Responses from the ICANN Ombudsman, Frank Fowlie, to ATRT Questions

October 2010

Ombudsman
The ATRT recognizes that petitioners of the ICANN Ombudsman expect confidentiality in its handling of their cases. Nevertheless, we believe that useful information on the efficacy of this office can be gathered in a manner that protects the confidentiality of individual cases. Therefore, we request that the ICANN Ombudsman compile a summary report of its activities during a meaningful (e.g. 3+ year) time frame. Elements of this report should include:

(a) Number of cases raised with the Office of Ombudsman
(b) Number of cases cataloged by topic, if applicable
(c) Median and Outlier duration of case proceedings
(d) Catalog of resulting decisions or recommendations by the Ombudsman
(e) Subsequent actions of the ICANN Board
(f) Satisfaction level of petitioners in the accessibility and efficacy of the appeals process

Note: If the Office of the Ombudsman maintains internal performance metrics, or has previously surveyed petitioners, these should be included in the report submitted to the ATRT.

[FF]

ATRT Request	Description	#
Unknown	4	Ombuds
268		

Registry

14

Registrar

46

Other

654

Transfer

98

WHOIS

39

.xxx mail campaign

1343

Grand Total Nov 1, 2004 to AUGUST 27, 2010

2466

(c) Median and Outlier duration of case proceedings

[FF]
There are a wide variety of times relating to case proceeding, mostly relating to the type of case closure. Referrals and self help references are usually handled within the first 24 hours. Jurisdictional complaints (issues about ICANN board, staff or supporting organizations' acts, decisions, or inactions) usually take in the range of weeks to months. There are no exceptional outliers. Some cases have been open for longer periods of time, but these have been left open to provide the complainant an opportunity to provide new information or evidence concerning the file.

(d) Catalog of resulting decisions or recommendations by the Ombudsman

[FF]
Ombudsman reports and recommendations may be found at:
http://www.icann.org/ombudsman/reports.html

I have also attached a summary of these recommendations found on the website – "public
recommendations".

(e) Subsequent actions of the ICANN Board

[FF]
I attach the following reports on board and organizational actions from the Ombudsman blog:

[FF]

February 11, 2010

ICANN Board of Directors passes
resolutions on Ombudsman recommendations

Filed under: cases and
findings — Frank Fowlie @ 11:11 am

Recommendations of Ombudsman File 09-58

The Board discussed the Ombudsman File 09-58,
the conduct of the investigation, and the focus on civility within ICANN, and
the need for awareness of cultural and gender issues to provide for better
opportunities for participation.

The Board then took the following action:

Whereas, the Board thanks the Ombudsman for
his report on File 09-58 addressing civility issues within ICANN related
meetings and discussions;

Whereas, the Board notes that there is
ongoing work within ICANN to enhance civility among ICANN participants, and
that this topic is of high value to the ICANN community;

Whereas, the Board responds to the Ombudsman
Report as follows:

It is hereby RESOLVED (2010.02.04.16) that
the Board affirms that all participants in ICANN are expected to adhere to the
Expected Standards of Behavior as published in the ICANN Accountability &
Transparency: Frameworks and Principles, found at:
http://www.icann.org/en/transparency/acct-trans-frameworks-principles-10jan08.pdf.

It is further RESOLVED (2010.02.04.17) that
the Board requests that the CEO direct ICANN Staff to provide at least annual
reminders of the Expected Standards of Behavior to the membership of ICANN's
supporting organizations and advisory committees, and to consider the other
proposals by the Ombudsman to enhance civility.

One Board member abstained from voting on
these resolutions. All other Board members in attendance voted in favor of
these resolutions.

August 4, 2009

ICANN Board of Directors votes to
implement Ombudsman Recommendations

Filed under: cases and

findings — Frank Fowlie @ 8:48 pm

From the minutes of the July 30, 2009 Board meeting:

Review of Ombudsman Reports and Recommendations to the Board

Whereas, the Ombudsman has made recommendations to the Board of Directors following certain investigations conducted by the Ombudsman;

Whereas, the Board thanks the Ombudsman for his continuing service to ICANN;

Whereas, the Board has reviewed the Ombudsman's recommendations to the Board; and

Whereas, the Board acknowledges that most of the Ombudsman's recommendations have already been addressed.

It is hereby resolved (2009.07.30. 08) that as soon as practicable, Staff shall provide the Ombudsman with Board approved responses to the Ombudsman's outstanding recommendations.

(f) Satisfaction level of petitioners in the accessibility and efficacy of the appeals process

<