

To: Staff Accountability subgroup, WS2

Hello everyone,

I provide these thoughts in my own individual capacity as a team member of the staff accountability subgroup. These have not gone through any internal process within ICANN prior to my providing them here.

For reference, **black text** indicates verbatim language from current draft document. Blue text is my reworking or new commentary.

Some overall thought for group consideration:

To address the tension surrounding the approach of identifying issues and recommendations:

We might consider including in the primary document a brief description of the process and why the issues and recommendations aren't an exact 1:1 corollary. And we might also want to articulate that the work was a combination of problem-centered analysis as well as solution-focused brainstorming towards creating a more preferred future state, based on the assessment of tools and systems currently or newly in place.

To address the concern that the recommendations are "harsh" or "punitive"

The report might benefit from greater acknowledgement of the existence of a broad system of accountability measures, and that much of the issues or concerns identified by the subgroup will benefit from simply making existing mechanisms more transparent. We also might further make note, in addition to our recommendations, of the additional mechanisms of review and redress afforded the Community, including the Board's role, the Empowered Community Powers, Complaints Office, and Ombuds. (this might address Phil's comment made in session)

Regarding the confusion by readers between organizational or departmental accountability vs. specific personnel concerns:

We might consider clarifying this focus in the document (i.e. issues with accountability and performance is at the service delivery, departmental or organizational level and not a personal individual issue. We might also want to re-state the working definition of accountability that we are working from, which was the basis for the board resolution on delegated authorities. 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.

Some thoughts regarding the framing of issues and recommendations:

The report might benefit from further consolidation of the issues to help them convey broader themes that are more easily accepted as evident in the community, and potentially systemic or pervasive. This would also benefit the document by focusing on fewer recommendations that focus on the most key elements we want to present.

For example:

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.

- One of the overriding themes of the group's work was addressing the challenge that much of evidence provided was general or anecdotal in nature. There was broad consensus that there were concerns in the community, but equally 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.
- 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 (such as sending 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.

Note: These refined articulations do not address the following issues included in our first draft.

3. Concern was expressed that the overall culture of the ICANN Organization is less focused on supporting the community's work, in policy development and other areas that touch on community decisions and function, than it should be.

8. Appropriate methods for addressing requests that may exceed allocated bandwidth, resources, budget, etc.

These two issues may warrant further scrutiny by this subgroup to clearly establish they meet the threshold of "systemic or pervasive" issues, and to consider if they add to the report or create "weaker" assertions that might call into question the entire report.

Regarding the Recommendations section:

If we think these adjusted articulations in the issues section are fair and accurate descriptions of broad community issues/concerns, we can then similarly group and simplify the recommendations.

For example:

To address the lack of understanding of the existence and/or nature of existing staff accountability mechanisms:

- ICANN organization should improve visibility and transparency of the organization's existing accountability mechanisms, by posting on icann.org the following:
 - Description of the organization's performance management system and process
 - Description of how departmental goals map to ICANN's strategic goals and objectives.
 - Description of The Complaints Office and how it relates to the Ombuds Office
 - Organization policies shared with the CCWG-Accountability during the course of the WS2 work
 - ICANN Organization [Delegations](#) document
 - The roles descriptions included in this overall report
 - Expectations and guidelines regarding the development of staff reports for Public Comments, or staff response to Community correspondence.
- 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.

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

ICANN organization should enhance existing accountability mechanisms to include:

- 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.
 - This may be addressed within an existing mechanism, such as ATRT Reviews, or some other mechanism. Results of these evaluations should be made available to the Community.
- The group notes that several new mechanisms are now established but have not yet been exercised (Complaints Office, GNSO implementation). The evaluation mechanism proposed here would be helpful in determining effectiveness of these recent mechanisms before creating yet more mechanisms that may turn out to be duplicative or confusing for the organization and community.
- 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.
- Include language in the performance management guidelines for managers that encourages people managers of community-facing staff to seek input from the appropriate community members during the organization's twice-annual performance reviews.

Original recommendations covered by the reformulation:

2. ICANN should further develop and regularly publish a detailed ICANN organizational chart of all employees 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.
5. ICANN Organization, in cooperation with the community and the board, should institute an information acquisition programme (surveys, focus groups, info from Complaints Office) to allow ICANN Organization to better ascertain its overall performance and accountability to relevant stakeholders.
6. ICANN should continue to focus on ICANN Organization 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. There should be a regular evaluation progress regarding this goal. While this may fall within the ATRT purview, it may also be done in a different manner.
9. ICANN Organization should enhance current community evaluation related to staff performance, by ensuring managers seek input from the appropriate community members during staff's annual reviews.

Below are issues included in first draft that might warrant further scrutiny to clearly establish they address known existing issues related to staff accountability. (or determine if these may benefit from a bit more specificity or direct language)

7a. ICANN Organization should work with the community to:

Develop and publish service level agreements (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.

[can we specify the elements where clear expectations should be established? I do believe the term "SLA" will be challenged throughout the process, but if we can specify which elements need established guidelines for expectations, that might be more agreeable.]

7b. ICANN Organization should work with the community to:

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.

[this might be addressed by the language included above regarding timeframes for response to community requests. If there are other elements can we specify where clear expectations should be established?]

3. ICANN should 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, ombudsman, staff or board that at least two panel members determine require further effort. While this panel should work transparently, it will, at its discretion, be able to treat issues that require it, as confidential. [this one would benefit from specific linkage to issues experienced that this recommendation would address, and clarifying what sorts of issues could arise that would not be effectively addressed by the existing or newly formed mechanisms established (complaints) or that will be evolved in other sections (Ombuds)]

