

Appendix E

IFFOR OFFICE OF OMBUDSMAN CHARTER

Mission. IFFOR's mission is to promote the development of responsible business conduct by the Sponsored Community, the adoption and usage of the .xxx sTLD and the sTLD Charter within the Sponsored Community, to foster communication between the Community and other Internet stakeholders ("Stakeholders"), to promote the principles set forth in the United Nations Declaration of Human Rights related to free expression, to protect the privacy and security of consenting adult consumers of online adult entertainment goods and services, and to promote the development of business practices to safeguard children online and combat child pornography (the "Policy Goals").

The mission of the IFFOR Ombudsman is to act as a neutral dispute resolution practitioner whose principal function is to provide independent, confidential and informal assistance to all members of the Sponsored Community, Stakeholders, and others regarding complaints and/or concerns about (i) development and adoption of policies by IFFOR to achieve the Policy Goals ("IFFOR Policies"), (ii) implementation and enforcement of IFFOR Policies by ICM Registry, and (iii) handling of complaints by IFFOR and/or ICM Registry related to registrant non-compliance with IFFOR Policies.

Qualifications of Ombudsman. The ombudsperson must be an experienced provider of such services, possessing such training and credentials as are recommended from time to time by the International Ombudsman Association, and must adhere to the Code of Ethics and Standards of Practice promulgated from time to time by the International Ombudsman Association and *available at*: <http://www.ombudsassociation.org/ethics/>.

Organization and Operation of the Office of Ombudsman. The IFFOR Ombudsman Office shall be established and operated consistent with the International Ombudsman Association ("IOA") Standards of Practice (October, 2009), *available at*: http://www.ombudsassociation.org/standards/IOA_Standards_of_Practice_Oct09.pdf and the IOA "Best Practices" Supplement to the Standard of Practice (October, 2009), *available at*: http://www.ombudsassociation.org/standards/IOA_Best_Practices_Version3_101309.pdf.

The Ombudsman shall research complaints and/or concerns about (i) development and adoption of policies by IFFOR to achieve the Policy Goals ("IFFOR Policies"), (ii) implementation and enforcement of IFFOR Policies by ICM Registry, and (iii) handling of complaints by IFFOR and/or ICM Registry related to registrant non-compliance with IFFOR Policies, answers questions about IFFOR Policies, explores options to achieve equitable solutions, and recommends ways to improve IFFOR' and ICM's operations and communication with the Sponsored Community, Stakeholders, and others to achieve the Policy Goals. The Ombudsman facilitates resolutions of problems and complaints as a neutral party by bringing the other parties together and clarifying the issues to help them explore options for solutions. The Ombudsman uses such conflict resolution methods as negotiation, facilitation, and shuttle diplomacy to achieve these results. The Ombudsman also brings concerns and suggestions for policy changes to the IFFOR Policy Council, the IFFOR Board of Directors, Stakeholders, and others for consideration and action.

The Ombudsman will supplement, but not replace, ICM's provision of a Compliance Manager.

General terms. The Ombudsman will be a respected, senior person known for his or her judgment, integrity and persuasiveness. The IFFOR Ombudsman shall receive salary and benefits commensurate with industry standards. The IFFOR Ombudsman will be appointed by the IFFOR Board of Directors for a term of two years, subject to renewal by the Board. Recommendations for candidates will be solicited by the Board from relevant professional associations. The Ombudsman will be subject to dismissal by the Board only for material, undisclosed conflicts of interest, unlawful activity, or failure to perform his or her duties.

Duties. The IFFOR Ombudsman shall:

- a. Facilitate the fair, impartial, and timely resolution of problems and complaints and/or concerns about (i) development and adoption IFFOR Policies, (ii) implementation and enforcement of IFFOR Policies by ICM Registry, and (iii) handling of complaints by IFFOR and/or ICM Registry related to registrant non-compliance with IFFOR Policies.;
- b. Exercise discretion to accept or decline to act on a complaint or question;
- c. Identify, in conjunction with the Manager of Public Participation (discussed below), areas for improvement in communication related to development, adoption, implementation and enforcement of IFFOR Policies involving the IFFOR Board of Directors, the IFFOR Policy Board, Stakeholders, ICM Registry, and/or the public.
- d. Provide periodic feedback to the IFFOR Board of Directors based on analysis of complaints made to the office and contact with the Sponsored Community, Stakeholders, and others (such feedback should be made available publicly to the extent possible);
- e. Exercise discretion to make public statements about disputes and investigations to the extent permitted by the complainant and without oversight by the Board;
- f. Heighten awareness of the Ombudsman program and functions through routine interaction with the Sponsored Community, Stakeholders, and the public, published office hours and online availability;
- g. Recommend corrective action and influence change where necessary to improve IFFOR and/or ICM Registry operations in furtherance of achieving the Policy Goals;
- h. Review compliance with conflict of interest policies;
- i. Maintain neutrality and independence, and have no bias or personal stake in an outcome;
- j. Make periodic disclosures regarding investments and relationships to safeguard against any conflict of interest with the mission of the office;
- k. Ensure that requests to the Policy Council for new policy processes are acted on (or that good reasons are provided for inaction);
- l. Monitor compliance with the IFFOR Policy Development Process;

m. Establish and publicize procedures to dispose of complaints that are insufficiently concrete or insufficiently related to (i) development and adoption IFFOR Policies, (ii) implementation and enforcement of IFFOR Policies by ICM Registry, and (iii) handling of complaints by IFFOR and/or ICM Registry related to registrant non-compliance with IFFOR Policies so as to be inappropriate subject matters for the Ombudsman to act on (e.g., purely internal administrative matters, human resources policy, etc.).

Responsibilities. All IFFOR and ICM employees must cooperate with the IFFOR Ombudsman so that the Ombudsman may carry out its mandate. To that end:

a. IFFOR and ICM employees, IFFOR and ICM Board Members, and members of the IFFOR Policy Council shall:

- (1) assist and cooperate fully with representatives of the Ombudsman in the performance of his or her official duties;
- (2) provide relevant information, consistent with confidentiality obligations and the preservation of privilege, to representatives of the Ombudsman when called upon during an inquiry related to official matters;
- (3) respect decisions of the Ombudsman to protect the confidentiality of complainants or investigations; and
- (4) publicize the existence and purpose of the Office of Ombudsman and refer complaints, questions and/or related matters to the Ombudsman as appropriate.

The IFFOR Board of Directors shall:

- (1) respond either in writing or at an open Board meeting to the periodic reports of the Ombudsman, addressing policy recommendations and concerns raised by the Ombudsman; and
- (2) facilitate the effectiveness of the Ombudsman with proper support and leadership.

b. Access to Records, Facilities, and Personnel

Each IFFOR and ICM employee and Board member shall provide the Ombudsman or his or her staff with access to personnel, facilities, equipment, records, files, and other sources of relevant information upon request during the course of the Ombudsman's official duties, absent countervailing compelling concerns relating to confidentiality such as, without limitation, privileged communications, attorney-client communications, and/or attorney work product. In the event of disputes regarding requested documents or information, each Board shall make the final determination about disclosure of their respective relevant documents to the Ombudsman.

c. Access to the Sponsored Community, Stakeholders, and the Public

No IFFOR or ICM employee, Board member, or member of the IFFOR Policy Council shall prevent or impede the Ombudsman's contact with the Sponsored Community, Stakeholders, or members of the public. They shall encourage those who voice problems, concerns, or complaints regarding (i) development and adoption IFFOR Policies, (ii) implementation and enforcement of IFFOR Policies by ICM Registry, and (iii) handling of complaints by IFFOR

and/or ICM Registry related to registrant non-compliance with IFFOR Policies to contact the Ombudsman regarding such problems, concerns, or complaints.

Contacting the IFFOR Ombudsman, Confidentiality and Notice

- a. The Ombudsman will maintain confidentiality to the extent requested by any complainant and permitted by law and will take all reasonable steps to protect any records and files pertaining to confidential discussions from inspection by other persons, including IFFOR and ICM management.
- b. No inquiry, report, recommendation, or other action of the Ombudsman shall be subject to examination or review in court, unless the Ombudsman is subject to criminal investigation.
- c. Contact may be made with the Ombudsman through any available means, such as in person or by telephone, mail, email, or facsimile.
- d. Persons reporting allegations or concerns to the Ombudsman may do so anonymously.
- e. Except in cases involving imminent threat of serious harm to persons or property, contact with the Ombudsman does not constitute notice to IFFOR and/or ICM Registry of any particular action or cause of action.

Effective Date. The provisions of this charter are effective upon adoption by the IFFOR Board of Directors.