

4.11.1.5 MEDIATION DESPUTE RESOLUTION SERVICE POLICY

PURPOSE:

The Reno/Sparks Association of REALTORS® shall provide mediation under the following circumstances.

1. Disputes between REALTORS® involving real estate transactions and or commissions;
 - a) It shall not be necessary for a Request for Arbitration to be filed in order to initiate mediation.
 - b) In the event mediation is unsuccessful, the parties, may at their option, file a request for Arbitration.
2. Disputes between a REALTOR® and a client arising out of an agency relationship in a real estate transaction.
3. Disputes between a buyer and a seller, provided a REALTOR® was involved in the transaction.

CONDUCT OF MEDIATION:

Mediation shall be conducted in accordance with Appendix V, Part Ten of the Code of Ethics and Arbitration Manual and the Reno/Sparks Association of REALTORS® Dispute Resolution System Mediation and Rules and Procedures.

MEDIATORS:

With the exception of outside, certified professional mediators, mediators shall be appointed by the President in accordance with Appendix VI, Part Four "Selection of Board Mediation Officer" of the Code of Ethics and Arbitration Manual. Mediation officers shall be appointed for staggered three-year terms. There shall be at least three mediators appointed.

The President, at his option, may add certified professional mediators to the pool of REALTOR® mediators, provided the outside mediators agree to the guidelines established by the Association's Medation Policy.

Mediators will be appointed to cases on a rotating basis. Parties to a mediation procedure shall have the option to accept or reject the assigned Mediators.

CRITERIA FOR APPOINTMENT AS A MEDIATOR:

1. Mediators must have held REALTOR® membership for at least two years. Certified Professional Mediators shall be exempt from REALTOR® membership requirement.
2. Mediators may serve as members of the Professional Standards Committee and hearing panels for cases in which they do not have a conflict of interest.
3. Mediators may not serve on the Board of Directors.
4. Mediators must attend a mandatory training course and attend a refresher annually to maintain mediator status.
5. Newly appointed mediators must observe at least two mediations prior to assignment of a case as a mediator. In the case where a mediator can demonstrate previous mediation experience, he must observe only one mediation session prior to assignment of a case as a mediator. A certified professional mediator shall be exempt from observing a mediation session provided they can show evidence of having conducted more than two mediations in the past twelve months.

MEDIATION FEES:

1. The fee for mediation shall be \$75.00 from each of the parties. If either of the parties cancel participation in the mediation, \$50 will be refunded to each party.
2. In the event of mediation between REALTORS® is unsuccessful, and the parties chose to arbitrate the dispute, the mediation fees shall be applied toward the deposit required for arbitration.

COMPENSATION TO MEDIATORS:

Mediators shall be compensated \$50.00 per mediation.

Bylaws and Policy
Board of Directors

8/26/08
8/28/08