

Case #10-6: Use of Hate Speech and Slurs on the Basis of Race

In social media discussions, REALTOR® A made the following comments: “I think Black people bring out the worst in us”; “we always knew n----- were violent. They are not Christian”; and described Black protestors as “animals trying to reclaim their territory”. A consumer took screenshots of the comments, including REALTOR® A’s name, and filed an ethics complaint alleging a violation of Article 10, as interpreted by Standard of Practice 10-5, at the local Association of REALTORS®.

After comprehensive review, the Association’s Grievance Committee forwarded the complaint for a hearing. At the hearing, the panel reviewed the evidence presented by the complainant, including screenshots of the comments. REALTOR® A confirmed she had, in fact, posted the statements, but denied that making the statements interfered in her ability to provide equal professional services to anyone because of their race.

The Hearing Panel entered executive session and considered the intended application of Article 10, as interpreted by Standard of Practice 10-5, as noted in Appendix XII to Part Four of the Code of Ethics and Arbitration Manual. The Panel concluded that the comments REALTOR® A posted constituted the use of hate speech and slurs. In their decision, the Panel clarified that this public posting of hate speech and disparagement of individuals based on their race reflected discrimination. REALTOR® A’s defense was not accepted by the Hearing Panel, and she was found in violation of Article 10.

Case #10-7: Use of Harassing Speech on the Basis of Political Affiliation

REALTOR® A was a registered member of Political Party Y, and routinely engaged in political discussions on social media and in private conversations. REALTOR® A's conversations and social media posts often included insulting, intimidating, and hostile statements about members of Political Party Z, including aggressively insulting their intelligence, implying they were unpatriotic, and telling them that if they disagreed with him, they should leave the country.

REALTOR® B witnessed numerous instances where REALTOR® A harassed others on the basis of their membership in Political Party Z, and believed that REALTOR® A was using harassing speech. He filed an ethics complaint with the local Association of REALTORS®, alleging REALTOR® A violated Article 10 as interpreted by Standard of Practice 10-5.

The complaint was reviewed by the Association's Grievance Committee, who examined the allegations to determine whether, if taken as true, they would constitute a violation of the Code of Ethics. Ultimately the Grievance Committee dismissed the complaint, as the complainant's sole argument was that REALTOR® A had discriminated against individuals based on their political affiliation with Political Party Z. As political affiliation is not a protected class under Article 10, the allegations in the complaint, even if true, could not constitute a violation of the Code of Ethics.

Case #10-8: Use of Harassing Speech against Protestors

A group of protestors, supporting the equal treatment of women, gathered peacefully for a march in Washington, D.C. The group requested and was approved for the appropriate permits, and while local law enforcement was on site to provide assistance, no criminal activity was reported.

REALTOR® A, in response to the march, posted on social media, "These morons have nothing better to do than come all the way to Washington to gripe about a problem that doesn't even exist. This is why women shouldn't be allowed to leave the house. Get back in the kitchen where you belong." REALTOR® B saw REALTOR® A's comments, and filed a complaint with the local Association of REALTORS® alleging REALTOR® A's comments against the protestors constituted harassing speech against members of a protected class, and as such were a violation of Article 10 as illustrated by Standard of Practice 10-5. The Association's Grievance Committee forwarded the complaint for a hearing.

At the hearing, REALTOR® B argued that REALTOR® A's comments constituted objectively harassing speech against individuals on the basis of sex. In response, REALTOR® A argued that his comments were directed at protestors, which are not a protected class, and that, in fact, the group was comprised of both men and women.

In their decision, the panel noted that while REALTOR® A's comments were addressed to a group of both men and women, they included disparaging, discriminatory comments about women such that the complainant had demonstrated with clear, strong, and convincing proof that REALTOR® A had used harassing speech under Standard of Practice 10-5 and thus was in violation of Article 10.

Case #10-9: Use of Speech or Ideas included in Religious Doctrine

REALTOR® A was a preacher in his local church, and stated before a group of congregants, "Lesbians and Homosexuals are murderers according to the scriptures!" One of the congregants filed an ethics complaint against REALTOR® A, alleging this statement violated Article 10 as interpreted by Standard of Practice 10-5. The complainant argued in his complaint that REALTOR® A's statement constituted hate speech. The local Association's Grievance Committee reviewed the complaint, and forwarded it for a hearing.

At the hearing, the complainant argued that REALTOR® A's statement constituted hate speech because the remarks were objectively insulting and offensive, and because the speech was based on sexual orientation, a protected class under the Code of Ethics.

REALTOR® A testified that his statement was based on his interpretation of the Biblical scripture, and that his teachings were designed to help his congregants understand the true teachings of God. The Hearing Panel found REALTOR® A in violation of Article 10, noting that the complainant's testimony had provided clear, strong and convincing proof that REALTOR® A's statement was "intended to insult, offend or intimidate," and that it was "disparaging or abusive," as explained by Appendix XII to Part 4 of the *Code of Ethics and Arbitration Manual*. The complainant's testimony further provided clear, strong, and convincing proof that the alleged speech was based on one of the protected classes under Article 10, sexual orientation.