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## AT-LARGE ADVISORY COMMITTEE

### ALAC Statement on the Proposed ICANN Community Anti-Harassment Policy

#### Introduction

Olivier Crepin-Leblond, Chair of the European Regional At-Large Organization (EURALO) and Sebastien Bachollet, ALAC Member of the EURALO developed an initial draft of the ALAC Statement on behalf of the ALAC.

On 03 December 2016, the first draft of the Statement was posted on the [At-Large Proposed ICANN Community Anti-Harassment Policy Workspace](#).

On that same date, Alan Greenberg, Chair of the ALAC, asked ICANN Policy Staff in support of the At-Large Community to send a Call for Comments on the Statement to the At-Large Community via the [ALAC Announce Mailing List](#).

On 19 December 2016, a version incorporating the comments received was posted on the aforementioned workspace and the Chair requested that Staff open an ALAC ratification vote.

On 23 December 2016, Staff confirmed that the online vote resulted in the ALAC endorsing the Statement with 12 votes in favor, 0 vote against, and 0 abstention. You may view the result independently under: <https://www.bigpulse.com/pollresults?code=6474W26KWBnwfFqULAmc5DEB>.

## ALAC Statement on the Proposed ICANN Community Anti-Harassment Policy

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.