

ICANN Board Inputs - CCWG WS2 Staff Accountability Report

Summary: The CCWG-Accountability provides a report on the topic of Staff Accountability with the following:

- 1) Description of roles and responsibilities across ICANN organization, Board, and community.
- 2) An assessment of identified issues.
- 3) Recommendations to address the identified issues.

The ICANN Board appreciates the opportunity to provide input to the CCWG WS2 report on recommendations to improve ICANN's Staff Accountability. We are providing these inputs to the Staff Accountability public comments for the further deliberations by the Subgroup and CCWG-Accountability.

One general observation before some specific comments that factor into these comments are the considerations of the recommendations in relation to ICANN's resources and ability to serve the global community. As ICANN operates within a specific budget based on limited funding, recommendations that add costs to ICANN's operations result in the organization needing to make trade-offs with other items, such as implementation of new policies, or innovation of existing programs or services to the global community. They might also establish a situation where the organization is unable to effectively meet community expectations with either the new recommendations or existing obligations. The CCWG-Accountability should consider these factors when providing guidance on the extent to which these recommendations should be implemented or prioritized.

With regards to the recommendations on staff accountability, there are many useful ideas presented, and a number of actionable and implementable recommendations. There are some recommendations where further clarification would serve to avoid misinterpretation or unintended consequences for ICANN. There are also some recommendations where there are resource implications and the community needs to assess how these are prioritized against other resources. This input is intended to provide observations and information to further the Subgroup and CCWG-Accountability's efforts as it finalizes its full report.

Regarding Description of Roles and Responsibilities

The descriptions laid out in this section are concise and straightforward. Following from the work that lead to ICANN's *Delegation of Authority Guidelines*, the CCWG-Accountability's work in providing clear roles and descriptions for how the three parts of ICANN work together provide a basis for understanding and evaluating how these roles and responsibilities are conducted.

The role and responsibilities of ICANN's President and CEO as it relates to the broader accountability of the ICANN organization is a key consideration when

viewing these recommendations. All members of the ICANN organization are ultimately accountable to the ICANN President and CEO in the performance of their work. The President and CEO is then accountable to the Board for performance of the organization, including how service is delivered to the community.

Regarding Assessment of Issues

The ICANN organization appreciates the challenges involved with broaching this topic, and acknowledges the challenge in gathering data of individual instances of concern and synthesizing that information into broader themes that accurately reflect issues at the service delivery or departmental level. As noted before, however, greater detail of the evidence collected is necessary to support the conclusions of the Subgroup and CCWG-Accountability.

Regarding Recommendations to Improve Staff Accountability

Much of the first recommendation, focused on transparency and accessibility of information that the CCWG-Accountability has identified as important components of staff accountability, are easily implemented. While there are different uses of the term “accountability mechanisms” within ICANN, we understand the following elements to be important regarding the relationship between the ICANN Community, Organization and Board:

- ICANN organization/staff goals and assessments: Information on how individual goals are set to align with ICANN’s strategic goals, and information on the process of how staff member performance is assessed against those goals;
- Publication of key employee policies;
- Information on Roles and Responsibilities;
- Information on processes within ICANN, such as handling of correspondence;
- Information on where to raise concerns about staff accountability, with more information about the differing roles of the Complaints Officer and the Ombudsman.

Making this information accessible from a single page seems to be a practical and implementable recommendation, as is the consideration of how else this information can be communicated or available. A lot of this information is already available, but in various places. ICANN organization may also need to develop some additional documentation regarding the performance management system process for posting.

The reference to “expectations and guidelines regarding the development of staff reports for Public Comment” is an area where the report could benefit from more specific problem statements. It is not clear what is being requested here.

In the second recommendation, the overarching goal that ICANN should continue to support and evolve ways to understand and measure accountability concerns between community members and staff members is useful. As the report notes, there are already many new efforts underway to measure this, such as the regular reporting of the Complaints Office and satisfaction surveys for those using the Global Support Center or Contractual Compliance department. Additionally, the regular CEO reports provide regular updates to the community on ICANN organization activities. ICANN organization agrees that a focus on the effectiveness of existing tools should be considered prior to developing new or potentially duplicative processes. Further expansion of information acquisition mechanisms will incur new ongoing resource requirements, which carry prioritization and funding considerations.

The second recommendation also aligns with the Board's FY18 priorities as announced prior to ICANN60. As part of the Board's priority of improving interaction with the community, the Board specified:

5.2 – Service Satisfaction – The Board will review the findings of community surveys <https://www.icann.org/search/#!/?searchText=survey> conducted over the past three years to understand whether ICANN (Board and ICANN Org) activities actually lead to overall improvement of service satisfaction within the community.
<https://www.icann.org/news/blog/about-the-fy18-board-activities-priorities>

In relation to interactions with the ICANN community, the ICANN Board intends to use the outcomes of its review to work with the President and CEO to identify where improvements need to be made, including issues of staff accountability.

On the standardization and publication of guidelines on timeframes for acknowledgement and resolution of requests, ICANN already maintains some timeframes for certain groups of the community it serves, such as the contracted parties. There are multiple ways that requests can come into ICANN, and different purposes behind those requests that might require differing timeframes. To the extent that this recommendation is focusing on service being delivered in predictable (and published) timeframes, that goal should be upheld. However, as some timeframes are very targeted, ICANN organization would benefit from additional information on the differing “requests” about which the CCWG-Accountability is seeking information. It is also important to understand how this differs from the fourth recommendation on service level guidelines.

Additionally, the Board expects that issues such as responsiveness to requests would be raised through the surveys identified above. It is likely that one of the ways to address areas of community dissatisfaction evidenced through those surveys would be to set up some key performance indicators and other goals, such as those that are already being reported on through ICANN's Accountability

Indicators dashboard. In addition, ICANN organization has already started setting expectations on responsiveness, such as making sure that correspondence coming into ICANN is acknowledged, and for those requiring response, delivering responses within 30 days.

On solicitation of inputs from “appropriate community members” as part of ICANN’s performance review process, more consideration will have to be made about whether and how it is feasible to solicit and incorporate such input. The feasibility concerns include how to solicit and receive inputs in a timely fashion, ensure fairness in how these inputs are considered, and how the inputs would impact the individual reviews. Performance reviews are internal management issues. However, community feedback on staff performance can already be given via a number of mechanisms. For example, if there is positive or negative feedback regarding performance, that feedback can be provided to any of ICANN’s executives, to the head of the relevant project or process, or to those overseeing the staff person’s work. The Complaints Officer is also available to receive complaints or reports of concerns from the ICANN community. These inputs can then be factored into the performance review process.

The third recommendation, calling for the creation of an informal ad-hoc four-member panel to deal with complex situations, does not seem to be appropriate at this time and raises questions of fairness. It is not clear what issues this recommendation is seeking to solve that are not dealt with under the mechanisms and roles and responsibilities currently in place such as the complaints officer, Ombudsman, CEO and management, and the Board. Additionally, this recommendation raises some concerns in its view of the Empowered Community. The Empowered Community, developed in WS1 of the CCWG-Accountability and brought into the Bylaws as part of the transition process, has limited and defined powers. The Empowered Community has a specific range of actions that it may challenge and raise, and concerns of fairness (individually or collectively) are not one of those enumerated powers, nor is the power to make selections to an ad-hoc review committee.

Even if this recommendation is limited to focus on the use of an informal ad-hoc panel for issues that “repeat regularly and are not susceptible to redress by any one of the accountability mechanisms”, there are still issues about scope, function and implementation. It would be very helpful to have some examples of what the CCWG-Accountability could see being addressed through this ad-hoc panel in order to better understand the intended purpose and usage. For any new group formed, we must consider how such group would be held accountable, and to whom. What would this panel do, if it has no powers? Alternatively, if powers were to be assigned, what limits should there be? What if the Complaints Officer or Ombudsman (or Board) had already reviewed this issue to the dissatisfaction of the complainant – would they be appropriate to be part of this panel? We understand the concern that there may important issues that can arise that are systemic in nature, and for which no current process exists. For those, ICANN organization

commits to remaining open to discussion about how to best address and solve those issues as they arise. However, empowering an informal ad-hoc panel without scope, limit or defined power is not the most appropriate solution.

Regarding the fourth recommendation, the development of service level guidelines, the Board is uncomfortable moving towards this type of relationship with the community. As it is currently written the recommendation's scope is expansive, and could present challenges including how this is separate from the outcomes the Board is expecting from its oversight work discussed above. As noted in discussion of the second recommendation, more information is needed to address this recommendation, what it is seeking to achieve, and to understand if different outcomes are intended. Further guidance, or inclusion of additional examples for specific areas of service activity and expectation, would be needed to help ensure resources are appropriately applied.

We would further note that the ICANN organization posed several questions to the subgroup on expected forms of engagement by the community with the ICANN organization and staff. We've not received specific feedback on these, but would encourage the community as part of its ongoing work to factor these into their work and continued community accountability and transparency mechanisms, including in the SO and AC accountability.

Acknowledgment

We thank the CCWG-Accountability and the Staff Accountability Subgroup for its work on the draft recommendations. We encourage the community to assess the recommendations for further clarity and how implementation would impact prioritization of resources. We are happy to discuss our input with the CCWG, and look forward to providing further inputs as appropriate during the finalization of the recommendations by the community.