

OUTLINE OF PROCEDURE FOR HEARING FOR DISCIPLINARY ACTION SOUTHLAND REGIONAL ASSOCIATION OF REALTORS®

In accordance with the rules and procedures used by the Association for disciplinary hearings, 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 require any procedures for the hearing that are not inconsistent with the Association's rules and procedures for disciplinary matters.

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

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 proceeding is not a court of law and is not governed by the technical rules of evidence that may apply in court. The Hearing 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 Hearing Panel has discretion to determine 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 Hearing Panel may rule at any time during this 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 Hearing Panel members except on grounds of self-incrimination or other grounds which the Hearing Panel deems appropriate. In this connection the Hearing Panel need not accept the statements of counsel as being the statements of his or her client if the Hearing 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 Hearing Panel. The Hearing Panel will not tolerate any effort by a party or his or her counsel to harass, intimidate, coerce, or confuse the Hearing Panel members, witnesses, or any party to the proceedings.
4. The Hearing Panel will rule at any time on the admissibility of evidence. The Presiding Officer or 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.
5. The Hearing Panel members are individually authorized to ask questions as they deem pertinent and significant 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.

6. 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.
7. Prior to the giving of testimony, the Presiding Officer will ask all parties and witnesses to affirm that their testimony given is the truth to the best of their knowledge.
8. 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.
9. 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.
10. At the conclusion of a party's witness testifying, the other parties will be given an opportunity to cross-examine the witness.
11. 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.
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 hearing will be recorded by the Association unless the parties have requested and paid for a court reporter. If after receiving the Hearing Panel's decision a party determines it would like to file a review, the party may purchase a copy of the recording upon written request. 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.**
14. The hearing and decision is confidential. All parties to the hearing have an obligation to maintain and protect this confidentiality. The Hearing Panel's 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.
15. At any time during the hearing, the complaint may be amended either by the complainant or upon motion of the Hearing Panel. The Hearing Panel may disallow the requested amendment and proceed to hear the original complaint. If the amended complaint is allowed, the amended complaint shall be filed in writing, signed by the complainant or by the Presiding Officer, a copy given to the respondent, and a continuance granted if requested by a party.

The foregoing is not intended to prevent other procedures from being used for the hearing that are otherwise consistent with the Association's rules and procedures 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.