

# At-Large Proposed ICANN Community Anti-Harassment Policy Workspace

Public Comment Close	Statement Name	Status	Assignee (s)	Call for Comments Open	Call for Comments Close	Vote Open	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
12 January 2017	<a href="#">Proposed ICANN Community Anti-Harassment Policy</a>	<div>ADOPTED</div> 12Y, 0N, 0A	<a href="#">Olivier Crepin-Leblond</a>  <a href="#">Sebastien Bachollet</a>	03 December 2016	17 December 2016	19 December 2016	22 December 2016	23 December 2016	Steve Gwon <a href="mailto:steve.gwon@icann.org">steve.gwon@icann.org</a>	AL-ALAC-ST-1216-04-00-EN

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- [Comments Forum](#)

## Brief Overview

**Purpose:** This public comment proceeding seeks to obtain community input on the [proposed ICANN Community Anti-Harassment Policy](#) [PDF, 72 KB], which includes Terms of Participation and a Complaint Procedure.

**Current Status:** The proposed ICANN Community Anti-Harassment Policy was created following consultation with experts and after consideration of the public comments received on the already adopted revisions to ICANN's Expected Standards of Behavior. The community called for a more detailed policy statement and a complaint procedure, which is included in the proposal for the community's consideration and input.

**Next Steps:** Upon completion of the public comment proceeding, ICANN staff will summarize and forward any community input to the ICANN Board for consideration.

## Section I: Description, Explanation, and Purpose

The proposed ICANN Community Anti-Harassment Policy sets out how the participants in the ICANN community are expected to behave when participating in ICANN's multistakeholder processes.

The proposed ICANN Community Anti-Harassment Policy is now provided for the community's input. The proposed text is based in generally accepted broad standards for anti-harassment.

## Section II: Background

During and after ICANN55, the issue of certain community member conduct toward one another was raised in various sessions and on various email lists, and the ICANN Board agreed to address this matter. In response, the ICANN Board has confirmed and reiterated that the ICANN Board and staff take the issue of harassment or other improper conduct at its meetings very seriously. ICANN and members of the community share the goal of ensuring that ICANN community members are able to participate and contribute within an environment that remains free from harassment.

As an organization, ICANN has robust internal policies regarding the issue, including mandatory training. While ICANN community members are not bound to the same policies and rules as the ICANN organization or the ICANN Board, ICANN does expect community members to adhere to certain Expected Standards of Behavior. In addressing the issues identified at ICANN55, one step taken was to revise the Expected Standards of Behavior to specifically call out issues of harassment and the fact that such conduct is not acceptable in ICANN fora. The revised ICANN Board-approved version of the ICANN Expected Standards of Behavior can be found at: <https://www.icann.org/resources/pages/expected-standards-2016-06-28-en>.

In addition, as noted by the ICANN Board in adopting the revised Expected Standards of Behavior (see <https://www.icann.org/resources/board-material/resolutions-2016-06-25-en#2.f>), the organization has worked with an expert, as appropriate and necessary, to develop a proposed "ICANN Community Anti-Harassment Policy" for the community's consideration, which if adopted should be followed at ICANN Public meetings and throughout other ICANN community interactions. The proposed ICANN Community Anti-Harassment Policy is the subject of this public comment proceeding, which the ICANN Board resolved to post for 60 days so that the community has sufficient time to discuss, evaluate and formulate comments for consideration (see <https://www.icann.org/resources/board-material/resolutions-2016-11-05-en#1.a>). As requested by the community, the proposed Policy also includes a complaint procedure.

Note that as the Board approved a 60-day public comment period at its 5 November 2016 meeting while in Hyderabad, for transparency purposes the public comment process is being opened now, but the 60 days will not start running until 13 November 2016 and will run through 12 January 2017.

## Section III: Relevant Resources

[Proposed ICANN Community Anti-Harassment Policy](#) [PDF, 72 KB]

## Section IV: Additional Information

For more information, see <https://www.icann.org/resources/board-material/resolutions-2016-11-05-en#1.a>

## Section V: Reports

### Staff Contact

Steve Gwon  
[steve.gwon@icann.org](mailto:steve.gwon@icann.org)

## FINAL VERSION TO BE SUBMITTED IF RATIFIED

*The final version to be submitted, if the draft is ratified, will be placed here by upon completion of the vote.*



AL-ALAC-ST-1216-04-00-EN.pdf

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**FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC**

*The final draft version to be voted upon by the ALAC will be placed here before the vote is to begin.*

The At-Large Community welcomes the drafting of a comprehensive Anti-Harassment Policy.

On the whole, the document is well written, although there are several instances where the extensive listing of details could be counter-productive, as it makes the list look like an exhaustive list. As a result, this could be interpreted that anything not on the list, is actually acceptable.

Commenting on specific points:

1. *Behave in a professional manner, demonstrate appropriate behavior and treat all members of the ICANN community in a respectful, dignified, decent manner at all times, including in face-to-face and on-line communications, irrespective of Specified Characteristics so that individuals of all backgrounds and cultures are made to feel welcome.*

Whilst it agrees with its intent, the ALAC is concerned about the expression “professional manner”. Strictly speaking a “professional manner” is possible in a company where the policy is intended towards employees, but ICANN is a community. The ALAC proposes that the first sentence starts with “Behave in a correct and civilized way,” keeping the rest of the sentence unchanged.

2. *Refrain from harassment of any type. Harassing conduct or commentary may take many forms, including verbal acts and name-calling and written statements, which may include use of phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating.*

“Name-calling” is a hard to translate English expression that is ambiguous and might be misinterpreted. The ALAC suggests replacing “name-calling” with “insults, pejorative language”.

However, the ALAC also has concerns regarding the freedom of expression when it comes to commenting on ICANN leaders, for example, via social media. In many cultures and societies, satire and parodies of political and business leaders are common and acceptable social practice. Will jokes about ICANN leaders via social media, for example, be regarded as a form of harassment?

Further down in (2):

• *Grabbing, groping, kissing, fondling, hugging, stroking someone's hair, or brushing against another's body*

In some cultures, most of the above actions are appreciated when done with the full consent of the person. The issue of “consent” is missing in this sentence. The ALAC recommends that “without that person’s consent” be appended to this bullet point, or that the bullet point be split so as to have “grabbing” and “groping” taken out of this point and the rest having “without that person’s consent” appended.

Some At-Large members expressed concern that their traditional greetings between friends involving kissing on the cheeks, might be classified as being harassment when it clearly is not. Please see our overall comment above.

• *Violating someone's “personal space” after being told you are doing so*

“After being told you are doing so” was recognised by the At-Large Community as being a key sentence that should be applied to other behaviors.

“When someone doesn’t want to shake my hand – for any reason whether personal or religious – I respect it and I remember that for my future interaction with this person”, said one commenter.

Finally, the ALAC is concerned that ICANN would need such a large document to address harassment. An organisation called **USENIX**, for example, has a much shorter [document](#) that defines harassment:

*“What constitutes harassment?”*

*Harassment includes—but is not limited to—unwelcome conduct or offensive verbal comments related to gender, gender identity, gender expression, sexual orientation, age, disability, physical appearance, body size, race, national origin, or religion deliberate intimidation, stalking, following, unwelcome or unauthorized photography or recording, sustained disruption of talks or other events, inappropriate physical contact, and unwelcome sexual attention. Similarly, encouraging others to engage in such behavior is not permitted, nor are false accusations of harassment.”*

And NTEN has a concise Web page with its own short code of conduct: <https://www.nten.org/ntc/about-the-ntc/code-of-conduct/>

Other examples abound.

**Overall, our community would prefer that ICANN acknowledges the diversity of our global community and the acceptance or otherwise of what are socially accepted norms within different cultures. With the growth of cross-community interaction within ICANN, ICANN should encourage a greater awareness of regional and cultural diversity across its communities, but to also emphasise that it is quite OK for individuals to say what they deem as acceptable behaviour or not.**

**The other main concern is that this policy could be misused as a weapon against someone. This policy is best produced by professional HR persons who are familiar with the language and legal implications.**

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## FIRST DRAFT SUBMITTED

*The first draft submitted will be placed here before the call for comments begins.*

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Commenting on specific points:

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Whilst it agrees with its intent, the ALAC is concerned about the expression “professional manner”. Strictly speaking a “professional manner” is possible in a company where the policy is intended towards employees, but ICANN is a community. The ALAC proposes that the first sentence starts with “Behave in a civil manner,” keeping the rest of the sentence identical.

2. Refrain from harassment of any type. Harassing conduct or commentary may take many forms, including verbal acts and name-calling and written statements, which may include use of phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating.

“Name calling” is a hard to translate English expression that is ambiguous and might be misinterpreted. The ALAC suggests writing “...including verbal acts, insults and pejorative language...”

However, the ALAC also has concerns regarding freedom of expression when it comes to commenting on ICANN leaders, for example, in social media parodies.

Further down in (2):

- Grabbing, groping, kissing, fondling, hugging, stroking someone’s hair, or brushing against another’s body

In some cultures, most of the above actions are appreciated when done with the full consent of the person. The issue of “consent” is missing in this sentence. The ALAC recommends that “without that person’s consent” be appended to this bullet point, or that the bullet point be split so as to have “grabbing” and “groping” taken out of this point and the rest having “without that person’s consent” appended.

Some At-Large members expressed concern that their traditional greetings between friends involving kissing on the cheeks, might be classified as being harassment when it clearly is not.

- Violating someone’s “personal space” after being told you are doing so

“After being told you are doing so” was recognised by the At-Large Community as being a key sentence that should be applied to other behaviors.

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