Report from WS2 Staff Accountability - This doc:

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Introduction

This document is the product of   the   Work   Stream   2 Staff

Accountability subgroup.   The   group conducted its work in line   with   the

mandate set out in the Work Stream 1 report (see Supplement, Part   VI).

The group adopted the definition of "accountability" used by the board and organization in its

development of   the   board resolution on   delegated   authorities,   passed

 in November   2016. Accountability in this context is defined, according to the NETmundial

multistakeholder statement, as   "the   existence   of   mechanisms   for

independent   checks   and balances as well as for review and   redress."

The focus of this group was to assess "staff   accountability" and   performance   at   the

service delivery, departmental,   or   organizational   level, and   not   at

the   individual,   personnel   level.

The group's work was a combination of problem-centered analysis as well as solution-focused

exploration, with   the   goal   of   identifying   any gaps   to

address   as   part   of   an effort   to   create   a comprehensive system of   checks   and   balances, based   on   the   assessment of tools   and   systems   currently or   newly in place.   The group considered   the   roles and responsibilities of ICANN's Board, staff   and   community members   and   the   links   between   them, sought   input   on issues or challenges relating to   staff   accountability   matters,   and assessed   existing   staff   accountability   processes in ICANN[1].A description of the process followed by the subgroup is documented in the Supplement, Part I. The Supplement also includes the worksheets we   used in the process of developing the recommendations (Supplement, Part IV).

In general, these efforts revealed an extensive accountability system both within ICANN organization as well as in the mechanisms of review and redress afforded the Community, including the Board's role, the Empowered Community Powers, Complaints Office, and Ombuds. The group found that many of the issues or concerns identified by   the   group   will benefit from simply making existing mechanisms more transparent. The group has identified   a few important changes that ICANN we believe will further enhance these accountability mechanisms. The   changes   proposed   are   designed   to work   with existing systems and   processes, and to help establish mechanisms to support continuous improvement   within the ICANN system.

We seek community input on the   recommendations presented below. Please offer your comments and   thoughts   about the   issues we   identified; whether   other issues concern you regarding ICANN Organization (staff) accountability; whether the changes we propose are workable and fit for purpose.

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[1] This report is using the agreed upon usage   for ICANN   Organization   (which includes all   full, part   time and   contracted staff), ICANN Board, and ICANN Community.   The   term   ICANN,   when used   alone, refers to   the trinity of ICANN Orgazication, ICANN Board and ICANN Community.

A Supplement to this report is also being published which includes a record of the work done by the WS2 SubGroup on Staff Accountability. This supplement can be used to further understand what went into the definition of issues and recommendations. No consensus determination was made regarding the supplement.

This report has the consensus of the Staff Accountability Subgroup for submission to the WS2 plenary. There are no minority reports

Roles & Responsibilities

1. The primary role of those who work for ICANN – the "ICANN staff" or "ICANN Organization" – is to execute the strategy and plans adopted by the ICANN Board. They do the day-to-day work of the organization, working with the ICANN community in many cases to do that work.

2. This staff role is distinct from the roles of the ICANN Board and ICANN Community.

3. The ICANN Board is made up of people from within and beyond the ICANN Community. It is the formal governance body. It is responsible for the usual set of governance functions, and is integral to maintaining and developing ICANN as an open and accountable organization.

4. The ICANN Community is the stakeholder groups and individuals who participate through its processes in advancing ICANN's mission. They are co-producers in much of ICANN's work. The community are not governors and are not staff: their involvement in ICANN is generally voluntary from ICANN's point of view.

5. Formally speaking, staff accountability is through the Chief Executive to the ICANN Board.

6. Informally speaking, relationships between and among staff, board and community are integral to the successful work of the

ICANN system. ICANN needs to hold staff accountable for succeeding in those relationships and in dealing with any problems.

7. In thinking about Staff Accountability, the important point is that collaboration is essential to ICANN's success. The community needs to be sure, when appropriate, that ICANN staff will be congratulated

7. and thanked when things are working well, and also to be sure, when appropriate,[2] that staff are held accountable through the usual set of Human Resources (HR) and performance management approaches where things don't go well. Formal and informal systems need to be working together to achieve this.

8. Clear delegations, and open and well-communicated process 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.

9. An ICANN document, "**ICANN's Delegation of Authority Guidelines**[3]", sets out more detail of the respective roles of ICANN's Board, CEO and staff, and how these interact. It was first published in November 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.

Issues

The Staff Accountability subteam reached out to the larger community to identify occasions on which there has been concern about accountability issues related to staff. The subteam received descriptions of

various issues including copies of messages sent to the board, individual written statements and verbal comments during meetings. As this Staff Accountability process is about improving the processes and culture associated with staff accountability at the service delivery, departmental, or organizational level, the group did not identify individuals and does not identify specific incidents in this report.

After the elements involved in the group's assessment were collected and discussed, the following themes emerged which the group determined are of a sufficiently systemic nature and should be addressed by the community.

[2] In this document HR is used in its Human Resources, i.e. personnel, meaning

[3] See: https://www.icann.org/en/system/files/files/delegation-of-authority-guidelines-08nov16-en.pdf

Underlying issues or concerns, identified through the group's analysis:

A) Lack of broad and consistent understanding of the existence and/or nature of existing staff accountability codes of conduct and other mechanisms.

The work of the CCWG-Accountability noted a lack of understanding of how the organization sets department and individual goals, how those goals support ICANN's mission and strategic goals and objectives, and how the community might be able to provide constructive input into the performance of ICANN services, departments, or individuals they interact with.

Also identified was an inconsistent understanding of the expectations related to the development of public comment staff reports, or other substantive response to community feedback.

B) Lack of an effective diagnostic mechanism to clearly identify and then address accountability concerns between community and organization.
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One of the overriding themes of the group's work was addressing the   challenge   that much   of   the   evidence provided was general or anecdotal in nature.   There   was broad   consensus that there were concerns   in the community, but it was difficult to single   out   the   key   sources   of the concern. The group   noted   in its discussions   that   there   was   no established   approach   for measuring   the   satisfaction or   relationship   "health" of the overall community and of its respective   components with respect to service delivery at the departmental or organizational level
.
The work of the group identified a consistent theme of the desire for a safe   forum   for expressing   concerns regarding Organizational performance in a less formal or alarmist fashion   than   the   current mechanisms of   sending   "formal" correspondence   directly   to   the   Complaints   office, CEO   or Board. Another consistent theme   was the concern about how to   best address perceived inconsistencies or concerns regarding implementation of community recommendations.

Recommendations:

Based on these underlying issues   or   concerns,   the   group is proposing   the following   recommendations.

1) 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   visibility   and transparency   of   the   organization's existing   accountability mechanisms, by posting on icann.org in one dedicated area the following:
        i)   Description of the organization's performance management system and process

    ii)   Description of how departmental goals map to ICANN's strategic goals and objectives.

    iii)   Description of The Complaints Office and how it relates to the Ombuds Office iv) Organization policies shared with the CCWG-Accountability during the course of the WS2 work

    v)   ICANN Organization Delegations document

    vi)   The roles descriptions included in this overall report

    vii)   Expectations and guidelines regarding the development of staff reports for

vii) Public Comments, or staff response to Community correspondence.

    b) b) ICANN organization should also evaluate what other communication mechanisms should be utilized to further increase awareness and understanding of these existing and new accountability mechanisms.

2) To address the lack of clearly defined, or broadly understood, mechanisms to address accountability concerns between community members and staff members regarding accountability or behavior:

    a) a) ICANN organization should enhance existing accountability mechanisms to include:

        i)   A regular information acquisition mechanism ((which might include surveys, focus groups, reports from Complaints Office) to allow ICANN Organization to better ascertain its overall performance and accountability to relevant stakeholders. The group notes that several new mechanisms are now established but have not yet been exercised enough to determine effectiveness or

potential adjustments. The evaluation mechanism proposed here would be helpful in determining effectiveness of

ii) these recent mechanisms before creating yet more mechanisms that may turn out to be duplicative or confusing for the organization and community.

iii)ii) Results of these evaluations should be made available to the Community.

c)b) ICANN organization should standardize and publish guidelines for appropriate timeframes for acknowledging requests made by the community, and for responding with a resolution or updated timeframe for when a full response can be delivered.

d)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 organization's twice-annual performance reviews.

3) In some situations, issues may be complex and require cooperation among several of the ICANN accountability mechanisms. An example might be a complaint about fairness filed by one or more parts of the empowered community. Another example might involve situations among the Board, Community and/or Organization that repeat regularly and

3) are not susceptible to redress by any one of the accountability mechanisms. ICANN should investigate the creation of a mechanism for an informal ad-hoc four-member panel composed of the Ombudsman, the Complaints Officer, a representative chosen by the Empowered Community and a Board member. The panel could

review concerns or issues raised by the community, ombudsman, staff or board that at least two panel members determine require further effort. This panel would have no powers beyond those of its members and their ability to cooperate.

While this panel should work transparently, it will, at its discretion, 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.~~. Examples of appropriate reasons include discussion of confidential topics such as:

a. trade secrets or sensitive commercial information whose disclosure would cause harm to a person or organization's legitimate commercial or financial interests or competitive position.

b. internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course.

c. information whose disclosure would constitute an invasion of personal privacy, such as medical records.

   d)   information whose disclosure has the potential to harm the security and stability of the Internet.

e. information that, if disclosed, would be likely to endanger the life,[4] health, or safety of any individual or materially prejudice the administration of justice.

4) ICANN Organization should work with the community to:

   a. Develop and publish service level guidelines ((similar to the Service Level Agreement for the IANA Numbering Services) that clearly define all services provided by

ICANN to contracted parties and the service level target for each service.

b. Develop and publish service level definitions that clearly define services provided to members of the community, and the expected service level target for each type of service.

Thank you to the ICANN Organization for their collaboration in preparing this work. Staff accountability is of vital concern to the leaders of any organization; the recommendations here ~~are designed to be enhancements of a system that is generally believed by many to be working well.~~

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[4] These conditions originated in the Transparency subgroup as prepared for the SOAC Accountability subgroup. They are copied from the SOAC Accountability report and should be subject to any edits made to those in order to keep example conditions consistent.
are designed to be enhancements of a system that is generally believed by many to be working well.