

Ombuds Position Description

ICANN Ombuds

The Internet Corporation of Assigned Names and Numbers (ICANN) Ombuds is an independent and impartial neutral whose function is to provide an independent internal evaluation of complaints by members of the ICANN community who believe that the ICANN org staff, ICANN Board of Directors (Board), or an ICANN constituent body (and its members) has treated them unfairly for matters that have not otherwise become the subject of the Reconsideration Process or the Independent Review Process. The Ombuds is also expected to participate as a proactive member of the ICANN community, and should be seen as a leader in helping to create a safe environment for all to participate within ICANN's diverse multistakeholder environment.

Per Article 5 of the ICANN Bylaws, the Ombuds shall serve as an objective advocate for fairness, and shall seek to evaluate and where possible resolve complaints about unfair or inappropriate treatment by ICANN staff, the Board, or ICANN constituent bodies, clarifying the issues and using conflict resolution tools such as negotiation, facilitation, and "shuttle diplomacy" to achieve these results.

The Ombuds does not have the power to make, change or set aside a policy, administrative or Board decision, act, or omission. The Ombuds does have the power to investigate events that raise concerns, and to use Alternative Dispute Resolution techniques to resolve them. The Ombuds is authorized to make reports to the Board as appropriate with respect to any particular matter and its resolution, or the inability to resolve it.

The Ombuds plays a key role within the reporting and complaint procedure under the Community Anti-Harassment Policy. Facts relating to inappropriate behavior as described within the Policy may be reported to the Ombuds, who will ensure a confidential and safe environment for the parties involved. After thoroughly reviewing and evaluating a complaint, the Ombuds will determine whether inappropriate behavior has occurred, and what remedial action, if any, is appropriate in light of the findings of an evaluation.

The Ombuds also plays a key role in certain Reconsideration Requests that are not summarily dismissed by the Board Accountability Mechanisms Committee, which is the ICANN Board committee designated to make recommendations to the Board relating to Reconsideration Requests. In accordance with Article 4 of the ICANN Bylaws, these Requests are sent to the Ombuds for review. The Ombuds must submit a substantive evaluation or recusal of such Requests within 15 days of receipt to the Board Accountability Mechanisms Committee for its review and consideration

Reporting

The Ombuds function is independent of ICANN org staff, supporting organizations and advisory committees of ICANN. The Ombuds reports directly to the Board, and cannot be removed except by a three quarters majority vote of the Board. The Ombuds reports on a regular basis to the Chair and reports against progress on semi-annual goals to the Board Compensation Committee. The Ombuds also makes reports to the Board on specific matters of investigation

and the work of the office as required. This report contains a summary of complaints, trends resulting from complaints, outreach and general information appropriately dealing with confidentiality obligations and concerns. The Ombuds provides both formal and informal recommendations to the Board, based on an assessment of ICANN's culture of safety, fairness, equity, and innovation, that might help ICANN improve or enhance applicable policies.

Critical Skills and Characteristics

Communication and Problem-Solving Skills

The Ombuds must have outstanding communication skills and be able to communicate effectively with all individuals acting within the ICANN environment, as well as with people of all cultures. It is important for the Ombuds to have excellent problem-solving skills, and to be able to gather information, analyze concerns and help groups or individuals develop appropriate options and actions. The Ombuds should be aware of how decisions may impact complaining parties, as well as other stakeholders.

Conflict Resolution Skills

An essential element of the Ombuds role is to facilitate conflict resolution between parties. It is therefore important that the Ombuds has a thorough understanding of what leads to conflict, the nature of conflict and methods of resolution. The skills should include:

- helping people learn how to deal with the matter directly;
- serving as a facilitator between the parties via shuttle diplomacy;
- informally bringing the parties together and serving as a mediator or facilitator;
- approaching the conflict within the community on a more generic basis, particularly where the visitor may be concerned about confidentiality or retaliation; and
- working within the community to suggest changes to resolve problems.

When required, the Ombuds will write formal recommendations to the ICANN Board or the parties involved in a dispute. The report will provide an analysis of the matter, the arguments presented by the parties, and a recommendation derived from analysis of the matter. Where appropriate, the reports will be published on the Ombuds website or blog, provided that the parties who have sought the report and expressly consent to publication, whether in full or redacted to protect identity.

Organizational Knowledge and Networking Skills

While ICANN encourages applications from those outside the community to apply for this position, the Ombuds must be knowledgeable about ICANN, the ICANN community and the multistakeholder environment. The Ombuds must be able to work across cultures and readily adapt to different problem-solving paradigms exhibited within those cultures. The Ombuds must have excellent networking skills, understand and participate in collaboration with others, and be able to establish and maintain broad contacts throughout the ecosystem. The Ombuds must be sensitive to cultural and gender issues, diversity, equity, inclusiveness and belonging, and be

open, objective and seek to understand issues from multiple perspectives. The Ombuds should be innovative in developing options that are responsive to different needs.

Composure and Presentation Skills

The Ombuds should maintain a professional demeanor, have strong presentation skills and be able to organize and communicate information to groups of varying sizes and hierarchical levels.

Integrity

The Ombuds should have a reputation for integrity, and for dealing fairly, effectively and in a timely fashion with all constituents. Because of the obligation for confidentiality, the Ombuds should keep all information confidential in terms of the Code of Ethics and Standards of Practice of the International Ombuds Association. The Ombuds should not be risk averse and understand that the position may on occasion require challenge to the highest level of the ICANN org, Board or community group, to achieve the aim of fair and just practices.

Accountabilities

Dispute Resolution, Consultation, and Referral

1. Provide, delegate and/or refer impartial and confidential conflict resolution services to members of the ICANN community who are aggrieved or concerned about a matter.
2. Remain independent, neutral and impartial, and exercise good judgment.
3. Assist community members in obtaining and providing information about Ombuds procedure.
4. Help community members with clarifying matters, generating options for resolution, and facilitating their assessment of the different options available.
5. Where necessary, open an enquiry and investigation, in consultation with the community member. This would be done by formal and informal means, including exercise of the power to require production of any documents or other data under the powers of the Ombuds in the Bylaws.
6. When appropriate, facilitate group meetings and use shuttle diplomacy or negotiation skills to facilitate communication among parties in conflict.
7. Work with community members to develop appropriate remedies, including informal resolution or, as necessary and appropriate, formal recommendations to the ICANN Board to take action.
8. Where systemic issues or problematic trends are identified, report to the Board with recommendations for change and/or improvement.
9. Work within the community to become aware of problems and trends, by undertaking appropriate outreach across the supporting organizations and advisory committees.
10. Work within the community to review and evaluate complaints of inappropriate behavior as described within ICANN's Expected Standards of Behavior and ICANN's Community Anti-Harassment Policy.

11. Review and provide substantive evaluation of certain Reconsideration Requests as described within Article 4 of the ICANN Bylaws.

Community Outreach and Education

1. Responsible for ongoing education and communication about the role of the ICANN Ombuds within the staff, Board, ICANN community and, where appropriate, to other organizations such as mediation and arbitration institutions and Ombuds associations.
2. Provide orientation to new staff members at ICANN, and to members of the community, to provide an introduction to the work of the Ombuds office.
3. When appropriate, proactively reach out to organizations such as the Internet Governance Forum, domain name businesses and community organizations, number resource organizations such as the Internet Society, and similar organizations.

Office of the Ombuds

1. Operate the office of the Ombuds with appropriate case management systems and supervising adjunct Ombuds and any support staff employed.
2. Maintain an office at each ICANN Public meeting for members of the community to talk confidentially with the Ombuds.
3. Prepare the annual budget for the office of the Ombuds.
4. Prepare Annual Report for Office of the Ombuds.
5. Prepare reports for the ICANN Board at each ICANN Public meeting.
6. Enforce Community Anti-Harassment Policy, while keeping a safe and confidential environment for the parties involved in a complaint pursuant to the Community Anti-Harassment Policy.
7. Ensure that members of the Community comply with Expected Standards of Behavior.
8. Conduct Reconsideration Request evaluations. Pursuant to Article 4 of ICANN's Bylaws.

Professional Membership and Ongoing Development

1. Maintain membership in relevant professional associations such as the International Ombuds Association, International Ombudsman Institute and regional Ombuds organizations.
2. Attend conferences and, where appropriate, present papers on the work of the ICANN Ombuds and Ombuds professional development matters.
3. Maintain mediation and arbitration training with membership of appropriate professional bodies, and maintenance of ongoing training requirements for those organizations.
4. Undertake appropriate training to ensure that the dispute resolution skills are maintained and up to contemporary standards.
5. Maintain necessary mandatory training for Ombuds and adjunct Ombuds.

Education, Language(s) and Work Experience

The Ombuds should have an appropriate undergraduate degree in disciplines such as law, human relations, social sciences or similar, and preferably a Master's degree in a similar

discipline, together with relevant dispute resolution training in conflict resolution and/or mediation and/or arbitration.

The Ombuds should have experience in working with people of diverse backgrounds and cultures, with experience in mediating and facilitating across different cultural backgrounds.

The Ombuds should have at least five years of experience providing Ombuds services and/or mediation services and/or assisting in the resolution of matters with management and/or dispute resolution experience.

The Ombuds should have excellent oral and written communication skills in English, and knowledge of other languages would be an asset.

Experience working with multiple time zones is essential, and experience and a willingness to travel internationally is also necessary