

MODEL AOR ANTI-HARASSMENT POLICY
(September 2020)

AOR Commitment:

The AOR is committed to providing a productive and welcoming environment that is free from discrimination and harassment. Members are expected to act with courtesy and mutual respect toward each other, AOR or MLS staff, service providers, speakers, guests and event participants.

Prohibition of Harassment:

No Member of the AOR may harass an Association or MLS staff member, volunteer, officer or director, or another Member, service provider, speaker or guest of the AOR during any AOR function, meeting or AOR-related event or at the AOR workplace or in any other forum or platform governed by NAR policy.

Harassment:

Harassment includes inappropriate conduct, comment, display, action, or gesture based on another person's sex, color, race, religion, national origin, age, disability, sexual orientation, gender identity, and any other protected characteristic. Harassment in any form is strictly prohibited.

Examples of harassment include, but are not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and the display or circulation of written or graphic material that denigrates or shows hostility toward an individual or group based on a protected characteristic.

Sexual Harassment:

Sexual harassment is one form of harassment. Sexual harassment may involve individuals of the same or different gender. Like all harassment, sexual harassment is strictly prohibited.

Sexual harassment can be:

Verbal: Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, or threats.

Non-Verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures.

Physical: Unwanted physical contact, including touching, pinching, coerced sexual intercourse, or assault.

Ways to Avoid All Types of Harassing Conduct:

All Members are responsible for following this Policy and maintaining a work environment that is free from all types of harassment. Often the best way to stop offensive conduct is to simply tell the person/s of your objection to it. The AOR encourages you to do so.

While persons are encouraged to advise of unwelcome behavior, even if no one has told an alleged harasser that his/her conduct is offensive, the alleged harasser may still be subject to discipline as set forth in this Policy. To avoid the risk of violating this Policy, Members will want to follow these guidelines:

- Remember that another individual may consider touching to be unwelcome or offensive.
- Racial, religious, ethnic, age-related and sexual jokes and epithets have no place in the work environment or at work-related functions or events.
- Compliments to others should be kept general.
- Drinking impairs good judgment. When at work related social functions or events, whether on or off the premises, avoid having one drink too many.
- Do not behave in a way you would not want your spouse, significant other, parent, child or clergy to witness.

How to Report Incidents of Harassment or Inappropriate Behavior:

Any member who believes they experienced or witnessed harassment or other inappropriate behavior in violation of this Policy should promptly report the incident to one of the following individuals: the Chief Executive Officer/Association Executive or the President of the Association or the next highest officer who is not the subject of or directly connected by way of a close personal or business relationship, or otherwise poses a conflict of interest, with the subject of the complaint, or if no other officer remains, a member of the Board of Directors.

[NOTE: This is model language. In drafting your AOR's own policy, if so inclined, it's possible an AOR could opt to establish an alternative procedure where it designates a hired/retained independent third-party to receive and investigate complaints as the "ombudsperson" for the AOR]

Protection for Reporting and Cooperating:

No recourse will be taken against an individual acting in good faith for reporting harassment or for cooperating in an investigation.

Description of Misconduct:

An accurate record of objectionable behavior or misconduct is encouraged to resolve a formal complaint of harassment. Reports of harassment may be made verbally or in writing. Individuals who believe that they have been or are currently being harassed, should attempt to maintain a record of objectionable conduct in order to prepare effectively and substantiate their allegations.

Time Frame for Reporting a Complaint:

The AOR encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. This Policy not only aids the complainant, but also helps to maintain an environment free from harassment or inappropriate behavior contemplated by this Policy.

Investigation and Discipline:

Upon receipt of a report of possible harassment or inappropriate behavior in violation of this Policy, the AOR will promptly conduct a review in consultation with counsel. Through this consultation, the AOR

may determine whether the matter can be resolved by meeting with those involved, or whether the matter should be referred to an investigatory team for further processing.

In instances of referral to an investigatory team, the AOR will promptly conduct an investigation in consultation with counsel. Unless otherwise determined by the AOR in consultation with counsel, the investigatory team will be comprised of the President, President-Elect and one member of the Board of Directors selected by the highest-ranking officer not named in or directly connected by way of a close personal or business relationship, or otherwise posing a conflict of interest with one named in the complaint.

A conflict of interest shall be deemed to exist when, by appearance or otherwise, a person cannot be considered to be impartial or disinterested. Examples include, but are not limited to, current or past relationships by blood, family, business, encounters of an acrimonious nature or any other situation when one cannot be impartial by appearance or otherwise. In the event any member of the investigatory team has a conflict of interest, the individual shall be precluded from participating in the proceedings.

Unless otherwise determined by the AOR in consultation with counsel, should any potential conflict exclude any of the officers or directors outlined in succession above, one or more shall be replaced by the Immediate Past President or, alternatively, by another member of the Board of Directors selected by the highest ranking officer not named in or directly connected by way of a close personal or business relationship with one named in the complaint, or otherwise posing a conflict of interest, or if no other officer or director remains, by the Chief Executive Officer/Association Executive.

In pursuing the investigation, the AOR shall take the wishes of the complainant under consideration, but shall thoroughly investigate the matter, keeping the complainant informed as to the general status of the investigation, while maintaining the confidentiality of the investigatory process. During the investigation, the AOR will involve only those deemed necessary to the investigation, and disclosures will only be made on an as-needed basis.

If, after its investigation, the investigatory team concludes there is sufficient evidence that a violation of this Policy has occurred, the investigatory team will determine any disciplinary action.

The AOR may, but is not obligated, to refer the investigation or the investigation and recommendation of discipline to another AOR or outside investigator for handling.

[NOTE: An external body would likely consist of professionals such as an outside human resource firm or a law firm experienced with conducting investigations of this nature to serve as the investigatory team. Depending on the alleged facts and circumstances, it's possible some complaints may be more appropriately handled by an external body; the AOR should consult with its board counsel to determine whether it may be advisable for a given matter to be referred to an external body.]

The AOR reserves the right to take any necessary and appropriate disciplinary action against a member who engages in any form of harassment or inappropriate behavior in violation of this Policy. Such actions may include, but are not limited to, prohibition from attendance at future AOR meetings or events, removal from a committee appointment, officer or director position, probation, suspension or expulsion from membership or any other action deemed appropriate by AOR. The AOR further reserves the right to consider any matter referred to it from the California Association of REALTORS® (“C.A.R.”) as a result

of a violation of C.A.R.'s Code of Conduct, Civility and Harassment Policy and has the discretion to determine whether further action should be taken against the member at issue by the AOR.

A written summary of the resolution, including whether or not this Policy was violated and whether the alleged perpetrator was disciplined, will be prepared and shared with the alleged complainant and perpetrator(s), **their Designated REALTOR® as deemed necessary** and the Board of Directors.