

Case Studies #3: Exploring Corporate Policies to Address VAW Online (15 minutes each)

Case # 1: Comparing Multiple Strikes Policy for Violation of Rights Online

Social media and networking platforms often have a standard disclaimer allowing them to terminate a user account, either with or without notice, should the account be in violation of any of the Terms of Services.

Facebook's policy on Protecting Other People's Rights,¹ outlines the following terms:

1. You will not post content or take any action on Facebook that infringes or violates someone else's rights or otherwise violates the law.
2. We can remove any content or information you post on Facebook if we believe that it violates this Statement or our policies.
3. We provide you with tools to help you protect your intellectual property rights. To learn more, visit our [How to Report Claims of Intellectual Property Infringement](#) page.
4. If we remove your content for infringing someone else's copyright, and you believe we removed it by mistake, we will provide you with an opportunity to appeal.
6. If you repeatedly infringe other people's intellectual property rights, we will disable your account when appropriate.

YouTube's Account Termination policy² outlines the following concerns:

- A. YouTube will terminate a user's access to the Service if, under appropriate circumstances, the user is determined to be a repeat infringer.
- B. YouTube reserves the right to decide whether Content violates these Terms of Service for reasons other than copyright infringement, such as, but not limited to, pornography, obscenity, or excessive length. YouTube may at any time, without prior notice and in its sole discretion, remove such Content and/or terminate a user's account for submitting such material in violation of these Terms of Service.

Questions for Discussion:

1. Which policy provides a stronger framework for addressing harassment and abuse online?
2. Do you think these policies are adequate to address VAW online as is? What would make them stronger in addressing VAW online?
3. Do you think 'account termination' policies should be utilized in cases of VAW online? Do What implications does this have for the rights to 'freedom of expression' online?

¹<https://www.facebook.com/legal/terms>

²<https://www.youtube.com/static?template=terms>.

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Case # 2: Banning misogynistic hate-speech: Fark.com³

Fark is an online link aggregating community that launched in 1999. On August 18, 2014, the site's founder and administrator launched new community guidelines⁴ that make "highly misogynistic language" a transgression of community standards, and grounds to ban users from the site.

In explaining the policy to users, the guidelines explicitly mention forms of misogynistic speech that are unacceptable, including:

- Rape jokes
- Calling women as a group "whores" or "sluts" or similar demeaning terminology
- Jokes suggesting that a woman who suffered a crime was somehow asking for it

Reflecting on the response to their policy, the owner states that:

"The *vast* majority of Farkers are fine with the changes as it turns out... Additionally there's been a groundswell of people who stopped reading Fark over the years due to misogyny who have returned as a result, and all in all it's been a great experience. I feel like a complete jackass for waiting so long to do this, and so will any other site that decides to make the same choice."

He also noted that the most frequent question in response to the policy:

"The most common question we've received is 'what about misandry'? It's not really a stretch to extend the rules that as well so we'll probably be doing that in a bit... I don't think we've ever had a misandry complaint."

Questions for Discussion:

1. What do you think about Fark.com's policy?
2. Does it seem possible and realistic for other companies to follow suit in explicitly naming 'misogynistic hate-speech' as a transgression of community standards in their written policies?
3. What kind of redress would you advocate for? (e.g. account suspension? Multiple strikes?)
4. Do you see a difference between banning misogynistic hate speech, and banning gender-based hate speech?
5. What do you think about banning 'misandry'? What kind of comments could fall under this category? Could these also be classified as gender-based hate speech (why/why not?)

³ The above synopsis and direct quotations are from the Huffington Post article, http://www.huffingtonpost.com/2014/08/21/fark-bans-misogyny_n_5697905.html.

⁴ <http://www.fark.com/comments/8378910>.