

11-6-17

TO: Gary Clayton and Kristen Butcher, Illinois Realtors®

FROM: Kerry Kidwell

RE: October 20, 2017

On the above date, I agreed to teach and proctor a Core A and a Core B class in Jacksonville, IL for the Capital Area Realtors. They were small classes of 13 and 12 held in a large room in the basement of a bank. As I recall, the student in question, Amy Hageman, was a few minutes late in the morning. I let her in and cut a couple of the breaks short to be sure we got our 150 minutes in. She started complaining about a neck problem immediately and looked like she was in some severe pain based on her facial expressions. I think at one point I offered her some Tylenol which she declined. I told her that if she was in that much pain she should go to a doctor soon.

The morning class was a group project type of setting with 4 round tables with 3 students each. I think her table had 4. Things went well and we went to lunch, returning at 1 pm for the afternoon class.

In most of my classes, especially CE, I bring candy for the students including Tootsie Roll pops. I have been doing this for years and I go through a large amount of candy, as this is popular for the students. If I forget to bring it, some will even complain.

Sometime in the second or third hour of the afternoon class, Amy began eating a Tootsie Pop. In my 20+ years of providing candy, I have never seen someone do what she did. She stuck her tongue out of her mouth and started rubbing the pop on it. It was really gross. It is hard to describe in words, but if you saw someone doing it, you would find it hard to look away. I have even heard, anecdotally, that some other students saw this and thought she might be doing it on purpose. I can't say what was really happening with her, but it was terribly distracting to me as a speaker, similar to someone tapping their foot or clicking their pen repetitively.

I considered stopping the class and saying something at that point, but I was always taught never to embarrass a student in front of the class, but to say something to them in private. So I made a decision to just look at the other side of the room until she was done and say something to her later. I thought that if I said nothing it was similar to approving of the action.

At the end of the class, I waited at the check-out table about 10-15' from the student tables, collecting their tests, answer sheets and critiques. While waiting for her to finish, I was carefully deciding what to say to her so as not to embarrass her, but to make my point. I am generally the only instructor who teaches there, and I didn't want this to happen the next time I was there. Here is how the conversation went, to my recollection:

Me: Did anyone ever tell you that you have an interesting way of eating a Tootsie Pop? The word might have been “strange” or “weird” or “unique” - not 100% sure. It sure wasn’t “sexy” that I could have said if I meant something else by my comment.

Her: Yes, they have (it kind of shocked me that she said “yes”)

Me: Well, it can be a little distracting. Thanks.

She did give me a funny look which I really didn’t understand at the time and then left. The other students left and I packed up. I did glance through the critiques and saw nothing but positive comments. (She gave me all 5s) Surely if I had embarrassed her in the class, someone, including her, would have reported it on their form.

That’s the last of it until I received the email prior to my trip to Chicago.

Here are my thoughts about all of this:

1. I was first disappointed with the fact that I was being let go without knowing where or when or why, and not being given a chance to refute the “facts”. I thank you for the opportunity to do that now. I think everyone should get that chance.
2. In my almost 30 years of teaching, going to more “train the trainer” classes, REEA conventions, DREI summits, etc than probably 95% of all other IR instructors, I have done my best to create a classroom environment that is conducive to learning. I have also taken my lumps from students who want to criticize and critique every word. I have learned that you can’t please all of them all the time.

That said, are we at the point as an industry where the complainant is always right and the instructor is always guilty? I would have hoped that my association would stand up for me, especially against unsubstantiated claims like this one. Where does this end?

3. If this goes down as a case of “sexual harassment” that is life changing and career ending for me. I have done some investigation and it would appear that this case would have no merit in our court system if you look up the definition of sexual harassment. Plus there just isn’t any proof of wrongdoing. There was nothing obscene, dirty or in the least bit sexual about it on my end nor was it implied. I would have made the same comment to a man who exhibited the same behavior.

In reality, this situation just cheapens what is happening and has happened to women who actually have been actual victims.

I am also still figuring how this fits in with the definition I found online:

*“Sexual harassment is defined as unwanted gender-based comments or behaviors (Fitzgerald, 1996) with three subtypes. Gender harassment refers to behaviors that disparage an individual on the basis of her or his gender (e.g., comments that insult women’s intelligence; comments regarding behaviors a real man would do). Unwanted sexual attention refers to unwanted touching or attempts to establish a sexual relationship (e.g., repeated requests for dates). Finally, sexual coercion refers to attempts to coerce a sexual relationship in exchange for job-related threats or benefits (e.g., promising a promotion if the target engages in sexual activities).”*

In my mind, she might be violating Article 15 of the COE by saying things that are untrue about a fellow Realtor. Are we going to reward that kind of behavior?

4. I was in a Catch-22. What if another student had complained about her doing what she did and I did nothing to stop it and said nothing about it? Now I am guilty of taking no action. I did what I thought any good instructor would do in hopes of stopping future behavior. I have a beautiful wife at home and I have no interest in this woman. This was about disruptive behavior by a student in a classroom and nothing more.
5. You mentioned several times that her story had been “collaborated.” I have talked to several other students in the class that day (there were only 11 others) and none have said they talked to anyone from IR. I would respectfully ask that you talk to ALL of them before making a final decision. I talked to Darrell Moore today who was sitting right next to her at the table and he was shocked about all of this. (217-245-1618). Scott (217-473-8592) and Judy Eoff (217-370-7329) were sitting at the table adjoining hers and were closest to her. I don’t remember all the other names, but one was Colleen Settles (217-491-3388). I am sure you have the roster. You might also find that she is not the most beloved agent in town.
6. Someone said that I was talking to her at a break. I talk to ALL the students at breaks. That was a Friday afternoon, and everyone was laughing and joking around and having a good time. Small classes like that usually are a lot less formal. Anything I would have said to her at that point was not directly related to

the incident as I can recall. My plan when it happened was to talk to her in private later. Regardless, there was nothing said to her in front of the class.

7. I left the IR suite on Saturday, went back to my hotel room, packed and left town early. I returned home and immediately wrote a letter of apology claiming all responsibility for the misunderstanding and mailed it to her. My research said this is the best first step if you are falsely accused. I can provide a copy of it if you wish.

Gary and Kristen, before you pass judgment on me, I want you to look into your own hearts and ask yourself what you would have done in my situation. I had to say something to her and I chose my words the best I could to avoid something like this. I am sorry that she misunderstood. Again, I would have said the same thing to a man who did what she did.

Thank you for your consideration.