

Implications of the CCWG- Accountability recommendations on Diversity and SO/AC Accountability on the ccNSO



10 December 2018

Current Status

- ⦿ The CCWG-Accountability WS2 Final Report was accepted by the Chartering Organizations in October 2018 and sent to the Board 9 November 2018.
- ⦿ Staff are in process of preparing an for Implementation Plan request by the Board.

WS2 Topics of Recommendations

- ⊙ Diversity - 11 Applicable recommendations
- ⊙ Guidelines for Good Faith - 4 Applicable recommendations
- ⊙ HR - 1 Applicable recommendations
- ⊙ Jurisdiction - 8 Applicable recommendations
- ⊙ Ombudsman - 12 Applicable recommendations
- ⊙ SOAC Accountability - 29 Applicable recommendations
- ⊙ Staff Accountability - 8 Applicable recommendations
- ⊙ Transparency - 33 Applicable recommendations

Diversity Recommendations

⊙ **Recommendation 1:** SO/AC/Groups should agree that the following seven key elements of diversity should be used as a common starting point for all diversity considerations within ICANN:

- Geographic/Regional Representation
- Language
- Gender
- Age
- Physical Disability
- Diverse Skills
- Stakeholder Group or Constituency

Recommendation 2: Each SO/AC/Group should identify which elements of diversity are mandated in their charters or ICANN Bylaws and any other elements that are relevant and applicable to each of its levels including leadership (Diversity Criteria) and publish the results of the exercise on their official websites.

Diversity Recommendations

Recommendation 3: Each SO/AC/Group, supported by ICANN staff, should undertake an initial assessment of their diversity for all of their structures including leadership based on their Diversity Criteria and publish the results on their official website.

Recommendation 4: Each SO/AC/Group should use the information from their initial assessment to define and publish on their official website their Diversity Criteria objectives and strategies for achieving these, as well as a timeline for doing so.

Recommendation 5: Each SO/AC/Group, supported by ICANN staff, should undertake a regular update of their diversity assessment against their Diversity Criteria and objectives at all levels including leadership. Ideally this update should be carried out annually but not less than every three years. They should publish the results on their official website and use this information to review and update their objectives, strategies, and timelines.

Diversity Recommendations

Recommendation 6: ICANN staff should provide support and tools for the SO/AC/Groups to assist them in assessing their diversity in an appropriate manner. ICANN should also identify staff or community resources that can assist SO/ACs or other components of the community with diversity-related activities and strategies.

Recommendation 7: ICANN staff should support SO/AC/Groups in developing and publishing a process for dealing with diversity-related complaints and issues.

Diversity Recommendations

Recommendation 8: ICANN staff should support the capture, analysis, and communication of diversity information, seeking external expertise if needed, in the following ways:

- Create a Diversity section on the ICANN website.
- Gather and maintain all relevant diversity information in one place.
- Produce an Annual Diversity Report for ICANN based on all the annual information, provide a global analysis of trends, and summarize SO/AC/Groups recommendations for improvement, where appropriate. This should also include some form of reporting on diversity complaints.
- Include diversity information derived from the Annual Diversity Report in ICANN's Annual Report.

Good Faith

1. Recommendations for guidelines with respect to Petitions for removal:

- **May for any reason; and**

Must:

- **Be believed by the Indemnified Party to be true.**
- **Be in writing.**
- **Contain sufficient detail to verify facts; if verifiable facts are asserted.**
- **Supply supporting evidence if available/applicable.**
- **Include references to applicable by-laws and/or procedures if the assertion is that a specific by-law or procedure has been breached.**
- Be respectful and professional in tone.**

Good Faith

2. Recommendations for guidelines with respect to procedures for consideration of board removal notices by SO/ACs to include:
 - **Reasonable time frames for investigation by SO/AC councils or the equivalent decision-making structures if the SO/AC deems that an investigation is required.**
 - Period of review by the entire membership of the SO/AC provided the SO/AC organizational structure customarily provides review for individual members; otherwise, period of review by those empowered to represent the SO/AC in decisions of this nature.
 - Consistent and transparent voting method for accepting or rejecting a petition; such voting may be by the entire membership or those empowered to represent the SO/AC in decisions of this nature.
 - Documentation of the community process and how decisions are reached.

Good Faith

3. A standard framework be developed and used to raise the issue of Board removal to the respective body – either the specific SO/AC who appointed the member or the Decisional Participant in the case of a NomCom appointee. The framework would be in the context of developing a broader framework for implementing community powers and entering into the discussions contemplated by WS1. This framework could be developed by a new group specifically formed for that purpose.
4. Implement the guidelines as a community best practice to apply to all discussions even if not covered by the indemnities contemplated under Article 20. There may be discussions around rejecting a budget or rejecting a proposed standard Bylaw that would benefit from a good faith process. The guidelines for engaging discussions around Board removal could be adopted as a universal standard given that they are broad enough to encompass any discussion.

SO/AC Accountability

Accountability

1. SO/AC/Groups should document their decision-making methods, indicating any presiding officers, decision-making bodies, and whether decisions are binding or nonbinding.
2. SO/AC/Groups should document their procedures for members to challenge the process used for an election or formal decision.
3. SO/AC/Groups should document their procedures for non-members to challenge decisions regarding their eligibility to become a member.
4. SO/AC/Groups should document unwritten procedures and customs that have been developed in the course of practice, and make them part of their procedural operation documents, charters, and/or bylaws.

SO/AC Accountability

- Accountability

5. Each year, SO/AC/Groups should publish a brief report on what they have done during the prior year to improve accountability, transparency, and participation, describe where they might have fallen short, and any plans for future improvements.
6. Each Empowered Community (EC) Decisional Participant should publicly disclose any decision it submits to the EC. Publication should include description of processes followed to reach the decision.
7. Links to SO/AC transparency and accountability (policies, procedures, and documented practices) should be available from ICANN's main website, under "accountability." ICANN staff would have the responsibility to maintain those links on the ICANN website.

SO/AC Accountability

- Transparency

8. Charter and operating guidelines should be published on a public webpage and updated whenever changes are made.
9. Members of the SO/AC/Group should be listed on a public webpage.
10. Officers of the SO/AC/Group should be listed on a public webpage.
11. Meetings and calls of SO/AC/Groups should normally be open to public observation. When a meeting is determined to be members-only, that should be explained publicly, giving specific reasons for holding a closed meeting. Examples of appropriate reasons include discussion of confidential topics such as:

SO/AC Accountability

- Transparency

12. Records of open meetings should be made publicly available. Records include notes, minutes, recordings, transcripts, and chat, as applicable.
13. Records of closed meetings should be made available to members, and may be made publicly available at the discretion of the AC/SO/Group. Records include notes, minutes, recordings, transcripts, and chat, as applicable.
14. Filed comments and correspondence with ICANN should be published and publicly available.



SO/AC Accountability

- Participation

15. Rules of eligibility and criteria for membership should be clearly outlined in the bylaws or in operational procedures.
16. Where membership must be applied for, the process of application and eligibility criteria should be publicly available.
17. Where membership must be applied for, there should be a process of appeal when application for membership is rejected.
18. An SO/AC/Group that elects its officers should consider term limits.

SO/AC Accountability

- Participation

19. A publicly visible mailing list should be in place.
20. if ICANN were to expand the list of languages that it supports, this support should also be made available to SO/AC/Groups.
21. A glossary for explaining acronyms used by SO/AC/Groups is recommended.

SO/AC Accountability

- Outreach

22. Each SO/AC/Group should publish newsletters or other communications that can help eligible non-members to understand the benefits and process of becoming a member.
23. Each SO/AC/Group should maintain a publicly accessible website/wiki page to advertise their outreach events and opportunities.
24. Each SO/AC/Group should create a committee (of appropriate size) to manage outreach programs to attract additional eligible members, particularly from parts of their targeted community that may not be adequately participating.

SO/AC Accountability

- Outreach

25. Outreach objectives and potential activities should be mentioned in SO/AC/Group bylaws, charter, or procedures.
26. Each SO/AC/Group should have a strategy for outreach to parts of their targeted community that may not be significantly participating at the time, while also seeking diversity within membership.

SO/AC Accountability

- Updates to Policies and Procedures

27. Each SO/AC/Group should review its policies and procedures at regular intervals and make changes to operational procedures and charter as indicated by the review.
28. Members of SO/AC/Groups should be involved in reviews of policies and procedures, and should approve any revisions.
29. Internal reviews of SO/AC/Group policies and procedures should not be prolonged for more than one year, and temporary measures should be considered if the review extends longer.

SO/AC Accountability

- Mutual Accountability Roundtable
 - 30. It is recommended that the Mutual Accountability Roundtable not be implemented.
- Should Independent Review Process (IRP) be applied to SO/AC activities?
 - 31. The IRP should not be made applicable to activities of SO/AC/Groups. The appropriate mechanism for individuals to challenge an SO/AC action or inaction is through ICANN's Ombuds Office, whose bylaws and charter are adequate to handle such complaints.

Questions?

Links and Contact Information

CCWG-Accountability WS2 final report can be found at -
<https://community.icann.org/display/WEIA/Final+Report>

Turcotte.Bernard@gmail.com