

A [Public Comment \(/public-comments/gnso-review-draft-2015-06-01-en\)](#) was opened following the publication of the Draft Report in May 2015. As this is a result of a Bylaw-mandated organizational review, public comment is not necessary prior to implementation. It is important to note that throughout the GNSO (Generic Names Supporting Organization) Review process there has been extensive discussion and exchange of ideas and information between the independent examiner, the GNSO (Generic Names Supporting Organization) Review Working Party, the GNSO (Generic Names Supporting Organization) community and the ICANN (Internet Corporation for Assigned Names and Numbers) Board.

f. Revised Expected Standards of Behavior

Amy Stathos presented the agenda item to the Board for discussion, and reminded the Board that a revised draft of ICANN (Internet Corporation for Assigned Names and Numbers)'s Expected Standards of Behavior was posted for public comment after the issue of community-member conduct towards each other was highlighted as a matter of concern at the ICANN (Internet Corporation for Assigned Names and Numbers) 55 meeting in Marrakech. Amy engaged the Board in a discussion about the public comments received on the proposed revisions. The discussion included a summary of the public comments, and she noted that many of the comments and suggestions received would be better suited for the second phase of work that is underway to retain an expert to assist in a policy and procedure to guide when potentially improper behavior is reported.

Amy informed the Board that staff proposed a minor clarification to the revised Expected Standards of Behavior to take into account some of the public comments. Additionally, she reported that the Intellectual Property

Constituency requested additional time to submit its comment on the proposed revisions to the Expected Standards of Behavior.

Board members expressed their views about whether to move forward with adopting the revised Expected Standards of Behavior or postpone taking action until a later date to allow additional public comments to be submitted. Bruce Tonkin suggested that the Board adhere to the timeline it previously committed to with the community to adopt the revised Expected Standards of Behavior by the Helsinki Meeting. Chernie Chalaby agreed, and commented that the Expected Standards of Behavior are relatively standard in many other places. George Sadowsky also agreed that the Board should move forward and suggested that there is always room for improving the Expected Standards of Behavior overtime as needed.

After discussion, the Board determined that consistent with its previous commitments to the community, it should move forward with adopting the revised Expected Standards of Behavior prior to the start of the ICANN (Internet Corporation for Assigned Names and Numbers) 56 meeting in Helsinki. Amy suggested an amendment to the rationale to the resolution to make it clear that the Board considered the IPC (Intellectual Property Constituency)'s request.

Mike Silber moved and Asha Hemrajani seconded the resolution. The Board took the following action:

Whereas, during and after ICANN55, the issue of certain community-member conduct toward one another has been raised in various sessions and lists.

Whereas, among other activities to address this issue, the Board authorized the posting for public comment a revised Expected Standards of Behavior

to more fully address the issues.

Whereas, the majority of the comments received generally support the revisions.

Whereas, per resolution 2016.05.15.05 (/resources/board-material/resolutions-2016-05-15-en#1.d), ICANN (Internet Corporation for Assigned Names and Numbers) is in the process of working to retain an expert with experience in drafting and implementing relevant anti-harassment policies to assist in the development of a Community anti-harassment policy/procedure to be followed at ICANN (Internet Corporation for Assigned Names and Numbers) Public Meetings.

Resolved (2016.06.25.16), the Board hereby adopts the revised Expected Standards of Behaviors as they were posted for public comment on 16 May 2016, with slight modification for clarification.

All members of the Board present voted in favor of Resolution 2016.06.25.16. The Resolution carried.

Rationale for Resolution 2016.06.25.16

During and after ICANN55, the issue of certain community-member conduct toward one another has been raised in various sessions and lists, and the Board agreed to address this matter. In response, the Board confirmed and reiterated that ICANN (Internet Corporation for Assigned Names and Numbers)'s Board and staff take the issue of harassment or other improper conduct at its meetings very seriously. ICANN (Internet Corporation for Assigned Names and Numbers) and members of the community share the goal of ensuring that ICANN (Internet Corporation for Assigned Names and Numbers) community

members are able to participate and contribute within an environment that does not tolerate discrimination and that remains free from harassment.

As an organization ICANN (Internet Corporation for Assigned Names and Numbers) has robust internal policies regarding the issue, including mandatory training for staff and Board members. While ICANN (Internet Corporation for Assigned Names and Numbers) community members are not bound to the same policies and rules as the ICANN (Internet Corporation for Assigned Names and Numbers) Board and staff, ICANN (Internet Corporation for Assigned Names and Numbers) does expect community members to adhere to certain Expected Standards of Behavior. The currently approved language of the Expected Standards of Behavior does not specifically address harassment, but does provide a set of high-level guidelines for interacting with one another.

The Board committed to look at whether the Expected Standards of Behavior could be revised to more directly address harassment. In furtherance of that commitment, the Board Governance Committee (BGC) proposed certain revisions to the language of the Expected Standards of Behavior, and the Board authorized those proposed revised Standards be posted for public comment. The public comment window opened on 16 May 2016 and closed on 25 June 2016.

As of 25 June 2016, we have received twelve comments, which the Board has considered (see <https://forum.icann.org/lists/comments-expected-standards-revisions-16may16/> (<https://forum.icann.org/lists/comments-expected-standards-revisions-16may16/>)). Below is a very brief summary of the comments that have been

considered, which will be reflected in more detail in the Staff Report of Public Comment Proceeding, which will be posted shortly. In sum, eight commenters support the revisions to the Expected Standards of Behavior as posted for public comment (although we note that one comment has not yet been ratified). One commenter agreed the modifications to the Expected Standards of Behavior fit the purpose, but suggested that the definition be more limited to account for cultural differences. Other commenters have identified various terms and phrases within the Expected Standards of Behavior that they believe could be better defined, clarified, or reordered. Three of the commenters have expressly encouraged ICANN (Internet Corporation for Assigned Names and Numbers) to continue working on an anti-harassment policy/procedure for the community. Finally, several of the commenters have also indicated that it is important to provide clear information about where to report violations of the Expected Standards of Behavior and how those violations will be addressed.

The Board thanks the commenters for their views. At the outset, the Board wants to remind community members that the Board has specifically directed the organization to work with the community to help develop an anti-harassment policy/procedure.

Resolved (2016.05.15.05), the Board hereby directs the President and CEO, or his designee(s), to retain an expert, as appropriate, with experience in drafting and implementing relevant anti-harassment policies to assist in the development of a Community anti-harassment policy/procedure to be followed at ICANN (Internet Corporation for Assigned Names and Numbers) Public Meetings, which could include items such as

complaints handling and resolution and enforcement processes.

See <https://www.icann.org/resources/board-material/resolutions-2016-05-15-en#1.d> ([/resources/board-material/resolutions-2016-05-15-en#1.d](https://www.icann.org/resources/board-material/resolutions-2016-05-15-en#1.d)). As directed, ICANN (Internet Corporation for Assigned Names and Numbers) staff is in the process of following the Board's direction. That work is in progress and it is anticipated that a proposal will be provided to the community for further discussion in the coming weeks. The Board anticipates that the policy will include the clarity of definition, as well as complaint and enforcement mechanisms, that commenters suggest is still needed.

Given that the majority of the commenters support the revisions to the Expected Standards of Behavior as presented, and the goal is to be as broad in definition as possible to make clear that there is zero tolerance for the conduct addressed in the revised Expected Standards of Behavior, the Board has determined to adopt the revised Expected Standards of Behavior as they were posted for public comment, with one slight clarification. The Board notes that the Expected Standards of Behavior are meant to be high level, and general statements about how ICANN (Internet Corporation for Assigned Names and Numbers) participants should treat each other, and they are admittedly not meant to be formal policies of conduct with defined actionable consequences. However, the Board will evaluate the suggestion that there be clear direction on how and where to report any transgression to the other Expected Standards of Behaviors listed. Further, as noted above, we expect that many of the comments indicating that some of the terms contained in the revised Expected Standards of

Behavior could be better defined or clarified are better addressed in the policy that is still under development, as commenters have suggested, rather than in the Expected Standards of Behavior document itself. The Board will also look at whether to require folks to affirmatively agree to the Expected Standards of Behavior as one commenter suggested. However, the Board wants to emphasize that all who participate in ICANN (Internet Corporation for Assigned Names and Numbers) activities are already subject to the Expected Standards of Behavior and the Board will look for ways to better socialize awareness of them.

With respect to the comment about accounting for cultural differences, the Board notes that this is an important consideration, and expects that any evaluation of conduct that might be challenged will certainly take those differences into account.

As noted above, the public comment forum closed on 25 June 2016. The Board also would like to acknowledge the Intellectual Property Constituency's request for additional time to submit its comments, and appreciates its desire to be heard. While the Board will welcome the IPCs comment, the Board felt it important to adopt the revised Expected Standards of Behavior as soon as possible. The Board also reiterates that there is more work to be done and that work is in progress. We expect that any further suggestions the IPC (Intellectual Property Constituency) may have will be considered with the upcoming work ahead on the community anti-harassment policy/procedure, as applicable.

It is not anticipated that the decision to adopted revised Expected Standards of Behavior will have any fiscal impact on ICANN (Internet Corporation for Assigned Names and Numbers), and it will not have

any impact on the security, stability or resiliency of the domain name system.

This decision is an Organizational Administrative Function that has already completed the public comment process.

g. **New gTLD (generic Top Level Domain)
Program: Reviews and Future Path**

Item removed from agenda.

h. **Review of .HOTEL Application Status**

Ram Mohan, Suzanne Woolf and Becky Burr abstained noting potential conflicts of interest, and excused themselves from the meeting room during the discussion of this agenda item.

Amy Stathos presented the agenda item, noting that this item follows-on from the Board's discussion at the 15 May 2016 meeting. She provided a brief background on the issues, highlighting that in its 10 March 2016 action, the Board directed the President and CEO to complete the investigation of the issues alleged by Despegar Online SRL, Donuts Inc., Famous Four Media Limited, Fegistry LLC, and Radix FZC (collectively, ".HOTEL Claimants") regarding the portal configuration as soon as feasible and to provide a report to the Board for consideration following the completion of that investigation. The portal configuration issues raised in the IRP related to the misconfiguration issue affecting the New gTLD (generic Top Level Domain) Applicant and GDD p2ortals that allowed portal users to view confidential information belonging to other applicants if they conducted a particular type of advanced search.

Amy presented the findings of its investigation, and the Board engaged in a privileged and confidential discussion with counsel regarding potential next steps. The Board