



SUNFLOWER ASSOCIATION OF REALTORS® OMBUDSMAN PROGRAM

Introduction

Complaints and concerns received by the Sunflower Association of REALTORS® (SAR) come in many different forms. Some complaints received by SAR do not allege violation of specific provisions of the Code of Ethics nor relate specifically to conduct governed by the Code of Ethics. Some concerns or questions relate to transactional, technical or procedural matters. Often complaints, whether they specifically reference or relate to the Code of Ethics, or not, may be resolved with enhanced communication and a problem solving approach. These ombudsman procedures are designed to provide such an approach in appropriate circumstances.

Information about the program and a Request for Ombudsman Service form will be available on the SAR website with a direct link to staff email. If the complaint meets the program guidelines, staff will email the Ombudsman Request Form (if received) and the Ombudsman Worksheet/Log to the Ombudsman selected.

CEO will accept complaints. Upon receipt of a request, staff will inquire what has been done so far to resolve the situation, and obtain basic information about the issue surrounding the complaint.

The Ombudsman's Role

The ombudsmen do not determine whether a violation of the Code of Ethics has occurred. The ombudsman's role is that of a communicator with the parties to the disagreement or dispute. The ombudsman works to identify the nature of the dispute, disagreement or misunderstanding and determine if by discussions with the parties the disagreement, dispute or misunderstanding can be resolved

Qualification to serve as an Ombudsman

Any REALTOR® member of SAR, wishing to serve as an ombudsman, shall submit a request to the CEO. Minimum requirements to serve as an ombudsman are completion of the mediation training, experience in the Professional Standards process, or service at the local board of directors level. The Board of Directors of SAR may modify these requirements from time to time. The CEO

will submit any such requests to serve as an ombudsman to the Board of Directors which may, in its sole discretion, approve or not approve the request. Upon approval of a request to serve as an ombudsman such approval shall continue until such time as either the ombudsman chooses to cease serving in that role or the Board of Directors withdraws the approval.

Utilization of the Ombudsman

When a written ethics complaint in the appropriate form is received the CEO may determine, in those cases where it appears appropriate, to refer the matter, initially to an ombudsman. It is not necessary that there be an ethics complaint nor an allegation of conduct that may violate the Code of Ethics to refer a matter to an ombudsman.

Many disputes, disagreements, misunderstandings or concerns which come to the SAR office and the attention of the CEO may be referred to an ombudsman. If the complaint alleges a violation of the public trust (as defined in Article IV, Section 2 of the Bylaws of the National Association of REALTORS®) the matter may not be referred to an ombudsman but upon the appropriate documentation being filed should be directed to the Grievance Committee. The ombudsman should determine how best to proceed in communicating with the parties to the dispute. This will typically be by telephone but the ombudsman may use his or her judgment if a meeting in person with the parties, either together or separately, would be the best approach. An ombudsman, nevertheless, should exercise caution in meeting with an individual who appears to be irrational or displays a high level of animosity and should avoid bringing together individuals one or both of whom exhibit levels of emotion that could escalate the situation if brought together. If, upon communicating with the parties the ombudsman determines that the matter involves a potential violation of the public trust the ombudsman should terminate the process and immediately notify the CEO and notify the parties to contact the CEO. The CEO can then advise the parties of the process for pursuing a formal ethics complaint.

Right to Decline Ombudsman Services

Persons filing complaints, or inquiring about the process for filing ethics complaints, will be advised by the CEO in applicable situations that ombudsman services are available to attempt to informally resolve their complaint or concern. Such persons will also be advised that they may decline ombudsman services and they can have their complaint, if properly filed, referred to the Grievance Committee.

Resolution of Complaints

If a matter complained of is resolved to the mutual satisfaction of all parties through the efforts of an ombudsman, the initial formal ethics complaint, if any, will be dismissed.

Failure to Comply with Agreed Upon Resolution

Failure or refusal of a member to comply with the terms of a mutually agreed on written resolution shall entitle the complaining party to resubmit the original complaint or, where a formal complaint in the appropriate form was not filed, to file an ethics complaint, if appropriate under the circumstances.

Referrals to the Grievance Committee or to the Kansas Real Estate Commission

Ombudsmen cannot refer concerns they have regarding the conduct of any party utilizing their services to the Grievance Committee, to the Kansas Real Estate Commission, or to any other regulatory body. This prohibition is intended to ensure impartiality and avoid the possible appearance of bias. Ombudsmen are, however, authorized to refer concerns that the public trust may have been violated to the Grievance Committee.