

Executive Summary

The WS2 staff accountability group is still in the process of trying to gather information. Which is proving challenging.

The group initially waited for the Staff report. Once that arrived, after discussing it, the group gathered further questions which we are planning to send to staff. The co-rapporteurs are hoping that discussion with the CEO will enable answers to be provided. If any of the documentation requested is not made available, then we can use the DIDP to try to obtain the information necessary. As yet, we do not even know if the documents in question exist or not.

Additionally the group discussed the free, open and safe participation by staff in a group discussing staff accountability. This issue has not yet been resolved and is planned for the hoped for discussions with the CEO.

Description of Issue

From: Annex 12 Committing to Further Accountability Work in Work Stream 2

13 *Staff Accountability*

14 *In general, management and staff work for the benefit of the community and in line with ICANN's purpose and Mission. While it is obvious that they report to and are held accountable by the ICANN Board and the President and CEO, the purpose of their accountability is the same as that of the organization:*

- *Complying with ICANN's rules and processes.*
- *Complying with applicable Bylaws.*
- *Achieving certain levels of performance, as well as security.*
- *Making their decisions for the benefit of the community and not in the interest of a particular stakeholder or set of stakeholders or ICANN the organization alone.*

15 *Having reviewed and inventoried the existing mechanisms related to staff accountability, areas for improvement include clarifying expectations from staff, as well as establishing appropriate redress mechanisms. The CCWG-Accountability recommends as part of its Work Stream 2:*

- *The CCWG-Accountability work with ICANN to develop a document that clearly describes the role of ICANN staff vis-à-vis the ICANN Board and the ICANN community. This document should include a general description of the powers vested in ICANN staff by the ICANN Board of Directors that need, and do not need, approval of the ICANN Board of Directors.*

- *The CCWG-Accountability work with ICANN to consider a Code of Conduct, transparency criteria, training, and key performance indicators to be followed by staff in relation to their interactions with all stakeholders, establish regular independent (internal and community) surveys and audits to track progress and identify areas that need improvement, and establish appropriate processes to escalate issues that enable both community and staff members to raise issues. This work should be linked closely with the Ombudsman enhancement item of Work Stream 2.*

In reference to the ATRT2, the report includes:

ATRT2 excerpts related to staff

(page 7 & 54) Recommendation

9.3. Review Ombudsman Role

The Board should review the Ombudsman role as defined in the bylaws to determine whether it is still appropriate as defined, or whether it needs to be expanded or otherwise revised to help deal with the issues such as:

- a. *A role in the continued process of review and reporting on Board and staff transparency.*
- b. *A role in helping employees deal with issues related to the public policy functions of ICANN, including policy, implementation and administration related to policy and operational matters.*
- c. *A role in fair treatment of ICANN Anonymous Hotline users and other whistleblowers, and the protection of employees who decide there is a need to raise an issue that might be problematic for their continued employment.*

9.4. Develop Transparency Metrics and Reporting

The Board should ensure that as part of its yearly report, ICANN include, among other things, but not be limited to:

- a. ...
- b. *A discussion of the degree to which ICANN, both staff and community, are adhering to a default standard of transparency in all policy, implementation and administrative actions; as well as the degree to which all narratives, redaction, or other practices used to not disclose information to the ICANN community are documented in a transparent manner.*
- c. *Statistical reporting to include at least the following elements:*
 - i. ...
 - ii. ...
 - iii. ...
 - iv.

- d. *A section on employee “Anonymous Hotline” and/or other whistleblowing activity, to include metrics on:*
- i.
 - ii. *Reports verified as containing issues requiring action.*

Current State of Plan

- Have collated the lists of information needed to proceed
- Still in early stages of gathering information.

Planning for draft report in time for Copenhagen, but given the nature of the topic, obtaining the information that already exists entirely depends on Staff cooperation. If ICANN will not provide the information, then the group can do the two key tasks noted above, but it will be flying blind in doing so and the quality and usefulness of the work will be at risk.

Other WS subgroup Dependencies

- WS2 Ombudsman group in regard to the Staff - Ombudsman issues
- WS2 Transparency group in regard to the ATRT2 transparency issues

Staff Dependencies

- Discussion with Göran, first with co-rapporteurs in Hyderabad and then hopefully with the entire group in a meeting teleconference on
 - His role in setting the culture of the staff side of ICANN's work and his approach to staff / policy makers interactions
 - the ability for staff members to be able to participate openly and safely in this subgroup on staff accountability
- Answers to the the following as described in [Information to obtain / Questions to ask](#)
 - Where is there documentation that concisely and authoritatively sets out ICANN's view of the respective roles and responsibilities of ICANN's Board, staff and community of participants in the organisation's work
 - What powers have been delegated by the ICANN Board to the Chief Executive and/or to staff more broadly, either with a need for an approval/consent/information check with the Board or for staff implementation?
 - What elements of the following document/s (or similar documents/systems) are in place regarding staff interaction with the community:
 - Code of Conduct
 - Transparency obligations or criteria
 - Induction

- Training
 - Key performance indicators
 - How is staff accountability to the community, broadly expressed, audited or monitored or reviewed?
 - What feedback does ICANN seek from the community on matters related to staff accountability, and how does it solicit and consider that feedback?
 - What processes are in place to respond to any community concerns regarding staff accountability, including appropriate escalation processes?
 - What role does ICANN see the Ombudsman function as playing in helping to assure appropriate staff accountability?
 - Are individual staff members accountable to the ICANN community, or are they only accountable to their bosses in the ICANN staff hierarchy? In other words are there multiple points of staff accountability to the community or is only the CEO accountable.
- We are also waiting to what if any action are taken with regard to reports of staff activities raised in [Dot Registry LLC v. ICANN](#)

Other Dependencies

tbd

Supplemental Report

Other subgroup documents include:

- [Information to obtain / Questions to ask](#)
- [Background Notes](#)

Recommendation

TBD - WS2 Staff Accountability plans on a Copenhagen delivery of its draft report.

Requirements for Recommendation

tbd

Rationale for Recommendation

tbd