

Report from WS2 Staff Accountability -

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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 Annex X).

The group considered the roles and responsibilities of ICANN's Board, staff and community members and the links between them. It sought input on issues or challenges relating to staff accountability matters, and has developed proposed changes or new processes to resolve these where they appear systemic. In doing this work, the group assessed existing staff accountability processes in ICANN. A description of the process followed by the subgroup is documented in the Addenda. The addenda also include the worksheets we used in the process of developing the recommendations.

In general, the analysis has revealed that there are some small but important changes that ICANN can make to tackle the issues identified. The changes proposed are designed to work with existing systems and processes, and to help generate 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 staff accountability; whether the changes we propose are workable and fit for purpose.

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

Roles & Responsibilities

1. The primary role of those who work for ICANN – the "ICANN staff" or "ICANN Organisation" – is to execute the strategy and plans adopted by the ICANN Board. They do the day-to-day work of the organisation, 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 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 organisation.

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 as an organisation 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 that ICANN staff will be congratulated and thanked when things are working well, and also to be sure that staff are held accountable through the usual set of Human Resources (HR)¹ 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**"², 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 organisation 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. As this Staff Accountability process is about improving the processes and culture associated with staff accountability the group did not identify individuals and does not identify specific incidents in this report. After the individual issues were discussed, they were grouped into a set of issues defined as possibly systemic. The final list included:

1. Two issues which were treated as systemic and connected concerned the lack of forums for sharing concerns among the 3 components of ICANN, especially those concerning the organisation and the Community. Specifically discussed:

¹ In this document HR is used in its Human Resources, i.e. personnel, meaning

² See: <https://www.icann.org/en/system/files/files/delegation-of-authority-guidelines-08nov16-en.pdf>

- a. No forum in which community participants can safely raise and work through concerns about staff accountability or performance
 - b. No clear forum in which staff can safely raise and work through concerns about community members behavior or performance.
2. Inconsistency between policy and implementation are another systemic issue. While there are practices in place in some parts of ICANN for dealing with these essentially interconnected phases of projects, these practices are still untested, inconsistent across the organisation and not available in all projects.
3. There are concerns that the overall culture of the ICANN staff is less focused on supporting the community's work in policy development than it should be.
4. There's no institutionalised route for community feedback to be included in staff performance and accountability systems.
5. Staff may not be consistently meeting ICANN's accountability commitments in the way they summarize and substantively respond to recommendations or concerns expressed in public comments submitted by community members.
6. Intentionally left empty - issue folded into Issue 1
7. There was concern about the compensation scheme, including but not limited to at-risk bonus paid to staff. Specifically whether they may be policy related, or may relate to determining the completion target dates for community work, or other aspects of community activities within ICANN.
8. When concerns about a particular incident or experience related to staff accountability (or performance?) are raised, the response by ICANN managers has sometimes been to set the concerns aside and not respond.
9. Appropriate methods for addressing requests that may exceed allocated bandwidth, resources, budget, etc.

Comment [1]: should this stay that way of be collapsed?

Recommendations:

1. Continue developing and publicising the ICANN organisation [Delegations](#) document, so that it evolves into a concise statement of the allocation of roles and responsibilities between Board and Staff in the ICANN organisation.
2. Further develop and regularly publish the ICANN organisational chart with clear reporting lines, so that contracted parties and other community members are aware of the different levels of decision making within each department and the point of contact for escalation or otherwise.
3. Create a four-member panel composed of the Ombudsman, the Complaints Officer, a representative chosen by the Empowered Community and a Board member. The panel will review concerns or issues raised by the community, staff or Board that cannot be resolved through other means.
4. Develop appropriate internal processes for ICANN staff to raise and resolve any issues they have in working with community members.
5. Instigate an information acquisition programme (surveys, focus groups, info from Complaints Office) to allow ICANN Organisation to better ascertain its overall performance and accountability to relevant stakeholders.

6. Continue to focus on ICANN Organisation as an effective support system for the multi-stakeholder, bottom-up model through championing a culture that supports high performance, transparency, openness, responsiveness, and accountability.
7. Develop and publish a service level agreement (similar to the Service Level Agreement for the IANA Numbering Services) that clearly defines all services provided by ICANN to contracted parties and the service level target for each service.
8. Improve the visibility and transparency of systems and processes related to staff accountability and staff performance reviews, ensure ICANN's organisational goals and that of responsible staff are correlated and staff's goals and annual review results are published.
9. Enhance current community evaluation related to staff performance, to ensure managers seek input from relevant community members during staff's annual reviews.

Discussion of Recommendations

Recommendation	Related Issues	Discussion
1	2, 3	Understanding the roles and responsibilities of Board and organisation provides a basis for understanding constraints on the culture. Additionally this can help in understanding how approved policies and Staff implementation can be reconciled.
2	8, 9	One of the possible contributing causes of some frustration with staff response may stem from not knowing which staff member is responsible for an issue. Understanding the chain of responsibility can help in knowing how to escalate an issue before it becomes a problem or a complaint.
3	1, 5, 8	<p>The purpose of the panel would be two-fold: it would be a way to handle issues that fall amongst the different roles & responsibilities and it could work on issues that were sufficiently complex to involve more than one redress/remediation method.</p> <p>Establishing this group may require a certain amount of implementation discussion.</p> <p>The panel would not have any extra powers. It would rely on the combined roles and responsibilities of the members of the panel to effect things through their own work and on the cooperative nature of their work.</p> <p>This should not become another node in the bureaucratic mesh, but rather a mechanism that can be used when necessary. This panel would also be in a good position for its members to self evaluate and find ways to become more effective in their tasks. Even when times were good and there were no issues to work on, the panel could meet quarterly just to allow the 4 parts of solution</p>

		at ICANN to compare notes on how to better solve problems at ICANN.
4	1b	<p>This may be primarily a Complaints Officer role, especially once an issue get bad enough to become a complaint.</p> <p>It is important however, that there be a way for staff members to resolve issues they may have with the volunteers and the volunteer groups they work with before they reach the complaint level. Implementing this recommendation could also involve some training at the reviewing manager level in ways to help their reports to work though these kinds of issues and could also involve a Human Resources advisory process.</p>
5	3	<p>This is an overall accountability issue. We all need well formed metrics in order to be able to speak clearly and decide on necessary improvements on a fact basis.</p> <p>Implementation consultation would be involved in creating these metrics to make sure that they are both adequate and that they protect the privacy of those who use the various redress/remediation mechanisms.</p>
6	3	<p>The cultural issue belong to ICANN as a whole and integrated entity.. Each of the three parts of the ICANN trinity of Organisation, Board and Community have responsibility for furthering the bottom-up multistakeholder model that the Articles and Bylaws commit us to, within their own structures and in discussion with each other.</p> <p>These cultural and Staff accountability issues should also be suggested as part of the periodic ATRT reviews.</p>
7	8	<p>Among the issues was frustration among contracted parties with service levels. In almost all of the staff interactions with contracted parties, the contracted parties are held to strict timing and other standards. In dealing with staff issues, in many cases, there are no performance criteria for those performing the services. This leads to misunderstanding and frustration. Also without defined SLAs it is more difficult to create metrics and to improve services.</p>
8	4, 7	<p>Since staff works in policy and implementation areas with the community and based on the community's recommendation, the community members need to understand the staff motivations in the same sense that we need to understand each other's statements of interest (SOI). Often the staff recommendations during the policy process are useful and necessary and should not be tainted by suspicions based in ignorance of underlying review or compensation motivations.</p>
9	1a, 4	<p>Part of the established performance review currently includes community input. Often this step is often absent, or done in an ad-hoc manner.. This needs to become a regular part of the process, with a consistent practice of reaching out to relevant community members for feedback on interactions with the staff. This activity fits both parts of the current evaluation methodology, both the goals and the behavior as defined in performance</p>

		management guidelines.
Existing mechanisms		
CO	1b, 5	This role is still evolving but seems to have a very wide scope concerning anything that can be called a complaint about some aspect of the Organisation.
Ombuds	1a, 8	<p>Any issue concerning fairness, or abuse of various sorts, can be taken to the ombuds. This can be an important part of solving issues at ICANN.</p> <p>This links to the review and recommendations being made in the WS2 Ombuds subgroup. A external review of the ombuds function is nearly complete and makes recommendations regarding the ombuds role and how to strengthen it.</p>

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Supplement to Report of the WS2 Staff Accountability Subgroup

I. Subgroup process

The group was initiated with the intent of working cooperatively with ICANN Organisation staff members. The intent had been to try and include members of the staff in the group as peer participants. For a number of possible reasons, this was not possible. It became necessary to find an alternate path. While it took a while to get going, a means of doing cooperative work with senior staff was arrived at in discussion with a member of the MSSI staff. The organisation provided a set of documents pertaining to staff performance and accountability, set up several discussions between the co-chairs of the subgroup and senior staff, and provided a staff member to act as participant and informal liaison.

After going through several attempts based on the original charter, the subgroup obtained permission from the full WS2 group to modify its work methods to gather specific issues that had been experienced by various members of the community and then extrapolate them into general issues that would benefit from solution.

During the discussions on the issues, various possible solutions emerged from the members of the group. These were developed and mapped against the issues.

Scope

In Recommendation #12 of the CCWG-Accountability Work Stream 1 report, there are two areas of work identified:

- *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.*

II. Documentation received from ICANN organisation

ICANN has corporate policy on several areas. The Staff Accountability subgroup received copies of the following policies on 4 Feb 2017.

- Anonymous Hotline Policy v2 Oct 2016
Purpose: The organisation is committed to the highest possible standards of ethical, moral and legal business conduct. organisation policies, including those entitled "Open Door," "Prohibition of Harassment," and "Fraud," provide employees, contractors and consultants (collectively for purposes of this policy only, employees, contractors and consultants shall be referred to as "staff members") with procedures for reporting work-related concerns.
- Confidentiality v2.1 Oct 2016
Purpose: To define ICANN's policy for maintaining the confidentiality of sensitive and proprietary information of ICANN and of third parties that is in ICANN's possession. ICANN shall generally operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness as appropriate under the given circumstances. As a staff member, it is important to realize that ICANN possesses confidential and proprietary information regarding the conduct of its business that must remain confidential. Additionally, ICANN possesses proprietary and confidential information of third parties that rely on ICANN to keep such information confidential.
- Conflict of Interest Policy Staff v4 Oct 2016
Purpose: To define ICANN's policy for staff members regarding conflicts of interest and the protection of ICANN's interests.
A conflict of interest may exist when a staff member is involved in an activity or has a personal interest that might interfere with the staff member's objectivity in performing ICANN duties and responsibilities. Any such activities or personal interests or activities are prohibited unless formally approved in writing.
- Employee Conduct and Work rules V2.0
Purpose: To define the Company's rules of conduct (work rules) in order to ensure the efficient and orderly operation of the business and to protect the rights and safety of all employees.
- Equal Employment v2
Purpose: To define the Company's policy for the equal opportunity and treatment of employees and applicants with regard to employment.

- **Fraud v2**
Purpose: To establish guidelines for detecting and reporting any defalcation, misappropriation or other irregularities inappropriate to the normal operation of Company business.

- **Open Door v2**
Purpose: ICANN has an Open Door policy that encourages employee participation in decisions affecting them and their daily professional responsibilities. Employees who have job-related concerns or complaints are encouraged to discuss them with their immediate supervisor or any other management representative with whom they feel comfortable to do so. ICANN believes that employee concerns are best addressed through this kind of informal and open communication. Ordinarily, employees should raise their concerns and/or complaints through the following procedure.

- **Outside Business Activities v2.1 Oct 2016**
Purpose: To define ICANN's policy concerning staff members who own or operate a business and/or engage in other employment or engagement (including contracting or consulting work), whether paid or unpaid, while actively working with ICANN (collectively referred to as Outside Business Activities). ICANN desires to ensure that Outside Business Activities do not adversely affect a staff member's performance of his or her duties for ICANN, create conflicts of interest, scheduling problems, distractions, and other problems that could negatively impact ICANN's interests. Because of these concerns, Outside Business Activities, are generally discouraged (except for part time staff).

- **Prohibition of Harassment v4 April 2016**
Purpose: To define ICANN's policy against unlawful harassment in the workplace. ICANN is committed to providing a work environment that is free of unlawful harassment. Workplace harassment violates ICANN's policy and is prohibited by various laws such as Title VII of the federal Civil Rights Act and state Fair Employment and Housing Act in the United States, and similar laws in other Countries.

- [Performance Management Overview May 2017](#)

The Performance management overview is a slide deck that covers the following topics:

- Goal Setting
- Performance Behaviors
- Evaluation of Goals and Behaviors

Code of conduct

Employee Conduct and Work rules

This 3 page document contains 30 rules that “could result in disciplinary action, ranging from oral and/or written warnings to suspension and/or termination of employment.” these rules refer to the workplace, relation to superior, relationship with of staff members and gernal behavior. They make no mention so relations with community member or of a multistakeholder ethic in work behavior.

Comment [2]: (George) Ignore the Anonymous stuff below - I didn't know exactly how to insert a comment. My point is that there is something wrong with this sentence.

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The ICANN Standards of expected behavior

The Standards of expected behavior is defined as holding for all ICANN participants, including staff. The Standards are defined as:

“Those who take part in ICANN multi-stakeholder process, including Board, staff and all those involved in Supporting organisation and Advisory Committee councils³

- **Act** in accordance with ICANN's Bylaws. In particular, participants undertake to act within the mission of ICANN and in the spirit of the values contained in the Bylaws.
- **Adhere** to ICANN's conflict of interest policies.
- **Treat** all members of the ICANN community equally, irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age, or sexual orientation; members of the ICANN community should treat each other with civility both face to face and online.
- **Act** in a reasonable, objective and informed manner when participating in policy development and decision-making processes. This includes regularly attending all scheduled meetings and exercising independent judgment based solely on what is in the overall best interest of Internet users and the stability and security of the Internet's system of unique identifiers, irrespective of personal interests and the interests of the entity to which an individual might owe their appointment.
- **Listen** to the views of all stakeholders when considering policy issues. ICANN is a unique multi-stakeholder environment. Those who take part in the ICANN process must acknowledge the

³ <https://www.icann.org/resources/pages/expected-standards-2012-05-15-en>

importance of all stakeholders and seek to understand their points of view.

- **Work** to build consensus with other stakeholders in order to find solutions to the issues that fall within the areas of ICANN's responsibility. The ICANN model is based on a bottom-up, consensus driven approach to policy development. Those who take part in the ICANN process must take responsibility for ensuring the success of the model by trying to build consensus with other participants.
- **Facilitate** transparency and openness when participating in policy development and decision-making processes.
- **Support** the maintenance of robust mechanisms for public input, accountability, and transparency so as to ensure that policy development and decision-making processes will reflect the public interest and be accountable to all stakeholders.
- **Conduct** themselves in accordance with ICANN policies.
- **Protect** the organisation's assets and ensure their efficient and effective use.
- **Act** fairly and in good faith with other participants in the ICANN process.
- **Promote** ethical and responsible behavior. Ethics and integrity are essential, and ICANN expects all stakeholders to behave in a responsible and principled way.

It should be noted that while including the staff in the obligations, it does not differentiate among staff, board and other stakeholders, referring instead to "all stakeholders"⁴ in the process.

Transparency criteria

In terms of internal staff documents, most are only available with special request/permission or through the DIDP process. The guideline on document transparency are currently the responsibility of the WS2 Transparency Subteam.

Another concern with Staff accountability concerns safe whistleblowing by ICANN employees. ICANN provides its employees with an Anonymous Hotline. The Anonymous Hotline Policy is being reviewed in the Transparency Subteam. An outside review is being commissioned. Once the result of that are published, this subteam should review them and decide whether anything further is required on the subject in regards to Staff Accountability.

⁴ This begs the question of whether the term stakeholders includes staff or not. Opinion is divided on this issue.

Training

During onboarding, staff is also provided with information on all aspects of the organisation, including the roles of the Board and the community. ICANN's strategic plans and the kpi's associated with the plans, in addition accountability and transparency obligations are covered generally during the onboarding, and then any which may specifically apply to a staff person's responsibilities will be explained by their managers and/or addressed in regular department meetings. Additional training is periodically provided on the best practices in many areas, such as managing people, interpersonal communication and facilitation.⁵

KPIs re staff relationships with stakeholders

ICANN maintains a dashboard for KPIs⁶. These do not cover the issue of staff relationship with stakeholders, though the relationships are an integral part of meeting the goals. Possibly relevant are the KPI 5.2 Promote ethics, transparency and accountability across the ICANN community, and 5.3 Empower current and new stakeholders to fully participate in ICANN activities

Independent surveys and audits

III. Escalation processes (incl Ombudsman, Complaints Officer)

Currently the Ombudsman can be brought into any issue where a stakeholder has concerns a situation where they have been treated unfairly. The Ombudsman can recommend action, but at this time has no enforcement powers. A separate group in WS2 is currently working on new definition of Ombudsman scope. The current scope does not permit issues to be brought to the Ombudsman office by

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At this point there are still more questions about the role and powers of the new Complaint Officer position than explanations, though the job posting⁷ offers some indications.

⁵ Responses

⁶ <https://www.icann.org/progress>

⁷ From Complaints Officer job Description

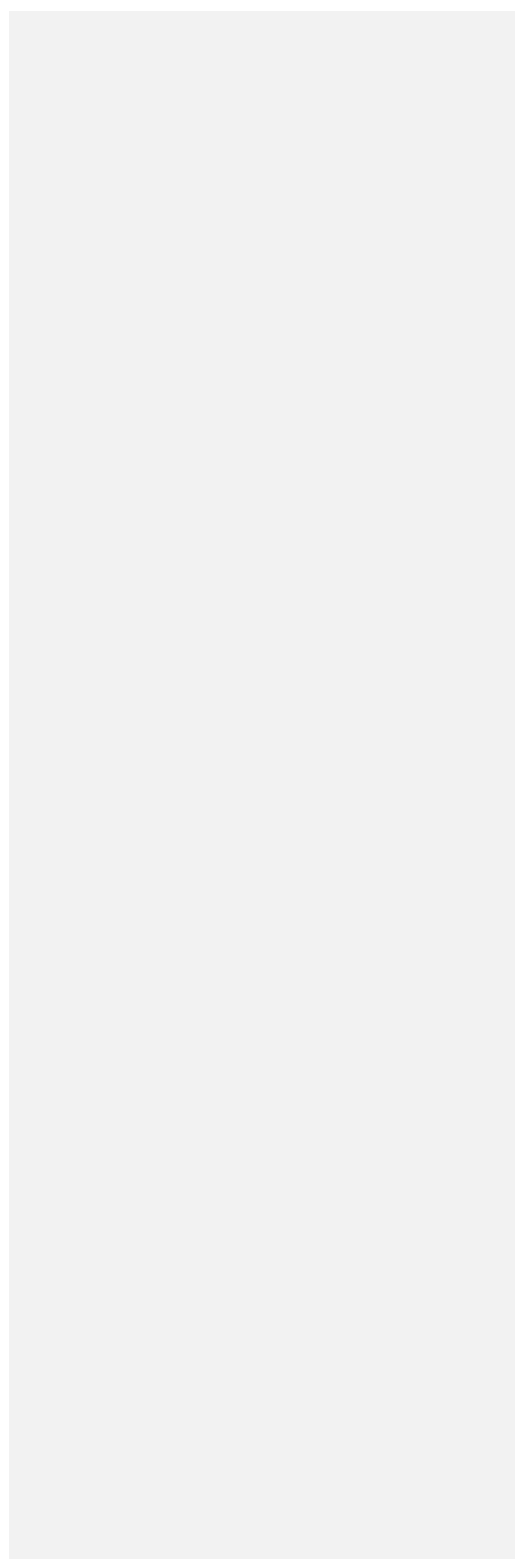
<https://chj.tbe.taleo.net/chj06/ats/careers/v2/viewRequisition;jsessionid=F8649222198C7014FE6159E81631E5F6?org=ICANN&cws=37&rid=1082>

Job Description

The Complaints Officer will be responsible for receiving, investigating, responding, resolving, and reporting on all complaints about the ICANN's organisation's effectiveness.. The position will serve as a dedicated resource to track, analyze, and report on the resolution of such complaints in order to assist in continuous improvement of ICANN as it performs its mission.

Key Responsibilities

- *Responsible for receiving, investigating and responding to complaints about ICANN's effectiveness as an organisation, and will be responsible for all complaints systems and mechanisms across the ICANN organisation.*
- *Coordinate with ICANN's other complaint-handling mechanisms to minimize any duplication or gaps, and ensure that all complaints are being handled across ICANN's functions..*
- *Develop and implement policies and ensure continuous improvement for the handling of complaint mechanisms across the ICANN organisation.*
- *Ensure that complaints and particularly those of community members regarding systemic issues concerning the effectiveness of the organisation are heard, reviewed, analyzed and resolved as appropriate.*
- *The Complaints Officer will attempt to resolve complaints about the organisation's performance using methods including fact-gathering, analysis, investigations, informal mediation, shuttle diplomacy, other dispute resolution mechanisms where appropriate, and will make recommendations for further organisation, Board or community consideration.*
- *Ensure that the process for making complaints is easy to access and understand, particularly for members of community that may require additional assistance or different approaches such as people with culturally diverse backgrounds.*
- *Manage the complainants' expectations by explaining the complaint handling process, what the organisation can and cannot do, the timeframes for dealing with the complaints and when they might expect a response.*
- *Ensure responses and outcomes of complaints are recorded, filed and reported to management and monitor implementation of remedies and actions to improve practices.*
- *Analyze complaints to identify recurring issues and trends and report these to management to assist with organisation's continued efforts in improving its effectiveness.*
- *Keep information relating to complaints confidential as needed, while acting in an open transparent and accountable manner.*
- *Deal with complaints in an equitable, objective and fair manner.*



06 June 2017

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IV. Worksheet on analysing the issues

Comment [3]: it may not be necessary to include this in later versions of this document, but it pasted here as a working reference.

Issue	Contributions to the issue	Impact/s	Possible Solution space
<p>1. No forum in which community participants can safely raise and work through concerns about staff accountability or performance. (SA WG)</p>	<ul style="list-style-type: none"> • Suggestion for a forum like this has not been made before? • Fear that given staff role in relation to contracted parties, criticism may lead to repercussions - that is where "safely raise" comes from 	<ul style="list-style-type: none"> • Unexpressed concerns with performance mean potentially useful feedback does not reach the performance management system • ICANN organisation may feel unresponsive to community concerns not expressed due to fears 	<ul style="list-style-type: none"> • Add this role to the ombuds function. Role would exclude Human Resources accountability or performance as those are outside the ombuds role. • Ask ICANN senior executive leadership and ICANN Board to each nominate a person to be the point person on this, so that issues can be raised in confidence. [Logic: shows leadership commitment to dealing with issues if these are serious.] • Document and publish management structure so that any issues that might otherwise develop into more serious problems can be raised and resolved early with the line manager involved? [Logic: if people know who to talk to, and feel able to talk openly, much can be solved easily and quickly.] • Explain how the community can use the Complaints Officer role in this (not confident this would work, since it is

			<p>unclear whether CO would be appropriately able to respond/resolve given their role's limited span of control.]</p> <ul style="list-style-type: none"> • Possibly part of a 360 review process that includes the community • Having a potentially tri-party, and a third person elected by the community to review issues that are brought up, whether it would be in some form of disciplinary or to review issues that happened either in the community or that involves one of the three, which would also offer the option of one of the three recusing if there is any type of conflict of interest
<p>2. Staff (excluding the Policy staff) are seen as crossing the line from policy "implementation" to policy "development / decision" and there is no way to address that. (SA WG)</p>	<ul style="list-style-type: none"> • Staff concern with ensuring that policy frameworks are implementable / consistent could lead to "problem solving" that is interpreted as "crossing the line" • Policy development process does not adequately document policy to an implementable state, leading staff implementation being seen as policy development 	<ul style="list-style-type: none"> • Negative impact on relationships between policy implementation staff and community participants • Conflict between community and organisation • ICANN staff do not operate registries or registrars and therefore the impact of a staff only proposal can lead to unrealistic implementation 	<ul style="list-style-type: none"> • organisation and Community to review and refine existing implementation team methodology (... as part of ATRT3? As part of a regularly scheduled review?) [Logic: use existing processes if possible.] • Look at relevant PDP processes to see if expectations on the delineation and relationship/interaction between development and

	<ul style="list-style-type: none"> • No process to reconcile policy implementation processes with development processes, leading to disagreements not being resolved • Staff sees implementation of policy as solely their responsibility as opposed to the responsibility of all parties required to implement the policies. As stated in Registry Letter to Staff (Should include link), the registries and registrars have made themselves available to assist in those matters where implementation is dependent on their actions. • <i>Is part of this concern rooted in the issue of disbanding the policy teams prior to implementation and then not having a clear mechanism for reconvening for guidance during implementation? I do sense that even informal offers to collaborate put staff at risk of "not following stated policy" or "acting independent of community-approved processes."</i> • <i>New processes in gTLD world? Implementation Review Teams now exist, and may help with resolving this issue. Ref: https://gnso.icann.org/en/drafts/policy-implementation-recommendations-01jun15-en.pdf; however ICANN staff have been reluctant to use this process. We believe that ICANN staff views this new consensus policy to imply that an implementation team of</i> 	<p>mechanisms or those with a number of negative unintended consequences.</p> <ul style="list-style-type: none"> • 	<p>implementation of policy are clear and whether the clarity is understood the same way by community structures and organisation staff. [Logic: if there unclear documented expectations or conflicting norms, clarifying this & better aligning expectations could be helpful.]</p> <ul style="list-style-type: none"> • having a potentially tri-party, and a third person elected by the community to review issues that are brought up, whether it would be in some form of disciplinary or to review issues that happened either in the community or that involves one of the three, which would also offer the option of one of the three recusing if there is any type of conflict of interest
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	<p><i>the GNSO can be available if they request it, but they do not view this as a mandatory process.</i></p> <ul style="list-style-type: none"> • <i>New GNSO expedited PDP provides for how to resolve such concerns as well.</i> • <i>Historic PDP processes may still be facing this challenge.</i> • <i>I know that this issue is recognized amongst the Org, and the operating standards and process flows work are looking to further clarify and operationalize the ways to resolve these types of issues.</i> 		
<p>3. There are concerns that the overall culture of the ICANN staff is less focused on supporting the community's work in policy development than it should be. (SA WG)</p>	<ul style="list-style-type: none"> • Uncertain - no specific examples provided by the sub-group. Two historic examples of slow staff responses to information needs cited. 	<ul style="list-style-type: none"> • If validated, a perception by the community of ICANN staff being focused on other matters 	<ul style="list-style-type: none"> • Ask ICANN's Chief Executive to reflect on this and give a response to the CCWG and to the SOAC leadership on this topic at ICANN 60 in October 2017. [Logic: culture in the organisation is ultimately the responsibility of the CE, and it could be valuable for a broader cross-section of the community to understand Göran's take on these matters.]
<p>4. There's no institutionalised route for community feedback to be included in staff performance and accountability systems. (SA WG) [connected with Issue 1]</p>	<ul style="list-style-type: none"> • Not requested or proposed in the past • Traditional line of management approach has not sought feedback outside the organisation • Possibility that community input might be unconstructive or negative • The idea of presenting specific specific staff member feedback seems to run counter to the focus 	<ul style="list-style-type: none"> • No formal way for community experience of performance and accountability to be taken into account by the organisation -> lower confidence in the organisation than otherwise • Risk of a lack of "voice" on the part of those outside the organisation 	<ul style="list-style-type: none"> • Include a step in staff reviews that includes interviews with relevant community members for managers to gain feedback and be able to take that into account in their general review of performance.. • Establish norms or expectations for staff

	<p>of these issues at a functional and not individual staff level. Is the concern here that there is no mechanism for providing input or for staff soliciting input on the effectiveness of the Org at a functional level?</p>		<p>in dealing with community members (including discussion w community SOAC leadership in developing these or signaling they already exist?). [Logic: if these norms are in place and known, or developed, they help shape common expectations, and when performance is meeting expectations it is unlikely to be seen as problematic.]</p> <ul style="list-style-type: none"> • Organize an annual open community survey where the organisation seeks feedback on its overall performance and the performance of specific functions. [Logic: this could function as a tool aimed at helping the organisation "do our work better every year".] • Possibly part of a 360 review process that includes the community • having a potentially tri-party, and a third person elected by the community to review issues that are brought up, whether it would be in some form of disciplinary or to review issues that happened either in the community or
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			that involves one of the three, which would also offer the option of one of the three recusing if there is any type of conflict of interest
5. Staff may not be consistently meeting ICANN's accountability commitments in the way they summarize and substantively respond to recommendations or concerns expressed in public comments submitted by community members. (10 Mar F2F)	<ul style="list-style-type: none"> • Uncertain - unclear expectations? Resource constraints? Difference of view about requirements? • Check against ATRT2 review recommendation - a method to ask commenters to comment back on the summary and ask for clarifications, corrections etc. Reference: https://www.icann.org/en/system/files/files/final-recommendations-31dec13-en.pdf (Recommendation 7.2) • independent of Avri's comment, i think there is quite a bit of variance in how not just different dept's in the Org, but also in how different Community groups leading the work, choose to handle addressing response to public comment. 	<ul style="list-style-type: none"> • Inadequate consideration of public comments in consultation processes 	<ul style="list-style-type: none"> • Create/strengthen process, recommended in ATRT2, of allowing a verification & correction of comment reports and synthesis statements. [Logic: there are already community-agreed recommendations that could solve this issue.]
6. No clear forum in which staff can safely raise and work through concerns about community members behavior or performance. (ICANN Org)	<ul style="list-style-type: none"> • Staff members have noted a similar concern about not having clear guidelines for raising concerns with community members they interact with, and also fear retaliation if issues or concerns are raised. • <i>Could be out of scope for the Staff Accountability work, but is a reasonable topic for future discussion in the ICANN system.</i> • <i>Or could be in scope as the mirror image of issue</i> 	<ul style="list-style-type: none"> • Environment could feel hostile to staff • Staff could become distrustful and overly cautious in its work • Staff may decide to leave 	<ul style="list-style-type: none"> • Add this role to the ombuds function • [Logic: there are already community-agreed recommendations that could solve this issue.] • the Complaints Office, that is now being established, has indicated that its scope includes staff being able to raise issues to that office for issues staff might

	<p><i>#1 and a solution may require solving both..</i></p>		<p>have with community members.</p> <ul style="list-style-type: none"> • Possibly part of a 360 review process that includes the community • Tri & quad
<p>7. Concern about the compensation scheme including but not limited to at-risk bonus paid to staff. Specifically whether they may be policy related, or may relate to determining the completion target dates for community work, or other aspects of community activities within ICANN.</p>	<ul style="list-style-type: none"> • The concern is that this may constitute an exogenous inducement, similar to those that the community must list in their SOI (Statements of Interest), without being known by community participants.. • Staff members often are in the position to recommend paths and possible solutions to the community members they work with. If there are incentives that may affect the recommendation they are making without those incentives being transparent, staff suggestions may be treated with suspicion. 	<ul style="list-style-type: none"> • Contributes to uncertainty and doubt, possibly affecting trust. 	<ul style="list-style-type: none"> • Create a vehicle similar to the community SOI statements for staff members that documents the types of incentives given to employees. • Describe the remuneration system's principles and document whether this sort of incentive is in place. [Logic: provides transparency as to whether it is in place or not.] • If this is in place, consider developing an approach of appropriate disclosure where compensation might interact with community processes. (Not sure this would work or be appropriate – may step too far into management prerogatives. There is only an issue if the goals are at odds with those of the relevant community groupings.) [Logic: if there are incentives that affect these processes in the way set out, disclosure is required to give everyone confidence about the interests being pursued.]

<p>8. When concerns about a particular incident or experience related to staff accountability (or performance?) are raised, the response by ICANN managers has sometimes been to set the concerns aside and not respond. [raised on call 13 April]</p>	<ul style="list-style-type: none"> • Inconsistent approach to dealing with feedback among ICANN managers • Organisational culture not supportive of addressing concerns when raised? 	<ul style="list-style-type: none"> • Could contribute to people not raising issues • Could contribute to concerns about staff accountability 	<ul style="list-style-type: none"> • Establish mechanism for tracking concerns and response. Perhaps this can be included in complaint officer function.
<p>9. Appropriate methods for addressing requests that may exceed allocated bandwidth, resources, budget, etc. [raised on call 13 April]</p>	<ul style="list-style-type: none"> • Unclear decisions about priorities between competing requests for community support • Allocation of resources internally not understood by the community. 	<ul style="list-style-type: none"> • Insecurity in the community about what can be done and what approach to take when some additional service is needed. • Undue pressure on staff to take on tasks beyond those assigned by their management. 	<ul style="list-style-type: none"> • Develop a clear and shared prioritization and capacity document for relevant community-facing parts of the organisation. [Logic: this will help everyone understand the real workload of community work, understand priorities and get people thinking about what is most important to be done.]

V. Staff Accountability Processes

A second part of the process included comparing the existing Staff Accountability mechanisms to the set of issues defined as systemic.

The following table outlines existing or in-development staff-accountability mechanisms and how they relate to the issues identified by the subgroup.

Mechanism	Purpose / Scope	Related Issues	Thoughts and ideas on adjustments these mechanisms might make to further address identified issues.
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Ombudsman	<p>The ICANN Ombudsman is independent, impartial and neutral. The Ombudsman's function is to act as an informal dispute resolution office for the ICANN community, who may wish to lodge a complaint about ICANN staff, board or problems in supporting organisations. The purpose of the office is to ensure that the members of the ICANN community have been treated fairly. The Ombudsman is impartial and will attempt to resolve complaints about unfair treatment, using techniques like mediation, shuttle diplomacy and if needed, formal investigation. The Ombudsman is not an advocate for you, but will investigate without taking sides in a dispute. The process is informal, and flexible.</p> <p>Information on how to contact the Ombudsman is on icann.org.</p>	1, 2, 3	
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Comment [4]: these numbers reference the analysis table included in the addenda.

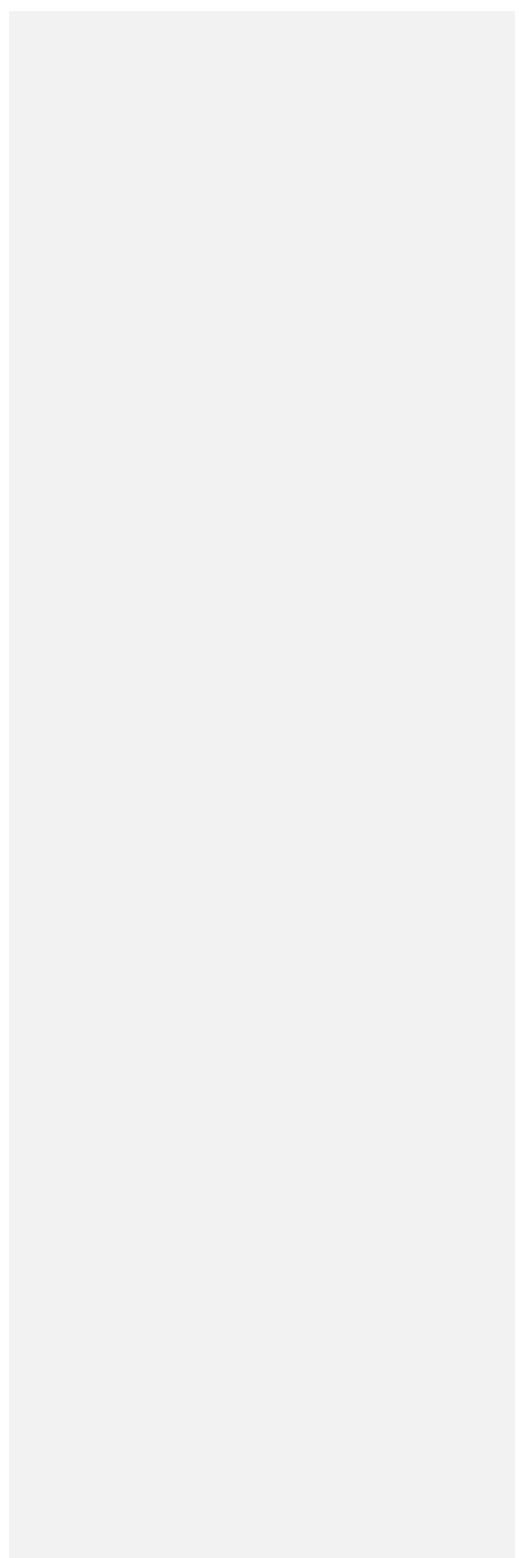
<p>Complaints Office</p>	<p>The Complaints Office handles complaints regarding the ICANN organisation that don't fall into an existing complaints mechanism. This may include complaints about how a request has been handled, a process that appears to be broken, insufficient handling of an issue, or something that may be an indication of a systemic issue, among other things.</p> <p>Information on how to contact the Ombudsman is on icann.org.</p>	<p>1, 2, 3, 5, 6, 8</p>	
<p>ICANN Expected Standards of Behavior</p>	<p>To provide a common framework of understanding regarding expected behavior for those who take part in ICANN's multistakeholder process, including Board, staff, and all those involved in Supporting organisation and Advisory Committee councils. Also provides a basis for articulating areas of concern between individuals when expectations are not being met.</p> <p>ICANN's expected standards of behavior are available on icann.org.</p>	<p>1,</p>	

<p>The individual who is the topic of the complaint or concern</p>	<p>Every individual in the ICANN community, and everyone within ICANN organisation, is empowered to engage, in a respectful manner, persons who they feel may have interacted with them in a way counter to expected standards of behavior to address the concern directly.</p>	<p>1,</p>	
<p>Manager of the staff person or department associated with the complaint or concern</p>	<p>Every individual in the ICANN community, is empowered to engage, in a respectful manner, the manager of the person or department they feel may have interacted with them in a way counter to expected standards of behavior to address the concern. Staff are also free to raise concerns to their manager.</p> <p>A management organisation chart is available on icann.org for identification of managers and departments.</p>	<p>1, 2, 5, 6, 9</p>	

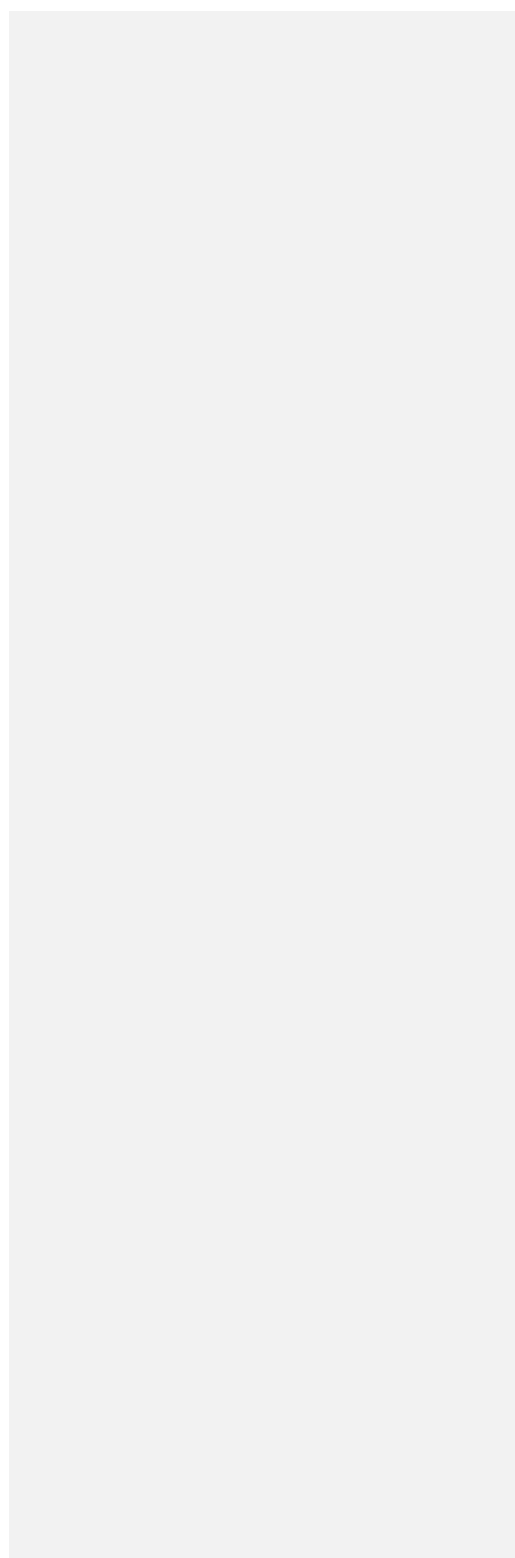
Executive team member responsible for the department associated with the complaint or concern	<p>Every individual in the ICANN community, is empowered to engage, in a respectful manner, the manager of the person or department they feel may have interacted with them in a way counter to expected standards of behavior to address the concern. Staff are also free to raise concerns to their manager.</p> <p>ICANN organisation's management, led by the CEO, is responsible for managing all staff members' adherence to policies. The policies themselves set out reporting chains, and investigatory processes that are each followed. There are multiple ways to ensure adherence and it is through the management chain, and well-established Human Resource practices, that potential violations from the policies are reported and investigated.</p> <p>A management organisation chart is available on icann.org for identification of managers and departments.</p>	1, 2, 5, 6, 9	
ICANN CEO	The ICANN CEO is responsible at the overall level for the ICANN organisation staff member's accountability.	1, 2, 3,	

<p>Performance Management process</p>	<p>ICANN organisation has a formal performance management system for evaluating staff. Staff are evaluated twice a year in the May and November timeframes.</p>	<p>4, 7,</p>	<ul style="list-style-type: none"> · We might recommend language be included in performance manager guidelines encouraging managers of staff who regularly engage with community members solicit input from appropriate community members as part of the manager’s evaluation process. · We might recommend that a regular communication, timed with the bi-annual review timeframes, go out to the community through an appropriate vehicle to remind community members that they are free to provide input on ICANN organisation staff performance. · We might recommend ICANN organisation submit a survey asking for input on organisation performance at the functional level, to provide additional input for consideration in department leadership-level staff evaluations · We might recommend ICANN organisation publish materials describing the performance management system used to ensure staff
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			accountability and performance.
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<p>Active policies related to ICANN organisation staff behavior and accountability</p>	<p>ICANN has several policies regarding staff performance and accountability, including:</p> <ul style="list-style-type: none"> · Anonymous Hotline · Confidentiality · Conflict of Interest · Employee Conduct & Work Rules · Equal Employment · Fraud · Open Door · Outside Business Interests · Prohibition of Workplace Harassment · Staff Remuneration <p>The organisation has also determined that this content should be broadly available, in the spirit of transparency, and will be posted on www.icann.org</p>		
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<p>Currently Under Development: Process Mapping and corresponding Process Manuals; Operating Standards</p> <p>Efforts to map out and document at an operational level the processes that involve community and the organisation, including Reviews, PDPs, Advice and Board Correspondence, and Empowered Community Powers.</p>	<p>The purpose of these efforts include:</p> <ul style="list-style-type: none"> · Clearly articulate processes as defined by the Bylaws, or other officially adopted documents, or common/historical practice. · Improve understanding and alignment regarding role-clarity and procedure throughout the process. · Enable the community to identify, as necessary, areas of ambiguity or confusion, and determine what if any efforts the community should take to address potential risk areas. · Improve adoption of known community best practices · Improve accessibility and engagement by new members to the ICANN community 	<p>1, 2, 5</p>	
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VI. Annex X: Mandate of the Staff Accountability subteam from WS1

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 organisation:

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 organisation 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.