

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 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<sup>1</sup>. 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<sup>2</sup>. 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).~~

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~~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 analysis has identified a few revealed that there are some small but important changes that ICANN can make to further enhance these accountability mechanisms tackle the issues identified. The changes proposed are designed to work with existing systems and processes, and to help establish mechanisms to support 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 ICANN Organization (staff) accountability; whether the changes we propose are workable and fit for purpose.

~~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 working well.~~

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

<sup>1</sup> ~~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 Organization, ICANN Board and ICANN Community.~~

<sup>2</sup> ~~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 Organization, ICANN Board and ICANN Community.~~

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 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)<sup>3</sup> 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<sup>4</sup>**", 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. As this Staff Accountability process is about improving the processes and culture associated with staff

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<sup>3</sup> In this document HR is used in its Human Resources, i.e. personnel, meaning

<sup>4</sup> See: <https://www.icann.org/en/system/files/files/delegation-of-authority-guidelines-08nov16-en.pdf>

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.

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

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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.

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∴ 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.

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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 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

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∴ 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.

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individual issues were discussed, they were grouped into a set of issues defined as possibly systemic. The final list included:

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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 organization and the Community. Specifically discussed:

- a. No clear 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 is 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 organization and not available in all projects.~~
- ~~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.~~
- ~~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. There are concerns 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.~~
- ~~7. 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.~~
8. Appropriate methods for addressing requests that may exceed allocated bandwidth, resources, budget, etc.

## Recommendations:

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

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 in one dedicated area 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

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**Commented [2]:** 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 the 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.

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- 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.
    - 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 these recent mechanisms before creating yet more mechanisms that may turn out to be duplicative or confusing for the organization and community.
    - Results of these evaluations should be made available to the 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.
- 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.

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1. ~~ICANN Organization should continue developing and publicising the ICANN Organization Delegations document, so that it evolves into a concise statement of the allocation of roles and responsibilities between Board and Staff in ICANN.~~
- 2.1. ~~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.~~
- 3.2. 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.

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**Commented [3]:** This recommendation, as well as #7, 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)

~~4. ICANN Organization, in cooperation with the community and the board, should develop appropriate internal processes for ICANN staff to raise and resolve any issues they have in working with community members.~~

~~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.~~

~~6.3. 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.~~

~~7.4. ICANN Organization should work with the community to:~~

~~a. 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.~~

~~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.~~

~~8. ICANN organization should improve visibility and transparency of the organization's performance management system and process, specifically in relation to how individual or department goals are identified and mapped to ICANN's strategic goals and objectives.~~

~~9.5. 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.~~

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 working well.

## Discussion of Recommendations

Recommendation	Related Issues	Discussion
4	2, 3	Understanding the roles and responsibilities of ICANN Board and ICANN Organization provides a basis for understanding constraints on the culture. Additionally this can help in understanding how approved policies and staff implementation can be reconciled.

**Commented [4]:** If we keep this recommendation, can we specify the elements where clear expectations should be established? The term "SLA" will be challenged throughout this process based on its current usage in the community, but if we can specify which elements need established guidelines for expectations, that might be more agreeable.

**Commented [5]:** This might be addressed by the suggested language included above regarding timeframes for response to community requests. If there are other elements that this recommendation intends to address, can we specify where else clear expectations should be established?

**Commented [6]:** Recommendation to consider dividing 7a and 7b into separate recommendations after the first reading.

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**Commented [7]:** Suggest this section move to the supplement, to keep the recommendations concise and focused.

2	7, 8	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, 7	<p>The purpose of the panel would be three-fold: it would be a way to handle issues that fall amongst the different roles &amp; responsibilities, it could work on issues that were sufficiently complex to involve more than one redress/remediation method, it could share knowledge to help improve the remediation service provided.</p> <p>Establishing this group may require a certain amount of implementation discussion amongst the staff, board and community.</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 to solve a situation.</p> <p>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 at ICANN to compare notes on how to better solve problems at ICANN.</p>
4	1b	<p>This may be primarily a Complaints Officer role, especially once an issue gets 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 training at the reviewing manager level in ways to help their reports to work through 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	The cultural issue belongs to ICANN as a whole and integrated entity. Each of the three parts of the ICANN trinity of Organization, 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.

		<del>These cultural and ICANN Organization accountability issues should also be suggested as an item for review by the periodic ATRT reviews.</del>
7	7	<del>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. Similar issues were expressed by others in relation to other services provides to community members such as travel and general support for stakeholder processes. This leads to misunderstanding and frustration. Also without defined service level definitions it is more difficult to create metrics and to improve services.</del>
8	4, 6	<del>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.</del>
9	1a, 4	<del>Part of the established performance review currently includes a requirement for community input. Often this step is 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 appropriate community members for feedback on interactions with the staff. This activity fits both parts of the current evaluation methodology, both in terms of the goals and the behavior as defined in ICANN Organization performance management guidelines.</del>
Existing mechanisms		
CO	1b, 5	<del>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 Organization.</del>
Ombuds	1a, 7	<del>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.</del>  <del>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.</del>