



BROKER TOOLKIT | WEEK 3 TALKING POINTS | SEP 14 - 18

Mediation the Bridge to Conflict Resolution

Week 3 Broker Talking Points:

We are now entering Week 3 of CCAR's 2nd Annual Professional Standards Awareness Month. We hope you are participating in the campaign and using our Broker Toolkit materials to help educate your team about the importance of the Code of Ethics and professional excellence in real estate.

Review/Discuss Jolt Article: Mediation the Bridge to Conflict Resolution

- This week's feature article in the Jolt focuses on the mediation process which is **THE mandatory first step** in arbitration proceedings and is required in all cases.
- **Arbitration** pertains specifically to **monetary or contractual disputes** whereas non-monetary ethics disputes are categorized as Disciplinary disputes and have their own unique procedures.
- The primary benefit of mediation is that it provides members with a **neutral forum** in which they can openly discuss their conflict in the presence of an independent facilitator--a Mediator—who can help the parties reach their own mutually-acceptable resolution rather than have one imposed upon them through the formal hearing process.
- If the parties are unable to reach a mutually acceptable resolution of the dispute through mediation, an arbitration hearing will be scheduled.
- **Mediators are Association-trained CCAR member volunteers** who have demonstrated expertise in resolving monetary complaints.



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- **Attorneys' fees can be reduced or avoided** altogether if mediation results in a settlement.

Review/Discuss Flyer: CCAR Professional Standards Processes & Procedures

This flyer outlines the step-by-step processes and procedures by which both monetary (Arbitration) and non-monetary (Disciplinary) member conflicts are resolved.

- **Arbitration** complaints pertain to monetary/contractual disputes while **Disciplinary** complaints pertain to non-monetary ethics disputes and alleged violations of CCAR Bylaws and MLS Rules & Regulations.
- Each type of complaint requires a **unique set of forms** addressing the individual processes and procedures involved in either monetary or non-monetary disputes. All complaints and professional standards processes and communications are strictly confidential.

Forms and corresponding information can be found at
www.ccartoday.com/professional-standards.

- **All complaints must be filed within 180 calendar days** after the alleged misconduct is known.
- **All parties involved** in Disciplinary and Arbitration processes are entitled to **due process rights**.
- **Before filing** any type of formal complaint members and consumers should consider the following steps:
 - Speak directly with the REALTOR® about the complaint
 - Speak with the REALTORS®' Principle Broker
 - Contact CCAR's Professional Standards Administrator at **(925) 295-9220** or prostandards@ccartoday.com.

Disciplinary – non-monetary ethical disputes pertain to alleged violations of the NAR Code of Ethics, CCAR MLS Rules & Regs and CCAR Bylaws.

- **Ethics Advocates** are Association-trained REALTOR® volunteers who provide free assistance to both Complainants and Respondents.
- **C.A.R. Ombudsman** are trained REALTOR® members who assist in the Disciplinary process by providing answers to **non-legal questions**. Ombudsman are **not attorneys**. They are also distinguished from Ethics Advocates in that they are available to contact the other party to assist in a quick resolution to a potential disciplinary complaint.



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- Once a formal ethics complaint has been processed, CCAR's **Grievance Committee** will review the details of the alleged violations to determine whether they warrant Professional Standards hearings.
- Following a **thorough hearing process** where each side is given the opportunity to present their individual cases to a Professional Standards Panel, the panel establishes a **ruling** determining the nature and scope of the disciplinary action, if warranted.

Arbitration disputes refer to monetary and/or contractual issues.

- **Mediation** is the mandatory first step for all Arbitration cases. As previously noted, the primary benefit of mediation is that it provides members with a **neutral forum** in which they can openly discuss their conflict in the presence of an independent facilitator--a Mediator—who can help the parties reach their own mutually-acceptable resolution rather than have one imposed upon them through the formal hearing process.
- In addition to accessing free mediation services, CCAR complainants and respondents may also contact the **C.A.R. Legal Hotline** to seek confidential legal advice about real estate issues. Visit: www.ccartoday.com/about/legal-hotline.
- Following a **thorough hearing process** where each side is given the opportunity to present their individual cases to the Professional Standards Panel, the panel will establish a **ruling**.

Week 3 Quiz Questions

- Review, discuss Week 3 Quiz questions.

Like/share/comment on CCAR Facebook

- Be sure to congratulate our weekly quiz winners and watch for videos and ethics information on the CCAR Facebook page....

Quiz Rules

Members providing accurate answers to each quiz will be entered to win weekly prize drawings for full refunds of annual eKey fees (a \$200 value); maximum one winner per week. Weekly prize winners will be announced every Tuesday from Sep 8 – 29, 2020. Members who complete all four quizzes (whether answers are accurate or not) will be entered to win the grand prize drawing of a full refund of annual CCAR MLS fees (a \$539 value); grand prize winner will be announced Tue, Sep 29, 2020. The 2020 Office Championship prize will be awarded to the firm/brokerage that records the highest level of participation in all four weekly quizzes; individual prizes for each team participant; total not to exceed \$1,000. Refunds will be awarded in the form of gift cards.



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