

## **Southwest Louisiana Association of REALTORS®**

Subject: Harassment Prevention

SOURCE: Board of Directors

It shall be the policy of the Southwest Louisiana Association of REALTORS® that:

### **Zero Tolerance Policy for Harassment of Any Type**

Southwest Louisiana Association of REALTORS® is proud of its work environment in which all individuals, Association Members, employees, staff, vendors, contractors, customers and visitors are treated with respect and dignity. Each individual has the right to function and work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment. Harassment, either intentional or unintentional, is a form of illegal discrimination. Southwest Louisiana Association of REALTORS® will not tolerate any form of harassment based on race, sex, religion, color, national origin, age, disability, sexual orientation, gender identity or any other protected class recognized under the law.

#### **Definition of Harassment**

For purposes of this policy, the term "harassment" includes, but is not limited to, threatening, belittling, obscene or offensive language, jokes, or other verbal or physical conduct, which unreasonably interferes with work performance by creating a hostile, intimidating or offensive volunteer or work environment.

#### **Definition of Sexual Harassment**

Federal and state laws define one type of illegal harassment, sexual harassment, as "any unwelcome or unwanted sexual advances, requests for sexual favors or other conduct of a sexual nature, either verbal or physical" where:

- (1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, retention, access to training, promotion or other aspects of employment or participation in a SWLAR sponsored function; or
- (2) such conduct substantially interferes with job performance or creates an intimidating, hostile or offensive work environment or an intimidating, hostile or offensive environment at SWLAR sponsored functions or events.

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Sexual harassment is only one form of harassment against a protected class.

Examples of Illegal Sexual Harassment May Include, But Are Not Limited To,:

- Unwanted sexual advances; demands for sexual favors, whether in exchange for favorable treatment, continued employment or participation in a SWLAR sponsored function;

- Threats and demands to submit to sexual requests in order to obtain or retain any employment benefit or participation in a SWLAR sponsored function;
- Verbal conduct such as epithets, derogatory or obscene comments, slurs or sexual invitations, sexual jokes, propositions, suggestive, insulting or obscene comments or gestures or other verbal abuse of a sexual nature;
- Graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies;
- Flirtations, advances, stalking, leering, whistling, touching, pinching, assault, coerced sexual acts or blocking normal movements;
- Visual conduct such as derogatory or sexual posters, photographs, cartoons, drawings or gestures or other displays of sexually suggestive objects or pictures in the workplace or at SWLAR sponsored functions or events;
- Conduct or comments consistently targeted at only one gender, even if the content is not sexual;

These behaviors are unacceptable in the workplace itself and in other SWLAR work-related settings.

### **Ways to Avoid All Types of Harassing Conduct**

All Association Members of Southwest Louisiana Association of REALTORS 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. Southwest Louisiana Association of REALTORS encourages you to do so.

Even if no one has told a harasser that his/her conduct is offensive, the harasser may still be subject to discipline as set forth in this policy. To avoid the risk of violating this Policy, Association 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, children or clergy to witness.

### **Individuals Covered Under the Policy**

This policy covers all individuals in the SWLAR workplace or at SWLAR related events or functions. Southwest Louisiana Association of REALTORS will not tolerate, condone or allow harassment, whether engaged in by Association Members, employees, supervisors, or by representatives who are involved in a SWLAR sponsored event or function. Southwest Louisiana Association of REALTORS encourages

reporting of all incidents of harassment, regardless of who the offender may be, or of the offender's relationship to SWLAR.

### **Reporting A Complaint**

The following steps should be followed in reporting a harassment complaint.

1. Notification of Appropriate Staff Individuals who believe they have been subjected to harassment should report the incident to the Chief Executive Officer or the President of the Board of Directors or the next highest officer who is not the subject of the complaint.
2. 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.
3. Time frame for Reporting a Complaint Southwest Louisiana Association of REALTORS 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 discrimination for all employees.

### **General Guidelines for Investigating a Complaint**

#### **Confidentiality**

Any allegation of harassment brought to the attention of Southwest Louisiana Association of REALTORS will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

#### **Zero Tolerance Policy for Retaliation**

Southwest Louisiana Association of REALTORS will not tolerate retaliation against any Association Member for reporting harassment or participating in the investigation or hearing of a complaint of harassment.

#### **Investigation of Members**

##### **The Investigatory Team**

Complaints by or against Members of Southwest Louisiana Association of REALTORS shall be conducted by an outside third-party neutral investigator retained by the Association.

##### **The Investigation**

In pursuing the investigation, the outside investigator 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.

##### **Discipline of Association Members**

The outside investigator may recommend that any Member of the Association will be reprimanded, placed on probation, suspended or expelled or removed from any office or committee for harassment of an Association Officer or Director or a vendor or customer or SWLAR staff.

#### **Final Action to be Taken by the Board**

The written recommendation of the outside investigator shall then be forwarded to the Board of Directors for ratification and final action. The Board shall have the power to decrease or increase the recommended discipline.

#### **Maintaining a Written Report of the Complaint**

The Association shall maintain a complete written record of each complaint and how it was investigated and resolved. This record shall be maintained for five years from the date of the resolution unless new circumstances dictate that the file should be kept for a longer period of time.

#### **Appeal Process**

If any party directly involved in a harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision to the Board of Directors of the Southwest Louisiana Association of REALTORS®. The party should submit his/her written comments in a timely manner but no more than thirty (30) days after the outcome or resolution was issued to the Board of Directors care of the CEO.

## **Southwest Louisianan Association of REALTORS®**

### **Whistleblower Policy**

SOURCE: Board of Directors

SWLAR requires directors, officers, employees and members to maintain high standards of business and personal ethics in the conduct of their duties and responsibilities at all times.

It is the responsibility of all directors, officers, employees and members to comply with all applicable laws, regulations and policies and to report violations or suspected violations, including ethics violations or suspected violations in accordance with this Whistleblower Policy.

If any director, officer, employee or member reasonably believes that some policy, practice, or activity of SWLAR is in violation of law, he or she should bring their good faith complaint to the CEO or the President. If the person believes in good faith that the CEO or President is involved in or aware of such policy, practice or activity, the complaint may be filed with the General Counsel, President-Elect or Treasurer. Complaints may be reported orally. However, the person must provide enough detail to permit a proper investigation and response. Upon receipt, the matter will be investigated.

It is the intent of SWLAR to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the Association's goal of legal compliance. The support of all is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation if the employee brings the alleged unlawful activity, policy, or practice to the attention of SWLAR and gives SWLAR a reasonable opportunity to investigate and correct the alleged unlawful activity. SWLAR will not retaliate against an individual described above who in good faith, has made a protest or raised a complaint against some practice of SWLAR or of another individual or entity with whom SWLAR has a business relationship, based on a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.

SWLAR will not retaliate against an individual described above who discloses or threatens to disclose to a supervisor, law enforcement agency or other governmental agency, any activity, policy, or practice of SWLAR that the person reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate or public policy. Violations or suspected violations may be submitted on a confidential basis and may be submitted anonymously in writing. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Last Revision: April 4, 2019