



AEI

YEAR-ROUND

VIRTUAL SESSIONS



Elevate Association Safety

September 14, 2023

Meet the Presenters

Benjamin Reeves, REALTOR

- Former Police Officer with the Albemarle County Police Department for almost 14 years, held the rank of First Sergeant.
- Served in numerous positions, including running and supervising the Training and Professional Development Unit, Hiring and Recruiting Division, Duty Commander, Gang Enforcement Unit Supervisor, Supervisor Uniform and Technology Committee.
- Currently a REALTOR® and CEO of my own Real Estate Team serving clients in both Pennsylvania and Virginia.

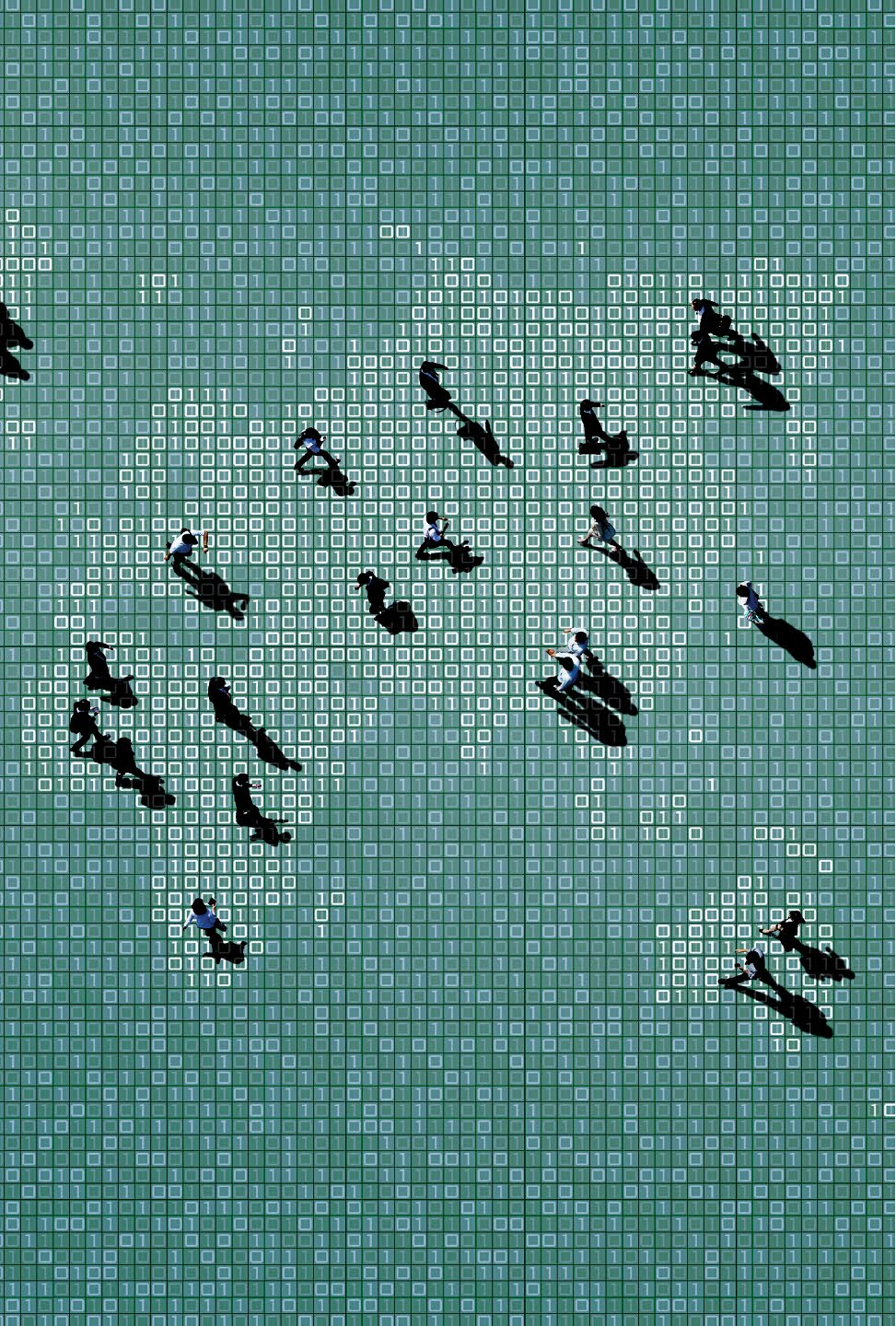


Meet the Presenters

**Abby Tammen, CEO, Charlottesville Area
Association of REALTORS®**

**Matt Troiani, Senior Counsel, Director of
Legal Affairs, National Association of
REALTORS®**

**Moderator:
Brendan Bailey, CEO, Denver Metro Area
Association of REALTORS®**



Agenda:

- ✓ The Conversation Starts
- ✓ Building Safety
- ✓ The Conversation Continues
- ✓ Active Threats
- ✓ Safety Implementation Ideas
- ✓ Vendors/Outside Costumers
- ✓ Safe Workplaces & Meeting Spaces
- ✓ Policies & Processes/Deterrence
- ✓ Investigation Best Practices
- ✓ Call To Action

Quick Data Check

US Department of Labor

The picture is far from perfect:

- **23% of employees** worldwide have experienced violence or harassment in the workplace.
- **37,060 workers in the US** experienced nonfatal injuries from workplace violence in 2022
- There were **481 workplace homicides in 2021**, up from **392 homicides in 2020**.
 - In 2021, there were **387 cases of intentional workplace shootings** resulting in the death of the victim.
- It is estimated that about **25%** of workplace violence cases go **unreported**.
- **Women** report around **30,000 sexual assaults** on the job.
- **60.4 million Americans** have been **bullied** while working.

Things Do Happen.

Real Incidents at CAAR

- Member and soon-to-be ex-husband using facility as a space to negotiate divorce terms
- Finding drug paraphernalia behind facility
- Lockdown during an active shooter event at a building located on our block
- Break-in at facility at 2am
- Theft of property at 4am, at CAAR front entrance
- Disgruntled members

Open House Safety = Building Safety

Equal Importance

- Associations provide constant reminders about open house protocols and safety issues.
- Many do not provide protocols and safety tips for association staff, yet we have offices open for any member or community member to walk-in, unannounced.

Facility Dynamics

Things to Consider

- Office has a large footprint
- Front desk staff is removed in proximity from a majority other staff
- Located in the walking path for members of the public requesting restroom or water fountain access
- Portion of building available for rent for meetings and events to REALTORS®, and the public

Building Improvements

More than Décor

- Focus on building is just as important as the selection of building trim, finishes, furniture, etc.



**“Hoping for the best, prepared
for the worst, and unsurprised
by anything in between”**

- Maya Angelou

Sources for Staff Safety Training

Get Help from Others

- Experience of your members
- Local Police Department
- University, College, or Community College Police Department
- Neighboring REALTOR association or other business partners
- Government Resources ([osha.gov](https://www.osha.gov))

Building Safety

Overview

- What is building safety?
- Who is responsibility for the security of the building?
- What to do during an emergency
- Needed safety improvements

Quick Data Check

- Nearly 32% of workers experienced more than one type of violence or harassment. 6.3% of employees said they had experienced all three types of workplace violence: psychological, physical and sexual. - Gallup Poll
- One in Seven people do not feel safe in their workplace- Legal Jobs
- As of January 2022, only 45% of people are aware of their company's safety plan/procedures - Zippia
- 7% of fatalities that occurred in the workplace have been a result of hitting, kicking, beating, pushing - Legal Jobs
- 23% of females, who have experienced sexual harassment, said things have gotten worse since the pandemic - Rights of Women
- 68% of workers globally do not feel safe at work. What gives? There is an overwhelming dissatisfaction with health and safety protections at the workplace. Of the 2 million victims of workplace violence, 400,000 are victims of aggravated assault and 51,000 are of sexual assault and rape. -Zippia

Building Safety

Opening & Closing the Office

- Safety checks before approaching, leaving the building
 - Put yourself in the safest position possible
 - Is anything out of place
 - Escape plan
- Access points during business hours
 - How many ways in and out are there?
 - Door locked/secured, limit general access
 - “Hall Monitor” during events
 - Security checks throughout the day

Building Safety

Individual Offices

- Shelter in Place
- Securing office doors for protection
- Escaping your office
- Evacuation of the entire building... now what

Building Safety

Security Updates

- Security Updates – Immediate Recommendation
 - Office doors
 - Breezeway doors
 - Glass break devices
 - Lighting
 - Bushes
- Security Updates – Considerations for Near Future
 - Security film on glass doors
 - Locks on classroom doors
 - Motion security LED lights
 - Security camera systems

The Conversation is Unending

Active Threats

Don't Be Scared, Be Prepared

- Prepare to Survive
- Policy and Procedures
- How to Communicate without Directly Communicating

Prepare to Survive

Run. Hide. Fight.



Policies and Procedures

Have A Plan

- Code phrase or word - do not use plain language
- Initiates calling police without alerting others
- Initiates building lockdown without alerting others

Communication & Protocol

The Non-Violent Threat

- 1-2 staff members keep control of subject(s)
- Signal staff to call 9-1-1
- Secure building

What are the code words/phrases?

Communication & Protocol

Active Threat - Violent

- Run
- Hide
 - Secure office, secure building
- Call 9-1-1
- Fight

Visitors & Vendors

Have A Plan

- Access to whole building should be restricted
- Identify exits for all
- Access points should remain limited, “Hall Monitor” during breaks



**Everyone's Safety is Important,
Your Safety First**

Cost Effective Safety

Inexpensive Ideas to Help

- Engage staff in the process
- Create evacuation route diagrams for all office spaces
- Remind guests in your meetings of emergency evacuation routes
- Meet guests at your front desk rather than having them walk around unaccompanied
- Always require at least two people in the building
- Lock your office doors and place a sign asking guests to call for a staff member to greet them
- Develop policies for how members can utilize space in your building

Cost Effective Safety

Inexpensive Ideas to Help

- Install panic buttons at employee desks or front entrances
- Ensure all office windows can open to provide an alternate escape route
- Purchase window breaking devices for all offices to provide alternate escape route
- Designate a meet up location for your team once evacuation has occurred - consider a location from building
- Know how to use office phone system as intercom to page all staff for help
- Code words

Cost Effective Safety

Inexpensive Ideas to Help

- Invite local police department to conduct annual walkthrough of the building and provide suggested improvement ideas
- Install motion sensor lightbulbs in common areas
- Have first aid kit available in all areas of your building
- Conduct monthly or quarterly walkthroughs of your building
- Make safety a topic at your staff and/or board meetings
- Create Building Safety Plan
- Create emergency Preparedness and Response Plan

Capital Improvements

Budget for Safety

- Remove shrubbery near building to prevent people from hiding
- Purchase AED machine; provide certification training on how to use
- Install camera system for outside perimeter and common areas inside the building
- Ensure all staff doors can be locked and used as place to hide:
 - Install door locks
 - Install emergency door stops
- Change glass doors to solid metal or wood doors
- Install 3M window film for large panes of glass to be bullet resistant



SAFE WORKPLACES & MEETING SPACES

Safe Workplaces & Meeting Spaces

- **Members and Staff** deserve to work and meet in a **safe environment, free from harassment, discrimination and other inappropriate conduct.**
- **NAR is committed to ensuring safe workplaces and meeting spaces for members and staff alike.**
- Safe workplaces and meeting spaces include the office, but also include off-site association events, travel and conferences.
- Laws, policies and best practices regarding proper human resources /employment practices are well developed.
- Laws, policies and best practices regarding how to handle complaints brought by members or staff against members is less developed.

Safe Workplaces & Meeting Spaces

- Employers may have legal liability for certain behaviors of staff within the scope of their employment.
- However, that does not mean that associations are automatically legally liable for certain actions of members, even officers or directors.
- “Frolic and Detour” – Common law principle that organizations (including associations) are not legally liable for the behavior of their officers, directors, volunteer leaders or members unless they were acting with the scope of their authority or duties to the association.
- However, just because the association may not always be *legally* responsible for such behavior, it does not mean that the association does not have an *ethical* responsibility to take reasonable steps to protect members and staff.
- No organization is perfect, but one instance of harassment is too many. This is a problem facing all our associations, so learn from NAR’s experience.

Policies & Processes

- Deterring harassment, discrimination and inappropriate behavior is the first priority.
- The best way to deter bad behavior is to create policies and communicate/train Members and Staff so they are aware of the policies.
- There should be separate policies and processes for complaints involving staff and members.
 - Complaints involving staff may implicate HR/employment law standards.
 - Complaints involving members may implicate governance requirements (Bylaws, Governing Policies).
- Separate sets of policies applicable to Members or Staff

Policies & Processes

- Employee Policies:
 - Equal Employment Opportunity Policy
 - Onsite Protocols for Association Events
 - Empowers staff to say “no” and report inappropriate conduct
 - Empowers staff to say “no” to joining volunteer leaders at bars, hotel room, any activities beyond expected association meetings/events
 - Clear process for reporting violations of Member Policies
 - Gifts and Favors Policy
 - Personal Relationship at Work Policy

Policies & Processes

- Member Policies:
 - Member Code of Conduct
 - Define harassment, discrimination and inappropriate conduct – interpret broadly, not just minimum recognized by law
 - Provide specific, but not exhaustive examples
 - Detail where/how violations reported
 - Describe investigative process – who conducts the investigation, confidentiality, due process
 - Describe what discipline may be imposed
 - Identify who determines discipline, if any

Policies & Processes

- Member Policies (cont.):
 - Personal Relationships at Association Policy
 - Gifts and Favors Policy
 - Leadership Pledge
 - Officers, Directors, Committee Members sign pledge as condition of leadership, election and/or appointment.

Policies & Processes

- Event Policies:
 - Statement of Appropriate Event Conduct Policy
 - Have members accept as part of registration.
 - Send a reminder prior to event.
 - Remind Staff of Onsite Protocols for Association Events prior to event.

Investigation Best Practices

- Remember who, what, where, when, why and how.
 - Who is being investigated? Staff or a Member?
 - The answer will determine who conducts the investigation.
 - Staff investigations are typically a HR matter.
 - Member investigations should involve an outside investigator/counsel.
 - What conduct is being investigated?
 - Member Code of Conduct, Bylaws, Governing Policies

Investigation Best Practices

- Remember who, what, where, when, why and how.
 - Where did the alleged conduct take place?
 - Is this a matter of concern for the association?
 - Association event (onsite, offsite or conference)
 - Association communications
 - When should the investigation begin?
 - As soon as possible. Do not wait!

Investigation Best Practices

- How is a complaint filed?
 - Recommend establishing an anonymous hotline for staff and/or members to report misconduct (possible NAR recommendations coming soon)
- How is an investigation conducted?
 - By a professional with experience in conducting harassment, discrimination and/or inappropriate conduct investigations.
 - Do not necessarily rely on in-house counsel or your usual outside counsel, unless they have relevant experience
 - Counsel/investigator represents the association, not the alleged victim/target, accused or witnesses.

Investigation Best Practices

- How is an investigation conducted?
 - All participants in the investigation should keep the matter confidential.
 - The accused will generally be interviewed unless there is a compelling reason not to (e.g., reasonable fear of retaliation or probable physical harm).
 - Counsel/investigator will prepare a report of their findings, including a recommendation for discipline if the investigator concludes that the misconduct more likely than not occurred.

Investigation Best Practices

- How is discipline imposed?
 - Your policies or code of conduct should state who ultimately determines whether a violation occurred and what discipline should be imposed.
 - This is a governance matter and should generally be determined by a group of volunteer leaders, not staff.
 - A large enough group to ensure diversity of viewpoints and separation of power, but not so large to compromise confidentiality.
 - Any discipline imposed should be proportionate to misconduct.
 - Examples of discipline: letter of warning, letter of reprimand, mandatory education, removal from committee, prohibition on attending association events and meetings, referral to board for removal (officers and directors), suspension, expulsion from membership.

NAR Resources

- [A Message from President Tracy Kasper \(Video\)](#)
- [Our Commitment to a Fostering a Respectful Workplace](#)
- [Member Code of Conduct](#)
- [Statement of Appropriate Event Conduct](#)
- [Good Sense Governance: Harassment](#)
- [Best Practices for Conducting Internal Harassment Investigations](#)
- [Window to the Law: Preventing and Addressing Sexual Harassment](#)

& MORE COMING SOON!

Call-to-Action

- Prioritize the safety of you and your staff
- Consider safety improvements inside and outside your building
- Set (and stick with) deadlines to research and implement ideas
 - Review policies and procedures within 30 days
 - Implement policies and procedures within 120 days
- This is not a once and done process
- A Quick Roadmap to Safety is available for you to get started

Call-to-Action

- Create a Member Code of Conduct
- Create Onsite Protocols for Staff Attending Association Events
- Communicate/train members & staff on the code and protocols
- Establish an anonymous hotline to receive complaints & reports
- Identify external, independent investigators to conduct investigations
- Identify a group of leaders to review investigation reports & impose discipline



Questions?

THANK YOU.



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