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STAFF ACCOUNTABILITY SUBGROUP
Wednesday, January 17, 2018 – 19:00-20:00

>> JORDAN CARTER: Hi, everyone. Let's start the recording please for this call.

[This meeting is now being recorded]

>> JORDAN CARTER: Good morning, afternoon, evening, whatever time of day it is. Welcome to the CCWG Accountability Group Work Stream 2. My name is Jordan Carter. I'm one of the co chairs of the CCWG, and Avri was the rapporteur for the group. I'm stepping in to facilitate this call and a couple of others, if that meets with your approval of contentment or tolerance. We'll come back to that question at the end of this call.

Thank you for joining. We have a simple agenda today in our first meeting of 2018. The beginning of the end of this process, hopefully. This is to do welcome updates and statements of interest, and to reply to public comments that have been received on the job report.

Are there any comments on that draft agenda? Is there anything else anyone needs to speak to? We'll do the same thing in any other business and call at the end of the call.

Updates to statements of interest. If you haven't done an SOI, you need to do one. You can do that with ICANN staff.

>> AVRI DORIA: This is Avri speaking. I wanted to point out the changes haven't gone into the Board. It's already made in my SOI, but a specific point I wanted to make on this. As I was the rapporteur of the report the Board was commenting on, I recused myself

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from that process within the Board, and also said that I would recuse myself from commenting on those board comments in the group.

As long as it's fine with everybody, I'm remaining in the group as an individual. I am not the liaison for the Board, and won't be speaking before the Board in any way whatsoever. And I'll make that point again if it seems like I am speaking for the Board. But I just wanted to make sure I got that all on the record, and willing to answer any questions on it. Thanks.

>> JORDAN CARTER: Thanks, Avri, for that clarity, and I appreciate you sharing that with us. I don't see any hand up on that one.

let us move just for the transcript's sake, the person speaking was Avri, A V R I.

Working through the public comments that have been received on the ICANN staff, and very quick turn around, has given us a number of documents. One is a spreadsheet that summarizes the comments that have been received, and another is a PDF of that spreadsheet. A third is a compilation of all the comments that have been received. Thank you for the rest of the team, Patrick and others, for getting through that so quickly and incorporating the comments that came from some part of the community in a super quick way. I really appreciate that. I'm sure we all do.

The proposal is we use the summary table in this first round, and we used that. It's sorted by groups, and what the comments response to is in terms of overall recommendation, 1, 2, 3, 4, et cetera. Hopefully, we'll spend our time on discussing recommendations that are agreed with. But we only have an hour for this call, now 54 minutes. If we can focus discussion on comments, raise questions, concerns or point a different question. You'll find in the spreadsheet those are colored in a non green color. That might be a guide to where to spend the time on this call.

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Before we start running through that, Bernie, is there anything else you would like to say about the summary before we kick off?

>> BERNARD TURCOTTE: Multitasking, here. This has proven to be an effective way for most groups to work their way through this kind of material. It's not ordained it has to be this way. If there's another way people want to work through these things, that's fine by us. We structured it like this based on I would say a lot of experience working through the public comments. This seems to be the most effective way that evolved over time to get us across the finish line.

Also, as noted on the transmission document, we are working through a deadline. 9 of March is when the final recommendations from the group have to be in. That's not movable. Why it's not movable is because we agreed to a public comment on an integrated set of recommendations. If we want to get those out, done and have a final ICANN meeting, it has to go out right after the Puerto Rico meeting.

We are working to it as long as we have to. We can add meetings. We have to come to conclusions, amend recommendations, if that's what the subgroup does, and hand those in to the plenary for final approval. Thank you.

>> JORDAN CARTER: Thank you, Bernie, for that summary.

Pam, please go ahead.

>> PAM LITTLE: Can you hear me?

>> JORDAN CARTER: Yes

>> PAM LITTLE: Pam Little speaking. I agree. I just have a question about categorization or color coding of the comments, the distinction between dark green and light green in

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particular. I can't comment on others. But with regard to the comments submitted by the registrars stakeholder group of which I'm a member, I had nothing to do with those public comments submitted on behalf of the registrar's stakeholder group. I do not get involved in drafting. I only saw the comments after completion. The categorization after the comments in regards to the recommendation seems, to me, not quite accurate.

My point is, light green, where a comment is submitted, it doesn't necessarily mean there's no strong support. So dark green is denoting and qualified support or agreement, whereas light green is support with comment. I just am curious or question whether that methodology is sound, is supported, should be read in the whole. The comment could be supporting the particular recommendation, even though there's a comment, in which case I believe it should be dark green rather than light green. I hope that makes sense. Thank you.

>> JORDAN CARTER: Pam, thank you for that. The way I interpreted this is the color coding gives us a steer in reviewing the comments about how much attention we need to pay to them. So we have to read all of the comments. That's a given, right? So the qualifications of light green and dark green gives us a number that there's something in this light green one; notice it, pay attention to it. I haven't read those color codings on judgments on the overall comment because I'm going to read the whole thing anyway.

Bernie, or Patrick, any of the staff, do you want to add anything to that?

>> BERNARD TURCOTTE: It's an effort by staff to help subgroup members go through this, and is not meant to be absolute. I think it's more along the lines of what you said, Jordan, that to facilitate how much attention you want to spend on certain comments. Thank you.

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>> JORDAN CARTER: Is that all right, Pam? Does that make sense? Great, okay. Got a "yes, thanks" from Pam in the chat.

I don't know about you. I'm using a laptop so the projection of this on the screen is rather hard to read, but I have a copy of it open elsewhere.

There's a group of lines on the table, and lines 2 to line 11, which works, are overall comments and observations. I think those make suggestions for additional work. In some cases there's contextual stuff. Does anyone want to raise points about those overall comments, lines 2 through 11, in the table? I'll move at some pace. If you discover you would like to come back to this, just do that. We'll play it flexibly.

The next set of comments is lines   it starts on Recommendation 1. So lines 12 through 17 inclusive. There are six comments there, I think. They are broadly supportive with a yellow comment. Would anyone like to discuss any of these comments, the Recommendation 1 comments?

So following my own suggestion about the purpose, I'm looking at the yellow comment on line 16 about the ICANN Board for staff reports and public comment. Looking at what the issue is, I think that's something we can come back to and look at the background material and see if there's a parody we can make in responding to the public comment or any adjustment to the local and recommendation. Just note that for the record.

If we move on to the recommendation 2A comment. Starts on line 18 of the table and runs through to line 22, accountability mechanisms recommendations. Are there any comments on 2A comments?

Bernie points out there's a red comment there. I haven't gotten the recommendations in front of me. George points out a fact which are there are no line numbers on the table on

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the screen. I will try and navigate you. I referenced to which page we're talking about on the PDF that's being displayed in the Adobe window.

Recommendation 2A comments starts on the fourth page of the PDF. The top half of the page is in green. There's a red in the middle, more green and some yellow. The fourth page is the PDF in the window. Five comments. Four green, one red.

Are there any comments on any of those that you would like to offer?

>> CHERYL LANGDON ORR: Jordan?

>> JORDAN CARTER: Yeah, Cheryl. Please go ahead.

>> CHERYL LANGDON ORR: Thanks. We do need   it's good form   shall I say for the record   it's good form when we go through public comments, certainly my experience of various processes, and I know this is a cross community working group, but I think we should still have similar standards to make a response from our work team to comments that are not wholeheartedly, or in general, in support of our recommendations.

And in the cases, the one with the registry stakeholders group that says 2A is without merit, consists of needless complexity, I would suggest we need to respond. My personal response is, thank you for your input, but it appears the majority of our group did not agree, and we need to note that.

You've got to respect the fact that people have taken the time to put comments in, but when they're as negative as this, you also need to justify if we are not changing the recommendations to a great extent, why are we not doing so. And a lack of wholesale community support for the negative reaction could be one way through that. And a measure of our agreement or otherwise would be another way. I would suggest we

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probably list both if they are, indeed, valid. But to me, we went through, I think in reasonably, careful detail, when we were putting these recommendations together. And I find that comment, needless complexity, perhaps the one that was created in the absence of understanding the nuances and discussion that went on. Anyway, that's me trying to be polite. Thanks, Jordan.

>> JORDAN CARTER: Thanks, Cheryl. In case it helps anyone else with complexity and you haven't memorized what recommendation 2A is, recommendation 2A is suggesting be information that allows it to understand accountability. That's kind of a survey recommendation. It's about saying, pay attention to how it's perceived to be going in terms of accountability and performance. It suggests survey focus groups in the complaint reports, et cetera. That's what we are talking about here. I don't blame Cheryl for doing that. It's something I can do as I push to help understand what we are talking about.

On the process, we're hoping will provide insight on two points: One is to start generating responses to public comments which we need to do, and the other is to trying to understand whether there are adjustments to the recommendations it requires.

And first priority is in the adjustments recommendation. The second part is individual responses to public comments. The reason for that is the tight time frames we're working on. I meant to say that at the start and I forgot.

Are there any other comments about that set of public comments on recommendations? It is broadly supportive. It's green there. If not, we can move on to Recommendation 2. Cheryl is adding, "I see no need to adjust our recommendation." And my initial read of the comments agree with Cheryl's assessment.

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Let's move on to 2B. It starting with a comment bottom of page four from the ICANN Board and carries for another one comment. There are two comments on the bottom of Page 4 and start of Page 5 of the sheet. 2B is saying the organization should establish appropriate time frame on request by the community for resolution and updated time frames. I think that's about timeliness of accountability mechanisms.

One comment is broadly supportive and registrars and the Board is quizzical about it in their comment. And does maintain some time frames and multiple ways that request can come. Sort of response and clarity for suggestions and comments will come from the surveys recommended in 2A. Are there any discussion to have on those comments? Recommendation 2B? No hands raised.

For the record, by the way, this material came a short while ago. And I wanted to assure you this isn't going to be your only chance to make comments or responses. You'll have more time to think about and consider this material on the next call on the 24th. We'll do another run through and ask for other incites and consideration. Cheryl said we can clarify details to alleviate some of these concerns. And that's right, we can do that.

We will move on, if you are all right with that, to responses to Recommendation 2C. The PDF below the last 2B one. I can't remember which page it is. Page 5 of the PDF. And there are three comments there on 2C, and it goes over the page. There's a bit   sort of more qualifications and questions in this set of comments than there was in the previous one. This is Recommendation 2C which is about recommending that managers seek input about performance reviews of staff. The comments are in a supportive direction.

Are there any discussions that people would like to make about those comments? Cheryl, go ahead.

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>> CHERYL LANGDON ORR: Thanks, Jordan. Cheryl for the record. I don't see this as incredibly negative of clarifying, but I think what is important here is, no, it's not a sea of green of any shade. It is still supportive of the principal of having the input. And I think that principal support needs to be noted. So a little bit like my comment earlier with perhaps needing to clarify and look specifically at responding in particular to the points made by the registrar, group and board on this one, which I know has been messing with it. I still don't see this as an awfully negative thing we need to make a major change in the recommendations on. I just want to point that out. Thanks.

>> JORDAN CARTER: Thank you, Cheryl. Yeah. I think there's a useful   there's a natural caution here I think that people are raising which is that you can't get input in a way that allows for inappropriate hijacking of the performance of new process of staff.

So I think from initial discussions about this is what the recommendation is saying the community's experienced, some roles which are directly related to supporting the community, are something that should be taken into account in an appropriate way. I think the conversation is to get that in an appropriate way. I don't think they want it inappropriate or to jeopardize the staff or the organizations. If we can take a look at it and make sure the language is as clear as possible, that would probably help with some of these concerns as well.

Are there any comments on those recommendations? If not, we'll move to comments on Recommendation 3. They start on page   I've broken my own Adobe screen. They start on Page 5   6. It carries on through the first two comments on Page 7. You have five comments. This is about the floor person ad hoc panel. There are a couple of comments that are in favor of that to be sort of contact points, and some concerns not appropriate,

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and raised question of fairness. The Board registrar stakeholder group and some of the general problems.

Does anyone have comments about those public comments? Cheryl, go ahead.

>> CHERYL LANGDON ORR: Thanks, Jordan. Cheryl for the record. This one on 3, because the C is pinked through to red, clearly needs more careful discussion and deliberation in terms of either how we better qualify, clarify or limit or make clear what the limitations over a panel like this would be. I see and understand the concerns of imbalance in a power dynamic, which is kind of what I'm seeing on the seven red/pink responses.

If we are doing this on some sort of simply looking at edit from a numerical point of view, how many concerns, how extreme, and how many are negative versus supportive, one would suggest that this is one point where we may need to look at a possible modification of our recommendation, but I don't want to jump to that conclusion without us having a very detailed analysis of exactly what we think the concerns are, which are predominantly I think they're all, actually on Page 7. There's a little bit of yellow on bottom of Page 6.

This is one where I want to spend a reasonable amount of time doing analysis. If there is a miss interpretation of our intent that we think has happened, therefore, we need to qualify and clarify better what we have written in the recommendations. That's a vastly different thing, and it may be the case in this case.

But we might need to also check by actually asking that question or looked at qualifying questions back to maybe ICANN Board because it may be that how we wrote it wasn't clear enough, or that it was open to interpretation that we weren't intending. Thanks.

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>> JORDAN CARTER: Thanks, Cheryl. Does that sound like volunteering for you to lead us through a more comprehensive analysis at our next call?

>> CHERYL LANGDON ORR: Nope, it is not.

[Laughter]

>> JORDAN CARTER: You sure?

>> CHERYL LANGDON ORR: Absolutely, positively, Jordan. I think we're a small enough group we can just chitchat through them, but I think we need to spend probably a good 20 plus minutes, even to, half the call, to make sure we can convince ourselves if a change needs to be made, why it needs to be made, or if it's a measure of better qualification and clarification of our intent. And it may mean we need to reach out and double check through liaisons or through a note from staff to see whether or not there was a misinterpretation of our intent. If it wasn't, we need to seriously look at a modification of the recommendation on this one. Thanks.

>> JORDAN CARTER: Thanks, Cheryl. I'm not brave enough to voluntold you. I think we should put this on the agenda for the next call because it's a recommendation that attracted comments. When I read the Board one, some of it may be interpretation issue because the Board's comment, and part of the question, is what the powers of the group would be, that I thought the recommendations pretty clear said it wouldn't have power.

The only power it would have was the ability of the people on it to come to some agreements, and then feed that back into existing decision making processes of the organization. I think that's the kind of thing we could tease out in a more timely way. If staff could note Recommendation 3 comment is the first item on the next call of the 24th

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of January, work through the public comments, that would be very helpful. Are there any other comments on that, or should we move on to Recommendation 4 comments?

Four is at the bottom of Page 7. This is on service level definitions and guidelines. And that's kind of   I don't know between 4A or B, but this was the idea behind the second recommendation was improving the transparency of the offer. If you were a community member and didn't get a response within six weeks to a question you asked, that would probably not be the level of service ICANN is aiming for, et cetera. That was a random example I've experienced.

Recommendation 4 is carrying on. It has comments at the bottom of Page 7 and then top of the page, almost Page 8. This is an interesting comment in the sense there is quite a lot of community support. And registrars, business, and then there's a concern raised by the ICANN Board in its comment which is sort of uncomfortable with that sort of relationship with the community. And challenges limits like where it would be applied and they raised questions, which I thought we actually resolved back in early last year, but we can come back to that for further discussion as well.

Are there any comments on these public comments? Anything anyone would like to discuss?

Pam, please, go ahead.

>> PAM LITTLE: Hi. Thank you, Jordan. Pam Little speaking. As I said earlier, I would encourage folks to take a read at various groups comments, in particular those submitted by the registrar stakeholder group. To me, my read of that particular comment around Recommendation 4 from the RRSG is a strong support rather than disagreeing, but I accept Jordan and staff's response. We're just here to see whether it's read or green.

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But I feel strongly about this one being the one who proposed this recommendation in the first place, and the author of the RRSG comment that this one should be a support. Thank you.

>> JORDAN CARTER: These ideas is one of the best in the whole report. I think that's a strong support for the proposal. I don't take the green there as any reflection on that. Does anyone have any comments on   is that a new hand, Pam? No, it's a former hand.

Are there   does anyone have any kind of comment on that principal the Board is backing that doesn't want to have pass about the relationship with the community? I thought it was an interesting comment. I understand the scope concern. I don't understand the concerns about what they're seeking to achieve.

I think it's obvious what the recommendation is seeking to achieve, which is clarity about what people can reasonably expect in terms of the service that they receive from the organization and, of course, if you wanted to find what that is, you need to be specific about the services are. So you don't want to do it with everything that ICANN does. The recommendation does ask the organization to take a lead in doing that. My interpretation on the recommendation was that it would be quite an open and iterative process that wouldn't involve doing everything at once, but maybe there was a different assumption. If there's no comments in this, this might be a category for us to continue to mull on and think about.

I don't see any hands. I'll move this then to the last two comments. They're both on the Board. One is regarding the assessment of issues. Their comments. This is been an on going discussion between this subgroup and the Board it comes down to a different philosophy and statement about how they're improvements can be proposed. It's a different approach than saying there are specific problems we're trying to fix, and that

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comment touches on that difference of approach, that's fine. Bernie raised his hand so I think that means he has he is hand up. Is that the case?

>> BERNARD TURCOTTE: That's correct, sir. I was just wondering if given what we did in [indiscernible] should be included formally on the agenda for the next call?

>> JORDAN CARTER: I think that's the case. Those are the two areas we need to focus on. And by specifying them for the agenda on the next call, we may encourage people to share thoughts and reflections on the mailing list between now and next week, and it will draw people's attention to us. This might make them feel more focused.

Bernie, you did have your hand up. I didn't scroll up far enough to find it.

Are there any other comments on the comments? Anything else anyone wants to add?

My recommendation to everyone would be, if you haven't already   I confess I haven't   to take an hour or two to read through all of the comments in full, and that will give you the full resources and knowledge to look back at the staff summary if you think there's anything else you can raise. Think in particular about those recommendations we said we need to do some more consideration of, which is this Recommendation 4 we've just been discussing, and the panel Recommendation 3. Sharpen your wits about that. Think about ways you would like to discuss those. Think about if you think solutions are needed, have a go at those. And that's really about all I think that you are to do between now and next week's call, which is scheduled for Wednesday, the 24th of January, at 13:00 UTC.

Bernie's hand is up again. Bernie, could you please go ahead.

>> BERNARD TURCOTTE: Thank you, Jordan. Just a process note, we've captured the input on the various comments. We'll be updating the spreadsheet, and as usual,

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publishing the decisions back to action items and request the rough transcript. And as part of that package, we'll include this updated analysis spreadsheet of the comments so people can start thinking about it. If you do have questions or comments, please use the list. Thank you.

>> JORDAN CARTER: Okay. Thank you, Bernie. I think at some point, what we all need to do is start writing specific responses to some of the comments. It would probably be helpful to have   this may not be a nice thing. It would be probably helpful to have a rough draft version of the spreadsheet so we can easily collaborate on developing responses, but I don't think we need that straightaway.

Any other business? Any other things people would like to ask? If not, I'll just close by thanking you for your participation and paying attention to this issue. And remind you our next two calls will be scheduled Wednesday, the 24th of January, at 13:00 UTC and [indiscernible]. Agenda for the next call will be focused on those two particular recommendations. And please read the comments and be further equipped to share further thoughts on those meetings.

Thank you for the call. That wraps this up, and see you later.

>> Thanks, Jordan. Thanks everyone. Bye.

[End of Meeting]