

Session 3, Breaking Down The Code

Drilling down on defining what harassment, hate speech, epithets, and slurs mean based on Article 10's protected classes.

Today's Facilitator

- ✓ REALTOR® Bruce Aydt (MO)

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Standard of Practice 10-5

REALTORS® must not use harassing speech, hate speech, epithets, or slurs based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity.

Standard of Practice 10-5 – A Two Step Process

Step 1: Is the speech harassing speech, hate speech, epithets, or slurs?

Step 2: If so, is the speech based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity?

Application of Standard of Practice 10-5

Objective, not subjective

Clear, strong, and convincing evidence is the burden of proof the complainant must provide.

Context is scrutinized as with any allegation of a violation of the Code of Ethics.

Appropriate Interpretation of Standard of Practice 10-5 and Statement of Professional Standards Policy 29

Appendix XII to Part IV, Code of Ethics and Arbitration Manual

Additional guidance with further explanation provided regarding “harassment”, “hate speech”, “epithets” and “slurs”.

Explanation and Guidance for Standard of Practice 10-5 Examples of Harassment Include, but are not Limited to:

NAR's Code of Conduct and Anti- Harassment Policy

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.

Context Matters - There is No List of Words or Phrases that Would Result in an Automatic Violation of the Code

The following examples have not been determined by the National Association to be violations of Article 10.

The following examples are provided merely to generate discussion.

Negative Stereotyping and Written or Graphic Material Denigrating or Showing Hostility Toward an Individual or Group Based on a Article 10's Protected Classes.

Negative Stereotyping

Depicting on social media a picture of Kobe Bryant and his daughter with a statement, "First black man to leave and take his child with him."

Note: the above has not been determined by the National Association to be a violation of Article 10.

Explanation and Guidance for Standard of Practice 10-5

Merriam-Webster's definition of "hate speech"

Speech that is intended to insult, offend, or intimidate a person because of some trait (as race, religion, sexual orientation, national origin or disability).

Speech that Insults, Offends, or Intimidates Based on a Trait Relating to Article 10's Protected Classes

Hate Speech

Those (religious group) are the scum of the earth; we should take every opportunity and any means available to drive them out of our community.

Note: the above has not been determined by the National Association to be a violation of Article 10.

Explanation and Guidance for Standard of Practice 10-5

Merriam-Webster's definition of "epithet"

Epithet: 1a. a characterizing word or phrase accompanying or occurring in place of the name of a person or thing; **b.** a disparaging or abusive word or phrase.

A Characterizing Work or Phrase Accompanying or Occurring in Place of a Name of a Person or Thing; Disparaging or Abusive Word or Phrase

Epithet

That (epithet relating to national origin) is disgraceful; just look at those clothes - “Go back to where you came from!”

Note: the above has not been determined by the National Association to be a violation of Article 10.

Explanation and Guidance for Standard of Practice 10-5

Merriam-Webster's definition of "slur"

Slur: **1a.** insulting or disparaging remark or innuendo: ASPERSION, **b.** a shaming or degrading effect: STAIN, STIGMA.

An Insulting or Disparaging Remark or Innuendo: Aspersions; a Shaming or Degrading Effect: Stain, Stigma

Slur

That (reference to sexual orientation) is not welcome in our neighborhood; those people are perverted.

Note: the above has not been determined by the National Association to be a violation of Article 10.

More Guidance to Come Soon

- ✓ Interpretation and Procedures Advisory Board
- ✓ Professional Standards Committee

THANK YOU.



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