



## NAREB CONSTITUTION COMMITTEE

# MEMO

**TO:** Local Board Presidents, Members

**CC:** Lydia M. Pope, President, NAREB  
Derrick Luckett, Chair, NAREB Board of Directors

**FROM:** H. Bernie Jackson , Chair Constitution Committee

**REF:** AMENDMENT DRAFT, WORKING COPY  
(SEXUAL HARASSMENT)

**Date:** June 29, 2022

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The Board of Directors at the Mid-Winter meeting of 2020, directed the Constitution Committee to incorporate (Sexual Harrassement) as part of the Constitution of NAREB. The attached "best practice" draft copy was presented to the Board on May 26, 2022. The attached draft copy will be published on NAREB, web site by July 1, 2022. The final document will be reviewed by NAREB legal department for corrections and or recommendations. As per the Costitution notice is being forward.

### ARTICILE XIII

The Constitution may be amended by 2/3 vote of the certified members present at any meeting of the Association, provided the substance of the proposed amendment has been submitted in writing to the Member Boards and posted on the official NAREB Web Site to the general membership, at least thirty (30) days in advance of their adoption.

## **SEXUAL HARASSMENT POLICY OF THE NATIONAL ASSOCIATION OF REAL ESTATE BROKERS, INC.**

“NAREB” is committed to providing an association that is free from sexual harassment. Sexual harassment is against the law and will not be tolerated. When “NAREB” determines that an allegation of sexual harassment is credible, it will take prompt and appropriate corrective action. NAREB, will assure its officers, directors, employees, and membership is free from sexual harassment during all Board and Membership functions.

### **Sexual Harassment Is;**

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- The unwelcome conduct unreasonably interferes with an individual's performance or creates an intimidating, hostile, or abusive environment.
- Unwelcome actions such as the following are inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile environment:
- Sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or via e-mail.
- Verbal abuse of a sexual nature, touching or grabbing of a sexual nature, repeatedly standing too close to, or brushing up against a person. Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested.
- Giving gifts or leaving objects that are sexually suggestive, repeatedly making sexually suggestive gestures, making, or posting sexually demeaning or offensive pictures, cartoons, or other materials in the workplace. A victim of sexual harassment can be a man or a woman. The victim can be of the same sex. (The victim “and harasser may or may not” be of the same sex)
- NAREB's Responsibilities Under This Policy
- If NAREB receives an allegation of sexual harassment, it will take the necessary steps to ensure that the matter is promptly investigated and addressed. If the allegation is determined to be credible, it will take immediate and effective measures to end the unwelcome behavior.

NAREB Board of Directors is the main contact point for questions or concerns about sexual harassment. It has the responsibility for investigating and overseeing investigations of alleged sexual harassment. The association is committed to ensuring that all investigations of sexual harassment are conducted in a prompt, thorough, and impartial manner.

Supervisors and other responsible officials who observe, are informed of, or reasonably suspect incidents of possible sexual harassment must immediately report such incidents to the Board of Directors, which will either initiate or oversee a prompt investigation.

The Board will seek to protect the identities of the alleged victim and harasser, except as reasonably necessary (for example, to complete an investigation successfully). The Board will also take the necessary steps to protect from retaliation those employees who in good faith report incidents of potential sexual harassment. It is a violation of both federal law and this policy to retaliate against someone who has reported possible sexual harassment. Violators may be subject to discipline and or removal.

### **Employees' Rights and Responsibilities Under This Policy**

Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop. Employees are encouraged to report the unwelcome conduct as soon as possible to a responsible officer. In addition to reporting sexual harassment concerns to a responsible officer, employees who believe they have been subjected to sexual harassment may elect to pursue resolution in several ways, including:

- **Mediation:** Mediation is an informal way to resolve office problems using a trained mediator who facilitates communication between the parties to the dispute. If an employee chooses to attempt resolution through mediation, management is obligated by policy to send a representative to the table. If a resolution is not reached, the parties may continue to pursue their rights in any other appropriate forum.

#### [Resources](#)

[Managing #MeToo-Harvard Business Review.](#)

[The Office of Civil Rights-EEOC Study of Harassment.](#)