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THE AT-LARGE ADVISORY COMMITTEE
ALAC Statement on Proposed Revisions to the ICANN Community
Anti-Harassment Policy

Preamble

On 04 November 2024, the Public Comment proceeding opened for the Proposed Revisions to the ICANN Community Anti-Harassment Policy. An At-Large workspace was created in preparation for this Public Comment submission. The At-Large Operations, Finance, and Budget working group (OFBWG) reviewed the Proposed Revisions to the ICANN Community Anti-Harassment Policy and decided it would be in the interest of end users to develop and submit an ALAC Public Comment Statement.

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Ratification Record

On 04 November, the Public Comment proceeding opened for the Proposed Revisions to the ICANN Community Anti-Harassment Policy public comment title. On 05 December, Avri Doria, Claire Craig, Judith Hellerstein, and Eunice Alejandra Pérez Coello discussed the comments for the ALAC statement during the OFBWG call. The OFBWG decided it would be in the interest of end users to develop and submit an ALAC statement for this Public Comment proceeding. Avri Doria, Claire Craig, Judith Hellerstein, and Eunice Alejandra Pérez Coello volunteered to draft the initial ALAC statement for OFBWG consideration and ALAC endorsement.

On 12 December, the initial draft statement was shared with the OFBWG for review and input. On 13 December, the At-Large Public Comment Statement was finalized. The ALAC Chair, Jonathan Zuck, requested that the Public Comment Statement be ratified by the ALAC before submission to the ICANN Public Comment feature.

On 15 December, staff confirmed the online vote resulted in the ALAC endorsing the statement with 15 out of 15 votes in favor. 0 votes against, and 0 abstentions. Please

note 100% of ALAC members participated in the poll. The ALAC members who participated in the poll are (in alphabetical order by first name): Aziz Hilali, Bukola Oronti, Claire Craig, Emilia Zalewska-Czajczynska, Eunice Alejandra Perez Coello, Jonathan Zuck, Judith Hellerstein, Justine Chew, Kathleen Scoggin, Lilian Ivette De Luque, Natalie Tercova, Pari Esfandiari, Raihanath Gbadamassi, Satish Babu, Shah Zahidur Rahman]. You may view the results here: <https://tally.icann.org/cgi/results?e=1331c05c84c>.

The ALAC and At-Large Community Comments

The ALAC and the At Large Community thanks ICANN for the opportunity to review and comment on the proposed revisions to the ICANN Community Anti-Harassment Policy. We feel it provides a good start at creating a comprehensive and flexible framework aimed at fostering a safe, inclusive, and respectful atmosphere for its varied stakeholders.

We do like and applaud the effort to rename the policy from Sexual Harassment to ICANN Community Dignity and Respect Policy as this signifies a shift from merely reactively addressing harassment to actively promoting positive values.

The proposed new policy and terms of participation emphasize the enduring significance of dignity and mutual respect within ICANN's multistakeholder framework. They specifically acknowledge that the world today is one of changing societal norms and as such, there is a need to incorporate diverse cultural contexts, into the definition and its enforcement and protection for the community.

We are pleased to see that the definition of harassment has been significantly broadened within the proposed revisions, with detailed examples that cover a wide spectrum of inappropriate behaviors, ranging from physical assault to offensive imagery in both public and virtual settings. We equally welcome the policy's aim to ensure that harmful behaviors are addressed regardless of the perpetrator's motivations.

However, we feel the proposed revisions could benefit from more focus being placed on the following areas: 1) the updating of the ICANN Bylaws as it relates to the Ombuds Office; 2) Updating the policy as it relates to ICANN staff; 3) Adding additional safeguards to compensate for power dynamic, 4) Clarifying the relationships that exist between and among ICANN org, the Ombuds Office and the complaints office; and 5) Clarifying the Amelioration or Recompense sections of the Policy.

1. ICANN Bylaws and the Ombuds Office

Many of the Work Stream 2 - Recommendations for improving the ICANN Office of the Ombudsman remain incomplete in their implementation. In light of this, It is unclear how the proposed new policy would work when the ICANN Bylaws for the

Ombuds Office (“the Bylaws”) have not been updated to reflect the changes intended by the proposed new policy.

Until the Bylaws are updated appropriately, how would the Community be assured of the Ombuds’ independence in addressing a potential conflict of interest in her/his duties to protect a victim and a duty to protect ICANN, the organization? The proposed new policy does not fully explain how this would work.

2. New Policy as it relates to ICANN Staff

Clarity is needed on whether this proposed new policy will cover ICANN staff and the Community or just the Community. We believe this proposed new policy should also apply to ICANN staff.

3. Safeguards to compensate for power dynamics

Clarity is also needed to identify to what extent adequate safeguards have been established to ensure that power dynamics do not influence the reporting and resolution processes. In particular:

- a) How do we ensure that the victim is protected from harm and recrimination for coming forward when the accused holds a position of seniority over the victim?
- b) Equally, what protections are afforded to a person who is accused of wrongdoing and who may have been falsely accused?

4. Relationships of ICANN org, Ombuds Office and Complaints Office

More emphasis needs to be placed on a balance to be achieved by ICANN org, the Ombuds, and the Complaints Office in preserving the confidentiality of parties involved in complaints against the need to report on complaints and resolutions of such complaints for both transparency purposes and for actionable data to keep improving any policy that will be put in place.

5. Amelioration - Recompense

We think more thought should be placed into fixing the situation instead of asserting power, including considering more amenable solutions and better options to be considered by ICANN. Efforts should be made to try and find more creative solutions to this issue than just banishment.