

Preventing and Responding to Harassment Claims:

What Associations and Volunteer Leaders Need to Know

Julie Bleasdale

Director, Internal Communications and Talent Development

Lesley M. Muchow

Vice President, Deputy General Counsel

What are we supposed to do?



It /S a big deal!

- It's the right thing to do.
- Foster a respectful and productive organizational culture.
- Avoid negative PR for the organization.
- Avoid legal liability.

It /S a big deal

■ August 2, 2018, 4:00 AM CDT

Les Moonves's Sexual Harassment Scandal Threatens Future of CBS

● The CEO has been company's independence that.

By Felix Gillette

BUSINESS

Irvine company settles sexual harassment lawsuit for \$3.5 million



By SAMANTHA MASUNAGA AUG 01, 2018 | 1:45 PM



Anna Park, regional attorney at the U.S. Equal Employment Opportunity Commission, speaks at a news conference in 2011. On Wednesday, Park announced a \$3.5-million settlement with Irvine customer service firm Alorica Inc. (Mel Melcon / Los Angeles Times)



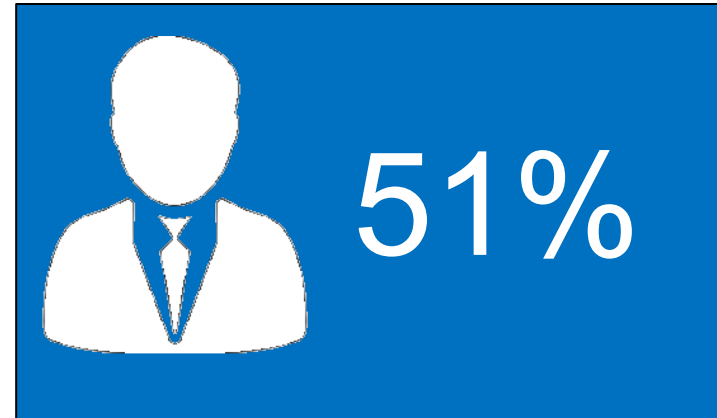
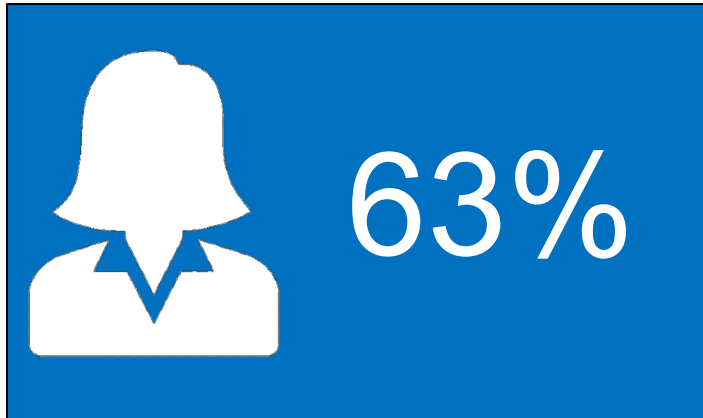
ADVERTISEMENT

LATEST BUSINESS

Stocks open lower on Wall Street
44m



It CAN happen here!



Percent of women and men who have personally experienced sexual harassment in the workplace, witnessed it happening, or are aware of someone else who has experienced it.

Association Leader Responsibilities

Who is an association leader?

- Low bar.
- Anyone in a position of authority or with a title.
 - Examples include, but are not limited to, an association officer, director, committee leader.

An association leader's role:

- Set the tone for the organization.
- Make others feel comfortable having difficult conversations.
- Move the ball forward and report known incidents of harassment.
- Set an example by monitoring your own behavior to ensure appropriate conduct.
- Don't get defensive if someone suggests your behavior is inappropriate. Learn from the experience and cease offensive behavior.

Is this harassment?



You're on the board of your local association of REALTORS®. You aim to have close relationships with your colleagues and the association staff with whom you work, so you always greet them with a tight hug and a kiss on the cheek.

Is this harassment?

- **No**
- **Not sure**
- **Yes**

What is harassment?

What is harassment?

- Harassment is unwelcome behavior or comments based on another person's sex, color, race, religion, national origin, age, disability and any other protected characteristic that a reasonable person would consider to be intimidating, hostile or offensive.
- 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.

What is sexual harassment?

- Unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature that, implicitly or explicitly, is used as the basis for a tangible employment action, (Quid Pro Quo); or conduct or communication that was unwelcome, based on sex, and severe and pervasive (Hostile Work Environment).
- 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.

Harassment can occur even if:

- The harasser and victim are members of the same protected class.
- Victim was not the intended recipient of the harassing conduct – victim can be anyone affected by the offensive conduct or communication.
- The harasser did not intend to offend anyone.

Is this harassment?



After an association meeting, several members go to the bar. Jim drinks too much and throughout the evening, hits on Karen. Karen declines his advances, and her colleagues notice that Jim's behavior has disturbed her.

The following day, Jim apologizes to Karen and says he didn't intend to create an awkward situation. ***Is this harassment?***

- ☒ **Yes, it is harassment**
- ☐ **Not sure**
- ☐ **No, because Jim apologized**

Excuses don't excuse harassment:

- “I was just joking!”
- “I didn’t mean to offend you.”
- “You took it the wrong way!”
- “Don’t be so sensitive!”
- “I wasn’t even talking to you!”

When and How to Respond to Harassment

When are you on notice of harassment?

- **See** conduct;
- **Hear** or **hear about** conduct;
- **Knew** or “**should have known**” about conduct.



What to do if you witness harassment?

- If you feel comfortable, tell the person to stop.



- Report the incident promptly.



What *not* to do



- Minimize the situation

- Judge what happened



- Express your opinion

- Promise confidentiality



- Ignore it

What would you do?



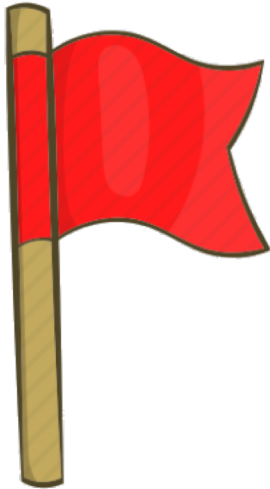
You are the CEO of the Small Town Association of REALTORS®. Someone on your staff asks to talk to you privately, and reveals that the President Elect has been complimenting him repeatedly on his recent weight loss. The last time it happened, she told him that he was looking very fit, and that he should wear tight-fitting shirts more often. He tells you that her comments have made him very uncomfortable, but he begs you not to say anything to the President Elect.

Should you stay mum?

- ☐ **No**
- ☐ **Not sure**
- ☐ **Yes**

Practical Steps to Take Now

1. Review or create separate anti-harassment policies for employees and members



- Define prohibited conduct.
- Outline investigation procedure.
- Provide reporting mechanism.
- Include potential disciplinary measures.

2. Establish a reporting procedure.



Provide a clear reporting structure with multiple avenues to report harassment witnessed or experienced.

3. Take prompt and appropriate action.



1. Promptly investigate any allegations.
2. Keep investigations as confidential as possible.
3. Take prompt remedial action, when appropriate.
4. Follow up with victims to inform them what steps were taken, and that the matter has been resolved.

4. Communicate, communicate, communicate.



Broadly disseminate policies, and conduct harassment prevention training.

NAR Resources

For more information

Videos:

- [Preventing Sexual Harassment \(AEI Legal Update with Katie Johnson\)](https://www.nar.realtor/aei-legal-update-with-katie-johnson/video-preventing-sexual-harassment)
(<https://www.nar.realtor/aei-legal-update-with-katie-johnson/video-preventing-sexual-harassment>)
- [NAR's Code of Conduct and Sexual Harassment Policy](https://www.nar.realtor/videos/video-nars-code-of-conduct-sexual-harassment-policy)
(<https://www.nar.realtor/videos/video-nars-code-of-conduct-sexual-harassment-policy>)
- [Preventing and Addressing Sexual Harassment](https://www.nar.realtor/videos/video-preventing-and-addressing-sexual-harassment)
(<https://www.nar.realtor/videos/video-preventing-and-addressing-sexual-harassment>)

Article:

- [Time to Update Your Sexual Harassment Policy \(REALTOR® AE Magazine\)](https://www.nar.realtor/time-to-update-your-sexual-harassment-policy)
(<https://www.nar.realtor/time-to-update-your-sexual-harassment-policy>)

“Good Sense Governance” Resource:

- [Harassment Fact Sheet](https://www.nar.realtor/sites/default/files/documents/Harassment-Fact-Sheet.pdf)
(<https://www.nar.realtor/sites/default/files/documents/Harassment-Fact-Sheet.pdf>)

Additional Resources

(<https://www.nar.realtor/about-nar/policies/good-sense-governance>)

Scroll until you see the heading, “Previous Topics” toward the bottom of the page. Click on “Harassment.”

Thank you!

Julie Bleasdale
NAR Director, Talent Development and Internal
Communications

TEL: 312-329-8420 | JBLEASDALE@REALTORS.ORG

LESLEY M. MUCHOW
NAR VICE PRESIDENT, DEPUTY GENERAL COUNSEL

TEL: 312-329-8834 | LMUCHOW@REALTORS.ORG