

# RrSG Public Comment: Proposed Revisions to Community Anti-Harassment Policy

19 December 2024

The Registrar Stakeholder Group (RrSG) welcomes the opportunity to provide a comment on the Proposed Revisions to the ICANN Community Anti-Harassment Policy and Terms of Participation.

Setting community standards of behavior is a very important aspect of how ICANN fosters the multistakeholder model of policy development. The RrSG appreciates the dedication of the ICANN Board Anti-Harassment Working Group in addressing this matter and supports the Board in making necessary changes to the Policy.

## Policy Name

The RrSG does not have a strong opinion on renaming the Policy. The proposed new name (“ICANN Community Dignity and Respect Policy and Terms of Participation and Harassment Complaint Procedure”) is quite long but does reference the relevant areas of the revised Policy.

## Policy and terms of participation

The overall goals of the Policy are appropriate: to ensure all participants are treated with respect and dignity, create a shared understanding of what harassment is, and set out a process for addressing violations. The RrSG supports these goals.

The introduction includes “*In the ICANN community, all participants should feel welcomed, appreciated, and valued*”. It is difficult to govern emotions, and “feeling welcome” may not be the best goal for this Policy. Treating others with dignity and respect would be more appropriate.

The RrSG proposes that Policy §2. should refer not to Zoom specifically but to ‘video conferencing software’ or virtual meetings

One aspect missing entirely from this Policy is periodic review; the RrSG proposes that a regular review of the success of this Policy and potential areas for improvement should be baked in and proposes that every two years is a reasonable period.

## Definition of Harassment

The RrSG supports the attempt to define Harassment, but would suggest modifications to the draft.

The definition of Harassment as “*unwelcome and/or non-consensual hostile or intimidating conduct*” omits situations where the conduct is not hostile, or is not intimidating. Those situations can indeed constitute Harassment, for example a racially-based joke made in a friendly manner where the person who hears it is not intimidated by the person who says it.

Further, the examples of harassment are quite specific when it comes to unwanted physical contact, and relate mostly to sexual harassment or harassment based on Specified Characteristics.

The RrSG suggests reviewing definitions of Harassment provided by human rights organizations, such as the [U.S. Equal Employment Opportunity Commission](#) or the [Ontario Human Rights Code](#), or [the definition from the Council of Europe](#), to identify areas for improvement.

## Reporting and complaint procedure

The Policy should be clear that the Ombuds route is ICANN's own internal Policy and that the complainant remains free to open a complaint with the competent authorities where they consider that to be necessary.

In §B.2 it would help to clarify what is within the Ombuds' jurisdiction, as their purview remains somewhat unclear.

§B.3 excludes ICANN Staff from submitting complaints under this Policy. Without any view into the referenced internal ICANN complaints Policy it is not possible to determine whether this is appropriate recourse for Staff complaints.

§B.5 has some confusing areas. The second sentence says “*If the complaint is open to third parties, then the regular updates would go to the third party and the respondent but not the victim.*” Should this perhaps be if a complaint is opened **by** a third party? In what cases would a complaint be open to third parties? Why would the victim of the harassment not receive updates as the review progresses?

§B.7.c says “*prior complaints made by against the respondent*”, should this be “*prior complaints made against the respondent*” (without “by”)?

§B.11 relates to confidentiality; the RrSG has some concerns. In the case of third party reporting, the victim would not be the complainant; they should still have the benefit of

confidentiality. Further, the exception “to the extent feasible” is fairly vague and should be further clarified.

## Conclusion

The RrSG supports the updates to the ICANN Community Anti-Harassment Policy and Terms of Participation and appreciates the work of those who drafted these changes. We suggest modifications to the definition of Harassment and clarifications to the complaint and enforcement process, in order to further refine these important updates and ensure they are a solid basis for expected standards of behaviour moving forward.

Thank you,

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