

Access Now Anti-Harassment Policy (EXTERNAL)

In summary:

- If you have concerns in relation to this policy, please submit them via the following:
 - online form found [here](#)
 - encrypted email to humanresources@accessnow.org
- The process is outlined on page 3 of this policy
- This process is underpinned by the values of courtesy, respect and confidentiality
- Comments and suggestions on this policy can be provided via the above email address

Access Now is dedicated to creating and protecting safe spaces for people, on and offline. We strive to treat people with dignity, decency, and respect, and to build a community without intimidation, discrimination, or hostility for everyone — regardless of gender identity and expression, sexual orientation, nationality, origin, race, ethnicity, religion, age, disability, or physical appearance. We do not tolerate harassment in any form.

This Anti-Harassment Policy applies to all Access Now programs, events, and spaces, including websites, mailing lists, social media platforms, coalitions, and convenings such as RightsCon, digital security clinics and workshops, and any other fora that Access Now hosts, both on- and offline.

Some events may have additional policies in place, which will be made clearly available to participants. Participants and stakeholders of the Access Now community are expected to understand and abide by this and any additional policies. Anyone who is found to have violated this policy may be sanctioned or asked to leave Access Now spaces as a result.

Definitions

Access Now prohibits harassment, including sexual harassment, of any kind. Harassment is any verbal, nonverbal, or physical conduct designed to threaten, intimidate, silence, or coerce. Harassment includes but is not limited to:

- Offensive or unwelcome comments, including epithets, slurs, negative stereotyping, and discriminatory remarks disguised as humor, because of gender identity and expression, sexual orientation, race, ethnicity, religion, age, disability, or physical appearance;
- Distribution, display, or discussion of written or graphic material that ridicules, insults, or shows hostility or disrespect toward an individual or group because of gender identity and expression, sexual orientation, race, ethnicity, religion, age, disability, or physical appearance;
- Deliberate “outing” of any aspect of a person’s identity without their consent;
- Deliberate misgendering or use of rejected names;
- Intimidation or silencing, including sustained and deliberate disruption of discussion;
- Threats of violence or incitement of violence, including encouraging a person to commit suicide or to engage in self-harm;
- Stalking or following, including repeated one-on-one communication despite requests to cease, unwanted photography or recording, and tracking and logging online activity without consent;
- Failure to safeguard confidential or privately shared information, including publication of private communication without consent;
- Unwelcome sexual attention, including innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and obscene gestures, and requests for sexual favors (including repeated and unwelcome requests for dates);

- Distribution, display, or discussion of any sexually suggestive written or graphic material, including emails, photos, text messages, and tweets, that is gratuitous, off-topic, or shows hostility or disrespect toward an individual or group;
- Unwelcome physical contact including inappropriate touching, tickling, pinching, petting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

We believe that it takes courage to report cases of harassment, and we salute that courage. We also understand that users at risk, including victims of harassment, often are in a less privileged position than the person conducting the harassment, and face more barriers to speaking out, including social stigma.

To protect vulnerable users at risk, and to encourage safe spaces and open dialogue, we will not act on reports, if we determine that they relate to incidents where users at risk speaking about experiences that may make persons of privilege feel uncomfortable. Similarly, we will not act on reports where passionate conversations or arguments that include uncomfortable or controversial issues.

Reporting

Access Now has an established procedure for handling incidents of harassment. If you are being harassed by a participant or stakeholder of the Access Now community, notice that someone else is being harassed, or have any other concerns, please submit a report through one of the following channels:

- Through the online form found [here](#) in this policy;
- Through encrypted communication via an email to humanresources@accessnow.org (you may download the GPG public key [here](#) or retrieved it from [here](#) where you can search for all published public keys).

You may report harassment anonymously by using the [Tor Browser](#) to submit the online form, or you may include your contact information if you would like Access Now to follow up for further investigation or to communicate actions that have been taken.

Submitted reports are received by Access Now's Director of Finance and Human Resources (referenced as Dir HR throughout this policy), and handled with support from Access Now's Legal Counsel and team of Directors. If the Dir HR or another Director is involved in the incident of harassment, or any other conflict of interest is identified, all involved parties will be recused from handling the incident. In this situation, you may also reach out to an individual Director or another member of the Access Now team instead of submitting a report through the above defined channels.

Access Now will treat any person who invokes this complaint process with courtesy and respect. All reports will be handled with the utmost care and confidentiality so as to take appropriate action and resolve incidents as swiftly and thoroughly as possible.

Process

Access Now has established the following procedure for processing reported incidents of harassment. Where necessary and appropriate, Access Now may expedite the process outlined below.

1. Once a report has been received by the Dir HR, they will review the report within 24 hours with the organization's Legal Counsel to determine if there is sufficient information to initiate an investigation, as well as assess the need for immediate intervention or redress. The Dir HR will also notify the organization's team of Directors that a report has been filed;

2. The Dir HR, will then initiate an investigation within 24 hours to determine whether there is a reasonable basis for believing that the Access Now Anti-Harassment Policy has been violated;
3. During the investigation, the Dir HR, with support as required from the team of Directors, will interview the complainant (if identified and they consent), the respondent, and any witnesses to determine if Access Now's Anti-Harassment Policy has been violated.
4. If no further legal counsel is required, within 10 business days, the Dir HR will conclude the investigation and submit a written report to the organization's team of Directors.
5. If it is determined that the policy has been violated, the Dir HR will recommend appropriate disciplinary action. The appropriate action will depend on the severity, frequency, and pervasiveness of the reported incident(s); prior complaints made by the complainant; prior complaints made against the respondent; and the quality of the evidence (e.g., first-hand knowledge, credible corroboration).
6. If the investigation is inconclusive, or if it is determined that the policy has not been violated but potentially problematic conduct may have occurred, the Dir HR may recommend appropriate preventive action.
7. Within 5 days after the investigation is concluded, the Dir HR will seek a meeting with the complainant (if identified) and the respondent separately, notify them of the findings of the investigation, and inform them of the action being recommended.
8. The complainant and the respondent may submit statements to the Dir HR challenging the factual basis of the findings. Any such statement must be submitted no later than 5 business days after the meeting with the Director of Finance and Human Resources in which the findings of the investigation are discussed.
9. Within 10 days from the date the Dir HR sought a meeting with the complainant and/or respondent, Access Now's team of Directors will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the Dir HR as may be appropriate, and decide what action, if any, will be taken. For clarity, the Dir HR will recommend the course of action and the Executive Director will be the final decision-maker. The Dir HR will report the organization's decision to the complainant (if identified) and the respondent. The organization's decision will be in writing and will include findings of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

Confidentiality

Access Now will not name victims of harassment without their affirmative consent.

During the complaint process, we will protect the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant will be protected to as great a degree as is legally possible. We will respect confidentiality requests for the purpose of protecting victims of harassment. The expressed wishes of the complaining person for confidentiality will be considered in the context of Access Now's legal obligation to act information provided in a complaint. In most cases, however, confidentiality will be strictly maintained by Access Now and by those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any applicable existing state or federal law.

Retaliation

Access Now will not tolerate any attempts at retaliation or retribution. No hardship, loss, intimidation, distress, or other penalty may be attempted in response to:

- Filing or responding to a complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Any person who is found to have retaliated or attempted retaliation will be in violation of this policy.

Alternative Legal Remedies

Nothing in this policy may prevent you from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

Effective Date

This policy is effective as of October 20, 2016.

Access Now reserves the right to update this policy, and will strive to notify all affected stakeholders of any changes. Previous version will be linked here.

For more information on Access Now's reporting procedures, please reach out to humanresources@accessnow.org. If you have any comments on how these policies can be improved, your suggestions are welcome at humanresources@accessnow.org.

Disclaimer

The contents of this policy are subject to change without notice. Access Now retains the discretion to investigate or cause to be investigated potentially unlawful activities which are brought to its attention through this policy, up to and including contacting law enforcement. Access Now does not guarantee that the information provided is complete and accurate. Access Now accepts no liability for any loss or damage howsoever arising from any use or misuse of or reliance on any information in this policy. Access Now does not intend for this policy to legally bind the organization or its community, or to alter the legal standing of the organization, in any jurisdiction. This policy does not alter or supercede any contractual agreements between Access Now and its employees or other partners.