

What is the Professional Standards Committee?

Function

The Professional Standards Committee is broken down into Hearing Panels that are assigned to a particular ethics complaint or arbitration request that has been forwarded on from the Grievance Committee for a hearing. The function of the Hearing Panel is to conduct a full due process hearing with sworn testimony, witnesses and evidence. If the function of the Grievance Committee is similar to that of a grand jury, the Professional Standards Committee is understood as similar to a court.

After conducting the hearing, the Hearing Panel decides whether there was a violation of the Code of Ethics, or alternatively, which REALTOR[®] is entitled to the disputed commission. In an ethics hearing, the Hearing Panel then determines the discipline to be imposed on the violator.

Commitment

As a member of the Professional Standards Committee you will be expected to attend the hearing to which you are assigned, prepared, on time, and in full. You will be asked if you are available prior to your appointment on any case. The case will be mailed to you at least two weeks in advance to allow time to prepare. Professional Standards Committee members are also required to attend at least three training sessions per year.

Committee members can expect to spend approximately 2+ hours per case for review and another 2+ hours per hearing. Hearings are scheduled in 2 hour increments, but depending on testimony and questions, a hearing could go longer than 2 hours. 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[®] and REALTOR-ASSOCIATES[®] 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[®] and REALTOR-ASSOCIATE[®]S of their reputation and the esteem of their peers.

Membership in a Board of REALTORS[®] 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[®] 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.