

## **What is the Grievance Committee?**

### **Function**

The function of the Grievance Committee can be understood as similar to that of the grand jury. A grand jury evaluates potentially criminal conduct to determine whether the evidence and testimony presented warrants indictment and trial.

In a similar manner, the Grievance Committee receives ethics complaints and arbitration requests to determine if, taken true on their face, a hearing is to be warranted. The Grievance Committee makes only such preliminary evaluations as is necessary to make those decisions. While the Grievance Committee has meetings, it does not hold hearings, and it does not decide whether members have violated the Code of Ethics. The Grievance Committee does not mediate or arbitrate business disputes.

### **Commitment**

As a member of the Grievance Committee, you will be expected to attend monthly meetings to discuss cases that have been filed each month. The cases will be mailed to you at least one week in advance to the meeting date to allow time to prepare. Grievance Committee members are also required to attend at least three training sessions per year.

Committee members can expect to spend approximately 2+ hours per month for review of the cases they receive and another 2 hours for the meeting each month. Training will require at least 12 hours per year.

### **Objective**

Each Association is responsible for enforcing the Code of Ethics pursuant to the Bylaws of the National Association. This duty must be discharged conscientiously and responsibly. Conscientious enforcement is essential if REALTORS<sup>®</sup> and REALTOR-ASSOCIATES<sup>®</sup> are to be recognized as professionals subscribing to standards of business and ethical conduct higher than those required by law. This duty must be discharged responsibly because of the importance to REALTORS<sup>®</sup> and REALTOR-ASSOCIATE<sup>®</sup>S of their reputation and the esteem of their peers.

Membership in a Board of REALTORS<sup>®</sup> has been recognized by the courts as a valuable property right. Therefore, any action by a Board limiting or denying the rights and privileges of a member must be justified, not only substantively but also procedurally. It is for this reason that failure to accord due process to a REALTOR<sup>®</sup> accused of a violation of the Code of Ethics can result in the reversal of the Board's decision by the civil courts and can expose the Board and its officers and members to liability for monetary damages and other penalties. Due process is not a difficult concept, but it is an essential one. Due process means nothing more or less than the right to a full and fair hearing before an impartial tribunal with a full and fair knowledge of the charges made and with adequate opportunity to prepare a defense.

The Grievance Committee ensures that the charge is appropriate to the "crime" so that if a full hearing is to take place, it is done appropriately.