

ICANN Community Anti-Harassment Policy¹

and

I. Terms of Participation and Complaint Procedure¹

As a condition of participation in ICANN's multistakeholder processes, those who take part must:

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.** Specified Characteristics means age, ancestry, color, physical or mental disability, genetic information, medical condition (cancer and genetic characteristics), marital status, national origin, race, religion, sex (which includes pregnancy, childbirth, medical conditions related to pregnancy or childbirth, gender, gender identity and gender expression), sexual orientation, citizenship, primary language, or immigration status.
2. **Refrain from harassment of any type. Harassing conduct or commentary** may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating. Conduct does not have to intend to harm, be directed at a specific target, or involve repeated incidents in order for it to be deemed harassment. Examples of the types of inappropriate conduct that are prohibited by this policy include, but are not limited to, the following unwelcome conduct or commentary:
 - Sexually suggestive touching
 - Grabbing, groping, kissing, fondling, hugging, stroking someone's hair, or brushing against another's body
 - Touching that the actor may not have intended to be sexually suggestive but which constitutes uninvited touching, such as rubbing or massaging someone's neck or shoulders
 - Violating someone's "personal space" after being told you are doing so
 - Sexually suggestive proposals after being told these are unwanted
 - Leering, stalking, or suggestive whistling
 - Gesturing in a sexually suggestive manner
 - Circulating or posting written or graphic materials that show hostility or disrespect toward or that demean individuals because of Specified Characteristics as set forth above
 - Lewd or graphic comments or jokes of a sexual nature
 - Distribution of sexually suggestive images and references to sexual behavior

¹ This Policy is not intended to impede or inhibit free speech in relation to Community matters.

- Repeated requests for dates, or unwanted communications of a romantic nature, after the individual receiving them indicates that she or he does not wish to receive them.

Also, non-sexual conduct that is unwelcome and offensive and which is directed at an individual because of the individual's gender may create a hostile environment. Racial, age-based, religious, ethnic, disability, sexual orientation, gender identity and/or expression, and other forms of harassment may occur when there is harassing conduct which is motivated by or relates to an individual's race, age, religion, ethnicity, disability, sexual orientation, gender, gender identity and/or expression, or other characteristics protected by applicable law or this policy.

Individuals are expected to be sensitive to the fact that the content of private conversations, though not offensive to the parties involved, may be offensive to others and may constitute harassment if the conversation is sufficiently loud or public in nature that it can no longer reasonably be deemed to be private.

3. **Refrain from retaliation** against anyone for reporting any conduct or commentary that they believe violates this Policy~~is inconsistent with the terms set forth above (“inappropriate behavior”)~~ or for participating in an investigation of any such report or complaint. No individual who reports or complains about behavior that they believe violates this Policy, or who assists ICANN in its investigation, will be subjected to retaliation. Anyone who feels that he or she has been the victim of, or threatened with, retaliation, should promptly inform the Ombudsperson. Retaliation or the threat of retaliation constitute conduct in violation of this Policy.
4. **Harassing conduct or commentary does not include** conduct or commentary such as the following: disagreeing with someone else’s opinion or position in public or in private, use of emotion when making an argument or proposing an alternative point of view, insisting that groups follow their chartering documents or bylaws, pointing out the flaws in someone else’s arguments or positions, questioning the factual basis upon which another bases an argument, questioning any position or motives, or failing to “go along” with a particular position - even if the majority of others in the multistakeholder community are doing so.

II. Reporting and Complaint Procedure

The following reporting and complaint procedure is available to anyone who identifies ~~inappropriate~~ behavior which they believe violates the Anti-Harassment Policy.

1. Prior to filing a complaint, tThe individual who identifies ~~inappropriate~~ behavior which they believe violates the Anti-Harassment Policy may (subject to considerations of safety and comfort): (i) inform the individual (orally or in writing) that such conduct is unwelcome and offensive and must stop. If the individual does

~~not wish to communicate directly with the offending person, or if such communication has been ineffective, the individual is advised to communicate with the person(s) responsible and attempt to resolve the issue informally; and/or~~ (ii) promptly report to the Ombudsperson the facts giving rise to a belief that inappropriate behavior has occurred and cooperate fully in the ensuing investigation of the complaint.

2. The Ombudsperson will review and evaluate the complaint on a confidential basis. The identity of the complainant will remain anonymous until the Ombudsman determines that he or she will approach the accused, and will only disclose the identity of the complainant if the complainant wishes to proceed at that point. The evaluation will include the following, as appropriate in the sole discretion of the Ombudsperson, in an effort to obtain an understanding of the facts: (i) communication with the complainant to clarify the facts giving rise to the complaint; (ii) verification that the complainant has attempted to resolve the matter informally (if appropriate), (iii) inquiries of the responsible party accused to obtain a response to the complaint if, in the Ombudsperson's discretion, the complainant has provided sufficient facts to support the allegation that ~~inappropriate~~ behavior violating this Policy has occurred; and (iv) communication with other percipient witnesses, and review of documentary evidence, if any ~~and if appropriate.~~
3. The Ombudsperson will determine whether, in his or her view, ~~inappropriate~~ behavior which violates this Policy has occurred and will communicate the results to the complainant and the accused. No "corroboration" from third parties is required to support a finding; the Ombudsperson will consider the credibility of each party and the credibility of any evidence provided or discovered in the investigation in making a determination. The Ombudsperson's determination can be appealed through [an IRP, RFR?]
4. The Ombudsperson will determine what remedial action, if any, is appropriate in light of the findings of the evaluation. If the Ombudsperson in ~~its~~ his or her discretion, finds that remedial action is appropriate, that remedial action may include, but is not limited to, excusing any individual responsible for ~~inappropriate~~ behavior which violates this Policy from further participation in the ICANN process for a specified period of time, limiting the individual's participation in some manner, and/or requiring satisfaction of pre-requisites such as a written apology as a condition of future participation. The foregoing notwithstanding, no person who is the subject of such a sanction shall be prohibited from filing public comment in connection with any ICANN matter. The Ombudsperson's determination can be appealed through [an IRP, RFR?].