

1. **PURPOSE:**

To define ICANN's policy against unlawful harassment in the workplace.

ICANN is committed to providing a work environment that is free of unlawful harassment. Workplace harassment violates ICANN's policy and is prohibited by various laws such as Title VII of the federal Civil Rights Act and state Fair Employment and Housing Act in the United States, and similar laws in other countries.

2. **POLICY:**

ICANN will not tolerate any form of prohibited harassment or discrimination. ICANN will take all reasonable steps to prevent harassment prohibited by this policy from occurring. This policy details certain types of unlawful harassment, but is not intended to be comprehensive. Any and all harassment that is prohibited by law, is prohibited at ICANN.

ICANN's anti-harassment policy applies to all applicants, independent contractors, consultants, and staff members involved in the operations of ICANN and prohibits harassment by any applicant, independent contractor, consultant, and staff member of ICANN, including supervisors and co-workers. ICANN's anti-harassment policy also strives to protect applicants, independent contractors, consultants, and staff members from harassment by clients, vendors, or others doing business with ICANN.

A. **Prohibited Sexual Harassment**

Sexual harassment includes unwanted sexual advances, requests for sexual favors and/or visual, verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or engagement; or (2) submission to or rejection of such conduct is used as a basis for employment or engagement decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with a staff member's work performance and/or creating an intimidating or hostile working environment.

This definition includes many forms of behavior. The following is a partial list:

- Unwanted sexual advances.
- Offering employment or contractual benefits in exchange for sexual favors.
- Making or threatening reprisals after negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes, and/or comments about a staff member's body or dress.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.
- Physical conduct: touching assault, impeding or blocking movements.

It is inappropriate for males to sexually harass females or other males, and for females to sexually harass males or other females. Conduct does not have to be sexually motivated in order to be sexual harassment.

B. Other Types of Prohibited Harassment

- In addition to sexual harassment, ICANN's policy prohibits all types of harassment which are based on a staff member's actual or perceived race, color, national origin, ancestry, religion, creed, ethnicity, age, physical or mental disability, sex, gender, medical condition, sexual orientation, marital status, veteran status, gender identity, gender expression or any other basis prohibited by applicable national, federal, state or local law.
- The policies described herein apply to all types of prohibited harassment, and staff members should feel free, without fear of retaliation, to follow the reporting procedures set forth herein if they

believe they have been unlawfully harassed.

C. Preventing Harassment and Discrimination

- Staff members who become aware of any violation of ICANN policy against discrimination and harassment must immediately advise Global Human Resources.
- Failure to report prohibited harassment or discrimination of which you become aware may result in disciplinary action, up to and including termination of employment or engagement.
- All staff members are required to participate in training provided by ICANN designed to recognize and eliminate harassment and discrimination in the workplace.

D. Complaint and Reporting Procedure

- ICANN's complaint procedure provides for a reasonable, prompt, thorough and objective investigation of any harassment or discrimination complaint based on the circumstances, and appropriate disciplinary action against anyone found to have engaged in prohibited harassment or discrimination.
- Staff members, consultants, and independent contractors who believe they have been unlawfully harassed and/or discriminated against on the job should provide a written or verbal complaint to Global Human Resources as soon as possible. Supervisors who are made aware of a complaint must promptly report all complaints to a company representative. The complaint should include details of the incident(s), names of individuals involved, and the names of any witnesses. Supervisors and managers should immediately refer all harassment complaints to Global Human Resources.
- All incidents of harassment or discrimination that are reported will be investigated. ICANN will undertake or direct a fair, reasonable, prompt, thorough and objective investigation of the harassment allegations that provides all parties appropriate due process based on the circumstances, and the process will be reasonably documented and tracked. ICANN will seek to maintain confidentiality during the investigation, but cannot guarantee complete confidentiality. Upon completion of the investigation, a determination regarding the harassment alleged will be made based on the evidence collected and communicated to individual(s) who complained and the accused harasser(s). Any staff member found to have engaged in unlawful discriminatory or harassing conduct in violation of ICANN policy will

be subject to disciplinary action, up to and including termination of employment or engagement. Appropriate action under the circumstances will also be taken to deter any future harassment.

- ICANN prohibits retaliation against any staff member for using the complaint procedure outlined above or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a federal or state enforcement agency.
- Any report of retaliation by anyone against a staff member lodging a complaint in accordance with the procedures outlined above will be reasonably, promptly, objectively and thoroughly investigated as appropriate under the circumstances in accordance with ICANN's investigation procedure outlined above. If a complaint of retaliation is substantiated, appropriate disciplinary action will be taken, up to and including termination of employment or engagement.
- ICANN encourages staff members, consultants and independent contractors to use ICANN's procedure for resolving complaints about harassment or retaliation, and we believe that it is effective. However, in the United States, staff members may direct complaints to the California Department of Fair Employment and Housing ("DFEH") or the Equal Employment Opportunity Commission ("EEOC"), which has authority to conduct investigations. The deadline for filing complaints with the DFEH is one year from the date of the alleged wrongful conduct. The deadline for filing complaints with the EEOC is 180 days, unless otherwise extended by law. If the DFEH/EEOC believes that a complaint is valid and settlement efforts fail, the DFEH/EEOC may seek an administrative hearing or file a lawsuit in court. The administrative hearing officer may dismiss the complaint, or may order a variety of remedies such as hiring, reinstatement, actual damages, compensatory damages or penalties. Staff members can contact the nearest DFEH office or the EEOC at the locations listed on the Company's DFEH poster or by checking the State Government listings on the Web. Staff members employed outside the United States may contact the appropriate governmental agency/authority in their country of residence.

Questions regarding this policy should be directed to Global Human Resources.