STANDARD OF PRACTICE 10-5 GUIDELINES

This is a guide for parties in disciplinary cases and professional standards volunteers who are applying Standard of Practice 10-5 of the Code of Ethics. Standard of Practice 10-5 was revised as of June 5, 2025 to state:

> REALTORS®, in their capacity as real estate professionals, in association with their real estate businesses, or in their real estate-related activities, shall not harass any person or persons based on race, color, religion, sex, disability, familial status, national origin, sexual orientation, or gender identity.
>
> As used in this Code of Ethics, harassment is unwelcome behavior directed at an individual or group based on one or more of the above protected characteristics where the purpose or effect of the behavior is to create a hostile, abusive, or intimidating environment which adversely affects their ability to access equal professional services or employment opportunities. (Adopted and effective November 13, 2020, Amended 1/23, Amended and effective June 5, 2025)

Please keep the following items in mind when evaluating a case involving Standard of Practice 10-5:

- Standard of Practice 10-5 only applies when REALTORS® are acting **in their capacity as real estate professionals, in association with their real estate businesses, or in their real estate-related activities.** Harassment that occurs outside of these parameters is not covered by the Code of Ethics.
    - Case Interpretation #10-6 holds that harassing statements made by a REALTOR® on a personal social media account can be considered as the REALTOR® "acting in their capacity as a real estate professional" if the REALTOR® "frequently posted comments using her personal account inviting users to contact her for real estate services, referencing her brokerage name and website link" and the REALTOR® "customarily cross-posted listings on the same social media account where the alleged harassing comments were made." This is true even if the harassing statements themselves were not real-estate related.
    - Case Interpretation #10-10 holds that a REALTOR® was *not* acting in their capacity as a real estate professional when they made statements during a religious study group and the REALTOR® ensured that their profession as a real estate agent was not apparent in any way while participating in the group.
- Standard of Practice 10-5 only applies when REALTORS® engage in harassment **based on the protected categories listed in Article 10**.
    - Case Interpretation #10-7 holds that harassing speech made on the basis of someone's political affiliation does not violate Article 10.
- Standard of Practice 10-5 defines harassment as "unwelcome behavior directed at an individual or group based on one or more of the above protected characteristics where the **purpose or effect of the behavior is to create a hostile, abusive, or intimidating environment** which adversely affects their ability to access equal professional services or employment opportunities."
    - Case Interpretation #10-11 holds that posting a listing photo that includes a Confederate flag can be considered harassment under the Standard of Practice 10-5 criteria.

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