



**Northern Illinois Commercial Association of  
REALTORS®  
(NICAR)**

**Sexual Harassment Policy**

## **The Policy Statement**

NICAR is committed to providing a safe environment free from discrimination and harassment in the Association and its members including sexual harassment. NICAR will operate a zero-tolerance policy for any form of sexual harassment in the Association, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from the Association. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. There will be no negative consequence for anyone who makes a good-faith report of harassment.

## **Definition of sexual harassment**

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's involvement in the Association, as well as situations which create an environment that is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment. It may be physical, verbal or non-verbal. Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

### **Physical conduct**

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. touching, pinching
- The use of Association-related threats or rewards to solicit sexual favors

### **Verbal conduct**

- Comments on appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the person
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone, email, social media)

### **Non-verbal conduct**

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling

- Leering

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. NICAR recognizes that sexual harassment can occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed. All sexual harassment is prohibited whether it takes place within NICAR premises or outside, including at social events, business trips, training sessions, virtual meetings or conferences sponsored or organized by NICAR.

### **Complaints procedures**

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. NICAR recognizes that sexual harassment may occur in unequal relationships and that it may not be possible for the victim to inform the alleged harasser. If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated NICAR Leadership (NICAR President) responsible for receiving complaints of sexual harassment.

When a designated person receives a complaint of sexual harassment, he/she will:

- Immediately record the dates, times and facts of the incident(s)
- Ascertain the views of the victim as to what outcome he/she wants
- Ensure that the victim understands the Association's procedures for dealing with the complaint
- Discuss and agree on the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- Keep a confidential record of all discussions
- Respect the choice of the victim
- Ensure that the victim knows that they can lodge the complaint outside of the Association through the relevant country/legal framework

### **Informal complaints mechanism**

If the victim wishes to deal with the matter informally, the designated person will:

- Give an opportunity to the alleged harasser to respond to the complaint
- Ensure that the alleged harasser understands the complaints mechanism
- Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter
- Ensure that a confidential record is kept of what happens
- Follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped
- Ensure that the above is done speedily and within 3 days of the complaint being made

## **Formal complaints mechanism**

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter. The designated person who initially received the complaint will refer the matter to the owner of Association Management Systems, to instigate a formal investigation. The owner may deal with the matter him/herself, or refer the matter to an internal or external investigator.

The person carrying out the investigation will:

- Interview the victim and the alleged harasser separately
- Interview other relevant third parties separately
- Decide whether the incident(s) of sexual harassment took place or not
- Produce a report detailing the investigations, findings and any recommendations
- If the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- Follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome
- If it cannot be determined that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- Keep a record of all actions taken
- Ensure that all records concerning the matter are kept confidential
- Ensure that the process is done as quickly as possible and in any event within 5 days of the complaint being made

## **Retaliation**

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- shunning and avoiding an individual who reports harassment, discrimination or retaliation;
- express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; and
- denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process described below.

The Association strictly prohibits retaliation against any individual who brings a good faith complaint of discrimination or harassment. If a victim believes they are being retaliated against in violation of this policy, or if they believe they have witnessed retaliation in the Association, they should immediately contact the owner of Association Management Systems about this conduct.

**All discrimination, harassment and retaliation is unacceptable in the workplace and in any work or Association-related settings such as business trips and social functions, regardless of whether the conduct is engaged in by a supervisor, co-worker, client, customer, vendor, volunteer or other third party.**

### **Sanctions and disciplinary measures**

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- Verbal or written warning
- Adverse performance evaluation
- Membership Suspension
- Membership Dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

### **Implementation of this policy**

NICAR will ensure that this policy is widely available to its members through the Website. It is also placed on the NICAR Board website under 'Documents'. A NICAR leadership harassment training session (virtually or in person) will be scheduled yearly.

Every year, NICAR will require all Board members to attend (virtually or in person) a refresher training course on the content of this policy.

**Approved by the NICAR Board of Directors 12/7/2020**