

Navigating the Fork in the Road III—
NAR Training for Professional Standards Reviews
Course Description and Learning Objectives – 2 hours

COURSE DESCRIPTION

Ethical behavior is the number one trait consumers say they look for in choosing a real estate agent, 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 III— NAR Training for Professional Standards Reviews is an in-depth review of the role, duties, procedures and reporting for those who participate in Code Enforcement and Dispute Resolution as members of the REALTOR® Board of Directors.

The course focuses on the Review and Appeal processes outlined in the Code of Ethics and Arbitration Manuals (CEAM), including step-by-step training on the board of directors' procedures for confirming ethics decisions and arbitration awards, imposing corrective sanctions and processing appeals. Utilizing case studies based on real-life hearings, students learn the principles behind confirmation of hearing results, progressive sanctions to improve behavior, and the different processes used for appeals of ethics decisions and arbitration awards. Finally, students learn how adopting effective policies and providing quality volunteer training helps ensure the proper use of standardized reporting forms, as well as the protection of confidentiality and 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 agents 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:

Section 1: Overview of Ethics Enforcement and Arbitration, Including Participants and Duties

- Summarize the changes to the Code of Ethics and Arbitration Manual for the National Association of REALTORS® passed in the previous year.
- Describe the origins and structure of the Code of Ethics and identify the types of dispute resolution it provides for REALTORS® and consumers

- List the roles and duties of the three volunteer groups involved in Code enforcement
- Explain the role of the Board of Directors as the fiduciary for the Association, and the Board's duty to Ensure the Confidentiality, Impartiality and Correctness of the Enforcement Process
- Identify the most appropriate Professional Standards Policies to adopt for the local marketplace and their benefits to REALTORS® and consumers

Section 2: Role of the Board in Reviewing Decisions and Hearing Appeals

- Describe the specific authority of and limitations on the Board of Directors to review hearing decisions, impose sanctions, and hear appeals
- Outline the rationale for reviewing ethics decisions and arbitration awards when the outcome was not appealed, and identify the options available to Directors during review
- Analyze an ethics decision and arbitration award to determine if due process was met
- Illustrate how “progressive discipline” assists in improving ethical conduct
- Explain the bases for appeal of a grievance determination, an ethics decision and an arbitration award, and the describe the process for conducting appeals of each type of hearing decision
- Identify the importance of REALTOR® “peer regulation” and list the five elements of procedural Due Process

Course Title: Navigating the Fork in the Road III—NAR Training for Professional Standards Reviews

Course Description: An in-depth review of the role, duties, procedures and reporting for those who participate in enforcement of the National Association of REALTORS® Code of Ethics and Dispute Resolution as members of the REALTOR® Association Board of Directors.

Learning Objectives (See attachment on Bloom’s Taxonomy and Learning Levels)

Learning Level	Learning Objective—Students will be able to
Understand	Summarize the key changes in the Code of Ethics and Arbitration process adopted by the NAR Board of Directors in the previous year
Knowledge	Describe the history and structure of the Code of Ethics, identify the types of dispute resolution it provides, and list the roles and duties of the the three volunteer groups involved in Code enforcement
Understand	Explain the role of the Board of Directors as the fiduciary for the Association, and describe the Board’s duty to ensure the Confidentiality, Impartiality and Correctness of the Enforcement Process
Evaluate	Identify the most appropriate Professional Standards policies to adopt for the local marketplace and their benefits to REALTORS® and consumers
Knowledge	Describe the specific role of the Board of Directors in relation to reviewing hearing results, imposing sanctions, and hearing appeals
Understand	Describe the rationale for reviewing ethics decisions and arbitration awards when the outcome has not been appealed
Knowledge	List the options available to the Directors as part of their review of ethics decisions and arbitration requests
Apply	Illustrate how “progressive discipline” assists in improving ethical conduct and describe appropriate sanctions for a specific violation
Analyze	Analyze an ethics decision and an arbitration award to determine whether due process was met
Knowledge	Identify the process used by the Directors in hearing a Grievance appeal
Understanding	Explain the three bases for appeal of an ethics decision, the single basis of appeal of an arbitration award, and the describe the process for conducting ethics and arbitration appeals
Knowledge	Identify the importance of REALTOR® “peer regulation” and list the five elements of Due Process

The following will be the means used in assessing whether the Learning Objectives have been met (Pre and post-test, Q&A etc.)

Verbal Question and Answer, case study evaluation and group reporting, individual repetition of key discussion points

Timed Outline: Describe in detail the components of the course by breaking it down into subject matter areas of no greater than 15 minutes. What will be the method of instruction or teaching technique used for each area (lecture, slides, group activities, videotape etc.)

Length in Time	Teaching Technique	Subject Matter Segment and Description
5 Minutes	PowerPoint and Discussion	Introductions, course overview—the Fork in the Road theme
15 Minutes	Handouts and Discussion	Recent Changes to the Code of Ethics Enforcement Process adopted by NAR in the previous year
10 Minutes	PowerPoint and lecture	The origin and structure of the Code and Core Services provided
10 Minutes	Lecture and Discussion	REALTOR® volunteer groups who participate in the Ethics and Arbitration process and their duties in Code enforcement
5 Minutes	PowerPoint and Discussion	Specific obligations of the Board of Directors to ensure Confidentiality, Impartiality and Correctness of the enforcement process
10 Minutes	Handouts and Discussion	Adopting proper Professional Standards policies—Review of the requirements and analysis of benefits to members and the public
10 Minutes	Break	Break
5 Minutes	Lecture and Discussion	Authority and Limitations of the Board in reviewing Ethics Decisions and Arbitration Awards
5 Minutes	Discussion of Handout	Rationale for reviewing decisions when no appeal has been filed
10 Minutes	Case Study and Role Play	Process for review of an uncontested Ethics Decision and analysis of the findings of fact, conclusions and proposed sanctions for compliance with due process requirements
5 Minutes	Discussion of Handout	Progressive Sanctioning to correct behavior in the Ethics Decision Process—Review of sanctions and understanding progressive discipline
10 Minutes	Case Study	Process for review of an uncontested Arbitration Award and analysis of the award to identify concerns about procedural due process
5 Minutes	Power Point and Discussion	Board of Directors as Grievance Appeal Panel—Process and Decisions
15 Minutes	Lecture/Group Discussion	Board of Directors as Appeal Panel for Ethics Decisions—the bases and process of the appeal hearing and Keeping the Appeal Hearing on Track
5 Minutes	Lecture	Board of Directors as Appeal Panel for Arbitration Award—the basis and process of the Procedural Review
5 Minutes	Discussion	The five elements of due process and Class Summary
END OF CLASS		