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IETF Anti-Harassment Procedures

Abstract

IETF Participants must not engage in harassment while at IETF meetings, virtual meetings, or social events or while participating in mailing lists. This document lays out procedures for managing and enforcing this policy.

This document updates RFC 2418 by defining new working group guidelines and procedures. This document updates RFC 7437 by allowing the Ombudsteam to form a recall petition without further signatories.

Status of This Memo

This memo documents an Internet Best Current Practice.

This document is a product of the Internet Engineering Task Force (IETF). It represents the consensus of the IETF community. It has received public review and has been approved for publication by the Internet Engineering Steering Group (IESG). Further information on BCPS is available in Section 2 of RFC 5741.

Information about the current status of this document, any errata, and how to provide feedback on it may be obtained at <http://www.rfc-editor.org/info/rfc7776>.

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1. Introduction

The IETF has general policies for managing disruptive behavior in the context of IETF activities. In particular, [RFC7154] provides a set of guidelines for personal interaction in the IETF, and [RFC2418] and [RFC3934] give guidelines for how to deal with disruptive behavior that occurs in the context of IETF working group face-to-face meetings and on mailing lists.

However, there is other problematic behavior that may be more personal and that can occur in the context of IETF activities (meetings, mailing list discussions, or social events) that does not directly disrupt working group progress but nonetheless is unacceptable behavior between IETF Participants. This sort of behavior, described in the IESG Statement "IETF Anti-Harassment Policy" [Policy], is not easily dealt with by our previously existing working group guidelines and procedures. Therefore, this document sets forth procedures to deal with such harassing behavior.

These procedures are intended to be used when other IETF policies and procedures do not apply or have been ineffective.

Nothing in this document should be taken to interfere with the due process of law. Similarly, it does not release any person from any contractual or corporate policies to which they may be subject.

2. Definitions

The following terms are used in this document:

- o IETF Participant: Anyone who participates in an IETF activity, including IETF support staff.
- o Reporter: An IETF Participant who reports potential harassment to an Ombudsperson.
- o Respondent: An IETF Participant who is claimed to have engaged in harassing behavior.
- o Ombudsteam: A group of people who have been selected to take reports of potential harassment, evaluate them, and impose appropriate actions and/or remedies to address the circumstances.
- o Ombudsperson: A member of the Ombudsteam.
- o Lead Ombudsperson: The Ombudsperson assigned to be the primary contact person for a particular report of potential harassment.

- o Subject: An individual, group, or class of IETF Participant to whom the potentially harassing behavior was directed or who might be subject to the behavior.

The IESG Statement on harassment [Policy] gives a general definition of harassment as:

unwelcome hostile or intimidating behavior -- in particular, speech or behavior that is sexually aggressive or intimidates based on attributes such as race, gender, religion, age, color, national origin, ancestry, disability, sexual orientation, or gender identity.

This document adopts that general definition but does not attempt to further precisely define behavior that falls under the set of procedures identified here, nor does it attempt to list every possible attribute that might be the basis for harassment, except to note that it may be targeted at an individual, directed at a specific group of people, or more generally impact a broader class of people.

This document concerns itself with harassment that has the purpose or effect of unreasonably interfering with an individual's participation in IETF activities or of creating an environment within the IETF that would be intimidating, hostile, or offensive in such a situation. One way in which harassment can occur is when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's participation in IETF activities or is used as a basis for decisions affecting that individual's relationship to the IETF.

In general, disruptive behavior that occurs in the context of an IETF general or working group mailing list, or happens in a face-to-face or virtual meeting of a working group or the IETF plenary, can be dealt with by our normal procedures, whereas harassing behavior is more appropriately handled by the procedures described here. However, there are plausible reasons to address behaviors that take place during working group meetings using these procedures. This document gives some guidance to those involved in these situations in order to decide how to handle particular incidents, but the final decision will involve judgment and the guidance of the Ombudsteam.

Any definition of harassment prohibited by an applicable law can be subject to this set of procedures.

3. The Ombudsteam

This section describes the role of the Ombudsteam in terms of the appointment of Ombudspersons, their qualifications and training, the length of the term of service, any compensation from the IETF for their service, and how they may be removed from service. The general operational procedures for the Ombudsteam are described in Sections 4, 5, and 6.

3.1. Size of the Ombudsteam

The Ombudsteam shall comprise no fewer than three people. From time to time, the size may fall below that number owing to changes in membership, but the team will be rapidly brought up to size through new appointments. The team may be grown to a larger size as described in Section 3.2

3.2. Appointing the Ombudsteam

The Ombudsteam is appointed by the IETF Chair. The appointment is solely the responsibility of the IETF Chair, who may choose to consult with members of the IETF community.

The IETF Chair is encouraged to appoint at least some of the Ombudsteam from within the IETF community.

The IETF Chair may choose to solicit nominations or advertise the post. This is entirely at the discretion of the IETF Chair.

The IETF Chair is also free to decide to appoint more than three Ombudspersons to the Ombudsteam. This may depend on the skill sets available, the work load, and the opinions of the seated Ombudsteam. Furthermore, the IETF Chair may consider elements of diversity in making this decision.

3.3. Professional Advisors

It is recognized that the Ombudsteam may need to call on professional services from external advisors for certain matters, including legal and Human Resources (HR) advice. The IETF (via the IETF Administrative Support Activity (IASA)) is committed to funding such advice as needed.

3.4. Qualifications and Training

It is not expected that there will be candidates with all of the necessary Ombudsperson skills and training who also have a clear understanding and familiarity with the IETF processes and culture. The Chair might choose someone with a great deal of professional experience evaluating and mediating harassment disputes but little exposure to the IETF or could select someone with more exposure to the IETF community but without as much experience dealing with issues of harassment. Since all of these attributes may be regarded by the IETF Chair as essential for the team, the IETF is committed to providing training (or funding for it) as deemed necessary for appointed Ombudspersons. In determining the appropriate training, the IETF Chair and Ombudsteam shall take professional advice and will consult with the IETF Administrative Oversight Committee (IAOC) with respect to the overall IETF budget.

3.5. Term of Service

An Ombudsperson shall be appointed for a two-year term. That is, the Ombudsperson is making a commitment to serve for two years. It is understood, however, that circumstances may lead an Ombudsperson to resign for personal or other reasons. See also Section 3.7.

If an Ombudsperson's term ends while they are acting as Lead Ombudsperson for a report as described in Section 4, that Ombudsperson's term shall be extended until the handling of that report has been completed.

It is entirely at the discretion of the IETF Chair whether a serving Ombudsperson is reappointed at the end of their term. Given the sensitivity of, and training required for, this role and the ideal being a lack of activity, it is likely the IETF Chair may choose to reappoint a successful and still-willing Ombudsperson for a number of two-year terms.

3.6. Compensation

An Ombudsperson shall receive no compensation from the IETF for their services. This includes, but is not limited to:

- o IETF meeting fees
- o Remuneration for time spent
- o Out-of-pocket expenses (such as telephone charges)
- o Travel or accommodation expenses

The IETF will, however, meet the costs of training when agreed to by the IETF Chair as described in Section 3.4.

3.7. Removal

The IETF Chair may remove a serving Ombudsperson before the end of their term without explanation to the community, including during the course of processing an active case. Such an action shall be appealable as described in Section 3.8.

An Ombudsperson shall not be removed from service, even if their term has expired, during the period that the IETF Chair is recused as described in Section 7. Once the case that led to the Chair being recused has been closed, normal processes resume.

3.8. Disputes with the IETF Chair Regarding the Ombudsteam

If an individual should disagree with an action taken by the IETF Chair regarding the appointment, removal, or management of an Ombudsperson or the Ombudsteam, that person should first discuss the issue with the IETF Chair directly. If the IETF Chair is unable to resolve the issue, the dissatisfied party may appeal to the IESG as a whole. The IESG shall then review the situation and attempt to resolve it in a manner of its own choosing. The procedures of Section 6.5.4 of [RFC2026] apply to this sort of appeal.

4. Handling Reports of Harassment

Any IETF Participant who believes that they have been harassed, or that any other IETF Participant or group of IETF Participants has been or may have been harassed, should bring the concern to the attention of any serving Ombudsperson. This can be done by email to ombuds@ietf.org or can be done directly to a chosen Ombudsperson. Direct contact information for the members of the Ombudsteam, including the email addresses to which mail to ombuds@ietf.org is forwarded, can be found at <https://www.ietf.org/ombudsteam> [OmbudsteamPages].

All IETF Participants are encouraged to talk with the Ombudsteam if they are uncomfortable or unsure about any behaviors. Though much of this document relates to the formal duties of the Ombudsteam, it should be understood that an important function of the Ombudsteam is to provide confidential advice and counsel for any IETF Participant regarding issues of harassment. The Ombudsteam will not commence a formal investigation of any potential incident of harassment without agreement by the Reporter and Subject.

When a Reporter brings an incident of potential harassment to the attention of the Ombudsteam, a single Ombudsperson shall be designated as the primary contact person (the Lead Ombudsperson) for the report. When the Reporter contacts a single Ombudsperson, that Ombudsperson shall be the Lead Ombudsperson for the report unless the Reporter and Ombudsperson mutually agree to select another Lead Ombudsperson.

Information conveyed by the Reporter should be kept in confidence by the Lead Ombudsperson to the greatest extent possible. When necessary (for example, in the course of a formal investigation), the Lead Ombudsperson may share information regarding the report with the rest of the Ombudsteam except when an Ombudsperson is recused (see Section 7). If a Reporter believes that a member of the Ombudsteam should recuse themselves, the Reporter should make this known to the Lead Ombudsperson as soon as possible. See Section 4.1 for further discussion of the confidentiality requirements of the Ombudsteam.

The Lead Ombudsperson will discuss the events with the Reporter and may give advice, including recommendations on how the Reporter can handle the issue on their own as well as strategies on how to prevent the issue from arising again. The Lead Ombudsperson may also indicate that the issue would be best handled using regular IETF procedures (such as those for dealing with disruptive behavior) outside the context of harassment, and in this case, the Lead Ombudsperson will provide assistance in using the relevant IETF procedures. Otherwise, with agreement to proceed from the Subject (or the Reporter if there is no individual Subject), the Ombudsteam may initiate a detailed investigation of the matter and may subsequently, after completing their investigation, impose a remedy as described in Section 5. The Subject can withdraw their agreement to proceed at any time.

4.1. Ombudsteam Operating Practices

The Ombudsteam is responsible for devising and documenting their operating practices. These practices must be discussed with the IESG and published in a publicly visible place (such as on the IETF web site). Discussion with the IETF community is encouraged and, while IETF consensus is not necessary, significant objections to the processes that are not addressed should result in an appeal per Section 6.5.3 of [RFC2026] and/or a recall petition against the IETF Chair (and any of the rest of the IESG if appropriate) if they do not address the concern.

The practices must include at least the following high-level components:

- o Each member of the Ombudsteam is expected to be present at the majority of IETF meetings and to be available for face-to-face discussions. The Ombudsteam is expected to arrange itself so that there is coverage of every IETF meeting by at least one Ombudsperson.
- o The Ombudsteam shall strive to keep all information brought to it in strict confidence. However, it is acknowledged that the operation of the Ombudsteam may involve sharing of information within the team and may require that the parties to the complaint (the Reporter, Respondent, and Subject) learn some of the confidential information. The Ombudsteam is responsible for documenting its expectations of when disclosures of confidential information are likely to be made in the process and to whom. Any electronic information (such as email messages) that needs to be archived shall be encrypted before it is stored using tools similar to those used by the Nominating Committee (NomCom).
- o When conducting a detailed investigation of the circumstances regarding the complaint of harassment, the Ombudsteam may contact the Respondent and request a meeting in person or by a voice call. The Ombudsteam shall have contacted the Respondent and either discussed the matter or ascertained the Respondent's unwillingness to cooperate prior to deciding to impose a remedy as described in Section 5. The Respondent is not obliged to cooperate, but the Ombudsteam may consider failure to cooperate when determining a remedy (Section 5).
- o The Ombudsteam shall endeavor to complete its investigation in a timely manner.
- o Any individuals who make a good faith report of harassment or who cooperate with an investigation shall not be subject to retaliation for reporting, complaining, or cooperating, even if the investigation, once completed, shows no harassment occurred. Anti-retaliation is noted here to alleviate concerns individuals may have with reporting an incident they feel should be reviewed or cooperating with an investigation.
- o In all cases, the Ombudsteam will strive to maintain confidentiality for all parties, including the very fact of contact with the Ombudsteam.

- o The results of investigations as reported to the Subject or Respondent and all requests for remedial action (such as to the IETF Secretariat) shall be in writing.
- o The Ombudsteam shall keep written records of their investigation and any contacts or interviews such that there is material available in the event of an appeal or legal action. Such records shall be held securely and in confidence.

When investigating reports of harassment and determining remedies, it is up to the Ombudsteam whether they choose to act as a body or delegate duties to the Lead Ombudsperson.

5. Remedies

After examining the circumstances regarding the complaint of harassment, the Ombudsteam should prepare a brief summary of the incident and their conclusions and discuss this with all parties. The objective of this step is to make clear what the Ombudsteam has concluded and to make an attempt at getting all parties to reach agreement.

If the Ombudsteam determines that harassment has taken place, the Ombudsteam is expected to determine the next action.

- o In some cases, a mechanism or established IETF process may already exist for handling the specific event. In these cases, the Ombudsteam may decide that the misbehavior is best handled with the regular IETF procedures for dealing with disruptive behavior and may assist the Reporter to bring the issue to the attention of the WG Chair or IESG member who can deal with the incident.
- o In other cases, there is a spectrum of remedies that may be appropriate to the circumstances. At one end of the spectrum, the Ombudsteam might choose to discuss the situation with the Respondent and come up with a plan such that there is no repeat of the harassment. With the agreement of both parties, the Ombudsteam can also help to mediate a conversation between the Respondent and the Subject (or the Reporter if there is no individual Subject) in order to address the issue. If mediation fails, then the Ombudsteam can decide to apply other remedies, including those discussed here.
- o At the other end of the spectrum, the Ombudsteam could decide that the Respondent is no longer permitted to participate in a particular IETF activity, for example, ejecting them from a meeting or requiring that the Respondent can no longer attend future meetings to ensure that the reported harassment cannot

continue or escalate. If the Respondent holds a management position in the IETF, the remedies imposed may make it difficult or impossible for them to perform the duties required of that position. Further remedies may be applied to Respondents in IETF management positions as described in Section 5.1.

- o In determining the appropriate remedy, the Ombudsteam may communicate with the Reporter, Subject, or Respondent in order to assess the impact that the imposition of a remedy might have on any of those parties. However, the Ombudsteam has ultimate responsibility for the choice of remedy.
- o In all cases, the Lead Ombudsperson informs the Respondent of the decision and imposes the remedy as appropriate. In cases where the remedy is removal from IETF activities, the Lead Ombudsperson will confidentially notify the Secretariat in writing of the remedy such that the Secretariat can take whatever logistical actions are required to effect the remedy. Only the remedy itself shall be disclosed to the Secretariat, not any information regarding the nature of the harassment.

Where specific action is required to ensure that a remedy is realized or enforced, the Ombudsteam will make a request in writing to the IETF Secretariat and/or IETF Administrative Director (IAD) to take action as appropriate.

5.1. Remedies for Respondents in IETF Positions

The remedies discussed earlier in this section are equally applicable to all IETF Participants regardless of role.

The Ombudsteam will want to be aware of the impact of remedies on the ability of an individual to carry out their duties in IETF management positions, but this should not dissuade the Ombudsteam from applying remedies that they deem appropriate. Per Section 5, the Ombudsteam is expected to apply proportionality and reasonableness, as well as to consider the impact of the remedy on the Respondent. Per Section 4.1, the Ombudsteam may communicate with the Respondent in order to assess the impact that the remedy might have.

There may be cases where the Ombudsteam considers that it is inappropriate for a Respondent to continue in their IETF management position, that is, where the desired remedy is to remove the Respondent from their management position. The Ombudsteam cannot by itself remove a Respondent who is in an IETF management position from that position. However, the Ombudsteam can recommend the use of existing mechanisms within the IETF process for the removal of people from IETF management positions as follows:

- o Many IETF management positions are appointed by the NomCom with confirmation from the IESG, IAB, or ISOC. [RFC7437] describes the recall procedure for such appointments. This document updates [RFC7437] by allowing the Ombudsteam to form a recall petition on its own and without requiring 20 signatories from the community. Such a petition shall be treated in all ways like any other recall petition as described in [RFC7437]: that is, the fact of the petition and its signatories (the Ombudsteam) shall be announced to the IETF community, and a Recall Committee Chair shall be appointed to complete the Recall Committee process. It is expected that the Recall Committee will receive a briefing from the Ombudsteam explaining why recall is considered an appropriate remedy.
- o Other IETF management positions are filled by appointment of the IESG, the IAB, the ISOC Board, or the ISOC President. In such cases, the Ombudsteam may recommend to the appointing body that the Respondent be removed from their position.
- o Many IETF management positions are filled through appointment by an AD or by the ADs for an IETF Area. In such cases, the Ombudsteam may recommend to those ADs in writing that the Respondent be removed from their position.
- o Some other IETF management positions are filled through appointment by WG Chairs. In such cases, the Ombudsteam may make a recommendation in writing to the responsible AD (that is, not directly to the WG Chairs) that the Respondent be removed from their position.

In each of the cases listed here, it is expected that the person or body responsible for removing someone from an IETF management position will take a recommendation from the Ombudsteam extremely seriously and that it would be very unusual for them to not act on the recommendation. It is not the intent that the person or body attempt to reinvestigate the circumstances of the harassment. They are expected to understand that they are not qualified in evaluating or handling issues of harassment. They must seek to preserve confidentiality. If the person or body feels removal from position is not the correct remedy, they must discuss their concern with the Ombudsteam.

In the event that an AD declines to follow the recommendation of the Ombudsteam, and if the AD fails to convince the Ombudsteam of the reasons for this, the Ombudsteam should raise the issue with the whole IESG while continuing to attempt to retain confidentiality. The IESG may choose to reorganize the responsibilities for working

groups within its own structure so that the AD concerned is no longer in the direct management path.

All such forced removals from management positions must be considered by the Ombudsteam as acts of last resort. That is, before a Respondent is recommended for removal, the Ombudsteam should consider other possible remedies and should discuss the situation with the Respondent, giving them ample opportunity to understand what might happen and to step down of their own volition.

As described in Section 4.1, the Ombudsteam is required to maintain the highest degree of confidentiality. In recommending action as described above, the Ombudsteam will clearly have to indicate that some event has occurred that led to their recommendation, but it is not expected that the Ombudsteam will need to divulge substantially more information. It should be enough that the Ombudsteam explains the severity of the situation, that they have considered other lesser remedies, and that they deem the recommended remedy to be appropriate.

In removing someone from their position, it may become apparent to the IETF community that the removal is a remedy recommended by the Ombudsteam. However, revealing the underlying events should be avoided as far as possible.

5.2. Purpose of Remedies

The purpose of the anti-harassment policy is to prevent all incidents of harassment in the IETF. The set of procedures documented here serves to provide a mechanism whereby any harassment that occurs can be reported and handled both sympathetically and effectively. The policy also sends a clear message that the IETF does not tolerate harassment in any form.

However, any remedy is imposed to try to make sure that the incident does not escalate and to ensure that a similar situation is unlikely to occur with the same Respondent in the future.

Because the handling of incidents of harassment (including the imposition of remedies) is confidential, an imposed remedy cannot itself serve as a deterrent to others, nor can it be used to "teach" the community how to behave. ([RFC7154] gives guidelines for conduct in the IETF.) Furthermore, a remedy is not to be imposed for the purposes of retribution. However, the knowledge of the existence of a range of remedies and of processes by which they can be applied serves both as a statement of the IETF's seriousness in this matter and as a deterrent to potential offenders.

The Ombudsteam is expected to apply the above considerations, as well as proportionality and reasonableness, in selecting a remedy. They are asked to consider the impact of the remedy on the Respondent as well as on the Subject.

6. Disputes with the Ombudsteam

If either the Subject (or the Reporter if there is no individual Subject) or the Respondent is dissatisfied with the decision of the Ombudsteam, the dissatisfied party should first contact the Lead Ombudsperson and discuss the situation. If the issue cannot be resolved through discussion with the Lead Ombudsperson, the issue may be raised with the IETF Chair.

If necessary, the IETF Chair may recuse themselves from any part of this process (see Section 7) and request the IESG to select another of its members to serve in this role. This IESG member is known as the "delegated IESG member".

The IETF Chair (or the delegated IESG member if the Chair is recused) will attempt to resolve the issue in discussion with the dissatisfied party and the Lead Ombudsperson. If this further discussion does not bring a satisfactory resolution, the Ombudsteam's decision may be formally appealed. The appeal is strictly on the issue of whether the Ombudsteam exercised due diligence both in their decision as to whether harassment had taken place as well as in their determination of any appropriate remedy that was imposed. In particular, the purpose of the appeal is not to re-investigate the circumstances of the incident or to negotiate the severity of the remedy.

All elements of the appeal, including the fact of the appeal, will be held in confidence but will be recorded and held securely for future reference.

The appeal will be evaluated by the IETF Chair (or the delegated IESG member) and two other members of the IESG selected by the IETF Chair (or the delegated IESG member) and confirmed by the appellant. This Appeals Group shall convene as quickly as possible to evaluate and determine the appeal. Where the impacts are immediate and related to participation in an ongoing meeting, this shall happen in no more than 24 hours after receiving the appeal. The Appeals Group may ask the appellant and the Lead Ombudsperson for statements or other information to consider. If the Appeals Group concludes that due diligence was exercised by the Ombudsteam, this shall be reported to the appellant, and the matter is concluded. If the Appeals Group finds that due diligence was not exercised, the Appeals Group shall report this to the Ombudsteam and consult with the Ombudsteam on how to complete the due diligence.

Because of the need to keep the information regarding these matters as confidential as possible, the Appeals Group's decision is final with respect to the question of whether the Ombudsteam has used due diligence in their decision. The only further recourse available is to claim that the procedures themselves (i.e., the procedures described in this document) are inadequate or insufficient to the protection of the rights of all parties. Such a claim may be made in an appeal to the Internet Society Board of Trustees, as described in Section 6.5.3 of [RFC2026]. Again, even in this circumstance, the particulars of the incident at hand will be held in confidence.

7. Conflicts of Interest

In the event of any conflict of interest, the conflicted person (member of the Ombudsteam, member of the Appeals Group, IETF Chair, etc.) is expected to recuse themselves.

A conflict of interest may arise if someone involved in the process of handling a harassment report is in the role of Reporter, Respondent, or Subject. Furthermore, a conflict of interest arises if the person involved in the process of handling a harassment report is closely associated personally or through affiliation with any of the Reporter, Respondent, or Subject.

For the avoidance of doubt, recusal in this context means completely stepping out of any advisory or decision-making part of any process associated with handling a harassment report, remedy arising from a harassment report, or appeal into the handling of a harassment report. That means that a recused person has no more right to participate in or witness the process than any other person from the community in the same situation. For example, an Ombudsperson subject to a complaint of harassment shall not be privy to the deliberations of another Ombudsperson handling the report. Nor would an IESG member who was party to an appeal be able to witness the discussions of the Appeals Group.

In the event that there is an appeal and the IETF Chair is somehow involved, the Chair will immediately recuse themselves, and the IESG will select a single person to take the Chair's role in the appeal process as described in Section 6.

8. Confidentiality

Throughout this document, there are mentions of requirements to keep information confidential. This section summarizes those requirements for clarity.

The Ombudsteam is expected to strive for confidentiality. Confidentiality protects the Reporter, Subject, and Respondent in any case of alleged harassment. It also protects witnesses or others consulted by the Ombudsteam during their investigation.

The Ombudsteam will keep its email and other archival records in a secure system and will not discuss details of any case beyond what is necessary for executing a thorough investigation.

Third-party receivers of output from the Ombudsteam (for example, ADs or the IETF Secretariat who are asked to take action) are required to keep such output confidential.

Participants in an investigation (Reporters, Subjects, Respondents, and anyone interviewed by the Ombudsteam during an investigation) are requested to keep the details of the events and investigation confidential.

It is likely that members of the community will want to know more when they have become aware of some details of a case of harassment. The community is asked to show restraint and to trust the Ombudsteam. This process is designed to provide remedies not punishment, as described in Section 5.2, and public discussion of the events or remedies does not form part of this process.

9. Security Considerations

"Human beings the world over need freedom and security that they may be able to realize their full potential." -- Aung San Suu Kyi

10. References

10.1. Normative References

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10.2. Informative References

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- [Policy] IESG, "IETF Anti-Harassment Policy", <<https://www.ietf.org/iesg/statement/ietf-anti-harassment-policy.html>>.

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