

## Professional Standards Local Options

ADOPTED BY THE BOARD OF DIRECTORS  
OF THE SOUTH SHORE REALTORS®  
OCTOBER 18, 2017

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Areas of *the Code of Ethics and Arbitration Manual* Requiring Board/Association Action: The following provisions of this Manual are referenced to assist Boards and Associations in adapting the Manual to conform to local policy and comply with state law.

Fill in the name of the Board or Association in:

- Section 1(b) and 26(b), *Definitions*
- Section 13(b), *Power to Take Disciplinary Action*
- Section 46, *Duty to Arbitrate Before the State Association*
- Section 56, *Enforcement*

Fill in the name of the Board or Association and decide if the Hearing Panel chair or the Professional Standards Committee chair will rule on postponement requests in:

### *Part Five and Part Twelve*

*Conduct of an Ethics Hearing* with related procedures and outlines *Conduct of an Arbitration Hearing* with related procedures and outlines

### *Part Six and Part Thirteen*

*Specimen Forms*

### *Part Fourteen*

*State Association Professional Standards Committee, Ethics and Arbitration Proceedings*  
*Duty to Arbitrate Before State Association*

**ADOPTED: The Hearing Panel Chair will rule on postponement requests.**

### *Statements of Professional Standards Policy*

#3. *Circumstances under which arbitration is contingent upon the REALTOR®'s voluntary participation.* Establish whether voluntary arbitration will or will not be provided as a service. Also, see Section 44, *Duty and Privilege to Arbitrate*, specifying whether voluntary arbitration will be provided in (4), (5), and (6).

### **Voluntary types of arbitration:**

(4) Realtors® who are or were affiliated with the same firm shall have the same right to invoke the arbitration facilities of the Board, provided each party voluntarily agrees to the arbitration in writing and the Board finds the matter properly subject to arbitration in accordance with the provisions of **Part Ten**, Section 45 of this Manual. This privilege as stated applies to disputes arising when the parties are or were affiliated with the same firm, irrespective of the time request is made for such arbitration. *(Amended 11/95)*

**ADOPTED: That the Association offer voluntary arbitration as a service.**

(5) A Realtor® principal may invoke the arbitration facilities of his Board with a nonmember broker, provided each party agrees in writing to the arbitration and provided the Board finds the matter properly subject to arbitration in accordance with the provisions of **Part Ten**, Section 45 of this Manual. However, it shall be optional with the member as to whether he will submit to a claim to arbitration with a nonmember broker who is not an MLS Participant. A nonmember broker who is not an MLS Participant or nonmember salesperson may invoke the arbitration facilities of the Board of Realtors® in cases where they believe they have an arbitrable dispute with a Realtor®. Under these circumstances, Realtors® are not required to agree to or participate in arbitration. *(Amended 11/12)*

**ADOPTED: That the Association offer voluntary arbitration as a service only when mediation has not been successful, requiring \$250 non-refundable deposits from both parties.**

(6) Business disputes between a Realtor® principal and a customer of the Realtor® principal may be arbitrated by the Board if a written contractual relationship has been created by a Realtor® principal between a customer and a client and provided all parties to the dispute (i.e., the customer and the Realtor®) agree in writing to arbitrate the dispute. *(Amended 11/95)*

**ADOPTED: That the Association provide mediation and arbitration (requiring a \$250 non-refundable deposit from both parties.**

#25. *Expenses related to conduct of hearings by multi-board or regional grievance committee or professional standards committee. This issue is handled per the Interboard Cooperative Professional Standards Agreement (drafted by MAR) signed by the local Realtor® Associations in Massachusetts.*

**Part Fourteen, State Association Professional Standards Committee, Expenses of Hearings Conducted by State Association.**

#33. *Use of panels in place of board of directors. Specify what matters, if any, will be considered by panels of Directors and the composition of such panels. Also decide whether core Grievance Committee functions will be delegated to a panel of the Association's Professional Standards Committee, eliminating the need for a standing Grievance Committee. Also, see Section 13(b), Power to Take Disciplinary Action; Section 19(c), Appeals from the Decision of the Grievance Committee Related to an Ethics Complaint; Section 42(c), Appeals from the Decision of Grievance Committee Related to a Request for Arbitration; Section 20(c) and (d), Initiating an Ethics Hearing; Section 23, Action of the Board of Directors; Sections 24 and 49, Initial Action by Directors; Sections 25 and 50, Preliminary Judicial Determination Prior to Imposition of Discipline; Section 45, Board's Right to Decline Arbitration; Section 47(c), Manner of Invoking Arbitration; Section 55, Request for Procedural Review by Directors; **Part Fourteen, State Association Professional Standards Committee, Composition of Hearing Panels and Appellate or Review Panels.***

**ADOPTED: The Association use panels of five members trained in Professional Standards to act on behalf of the Board of Directors in Professional Standards matters of all types.**

**Part Eleven, Interboard Arbitration Procedures, Costs of Arbitration.**

**This issue is handled per the Interboard Cooperative Professional Standards Agreement (drafted by MAR) signed by the local Realtor® Associations in Massachusetts.**

*Part One and Part Seven: General Provisions*

Sections 6 and 31, *Conduct of Hearing*. Clarify whether the parties may or may not record the proceeding if your association does not use a court reporter. If your association does use a court reporter, the association must allow parties to record the proceeding.

**ADOPTED: Parties may NOT record the proceeding.**

*Part Two and Part Eight: Membership Duties and Their Enforcement*

Sections 15 and 38, *Grievance Committee*, and Sections 16 and 39, *Professional Standards Committee*. Specify the number of members on each committee and how the chairpersons will be selected.

**ADOPTED: The Professional Standards Committee have unlimited members with the Chair and Vice Chair (if applicable) and Members appointed for a term of one year by the President and approved by the Board of Directors. The Grievance Committee be comprised of a minimum of eight (8) members with the Chair and Vice Chair (if applicable) and members appointed for a term of one year by the President and approved by the Board of Directors. The Chairpersons of the Professional Standards and Grievance Committee be non-voting members except in the case of a tie.**

#45. *Publishing the names of Code of Ethics violators*. Determine whether the board will or will not publish violators' names.

**ADOPTED: The Association will NOT publish violators' names.**

**Part Three and Part Nine: The Grievance Committee** Sections 17 and 40, *Authority*. Specify how many members will serve on the committee and how the chairperson will be selected. **See Recommendation for Part Two and Part Eight (above).**

*Part Four: The Ethics Hearing*

Section 14, last paragraph, *Discipline*. Board of Directors to determine in advance the Board's policy concerning if, and under what circumstances, an administrative processing fee will be imposed. Also determine amount.

**ADOPTED: An administration processing fee of \$200 will be charged upon the second request for a hearing to be rescheduled.**

Section 20(f– q), *Initiating an Ethics Hearing*. Determine if the optional provisions in subsections f– q will be adopted.

(f) Any person, whether a member or not, having reason to believe that a member is guilty of any conduct subject to disciplinary action, may file a complaint in writing with the Professional Standards Administrator, dated and signed by the complainant, stating the facts on which it is based (Form #1, Complaint, **Part Nine**); provided, however, that the complaint must be filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence.

*(Revised 11/97)*

**ADOPTED: Yes**

(g) Any complaint alleging a violation of the Code of Ethics by a Board Member or by any other person subject to the disciplinary authority of the Board, will be scheduled for review by the Grievance Committee (or by a panel thereof) at the next regular meeting. It will be a matter of local determination whether responses will be sought or accepted in instances where these optional enforcement procedures are utilized. *(Revised 11/04)*

**ADOPTED: Yes**

(h) If the Grievance Committee concludes that the complaint is vague, overly general, does not allege violations of specific Article(s), or is otherwise insufficient on its face, the complaint shall be referred back to the complainant accompanied by the Grievance Committee's initial conclusions. The complainant shall be free to refile an amended complaint.

**ADOPTED: Yes**

(i) If the Grievance Committee concludes that the allegations in the complaint, if taken as true, could not support a finding that the Code of Ethics had been violated, then the complaint shall be dismissed and the complainant advised of the dismissal and of their right to appeal the dismissal to the Board of Directors using Form #E-22, Appeal of Grievance Committee (or Hearing Panel) Dismissal of Ethics Complaint. The complaint and any attachments to the complaint cannot be revised, modified, or supplemented. The complainant may, however, explain in writing why the complainant disagrees with the Grievance Committee's conclusion that the complaint should be dismissed. *(Revised 5/06)*

**ADOPTED: Yes**

(j) If the Grievance Committee concludes that the complaint alleges conduct which, if taken as true, could support a possible violation of the Code of Ethics, then staff or counsel, or in the absence of staff or counsel, the Grievance Committee Chairperson will ascertain whether or not there were any prior violations of the Code of Ethics in the past three (3) years. The complaint will then be sent to the respondent together with a response form (Form #E-20, Notice to Respondent [Ethics] and Optional Waiver of Right to Hearing), which will advise the respondent of the complaint; which will ask the respondent of the Code of Ethics by any Board within the past three (3) years; which will give the respondent an opportunity to waive the right to a hearing by acknowledging the conduct alleged in the complaint and by agreeing to accept discipline which will not exceed a fine in excess of \$15,000 or suspension for a period of thirty (30) days should a violation of the Code ultimately be determined. Any response provided cannot contest the facts stated in the complaint but may offer information in mitigation of any discipline that might be imposed. *(Revised 05/14)*

**ADOPTED: No**

(k) Alternatively, the respondent has the right to a hearing pursuant to the procedures established in **Part Four** of this Manual. (l) If the respondent does not acknowledge the conduct alleged in the complaint or waive the right to a hearing, or does not respond within ten (10) days from transmittal of the complaint, a hearing shall be scheduled in the manner provided for in Section 21, Ethics Hearing, beginning with the five (5) day deadline for the Professional Standards Committee chair to select a hearing date. *(Revised 5/16)*

**ADOPTED: Yes**

(l) If the respondent does not acknowledge the conduct alleged in the complaint or waive the right to a hearing, or does not respond **within ten (10) days** from transmittal of the complaint, a hearing shall be scheduled in the manner provided for in Section 21, Ethics

Hearing, beginning with the five (5) day deadline for the Professional Standards Committee chair to select a hearing date. *(Revised 5/16)*

**ADOPTED: Yes**

(m) If the respondent waives the right to a hearing and acknowledges the conduct alleged in the complaint, such elections will be affirmatively indicated on the response form which shall be returned to the Grievance Committee Chairperson (or staff or counsel) within ten (10) days from transmittal of the complaint to the respondent. The Grievance Committee Chairperson (or staff or counsel) will verify the respondent's assertions as to prior violations in the past three (3) years. In the absence of any prior violation within the past three (3) year period, the complaint will be referred to a panel of the Professional Standards Committee for consideration within thirty (30) days. The panel shall be appointed pursuant to the procedures established elsewhere in this Manual. *(Revised 11/14)*

**Not Applicable: Section j prevents the option to waive the right to a hearing from the Association's Professional Standards Policy.**

(n) The panel of the Professional Standards Committee will meet in executive session. Neither the complainant nor the respondent will be present. Board staff and counsel will be present as deemed necessary by the Chairperson. The initial question to be determined by the panel will be whether the allegations in the complaint, as acknowledged and agreed to by the respondent, support a violation of one or more of the Articles of the Code of Ethics. The panel shall prepare a brief, concise decision which shall include findings of fact, conclusions, and a recommendation for discipline if a violation is found. Discipline that may be imposed, if a violation is determined, may only include one or more of the following: letter of warning or reprimand, mandatory attendance at a relevant educational program, suspension for thirty (30) days, or a fine not in excess of \$15,000. In addition to imposing discipline, the Hearing Panel can also recommend to the Board of Directors that the disciplined member be put on probation. Probation is not a form of discipline. *(Revised 11/14)*

**ADOPTED: Yes**

(o) The decision of the panel will be filed with the Professional Standards **Administrator the day of the hearing, or no later than forty-eight (48) hours following the hearing.**\* The procedures for dissemination of the decision shall be those in Section 22(b), Decision of a Hearing Panel. Appeals of decisions shall be pursuant to Section 23, Action of the Board of Directors, of this Manual. *(Revised 11/14)*

**ADOPTED: Yes**

(p) The expedited Code enforcement procedures established in the *Code of Ethics and Arbitration Manual* are available only to Realtors® holding primary or secondary membership in the Board enforcing the Code or other membership duties and are not available to Realtors® who become subject to the Code of Ethics or other membership duties pursuant to their participation in or access to MLS under board of choice. *(Adopted 11/96)*

**ADOPTED: No**

(q) Where an ethics complaint names more than one respondent, the expedited Code enforcement procedures are available only when all respondents are eligible and all respondents elect to utilize these procedures. *(Adopted 11/98)*

**ADOPTED: No**

Section 21(e), *Ethics Hearing*, and Section 51(b), *Arbitration Hearing*. Specify when the respective Hearing Panels will be provided with ethics complaints and arbitration requests.

**ADOPTED: Professional Standards Hearing Panelists will be provided with complaints/requests and responses once a hearing is scheduled.**

**ADOPTED: Grievance Committee will be provided with complaints/requests and responses at the scheduled meeting(s).**

Section 22(a), *Decision of Hearing Panel*. Determine if ethics decisions presented to the Directors for ratification will or will not include the names of the parties.

**ADOPTED: Decisions will NOT include names of the parties.**

Section 23(b) and (m), *Action of the Board of Directors*. Decide if panels will act on behalf of your Board of Directors.

**ADOPTED: Yes.**

Section 23(c), *Action of the Board of Directors*. Establish the amount of appeal deposit, if any, and decide if panels will act on behalf of the Board of Directors.

**RECOMMENDATION: The amount of the appeal deposit will be \$250 and be non-refundable. Yes, a panel may act on behalf of the Board of Directors.**

Section 23(n), *Action of the Board of Directors*. Determine if names will be published if respondent violates the Code of Ethics twice within three years.

**ADOPTED: Names will not be published.**

#### **Part Ten: Arbitration of Disputes**

Section 47(a– c), *Manner of Invoking Arbitration*, and Section 48(a) and (b), *Submission to Arbitration*. Specify the amount of deposit; the number of days the Grievance Committee has to review a request; and select one of the three options regarding signed agreements and deposits.

47(a) Any person authorized by the provisions of **Part Ten**, Section 44 of this Manual may request arbitration by the Board. A request for arbitration shall be in writing (Form #A-1 or #A-2, Request and Agreement to Arbitrate, **Part Thirteen**, or any other appropriate form permitted by law), must be signed by the complainant, must indicate the nature of the dispute and the amount in dispute, and must be accompanied by the required deposit of \$ .\*\* Requests for arbitration must be filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later. Boards may provide mediation even if arbitration has not been requested provided the mediation is requested within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later. (*Revised 11/00*)

**ADOPTED: A \$250 deposit will be required from both parties. If mediation is attempted but unsuccessful and it goes to Arbitration, both deposits are non-refundable. If mediation is not attempted and a hearing is required both deposits are non-refundable. If mediation is successful, both parties will be refunded their deposit.**

47(b) The Professional Standards Administrator shall promptly refer the request for arbitration to the Chairperson of the Grievance Committee for determination by the

Committee within \_\_\_\_ days as to whether the matter is subject to arbitration. (*Revised 11/98*)

**ADOPTED: The Grievance Committee be given up to 30 calendar days to review an arbitration request.**

The Grievance Committee may request the party(ies) named as respondent(s) in the request for arbitration to provide the Grievance Committee with a written response to the request for arbitration within 10 days only if the committee is in need of additional information pertaining to the questions in Section 42, Grievance Committee's Review and Analysis of a Request for Arbitration, and the complainant cannot provide such information. (See Form #A-5, Grievance Committee Request for Information [Arbitration Request] and Form #A-6, Response to Grievance Committee Request for Information, **Part Thirteen** of this Manual.) If no response is filed within fifteen (15) days from transmittal of the request for the response, the Grievance Committee shall make its determination as to whether an arbitration hearing should be scheduled based upon the information set forth in the request for arbitration. (*Revised 11/15*)

**ADOPTED: That fifteen (15) calendar days be provided for a written response to a request.**

47(c) If the Grievance Committee finds the matter properly subject to arbitration, the Chairperson shall refer it back to the Professional Standards Administrator with instructions to arrange a hearing, notifying the parties of the Grievance Committee's decision, informing the parties as to whether the arbitration is mandatory or voluntary (and, if voluntary, of the date certain by which the respondent is requested to inform the Board of his decision) and informing the parties of their ability to challenge the classification (see Section 45[d], Board's Right to Decline Arbitration). The Professional Standards Administrator or Chairperson shall select a hearing date which will be transmitted to the parties within five (5) days of transmittal of the Grievance Committee's decision. The Professional Standards Administrator shall also notify the respondent within five (5) days of receipt of the Grievance Committee's instructions by transmitting a copy of the request for arbitration, the Notice to Respondent (Arbitration) (Form #A-3), and two (2) forms for response (Form #A-4, Response and Agreement to Arbitrate, **Part Thirteen**), with directions to complete and return the written response and deposit amount of \$250.00\* within fifteen (15) days from the date of transmittal of the request for response to the respondent. The Professional Standards Administrator shall within five (5) days of transmittal of the Grievance Committee's decision transmit to each of the parties a list of names of members of the Professional Standards Committee (see **Part Seven**, Section 27, (a) through (f), Qualification for Tribunal; **Part Thirteen**, Form #A-7, Notice of Right to Challenge Tribunal Members; and Form #A-8, Challenge to Qualifications by Parties to Panel Members). The respondent's response and affirmative claim shall be transmitted to the complainant not later than five (5) days after receipt. Within five (5) days from the date the challenge forms are due (forms due within ten [10] days from the date the list of names was transmitted), the Professional Standards Committee Chairperson shall appoint from the names not successfully challenged by either party three (3) or more arbitrators who will hear the dispute. The Chairperson shall also select one of the panel members to serve as Chairperson of the Hearing Panel. Any Hearing Panel must have an odd number of members. At least two (2) shall be Realtors®, and in the event a Realtor® other than a principal has invoked the arbitration through the Realtor® principal, or is affiliated with the respondent, and has a vested interest in the outcome of the proceeding, one (1) of the arbitrators must be a Realtor® other than a principal. It shall be a membership duty of anyone so appointed to serve as an arbitrator unless disqualified. The Professional

Standards Committee Chairperson shall select the Chairperson of the Hearing Panel, who shall possess the powers of the neutral arbitrator within the meaning of the South Shore Realtors® arbitration statutes.\*\* A party will be deemed to have waived all objections to any person whose name he does not challenge. If challenge to members of the Professional Standards Committee results in an insufficient number of members to constitute a panel, the President may appoint other qualified Board Members to serve as panel members. No arbitration may proceed without three (3) or more arbitrators not disqualified pursuant to **Part Seven**, Section 27, Qualification for Tribunal. *(Revised 05/15)*  
**ADOPTED: A \$250 deposit will be required from the respondent.**

48(a) Submission of a dispute to arbitration by the Board shall consist of signing and delivering to the Professional Standards Administrator either a request or response form provided by the Board (Form #A-1 or #A-2, Request and Agreement to Arbitrate, or Form #A-4, Response and Agreement to Arbitrate) or any similar writing permitted by law and making the appropriate deposit of \$250.00 (not to exceed \$500).\*\* Agreements to arbitrate are irrevocable except as otherwise provided under state law. *(Revised 5/01)*  
**ADOPTED: A \$250 deposit will be required.**

NOTE: The circumstances under which Member Boards may conduct arbitration will vary based upon state arbitration other statutes and case law. Member Boards should consult with Board or State Association legal counsel and select the appropriate procedure from those listed below as Options #1, #2, and #3. No arbitration hearing may be held in the absence of the complainant, and no award may be rendered without a hearing on the merits. *(Revised 11/91)*

In any instance where arbitration has been conducted and an award rendered under Option #2 or #3 of this Section; where the amount requested by the party initiating the arbitration has been awarded; and where the respondent has failed to make the specified deposit, it shall be the responsibility of the respondent to pay an amount equal to the deposit to the Board within ten (10) days of receipt of notice from the Board requesting payment. Where the respondent has not made the deposit and a partial award is made, the respondent shall pay to the Board an amount to be determined by the Hearing Panel that will not exceed the deposit originally made by the complainant. Failure to make such payment on a timely basis, upon receipt of a request from the Board, shall be treated in the manner specified in the Board's bylaws for failure to satisfy financial obligations to the Board. *(Adopted 5/88)*

#### ***Option #1***

(b) Arbitration shall not proceed unless the signed Response and Agreement Form (**Part Thirteen**, Form #A-4) and deposit amount have been received from the respondent and the respondent appears and takes part in the hearing *(Revised 11/05)*.

#### ***Option #2***

(b) In the event the respondent fails to sign and return the Response and Agreement Form (**Part Thirteen**, Form #A-4), or fails or refuses to make the required deposit, arbitration may proceed, and a valid award may be rendered if the respondent appears and takes part in the hearing. NOTE: This option may be adopted only where state law permits arbitration to proceed in the absence of signed arbitration agreements. The advice of legal counsel should be obtained to determine whether Board membership creates an enforceable obligation to arbitrate under the circumstances established in **Part Ten**, Section 44 of this Manual.

**ADOPTED: Option #3**

**(b) In the event the respondent fails or refuses to sign the Response and Agreement Form (Part Thirteen, Form #A-4), fails or refuses to make the required deposit, or fails or refuses to take part in the arbitration hearing, the arbitration hearing may be scheduled and conducted in the absence of the respondent.**

Section 54, *Cost of Arbitration*. Determine if the arbitration filing fee of the prevailing party is to be returned and, if there is a split award, if the parties may receive a portion of their deposits back as determined by the arbitrators.

**ADOPTED: If mediation is successful, both parties receive their deposit back. If mediation is unsuccessful and a hearing is held, both deposits are non-refundable. If mediation is not attempted and a hearing is held, both deposits are non-refundable.**

Also, determine whether the association will refund all or part of parties' arbitration filing deposits if the dispute is resolved through mediation.

**ADOPTED: If the award was split by a panel and mediation was attempted but unsuccessful neither party receives any of their deposit back. If the award was split by a panel and mediation was not attempted neither party receives any of their deposit back.**

Decide if the association will provide parties with an opportunity to settle immediately prior to executive session and, if so, if the parties settle what portion, if any, of their arbitration filing fees will be returned.

**ADOPTED: The opportunity to settle immediately prior to executive session will be provided. Filing fees will not be returned to either party.**

Section 55(a), *Request for Procedural Review by Directors*. Determine whether the Board will require a deposit to file a procedural review request and, if so, what the amount of the deposit will be.

**ADOPTED: That a \$250 deposit be required to file a procedural review request. The deposit will be returned if a procedural error was made that leads to a new hearing.**

Section 55(c), *Request for Procedural Review by Directors*. Determine if the procedural review will be heard by the full Board of Directors or a subset thereof.

**ADOPTED: Procedural reviews may be heard by a panel of 5 (five) Directors.**

**Appendix I to Part Ten, *Arbitrable Issues***. Determine what, if any, non-arbitrable disputes may be mediated.

**ADOPTED: Non-Arbitrable Issues will not be mediated.**

**Appendix VI to Part Ten, *Mediation as a Service of Member Boards***.

Determine whether the Board will require Realtor<sup>®</sup> (principals) to mediate otherwise arbitrable disputes pursuant to Article 17. Requiring Realtors<sup>®</sup> to mediate otherwise arbitrable disputes requires establishment of an affirmative obligation in the Board's governing documents. Enabling model bylaw provisions can be found at [www.nar.realtor](http://www.nar.realtor) (see Model Bylaws).

**ADOPTED: That mediation NOT be required of Realtor<sup>®</sup> principals.**

Also, decide if the Board will offer disputing parties an opportunity to mediate prior to an arbitration request being filed.

**ADOPTED: That the Ombudsman Program Services will be offered prior to an arbitration request being filed and when an arbitration request is forwarded to a hearing mediation will be offered.**

*Part Eleven: Interboard Arbitration Procedures*

Establish a filing fee for interboard arbitration. Establish the number of days after the Hearing Panel is formed that the Secretary must send a copy of the arbitration request to the respondent. Clarify whether a party may or may not tape record the proceeding. – previously addressed earlier in the local options.

*This is established per the MA Interboard Agreement (currently \$500) and parties may not tape proceedings.*

*Part Five and Part Twelve: Conduct of an Ethics or Arbitration Hearing*

Decide if the Hearing Panel Chair or the Professional Standards Committee Chair rules on postponement requests. Done previously. Clarify whether a party may or may not record the proceeding. Done previously.

*Part Six and Part Thirteen: Specimen Forms*

Form #E-4, **Grievance Committee Request for Information (Ethics Complaint)**. Specify the number of days a respondent has to submit a response and the number of copies required (should be consistent with Section 21(a), *Ethics Hearing*).

**ADOPTED: Fifteen calendar days and ten copies.**

Form #A-1, **Request and Agreement to Arbitrate**, and Form #A-2, **Request and Agreement to Arbitrate (Nonmember)**. Specify the amount of the arbitration deposit (should be consistent with Section 47(a), *Manner of Invoking Arbitration*, and Section 48(a), *Submission to Arbitration*).

**ADOPTED: That a \$250 deposit be required.**

Form #A-5, **Grievance Committee Request for Information (Arbitration Request)**. Specify the number of days the respondent has to submit a response.

**ADOPTED: 15 (fifteen) calendar days.**

Form #E-2, **Notice to Respondent (Ethics)** and Form #A-3, **Notice to Respondent (Arbitration)**. Specify the number of copies that must be submitted.

**ADOPTED: Ten copies must be submitted.**

Form #E-3, **Reply (Ethics)**; Form #E-5, **Response to Grievance Committee Request for Information**; and Form #E-8, **Official Notice of Hearing (Ethics)**. Board of Directors to determine in advance the Board's policy concerning if, and under what circumstances, an administrative processing fee will be imposed and determine amount. Should be consistent with Section 14, last paragraph, *Discipline*.

**ADOPTED: That no administrative filing fee be imposed.**

Form #A-4, **Response and Agreement to Arbitrate**. Specify the amount of the filing fee (should be consistent with Section 47(a), *Manner of Invoking Arbitration*, and Section 48(a), *Submission to Arbitration*). Previously done.

Form #E-9, **Outline of Procedure for Ethics Hearing** and Form #A-10, **Outline of Procedure for Arbitration Hearing**. Clarify whether the parties may or may not record the proceeding. Previously done.

Form #E-13, **Request for Appeal (Ethics)**. Specify the amount of the filing fee, if any (should be consistent with Section 23(c), *Action of the Board of Directors*).

**ADOPTED: That a \$250 filing fee be required to file a request for appeal (ethics).**

Form #A-13, **Request for Procedural Review (Arbitration)**. Specify the amount of the filing fee, if any (should be consistent with Section 55, *Request for Procedural Review by Directors*).

**ADOPTED: That a \$250 deposit be required to file a procedural review request.**

Form #E-14, **Official Notice of Appeal Hearing (Ethics)** and Form #A-14, **Official Notice of Procedural Review (Arbitration)**. Specify the number of days' notice required if counsel is to be present (should be consistent with Sections 4 and 29, *Right of Counsel to Appear*) and the number of days required to challenge the qualifications of an appeal panel (should be consistent with Sections 2(f) and 27(f), *Qualification for Tribunal*).

**ADOPTED: That 10 (ten) calendar days' notice be required.**

Form #E-19 and Form #A-19, **Sample Format to Establish Multi-Board (or Regional) Professional Standards Enforcement Procedures**. Clarify on refusals to arbitrate what tribunal will hear allegation. Also, clarify on appeals of the Grievance Committee's dismissal of an ethics complaint or arbitration request (or challenges to the classification of arbitration requests) what tribunal will hear matter. Also, clarify which Board(s) will be responsible for administering the process. – **Handled per the MA Interboard Agreement.**