

Navigating the Fork in the Road—
NAR Training for Grievance Committees
Course Description and Learning Objectives—4 hours

COURSE DESCRIPTION

Ethical behavior is the number one trait consumers say they look for in choosing a real estate broker, and the REALTOR® Code of Ethics is the national standard by which real estate ethics are established and judged. REALTORS® have a clearly-defined process for enforcing ethical standards and arbitrating financial disputes amongst real estate licensees and consumers, but it requires advanced training for the licensees who volunteer to assist with that process.

Navigating the Fork in the Road— NAR Training for Grievance Committees is an in-depth review of the role, duties, procedures and reporting for those who participate as a member of the REALTOR® Grievance Committee.

The course focuses on the Grievance process outlined in the Code of Ethics and Arbitration Manuals (CEAM), including step-by-step training on the initial review of complaints from consumers and licensees. Utilizing case studies based on real-life transactions, students learn the fundamental differences between ethics complaints and arbitration requests, proper analysis and application of the Code, and the bases upon which arbitration is allowed or required. Students also learn how to properly use standardized reporting forms provided, as well as the requirements for confidentiality and protection of due process rights.

New Mexico real estate consumers benefit when ethical business standards are rigorously enforced and when they have access to a timely, low cost process to resolve financial disputes with REALTORS®. Consumers are better protected from unethical brokers or financial loss by training volunteers in an enforcement process which is designed to correct bad behavior and better educate licensees on their ethical and financial obligations to consumers. As a result, New Mexico consumers are likely to have transactions that are less difficult, include better and more thorough communication, and which meet the consumer's expectations and goals.

LEARNING OBJECTIVES—As a result of this class, students will be able to:

Introduction, Overview and Grievance Role (40 min)

- Describe the origin and structure of the Code and list the three groups to whom REALTORS® have ethical duties
- Identify the two core services provided in the Code of Ethics as Enforcement of Ethical Standards and Arbitration of Money Disputes.
- Name the three REALTOR® volunteer groups who participate in the Ethics and Arbitration process and outline their roles in Code enforcement
- Identify the specific duties of the Grievance Committee in ethics complaints and arbitration requests
- Describe the decision making standards by which ethics complaints or arbitration requests are forwarded to a hearing
- Summarize the steps required to ensure an impartial and confidentiality in the Grievance process to protect the due process rights of all participants

Grievance Process for an Ethics Complaint (60 minutes)

- Describe the process by which an ethics complaint is filed with the REALTOR Association, including the proper forms required for submission
- Explain the steps in determining if an ethics complaint is in a proper form
- Interpret the two standards for determining if the “180-day filing deadline” has been met
- Demonstrate the steps required to ensure an impartial review panel
- Describe the process for evaluating an ethics complaint
- Identify the options for Grievance Committee action in an Ethics Complaint

Grievance Process for an Arbitration Request (60 minutes)

- List the requirements to arbitrate enumerated in Article 17 of the Code of Ethics
- Identify the differences between Mandatory and Voluntary arbitration
- Describe the process by which request for Arbitration is filed with the REALTOR® Association, including the proper forms required for submission
- Explain the steps in determining if an arbitration request is in a proper form
- Interpret the two standards for determining if the “180-day filing deadline” has been met

- Illustrate the process for evaluating an arbitration request
- Identify the options for Grievance Committee action in a request for arbitration

Combined Ethics and Arbitration Cases (50 minutes)

- Explain why arbitration requests are processed prior to ethics complaints
- Illustrate the process for evaluating an arbitration request
- Demonstrate the process for evaluating an ethics complaint

Special Circumstances--Seeking Additional Information, Grievance Appeals and Grievance Committee as Complainant (30 Minutes)

- Illustrate how the Grievance Committee can promote the public interest by providing limited procedural assistance for consumers in ethics complaints
- Identify when it is permissible for the Grievance Committee to seek additional information from the Respondent prior to rendering its decisions
- Summarize the appeal process for ethics complaints or arbitration requests that the Grievance Committee dismisses
- Outline the circumstances in which the Grievance Committee can become the complainant in an ethics case, either as a substitute for a member of the public or at the instruction of the Board of Directors
- Define “due process” as it relates to enforcement of ethics and arbitration of disputes, and list five elements of due process