

Registries Stakeholder Group Statement

Issue: Proposed ICANN Community Anti-Harassment Policy

Date statement submitted: 11 January, 2017

Reference URL: <https://www.icann.org/public-comments/anti-harassment-policy-2016-11-07-en>

Background:

- The community Anti-Harassment policy is an addition to the [ICANN Expected Standards for Behaviour](#). They must assure that ICANN community members are able to participate and contribute in an environment free from harassment, and provide a complaint procedure.
- Community members are not bound to policies and rules of behaviour that exist for staff and Board members.

RySG Comment:

The RySG welcomes the proposed ICANN Community Anti-Harassment Policy and fully supports the principle that ICANN community members must be able to participate and contribute in an environment free from harassment and improper behaviour.

The RySG proposes to add a preamble to the Policy to state that ‘The ICANN Community Anti-Harassment Policy is not intended to impede or inhibit free speech but to create a safe environment that bolsters free speech and participation for all attendees and participants in ICANN multistakeholder processes.’ Freedom of speech is a core value for the ICANN community, and therefore a preamble is better suited than a footnote for this clarification.

The RySG agrees that no medical condition can be a reason for disrespectful comments or behaviour towards an individual, but suggests removing the reference to ‘cancer and genetic characteristics’ as these are covered by the general principle.

The RySG suggests including ‘educational level and social background’ in the definition of the Specified Characteristics.

The RySG is concerned that article 2 of the Policy and in particular the sentence “Examples of the types of inappropriate conduct that are prohibited by this policy include, but are not limited to, the following: [list of examples]”, generalises and wrongly defines normal conduct and actions as harassment. The RySG urges ICANN to amend the text to indicate that the listed examples, to be considered as harassment and as such prohibited conduct, must be unwelcome, unsolicited and regarded as offensive or undesirable by the victim.

Newcomers as well as regular participants often praise the open, friendly and welcoming atmosphere of the ICANN community. The RySG feels it's important for any anti-harassment policy to allow for mutually agreed upon friendly interactions. They are often part of the spirit of the community atmosphere prevalent in ICANN meetings and conducive to constructive discussions and mutually beneficial work being done. However, it must be very clear that under no circumstances should any interaction cause discomfort to any party involved. As discomfort tolerances and levels vary widely depending on gender, culture and even educational background, any member of the community feeling any discomfort in their interaction with another member of the community must feel confident that a) they can say so and b) they will be taken seriously when they do. The Reporting and Complaint procedure should allow for informal reconciliation between the parties and if that fails, formal reconciliation mechanisms must be available to anyone who feels they have been the victim of harassment.

The RySG believes that in some situations informal reconciliation without an official complaint can be a better solution for the parties directly involved as well as for the community as a whole. The RySG therefore suggests that the Reporting and Complaint procedure provides an option by which the parties involved attempt to communicate and resolve the issue informally. Of course, it should be left entirely to the complainant to determine which approach is more suited to the particular circumstances of the complaint.

To avoid confusion, the RySG suggests to better define '*person(s) responsible*' in point 1 of the Reporting and Complaint procedure, as the current draft text might be understood in different ways (e.g. person(s) responsible for committing the inappropriate behaviour, person(s) responsible for the meeting during which the inappropriate behaviour occurred, person(s) responsible for compliance with the community anti-harassment policy).

The RySG wants to point out that the community is still missing a provision to address a complaint and avoid a conflict of interest in case an incident involves the Ombudsman or a member of his/her team, since the Ombudsman serves as reporting channel for complaints based on the Expected Standards of Behaviour by which the Ombudsman and his/her team are covered.

The RySG would welcome a general timeline or expected path after a complaint is filed, and believes that in case a complaint is not dealt with during the time of a meeting or multistakeholder process, this could inhibit the person reporting the incident from fully participating.