

# MEMBER CONDUCT

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# MEMBER CONDUCT

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- **Safe Workplaces and Meeting Spaces**
- **Education + Policies + Enforcement => Deterrence**
- **Member Conduct Investigations**



# WELCOMING WORKPLACES AND MEETING SPACES

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- **REALTOR® ASSOCIATIONS' COMMITMENT TO ENSURING POSITIVE AND PRODUCTIVE WORKPLACES AND MEETING SPACES**
- **MEMBERS AND STAFF INTERACTIONS**
- **ONSITE AND OFFSITE EVENTS AND CONFERENCES**
- **EMPLOYER – EMPLOYEE RELATIONSHIP DIFFERS FROM ASSOCIATION – MEMBER RELATIONSHIP**

# SAFE WORKPLACES AND MEETING SPACES

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## LAW AND ETHICS

- Employer liability for employee misconduct
- Association liability for member misconduct?
- Frolic and detour
- Even if not *legally* responsible, association has *ethical* responsibility
- 1 instance is too many, must do better
- Nationwide issue

# SAFE WORKPLACES AND MEETING SPACES

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## LAW AND ETHICS

- **What effect does member misconduct have on the organization?**
  - Litigation
  - Decreased organizational effectiveness
  - Diminished employee morale
  - Breakdown in member – staff collaboration
  - Internal & external reputational harm

# MEMBER POLICIES

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**MEMBER CODE OF CONDUCT**



**PERSONAL REALTIONSHPS POLICY**



**GIFTS AND FAVORS POLICY**



**LEADERSHIP PLEDGE**

# MEMBER POLICIES

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## MEMBER CODE OF CONDUCT

- Define harassment, discrimination and inappropriate conduct
- Specific but not exhaustive examples
- Where/how complaints reported
- Describe investigative process
- Confidentiality/no retaliation
- Describe potential discipline
- Identify who determines discipline

# EVENT POLICIES

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**STATEMENT OF APPROPRIATE EVENT CONDUCT POLICY**



**ONSITE PROTOCOLS FOR ASSOCIATION EVENTS**

# POLICIES => DETERRENCE



## PRIORITY

DETECTING HARASSMENT, DISCRIMINATION AND INAPPROPRIATE CONDUCT IS THE FIRST PRIORITY



## DETERRENCE

BEST DETERRENCE IS TO CREATE POLICIES APPLICABLE TO ALL MEMBERS AND EMPOWERS STAFF



## COMMUNICATE

DETERRENCE IS ONLY EFFECTIVE IF MEMBERS AND STAFF ARE AWARE OF THE POLICIES, WHAT IS EXPECTED OF THEM AND HOW TO FILE A COMPLAINT



## DISTINCT

SEPARATE POLICIES APPLICABLE TO MEMBERS AND STAFF



# INVESTIGATION BEST PRACTICES

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- **How is a complaint filed?**
  - **Consider dedicated reporting for member conduct complaints**
- **How is an investigation conducted?**
  - **Trained professional investigator/counsel**
  - **Outside investigator, not in-house counsel or even usual outside counsel**
- **Confidentiality for all parties**
- **Interview victim, all witnesses and accused**
- **Prepare report with findings/maintain records**

# NAR MEMBER INVESTIGATIVE PROCESS

- **Dedicated email to submit complaints involving member conduct (memberconduct@nar.realtor)**
- **Outside independent investigator investigates each complaint**
- **Outside independent investigator reports findings to the Special Committee of the Executive Committee**
- **Special Committee determines disciplinary action**



# DISCIPLINARY PROCESS

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- Policies define who receives investigator's report and determines discipline
- Member is accused, members decide
- Disciplinary panel should be:
  - Diverse
  - Discrete
  - Exercise good judgment
  - Above reproach/no conflicts
- Proportionate discipline



# CALL TO ACTION



**CREATE MEMBER  
CODE OF CONDUCT**



**CREATE ONSITE  
PROTOCOLS EVENTS  
/OTHER POLICIES**



**COMMUNICATE  
POLICIES AND TRAIN  
MEMBERS**



**CREATE REPORTING  
CHANNEL(S)**



**IDENTIFY INVESTIGATOR**



**IDENTIFY DISCIPLINARY  
PANEL(S)**

# THANK YOU.



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