



ICANN Community Anti-Harassment Policy

Procedure to Report and Get Support

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ICANN Community Anti-Harassment Policy; Procedure to Report and Get Support

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ICANN is a unique multistakeholder environment. The ICANN community’s strength is that it is composed of participants from numerous and varied backgrounds, societal values, and cultural norms. In the ICANN community, all participants should feel welcomed, appreciated, and valued; all participants should interact with others without prejudice or bias, all should treat others fairly and without discrimination or injustice, and all should assume others are acting with integrity.

Participants have a right to engage in the ICANN community free from behavior that demeans, humiliates, or denigrates. Every person has the responsibility to contribute to a positive environment by treating others with dignity and respect.

A guiding goal of ICANN's Community Anti-Harassment Policy is to emphasize, encourage, and promote the spirit of mutual respect expected from all members of the ICANN community, while also providing guidance on how to seek support. While society's values and norms have and will continue to evolve, such respect is timeless and is the guiding foundation of this Policy. This Policy is not intended to impede or inhibit free speech and should be followed in conjunction with ICANN's [Expected Standards of Behavior](#).

This Policy applies to all participants in the ICANN multistakeholder processes as indicated below.

I. Policy

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

- Behave in a professional manner, demonstrate appropriate behavior and treat all members of the ICANN community in a respectful and dignified manner, irrespective of Specified Characteristics so that individuals of all backgrounds and cultures are made to feel welcome.** This applies in all interactions, including in face-to-face and on-line communications. Specified Characteristics means, but is not limited to: age, ancestry, ethnicity, physical or mental disability, genetic information, medical condition, marital status, national origin, race, religion, sex (which includes, among other things, gender, gender identity and gender expression), sexual orientation, citizenship, primary language, immigration status, socioeconomic status, pregnancy, childbirth, or medical conditions related to pregnancy.

2. **Refrain from harassment of any type.** Harassing conduct or commentary may take many forms, including, but not limited to, verbal acts, graphic depictions, written statements and physical conduct. Such conduct, as defined below, may be made via various methods, including, in person, over the telephone, and/or via the Internet (in any of its applications, such as via email, video conferencing software, etc.).
3. **Refrain from retaliation and act in good faith.** Retaliation is strictly forbidden against any person reporting conduct that they believe to be contrary to this Policy and any other person that participates in the related investigation. Should the Ombuds conclude that the alleged conduct did occur, appropriate remedial action shall be taken as outlined below. Further, this Policy is not itself to be used for the purposes of retaliation. Persons who abuse this Policy by submitting vexatious and/or spurious complaints or reports shall be dealt with in an appropriate fashion with reference both to this Policy and the Expected Standards of Behavior.

II. Definition

1. **Harassment.** Harassment is unwelcome, non-consensual, hostile, discriminatory, and/or intimidating conduct.
2. **Intent is not a factor in determining harassment.** 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.
3. **Examples of harassment.** The types of inappropriate conduct that are prohibited by this Policy include, but are not limited to:
 - Inappropriate touching, including, but not limited to, grabbing, groping, kissing, fondling, hugging, massaging, patting, pinching, rubbing, stroking someone's hair, brushing against another's body, or touching that the actor may not have intended to be sexually suggestive but which constitutes uninvited physical contact.
 - Physical assault, or threats.
 - Sexual advances, requests for sexual favors, repeated requests for dates, or unwanted communications of a romantic nature, after the individual receiving them indicates that they do not wish to receive such communication or requests.
 - Humiliation, ridicule or mockery, insults or put-downs.
 - Use of offensive language.
 - Leering, suggestive whistling, following or stalking, or encroaching on someone's personal space after being asked to stop.
 - Gesturing in a sexually suggestive or vulgar 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, graphic, or offensive comments, innuendos, or jokes.
 - Slurs, epithets, or name calling.
 - Use or distribution of offensive objects or images, including but not limited to, sexual imagery in public presentations and displays.

- Use or displays of offensive objects or images, including but not limited to, sexual imagery on a computer or other personal items in public settings that may be visible to others.
 - Harassing photography or recordings.
 - Repeatedly contacting someone online after being asked to stop; sending excessive or unwarranted messages or video calls.
 - Discriminatory jokes; micro-aggressive or passive-aggressive remarks that reinforce stereotypes; mimicking, mocking, or dismissing cultural customs or markers of identity.
- ⦿ *Note on terminology: “offensive” is used for any language, actions, or imagery that cause hurt, discomfort, or distress to an individual or group, particularly when demeaning, disrespectful, or discriminatory. “Sexual harassment” is unwelcome conduct of a sexual nature that makes someone feel offended, humiliated or intimidated. Sexual harassment can be a form of gender inequality, although it may also occur in other contexts as well.*
4. **Setting.** Harassment does not need to take place at an ICANN Public Meeting venue or organized event, or on ICANN teleconference calls or mailing lists to fall within the scope of this Policy. For example, this could extend to situations taking place outside of the ICANN meeting venue, such as dinners or social gatherings in connection with an ICANN Public Meeting, where ICANN participants are still expected to follow relevant policies.

III. Support

A. Raising a Concern

Note that options are flexible and that complainants are not required to first try informal resolution, nor are they required to make a formal complaint.

Advice and guidance are always available from the Ombuds, whether someone wants to raise a complaint formally or not. It can be challenging to speak up and seek help; affected individuals can request the type of support with which they are most comfortable.

There are multiple options to address behavior:

1. Direct communication (with or without support);
2. Ombuds-assisted action (including assisted direct or indirect communication, such as mediation or shuttle mediation, referrals, etc.); or
3. Formal complaint to Ombuds.

For formal complaints to the Ombuds, the process is summarized as follows:

- I. Review of complaint with the following potential outcomes:
 - a. Ombuds determines insufficient grounds to investigate; or
 - b. Ombuds determines sufficient grounds to investigate.
- II. Investigation:
 - a. Respondent informed and brought into process.

- b. Evidence for allegations assessed, including, as relevant, witness statements for complainant or respondent
 - c. Determination and conclusion
 - d. Complaint substantiated; complaint substantiated in part; or complaint not substantiated.
- III. Remedial action (if complaint substantiated or partially substantiated)

Note: Reporting harassment to the Ombuds is in no way is a barrier to community members reporting other issues to external authorities, when appropriate. While cases with evidence of criminal activity (e.g., sexual assault) are outside the mandate of the Ombuds, additional support may still be provided (for example, the Ombuds may support the complainant in reporting the issue to relevant law enforcement, or others as appropriate).

B. Harassment Complaint Procedure

The following reporting and complaint procedure is available to anyone in the Community who believes they have identified inappropriate behavior toward themselves or others.

1. The individual who believes they have identified inappropriate behavior (complainant) toward themselves or others may: (i) communicate with the person(s) responsible and attempt to resolve the issue informally; and/or (ii) promptly report to the Ombuds the facts giving rise to a belief that inappropriate behavior has occurred and cooperate fully in the ensuing investigation of the complaint. If reported to the Ombuds, complaints should be submitted as soon as possible after the incident has occurred and preferably in writing.
2. Upon receiving a complaint, the Ombuds will acknowledge receipt as soon as practicable. The Ombuds will promptly conduct a procedural review of the complaint to determine whether the matter is within the jurisdiction of the Ombuds Office under this Policy, and provide notice to the complainant of the procedural determination as soon as practicable. If the Ombuds determines that a complaint is not within their jurisdiction, the complainant will be notified of the reasons for this determination, and in which case, the procedural determination may include recommendations of other remedies or means of resolving the concern as appropriate.
3. Anyone who is comfortable reaching out to the Ombuds can do so. If, however, the Ombuds receives a complaint from or about an ICANN staff or Board member, the Ombuds must provide all the necessary information with the appropriate party within the Organization, as needed, so that the organization's complaint process provided for staff and Board members is properly followed. Depending on the circumstances, ICANN may file a complaint with the Ombuds under this Policy as it relates to conduct toward a staff or Board member by a community member as part of the organization's process.
4. If the Ombuds finds a complaint to be within the jurisdiction of the Ombuds Office, the complaint will be investigated to determine whether there is a reasonable basis for believing that the alleged behavior is a violation of this Policy. To obtain an understanding of the facts and allegations, the investigation will include the following, as appropriate at the sole discretion of the Ombuds: (i) communication with the complainant to clarify the facts and allegations giving rise to the complaint; (ii) inquiries of the person who is the subject of the

complaint (respondent) to obtain a response to the complaint and clarification of facts if, in the Ombuds' discretion, the complainant has provided sufficient facts to support the allegation that inappropriate and unwanted behavior has occurred; and (iii) communication with other percipient witnesses, and review of documentary evidence, if any, and if appropriate. Preservation of confidentiality will be maintained throughout the process to the extent feasible, which will extend to witnesses, if any, who will be advised not to discuss the matter with third parties.

5. The Ombuds will provide regular updates to the complainant and respondent during the interview and evaluation process. While every effort will be made to conduct the evaluation efficiently and effectively in the shortest practicable time frame, the length of the evaluation process will vary depending on the circumstances, and the Ombuds will communicate with the parties throughout the process so that they know what is happening and if any delays have occurred. The Ombuds will determine whether a violation of this Policy has occurred based on the information collected, reviewed, and analyzed during the evaluation and investigation. The Ombuds will communicate the results of the investigation directly to the complainant and the respondent upon conclusion of the Ombuds' evaluation. While formal "corroboration" is not required to support a finding by the Ombuds, the Ombuds will consider the credibility of each party, taking into account whether the information provided by the complainant is consistent with and can be supported by, additional information or evidence obtained throughout the investigation. Both the complainant and the respondent are permitted to ask witnesses to provide input.
6. If the Ombuds determines that a violation of the Policy has occurred and if practicable, the Ombuds will attempt to resolve the matter informally before addressing the matter in a more formal matter.
7. If the matter cannot be resolved informally, the Ombuds will determine what remedial action, if any, is appropriate in light of the findings of the evaluation. The appropriate remedial action will depend on different factors, including:
 - a. the severity, frequency, and pervasiveness of the conduct;
 - b. prior complaints made by the complainant;
 - c. prior complaints made against the respondent; and
 - d. the quality of the evidence (e.g., firsthand knowledge, witness credibility, evidence).
 - e. *Note: While ICANN encourages individuals to come forward with concerns of harassment or inappropriate behavior, the Ombuds will keep a record of individuals found to have made a pattern of vexatious complaints in order to prevent misuse of the Ombuds complaint process. A vexatious complaint is one made maliciously, knowingly false, or with the intent to harass, intimidate, or retaliate against another individual. This does not include complaints made in good faith that are ultimately unsubstantiated.*
8. Remedial action may include, but is not limited to, prohibiting any individual responsible for inappropriate behavior from further participation in the ICANN process (either in perpetuity or 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.

9. If a respondent refuses to comply with the remedial action identified by the Ombuds, the Ombuds will refer the matter to the ICANN Board with recommendations for consideration and action. The referral to the Board will include a discussion of the facts, claims, findings, and efforts to resolve the matter with the Ombuds, and recommendation(s) of remedial action. All cases referred to the ICANN Board will be handled with the highest level of confidentiality as feasible for all parties.
10. Upon a receipt of a referral from the Ombuds, the ICANN Board will evaluate the Ombuds' findings, request additional information if needed, and decide whether the Ombuds' recommended remedial action, or alternative remedial actions, are appropriate. If warranted, the Board will then impose such remedial action(s) it deems appropriate.
11. The reporting and complaint procedure will be handled in a manner to ensure confidentiality to the complainant as well as the respondent, as well as any witnesses who made a report or who were called upon in the reporting process, to the extent feasible. The names of the complainant and respondent shall be kept confidential and shared by the Ombuds on a need-to-know basis pursuant to the procedural steps in this Policy, or as required by other ICANN policy or applicable law.