think we've got access to that already.

SEBASTIEN BACHOLLET: Good, thank you very much, all. Any other comments, questions? Then, as you start already to discuss that, let's go to the next slide and I

have not a complete list, because I didn't with JJ for example, then you have here the one who gets all of this through interviews and I add names who ask me to be on the list or I think it could be useful.

And I would like very much that anyone who wants to give feedback to Evan add name, or say this one is not useful, or whatever. Could be a good time to do that, and please keep that -- I don't know if we need to publish it, I need to think about that, but just keep that for you for the moment and we will see if we publish it in the report. I think it will be better if it's only published when we will have the report of the reviewer and to do it now, just not too full names, like that.

But your feedback will be welcome on that list, and to be sure that the green ones are the ones who have already met with Debra and Phil and orange ones are the ones who are willing to, or who can do, or we think that it will be useful.

Any comments, questions? Additional? No. Then, in addition to this one, then there is John Jeffrey and it was said before, if in the next two days you have other ideas, additional names, just feel free to send it to Lars or myself and we will figure out. Then, let's go to the next slide. Lars, please, go ahead.

LARS HOFFMANN:

Sorry, I thought my hand was up. Just a quick little note, if that's okay with you, Sebastien, I just want to check in what ICANN was, is once we have the list, that includes additional suggestions from you and the team, the sub team, I also wanted to do a quick overview of which SO/ACs and stakeholders and constituencies, the interviewees come

from, that's something that Cameron Ralph is going to take them much longer than it would staff. And then, just to redistribute, circle back with you just to make sure we've got them, it's never going to be fully representative. But then we make sure we have a good overview from all different corners of the ICANN community.

SEBASTIEN BACHOLLET:

Yes, Lars, good point. I guess it's not on this slide because it was coming to be too much information, but if we add for example the rapporteur Wayne that come from we will get a good sense of where we are in mapping the organization as it is, so I have the impression that we are not too bad, but we need to check out that in more detail.

One of the questions is that we need to reach out also to SSAC, RSSAC, because my feeling is that we get almost all SO and ACs, but we need to check on that. Then one of my questions is that about SSCAS and RSSAC, and the technical people, if we need to reach out to them, will be good to know, for the moment there is nobody from those part of the organization.

Okay, thank you for your feedback. If you have any additional points, just send us through the mailing list, or to Lars or myself. Thank you. Now, the question is the schedule where we are, I suggest that Lars, if you can, tell us where and when we will have to review the survey and then when the survey will start to be distributed and how long time it will be open for answer, what is the plans for today? Or for now?

LARS HOFFMANN:

Thank you, Sebastien. This is Lars for the record. I think the timeline as ambitious as it is, we still would like to work along with little road here, with the caveat that we appreciate that the Workstream 2 effort due to other factors may be extended, and if that is the case, I think it would be very useful to maybe have a meeting and meet as soon as possible afterwards with the subteam here, and then discuss how that impacts the work also with Cameron Ralph.

Obviously when we, and Debra can speak to that, too, no doubt, when we initially contracted Cameron Ralph and we discussed the tight deadline and we also mentioned to them that it may be possible that the process might be drawn out, potentially to the benefit of getting extra people to be interviewed or extending the survey. And times that people can respond to make sure they really have all the information they need to draw up the contract.

As for the survey itself, Debra and Phil have worked on this already and we expect that we are going to share a version with the sub team for their, or for your, rather, for your review in the middle, towards the end of this week.

And then, we will work with Debra and Phil to get the survey published and to advertise it, hopefully early next week. On a quick side note, we also reached out to the translations department of ICANN, or the language service department I suppose it's called, to make sure that the survey is also going to be available in Spanish and French and we will also work with them to have any free text answers translated for Debra and Phil, to make sure that nothing gets lost.

And we also will work with the language service to ensure that the responses will remain anonymous and there is no way that either the translators or we as staff can identify who has responded to them. We worked with Phil and Debra on that, and formally under exec process, if you would like to know. Thank you.

SEBASTIEN BACHOLLET: Thank you, Lars. Any comments, questions? [AUDIO BREAK] Okay, if not, we will wait with great interest the first draft of the survey and we will try to work as diligently as possible to give you feedback and allow next week starting of the survey. Okay, I see that we have Asha and Lars. And please, Asha, go ahead.

ASHA HEMRAJANI: Thank you, Sebastien. Sorry, Lars, if I missed this and if you had mentioned already. Did you mention the target date is for releasing the survey and the deadlines for the survey?

LARS HOFFMANN: Thank you, Asha. No, I had not mentioned the date. It's because of the technicalities involved, I'm hesitant to give you a firm deadline, what I can promise you is we're looking at the very latest Monday or Tuesday next week that's kind of what we're working off. But as soon as we have all the ducks lined up, and also, sorry with the caveat, obviously, this also depends on the feedback from the sub team here on the questions, so that's why I raised my hand in the first place.

I would encourage the group to think, maybe even on this call already, whether you want to provide feedback on lists, and whether you want to pose yourself a deadline just putting it out there, so three, four, five working days after you receive the draft or whether it be more beneficial to schedule, I don't have the timetable in front of me, when the next call is.

But to maybe have a call next week, on Monday already, to potentially discuss the draft, whatever suits you best, but I think it would be good if we end the call with the way forward on that. Then Asha, it depends as I said, on the amount of time that the sub team needs, and then the time we need for the translation to be in place. But we expect this to be happening next week at some point, I hope that's okay for a deadline at this point. Thank you.

SEBASTIEN BACHOLLET:

Thank you, Lars. As you can see, the next call will be exactly in one week, and depending on when you will send the draft of the survey, we will try to do our best to be ready for a next call. And if we don't give feedback before, we will try to do it during the call, to allow a new version, or that version, of the survey to be [inaudible] after the call next week. I guess it could be our goal, and we will see if it's working like that, but hopefully yes.

Okay, any other comments about the survey? As we are in a calendar, then you see that we have scheduled a weekly call, not next week. Next week will be the same times as this week. But after that, we will come back to our 3:00 slot time each week and just for a small joke, you see

the two yellow lines, and it's because it's the time off, no work day in my part of the world.

But I think it's important to keep as much as possible on track with each Monday, then we will do it the 1st and 8th of May. Okay, then, I guess we are done with the survey. And I would like to go to the next items, it's little snapshot on the ICANN Conference Office, and as you have seen the mail, I tried to give you the last latest information, there are two documents. One it's a publication on the website, the ICANN website, about the arrival of the new complaints officer.

And the second document it's an explanation given by John Jeffrey during the open forum in Copenhagen explaining what will do the ICANN complaints office. It's also to include that in our work, when way or another. I was not intending to have in depth discussion here, just to be sure that everyone gets this information and that we can be on the same page, even the ones who didn't travel to Copenhagen or the ones who didn't participate to the public forum, for example.

Any questions? Remarks? Okay. If not, I guess we can go to calendar, but we have already done that. Then, I would like to go to any other business. Have you any other business? Okay, I just need to tell you that I have two any other business, but I would like to start with yours, please, go ahead.

HERB WAYE:

Yeah, merci, Sebastien. But there's just one thing that maybe we could add to a future meeting once I get a little bit more information, is the new role of Harassment Officers or Anti-Harassment Officer, that I've

taken on, and it might be something worth taking maybe 10 or 15 of the next sub group meeting, to discuss.

By then, I will have spoken to a few key people with ICANN, to determine exactly the best way moving forward, but at the same time it's critical that we potentially get some input from the sub group, as this is kind of a fait accompli, it's been taken care of, it's been done. And now I must determine the scope and the process moving forward. So, just wanted to put that to the group. Thank you, merci.

SEBASTIEN BACHOLLET:

Thank you, Herb, it was one of my first points to have that in our mind, to discuss in one of our next meetings. For the moment, I didn't find a transcript of the public forum meeting in Copenhagen and I didn't find the resolution, then I was just able to see the resolution on the screen during the ICANN meeting. And it was just a few minutes and I really think that we will need to have a discussion more or less in depth, depending of what it's really on the resolution. But I definitely agree with you, Herb, that it must be one of our topics for one of our next meetings. Thank you.

And to answer the question of Avri: has the final harassment policy been published yet? That's a very good question, and it adds to the fact that in addition to no transcript and no resolution yet published, I didn't see the final harassment policy vote by the Board being published. And as some of us are people who made comments during the public comment period, it will be useful to see where we are compared really

with comments, and it's another point to be taken into account. But maybe not just in this group, but more generally.

I hope that all that will be published soon, but it was not done before this call, unfortunately. The rules are for the eight hours working day, and I imagine that it will be published by tomorrow, when we are another -- Okay, any other comments? Avri, you want to take the floor, to say what you are writing? Or you want me to read it? Over to you, Avri.

AVRI DORIA:

Hi, this is Avri. I finally found my microphone. It really doesn't have to do that much with the Ombudsman work we're doing. So I'm not sure how relevant it is. But I was noticing that it was just interesting to see them vote on something when we couldn't see the text, couldn't comment on the text in the forum, and hadn't seen whether they took anybody's comments into account. So I was just noting that it was a strange event. Thanks.

SEBASTIEN BACHOLLET:

Thank you, Avri. Okay, I guess we will discuss this topic hopefully next week, if we have time after the discussion on the survey with the document published and the resolution will be quite interesting, I am sure. Thank you.

If there is no other comments. Herb, is this a new hand or it was your hand when you wanted to talk about the Anti-Harassment policy? Okay, thank you. And last, any other business, it's to remind you that as

much as possible, if you have elements from the subgroup you are liaison with us, with the Ombudsman subgroup, it would be useful to bring any questions or information we need to take into account.

It's particularly important because it will help the reviewer to get also those information right now. Even if the work from the other subgroup is not yet finalized, it will be very useful for everybody.

And with that, I would like to know if there is any last comments or questions? [AUDIO BREAK] If not, I would like once again to thank you very much all for your participation, especially with a social delay after the end of the ICANN meeting in Copenhagen, and hope to see you all and eventually other people at our next call in one week, where we will talk about the survey as the main issue, and maybe about the Anti-Harassment policy resolution. T

Thank you very much, and have a good week, and take care. Bye-bye.

MULTIPLE SPEAKERS: Thanks. Bye, everyone.

[END OF TRANSCRIPTION]