

Commenter	Regarding which Recommendation	Comment
GNSO-NCSG	Overall Comment	The Ombuds Office procedures should be set through consultation with the community.
GNSO-NCSG	Overall Comment	The NCSG is not satisfied that the independence of the Ombuds Office has been sufficiently addressed. The NCSG does not believe that the problem of independence of the Ombuds persons can be solved with 5-year fixed-term contracts. If the meaning of this recommendation is that the Ombuds office, as an external entity, should be given a fixed-term contract, the NCSG supports this suggestion. However, if this refers to individual Ombudspersons, the issue of independence will remain. Since the Ombudsperson directly receives her/his revenue from ICANN, the fixed-term contract does not eliminate economic incentives that can potentially hamper the ombuds' independence. It also does not preclude the Ombudsperson from taking up employment after their fixed-term contract ends with a stakeholder in the domain name industry.
GNSO-NCSG	Overall Comment	We think that the accountability and independence of the Ombuds could only be maintained if it is an office and not a person. At present, the Ombuds is an ombudsperson. We suggest that to ensure and maintain the independence of the office, the best way would be to use an external organization that provides ombuds services and does not have ICANN as its sole source of revenue.
GNSO-NCSG	Overall Comment	The NCSG believes that the report is missing one very important point about independence and accountability of Ombuds office. We think that under no circumstances should the Ombudspersons socialise and befriend community members. This is a very obvious independence element which, unfortunately, has not made it into the report. We suggest the subgroup to consider the situation when the decision maker of someone's case at a social event is talking and smiling at the party, which has a complaint filed against them. Independence is seriously affected by social encounters and interactions. We believe that the final report should include a recommendation for the Ombudsman's office to consult the community to establish appropriate rules around socialization and interactions so/as not to compromise their official role as an oversight mechanism.
INTA	Overall Comment	While we generally support the recommendations, we do have specific comments regarding the efficiency and transparency of the IOO. Our concerns focus on the response times proposed in recommendation 4 and to a general question of enforcement mechanisms available to the IOO.
ALAC	Overall Comment	The ALAC commends the subgroup and entire CCWG on ICANN Accountability for their work in producing this draft. The ALAC supports the draft as currently presented.
GNSO-BC	Recommendation 1 - The Ombuds Office should have a more strategic focus.	Agree
GNSO-IPC	Recommendation 1 - The Ombuds Office should have a more strategic focus.	The IPC agrees that Ombuds Office "should have a more strategic focus" (Recommendation 1), but urges WS2 to provide more detail in its finalized recommendations. A more strategic focus for the Ombuds Office should mean that, in its enhanced role, it has comprehensive understanding of ICANN's unique structure and its role in supporting ICANN's goals and viability.
GNSO-BC	Recommendation 2 - The Ombudsman office should include procedures for handling different types of complaints, clarifying scope of role, and deepening understanding of Ombuds approach.	Agreed
GNSO-IPC	Recommendation 2 - The Ombudsman office should include procedures for handling different types of complaints, clarifying scope of role, and deepening understanding of Ombuds approach.	The IPC supports Recommendation 2 and agrees that the Ombuds Office should have procedures in place to categorize complaints and how each category should be handled; should set out which matters the Ombuds Office will not intervene in; and should provide illustrative examples that cover the most common controversies the Ombuds Office deals with.
GNSO-BC	Recommendation 3 - soft re-launch of the function to all relevant parts of ICANN.	Fully agreed.
GNSO-IPC	Recommendation 3 - soft re-launch of the function to all relevant parts of ICANN.	The IPC supports the "soft launch" of the enhanced Ombuds Office across ICANN's structure (Recommendation 3). The IPC commits to assist in educating its members when appropriate.
GNSO-BC	Recommendation 4 - Requirements for timely response to Ombuds requests.	Agreed
GNSO-NCSG	Recommendation 4 - Requirements for timely response to Ombuds requests.	In regards to recommendation 4, which requires the community to respond to the Ombuds office in due time with reasoning, we believe such a responsibility should be mutual. The timeliness of the Ombuds Office actions should be preserved (as is indicated in recommendation 5) and the office must provide reasons for its decision. Also, if the responding party requests for additional extension in case of exceptional circumstances as mentioned in the Recommendation 4, the additional extension granted by the Ombuds Office should not be more than 30 days.

GNSO-NCSG	Recommendation 4 - Requirements for timely response to Ombuds requests.	The nature of the Ombuds office decisions are non-binding, but such nature has to be clarified. In recommendation 4 suggests, the community has to respond to Ombuds Office inquiries. We agree that the community, and ICANN the organization, must respond to reasonable Ombuds Office inquiries, but not to be obliged to comply with the decisions of the Ombuds Office (as stated in the report). Moreover, the procedure for if a decision of the Ombudsman's office is not complied with should be clarified in the Ombuds Office procedures.
INTA	Recommendation 4 - Requirements for timely response to Ombuds requests.	<p>While a mandatory response time is welcome and the process described above is positive, in INTA's view the response time should be significantly shortened. A lengthy process may deter members of the community from seeking assistance from the IOO. For the IOO to have a meaningful role, it must have the power to act and address issues more quickly and efficiently. INTA recommends that the response time be shortened to 60 days with a possible 30-day extension due to exceptional circumstances. A full, fair and expeditious review of the matter at issue will go a long way strengthening the ombuds functions.</p> <p>Additionally, it is unclear from the Recommendations what, if any, enforcement mechanisms are available to the IOO. In fact, there is no discussion as to whether the IOO should have any enforcement powers or mechanisms. INTA recommends that the working group examine reasonable and appropriate mechanisms of enforcement that may be delegated to the IOO. INTA recognizes that, today, the ombuds functions are not independent from ICANN org.</p> <p>Therefore, enforcement may be limited to what ICANN org may implement. If enforcement mechanisms are deemed to be beyond the scope of the IOO then, at a minimum, it may be useful to map how matters resolved by the IOO may be referred to appropriate bodies for enforcement as appropriate.</p>
GNSO-RYSG	Recommendation 4 - Requirements for timely response to Ombuds requests.	<p>With respect to Recommendation #4 (requiring groups to respond to a formal request or report from the Ombudsman within 90 days, with the ability seek a 30-day extension from the Ombudsman), the RySG does not support the Ombudsman's ability to issue such 'orders' as drafted. The RySG is aware of the requirement under ICANN bylaws that the Ombudsman have access to necessary information and records from ICANN staff and constituent bodies to enable an informed evaluation of complaints and to assist in dispute resolution where feasible. But while committed to ensuring the Ombudsman has timely information, the RySG retains discretion to allocate its resources (including demands on volunteer time) as it deems best in balancing important calls on its input. Ombudsman-issued deadlines are inconsistent with that principle and would be unworkable.</p> <p>With respect to Recommendation #4's requiring a substantive response to the Ombudsman, the RySG notes, for purposes of clarity, that it retains the discretion to decide which information and records, if any, are 'necessary' to respond to Ombudsman requests. As such, the RySG recommends striking Recommendation #4 as the current Bylaws sufficiently require constituent bodies to cooperate without granting the Ombudsman the unfettered ability to make unreasonable requests in what could be unreasonable time frames.</p>
GNSO-IPC	Recommendation 4 - Requirements for timely response to Ombuds requests.	Supports
GNSO-BC	Recommendation 5 - The ICANN Office of the Ombuds should establish timelines for its own handling of complaints and report against these on a quarterly and annual basis.	Agreed
GNSO-IPC	Recommendation 5 - The ICANN Office of the Ombuds should establish timelines for its own handling of complaints and report against these on a quarterly and annual basis.	Supports
GNSO-BC	Recommendation 6 - The Office of the Ombuds should be configured so that it has formal mediation training and experience within its capabilities.	Comment: It is expected that anyone that would be engaged to handle this responsibility should have proven mediation skills and training. So, recommendation is agreed.
GNSO-IPC	Recommendation 6 - The Office of the Ombuds should be configured so that it has formal mediation training and experience within its capabilities.	Supports
GNSO-BC	Recommendation 7 - Support for gender diversity in the office	Comment: This recommendation is not clear. It is expected that an Ombudsman is a person and not persons and as such the question of choice of whom a complaint can be addressed does not arise. However, it should be part of the job requirements for the Ombudsman that he or she is not in any way biased, and this should be ascertained by review of past engagement of the potential Ombudsman. From time to time, a part time consultant could be retained by the office of the Ombuds. Qualifications, expertise, and experience should be the prevailing standard -- not the gender of those employed in the Office. Therefore, this recommendation may not be relevant.
ALAC	Recommendation 7 - Support for gender diversity in the office	Recommendation 7: While we acknowledge and support gender diversity, we also suggest that language diversity be considered in Staff resource configuration, to the extent practical.

GNSO-NCSG	Recommendation 7 - Support for gender diversity in the office	We would also like to raise our concern about recommendation 7, which currently reads as: "Recommendation 7. The Office of the Ombuds should be ideally configured (subject to practicality) so that it has gender diversity within its staff resources". The CCWG plenary discussed this issue and agreed that recommendation 7 removes the term "subject to practicality". The sub-group rapporteur was suggested to change the language to: "... The office of the ombuds should be ideally configured so that it has gender, and if possible other forms of diversity within its staff resources" (Transcript of the meeting, page 19). This suggestion was supported by the group. We do not see this change reflected in the final report which was put up for public comment.
GNSO-BC	Recommendation 8 - ICANN should establish an Ombuds Advisory Panel.	Agreed
GNSO-IPC	Recommendation 8 - ICANN should establish an Ombuds Advisory Panel.	Supports
GNSO-BC	Recommendation 9 - Revise Ombuds employment contracts to a five year fixed term; termination for cause only.	Comment: Agreed, but extension should be subject to a community-based feedback mechanism to the "Advisory Panel" covering Ombuds performance over the previous 5years.
GNSO-IPC	Recommendation 9 - Revise Ombuds employment contracts to a five year fixed term; termination for cause only.	Supports, We encourage a community feedback mechanism that feeds into the IOO as part of this process.
GNSO-IPC	Recommendation 10 - Communications plan, including the formal annual report.	Supports
GNSO-BC	Recommendation 10 - Communications plan, including the formal annual report.	Agreed
ALAC	Recommendation 11 - With input from across the community, ICANN should develop a policy for any Ombuds involvement in non-complaints work.	Recommendation 11: We recognize that the items proposed will address important, high-level policies expected to be observed by the Office of the Ombudsman; therefore, we do not believe restricting the Ombudsman from certain activities (i.e. socializing) as suggested by certain members of the Community is a necessary detail to codify in such policy. We expect the Ombudsman would understand their role, hence would observe his/her duties accordingly; Community policing of the Ombudsman should not be a solution to fix a performance issue.
GNSO-BC	Recommendation 11 - With input from across the community, ICANN should develop a policy for any Ombuds involvement in non-complaints work.	Fully agreed.
GNSO-IPC	Recommendation 11 - With input from across the community, ICANN should develop a policy for any Ombuds involvement in non-complaints work.	Supports. However, we request further detail as to what "non-complaint work" the Ombuds Office would be involved with in ICANN.
GNSO-RYSG	Recommendation 11 - With input from across the community, ICANN should develop a policy for any Ombuds involvement in non-complaints work.	With respect to Recommendation #11 (regarding the Ombudsman's efforts in "non-complaints work" – including involvement in policy design), the RySG has a concern about clarity. The role of the Ombudsman is to act as a neutral dispute resolution practitioner. While the Ombudsman may accept "questions" in addition to complaints, it should be made clear that the Ombudsman does not have free rein to formally engage in policy development unless, and to the extent that, the Ombudsman is formally asked to do so by a policy development process. The RySG believes that any level of Ombudsman activity in a policy design process, if and as so requested, should be given 'as-is' without any implication of stamp-of-approval.
GNSO-BC	The additional recommendation by the Transparency sub-group with respect to involving the Ombuds in the DIDP process should be considered using the criteria in recommendation 11. This specific point will be noted in the public comment process for this document to gauge if the community supports these additional recommendations when considering the criteria in recommendation 11.	Agreed.