

**OUTLINE OF PROCEDURE FOR HEARING
ARBITRATION
SOUTHLAND REGIONAL ASSOCIATION OF REALTORS®**

In accordance with the rules and procedures used by the Association for arbitration, a Presiding Officer has been selected for the hearing. The Presiding Officer is responsible for conducting the hearing and maintaining its proper decorum. The Presiding Officer can prescribe any procedures for the hearing that are not inconsistent with the Association's rules and procedures for arbitration.

Although testimony provided in person before a Hearing Panel is preferred, parties and witnesses to arbitration hearings may be permitted to participate in hearings by teleconference or videoconference at the discretion of the Hearing Panel Chair.

If the parties have objections or suggestions regarding the procedure to be used for the hearing, they should be made at the commencement of the hearing and the Presiding Officer will rule thereon. Otherwise, the general hearing procedures will be as follows:

1. The hearing is to arbitrate a dispute arising out of the real estate business. The Panel is not a court of law and is not governed by the technical rules of evidence that may apply in court. The Panel shall seek to determine all ascertainable and relevant facts pertaining to the matter under consideration to arrive at a peer judgment and decision that is fair to all parties. The Panel determines its own rules of evidence and its own procedures to be followed to achieve the objectives of equity and due process.
2. All parties or their representatives to these proceedings will be allowed a full opportunity to be heard on matters relevant to the issues. Parties should only argue the charges addressed in the complaint and should not introduce irrelevant subjects. The Panel may rule at any time during the hearing on the relevance of testimony being given, or questions being directed to any party or his or her representative, or to witnesses providing testimony. All parties and witnesses will be asked to affirm that the testimony given is the truth to the best of their knowledge.
3. A party may be represented by legal counsel. However, no party may refuse to respond directly to requests for information or questions addressed to him or her by the Panel members except on grounds of self-incrimination or other grounds which the Panel deems appropriate. The Panel need not accept the statements of counsel as being the statements of his or her client if the Panel desires direct testimony. Counsel is present to advise and consult with his or her client, and to speak for him or her subject to appropriate rulings or determinations by the Panel. The Panel will not tolerate any effort by a party or his or her counsel to harass, intimidate, coerce, or confuse the Panelists or any party to the proceedings.
4. The Panel may rule at any time on the admissibility of evidence. The Presiding Officer or their designee, will act as keeper of the evidence introduced at the hearing and mark each with an exhibit identification number and date. All exhibits included in the hearing record may be used in part or full by the hearing Panel in their deliberations. The Panel members are individually authorized to ask questions as they deem pertinent and significant at any time during this hearing. The Presiding Officer and/or the entire Panel will rule on questions or testimony by the parties and their representatives, or by witnesses.
5. Each party will be given the opportunity of making an opening statement. If the respondent wishes to wait until conclusion of the complainant's evidence, that will be permitted.
6. Prior to the giving of testimony, all parties and witnesses will be sworn by the Presiding Officer.
7. All parties may present any documents, evidence, or give such testimony they feel is relevant and applicable to the matter being heard. Any objections regarding relevance or appropriateness will be determined by the Presiding Officer and/or hearing Panel. Parties are encouraged to provide any and all

documents and evidence they intend to introduce during the hearing to the other party(ies) and to the Association prior to the day of the hearing. Providing documents and evidence in advance can expedite the hearing process and prevent costly, unnecessary continuances.

8. No testimony will be allowed relating to the character or general reputation of anyone, unless such testimony has a direct bearing on the matter being heard.
9. At the conclusion of a party's witness testifying, the other parties will be given an opportunity to cross-examine the witness.
10. Witnesses, except for those with a vested financial interest in the outcome of the matter, may only be present during the hearing while testifying and will be excused from the hearing room after giving testimony.
11. Members of the hearing Panel may question the parties and their witnesses at any time during the hearing. To preserve order, the Presiding Officer will rule on questions or testimony by the parties and their representatives, or by witnesses in the hearing.
12. Upon completion of the presentation of evidence and testimony, each party will be given an opportunity to make a closing statement. Usually, the complainant will be first followed by the respondent.
13. The parties are encouraged to settle the dispute at any time. At any time during the hearing, parties can ask for a recess in an attempt to reach a settlement agreement. The parties, with the assistance of their respective counsel, can determine the terms of their settlement agreement. The arbitration will continue to be processed until formally withdrawn by the complainant.
14. The hearing will be recorded by the Association unless the parties have requested and paid for a court reporter. If after receiving our decision a party determines it would like to file a review, the party may purchase a copy of the recording upon written request. Please contact Association staff for the form. No other use of the recording is permitted. If, for any reason, the recording fails or is inaudible, it will not be considered a violation of a party's due process rights. **Parties may not record the hearing.**
15. The hearing and decision is confidential. All parties to the hearing have an obligation to maintain and protect this confidentiality. Our decision will be available only to the panel members, parties, legal counsel, and staff as disseminated to the parties within the required time period after this hearing is adjourned.

The foregoing is not intended to prevent other procedures being used for the hearing that are otherwise consistent with the Association's rules and procedures for arbitration and acceptable to the hearing Panel. The primary goal of the hearing Panel is to hear all relevant facts and circumstances regarding the matter in order to make a decision that is fair to all parties.