

REFERENCE MATERIALS - ICANN BOARD SUBMISSION NO. 2016.11.05.1a

TITLE: **Posting for Public Comment – Draft ICANN
Community-Anti-Harassment Policy**

ICANN Community Anti-Harassment Policy
and
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:
 - 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
 - Leering, stalking, or suggestive whistling

¹ This Policy is not intended to impede or inhibit free speech.

- 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
 - 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.
3. **Refrain from retaliation** against anyone for reporting any conduct or commentary that is inconsistent with the terms set forth above (“inappropriate behavior”) or for participating in an investigation of any such report or complaint.

Reporting and Complaint Procedure

The following reporting and complaint procedure is available to anyone who identifies inappropriate behavior.

1. The individual who identifies inappropriate behavior may: (i) 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. 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) inquiries of the 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 has occurred; and (iii) communication with other percipient witnesses, and review of documentary evidence, if any and if appropriate.
3. The Ombudsperson will determine whether inappropriate behavior has occurred and will communicate the results to the complainant and the accused. No “corroboration” is required to support a finding; the [Ombudsperson] [Resolutions Committee] will consider the credibility of each party in making a determination.
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 discretion, finds that remedial action is appropriate, that remedial action may include, but is not limited to, excusing any individual responsible for inappropriate behavior 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 prerequisites such as a written apology as a condition of future participation.