



**SOUTHLAND REGIONAL  
ASSOCIATION OF REALTORS®, INC.**

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**ANTI-HARASSMENT POLICY  
Adopted June 24, 2021**

**SRAR Commitment:**

SRAR is committed to providing a productive and welcoming environment at SRAR offices, SRAR sponsored events, SRAR educational presentations, SRAR committee meetings, SRAR board of directors meetings and other related SRAR functions and SRAR events (hereinafter collectively “SRAR Functions”), that are free from discrimination and harassment. The term “SRAR Functions” includes functions at the physical location of the function, functions held remotely by video conference and/or any communications or other actions directly related to such function in subject matter and in close proximity in time, even if not on the date of the function, not at the function’s physical location and/or not at the time of the video conference. SRAR Members and SRAR MLS Only Members (collectively “Members”) are expected to act with courtesy and mutual respect toward each other, SRAR employees, service providers, speakers, guests, event participants and others at SRAR Functions.

**Prohibition of Harassment:**

No Member may harass an SRAR employee, staff member, volunteer, officer, director, another Member, service provider, speaker or guest of SRAR at any SRAR Function including in the workplace.

**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 SRAR 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: (1) the Chief Executive Officer; (2) the President; or (3) the next highest officer, whichever of them 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.

### **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 in making a formal complaint of harassment. Unless for good cause shown otherwise, reports of harassment should be made 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 substantiate their allegations.

### **Time Frame for Reporting a Complaint:**

Reports of alleged harassment or inappropriate behavior shall be made no later than 180 days after the date of the alleged harassment or inappropriate behavior. The purpose of this time limitation is to encourage a prompt reporting of complaints so that a rapid response and appropriate action may be taken. This time limitation aids the complainant as it allows SRAR to address such issues in a prompt manner, it aids the investigatory team in its interviews of witnesses before memories fade and while other evidence may be more readily obtained, and it

also aids all Members as it will allow SRAR to promptly act to endeavor to maintain an environment free from harassment or inappropriate behavior for all.

### **Investigation and Discipline:**

Upon receipt of a report of alleged harassment or inappropriate behavior in violation of this Policy, SRAR will refer the matter to an independent investigatory team, which will promptly conduct an investigation. Such investigation shall include meeting with the party that is alleged to have violated this Policy, and if they refuse to so meet, then the investigation shall continue without such meeting or input from such alleged violator. In pursuing the investigation, SRAR shall take the wishes of the complainant under consideration, but shall cause the matter to be thoroughly investigated, keeping the complainant informed as to the general status of the investigation, while maintaining the confidentiality of the investigatory process. During the investigation, SRAR will involve only those deemed necessary to the investigation, and disclosures will only be made on an as-needed basis. The investigatory team shall be an independent third party qualified in human resource workplace type investigation matters and hired by SRAR to conduct such investigation.

The independent investigatory team shall prepare a report of its findings and provide that report to the CEO of SRAR, or the next highest officer of SRAR if there is any conflict of interest in reporting to the CEO, and if there is still a conflict, to a member of the Board of Directors.

The CEO of SRAR, and if there is a conflict, the next highest officer of SRAR, and if a conflict still exists, a member of the Board of Directors, shall consult with counsel for SRAR regarding the report of the independent investigatory team, and shall determine how and/or if to further proceed. SRAR shall proceed as follow:

1. If the investigatory report concludes that that there has been no harassment or inappropriate behavior by a Member under this Policy at an SRAR Function, or is unable to conclude there has been harassment or inappropriate behavior under this Policy by a Member at a SRAR Function, then SRAR shall take no further action, and shall advise the complainant that no further action will be taken based on the investigatory report. The complainant shall not have a right to obtain a copy of the investigatory report, which shall remain confidential.
2. If the investigatory report concludes that there has been harassment or inappropriate behavior at an SRAR Function by a Member in violation of this Policy, SRAR shall:
  - a. Refer the matter to a Disciplinary Committee, which shall 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 the one named in the complaint (hereinafter "Disciplinary Committee"). The decision of the Disciplinary Committee shall be by majority vote. The Disciplinary Committee shall be provided a copy of the investigatory report, which report shall remain confidential. The Disciplinary Committee shall proceed as follows:
    - i. If in the discretion of the Disciplinary Committee, based on their review of the investigatory report, they believe that a mediation may resolve the complaint, they shall contact the parties to determine if they will mutually agree to a mediation, and if they agree, SRAR shall hire a professional mediator qualified in human resource workplace type matters at SRAR's cost, and promptly schedule a mediation. If the complainant and the Member alleged to have violated this Policy either refuse to agree to a mediation, or if after mediation any party refuses to agree to a resolution of

- the complaint, or the parties agrees to a resolution but then fail to perform as agreed, then the matter will go back to the Disciplinary Committee for a determination of discipline, if any.
- ii. The Disciplinary Committee is not required to have the parties mediate. If the Disciplinary Committee determines mediation is not warranted, or the matter is returned to the Disciplinary Committee after a failed mediation or is returned to the Disciplinary Committee for the failure of any party to perform that which was agreed upon in mediation, based upon the investigative report, the Disciplinary Committee shall have the right to impose necessary and appropriate discipline against a Member for harassment or inappropriate behavior in violation of this Policy at an SRAR Function. Such actions may include, but are not limited to, prohibition from attendance at future SRAR meetings or events, removal from a committee, officer or director position, probation, suspension or expulsion from membership or such other action otherwise permitted to be taken by SRAR as to its Members. Except as otherwise set forth hereinafter at paragraph 2(iii), the determined discipline shall be implemented immediately to which there shall be no right to appeal.
  - iii. In the event that the Disciplinary Committee determines that a Member should be suspended or expelled from SRAR membership, said discipline shall be submitted to the Board of Directors for approval before being implemented. Further, if such discipline is approved by the Board of Directors, it is the policy of SRAR that said discipline to suspend or expel from SRAR membership shall not be implemented until there is a final court order or judgment in an action for declaratory relief or other action in favor of SRAR, at which time the discipline may be enforced. In any such action, the successful party shall be entitled to costs and reasonable attorney's fees.
  - iv. The Disciplinary Committee shall prepare a written summary of the resolution, including whether or not this Policy was violated, whether the alleged perpetrator was disciplined and the discipline imposed. The written summary will be shared with the complainant and alleged perpetrator(s), their Designated REALTOR<sup>®</sup> as deemed necessary and the Board of Directors.

For purposes of all matters related to this Section, 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 SRAR in consultation with counsel, should any potential conflict exclude any of the officers or directors outlined in succession above from the Disciplinary Committee, 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.

SRAR further reserves the right to consider any matter referred to it from the California Association of REALTORS<sup>®</sup> ("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 SRAR, in accordance with the procedures set forth above.

### **Application of the Policy**

SRAR has not had this Policy in place prior hereto as to all Members, and accordingly, it shall be applied prospectively only.

### **Employee Complaints**

Matters involving SRAR employees (as either the accused or the accuser) will be separately governed by the SRAR Employee Handbook and those laws governing employee/employer matters, and should be referred to the CEO of SRAR, or the next highest officer of SRAR if there is any conflict of interest in reporting to the CEO, and if there is still a conflict, to a member of the Board of Directors. In the event of a matter involving an employee (as either the accused or the accuser), the CEO of SRAR, or the next highest officer of SRAR if there is any conflict of interest in reporting to the CEO, shall have the authority to take such actions in their sole discretion to temporarily separate or remove any involved Member and/or employee from SRAR Functions. SRAR's first priority shall be to address all matters involving employees in accordance with the SRAR Employee Handbook and those laws governing employee/employer matters and then this Policy.

### **Retaliation**

Retaliation by directors, committee members, volunteers and association staff against any person for either reporting an incident or cooperating in an investigation is not consistent with this Policy, and may give rise to its own separate claim for a violation of this Policy.

**WARNING TO MEMBERS:** If there are serious complaints raised against a Member that may amount to criminal conduct, the Complainant is advised to contact the appropriate authorities including law enforcement and/or an attorney to determine their rights and appropriate remedies. SRAR has limited authority to discipline any party in violation of this Policy, and does not have the authority to enjoin such alleged harassment, demand money damages, or take other action that may only be available by law enforcement or through the Courts.