
CCWG ACCT PLENARY

Wednesday, September 27, 2017 - 13:00 to 15:00

>> LEON SANCHEZ: Thank you very much. So good morning, good evening, good afternoon.

Whatever the hour is where you are at. Welcome to the CCWG accountability plan area call, number 21. This is work stream 2. And September 27th 2017 at 13 UTC.

So it feels like it's been forever since our last call. And many things have happened since then. I've seen a lot of discussion in the different working groups. Some of them a bit heated which is okay. We have invited [indiscernible] to remind us on the standards of behavior. I will jump to Herb in a minute. But first I would like to remind us all to update your stream in the interest if you have not done so. There have been my movements on changes, please be kind enough to update your statement of interest. If you have any doubts or problems with that task, Brenda will be happy to assist you. And we have a very, very packed agenda today. We have a lot of topics to cover. And many leading on different reports from the different working groups to be done. So we will be implementing a 2 minute timer in order to try to hold as much as possible to or schedule. And we will be actually enforcing this two-minute timer.

So please be mindful when you take the floor to keep an eye on these two-minute timer. Because we know that many here want to speak.

Note: The following is the output resulting from the RTT (Real-Time Transcription also known as CART) of a teleconference call and/or session conducted into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

And to have this voices heard and we would like the of course accommodate as many speakers as possible. But we have to without having an organized participation and for this we are implementing this timer.

I would like to welcome Herb Waye, our ombudsman. He's here to remind us of behavior. We have had many heated arguments and I think it can be useful to have Herb with us. And I would like to now give the floor to Herb so we can have a reminder. So Herb if you can please take the floor.

>> HERB WAYE: Thank you Leon. Can everyone hear me okay?

>> LEON SANCHEZ: Yeah, we hear you. There's a little bit of an echo somewhere.

>> HERB WAYE: All right, I think that's better. Greeting around the world. Herb Waye, ombudsman, for the record. I wanted to take a moment to underscore the professionalism and civility that I have observed across the subgroups as you have all worked together towards your respective products. We are in the home stretch and I see the stress levels rising and I see deadlines moving. So I would like to underline that working groups imply collaborative thinking, accommodation and mutual respect. So, when things do heat up, try to be the person that is part of cooling things down. If you live professionalism and you live respect and you live accommodation you will be part of making ICANN a safer place for everyone. So thank you for offering me this opportunity to remind everybody of the ICANN expected standards of behavior and community anti harassment policy at the same time. And I wish you all a very productive plenary. Thank you very much. And have a good meeting.

>> LEON SANCHEZ: Thank you very much, Herb, for your intervention.

There is someone's mic who is not muted and I can hear an echo. So please make sure you mute your mics if you are not speaking. Thank you very much. So on the next agenda item. We will have some administration announcements.

And for that I would like to give the floor to Bernie. So Bernie can you please guide us through this announcements.

>> BERNARD TURCOTTE: Thank you, very much Leon. Just very quickly. I'm not going to put up the diagram or the timeline. I think we have hammered this home time and time again. The reality is that we have a few more plenary calls before we head to Abu Dhabi. But the final one is on 18th of October.

If a document is not in for the first reading of the 18ths October, it cannot be read a second time at the 27 October face to face at Abu Dhabi. And it cannot be rescheduled. Enough said we have said this enough. Speaking of 27 October, we will be in Abu Dhabi full meeting. To this group there's two high interest sessions in Abu Dhabi we will have it scheduled after the open plenary and the co chairs will be leading that and it has been sponsored by the ALAC and GLAC and ASO. So we are looking to present this status on all our points and how we are going to wrap this up and get feedback from the community at the high interest session. Those have been involved in jurisdiction and following it the DAK has also gotten a high interest topic on the jurisdiction and that will be later on in the week. That's it for me. Thank you. Back to you Leon.

>> LEON SANCHEZ: Thank you very much Bernie.

So our next agenda item is a update on the legal committee. Here we have to two things from. There were questions that were sent directly to ICANN legal in regard to recommendation 8 of the ombudsman group. And independent of on the are proposed many buds man panel. These questions were sent directly to ICANN legal on the co panel of co chairs. And these questions are ending a reply from ICANN legal. Or if they have been already answered I apologize. As I have missed them. But I believe they are pending. But we have also at the September 13 meeting, transcribe the subgroup updated the language for recommendation 2, 15, and 16. And ICANN legal advised they would consider these updates to the language. And provide written feedback to the subgroups. So we are awaiting for this still. And as soon as we have as soon as we have an update from ICANN legal we will intern update the whole group.

So, are there any questions or comments up until now?

Good. So I would now like to turn the floor to my co chair Thomas Rickert. So Thomas you have the floor.

>> THOMAS RICKERT: Thank you very much Leon and hello everyone. I have to apologize up front for background noise. I'm sitting in an airport. I hope the sound quality is good enough for everyone of you to understand me.

And you will remember that there was a question from Kavouss on forum requirements. And we asked Kavouss and the rest for patients since we did not have sufficient time to address this during our last call and we promised we would put it on the agenda for the next plenary call, which is today.

Let me try to be brief yet comprehensive with my response. The question was whether there are any quorum requirements for decision making in our group. The answer is our charter doesn't see anything in terms of quorum but what we have established in our group both in work stream 1 and work stream 2 that we would check whether there are at least 5 individuals on the call so discussion can take place. That doesn't mean a group of 5 or more people say have a quorum for decision making.

This is just to make sure that calls are meaningful and that we do not waste the participants time.

We have the two meetings, which means that no decision is taken in a single meeting and that sort of makes it redundant for us to have quorum requirements because in between two meetings everyone in this group has an opportunity to review, discuss, and chime in at the second time that is being discussed.

And even more so with the sub teams that we have now established, where all decisions are made in sub team charts and then vetted by the plenary. And therefore, there's ample opportunity for committee members or members of our group to make themselves heard during the decision making process which is sort of a phased approach. When it actually comes to consensus calls, then you will remember that we have tried as much as we could as co chairs not to make a distinction between members and participants. And only in the rare if never happening case that we see that the group can come to consensus we will then do a goal among members or more formal consensus call certainly reflecting who from the group would present which interest and whether all interests of the group are reflected.

So I think that's explained what we are doing or what we have done. Let me just check if there are any questions but I would suggest that we keep this very brief. And to response to Kavouss question, does that criteria require total rapporteur and some groups there are 3 rapporteurs.

There's no formal quorum. We just want people to the call to conduct the debate.

Thank you very much. I suggest we take further questions for this offline and go to the list so we have more reports to discuss today. That allows me to move to the next topic which is the first meeting from the diversity sub team and that is something to be chaired by my colleague, Leon.

>> LEON SANCHEZ: Thank you very much, Thomas. And we are presenting the second reading on the diverse subgroup draft recommendations. As you can see in your screen, the main chapters of the report are the executive summary, scope, background supporting information, description of issues, current state of play, some recommendations made by the subgroup and of course the annexes as usually.

But before we make any further movements on these, I would like to give the floor to Fiona who is co rapporteur for the diversity subgroup so she can walk us through the report as it stands and of course give the second for the improvements of plenary.

So Fiona you have the floor.

>> FIONA SAONGA: [Silence]

>> LEON SANCHEZ: Fiona, might you be on mute? We can't hear you.

We are having problems hearing Fiona. I see that Rafik is here and, also, a co chair. So can you walk us through the different accommodations that we are going to be on the second reading.

Rafik?

>> RAFIK: Can you hear me?

>> LEON SANCHEZ: Yes you have the floor.

>> RAFIK: Thank you everyone for being here. We thought, I'm not sure, do you want me to go through again the recommendation? Or kind of we open the floor for discussion directly?

>> LEON SANCHEZ: I assume everyone has gone through the report. And since we have a very packed agenda I prefer we open the floor for any questions in particular. And of course if there are any questions if you could help us answer them. And if not, of course we will be doing the call for approval on the second reading.

So I would like to open the floor and I see that Kavouss is has some. Kavouss can you please take the floor. And start the timer please.

>> KAVOUSS ARASTEH: Do you hear me?

>> LEON SANCHEZ: Yes we hear you.

>> KAVOUSS ARASTEH: Just briefly, I think that perhaps for this reading, maybe you are first better comment. And then if there is any point qualification out any need to go to editorial modification or language improvement or issues similar to that. Because we may not have time to go through these things. So first is any general comments. And then if there's anything

as a clarifications or something that is really requires that the plenary embark on that, that is just for facilitate the reading of the document. Thank you.

>> LEON SANCHEZ: Thank you very much Kavouss I thought that's what I said but thank you for clarifying to the audience. Are there any other comments or questions on the status of the report and recommendations on diversity?

Okay I see Steve DelBianco up. Steve you have the floor.

>> STEVE DELBIANCO: Thank you Leon. After recommendation 8 there's a note from the team that a number of subgroup members it's essential to establish an office of diversity. It applies to me this was not a consensus recommendation and it's not a recommendation part of the report. It's just a note. And if that's all there is, it doesn't merit any discussion. But if that is implied as we want to explore an office of diversity I would want to comment that I don't think an office of diversity is necessary nor do I think it's a good idea.

But let me ask members of the group is this a consensus recommendation or merely a footnote. Thank you.

>> LEON SANCHEZ: Thank you very much Steve. I think Fiona is up. I believe she might be wanting to take this question. So Fiona, you have the floor.

>> FIONA: Thanks Steve for rising this issue. The office of diversity could not believe the correction of the office of diversity would be. We can put it to the plenary we can have a conversation within the plenary and see the need for that office best on some clear function because some of the group members saw those functions will already be different recommendation. If and in the recommendation it is open to ICANN. But to figure out how to

address the recommendation if they feel they have individuals at different levels on the issues if they feel we must have an office of diversity it's open to ICANN the implement as we see.

The other group feels there should be specific recommendation for an office of diversity. Because if we have an office of diversity that we are able to address all the money carrying issues that you want to and that recommendation gets addressed and handled by that office of diversity. We cannot agree in the group and we very much appreciate those who have not been involved in the conversation as they read the report.

We need to have that office of diversity or [indiscernible] maintain the recommendations as they are. Because of the argument that recommendations can still address the issue of legal with ICANN more room to be sure that ICANN can estimate having the office of diversity.

So that is what we have from the rest of the plenary.

>> LEON SANCHEZ: Thank you very much Fiona. I hope that answers your question Steve and, also, the comments I'm seeing on the chat from David McAuley. And Steve are there any follow ups to this or are you satisfied with the Fiona comments.

>> STEVE DELBIANCO: Thank you Leon and Fiona I think I clearly hear you say this working group doesn't have a consensus on the office of diversity it's not a recommendation before the plenary. If the working group wishes for the plenary to debate that topic we would need to hear both sides from the interior of the work group with an effort to see if the broader plenary believes this is a recommendation worth making.

So I'm still confused whether the plenary gets to pay any attention to a footnote about something where there was no consensus.

>> LEON SANCHEZ: Thank you very much Steve. I don't think that's the intention at this point. I would point out this is something that is going to be included in the public consultation for diversity as far as I can tell. And I would suggest that we just take this out of the report that instance and leave it to the public consultation to further analyze when these will be something that we want to actually follow in the near future. So if everyone it's okay with taking off this footnote from the report, I think we could go this way.

I see some someone's hand up. I still see Steve's hand up is there any follow ups on what I just said or can we good to Sebastien after I don't know.

So I see Sebastien is signaling he had some difficulties to talk. However I am aware he wants to say something.

So Sebastien do you want to take the floor? Or should we wait for another moment.

>> SEBASTIEN: Can you hear me?

>> LEON SANCHEZ: Yes.

>> SEBASTIEN: I'm not sure that I'm you have good sounds from me from my side. I'm sorry for that.

I know that's in Miami meeting.

In retreat for the sorry about that .

Yeah, as discussion here it's I think important one. With the working group I am not sure that we can say is aware written in one or the other and in the I didn't push to have this level of

discussion, but I saw that coming to this group then to the community, with this ICANN to discuss will be

>> LEON SANCHEZ: We lost you Sebastien. We can't hear you.

We are not able to hear you.

We lost sound.

So, okay so let's do a pragmatic position here that we all agree, we can just leave the report as is and of course have this discussion in the public consultation.

So I see Kavouss hand up. Kavouss.

>> KAVOUSS ARASTEY: Something to give to you that is not been consented in the group that discuss and spend time on that. Only thing if they want to put in public comment give a name to that a opinion or before views of the group and this is not a recommendation. That's all, I have no other comment to make.

>> LEON SANCHEZ: Thank you very much Kavouss. This is very useful and we will definitely do as you suggest.

Next on the queue Alan Greenberg. Alan if you want to take the floor.

>> ALAN GREENBERG: Sorry I thought I saw Julie there.

If we are putting it aside right now, may be no need to make this comment but my hand was up anyway. I don't see us telling ICANN how to run its business in terms of setting up offices. I think it's sufficient we put guidelines in place and make sure that irk can understand this is

serious and is something that can't be ignored if an office is needed certainly by calling it an office there's implication that the proponents don't necessarily support that it be a group of 5 people and you know have large amounts of resources going through it. And we end up effectively having the diversity police. You know, I think it's sufficient to say this is important to identify what the issues are and what the criterias are and leave it to ICANN to implement.

If this becomes an issue where clearly the organization is ignoring it and going forward we have a problem, then we can take during e additional action, we the community can take additional action. But I don't think we should be in the business of doing micromanaging at that level. Thank you.

>> LEON SANCHEZ: Thank you very much next on the queue is Cheryl Langdon Orr.

>> CHERYL LANGDON-ORR: Thank you very much Leon. I hope I'm clear, if not let me know in chat. I think it would be astonishing for this group if I wasn't to speak to matter of diversity. You all know, my long history on this matter. And I would like to, for those that don't know me, just suggest that I have for many years worked in the diversity area and boards, etc. in a number of for Alps.

In the office of diversity outlined, there wasn't as midge writ of the us that could agree on the data. I see Sebastien has put his hand up again. So hopefully he has a better connection now.

So it isn't a recommendation per say as Dave pointed out. I think it may be a step too far for us to actually remove reference to it from the report. I think it is something that is probably well worthwhile referencing as a matter that was discussed in the work track and that we trust the community may give further see back on at an appropriate point in time. And finally I want to

punctuate to suggest that I have had very specific experience with a number of iterations of such an office and I think the most polite thing I can say is that the results of them have been variable to say the least. Thank you.

>> LEON SANCHEZ: Thank you very much Cheryl.

So, what I'm getting from this caution is that we're definitely not ready to have this put out as a recommendation. But we don't want to take it completely out of the report as suggested.

So I think that Kavouss made a valid recommendation, which I think it will prove to be useful. And I suggest that we not say that this is a recommendation but this is something that has been discussed within the group. And that we would like to have some special consideration or comments or thoughts from the community when this goes to public discussion.

Next I have Sebastien. Sebastien please take the floor.

>> SEBASTIEN: Thank you and sorry for that bad communication. I was dropped off. Just I want I would like to thank Cheryl for her summary. And I'd like to propose that she made in support. But I want to add one point in your thoughts. Why there is this discussion about office of the diversity. I am not at all [indiscernible] with the name of that, I could long time ago it was in work stream 1. So question here is how much this could be done by staff and how much it's must be done by other body and by the community. And it's where the discussion is and the question of the name of the office of whatever. It's not the main item. I guess it's may be not enough clear. But if we stay where we are with the proposal may be Cheryl I will agree with that. And I will try, I don't know when, but I will try to come back with something in writing for your attention later on because my [indiscernible] thank you so much. Sorry.

>> LEON SANCHEZ: Thank you so much Sebastien. And I would like to close the queue with Fiona because we are already running late on this call. Fiona you have the floor.

>> FIONA SAONGA: Comments and that have been made, the suggestion is we consider having it not but having it still in the document and more about drafting issue. Around how we have done how we have presented the whole issue of the day. About the office. I need trouble to clarify that that is what we are to do. So we get it all from the [indiscernible] we put it still in the recommendation, the proposal and the rest of the document. But it is not a recommendation.

>> LEON SANCHEZ: Thank you very much Fiona. I would suggest if you all agree and of course Cheryl is willing to take a role in this, if you could please coordinate offline with Cheryl so she can help you on crafting this new version of the language that we are suggesting. So Cheryl if you could help us with that, by following up with Fiona that would be much appreciated.

So at this point I would called for any I am positions to publish this report by the diversity group. With of course the comments that we have make in this call p.

Are there any oppositions?

Okay. So seeing none, we will make the modifications as agreed. And then publish for public comment.

So, I would now like to hand the floor to my co chair Thomas Rickert and Thomas you have the floor.

>> THOMAS RICKERT: Thank you very much Leon. Now it's time for us to discuss the OSC accountability final recommendation and understand we are going to have Cheryl doing some introductory remarks then we will here from teach is that correct Cheryl? Over to you.

>> CHERYL LANGDON-ORR: Thank you very much and I'm going to do my customary introduction to this matter. This is our first reading on if our file recommendations of our work track activities. And I think it's important over in my other computer just decided to reboot itself so I'm not able to read our covering note that we, in a rather extensive document, have not made any particularly substantial changes in the view of our work group. It seems our last interim report. We have gone through extensively and discussed all of the public comments from our first PC. We have made some modification to the report and Steve, as he takes us through the highlights here, will indeed note those for the plenary but it is important to recognize that we have a new caveat and he will speak to that. There are a few particular changes and modification that were made and he and Farzi will point those out and those are of course in had the view of our group that worked tirelessly and I wanted to specifically thank that my co rapporteurs Farzi and Steve for the huge amount of work they have done among others but we don't believe niece are sufficient changes we need for second public comment. With that we will make it over to you Steve.

>> STEVE DELBIANCO: Thank you Cheryl. Steve here one of the co rapporteurs for the AC accountability. The slides prepared here by staff and the three rapporteurs might be the quickest way to go get through this. Along with the agenda Bernie sent out to everyone included three documents consensus documents prepared by our group. One is the final report, another is a red line comparing that to the report that all of you reviewed back in May of this year. And that we published for the first round of public comment. It's a very lean is and

mean complain red line that allows us to focus on just the items that were changed and the third document we are proud of an item by item analysis of the public comments that were received. There was only a dozen entities submitted public comments on our first draft but there were over 40 different chunks of comments we took from those submissions and we distributed them in a table and arranged by topic and track and provided a response. That response indicates an acknowledgment and indicates support and where there were questions we did our best to answer it. And where there was recommendations for changes we indicated where we made the changes and where they were made in the final report. That's a lot to digest but the slides itself was a cut to get it done. For Leon and Thomas and co-chairs do you want to allow questions as we go or at the end?

I'll assume the questions

>> LEON SANCHEZ: Sorry Steve it to get myself off mute. I suggest we do is you walk us through the slides. After each slides which has the recommendation on it, we briefly pause for any questions. And the diligence is the final recommendation. There's everything out of the way and hoping to go to is second reading very soon.

>> STEVE DELBIANCO: Thank you Thomas next slide. Public comments half of the total comments by half if the support and draft with clarifications in certain places.

I want to be clear one of the items we added when we all got together in Copenhagen was the idea of letting the implementation of best practices be something that is handled by the accountability and transparency or ATRT team. That was a late breaking idea and the public comments received said maybe that's not a good idea at all. That's a risk of adding things at the last minute. We often haven't had a chance to think through whether it's a good idea. ATRT

is already an over burdened process and there was no support for adding another obligation to the ATRT.

I will say that a good idea that we debated for several weeks was to invite ICANN to consider the implementation of these good practices as part of the organization reviews that ICANN conducts with an outside consultant not with community but outside consultant that's once every 5 years.

I a went next turn to the accountability roundtable where we all met in Copenhagen. We attempted to explain the con silence of our group we didn't want to formally implement the roundtable but the plenary it's had enough interest that we put it out and there was minimum support for public comments for the mutual roundtable same true with respect to applying the independently reviewed process to SO and AC themselves that was the same recommendation in May and no change to that one. As usually comments that came into the public often exceeded the scope we were supposed to work on. We tried to politely acknowledge that was beyond the scope of bylaws we were supposed to focus on.

Next slide Bernie, please.

We have three tracks in our recommendations. The first track, this is dictated by the bylaws. The transitional bylaws. The first track we were to review and develop the recommendations on improving the SO and AC for transparency and the highlights are in front of you. This is a semantic change. Instead of calling them best practices our group decided to call them good practices.

This is an attempt to indicate that for some groups it may not be best at all. There may be some groups ACs and SOs for whom a recommend practice is by no means better than what they do. If we don't want to call it best we want to call it good are practice. We are up to 29 instead of 25 we had the first round and will identify which is new the subsequent slides. We clarified in the text, in two places. All of you, the SOs and AC subgroups you are not required to implement good practices they are recommended for implementation but no group is required we clarified that whether to implement good practice relies in SOs and ACs themselves it's up to you to determine when best practice is an improvement over the way you conduct your affairs today. And as I mentioned earlier we are not recommending that good practice implementation review is not part of ATRT. But ICANN if they want to aid it to the reviews by outside consultants by every group other than the GAC.

Next slide.

Next slide please.

Thank you.

Track 1 continuing on track 1, and I have a couple more on track 1. Track 2 and 3 are very brief.

Continuing on track 1 here's what we changed.

We have added number 6, for accountability. We said that each empowered community eye decisional participant you know who you are should publicly disclose any decision you submit to the empowered community and that communication can be the process you followed to reach that decision.

That's in response to public comments that indicated the empowered community itself each AC and SO can act in their own interest but their decisions and recommendations to exercise some new powers under CG, should be scrutiny by the public the public needs to know if GNSO has blocked a budget that ICANN has proposed or the decision of ALAC with removing a director and how that decision was followed it's about transparency that leads to accountability to the broader public.

Number 3 we added which was a recommendation from the ICANN board. That each SO and AC have links available for their policies and procedures and documented practices. I know they are buried in the charter and websites of each respective AC and SO group today but they ought to be accessible in one place under the accountability of ICANN's website this is embraced by ICANN staff and not groups themselves.

So Thomas this is an area where I'm highlighting two new recommendations for good practices. If you wish, we could stop here for questions or I can proceed.

Your call.

>> LEON SANCHEZ: Let's do that. Let's see if there's any questions or comments from the group. If not we can take that off the list and move on.

Let's pause for a second.

No hands raised nor do I see any comments in the chat we are good to go.

>> STEVE DELBIANCO: Thank you next slide Bernie is about track 1 again this is time about transparency. Transparency we have reworded recommendations 5 we had confusion. Our

fault when it came to what are minutes, what are recordings what are the records of themselves. Thank you for the registries for pointing this out records of open meetings should be public lie Lee available and records include notes, minutes, transcripts and chats depending when you do those things. Not over chat is recorded and not to the extent you transcribe those meetings that should be publicly available for open meeting.

Number 6 closed meetings only open to the members of AC, SO or subgroup those meeting should be made available to members of your group and you may if you wish make them publicly available. That's at the discretion of AC and SO group for abundance of clarity that records include notes, minutes, recordings and transcripts and chats applicable. Those are the two recommendations under transparency I'll stop there for any questions.

All right seeing none let's go to the next slide.

Which is our final with track 1 it's about the participation. Again we had three parts of track 1 accountability, transparency and now participation.

I'm waiting for the slide to come up.

Participation.

Thank you.

We have removed the original recommendation 4 where we had said for any meeting closed to members or open we removed that one by clarifying under transparency what I just went through. Respect to closed and open meetings.

So it came out of here can get moved to two separate items on the previous slide. We added number 4 this is one about which there was not a strong contents census within our group but we didn't want the punt to the plenary. We worked harder and scheduled an extra two calls and came to a consensus recommendation we could all report. Any AC or SO group that elects its officers should consider term limits. A good practice is to consider term limits. It doesn't say a term limit they would is good practice but consider term limits. Why consider them? They increase the participation of the AC and SO group.

Number 6, if ICANN were to expand the list of languages it supports, then that support should also be made available to SO and AC groups. That's suggesting if ICANN is undertaking the administrative cost and support for additional changes. We should ask ICANN to offer the services to the AC and GAC and other groups so those services can increase the participation of the other meeting records and minutes.

Questions on participation changes?

Fantastic. Everyone is in a expeditious mood today. Bernie please move to the next slide.

Now we have moved to track 2 under track 2 we were charged by the bylaws to evaluate the proposed mutually accountability roundtable. And it weighs proposed in explicit terms in May of 2015 by one of our outside experts. That was the implementation we looked at the. It called for the gathering of the leaders of every AC and SO to share practices of accountability and subject each other to a little horizontal accountability. So ALAC could look over to me and the GNSO and challenge whether we had truly be accountable, transparent participatory. And someone from AC and SO could and it was Rinalia gave us this terminology it's horizontal accountability in the groups. Vertical accountability everyone in the call has been working on

since 2014 the ICANN.org the accountability to them to the Internet community that ICANN was created to serve. We are stroke on vertical accountability that our group in no means wanted to recommend horizontal accountability. If Rinalia seemed to say although the board initially wanted to see something here they came to see horizontal accountability was not something they would recommend to implement. They are not recommending the implementation of mutual accountability roundtable. I'll stop there and take questions. We have one more slide to go.

Fantastic thank you. And the final slide on track 3, third and final track of our group we were asked to assess whether the independent review process should be applied to the SO and ACs. We have worked hard on IRP implementation of a more expanded and powerful implementation review process. It's being used by any a complicated party or community member or empowered community to challenge the actions or inactions of ICANN board or management. The question is, should have a also allow any aggrieved person or entity to challenge anything that happens need inside of the business community and GAC and ALAC we looked at the recommendations and didn't make a change we continued to say the same as first draft the IRP shouldn't be made applicable to ACs and SOs and then finally we pointed out the ICANN ombuds office can meet the need of allowing someone to challenge our business constituency to challenge us on whether we were sufficiently participatory whether we connection included someone from membership when they should of been eligible for membership and whether we conducted an open meeting and kicked it for transparency. All of those have a place to go in the current ICANN structure that's the ICANN office that's where a individual can challenge we note the duties and powers of ombuds office is to be further enhanced and clarified because of Work Stream 2 on project on enhancements to ombudsman

roles and functions that's not part of our group. But we had a lot of participation from Sebastien and Herb on our calls and we verified in this terms that the ombuds have chapter in the charter for a place for a individual to take a complaint instead of launching a review process to the.

That's includes all of the changes we are recommending and I think it's clear that what Cheryl said earlier is true our changes are incremental at most and don't implement another round of full public comment. Thank you very much.

>> LEON SANCHEZ: Thank you very much Steve and Cheryl. And let me check if there's wishes to speaker. Alan the floor is yours.

Alan Greenberg: Thank you very much. My comment is on the first slide Steve is talking about whether the ATRT should look at this. And said instead is recommending that this be something that external reviewers can look at during organizational reviews. I just wanted the wave raise a caveat and this is with full disclosure, being now in the final stages of an organizational review. It changes the dynamic from an AC/SO deciding whether a good practice is really applicable and puts the onus on the external reviewer to decide when that good practice is applicable or not.

If the external reviewer decides it is a best practice for this group, despite the fact that the AC/SO has decided not, it then puts the AC/SO in a position of descending to the board why this is not a good practice and external reviewers are given a fair amount of credibility and support.

Now obviously an AC/SO puts them in a defensive position rather than putting them in a defense I have pores position. I have worries about changing that dynamic and putting the group in what is effectively a defensive position. I want to wave the red flag. I don't know if there's an alternative and clearly an external reviewer is charged with looking at the effect of the group and can look at anything including these. But I have worries about explicitly noting it as one of the things they should be looking at.

>> LEON SANCHEZ: Thank you very much Alan and I trust that Cheryl has raised her hand to respond to this. So Cheryl the floor is yours.

>> CHERYL LANGDON-ORR: Thank you very much Thomas Cheryl Langdon-Orr for the record. I specially understand where Alan is coming from on this. Having been one of the co chairs of the at large advisory committee review that we are currently licking our wounds from but moving to the implementation and review phase with the organizational effectiveness committee.

That said I'm also quite canst that with appropriate interaction and involvement on pardon me participation with the over all changes and development of external reviews, that I am well aware is going on, within ICANN, and that the awareness of the effectiveness committee and MMSI staff will continue over the next few years to refine and review to make sure Alan's red flail flag is both noted but remediated by dare assay intelligent effective planning and fitting of scope. Thank you.

>> LEON SANCHEZ: Thanks very much Cheryl. Next is Steve.

>> STEVE DELBIANCO: Thank you. Steve, as Alan knows as a participant in here we did add a caveat specifically for this.

The organizational reviews that Alan and Cheryl and I have been speaking of already exist in the bylaws of ICANN there was no change in the reviews as result of CCWG in the reviews Roman numeral 3 is assessment of whether the AC/SO or committee is accountable to the stakeholder groups and other stakeholders there's also a charge that when ICANN hires an outside contractor they do look at whether the AC and SO is accountably to consistencies. So if anything the presence of these good practices will be a somewhat more objective way for the outside consultants that don't really know a thing about the ACs and SOs that have a collection of 29 practices they can look at. For abundance and clarity we added are phrase that the operational standards can also reflect recommendations that the groups are expected to implement good practices only to the extent the practices are applicable and an improvement over present practices. Here's the key phrase, in the view of AC, SO and group participants.

With that clarification, the participants who look at it may say to GNSO why haven't you implemented good practice 27 we are making it clear in the recommendations it up to the ACs and SOs to know which of the good practices apply and can improvement. That caveat was added explicitly to Alan's concern.

>> LEON SANCHEZ: Thank you very much Steve. Alan, you want to speak to this again.

>> ALAN GREENBERG: Just briefly I have no comment with the comment on the slide. Saying that organizational reviews could include an assessment of it. I would have a problem if the terms of reference for organizational reviews would explicitly list that. That's an operational issue how we fix our documentation after the fact, not up to this, but I simply wanted to go on

record as saying, organizational reviews can look at anything if they choose. I just would not want it to be on the checklist of things that they are almost obliged to look at. So I'm happy with the wording. I do have the concern and I wanted to put it on the record.

Thank you.

>> LEON SANCHEZ: Thanks very much Alan. All our meetings are transcribed and archived it's well on the record. But I hope I can take it that you are not objecting to the recommendation as such which allows me to invite further comments to report. If any. I would pause for a few seconds now, whether we can be clear that second reading sorry whether we can declare the first reading or the final recommendation successful.

>> Thomas as was pointed out I'm a member of the working group if I was going to object strenuously I would. I was raising for the plenary to hear.

>> THOMAS RICKERT: Thank you very much. That's a good point and reminds everyone that if there are more individuals that do share Alan's concerns and which would basically you want us to push this back to the sub team then this would be the opportunity the speak. I do not see any further comments. Nor do I see any hands raised. So I think we can confirm number 1 that there's no additional public comment required and number 2 that this reading is successful. So let me congratulate OC accountability group including leadership for this awesome work. And it's great news for all of us we can take this off the list. And in terms of next agenda item, [indiscernible] has reminded the group in earlier pose to the chat window that author has asked to defer the HR discussion to the plenary and now that we have doing now both [indiscernible] for the human rights sub team and Sebastien for the ombudsman has asked to defer the hearing or discussion of the recommendations that's we move straight to agenda

item number 10 the accountability topic and Avri has given a heads up that she will be the next one to speak. So we are going to on move to staff accountability now. With the discussion is there, and if time permits we will then go to ombuds. And subsequently to HR. But if there's no sufficient time to hopefully complete these discussions, we will do one or both of the topics during the next plenary call item, the one that is taking place tomorrow.

I see that Kavouss' hand is raised. Kavouss, the floor is yours please.

>> KAVOUSS ARASTEH: Yes Thomas sorry just to reiterate what I put in the chat. And I wish you at least refer to that, that this is not only from Kavouss it perhaps could be shared by the entire group what I put in the chat. Because of the time limit. But thank you.

>> THOMAS RICKERT: Thanks Kavouss. I guess we don't have any participants on the call today that are just on audio. If so thanks for the hint at your very kind words in the chat expressing your appreciation for the ones involved in success of this last agenda item. Thanks very much Kavouss. With this I'd like to hand over to Leon to chair the accountability reading.

>> LEON SANCHEZ: Thank you very much Thomas. I want to note in case I didn't that the diversity discussion was the second reading and as agreed we will be proceeding to publishing and having it approved in second reading by this group on this call. So our next agenda item is staff accountability. And for that, I would like to hand the floor to Avri Doria who has been kind to jump in this before time. So Avri would you please walk us through the report or the recommendation, draft recommendation for staffing ability. This would be the first reading of this issue. So Avri, you have the floor.

>> AVRI DORIA: Yes, thank you. This is Avri speaking. I'm hoping I can be heard otherwise someone will tell me I see the transcript.

So this is our second attempt at a first reading. We basically took all of the comments that came back from our first attempt and talked them through integrated them in and changes. Now the first parts of the report does not receive many comments and did not change much. But we will go through those first.

So the first thing is basically there's definition. And a adopted the definition of accountability is by the board an organization and it's development of the board resolution undelegated authorities of November 2016. Accountability defined in that context, the existence of mechanisms for independent checks and balances as well as for review and redress.

The focus of the group was to self assess was to assess staff ability and we did have at least one strong staff participant with other occasional participation. And performance as the service delivery departmental or organizational level. Not at the individual personnel level.

I see Kavouss' hand up is that for me or from before?

Thank you Kavouss. So, okay, can move on to the next slide.

Much of this has not changed there's a section there, I'm looking at the report itself for anyone that is following it, so there's a section that begins on page 2 of rolls and responsibilities. It discusses the primary role of those that work for ICANN. The ICANN staff or ICANN organization. To execute strategies and plans adopted by the ICANN board. They do day to day work of the organization. Working with the ICANN community in many cases to do that work.

There's a point that the staff role is distinct from the roles of the ICANN board and ICANN community. And speaking formerly, staff accountability is through the chief executive. To the board.

Next slide.

Informally speaking though, there's many relationships among the staff board and community. And those many relationships are integral to successful work. ICANN needs to hold staff accountably for succeeding in those relationships and dealing with any problems.

Then in thinking about staff accountability, the important point is that collaboration is essential to ICANN's success.

The community needs to be sure that ICANN staff will be con congratulated and thanks thanked when things are working well and to be sure that the staff are held accountable to the usually set of Human Resources and the 2 performance management off approaches and management approaches when things don't go well.

Formal and informal systems need to work together to achieve and next slide.

Okay to achieve accountability there's a little bit there in cutting it and pasting it I guess.

It's all in this the document on pages 2 and 3 if clear delegations, and open and well communicated processes.

For resolving issues. Will help generate certainty can clarity and ensure issues if they arise are felt with well. Such an approach also generates important information and feedback for ICANN allowing it to evolve and interfere time.

I see Kavouss' hand.

>> KAVOUSS ARASTEH: Small point in number 7 if you allow me short intention in number 7 it says community should be ensured when the staff doing something they are congratulated. I don't think we need the put it in, in the report or in this the recommendation. If the staff is doing something they will be thanked if they are doing something wrong, they will be warned or [indiscernible] so I don't think it's up to community to tell them, [Indiscernible] this is clearly managerial point that perhaps we don't want to do that. I want to know when you can just delete that or we can just delete that portion. This is not up to us to decide what management do with appreciation to the ICANN or criticism of the staff or criticism of the staff. This is limited to the other people in ICANN. Not to get to developed in it. Just a suggestion.

>> AVRI DORIA: I think that would involve failing the first reading and sending it back. I think it was considered very important in our discussions when talking about accountability that we needed to be aware of that. Now that is not in the recommendation. That is gist in the discussion of rolls and responsibilities and it's acknowledgment that as community as and the board as well, but as community we basically need to give and take on the accountability and the mentioning of good and congratulations.

I think that is was considered important statement in the roles and responsibilities for the balance of accountability. And so, I'm not absolutely positive since it's not in the recommendations, but I do believe that something would have to go back to the subgroup if there's a consensus in the plenary that that should be removed or somehow changed.

But I'll leave that up to the chairs.

I see there's a note, please add where necessary.

I certainly I okay I'm trying to read the notes. The point is that the good work is thanked as part of the ICANN culture. Please add a qualifier such as where necessary. Cheryl, as it should be. Greg, supports the text as it stands. Jordan if people only get negative feedback when things are wrong but nothing positive when things go wrong it's demotivating and unprofessional.

I think that's what was trying to be captured in that sentence and the roles and responsibilities which not yet the recommendation. I'll keep going on and yes, agree when necessary is probably okay. I don't want the word Smith at the moment to figure out the right place for where necessary. But of course where necessary is always a safe thing to add to a paragraph can we go on please?

Next slide.

Yeah. So clear delegations and open and well communicated processes for resolving issues, will help generate certainty and clarity, and ensure that issues if they arise are dealt with well. Such an approach also generates important information and feedback for ICANN allowing it to evolve and improve over time.

An ICANN document, ICANN's delegation of authority and guidelines sets out more detail of the respective roles of the ICANN's board and CEO and staff and how these interact it was first published in 2016 the organization has been improving the clarity of this over time as it has matured and this document will continue to evolve over time. This document was looked at and discussed within the group.

Next slide please.

So basically after talking about rolls and responsibilities the document has a section on issues which also did not change greatly since the first attempted reading underlying issues or concerns identified through the groups analysis.

A lack of broad and consist understanding of the existence or nature of existing staff accountability and codes of conduct and mechanisms. B, lack of an effective diagnostic mechanism to clearly identify and then a address accountability concerns between community and organization.

Next slide please.

So then, we get to the recommendations.

The next one you find in the document these begin on page 4 to address the lack of understanding by the way, this section essentially got a complete rewrite based on the comments, much of the content is certainly related to much of the content but it was discussed and modified and with great participation and such by the staff member of the group.

So one, to address the lack of understanding of the existence and or nature of existing staff accountability mechanisms the following actions should be taken.

A, ICANN organization should improve the visibility and transparency of the existing accountability mechanisms by posting on ICANN.org and dedicating area following.
Description of items. 1 the description of the organizations' performance and management

systems processes. 2, description of how departmental map to ICANN's strategic goals and objectives. 3 description of the complaints office and how it relates to the ombuds' office.

Next page.

4, organization policies shared with CCWG ability during the course of the WS 2 there's a set of documents that have been shared and those are listed elsewhere. 5, ICANN organizations delegations document. Which was discussed. 6, the roles description included in this overall report. 7, expectations and guidelines regarding the development of had staff reports for public comments or staff response to community correspondence.

Stop for a second.

Okay no please go back, I'm still at b thanks.

Moving on to b irk can organization should also evaluate what other communication mechanisms should be utilized to further increase awareness and understanding of these existing and new accountability mechanisms.

Okay, next slide please.

Okay, this goes to the next recommendation, number 2. To address the lack of clearly defined or broadly understand mechanisms to address concerns between community members and accountability and behavior A, ICANN organizations should enhance existing accountability mechanisms to include 1, a regular information acquisition mechanism which might include service, focus groups and reports from complaints office. To allow ICANN organization to better ascertain it's overall performance and accountability to relevant stakeholders.

Stop for a second.

Okay, next page please.

2, the group notes that several new mechanisms are now established but have not yet been exercised enough to determine effectiveness adjustments. The evaluation mechanism proposed here would be helpful in determining the effectiveness of these recent mechanisms before creating yet more mechanisms that may turnout to be duplicative and confusing for the organization and which community. Next point results of these evaluations should be available to the community.

This is to continue point B, ICANN organization should standardize and publish guidelines for appropriate time frames for acknowledging requests made by the community and for responding with a resolution or updated timeframe with a full response can be delivered.

Point C, ICANN organization should include language in the performance management guidelines for managers that recommends people managers of community facing staff seek input from the appropriate community members during the organizations rice twice annual performance reviews.

Stop here for a second.

Please move on to the next page.

This now is recommendation 3 if complaint about fairness filled by the points of the community. Another example is situations among the board and community and organization that repeat regularly and are not susceptible to readdress by any one of the accountability

mechanisms. ICANN should investigate the creation of an informal full member panel proposed of the ohms but man and complaint officer and rest give the empowered community and board member.

Yes if I can go to the next page. The panel quick review or concerns or issues raised by the community and ombudsman or staff and board at least two panel members determine need further effort where this panel should work transparently it will at its dis direction be able to treat issues that require it as confidential. This panel would have no powers beyond those of its members and their ability to cooperate.

I'll stop for a second. There has been discussion on this point.

Yes I see Julie please.

>> JULIE HAMMER: I just want to flag a concern about increasing process and the process with some things we are doing. I understand the motivation behind suggesting something like this but I just want to flag a concern about resource implication of this particular recommendation.

Thank you.

>> AVRI DORIA: Thank you and you had as well as others mentioned that during our previous conversation. And I think that was some reason for backing off of the sort of adding process to this panel sort of asking you know staff to investigate ways in which this could be created and I think the hope is, that it can be created without you know extra bureaucracy because we are not adding new powers. We are not even adding new roles and responsibilities. We are just basically trying to enable these people to get together when there's a problem that hasn't been solvable as opposed to leaving something to fester. Is sort of an emergency mechanism but

you know, it still needs an implementation and I think it needs an implementation that is non bureaucratic. Perhaps we can at a word or two about the non bureaucracy. And there's a Steve DelBianco question who will determine which issues are confidential? I believe that is a members of the panel who each have criteria that make their that define confidentiality level of the issues that letter this taking about. So, I believe that would be the panel.

Yes, Steve, I see a hand.

>> STEVE DELBIANCO: Thank you Avri. If I would invite you to consider giving explicit reasons that would lead to confidentiality when our group in SOAC accountability was faced with that we turned to Michael Nicholas who gave us 5 reasons for which a meeting could be closed to members only for instance. One of the reasons was "information ever information whose personal privacy like medical records. And there are four other bullets on pages of AC accountability report. This would noting an accountable a reason to reissue the draft. But for any reason put indicative reasons in the report and invite you to what Michael put on 6 and 7 of SOAC accounts anticipate if thank you for that. If.

>> AVRI DORIA: Thank you for that. If that's permissible certainly do that. And if sales this reading we will look at what needs to be done. I also see Finn Petersen with we should avoid new panels. That would seem to be a complete rejection of this point and this recommendation.

So I wonder whether there is an agreement with F. In that this recommendation that raises a new panel and attempts to do so as lightly as possible should just be stricken and we should cease worrying about it.

I guess I need the chairs to determine whether that's enough.

This is the first reading. The panel has objected to every time we talked to talk to you about it. At least a handful of people. The people in the subgroup thought it was a necessary release valve for things not currently handled but if there's sufficient consensus on the plenary to remove it, we might as well get it over with. And see where we go from here.

Yes please.

>> Avri, I recommend we keep this as the first reading on if this report. And of course have the tweaks and modifications that have been suggested for our next reading. But I would definitely encourage us to keep this out of first reading of this report.

>> AVRI DORIA: Thank you.

And there was one recommendation that this be that this is an ad hoc panel. And we have said an informal panel but we can certainly add the words ad hoc if that makes it better.

Okay.

Then moving on to 4. Kavouss your hand is up please before I move on.

>> KAVOUSS ARASTEH: Yes I think perhaps after your explanation and Steve's explanation, Steve could change his position. It's ad hoc and informal and it helps. He may reconsider his position. I'm asking, not pushing. I think maybe after this explanation he could probably agree to the detention of that. It's ad hoc, non permanent and informal.

>> AVRI DORIA: Thank you very much Kavouss. I'll move on to number 4.

And there is Cheryl's ad hoc nature of it is important. So we will definitely add the ad hoc word as well as some other phrases that have been discussed in the comments while I was reading and talking.

4, now here there's an issue that we are bringing that we did mention in this note. This is the last recommendation. 4. I can recommend that we should work with the community to develop and publish service level guidelines similar to service level agreement for the IM numbering service for all services provided by ICANN to contract the parties and to the service level target and service level target for each service.

While there was consensus on this in the group there was one person that wanted us to just put a comment in and give a chance for contacted parties to comment but the one comment was that service guidelines level guidelines are not strong enough are not enforceable. And therefore wanted to go back to previous wording. Of service level agreements.

That had been discussed in our previous failed reading. And there had been a strong indication that service level agreements were too contractual and too hard to negotiate.

So, basically, as I see with exception of one member, but one member who asked to have time to get further confirmation from contracted parties, this issue was tagged. But there was consensus on what's here.

>> KAVOUSS ARASTEH: The next issue when we talk about KPI. Sorry.

>> AVRI DORIA: Okay thanks. So, I don't know if there's any discussion as I say or any strong consensus in this group to change this to service level service level agreements. But what we did in the group was we left it open for comment. A week before sending it. And it's been

open for another week since then. To see if any strong comments came in from the contracted parties saying no they really wanted agreement. Non came in. I guess I'm asking the same question now.

Why see any. So I'm recommending that I we no longer have an issue on this one.

And that is that was the consensus of the group. Moving to develop service levels that clearly service level to the community and service level for each type of service.

And that was also changed a little bit to make it a little less of the guideline in the first one that also had consensus. Do I have another page? That's the end of it. I got the Q and A of it.

That's where we are at.

Hopefully this has the with the I think the relatively minor though significant changes that people have posed that it will succeed at having had a first reading.

But I guess we have hands up to yes, Kavouss?

>> KAVOUSS ARASTEH:

Avri, I had a question unfortunately I lost the chart. Somewhere may be the report you were talking about KPI. If I am right. I don't know which part of the report already before. I don't have it in front of me. I want to comment on that if you so agree thank you.

Let me see if that's still in there.

I'm just doing a search on the report.

I see neither KPI nor indicators in there.

Perhaps it's something that disappeared in the last instructions. I don't specifically remember but please make your point then we can see if there's anything that fails against that point I don't see KPI in the indicators.

>> KAVOUSS ARASTEH: If it's deleted I don't think we should have self defined KPI.

It should be a criteria. If not leave something to your self to provide KPI to myself I do everything in positive. Someone else 1450 look at the KPI and some criteria to do it. That's a comment yourself. If it is no longer there I have no problem.

There's no self defined key performance in it. I will do a second chat to make sure I'm right much wick note bring lose any chance we have of making a schedule. I guess seeing no more hands, I think merchandises saying it was a good run through. And thanking me. I'll turn it back over to the chairs.

To see if there's a decision on whether.

>> Thank you for these recommendations I note there's some comments that suggest minor adjustments to these document. So I would take it that these conflicts are first reading on these draft recommendations. I would kindly ask the subgroup to go back and do the minor adjustments as noted on this call.

For example, on the so we can have a seconds reading on a future call. I guess this includes this part of the agenda. We have if we have the co chair Jordan Carter on the call. He hasn't been able to speak much because of the 2:00 a.m. or 3:00 a.m. in morning where he is. And of course that would be disrupt any personal relationships that he might have in place. So we

thank you Jordan for your support and of course understand the situation of you not being able to speak. But supporting us through the chat and of course being in the call.

I would also like to emphasize the thanks that Thomas is putting on the chat to the team and to Avri on this last topic of staff accountability. And I will now like to hand the floor back to my co chair Thomas for I believe we are short in time to address the ombuds discussion. The human rights discussion. So the human rights will be addressed tomorrow in the call. So I will now hand it back to Thomas for any other business Thomas you have the floor.

Yes ma'am we can do the ombuds or HR topic if we want to rush this.

>> Thomas if you are speaking we lost you and can't hear you.

>> THOMAS RICKERT: Can you hear me now?

>> You're back.

>> THOMAS RICKERT: Okay. Okay. I was just saying that we do not think we can do either the ombuds or HR topic since we tried to rush this in the remaining few minutes of the call so we are going to discuss these topics during the plenary call tomorrow. And I have asked when there's any AOB to be today. But I don't see any hands on that. Nor has anyone indicated in the call that they want to have an AOB. If we can please move to the next slide. Item number 12.

One more slide.

So there's the schedule is as follows we want to have another plenary tomorrow then Mac your calendars for the 4th of October and 11th of October. The 2 meetings on the 4th and 11th

optional. Depending on how much progress we are making tomorrow we can drop one or both of these calls. And 18th is going to be another regularly scheduled plenary. I trust there are no questions on this. We just wanted to put the plenary agenda on the record, the invitation on the list as well as these what we want to do. Kavouss please.

>> KAVOUSS ARASTEH: Just a small question.

Do we have a meeting for 1 hour or 2 hours tomorrow? The reason I'm on the flight tomorrow. So I prefer not to have two hours because two hours of this stuff, 11:00 here then 1:00 in the morning so I will not be able to leave for the airport. So if it's one hour I can manage it. Just a question, just a suggestion thank you.

>> THOMAS RICKERT: Thank you very much Kavouss. I guess the answer is we have reserved the two hour slot in order not to be forced to break or to stop ongoing discussion. If discussions of the HR and ombuds topics so quickly they might be done in an hour. So pretty much depends on the pace that we have during the call tomorrow. With that I would like to thank everyone for their participation and for the constructive meeting today. And let's now adjourn we are going to talk to each other tomorrow. Thank you very much today. The recording can be stopped.

>> Thank you everyone, bye.