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   >> SEBASTIEN: Hello, Sebastien speaking. Welcome, Debra
and Phil. Welcome all the others who joined. We will start in
one minute, give time for people to connect and --
   Sebastien speaking, let's start the recording. Thank you.
Sebastien speaking and I am the Rapporteur of this group.
Welcome all of you. It is a restart of this group after two
weeks without call but a lot of work were done by our reviewer
for the ICANN Ombudsman's office. And the main part of this
call is to discuss with them their findings and to see where we
are and how we can organize for the next part of the work. And
I have not prepared any slides myself and you will not have your
usual slide deck, but one prepared by I guess both staff and
Phil and Debra. And I guess the roll call will be taken by the
issue room. Anyone just online? It is time to tell us. And as
you can see we have both recording but also the captioning of
this call. I'm sure that it will be a good improvement for all
our calls when using that tool.
   Anyone online not -- sorry, on the phone only? Okay. If not,
thank you very much. And let's go to the agenda item No. 2, and

I will give the floor, I don't know if, Lars, you want to introduce Debra and Phil's presentation or if they just take the floor. But Lars, the floor is yours.
    >> LARS HOFFMANN: Thanks. This is Lars. I think that Phil and Debra will have it from here. Thanks.
    >> SEBASTIEN: Okay. Thank you, Phil. Phil or Debra, it is your time and you run the show now. I will mute myself. Thank you. Go ahead.
    >> PHIL KHOURY: Thank you, Sebastien. It is Phil Khoury. I will walk through the slides and throw out to Debra from time to time and hopefully that will stop you all from getting sick of the sound of my voice.
  So where we are now is sort of in the middle of drafting a report. Some parts are done and some are not done. This is an opportunity for us to test the ideas with some people who are closer to the process. So that's the intention here. So we are looking forward to questions, feedback, anything that you think either makes or doesn't make sense in here. So I will proceed. Yvette, you have given me the control of the slides. So I will test that. Yes. Perfect.
  So look, the pack here really follows the structure of the report as close as we can. There is a little introduction, talk a little bit about our process. People on this hookup know all about the process. So we don't need to dwell on that but this is just letting you know what we expect to be in the report. There is a bit of a description under section 3 of the current situation. And we've put more in to that than we would normally do simply because we found there was so many people who didn't really have a complete picture of how complaints work and also how the Ombudsman's office works in, around ICANN. We are looking for your eagle-eyed proofreading to make sure we don't have things terribly wrong.
  In section 4 we are going to digress a little bit and talk about the Ombudsman's schemes out there and how they vary and the types of evaluation criteria that ICANN might use to apply to its Ombudsman's office. And then really by way of background. And so people kind of understand, you know, how you can choose to design your office and evaluate it.
  The fifth section has quite a bit of stakeholder feedback in it. The results from the interviews and the surveys and we got a good response from the surveys. And we have been able to use more information than we anticipated. And it has been good but it slowed us down a little bit. What would be a way of improving how the Ombudsman's office works and what are the complications around that. And finally to some draft recommendations. I will step through those now, but to explain those headings are loosely based on the report structure. So

our process which you are all pretty familiar with, will be just
set out in as briefly as we can manage in the report just to
make sure that people understand the extent to which we have
been able to engage as a community and talk to people and get
sort of meaningful feedback. We have done a little bit of a
literature search for comparisons and to do some analysis of how
the Ombudsman's office works, but this is not an academic paper
that's really trying to be as practical as possible. And you
will see that No. 8 on that slide is about the next steps which
is getting something we would like to test with you.

   Okay. So the current situation, we make a point that this is
quite a young, highly technical kind of frontier ecosystem. It
is not a stable environment with years and years of precedent to
guide it. It is evolving rapidly and complaints we follow those
changes. This is an environment in which there are many
complaints channels, and the Ombudsman is really a tiny fraction
of that whole system of ways in which people can complain about
ICANN related matters. And there are quite sort of different
dynamics to the different sources of complaints which we don't
think is well understood. We will provide a description of the
key futures of the current model and how it works and the
techniques used and what powers for investigation, for remedies
that are available to current Ombudsman and a observation that
we will make is that the office was originally conceived pretty
much as an internal Ombudsman, internal in the sense of internal
to the ICANN community. But applied to the mix of the ICANN
world that's not the perfect fit. We think these sort of
opportunities to now that there is some experience to adapt how
the Ombudsman is configured to fit ICANN a little better. We
will provide a little bit of data. Herb has been helping us
with numbers of complaints and that sort of thing that will help
people's understanding of how it works if you make any tweaks to
it. And the final thing is a dimension to the current
environment is that the ideas of people are coming up with to
use the Ombudsman's office as an honest broker in a number of
processes around ICANN.

   So we can talk about those in the report but again you guys
know all about that sort of thing. I won't dwell on it
endlessly.

   So what might -- the little diagram here shows an idea we want
to test with people about how to chunk up the types of
complaints that come to the Ombudsman's office. Now we worked
from complaints that we are aware of existing complaints but
also been thinking about what are -- logically what are the
types of complaints that might be made in this environment if
they haven't appeared yet or choose to admit them and get
additional complaints that are coming to the Ombudsman's office

currently out of jurisdiction. We have clumped up one under the
heading of governance. So that's around decisions made by
elected people or by community forums, constituent groups and
also we have included in that group other review mechanisms. To
some extent the Ombudsman's office can be used as an opportunity
to relitigate a matter but has been through another matter. We
have been asked to look at a decision that has been made or
conducted by what we are calling small G governance. We have
grouped that in to this one sort of setting. And there are some
issues that arise if you try and give an Ombudsman the power to
set aside a review, a decision that has been made by an elected
group or a group that holds sort of an electoral office.
   The second one that we have grouped is the corporation
complaints and these are generally service or operational
processes. ICANN staff conduct outward facing rather than to
each other. Decisions that are made by staff or by contracted
parties. Now there is tens of thousands of those and only a
fraction of those might come to the Ombudsman but they have a
different dynamic to them, different qualities than the
community complaints or the government's complaint.
   Finally is the community complaints and in this group we have
been really -- it is disputes between groups, disputes or
complaints about an individual within the ICANN community,
perhaps behave to each other with ICANN consultative processes
were fair or escalated disputes that have come up from within
ICANN, groups of ICANN members. Not members of the community I
should say more accurately. So look, we don't need immediate
reactions but most welcome but we will be asking you to have a
think about whether they logically make sense to you and whether
we have put the right complaints in the right buckets for the
purposes of discussion in the report.
   So I'm going to just move on. I'm not very --
      >> SEBASTIEN: Yes, I suggest that you go through your
presentation and then we come back to each slide at the end like
that so we will have a full picture of your sort. And then we
will be able to give you our feedback knowing everything you
want to tell us before we jump in to conversation if you agree
with that. Thank you.
      >> PHIL KHOURY: Agreed. Phil Khoury again. Let me go to
the next. So we looked briefly at the types of Ombudsman's
schemes and again not everyone is sort of fully familiar with
all of this that we spoke to. So we thought there was some
value in setting some of this out. But without turning it in to
a 400 page thesis. So we are trying to be as brief as we can
but at least sort of set out how different these sorts of things
work. We are also putting in some slides comparing the
different standards and criteria that people can apply in this

sort of space, depending on what sort of model Ombudsman you want to use in your particular environment. And so when you look at the standards Frank, the first Ombudsman, had a set of some 54 checklist sort of questions for testing whether an Ombudsman's office was meeting its mission. There are international standards, organization standards that apply to complaints handled internally and externally. Australia, New Zealand have benchmarks, the International Institute of Ombudsman have benchmarks and so on. And that's all far too complicated for the purposes of this. And we suggested a simpler model pulling from the relevant bits of other standards that could be just used to practically meet ICANN needs as a set of sort of evaluation criteria, but that all depends on how you design it in the first place. So that's by way of background. When we come to the stakeholder feedback, I might throw to you, Debra. Are you there?

        >> DEBRA RUSSELL: I'm just unmuting. Here we reflected on what we were told in interviews. And we had 84 community responses to the survey including three that were in languages other than English which we -- for which we obtained translations. We did find that there was useful information in this and we felt that we'd been quite successful in getting a good response to the survey, but nevertheless once you break down the survey responses in to different categories and look at, for example, complaints that were found to be outside jurisdiction or complaints that were, in fact, that went through the resolution process, the numbers start to be necessarily quite small.

   So we do have to be very cautious about what we conclude from the surveys. We'd also say that survey respondents reflected themselves and typically you find that people will respond to a survey in this sort of situation where they have got a strong view that had sort of an intense experience. So they were really happy or really unhappy. So I think when you look at ratings you have to take that in to account and often we found there was quite a degree of polarity and not that many people in the middle. We said to everyone that we would keep their feedback confidential and that's absolutely paramount.

   We did however give them quite -- survey respondents quite a lot of opportunity to provide free text and that's the flavor around bold ratings. And so we've tried to -- we are proposing in the report to extract the essence from as many of those comments as we can to give people that flavor around what responses we are thinking. It terms of what we learned we did find there were higher ratings in terms of the process elements of how the Ombudsman's office had operation and had worked for people. So higher ratings around things like confidentiality,

whether they were listened to and investigated, the matter was investigated, whether they, you know, got a time or response. Sorts of process type matters rather than ratings around the actual outcome that was achieved and that's very common in this sort of environment.

Given the natural limits to what the office can actually provide to complainants. We did look at the ratings that we had achieved in our survey and compared them with the ratings that Frank Fowler achieved in the survey he undertook in 2008. And we thought there were some observations we could make about that but caution it is very difficult to make hard and fast comparisons. And his example numbers, the number of people who would take in a complaint that was within jurisdiction to the Ombudsman's office his numbers were very, very low. He had seven complainants. You need to be caution about those sorts of assessment. And we noted that his conclusion was back in 2008 that the community were happy with the office, satisfied with the office. He had an independent reviewer who looked at the survey findings and that reviewer cast a bit of cautionary note and said the sample size of those who had taken a complaint to the office were very low and a lot of the comments were very negative.

So they weren't disagreeing with the conclusion but cast a cautionary note. And I don't think that although our ratings were not that dissimilar, don't think we would reach that conclusion. Or conclusion would be more that there was -- that there was some dissatisfaction or some sense of disappointment and perhaps the ratings were a little lower than we would expect to see. So that probably is enough in terms of stakeholder feedback. You can keep going with you like, Phil.

>> PHIL KHOURY: Okay. I think there is just one other caveat I would add to that slide and that's really to say that people provide a feedback that went back -- that covered the period of all three Ombudsman. So somewhere a handful were fairly recent but a number involved in the era of Chris as Ombudsman and sort of latter period of Frank as Ombudsman. So again we have to accept that the -- that's another part of the data that we got that we have to allow for. Just to give you an example of some of the feedback, there is a couple of charts on this slide. This is the kind of thing that will be in the report which will come to you.

So if you look at the outcomes data. On the first one there is sort of small numbers, 22 total respondents. And, you know, sort of a spread of results there. I think the, you know, you have to think about what conclusion will you draw from all of that. And one of the conclusions you can draw from all of that is that, you know, it is likely that that indicates and perhaps

only one in five people who have been through the Ombudsman's office would be an unlet promoter. Somebody who would be very part of the results and probably a significant number would be unsatisfied in an unresolved matter who would most likely not be given terribly good feedback for that.

   If you look at the second around process that's what Debra was talking about around asking much more specific questions about aspects of the process that you went through. And so you can see on the right-hand side the headings for each of those dimensions of how you would experience a complaint. And you can see confidentiality is the purple bar that goes between 4 and 5. Clearly very, very strong. Ombudsman's independence is better than half as is the indicator that says I felt the complaint was understood.

   The others are not terrible results by any stretch but they are nonetheless on sort of -- the lower half in terms of levels of satisfaction. So that gives you a little bit of a feel for what people see as being the strengths within the data, the Ombudsman process.

   So I'm moving to the next slide and this is really where we are starting to draw our conclusions about a lot of that. We think that the overall aim should be really focused on the question of community confidence interference around ICANN. So the idea that the Ombudsman is looking at a whole range of matters around the ICANN community. We think it is a strength and shouldn't lose that. And framing it around that sort of issue of community confidence is we think, you know, an important way to think about it. This transition process, the transparency and the accountability provides an opportunity for change and kind of a refresh of people's view of the Ombudsman, Ombudsman version 2 or some such. And the key areas we think you can strengthen the Ombudsman role is certainly around people's clarity and understanding of what the Ombudsman's office could do. We think the standing and authority of the Ombudsman is questioned by many and could use some strengthening. That's a sort of subtle language we will come back to in terms of detail.

   The independence of the office is another area where there are some perceptions that it is not as independent as it could be. And again if you go back to the original role of community confidence then that's something pretty important to make sure is not just practically independent but really hopefully beyond reproach and then finally, a sort -- it goes to the standing of the Ombudsman but this question of reporting and transparency and people's awareness not only the Ombudsman and what it can't and can do and the kind of work that it is involved in. And again in all these areas we are not proposing radical change.

The Ombudsman's function is, you know, fairly close to that kind of design we would have come up with if we had a blank sheet of paper, but there are some tweaks that can be done in this area which we think will make a difference to the (inaudible) of the Ombudsman and its contributions at ICANN.

And then finally the sort of area where we think, you know, change definition will be helpful is to develop rather than responding to people's ideas for the Ombudsman doing new functions in a piecemeal way, that coming up with some principles that guide how you use the Ombudsman's office and so that people understand what the consequences of involving the Ombudsman in an operational process that limits Ombudsman or being seen as management final thing. Some simple policy but a little bit of policy around that how and when you can use the Ombudsman outside of strictly complaints activity we think would be a helpful contribution.

Now I guess the other thing is just expectation, management -- we'd like to get across in the report which is but there are some pressures for change. There is people who state their case around ICANN pretty forcefully. And, you know, have to be sort of in tune to the environment there. There is a unique mix of needs for ICANN and there are a number of what we think are pretty natural limitations to what would be called the Ombudsman's powers in other places now.

Here the Ombudsman has a pretty good run at investigation and getting access to information. In other settings an Ombudsman has the power to set aside decisions or compensation or to put themselves in the shoes of the decision maker and completely redecide a matter. We don't think those are -- for the most part they are not appropriate to the ICANN environment once you pull it apart and put all the complaints. And it is sort of important for people to understand, you know, why, you know, why Herb shouldn't be armed with six guns and sort of running around righting wrongs Willie nilly in the ICANN environment. So we talk about that a little bit in the draft.

And then finally for the recommendations the bottom line from us is that we think the Ombudsman's office adds value, that people appreciate that it is there and it is a contribution to the fairness of the ICANN world. Clearly some of the processes and the skills and techniques that are on being used are (inaudible) to the people that responded to us, but we think there are some who feel it is a bit weak in its standing and environment. And we think it could be adapted further to make a better fit and to better meet people's expectations. We are not looking at throwing anything out. It is about adaptation and refinement rather than radical change. The key recommendations, under the heading of clarifying a role, because there are these

different streams of complaints that come through. We think you
need a high level purpose. A little bit of tweaking to the
wording but then to segment the types of complaints in different
ways in which the Ombudsman's office will approach those. And I
think an example is that of what we mean in that space is that
disputes between members of the community or between constituent
bodies within the community lend themselves very readily to
alternative dispute techniques like conciliation and
remediation. That's in an environment where you are bringing
two parties together and in the environment where it is
a -- there are fixed rules and the accusation they were used
unfairly.

   The Ombudsman's role in that space all about checking to see
that the process was followed and people had an opportunity to
put their case that their confidentiality was protected and all
that kind of things. A certain set of things that an Ombudsman
can do in an environment. But you don't want an Ombudsman
trying to negotiate with, you know, Democratically elected sort
of organization applying the rules to try and find some middle
ground. You just want to make sure that the process was fair
and that there is consistency.

   So that's just one example. So that's the clarifying of the
role and hopefully improve people's understanding. The second
cluster of recommendations around standing and authority, so I
think there is an opportunity to refresh positioning signals
here and that would require a lot of people around the ICANN
world to be talking about the Ombudsman's office in a different
way than they do today. So things as simple as where is the
Ombudsman at the conferences and where does the Ombudsman call
upon to speak and how do people talk about the Ombudsman's
office. How an Ombudsman's report is talked about and
considered within the community. Very subtle things like that
which you can't legislate for but you can set up with -- with a
communications program. And some key messages.

   The second one we have here, we think at the moment one of the
areas of criticism is that decision makers are not obliged to
respond to an Ombudsman's report. We think the Ombudsman's
report could do more reports that are made public. Again
subject to whether they are confidential and there should be a
timing obligation on decision makers to respond. We have
suggested 90 days and we suggested they should publish their
reasons to the response to the Ombudsman's report. Now that
would have to be a safety valve clause in there that would allow
for some things that would take longer than 90 days but to
reinforce the idea when the Ombudsman speaks the community
listens.

   The third cluster is around independence. There is a little

bit of tweaking we'd like to see some productivity from the
office. That might be a resources issue and then talk all these
things through with Herb. But I think the value add that can
come from a skilled person who is focused on fairness can be
heightened if they are able and encouraged to do more in the way
of inquiries and publishing reports around issues of fairness.
Also suggesting, I'm going to jump to the third point, some
independence in the employment basis.

   So a number of people commented that it is hard for the
Ombudsman to be completely independent when a percentage of
their pay is at risk and it is the establishment of ICANN that
decide whether the Ombudsman is paid that extra money or whether
the Ombudsman gets an additional extension to their contract and
with the best will in the world will see that as not being fully
independent. And we think that can be dealt with with some
minor changes to the way in which the Ombudsman is employed in
it and so on.

   We also think that we are proposing an advisory panel. Now
that could be small. And the idea would be to keep it cheap but
to have that advisory panel take over much of the work that's
currently done by the governance committee and the remuneration
committee to act as sort of a Council sounding board from the
Ombudsman and as a support for the Ombudsman. Oversee their
performance and encourage the Ombudsman to in their development
of an operational plan and development of a budget and all that
sort of thing, meaning wouldn't have to meet that often but
would act as that sort of support, almost like the board for the
Ombudsman both in this case without governance authority. That
could be done in a way that the panel is advising the board
committees but we think that the Ombudsman in the ICANN world
does tend to operate a little bit in a vacuum and having a
couple of people on the advisory panel who could work to support
the Ombudsman, be it a sounding board would be excellent. And,
for example, that panel might have a couple of ICANN elder
statesmen on it. And hopefully a couple of former Ombudsman or
women who have had experience in an environment -- in an
Ombudsman environment and can add some informed help and support
for the Ombudsman.

   One of the things that we picked up from the board committees
was a bit of really sort of frustration about not knowing how to
do the performance reviews for an Ombudsman or not really
knowing what the Ombudsman ought to be doing. So we think that
might help with that guiding the work that the
Ombudsman -- future Ombudsman do. So finally the fourth set of
recommendations around transparency, this is just a chance to
refresh the reporting. We think that satisfaction surveys could
be reinstated in a -- possibly in a different way than have been

done before.

A little bit more of the publishing of numbers even they are very small, we think that will help a little bit with the reporting. We think more public reports when that's appropriate and again, you know, I think there has been a couple even, a very long period of time. It would not be a flood of these things. But they do create bit of a stir in the sense that it shows the work that's going on. So we think there could be more of that. And I think requiring public responses will also help have people pay more attention to the work that the Ombudsman's office is doing. There is a missing doc point here which there will be a recommendation for that policy around asking Ombudsman to be part of a formal review process or to vet privacy requests or freedom of information requests or anything else that people come up with as a sensible thing to use the Ombudsman skills in. So that would be the fifth set of recommendations which will be in the report. So I will stop there. Debra, anything that I have forgotten, missed?

>> DEBRA RUSSELL: No, that's good.

>> PHIL KHOURY: Okay. I think the next slide is to be discussed at the end of the hookup. So I think I will hand over back to you for questions.

>> SEBASTIEN: Okay. Thank you very much. Let's go back to your slide at the beginning and take them one by one and see if there are comments on the I guess each of the slides and then if there are overarching questions or comments on your document and presentation, both the process, I don't think there are too much to discuss except if I see someone raising their hand for that. If not, let's go to the -- yeah. The current situation. I would like very much if you have any comments, just raise your hand and we will take them.

Okay. I think that the current situation is quite I will say obvious or objective feedback on what is happening today. And maybe not so much to discuss and to ask questions. Let's go to this one, type of complaint. Any comments? If not I will start. And my question here, it is during the process of your review appear a new complaints office or officer within ICANN staff and sorry, I will not use organization. I know that staff decide to stall this word but I can't change my habits and I will still work through I'm talking about staff. Then we have a complaint officer who are just a new one. And as maybe you know or maybe you don't know, we received a blog post made by the Ombudsman and the complaint officer telling us what is the difference between both of them without any consultation of any of us but that's the life of this organization it seems. But I wanted to know if this new office changed something in your sorts during your work or if you -- you don't pay I will say any

attention to that. That's my first point. Because my
impression in your type of complaints is that it is a generic
type of complaint or it is a type of complaint will need to be
dealt with by the Ombudsman office. Thank you.

Phil, back to you or Debra.

>> PHIL KHOURY: Thanks, Sebastien. I haven't seen -- I am
not sure that Debra has but I haven't seen the communication
from Herb and I have forgotten her name, the complaints officer.

>> SEBASTIEN: Krista.

>> PHIL KHOURY: Krista. Look we interviewed Krista when
it was announced and she had barely thought about it. So we had
some ideas about what the CEO wanted as a result of that
conversation. We talked about whether somebody suggested to us
that the complaints officer might become part of the Ombudsman's
office. And we talked about that as a possibility. When you
look at the complaints that come through the corporation, there
are really so many by the comparison to the ones that will come
to the Ombudsman. We ended up deciding that that was unlikely
to work. That the complaint officer's role much more closely
linked to the CEO's view of the corporation and the services
that are provided there and sort of management coordination sort
of flavor to it all. So again when we put our draft report out
our thinking is this sort of a page also around that complaints
officer and, you know, we will see -- we will test our thinking
with people and see if we have got it right. But Herb, if you
wouldn't mind --

>> DEBRA RUSSELL: I have seen that communication. It is
on the web. It doesn't go in to a great lot of detail. It is
helpful about the process and, you know, things like
confidentiality. And I suppose it does -- the complaints
officers receive are like the complaints received by the
compliance department. There are large volumes and we saw for
those complaints about the corporation as categorized them that
generally the Ombudsman's role should be to refer the complaints
if they happen to come to them first to refer them on to the
complaints officer or the compliance department but still take a
bit of an interest and thinking about issues like fairness of
process, thinking about whether getting data from the complaints
officer and equally from the compliance department and thinking
about whether there is any need to change the process. Painting
a more of a systemic view and, you know, that might lead to a
motion inquiry of occasions, it might lead to some
recommendations for changes to those processes. So in many ways
we saw -- we are initially a bit unsure about the idea of the
complaints officer and how it would fit in. And then as we sort
of learned more about volumes and thought about it, it seemed a
bit like the complaints to the compliance department about

contracted parties. So it is an appropriate sort of sits outside the Ombudsman's office but the Ombudsman's office can have an overview of that and make sure that those other complaints avenues are doing as they should be doing. So that was where I think we got to at this point.

>> SEBASTIEN: Thank you, Debra. And Sebastien speaking. I put a link for everyone in to the chat if you want to have a look. And I am sure that it will be one point of discussion in one our next calls but not today obviously. The way you answer I would like to see that in writing and able to discuss that. I think I get your point. One of my concerns is that we don't end up today later in the battle of numbers and saying I have the most number of complaints and I am the big one. We need to be sure that yes, one is doing those -- one is doing the resource complaints and the other one is able to do systemic review or systemic view of that. And how we deal with that follows the community or people to know to whom they need to go and to whom they can expect help and an officer. It is an important point. And as you know I have written a paper now with this new blog post. I will review the document but asking the question if we need just one complaint office and now we have two or if we need to go to two or to three, and that's something I think this group needs to discuss later on a little bit. But for that I need to go back to my drawing board and to come back with a document. If it is not included in your report, it may be another path to discuss this difference between the Ombudsman office and this complaint officer. Any other comments or do you want to react to that before we go to the next slide?

Okay. Then the next one, it is a type of Ombuds. And I guess that's just some highlight of the different types of Ombudsman office and evaluation criteria. Any comments? If not, let's go to the next slide. And that's stakeholder feedback. Any comments? And I have just one. It is that one of my questions is more on the next one. I guess it is a -- when you try to have a percentage of something with a very small number, it is not really -- mathematically it is quite difficult but I guess you will have some first inputs about how many respondents where they come from and then all that in your report or you will have I would say just those feedback. Thank you.

>> DEBRA RUSSELL: We will have the demographic information as well. We will show the affiliations, you know, geographical regions and how long people have been involved in ICANN, those sorts of details. So you get that sense of spread.

>> SEBASTIEN: Thank you, Debra. Because where this 22 came from, just from the survey. You take some of the inputs of your interviews or it is all that we need to have a clear view in the report please.

>> PHIL KHOURY: Okay. Yep.

>> SEBASTIEN: Okay. Thank you. Any other comments?
Review? Questions? Okay. Let's go to the next slide. Any
questions? Okay. Just in the previous slide I was -- okay. Go
ahead. I wanted to ask but I guess it will be easier to discuss
when we will have your full report. It is what do you mean by
new idea being proposed policy definition of office role for
operational design. Do you think that the current elements we
have in the different subgroup is enough, not enough. Maybe you
will suggest a framework to define those new policy needs for
the office. Phil, back to you.

>> PHIL KHOURY: Yeah, I think you probably need to see the
words really to have a meaningful discussion about that.

>> SEBASTIEN: Okay. Then let's go to the next slide.

>> PHIL KHOURY: I'll go passed this one because I think it
is more useful to go straight to the recommendations.

>> SEBASTIEN: Okay. Any questions, comments on the
recommendation? The first slide of the recommendation. Asha,
please go ahead.

>> ASHA HEMRAJANI: Thank you, Sebastien. I am conscious
that we only have eight minutes left of the call. I will be
brief but I wanted to state my questions up front, all of them.
The first question I had was regarding the clarify role -- first
of all, thank you very much, Phil and Debra, for this
presentation. First question, clarify role bullet. I know you
have three subbullet points there. But could you elaborate a
little bit more about this clarify role point you have made
here? I would suspect that one of it has -- some of it has to
do with the previous slide where you have the three categories
of complaints. I wanted to get more feedback from you on that.

  The second question I had was on the next page, shall I leave
that fully -- maybe I'll just tell you really quick now. The
second question I had was on this independence and I wanted to
ask you about the -- I didn't quite catch what you meant about
the compensation. So I -- because I probably didn't hear you
clearly. So I just wanted you to repeat what you said about the
compensation and lack of independence as a result of deciding an
Ombudsman's salary and bonus. So if you could repeat that bit.
And the third question I had was the fifth recommendation you
say that was missing. And I'm sorry, again I didn't hear you
clearly. So those are the three questions I had. Thank you,
Phil.

>> PHIL KHOURY: I'll jump back to the previous slide,
sorry, about the segmenting the complaints and clarifying the
role. I think you did understand it. We were conscious that
people had quite different expectations of the Ombudsman
function and I think that's a result of where they come from and

the type of complaint that they are talking about. So we think that you could clarify quite a lot of that by segmenting the complaints. We have suggested three ways of doing it. I'm sure that Herb and others will have a device for us around that. We think if you can segment those complaints you can give people a clearer understanding of how and why the Ombudsman will approach it in a particular way. So some of the frustration people have is that the Ombudsman doesn't have the power to fix things. What is the point if the Ombudsman can't fix things kind of feedback and I think in some circumstances people could understand how that would work and have more accurate expectations of what the Ombudsman can do if it was done that way.

   So I think that's what we meant there. I'm going to go to your second question.

>> ASHA HEMRAJANI: Okay. That's clear.

>> PHIL KHOURY: Look, a number of people were conscious that the Ombudsman has a proportion just like all ICANN pay employees a proportion of their pay is at risk. So whatever I don't know the exact percentage but it might be 25% of their number depends on their bus, remuneration committee being happy with their performance and a lot of people see that as being not independent. And people felt that when an Ombudsman comes to the end of their contract an Ombudsman who keeps a quiet shop will have more chance of being re-engaged than one who might be seen as a citric of the corporation.

>> ASHA HEMRAJANI: I didn't hear that. Quiet shop, what did you say?

>> PHIL KHOURY: Yes, sorry. I shouldn't use expressions like that. That an Ombudsman who is not critical of the corporation or not critical of the board will have, you know, more chance of being reemployed or having their contract extended than somebody who has been perceived to be a citric. And so a lot see that as not independent. So we think there is ways that you can improve that. The final question you had was about our guidance for the -- for different roles for the Ombudsman. So during our time talking to people at ICANN 58 a number of ideas were put to us about how the Ombudsman could be used in other processes. And we were just going to add another recommendation around that setting out some principles for when that would work and when it wouldn't work.

>> ASHA HEMRAJANI: Do you have an example about this privacy and I didn't quite catch that one?

>> DEBRA RUSSELL: The example that was given to us is document disclosure. Request for information and it is being proposed that the Ombudsman should have a role in relation to that. So that was one suggestion and another suggestion was

around diversity that the Ombudsman should have a role in sort
of analyzing data setting expectations around diversity and
should get involved in those diversity issues. Those are two
examples and there will be other things that will come up in the
future. So there is lots of complex considerations around those
issues. I suppose what we are trying -- what we are thinking we
will try and do is not so much answer those specific examples
but view them as examples and develop some principles and say
when these sorts of ideas come up, how should you respond to
them, what are the pros and cons of an Ombudsman moving in to
that space and the Ombudsman's remit going beyond the
traditional complaints handling role.
        >> ASHA HEMRAJANI: Thank you very much.
        >> SEBASTIEN: Sorry to intervene here, but we are at the
top of the hour, almost. Can we agree that we have let's say
ten minutes' extension of this call or it is totally undoable
for people? If you can in the chat or pod say yes or no and I
will give the floor to Cheryl. And I will come back to you,
Asha, but I would like very much if you can be short. I know
that we are at the end of this call and because we need to
discuss the slides -- the slide. But Cheryl, you raise your
hand. It is for you the floor. Thank you.
        >> CHERYL LANGDON-ORR: Thank you, Sebastien. Cheryl for
the record. I will be brief. I hadn't planned on making an
extension but I will do it anyway. In the last what I thought
was few minutes or seconds of the call just wanted to let both
Phil and Debra know that I am looking forward to reading their
full documentation and that I like in some other circumstances
when we have had external reviews at early and high level
situation that are not filled with dread and loathing. So I
think that's a good indicator. In the absence of all the gory
details I think it is something that I'm certainly looking
forward to reading. But right now I'm not reaching for a blunt
butter knife to do myself in which I can't say has been with all
the external reviews that I have been involved in. Thank you.
        >> SEBASTIEN: Thank you very much, Cheryl. Yes, I agree,
Asha, that extension of ten minutes is not to finish the
discussion as we will have to discuss it again and maybe with a
full report part of the report next week. May I suggest that we
do as short as possible but we discuss this last slide about
next time and then Phil, can you tell us what was your thoughts
with that and then we can decide how we will until the next call
and our next phase of the work? Thank you.
        >> PHIL KHOURY: Thank you. Well, our suggestion was that
we get the draft report finished and out to you for review by
the latest May 29th. Hopefully we can do it a bit quicker than
that but give us a little bit of time to get it out to you by

the 29th. And then schedule a more detailed discussion for June
the 5th, if that works. Suggested dates from our side. So we
would quite like to have you have the report in draft for a
week. Chance to read it all and then come back to us and we
have a detailed discussion. Probably need more than an hour and
we can sort of expand and get feedback from you and help us
shape the report so that it is ready to submit.
        >> SEBASTIEN: Okay. Here we have, in fact, two proposals.
We have the proposal to keep going the discussion next week and
then it will leave you more time to finish your full report, or
we get your report before the next call and we will discuss
again some of the today discussion and maybe others with your
full report. My question is the next call it is supposed to
be -- wait a second. Next call -- okay. It is on Tuesday the
30th different time zone. Okay. We have two proposals here.
Is to have still some discussion and leave you more time to
write your full report or your first draft. I don't think we
have any need to rush for one week or another. I think we need
to leave you the time to work and then it is really up to you.
Maybe I was thinking in speaking, maybe we can --
        >> Sorry, Sebastien, sorry, sorry, sorry. A quick
interruption. I want to check, will this material be sent to us
prior to the next call or right today?
        >> SEBASTIEN: The proposal is written that a draft report
will be sent May 29th, just a day before and then I don't think
we will --
        >> No, I meant this deck.
        >> SEBASTIEN: A lot of possibility.
        >> This slide deck.
        >> SEBASTIEN: This deck will be in the report. It will be
in the document on the page of this call I guess as soon as it
will be published by staff and we will have it or it will be
sent through the list but I will check with staff. Thank you
for the question. Before I give you the floor, Lars, I want to
make the following suggestion, we keep the next call on the 30th
and we follow this discussion and maybe some first feedback if
we have the document prior, but frankly speaking from my own
point of view and experience I will not be able to have the full
report in just one night. Then I don't think that we will be
able to have a meaningful discussion on the report if we get it
just one day prior. But Lars, go ahead please.
        >> LARS HOFFMANN: Sebastien, I think the original plan was
that Phil and Debra might be able to submit the report to the
group over the next one or two days which will have given you
time to discuss it on the 30th but I think after some
consultation we might or it might be more advice to have the
report out by the 29th or the 30th and then for you to discuss

the report a week later than originally participated. I was
proposing in the chat if you don't want to just have a
discussion on (inaudible) we might have a call if Phil and Debra
agree on the 29th or the 30th. The 29th is a holiday in the
U.S. Not sure about Canada. And then maybe Phil and Debra can
produce the report the day after if that would work for you.
Thanks.
          >> SEBASTIEN: Okay. Please go ahead and I will try to
make -- to by a proposal.
          (Talking at the same time).
          >> HERB WAYE: Does this group, the subgroup on the -- we
created a subgroup to look at the review. The people that were
invited tonight, was it the entire working group or just the
subgroup that is present tonight in dealing with these issues?
Thank you.
          >> SEBASTIEN: Thank you, Herb, for your question. We
don't have set up -- we tried to set up a subgroup but it has
never happened. In fact, our group is just working as a very
small group of the full group. And it is something who have
concerned us for a long time, but we can't change the behavior
of the people, the ones who are supposed to participate are not
participating. And in fact, the people here today with maybe
one or two more are the ones who are always or almost always
here and as, in fact, a small group, other group. And then
there is -- everyone were invited to this call. Every member
and observer will be invited to the next call. The next call it
is on the 30th of May as there is some holidays in some place of
the world on the Monday. And I guess it is at 1 p.m. UTC next
week. And I will suggest that we keep this call. We will
follow this discussion. And if we have any first draft or
summary of whatever before, great. If we don't have before, we
will wait for after. But I think let's keep and see when we get
something, but if it is just a few hours or one day before the
call, some of us or many of us will not be able to read it.
   Okay. I suggest that we stay with the ground schedule with
the next call. When you have a document maybe Phil, Debra and
Lars, we can talk together and see when it is the best time to
send it or just before, just after the call. We will see. The
next call will be the follow-up of this discussion with your
presentation. And maybe one other topic if I can find one. And
then the call on the -- I don't know if you see 5th of June or
the 6th of May. I have to check when, we will have a full
discussion. Because why I am asking about the next call, the
5th of June is a holiday in some parts of Europe. I don't know
what you call in English but it is (speaking in non-English
language) in French. Maybe nobody knows about this.
   Sorry for this time. We take you 11 minutes more. Yeah, now

I have an echo. Thank you very much and talk to you next week and we will try to organize better for the next time meeting. Sorry for the delay. The call is adjourned and we can stop the recording. Thank you very much.

>> PHIL KHOURY: Thanks, Sebastien. Thanks, everyone.

>> SEBASTIEN: Thanks, Phil.

(Call concluded at 1:11 a.m. CST)

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