

4.8.1.1 GRIEVANCE COMMITTEE JOB DESCRIPTION

PURPOSE:

The Grievance Committee receives ethics complaints and arbitration requests to determine, if taken as true on their face, a hearing is to be warranted. The Grievance Committee makes only such preliminary evaluation as is necessary to make these decisions. While the Grievance Committee has meetings, it does not hold hearings, and it does not decide whether members have violated the Code of Ethics. The Grievance Committee does not mediate or arbitrate business disputes.

CHAIRMAN:

The Chair shall be appointed by the Association President with confirmation of the Board of Directors.

VICE CHAIRMAN:

The Vice Chair shall be elected by the Grievance Committee not later than its second meeting in the new committee year, the Grievance Committee shall elect a vice-chair. Procedure for election shall be nominations from the floor, secret ballot conducted with a majority vote required for election. Vice Chair shall have served on the Grievance Committee twelve (12) of the proceeding twenty-four (24) months.

MEMBERS:

There shall be not more than 18 members nor less than 12 members of the Grievance Committee who are active REALTOR® members of the Board. Appointments shall be made by the President subject to confirmation by the Board of Directors from those who apply and meet the criteria (Ref. Policy #4.8.1.3). Appointments shall be made annually in such numbers and in such manner as to create staggered terms of three years to ensure continuity of knowledge and experience by the committee.

No more than one member from any firm within the Association's jurisdiction may serve on the Committee. In the event a conflict arises because of a transfer, such conflict shall be resolved by the Association president.

Members of the Nevada Real Estate Commission shall be precluded from serving on the Grievance Committee.

DUTIES:

1. Be thoroughly familiar with current editions of:
 - (A) The Code of Ethics, NATIONAL ASSOCIATION OF REALTORS®
 - (B) Interpretations of the Code of Ethics, NATIONAL ASSOCIATION OF REALTORS®
 - (C) Bylaws of the Reno/Sparks Association of REALTORS®, Inc.
 - (D) Code of Ethics and Arbitration Manual, NATIONAL ASSOCIATION REALTORS®
 - (E) NNRMLS Rules and Regulations
 - (F) Nevada Revised Statutes 645 and 119
 - (G) Antitrust Compliance Manual
2. Failure to live up to the responsibilities of committee membership may lead to the expulsion by the committee chair with approval of the Board of Directors.

MEETINGS:

1. The Committee shall meet bi-monthly, or at the call of the chair.
2. Any committee member missing two (2) regular or special meetings without excuse acceptable to the Chair or Vice Chair shall be removed from the committee (Ref. 1.1.1.8) and the vacancy shall be filled by the President.

GENERAL PROCEDURES:

1. Upon receipt of an ethics complaint or request for arbitration, a letter of acknowledgement will be sent to the complainant. Additionally, the respondent will be notified in writing and provided with a copy of the complaint. No response will be solicited from the Respondent, unless deemed necessary by the Grievance Committee or the assigned investigators.
2. The Grievance Committee chair shall assign two committee members to conduct a preliminary investigation of the complaint.
3. Investigators will not make direct contact with either the complainant or respondent. If deemed necessary, they will instruct staff to contact the parties in writing to obtain documentation or clarify statements.
4. Investigation of processing of ethics complaints shall be in accordance with Part Four, Section 20 (a –q).
5. Grievance Committee members will be required to sign a Certificate of Qualification for each case under deliberation. If disqualified for any of the reasons stated on the Certificate of Qualification, the committee member must be excused from the meeting during deliberations.
6. In accordance with Part Four, Section 20 of the *Code of Ethics and Arbitration Manual*, should the Grievance Committee require the respondent to furnish a response before making its determination, the respondent shall have ten days to provide response.
7. The REALTOR® principal with whom a REALTOR® (non-principal) is affiliated shall not automatically be joined in an ethics complaint.

ADMINISTRATION:

1. The Chief Executive Officer will maintain a record tracking system to determine action completed and pending on all cases submitted to the Grievance Committee.
2. In the event pending action on a case before the Grievance Committee exceeds 30 days, the Executive officer will notify all parties of the status of said case.
3. All correspondence on cases before the Grievance Committee will be transmitted under the signature of the Chief Executive Officer.
4. Only the Chief Executive Officer or designated Association staff may divulge the status of any case pending before the Grievance Committee.
5. Upon action by the Grievance Committee to forward a complaint, the Chief Executive Officer will have appropriate copies of the complainant and response forwarded to the Professional Standards Chair and to Association counsel, when deemed necessary, prior to scheduling a hearing panel and date.
6. The Professional Standards Committee and the Grievance Committee shall conduct joint meetings as necessary.
7. The Chair of the Grievance Committee will serve as an ex-officio member of the Professional Standards Committee and vice versa.

Approved by Grievance Committee: 10/23/08
Approved by Policy Committee: 08/26/08
Approved by Board of Directors: 08/28/08