

Policies & Procedures Manual of the Central Mississippi REALTORS®

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I. Policy Statements

POLICY STATEMENTS OF THE CENTRAL MISSISSIPPI REALTORS® Approved by the CMR Board of Directors as of August 2023.

A. Distribution of Members' Contact Information

The membership roster is the property of Central Mississippi REALTORS® for the official and approved use by the Association and its members. Subject to applicable law, the membership roster shall not be released to any party without approval by the Chief Executive Officer or the Board of Directors. The Chief Executive Officer or the Board of Directors may furnish mailing lists for official business at no cost (or at cost if requested on more than a biannual basis) to members and affiliate members, on such terms of use as the Chief Executive Officer or the Board of Directors may designate. Non members may not have access to the membership roster. *Refer to the Access to Records by Members policy.*

B. Refunds for CMR Dues

Once annual or prorated REALTOR® dues are paid by a member, no refund of those funds shall issue for any reason.

C. Members' Access to Association Legal Counsel

Association legal counsel is hired solely for the purpose of advising the Association staff and Boards of Directors in matters of Association management and risk reduction. Members of the Association do not have access to the Association's legal counsel for their own legal advice or information.

D. Communication to Membership

In an effort to keep overhead low, Association staff will communicate with members, for the most part, electronically.

E. Contact with the Media

The Association's sitting President is spokesperson for the Association. All requests for communication from any media outlet should be provided to the Chief Executive Officer who will make the contact with the President. If the President is unavailable, he or she may designate an alternate representative to communicate with the media.

F. Contracts

The Chief Executive Officer and President or Treasurer, in consultation with the Association's legal counsel, are responsible for the contents of and the signing of any contract for services provided by any vendor so long as the financial implications of the contract is included in the CMR budget. If the financial implication of signing a contract is not included in the CMR budget, Board of Directors approval is required before authority to sign the contract is granted, to be followed by consideration of necessary budget amendments by the Board of Directors. Copies of all contracts

signed by the Chief Executive Officer or Treasurer shall be provided to the President and Association legal counsel upon execution and, upon request, to the Board of Directors. Copies of contracts signed by the President or Treasurer shall be provided to the Chief Executive Officer and Association legal counsel upon execution and, upon request, to the Board of Directors.

G. Equal Opportunity Employer

The Association is an equal opportunity employer and employs all qualified individuals without regard to race; color; religion; national origin; sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity); age (40 and older); disability; genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history); retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation or proceeding; interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation; or any other protected class under federal, state, or local laws.

Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

Central Mississippi REALTORS® expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is not tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Chief Executive Officer.

The Association will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels they have been subjected to any such retaliation, they should bring it to the attention of the Chief Executive Officer. If that is inappropriate or otherwise uncomfortable for the employee, or if the employee does not want to communicate directly with the offending person, the employee is encouraged to report the matter as soon as possible to the Chief Executive Officer, the Association President, or any other members of the Board of Directors. *Please refer to the policy on Workplace Retaliation.*

H. Minutes of the Association

All Board of Directors meetings and all Association committee meetings are documented by minutes signed by the Chief Executive Officer and the President or Committee Chairman. Committee minutes are available for inspection at the Association Office. A member in good standing can request to see minutes from Board of Directors meetings after providing the Chief Executive Officer a written request that complies with the Access to Records by Members Policy. The names of any members related to confidential matters stated in minutes will be redacted. *Refer to the Access to Records by Members policy.*

I. LeadershipMAR Tuition Payment

The Association encourages members to apply for participation in the Mississippi Association of REALTORS' annual LeadershipMAR program. Graduates of LeadershipMAR make good Association leaders. To show its support for the leadership program and for our members who

apply, the Association will pay directly to MAR \$300 toward the tuition on behalf of each member selected for the program.

J. Office Closure Due to Inclement Weather

When tornado warnings are predicted for our area or when ice on roads and bridges have occurred or are predicted, the office follows the closures reported by the Madison County School District.

K. Late Payments of Dues, Fees, Fines or Other Assessments

Fees owed to the Association that are not paid within 30 days result in termination of membership; however, no action shall be taken to terminate a member for nonpayment of disputed amounts until the accuracy of the amount owed has been confirmed by the Board of Directors. A former member who has had his/her membership terminated for nonpayment of dues, fees, fines, or other assessments duly levied in accordance with the Bylaws or the provisions of other rules and regulations of the Association or any of its services, departments, divisions or subsidiaries may apply for reinstatement in a manner prescribed for new applicants for membership, after making payment in full of all accounts due as of the date of termination. Cash or checks are not accepted.

L. Annual Evaluation of the Chief Executive Officer

Annually, during the time period of October 1 - November 30, the Chief Executive Officer's job performance is reviewed by the CMR Board of Directors in executive session. The fact that a performance review was performed, who was in attendance and whether or not salary or benefits were adjusted will become part of Board minutes. Actual salary amount is confidential, known only to the Board of Directors, and not included in minutes.

M. Proration of Membership Dues

Membership dues are prorated for new members from the time they join the Association through the end of the current year. However, membership dues shall not be prorated if the licensee held REALTOR® membership during the preceding calendar year.

N. Reinstatement of Membership Following License Suspension

In the event a member's real estate or appraiser license is suspended and the member was in good standing prior to the suspension of licensure, membership can be reinstated by providing staff a copy of the newly issued license, a Licensee Status Form signed by the Designated REALTOR®, and paying all applicable fees.

O. Reinstatement of Membership Following Failure to Renew

In the event a former member who was dropped to non-member status or terminated for failure to renew membership for the current year wants to rejoin the Association during the first quarter of the following year, they may reapply for membership in the same manner as for a new member; however, annual dues will not be prorated.

P. Workplace Retaliation

The Association encourages a workplace that is respectful and free from discrimination as well as one that is ethical and honest. In the event an employee reports a suspected concern or violation, the Association seeks to provide an atmosphere free from retaliation. Therefore, retaliation against an employee who has in good faith made a complaint regarding a possible violation of law is strictly prohibited.

The Equal Employment Opportunity (“EEO”) laws prohibit punishing job applicants or employees for asserting their rights to be free from employment discrimination including harassment. Asserting these EEO rights is called "protected activity," and it can take many forms. For example, it is unlawful to retaliate against applicants or employees for:

- Filing or being a witness in an EEO charge, complaint, investigation, or lawsuit
- Communicating with a supervisor or manager about employment discrimination, including harassment
- Answering questions during an employer investigation of alleged harassment
- Refusing to follow orders that would result in discrimination
- Resisting sexual advances, or intervening to protect others
- Requesting accommodation of a disability or for a religious practice
- Asking managers or co-workers about salary information to uncover potentially discriminatory wages.

Participating in a complaint process is protected from retaliation under all circumstances. Other acts to oppose discrimination are protected so long as the employee was acting on a reasonable belief that something in the workplace may violate EEO laws, even if he or she did not use legal terminology to describe it.

Engaging in EEO activity, however, does not shield an employee from all discipline or discharge. CMR, as an employer, is free to discipline or terminate workers if motivated by *non-retaliatory and non-discriminatory* reasons that would otherwise result in such consequences. However, CMR is not allowed to do anything in response to EEO activity that would discourage someone from resisting or complaining about future discrimination.

If an employee feels they have been subjected to any such retaliation, they should bring it to the attention of the Chief Executive Officer. If that is inappropriate or otherwise uncomfortable for the employee, or if the employee does not want to communicate directly with the offending person, the employee is encouraged to report the matter as soon as possible to the President or any member of the Board of Directors.

Q. Employee Exit Interviews

The Association values its employees as essential resources. Employees departing employment with the Association can provide useful information about the Association as an employer and as a competitor for qualified employees in the marketplace. In the normal course of business, the Association should benefit from a clear understanding of why an employee is leaving, what the

departing employee liked or disliked about working for the Association, and ways the Association can improve the employment experience and productivity for other Association employees. For this reason, exit interviews will be conducted with all departing employees to the extent possible. The Association cannot force a departing employee to submit to an exit interview, but in requesting the departing employee's participation, the Association will inform the departing employee that the exit interview is optional and endeavor to be respectful and make every effort to assure the departing employee that the exit interview is considered an important opportunity for the departing employee to assist the Association in improving its staff experience and identifying areas for growth and improvement in a safe and confidential setting. The Association will respect any departing employee's refusal to participate and refusal to participate in an exit interview shall not result in any repercussions to the departing employee.

For voluntarily departing employees, exit interviews should be conducted prior to the employee's departure date or, if this is not possible, within thirty (30) days after departure. Upon receipt of a notice of an employee's intent to leave employment, in cases where the Chief Executive Officer is not the departing employee's supervisor, the Chief Executive Officer shall contact the departing employee with the request to schedule an exit interview, and shall conduct the interview and provide a detailed summary thereof to the Board of Directors. In cases where the Chief Executive Officer is the departing employee's supervisor, the Chief Executive Officer shall not contact the employee or conduct the interview, but the President shall appoint one (1) or more members of the Board of Directors to contact the employee, conduct the interview, and provide a detailed summary thereof to the Board. Alternatively, the Association may contract with a third party to handle the exit interview process and provide the report to the appropriate recipients.

For involuntarily departing (terminated) employees, exit interviews may be conducted if circumstances allow, as determined on a case-by-case basis. For any terminated employee, the President, in consultation with Association legal counsel, shall determine whether and how exit interviews should be handled.

Any departing employee should be assured that information gained in an exit interview will be maintained as confidential to the extent legally possible (excepting possible harassment, discrimination, illegal or criminal activity, or possible or threatened litigation) and shall be relayed only to the Chief Executive Officer and the Board of Directors except in cases where the Chief Executive Officer is the departing employee's immediate supervisor, in which case the information will be relayed only to the Board. Exit interview summaries or reports shall be retained in a manner prohibiting their release to unauthorized recipients.

In-person interviews are preferable to maximize exchange of detailed and accurate information. Surveys or questionnaires may be used, but only in addition to direct interviews wherein the departing employee is given an opportunity to speak directly with the interviewer. When in-person interviews are not practical, interviews by video conference or telephone may be utilized. At a

minimum, a departing employee should be asked to provide as much relevant information as they can relating to the following:

- The reason(s) the employee is leaving (*i.e.*, what prompted their resignation?)
- The things the employee liked about working for the Association
- The things the employee disliked about working for the Association
- Specific things that would have helped the employee better understand the Association's expectations for their position
- Specific obstacles, if any, the departing employee felt prevented them from doing their job efficiently
- Specific changes the departing employee believes would improve the overall workplace and the employment experience

Interviewed employees should be reminded of their obligation to maintain confidentiality of confidential information coming into their knowledge during the course of their employment after they leave the Association's employment.

Exit interviews that reveal possible harassment, discrimination, illegal or criminal activity, or possible or threatened litigation shall be reported immediately to the Board of Directors (in executive session) and Association legal counsel.

Association members are prohibited from conducting exit interviews with departing Association employees for the purpose of discussing Association business. Only approved Association representatives, as per this policy, are authorized to make inquiry on the Association's behalf into Association business handled by a departing or former employee.

II. Conflict of Interest and Confidentiality

A. Purpose

The purpose of the conflict of interest policy is to protect CMR's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer, director or staff member of CMR or might result in possible excess benefit transaction, or when a familial interest of an officer, member or staff member might result in an impermissible conflict. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

B. Procedures

Board members, members of any Standing Committee of the Association and staff members shall not be financially interested in any contract negotiated or made by them in their official capacity on behalf of the Association, nor shall they be purchasers or vendors as to any purchase made by

them in their official capacity on behalf of the Association, unless the full nature and extent of such financial interest and/or status as prospective purchaser or vendor has first been disclosed in writing to the Board of Directors, and has been found to be a remote interest or is otherwise exempted from this provision by the Board of Directors, as evidenced in the Board's minutes.

Board members, members of any Standing Committee of the Association and staff members shall not be deemed to be interested in a contract entered into by the Association within the meaning of this Policy if the said member has only a remote interest in the contract and, if the fact of that interest is disclosed to the Association in writing and noted in the minutes of the Board of Directors, and thereafter the Association authorizes, approves, or ratifies the contract in good faith by a vote of the Board of Directors sufficient for the purpose without counting the vote or votes of Board member(s) with the remote interest, who shall be ineligible to vote thereon or to be present for or participate in the discussion leading to the vote.

As used in this Policy, a remote interest means an insignificant, inconsequential, or minor interest which, in the sole judgment of the Board of Directors, does not compromise or prevent the transaction from being in the best interests of the Association. The processing of one's own MLS listings with the Association's MLS and/or the acquisition of standard forms, educational materials, and other materials of similar nature from the Association are also exempt from the provisions of this paragraph.

C. Confidentiality

It is the policy of the Association that, except as may otherwise be provided or required by law, Board members, members of any Standing Committee of the Association and staff members shall not disclose or discuss confidential/sensitive information, documents or other materials, including but not limited to, personnel matters; pending, threatened or potential litigation or legal matters; or contract matters or other disputes which come to their attention or into their possession by virtue of their office as a Director or Officer, to the public, to the membership, or to any other person or entity (including a spouse), without the prior disclosure of same to the Board of Directors and without action thereon by the Board of Directors expressly authorizing such disclosure in writing, such authority to be evidenced in the minutes of the Board of Directors.

This policy is deemed necessary for the protection of the Association, its Directors, Officers, and members, to assure that due deliberation and consideration is given to all such matters before any pronouncements, statements, or positions thereon are taken by or on behalf of the Association or by anyone in a position of apparent authority to speak on behalf of the Association. Breach of this policy may be a violation of fiduciary duty and may result in removal from the Board of Directors, discipline under the NAR Code of Ethics, or damages, or any or all of these. Board members, members of any Standing Committee of the Association and staff members shall not disclose to any other person confidential information acquired by them in the course of their official duties, or use any such information for the purpose of pecuniary gain or otherwise in any manner which

is contrary to the best interests of the Association. This section shall not apply to any disclosure made to any law enforcement agency, nor to any disclosure made pursuant to subpoena or other similar legal process.

Board members of the Association shall not engage in any activity, employment, or enterprise which is inconsistent, incompatible, in conflict with, or inimical to their duties to the Association.

The Board of Directors may adopt rules, policies, and/or procedures governing the application of this section. The rules may include provision for notice to affected parties of any determination of prohibited activities; for guidelines concerning lack of access to Association data and meetings involving potentially conflicting and privileged information; for abstention from voting on the part of any party with potential conflict; for disciplinary action to be taken against affected parties for engaging in prohibited activities; and for appeal by affected parties from such a determination and from its application to an affected party.

All members, including Board members, members of any Standing Committee of the Association, general members and staff members that receive or are in possession of any confidential documents or information may not reproduce, copy, distribute, photograph, or transmit any part of the Association's financial or confidential documents. Anyone who receives confidential documents must sign a Confidentiality and Conflict of Interest Policy prior to receipt or review of any confidential documents.

Board members, members of any Standing Committee of the Association and staff members shall sign the Confidentiality and Conflict of Interest Policy annually. *A copy of this form is found at the end of this manual.*

III. Whistle Blower Policy

A. General

The REALTOR® Code of Ethics, as amended from time to time and as adopted by the Association, together with the laws of the United States and the State of Mississippi (collectively the "Code") requires directors, officers and employees to observe the highest standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of CMR, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

B. Reporting Responsibility and No Retaliation

It is the responsibility of all Directors, officers and employees to comply with the Code and to report violations or suspected violations in accordance with this Whistleblower Policy. No Director, officer or employee who in good faith reports a violation of the Code shall suffer harassment, retaliation or adverse employment consequence for such report. An employee who

retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within CMR prior to seeking resolution outside CMR.

C. Reporting Violations

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within CMR prior to seeking resolution outside CMR. This policy reflects CMR's open door policy and encourages employees to share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's immediate supervisor is in the best position to address an area of concern. However, if an employee is not comfortable speaking with their supervisor or they are not satisfied with their supervisor's response, they are encouraged to speak with the Chief Executive Officer or any member of the Board of Directors, which person shall promptly inform the Board of Directors and, subject to the Board's instructions, shall have specific and exclusive responsibility to promptly and fully investigate all reported violations. The Board of Directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing.

D. Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Code. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense. If an employee reports in good faith what the employee believes to be violations of the law and/or financial wrongdoing to the Association, its legal counsel or to a federal, state, or local agency or assists in an investigation concerning financial wrongdoing, it is the Association's policy that there will be no retaliation taken against the employee.

E. Confidentiality of Reported Violations

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. The identity of persons making a report of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation or take appropriate action in response to any violations.

F. Financial Wrongdoing

Employees are reminded of the importance of keeping financial matters confidential. Employees with questions concerning the confidentiality or appropriateness of disclosure information should contact the Chief Executive Officer or a member of the Board of Directors.

Financial wrongdoing may include, but is not limited to:

- Questionable accounting practices

- Fraud or deliberate error in financial statements or recordkeeping
- Deficiencies of internal accounting controls
- Misrepresentations to the Board of Directors or the bookkeeping firm (including deviation from full reporting of financial conditions)

G. Whistle Blower Policy Form

Board members, members of any Standing Committee of the Association and staff members shall sign the Whistle Blower Policy Form annually. *A copy of this form is found at the end of this manual.*

IV. Association Records

A. Records and Documents

The Association shall retain records for the period of their immediate or current use, unless longer retention is necessary for historical reference or to comply with the Association's Document Retention Policy, rules and regulations promulgated by the Board of Directors, contractual or legal requirements. Records and documents outlined in the policy include paper, electronic files (including emails) and voice mail records regardless of where the document is stored, including network servers, desktop or laptop computers and handheld computers and other wireless devices with text messaging capabilities. Any employee of the Association, or any other person who is in possession of records belonging to the Association who is uncertain as to what records to retain or destroy, when to do so, or how to destroy them, should seek the assistance of the Chief Executive Officer who may then consult with the Association's auditors or legal counsel.

B. Sarbanes-Oxley Act

The Association acknowledges the Sarbanes-Oxley Act which addresses the destruction of business records and documents. Document retention is carefully monitored.

C. Document Retention Policy

In accordance with the Sarbanes Oxley Act, the Association shall not knowingly destroy a document with the intent to obstruct or influence an investigation or proper administration of any matter within the jurisdiction of any department, agency of the United States or in relation to or contemplation of such matter or case. If an official investigation is under way or even suspected, document purging must stop in order to avoid criminal obstruction. In order to eliminate accidental or innocent destruction, the Association has the following document retention policy:

Type of Document\Minimum Retention Requirement

Articles or Restated Articles of Incorporation and all amendments currently in effect - Permanently

Accounts Payable Schedules - 7 years

Annual Reports filed with the Mississippi Secretary of State - Permanently

Audit Reports - Permanently
Bank reconciliations - 7 years
Bank statements - 7 years
Bylaws or Restated Bylaws and all amendments currently in effect - Permanently
Chart of Accounts - Permanently
Checks (for important payments & purchases) - Permanently
Contracts, mortgages, notes and leases - 7 years
Contracts still in effect - Permanently
Correspondence (general) - 3 years
Correspondence (legal) - Permanently
Correspondence with customers and vendors - 2 years
Credit card receipts and Statements - 7 years
Deeds, mortgages and bills of sale - Permanently
Depreciation schedules – Permanently
Drug and Alcohol Policy records – 3 years
Duplicate deposit slips - 2 years
Exit Interview Reports/Summaries – 3 years
Expense Analysis/expense distribution schedules - 7 years
Year-end financial statements - Permanently
Insurance Policies (expired) - 3 years
Insurance records (current) - Permanently
Internal audit reports - 3 years
Inventories of products, materials, supplies - 7 years
Invoices (to customers, from vendors) - 7 years
Minute books - Permanently
Payroll records - 7 years
Professional Standards Records (including files, exhibits, recordings or official transcripts) – 3 years
Professional Standards Disciplinary Letters (warning, reprimand) – 3 years unless specified otherwise by the decision of the hearing panel as adopted by the Board of Directors
Records of all official actions taken by Board of Directors or pursuant to a meeting of the Membership - Permanently

Salary records and changes to salary records - 8 years
Retirement and pension records - 7 years
Tax records and worksheets - Permanently
Tax returns, Federal and state - Permanently
Tax Form 990 and supporting documentation - Permanently
Payroll taxes - 8 years
Timesheets - 7 years
Trademark registrations and copyrights - Permanently
Withholding tax statements - 7 years

D. Access to Records by Members

CMR's Bylaws can be accessed by all members through the CMR website: CMR.REALTOR. Any member in good standing or their properly credentialed agent or attorney desiring to see the Membership List maintained in accordance with Miss. Code Ann., Sec. 79-11-213 may inspect same beginning two (2) business days after notice is given of the meeting for which the list was prepared and continuing through the meeting at the Association office or at a reasonable place identified in the meeting notice in the city where the meeting will be held. Any member in good standing may request in writing received by the Association at least five (5) business days before the date on which the member wishes to inspect and copy documents, an appointment with an Officer, a member of the Board of Directors and/or the Chief Executive Officer to inspect the following records:

- Articles of Incorporation, with all effective amendments
- IRS Form 990
- Tax-Exempt Letter
- Minutes of General Membership meetings
- Resolutions adopted by the Board of Directors relating to the characteristics, qualifications, rights, limitations and obligations of members or any class or category of members
- Written communications to members generally within the past three (3) years
- List of names and business or home addresses of current Directors and Officers
- Most recent status report delivered to the Secretary of State

Any member in good standing may request in writing received by the Association at least five (5) business days before the date on which the member wishes to inspect and copy documents, an appointment with an Officer, a member of the Board of Directors and/or the Chief Executive Officer to inspect the following records, subject to demonstrating (a) the member's demand is made in good faith and for a proper purpose; (b) the member describes with reasonable particularity the purpose and the records the member desires to inspect, and (c) the records are

directly connected with this purpose:

- Audited or reviewed financial statements
- Financial statements for the most recent month ended
- Minutes of Board of Directors and Committee meetings

These records will not be delivered to members electronically and hard copies may be viewed but will not leave the CMR premises. Staff designated by the Chief Executive Officer will remain in the presence of the individual(s) requesting access to this information. Individuals will be allowed a reasonable amount of time to review and copy the documents. Prior to reviewing or copying documents intended to be and remain confidential, the member will be required to sign a Confidentiality and Conflict of Interest Policy Form. *A copy of this form is found at the end of this manual.*

E. Access to Records by the Public (Non-Members)

In accordance with federal law, CMR provides copies of its last three (3) annual information returns (IRS Form 990), application for tax-exempt status (IRS Form 1023) and their Letter of Determination to anyone who asks for copies by mail or in person. The following policy shall apply with regard to such records, and shall be amended as necessary from time to time to ensure complete compliance with federal law, as amended:

The following documents are covered by this policy:

- Form 1023 and any supporting documents filed by or on behalf of CMR in connection with its application
- Any letter or document issued by the IRS in connection with the application
- Annual information returns (such as Form 990, 990-EZ, 990-BL and Form 1065) that have been filed for the previous three (3) years

These records will not be delivered electronically and hard copies may be viewed but will not leave the CMR premises. Approved access to Association Records will take place at the Association's headquarters at a mutually agreed upon time. Staff designated by the Chief Executive Officer will remain in the presence of the individual(s) requesting access to this information. Individuals will be allowed a reasonable amount of time to review the documents, but access to copying machines and the making of copies or photographs of these documents shall be prohibited, subject to applicable law. *Prior to reviewing or copying documents intended to be and remain confidential, the viewer must sign a Confidentiality and Conflict of Interest Policy Form. A copy of this form is found at the end of this manual.*

F. Account Passwords and Software Licenses

The Chief Executive Officer, President and Treasurer shall maintain at all times a list of all usernames and passwords for all vendor accounts, online platforms and computer equipment and

software. The Chief Executive Officer and President shall maintain current copies of all software licenses.

V. Antitrust Policy

A goal of the Association is to improve the level of products and services offered by its members to the public and to assist customers in comparison shopping for products and services. Consistent with this goal, it is the policy of CMR to comply strictly with the antitrust laws. CMR will not knowingly permit discussions of individual company prices, commission rates, pricefixing, group boycotts, market allocation, or any other behavior that fails to promote fair competition and prevent anti-competitive behavior. CMR membership is open to any individual or entity meeting the membership qualifications set forth in the Bylaws. Statistical reporting by CMR will be voluntary and will relate to the comparisons of past transactions of general interest. Data collection will not be limited to the membership, and the results will be available to non-members for a reasonable fee. The development of any guidelines in which CMR participates will be open to wide participation by affected parties, and adherence to the guidelines or standards will be strictly voluntary. In conducting any collective research, CMR will take care to avoid anticompetitive effects.

Association legal counsel and CMR staff are trained in antitrust matters, and they are authorized to require any person conducting Association meetings or meetings within Association property or venues to rule “out of order” or terminate any inappropriate discussion under anti-trust laws. The fact that staff or counsel is present at a meeting, however, should not invite probing to determine how far a discussion can proceed before it becomes apparent that it is improper and is cut off. It is the responsibility for each member in the first instance to avoid raising improper subjects for discussion. This policy statement has been prepared to assure that participants in CMR meetings are aware of this obligation.

The list of “Do Not” and “Do” items presented below highlight basic antitrust principles. Members should consult counsel in all cases involving specific situations, interpretations, or advice.

A. DO NOT:

1. Do not, in fact or appearance, discuss or exchange information regarding
 - a. Commission levels, fees, business expenses or other business information or policies which would allow or encourage price fixing or maintenance
 - b. Bids on contracts for particular properties or any information which would allow or encourage bid rigging
 - c. Actions relating to actual or potential competitors that might have the effect of excluding them from your market or of influencing the business conduct of customers towards such competitors

- d. Plans of individual companies concerning proposed or existing territories or customs
- e. A firm's competitive business decisions
- f. The duration or types of listing agreements or the form of compensation accepted;
- g. The compensation offered or paid to a firm's agents or employees
- h. Any other actions that might be construed as concerted attempts to restrain competition, including joint attempts to control or affect prices, market conditions, marketing practices, customer choice, etc.

2. Do not discuss or exchange information regarding the above matters during social gatherings incidental to CMR-sponsored meetings, even in jest.

3. In addition, any general historical statistical data collected by CMR is for use and analysis by individual businesses and should not be discussed among competitors at organized functions or otherwise.

This Association and their MLS shall not:

- 1. Fix, control, recommend, or suggest the commissions or fees charged for real estate brokerage services (Interpretation 14)
- 2. Fix, control, recommend, or suggest the cooperative compensation offered by listing brokers to potential cooperating brokers
- 3. Base dues, fees, or charges on commissions, listed prices, or sales prices. Initial participation fees and charges should directly relate to the costs incurred in bringing services to new participants
- 4. Modify, or attempt to modify, the terms of any listing agreement; this does not prohibit administrative corrections of property information necessary to ensure accuracy or consistency in MLS compilations
- 5. Refuse to include any listing in an MLS compilation solely on the basis of the listed price
- 6. Prohibit or discourage participants from taking exclusive agency listings or refusing to include any listing in an MLS compilation solely on the basis that the property is listed on an exclusive agency basis
- 7. Prohibit or discourage participants from taking "office exclusive" listings; certification may be required from the seller or listing broker that the listing is being withheld from the MLS at the direction of the seller
- 8. Give participants or subscribers blanket authority to deal with or negotiate with buyers or sellers exclusively represented by other participants (Interpretation 10)
- 9. Establish, or permit establishment of, any representational or contractual relationship between an MLS and sellers, buyers, landlords, or tenants
- 10. Prohibit or discourage cooperation between participants and brokers that do not participate in the MLS
- 11. Prohibit or discourage participants or subscribers from participating in political activities (Interpretation 15)

12. Interfere in or restrict participants in their relationships with their affiliated licensees
(Interpretations 16 and 17)

As used in this policy, “rule” includes all rules, regulations, bylaws, policies, procedures, practices, guidelines, or other governance provisions, whether mandatory or not. “Multiple listing service” and “MLS” means multiple listing service committees of boards and associations of REALTORS® and separately-incorporated multiple listing services owned by one or more boards or associations of REALTORS®. The numbered references refer to the official interpretations of Article I, Section 2 of the Bylaws of the National Association of REALTORS®.

B. DO:

1. Adhere to prepared agendas for all CMR meetings and object any time meeting minutes do not accurately reflect the matters which transpired
2. Consult with legal counsel and your company on all antitrust questions relating to CMR meetings
3. Protect against any discussions or meeting activities that appear to violate the antitrust laws; disassociate yourself from any such discussions, leave any meeting in which they continue and immediately notify a member of the Board of Directors and Association legal counsel
4. Adhere to appropriate “Board of Choice” practices

VI. Fair Housing

The Association is an Equal Opportunity Employer and follows all guidelines required by the Fair Housing Acts. Members of the Association are encouraged to do the same and are prohibited from discriminating through Article 10 of the REALTOR Code of Ethics. The Association encourages members to abide by the Fair Housing Declaration:

Fair Housing Declaration

I agree to:

- *Provide equal professional service without regard to the race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status or disability of any prospective client, customer, or of the residents of any community.*
- *Keep informed about fair housing law and practices, improving my clients' and customers' opportunities and my business.*
- *Develop advertising that indicates that everyone is welcome and no one is excluded, expanding my clients' and customers' opportunities to see, buy, or lease property.*
- *Inform my clients and customers about their rights and responsibilities under the fair housing laws by providing brochures and other information.*
- *Document my efforts to provide professional service, which will assist me in becoming a more*

responsive and successful REALTOR®.

- *Refuse to tolerate non-compliance.*
- *Learn about those who are different from me, and celebrate those differences.*
- *Take a positive approach to fair housing practices and aspire to follow the spirit as well as the letter of the law.*
- *Develop and implement fair housing practices for my firm to carry out the spirit of this declaration.*

VII. MARPAC FUNDS

A. Criteria for Requesting MARPAC Funds for Local Political Races

MARPAC provides a mechanism that allows local associations to play a role in assisting candidates for public office in both Primary and General Elections. According to Art. 10, Sec. C. of the MARPAC Bylaws:

(4) Local Races. The Board of Trustees will make contributions to local public officials or candidates seeking the office of local public officials only with the written recommendation and approval of the local association's governing body. Such local contributions shall be made from local associations' allocation accounts in accordance with Paragraph E(1) of this Article.

B. Allocation of Funds to Local Associations

The allocation of funds to the local Associations is managed by MARPAC, which provides the following framework for funds available in Art. 10, Sec. D of the MARPAC Bylaws:

(1) MARPAC will maintain accounts for each local association of REALTORS® in Mississippi, known as local association allocation accounts, to which it will allocate certain funds in accordance with this Article.

(2) MARPAC will allocate ten percent (10%) of all contributions it receives from members of a local association of REALTORS® and ten percent (10%) of contributions given by members of a local association of REALTORS® through the National Association of REALTORS® President's Circle program to that local association's allocation accounts.

(3) Funds allocated to a local association's allocation account remain allocated on a four-year rolling schedule. Each year at midnight on November 30, the contribution balance in the local association's allocation account for the earliest year of the four years reverts to MARPAC's general fund.

C. Expending Local Association's Allocations

The Association supports the efforts of MARPAC and its efforts to raise money for causes

important to member REALTORS®, as well as provide direct support for candidates endorsing or supporting such causes. Further guidance and procedures for expending the allocations of local Associations appears in Art. 10, Sec. D of the MARPAC Bylaws:

(1) MARPAC automatically will contribute funds from a local association's allocation account in accordance with a recommendation from the local association of REALTORS® if:

(a) it receives a written recommendation from the local association signed by its President or executive officer; and

(b) the recommendation states that it was adopted or approved by at least a majority vote of the local association's governing body; and

(c) the recommendation recommends that MARPAC contribute a specific amount from the local association's allocation account to a candidate seeking an elective office in Mississippi other than a federal office, state legislative office, statewide elective office, or judicial office for the Supreme Court of Mississippi or any Mississippi appellate court.

D. CMR Policy Regarding Candidate Access to MARPAC Funds or Political Action

The following policy is adopted by CMR with respect to candidate access to MARPAC funds or for local political action:

It is the policy of CMR that:

1. Any candidate for local office not otherwise preempted by the MARPAC Bylaws within the jurisdiction of CMR may request funds to support their candidacy.

2. Requests for support will be made to CMR through the Chief Executive Officer, who will present the request to the Governmental Affairs Committee.

3. The Governmental Affairs Committee will review the requests and may recommend funding of the requested amount, or another amount of their choosing, to the Board of Directors.

4. The Governmental Affairs Committee has the discretion to determine whether or not to get involved in a particular political race and whether or not to interview a candidate or candidates. However, if the Committee chooses to interview a candidate or candidates, they will extend the invitation to all the candidates running in that particular race.

5. The Governmental Affairs Committee may recommend contributions in any amount up to the **maximum** provided in the following schedule. The Board of Directors may approve a different amount than recommended by the Governmental Affairs Committee up to 50% higher than the recommended amount, but not exceeding the amounts in the following schedule:

i. \$1,500 - Alderman, Commissioners, City Council, local Judicial candidates

ii. \$2,000 - Mayor, County Supervisors

iii. Other candidates per recommendation of the Governmental Affairs Committee

6. Any candidate who has been approved for funds, and receives such funding prior to a primary,

but has not received the maximum amount provided by the schedule above, may reapply under the same process provided above for additional funding up to the maximum limit, but for use in the general election, so long as the candidate is in a contested election.

7. Approvals of funds for a candidate may be construed by the candidate as an endorsement.

8. According to the Bylaws of MARPAC, Association membership is not to be considered.

E. Membership Not a Consideration as to Candidates

Art. 10, Sec. F of the MARPAC Bylaws states as follows:

MARPAC strongly urges members to actively participate in the political process at all levels, including the pursuit of political office. MARPAC also acknowledges that candidates for public office should be considered for support, endorsement or contributions on the basis of individual merit in the context of the office sought. Accordingly, membership in MARPAC or MAR or other associations, past or present, direct or indirect, neither entitles a MARPAC or MAR member to nor guarantees that a member shall receive support, endorsement, or contributions.

It is this Association's policy that, in determining eligibility for the contribution as well as the level of contribution, each of the following will be deemed reasonable influencing factors:

1. Whether or not the candidate is a REALTOR®
2. Previous contributions, contribution levels, and support of RPAC
3. Support of causes important to the REALTOR® community
4. Level of leadership demonstrated
5. Community Involvement
6. Relevance of the cause of position to the local community
7. Relevance of the cause or position to the REALTOR® community

VIII. Professional Standards Policies

A. New Member Orientation

Applicants for REALTOR® Membership are required to complete the New Member Orientation course as a condition of membership within 60 days of the date of application (or, alternatively, the date that provisional membership was granted). Failure to satisfy this requirement will result in denial of the membership application or termination of provisional membership. Orientation programs must meet the learning objectives and minimum criteria established from time to time by NAR.

B. Bylaws Review

Annually, the Board of Directors, the Chief Executive Officer and Association general counsel will review the Association Bylaws. The Chief Executive Officer will schedule the review session.

C. Continuing Code of Ethics Training

REALTORS® are required to complete a prescribed course in the Code of Ethics every three (3) years. The Association offers the course periodically by classroom as well as online through NAR. Failure to satisfy the required periodic ethics training shall be considered a violation of a membership duty. Failure to meet the requirement in any three (3) year cycle will result in suspension of membership for the first two (2) months (January and February) of the year following the end of any three (3) year cycle or until the requirement is met, whichever occurs sooner. On March 1 of that year, the membership of a member who is still suspended as of that date will be automatically terminated.

Training The following are required to have annual training in Code of Ethics enforcement:

1. The Grievance Committee
2. The Board of Directors
3. The Professional Standard Administrator, if applicable

The Association offers training to the Grievance Committee. The Professional Standards Administrator may attend training at NAR's Annual Seminar. If no training is offered at the local level those required to attend training may participate in the training offered by MAR or NAR.

D. Cooperative Agreement for Code of Ethics Enforcement

The Association is a participant in a cooperative agreement with MAR. The Association maintains a trained Grievance Committee. All initial determinations to be made by the Grievance Committee shall be made by CMR's Grievance Committee pursuant to policies established by NAR. In applicable cases, the Grievance Committee forwards complaints to MAR to conduct hearings utilizing MAR's Professional Standards Committee. All policies related to the holding of ethics or arbitration hearings shall be those established by NAR and MAR, whose Professional Standards Committee and enforcement processes are utilized.

E. Policies Related to the Code of Ethics and Arbitration

In accordance with the requirements of the Code of Ethics and Arbitration Manual (pages i-iii), the Association's Board of Directors has adopted the following policies relating to Code of Ethics enforcement. All policies relative to arbitration hearings are established by the Mississippi Association of REALTORS® Professional Standards Committee. *The areas of the Code of Ethics and Arbitration Manual Requiring Board/Association action is attached as an exhibit to this manual.*

Section 1. Definitions Relating to Ethics

(b) "Association" means this organization, either the Central Mississippi REALTORS® or the Mississippi Association of REALTORS®.

Section 6. Conduct of Hearing (Ethics)

Parties may not record hearings except in cases where the Professional Standards Administrator does not make a recording of the hearing.

Section 13. Power to Take Disciplinary Action

(b). On a member being convicted, adjudged, or otherwise recorded as guilty by a final judgment of any court of competent jurisdiction of a felony or a crime involving moral turpitude; on a member being determined by a court of competent jurisdiction or official of the State of Mississippi authorized to make the determination, as having violated a provision of the Mississippi real estate law or a regulation of the Mississippi real estate licensing authority; or on final judgment or determination by a court of competent jurisdiction or by an authorized federal, state, or local official that a member has violated the federal, state, or local fair housing law.

If a matter is pending before the state licensing authority of a similar nature any matter to be considered by our hearing panel will be held in abeyance until the matter with the regulatory agency has reached its completion.

Section 14. Nature of Discipline/Administrative Fee

The Association will impose an administrative fee of \$500 against respondents found in violation of the Code of Ethics or other membership duties. The fee will be due upon the final action by the Board of Directors. This processing fee will be in addition to, and not part of, any disciplinary sanction imposed.

Section 15. Selection and Appointment of the Grievance Committee

The Grievance Committee shall include a minimum of nine (9) members.

Section 16. Selection and Appointment of the Professional Standards Committee

The Association utilizes the services of the Mississippi Association of REALTORS® Professional Standards Committee through a Cooperative Agreement.

Section 20. Initiating an ethics hearing

The Grievance Committee may not have available the Response from the Respondent in considering whether or not the complaint meets the criteria to be forwarded to a hearing.

Section 20. Initiating an Ethics Hearing

(f-q) The Board has not adopted the procedures for expedited ethics administration procedures.

Section 21. Ethics Hearing

(e) The complaint, and response, if any shall be provided to Hearing Panel members prior to the hearing. Such time period shall be not less than seven (7) days prior to the hearing and shall be adhered to for all hearings.

Section 22. Decision of the Hearing Panel/Ratification

Copies of ethics decisions to be ratified by the Board of Directors (or a panel of the Board of Directors) shall not contain the names of the parties.

Section 23. Action of the Board of Directors/Deposit for Appeal

(a). Panels may act on behalf of the Board of Directors at the discretion of the President.

(c). A deposit in the amount of \$500 will be charged to a member filing an appeal of an ethics decision with the funds going to offset the administrative costs associated with the appeal hearing.

(n). Names of violators will not be published.

Section 26. Definitions Relating to Arbitration

(b) “Association” means this organization, either the Central Mississippi REALTORS® or the Mississippi Association of REALTORS®.

Section 31. Conduct of Hearing (Arbitration)

Parties may not record hearings except in cases where the Professional Standards Administrator does not make a recording of the hearing.

Section 44. Duty and Privilege to Arbitrate

The Association does not provide voluntary arbitration.

Section 46. Duty to Arbitrate Before State Association

By becoming and/or remaining members of this Board, all members bind themselves and agree to submit to arbitration by the arbitration facilities of the Mississippi Association of REALTORS® any dispute with a member of any other local Board of Mississippi Association of REALTORS®, provided:

(1) The dispute is a dispute as defined and for which arbitration is required by Article 17 of the Code of Ethics, and

(2) The Mississippi Association of REALTORS® has established facilities for such arbitration.*

Section 47. Manner of Invoking Arbitration/Deposit

(a) A deposit in the amount of \$500.00 shall accompany a Request for Arbitration filed by the Complainant. A deposit in the amount of \$500.00 shall accompany a Response and Agreement to Arbitrate filed by a Respondent.

(b) The Chief Executive Officer shall refer the request for arbitration to the Chairperson of the Grievance Committee who will set a meeting with the Committee within 15 business days to review the Request to determine whether or not it is arbitrable.

The Grievance Committee does not request the Response in order to render a decision on the arbitrability of the Request. If, however, they cannot make a determination of arbitrability without the Response, the Respondent will be notified to submit a Response within 15 business days.

Section 48. Submission to Arbitration

(a) Submission to arbitration requires the signing and delivering to the Board a Request for

Arbitration that includes a \$500 deposit.

(b) Option #3: In the event the Respondent fails to sign and return the Response and Agreement to Arbitrate or 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.

The Grievance Committee may request the parties named as respondents in the Request for Arbitration to provide the Grievance Committee with a written Response to the Request for Arbitration within 15 days.

Mediation is voluntary; the Board does not require REALTOR® Principals to mediate arbitrable disputes. Upon receipt of a Request for Arbitration, the Chief Executive Officer or Professional Standards Administrator will advise all parties of the option to participate in mediation prior to review of the arbitration Request by the Grievance Committee. Further, all parties are again reminded of the option to mediate after the Grievance Committee has determined that the matter should be scheduled for an arbitration hearing and again prior to the scheduling of the hearing.

Section 51. Arbitration Hearing

(b) The arbitration Request and Response, if any, shall be provided to Hearing Panel members prior to the hearing. Such time period shall be not less than seven (7) days prior to the hearing and shall be adhered to for all hearings.

Section 54. Costs of Arbitration

When parties successfully mediate an arbitrable dispute, the arbitration filing fees deposited by both parties will be refunded. Upon an arbitration award becoming final the deposit of the prevailing party will be returned.

Section 55. Request for Procedural Review

A deposit in the amount of \$500 shall be charged to the party requesting a Procedural Review with the deposit being returned if a Procedural Review Panel found that due process was denied and the decision in the first hearing is overturned.

A request for procedural review may be heard by a panel of Directors appointed by the President.

Section 56. Enforcement

The judgment of any competent court of record in Mississippi, state or federal, may be rendered upon the award. If a member fails to comply with an award, the recipient to whom the award has been rendered by the arbitration panel or the beneficiary of a settlement agreement reached by the parties in mediation shall be advised by the Board to seek judicial enforcement and to request reimbursement of legal fees incurred in seeking enforcement. At the discretion of the Board of Directors, the Board may support the request for judicial enforcement in the court, and at its further discretion, the Board may reimburse the individual for costs incurred in seeking such judicial

enforcement if the court does not grant reimbursement of legal costs to the plaintiff.

Sections 15, 38, 40. Selection and Appointment of the Grievance Committee

There shall be a standing committee, known as the Grievance Committee, of at least nine (9) members, in good standing, of whom at least a majority shall be REALTORS®, appointed by the President subject to confirmation by the Board of Directors for staggered three (3) year terms with Chairperson and Vice-Chairperson being appointed by the President.

Section 16, 17, 39, 40. Selection and Appointment of the Professional Standards Committee

Through a Cooperative Agreement with the Mississippi Association of REALTORS (MAR) all policies related to the Professional Standards Committee are those established by MAR.

Part Five – Conduct of an Ethics Hearing

Outline of Procedures for Ethics Hearing

Central Mississippi REALTORS®

The Hearing Panel Chair will rule on postponement requests.

Part Twelve – Conduct of an Arbitration Hearing

Outline of Procedures for Arbitration Hearing

Central Mississippi REALTORS®

The Hearing Panel Chair will rule on postponement requests.

Part Six and Part Thirteen: Specimen Forms:

E-4. The Respondent has 15 days to submit one copy of the Response.

A-1 and A-2. The Complainant is charged a \$500 filing fee.

A-4. The Respondent is charged a \$500 filing fee.

A-5. The Respondent has 15 days to submit a Response.

E-2, A3. Respondents shall submit one (1) copy of the response.

E-3, E-5, E-8. An administrative fee of \$500 is assessed to a Respondent found in violation of the Code in addition to any discipline imposed by the Hearing Panel.

E-13. Deposit with Request for Ethics Appeal. The Request for Appeal Form must be accompanied by a deposit in the amount of \$500. The deposit is returned to the party requesting the Appeal if the decision was appealed by the Appeal Panel.

A-13. Deposit with Request for Procedural Review. A Request for Procedural Review must be accompanied by a deposit in the amount of \$500. The deposit is returned to the party requesting the Procedural Review if a procedural deficiency was identified by the Hearing Panel.

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

The Board does not require mediation of arbitrable disputes, but does make mediation services available. Mediation is offered:

- 1) Prior to the review by the Grievance Committee
- 2) Upon the Grievance Committee determining that the matter is arbitrable
- 3) Prior to the scheduling of the arbitration hearing

Policy Statement 3. Voluntary Arbitration

The Association will not provide the arbitration services and resources for voluntary arbitration.

Policy Statement 33.

Any matter brought before the Board of Directors may be considered by a panel of Directors appointed by the President for that purpose. Five (5) Directors or a quorum of the Board of Directors, whichever is less, shall constitute such a panel, which shall act on behalf of the Board of Directors. The decision of the panel shall be final and binding and shall not be subject to further review by the Board of Directors.

Policy Statement 45.

The names of violators of the Code of Ethics will not be published.

IX. Social Media Policy

CMR values social media, and respects the rights of its associates to use social media. Proper use of social media in all its forms creates awareness of CMR’s purpose and mission. What the Chief Executive Officer or staff shares on the internet is (or may be perceived to be) representative of CMR and should be approached with caution, tact and responsibility. The written word can be easily misunderstood and misinterpreted. CMR respects the rights of the staff to interact and communicate about non-Association-related matters using the internet so long as the rights of others are respected and protected. In order to safeguard CMR from the posting of comments and information that may abridge legal rights of others or have a harmful effect on the ongoing business interests of CMR, the following policy has been developed. For the purpose of this policy, “engaging in social media” means posting or uploading content to any type of interactive electronic communication including but not limited to websites, blogs, social networks, discussion boards, and list serves.

- The party posting assumes any and all risks associated with engaging in social media. CMR is not responsible for any matter posted to the internet through social media outside specific postings initiated by them or their authorized agents.
- Be certain it is clear that any opinion, belief and view expressed does not reflect the views of CMR. It is preferable that a standard disclaimer be posted to this effect: “Any and all opinions, facts or matters expressed here are personal to the poster and do not in any way reflect the views or opinions of Central Mississippi REALTORS®.”
- When engaging in social media, be vigilant not to disclose any information that is confidential or proprietary to CMR or to any third party that has disclosed information to them. NEVER disclose non-public information of CMR (including confidential information), and be aware that taking public positions online that are counter to the CMR might cause conflict.
- Use caution when posting photos. Photos should not be used without the written permission

of the owner.

- Should you come across negative or disparaging posts concerning CMR, you are required to bring them to the attention of the Chief Executive Officer. Avoid the temptation to react yourself unless you have been authorized by the Chief Executive Officer or the President to do so.
- Since the internet is a public space, avoid engaging in social media that may disparage or harm the image or reputation of CMR or any of its members or staff. You are responsible for your own actions. Anything you post that can potentially tarnish CMR's reputation will ultimately be your responsibility.
- When engaging in social media, do not expect posted comments to be private. Even comments posted in private groups can easily be shared publicly. Tact, sound judgment and common sense should be used when matters regarding CMR internal operations or business policies are referenced in posts to be viewed by third-parties.

X. Alcohol and Drug Policy

A. Drug-Free and Alcohol-Free Environment

It is the policy of the Association to maintain a drug- and alcohol-free environment that is safe and productive for employees and others doing business with the Association.

Except as may be duly permitted by the State of Mississippi or other applicable authorities, the use of alcohol upon CMR building and grounds is prohibited. To the extent allowable by law, alcohol use may be allowed at CMR functions or during Association activities under specific circumstances, such as hospitality suites, upon prior approval and on such terms as may be specified by the Board of Directors. In the event of an Association-sponsored activity or while on Association business at which alcoholic beverages may be served or allowed, any person acting on behalf of or representing CMR in any capacity shall conduct themselves in such a manner that they do not represent a danger to themselves, to other CMR employees or representatives, to the general public or to the Association's reputation. In the event that CMR sponsors an event where alcohol is served free of charge to members, CMR is to use a ticket system to allow only two (2) free drinks per member per event. All alcohol is to be monitored by a responsible party, chosen by the Chief Executive Officer, and is never to be left unattended. Should any staff member or CMR member observe any failure to observe this policy, such failure should be reported to the Chief Executive Officer immediately or, if the Chief Executive Officer is not immediately available, to any member of the Board of Directors.

Association employees are prohibited from using, possessing, storing, distributing, manufacturing, consuming or being under the influence of alcohol, illegal drugs or controlled substances while on Association premises, conducting Association business or participating or attending Association-sponsored or hosted activities (in any location), or while in an Association owned or leased vehicle or within the employee's own vehicle while conducting Association business, while present at any

Association event. This policy includes medical cannabis, considered a controlled substance for purposes of this policy, irrespective of whether an employee is approved for usage under state law).

Employees who appear to be under the influence of alcohol, illegal drugs or controlled substances shall not be permitted to work, particularly when the Association has reasonable cause to suspect that their business judgment, personal safety, work performance or the safety of others may be impaired. Employees in violation of this policy including, but not limited to, those having a positive confirmed drug and alcohol test result or any employee refusing to take a drug and alcohol test under this policy, are subject to appropriate disciplinary action, up to and including termination.

Over-the-counter and Prescription Medication use shall be conducted in strict accordance with published use instructions, and CMR is not responsible for voluntary use of such medications by those upon CMR's premises or at CMR-sponsored events. The use, possession, distribution or sale of illegal drugs while on Association Property, at an Association business or social event, in an Association vehicle or during the conduct of Association business of any kind is strictly prohibited.

For purposes of this policy, “illegal drugs” or “controlled substances” refer to those defined as illegal or subject to restricted access or use under federal, state and/or local laws. They include, but are not limited to, all forms of narcotics, depressants, stimulants, hallucinogens or other drugs whose use, possession or transfer is restricted or prohibited by law (except for drugs prescribed by a physician or dentist, excepting medical cannabis, and used according to instructions for the purpose for which they were prescribed).

The Association recognizes that drug abuse and/or dependency are medical/behavioral conditions that may be successfully treated. Employees with drug and/or alcohol problems are encouraged to request assistance from a qualified provider; however, seeking treatment or counselling does not excuse an employee from charges of violation of this policy. The Association can provide information on opportunities for assessment and rehabilitation if an employee has a positive confirmed test result and the Association determines that discipline or discharge are not necessary or appropriate.

B. Testing

The Association has elected to establish a drug and alcohol testing policy pursuant to the Mississippi Drug and Alcohol Testing of Employees Act, Miss. Code Ann., Sec. 71-7-1 et seq. (the “Act”) and in accordance with regulations promulgated by the Mississippi State Department of Health (the “Regulations”), as amended from time to time. All definitions set forth in the Act and Regulations are incorporated herein by reference. No staff member shall participate in the collection, transport or handling of specimens submitted pursuant to this policy. The Association shall contract with manufacturers, vendors, or other providers of drug and alcohol testing devices, or with a laboratory, for the purpose of conducting drug and alcohol testing of employees. The

Chief Executive Officer shall serve as Medical Review Officer (as defined by the Act and Regulations) for purposes of this policy.

Testing shall include alcohol, marijuana, cocaine, opiates, amphetamines, phencyclidine, and any other controlled substances including any substances for which an appropriate federal agency has established an approved protocol and positive threshold for testing, or their metabolites, existing in a person's bodily fluids. Specimens collected under this policy may only be used to test for controlled substances designated for testing as described in this policy, the Act and Regulations, and shall not be used to conduct any other analysis or test unless otherwise specifically authorized by the Act or Regulations provided, however, that this prohibition does not preclude procedures reasonably incident to analysis of specimens for controlled substances (*e.g.*, determination of pH or tests for specific gravity, creatinine concentrations or presence of adulterants). Specimens utilized under this policy may include urine for initial and confirmation tests, and breath and/or saliva for initial alcohol tests, and blood for alcohol confirmation tests. Specimens may be collected by a physician, a registered nurse or a licensed practical nurse; a qualified person employed by a laboratory; an independent contractor of the Association conducting a drug and alcohol testing program pursuant to the Act or Regulations who has been trained in the collecting of specimens by a manufacturer, vendor, or other provider of drug and alcohol testing devices, or by a laboratory; or any person deemed qualified by the State Board of Health. All confirmation tests shall be conducted by a qualified laboratory with which the Association has contracted to conduct confirmation tests on specimens which produce a positive result in testing for drugs or alcohol in the initial test, as per the Act and Regulations. All test results shall be submitted to the Association's Medical Review Officer as required by the Act and Regulations.

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the Association through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the Act and Regulations. Any information obtained by the Association pursuant to the Act or Regulations shall be the property of the Association. The Association shall not release to any person other than the employee or job applicant, or employer medical, supervisory or other personnel, as designated by the Association on a need to know basis, information related to drug and alcohol test results unless (a) the employee or job applicant has expressly, in writing, granted permission for the Association to release such information; (b) it is necessary to introduce a positive confirmed test result into an administrative hearing under applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding, or the information must be disclosed to a federal or state agency or other unit of the state or United States government as required under law, regulation or order, or in accordance with compliance requirements of a state or federal government contract, or disclosed to a drug abuse rehabilitation program for the purpose of evaluation or treatment of an employee; or (c) there is a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court

order permitting the release shall be obtained prior to the release of the information. The confidentiality provisions provided for by the Act shall not apply to other parts of an employee's or job applicant's personnel or medical files. If an employee refuses to sign a written consent form for release of information to persons as permitted in the Act, the Association shall not be barred from discharging or disciplining the employee.

The Association, at its expense, shall conduct job applicant drug and alcohol testing prior and as a condition to hiring any applicant for any position in the Association staff. Each applicant for employment with the Association shall be provided written notification of the Association's drug and alcohol testing requirement upon application and prior to collection of the specimen from the applicant. Staff shall secure from each applicant for employment, prior to collection of any specimen, a signed statement from the applicant signifying that the applicant has read and understands the Association's Alcohol and Drug Policy and has received a copy of same (receipt by an employee of the Association's Employee Manual containing the Association's Alcohol and Drug Policy shall satisfy this requirement). An applicant's refusal to sign such statement shall not invalidate the results from any drug and alcohol test, or bar the Association from administering the drug and alcohol test or from taking action consistent with the terms of the Association's policy or from refusing to hire the job applicant. Refusal of a job applicant to submit to drug and alcohol testing shall constitute a basis for refusal to hire.

Association employees shall receive a copy of this Alcohol and Drug Policy no later than the date of employment (receipt by an employee of the Association's Employee Manual containing the Association's Alcohol and Drug Policy shall satisfy this requirement). Any employee may be subject to testing on the basis of reasonable suspicion or neutral selection (as defined and permitted by the Act and Regulations), or when any employee sustains or alleges to have sustained an injury at work or a work-related injury. Any drug or alcohol testing conducted or requested by the Association under this policy shall be at the Association's expense, shall occur during or immediately after the regular work period of current employees, and shall be deemed to be performed during work time for purposes of determining compensation and benefits for current employees. Submission of employees to drug and alcohol testing in accordance with this policy is a condition to employment or continued employment.

An employee or job applicant to be tested shall be given (a) a medication disclosure form to permit the employee or job applicant to disclose any Nonprescription or Prescription Medications that have been taken within forty-five (45) days prior to being tested, and (b) a statement that the form shall be submitted directly to the Association's Medical Review Officer, ensuring that no person or entity has access to the information disclosed on the form other than the Medical Review Officer.

Within five (5) working days after receipt of a positive confirmed test result report from the

laboratory that conducted the test, the Chief Executive Officer shall, in writing, inform an employee of such positive test result and inform the employee in writing of the consequences of such a report and the options available to him or her under this policy, the Act and Regulations. An employee may request and receive from the Chief Executive Officer a copy of the test result report. Within ten (10) working days after receiving notice of a positive confirmed test result, the employee may submit information to the Chief Executive Officer explaining the test results, and why the results do not constitute a violation of this policy. If an employee's explanation of the positive test results is not satisfactory to the Association, a written explanation submitted by the Chief Executive Officer as to why the employee's explanation is unsatisfactory, along with the report of positive results, shall be made a part of the employee's medical and personnel records.

The Association may temporarily suspend or transfer an employee to another position after obtaining the results of a positive initial test. The Association may discharge an employee after obtaining the results of a positive confirmed test.

An employee who receives a positive confirmed drug and alcohol test may contest the accuracy of that result or explain it in accordance with the Act and Regulations. Every specimen that produces a positive result shall be preserved in a frozen state by the laboratory that conducts the confirmation test for a period of ninety (90) days from the time the results of the positive confirmed test are mailed or otherwise delivered to the Association. During this period, the employee who has provided the specimen shall be permitted to have a portion of the specimen retested, at the employee's expense, at a laboratory chosen by the employee. The laboratory that has performed the test for the Association shall be responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.

C. Published Policy

To implement this policy, a Drug-Free and Alcohol-Free Workplace policy statement shall be distributed to CMR employees via the Employee Manual, a copy of this policy shall be made available for inspection during regular business hours by employees in the Association's personnel office, and a copy of this policy shall be posted in an appropriate and conspicuous location on the Association's business premises. Said policy shall require all disclosures prescribed or required by the Act and Regulations.

XI. Financial Policies and Procedures

A. Financial Statements

The CMR Board of Directors of approves the annual budget and reviews monthly and annual balance sheets and income statements. Financial statements are not published for membership. Any member in good standing may request in writing received by the Association at least five (5) business days before the date on which the member wishes to inspect and copy documents, an

appointment with an Officer, a member of the Board of Directors and/or the Chief Executive Officer to inspect audited or reviewed financial statements or financial statements for the most recent month ended, subject to demonstrating (a) the member's demand is made in good faith and for a proper purpose; (b) the member describes with reasonable particularity the purpose and the records the member desires to inspect, and (c) the records are directly connected with this purpose. *Refer to the Access to Records by Members policy.*

Copies of monthly financial statements provided to the Treasurer shall be accompanied by a breakdown of payroll payments and expense reimbursements made during that month, with copies of associated vouchers or payment requests as approved. The following reports will be forwarded to the Treasurer upon completion or issuance by the Association in accordance with these Policies & Procedures:

- Monthly transaction/financial report compiled from bank accounts
- First (front) page of each bank account monthly statement
- Summary reconciliation page for each bank account

The following shall be made available to the Treasurer at any time, upon request:

- Monthly bank reconciliations and bank statements
- Income and expense accounting for grants awarded to the Association
- Monthly records of credit card use
- Monthly financial statements, with breakdown of payroll payments and expense reimbursements and copies of associated vouchers or payment requests as approved
- Copies of 1096, 1099, W-2 and W-3 forms issued by the Association
- Draft of Association's Form 990 or 990-T (for review prior to filing)

All reports distributed to the Board of Directors, the Chief Executive Officer, the Treasurer and staff shall be delivered in a manner safeguarding their content, being hard copy or properly encrypted so as to preserve and protect their confidentiality if sent by electronic means; and all such reports shall be returned or deleted by the recipient, as the case may be, within a reasonable time, and in no case later than thirty (30) days following their distribution. All reports and any proposed budgets distributed to persons other than the Board of Directors, Chief Executive Officer, Treasurer and/or staff shall consist of consolidated financial information consisting of gross income and consolidated expenses. All such reports shall be deemed strictly confidential and shall not, in any case, be released by their recipient to any other person without advance written authorization from the Board of Directors.

B. Credit Cards

It is CMR's policy to issue credit cards to the Chief Executive Officer. At the discretion of the Chief Executive Officer, credit cards may also be issued to appropriate staff provided that appropriate protocols are followed to prevent inappropriate use and provide full accountability for their use. It is not the Association's policy to issue credit cards to elected/volunteer leadership.

Individuals incurring expenses via credit cards will remit a completed record of credit card transactions in accordance with Association protocols approved by the Association's accountant. Complete records of credit card use with sufficient detail for analysis shall be provided to the Treasurer each month. All credit card purchases must fall within the budget and be authorized by the Chief Executive Officer.

C. Financial Internal Controls

The definition of a Financial Officer is a staff member or third party hired to oversee any financial obligation of the association. In the absence of an assigned Financial Officer, the Chief Executive Officer will act as the Financial Officer.

1. Mail is opened daily by the Chief Executive Officer.
2. Cash is not accepted.
3. Deposit slips are prepared daily by the Financial Officer.
4. The Financial Officer makes deposits daily.
5. Receipts are scanned into dedicated email systems daily.
6. Deposit slips are reviewed and signed by the Chief Executive Officer.
7. The Financial Officer generates all invoices. The Chief Executive Officer or Event Coordinator creates invoices for building space rentals.
8. Payments by checks are only accepted for facility rental. Checks are scanned into billing software.

D. Cash Disbursements

1. The Financial Officer scans all invoices received into a dedicated email system to be uploaded into the billing software.
2. Once invoices are approved by the Chief Executive Officer, the Treasurer or the President, checks are prepared by the Financial Officer.
3. All checks are reviewed by the Chief Executive Officer and signed by two parties: the Chief Executive Officer and either the President or Treasurer.

E. Recordkeeping

1. Bank reconciliations are prepared by the Financial Officer and reviewed by the Chief Executive Officer.
2. Yearly budgets are submitted to the Board of Directors and are prepared by the Treasurer, Finance Committee and Staff.
3. Financial statements are submitted to the Board of Directors at least three (3) days prior to the monthly Board meeting. (Ideally the Board would receive these statements as early as seven (7) days before a Board meeting; however, when using a third-party financial company, it is not always feasible.)

F. Payroll

1. Employees are paid semi-monthly on the 15th and 30th.
2. Payroll processing is outsourced to People Lease.

G. CMR Investment Policy Statements

Whereas CMR currently retains in excess of one (1) year's expenses in reserves, the following protocols shall control:

- Balanced budgets to be maintained with any excess revenue applied to either the cash reserve or approved investment portfolio. Any year following a deficit year should include measures to increase profit margin to fully offset prior year's loss.
- Cash or cash equivalent reserves (such as money market accounts) be maintained at a level equivalent to or greater than one year's operating expenses. Of this amount, 100% should be held in readily accessible forms with no penalty for withdrawal as the majority of income is received in one (1) main installment.
- Amounts in reserve exceeding one (1) year's operating expenses should be invested in accordance with the Board-approved program.
- Funds on hand with any single financial institution shall not exceed the FDIC maximum secured limit without prior Board approval.

WHISTLE BLOWER POLICY

INTRODUCTION

The Central Mississippi REALTORS®, Inc. and the Central Mississippi MLS, Inc, follows the REALTOR® Code of Ethics which requires directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Association, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

REPORTING RESPONSIBILITY

Any act performed by an employee, director or officer that appears to violate generally accepted business, accounting or ethics practices should be reported immediately.

RETALIATION

No director, officer or employee who in good faith reports a violation shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who reported a violation in good faith is subject to discipline up to and including termination of employment. The Whistle Blower Policy is intended to encourage and enable employees and others to raise serious concerns within the Association prior to seeking resolutions outside the Association.

REPORTING VIOLATIONS

The Association has an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or the Association's CEO or you are not satisfied with a response you received from your supervisor or the CEO, you are encouraged to speak with a Board member with whom you are comfortable approaching. For suspected fraud, or when you are not satisfied or are uncomfortable with following the Association's open door policy, individuals should contact a member of the Board of Directors immediately.

As an Employee/Officer/Director, I acknowledge the responsibilities required by the Whistle Blower Policy and will comply with it if necessary.

Signature: _____

Position with the Association: _____

Date: _____



**CONFIDENTIALITY AND CONFLICT OF INTEREST POLICY
(to be signed annually by Committee and Board Members)**

1. Contracts, Sales and Purchases:

A. Board Members, newly elected Board Members (Board Members), Members of the MLS Committee and Members of any Standing Committee of the Association shall not be financially interested in any contract negotiated or made by them in their official capacity on behalf of the Association, nor shall they be purchasers or vendors at any purchase made by them in their official capacity on behalf of the Association, unless the full nature and extent of such financial interest and/or status as prospective purchaser or vendor has first been disclosed in writing to the Association, and has been found to be a remote interest or is otherwise exempt from this provision, as defined below, by the Board of Directors.

B. Board Members or a committee member shall not be deemed to be interested in a contract entered into by the Association within the meaning of this Policy if the Board Member has only a remote interest in the contract and, if the fact of that interest is disclosed to the Association in writing and noted in its official records, and thereafter the Association authorizes, approves, or ratifies the contract in good faith by a vote of its members or Directors sufficient for the purpose without counting the vote or votes of the Board Member with the remote interest, who shall be ineligible to vote thereon or to participate in the discussion leading to the vote.

As used in this Policy, a remote interest means an insignificant, inconsequential, or minor interest which, in the Associations sole judgment, does not compromise or prevent the transaction from being in the best interests of the Association. The processing of ones own MLS listings with the Associations MLS and/or the acquisition of standard forms, educational materials, and other materials of similar nature from the Association are also exempt from the provisions of this paragraph.

2. Confidential Information:

A. It is the policy of the Association that, except as may otherwise be provided or required by law, Directors and Officers and committee members of the Association shall not disclose or discuss confidential/sensitive information, documents or other materials, including but not limited to, personnel matters, litigation or legal matters, or other contract matters which come to their attention or into their possession by virtue of their office as a Director or Officer, to the public, to the membership, or to any other person or entity (including a spouse), without the prior disclosure of same to the Board of Directors and without action thereon by the Board of Directors expressly authorizing such disclosure in writing.

B. This policy is deemed necessary for the protection of the Association, its Directors, Officers, and Members, to assure that due deliberation and consideration is given to all such matters before any pronouncements, statements, or positions thereon are taken by or on behalf of the Association or by anyone in a position of apparent authority to speak on behalf of the Association. The undersigned understands that a breach of this policy may be a violation of the undersigned fiduciary duty and may expose the undersigned to removal from the Board of Directors, or damages, or both.

Board Members or committee members shall not disclose to any other person, confidential information acquired by them in the course of their official duties, or use any such information for the purpose of pecuniary gain in any manner which is contrary to the best interests of the Association.

This section shall not apply to any disclosure made to any law enforcement agency, nor to any disclosure made pursuant to subpoena or other similar legal process.



3. Inconsistent, Incompatible, or Conflicting Activity, Employment, or Enterprise:

A. Board Members of the Association shall not engage in any activity, employment, or enterprise which is inconsistent, incompatible, in conflict with, or inimical to their duties to the Association.

B. The Association may adopt rules, policies, and/or procedures governing the application of this section. The rules may include provision for notice to affected parties of any determination of prohibited activities; for guidelines concerning lack of access to Association data and meetings involving potentially conflicting and privileged information; for abstention from voting on the part of any party with potential conflict; for disciplinary action to be taken against affected parties for engaging in prohibited activities; and for appeal by affected parties from such a determination and from its application to an affected party.

The undersigned Members of the Central Mississippi REALTORS® hereby acknowledges that he or she has read and understands the foregoing policy and agrees to be bound by it.

Signatures:

Board/Committee Member: _____ Date: _____

Name of Board/Committee: _____

Areas of the *Code of Ethics and Arbitration Manual* Requiring Board/Association Action

Associations interested in adopting a citation policy and a citation schedule of potential violations and specific fines and/or education that apply to those violations should view the National Association's Model Citation Policy found at:

<https://www.nar.realtor/about-nar/policies/nar-model-citation-policy-and-schedule-of-fines>

Associations interested in adopting an optional "fast track" process for receipt, consideration, and resolution of ethics complaints may view an online supplement to the *Code of Ethics and Arbitration Manual* at:

<https://www.nar.realtor/about-nar/policies/fast-track-supplement-to-ceam>

The following provisions of the Manual are referenced to assist Boards and Associations in adapting the Manual to conform to local policy and comply with state law. Throughout the Manual, the following symbol appears to assist Boards and Associations in quickly identifying those provisions:

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

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).

#25. Expenses related to conduct of hearings by multi-board or regional grievance committee or professional standards committee. Specify how expenses of hearings shall be shared by the signatory Boards.

NOTE: The new and continuous member education criteria referenced in Professional Standards Policy Statements #47 and #48, and the criteria for staff administration training referenced in Professional Standards Policy Statement #49, can be found on nar.realtor. Educational materials to conduct the new member and continuous member training can also be found on nar.realtor.

Also, Forms #E-19 and #A-19, Sample Format of Agreement Between _____ and _____ Boards of REALTORS® . . .

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

Part Eleven, Interboard Arbitration Procedures, Costs of Arbitration.

#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*.

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.

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.

#45. *Publishing the names of Code of Ethics violators.* Determine whether the board will or will not publish violators' names and if names will be published what option the Association chooses.

Information about alternative enforcement procedures (e.g., use of hearing officers, ombudsmen, and mediation of ethics complaints) which may be adopted locally can be found on nar.realtor.

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. Also determine if panels of the grievance committee will be used.

Part Four: The Ethics Hearing

Section 6, *Conduct of Hearing*, first paragraph. Determine association's policy with respect to swearing and/or affirming testimony.

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.

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

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.

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.

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

Section 23(c), *Action of the Board of Directors*. Establish the amount of appeal deposit, if any.

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.

Part Ten: Arbitration of Disputes

Section 31, *Conduct of Hearing*, first paragraph. Determine association's policy with respect to swearing and/or affirming testimony.

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.

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.

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

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.

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.

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.

Appendix I to Part Ten, Arbitrable Issues.

Determine what, if any, non-arbitrable disputes may be mediated.

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

Determine whether the Board will require REALTORS® (principals) to mediate otherwise arbitratable disputes pursuant to Article 17. Requiring REALTORS® to mediate otherwise arbitratable disputes requires establishment of an affirmative obligation in the Board's governing documents. Enabling model bylaw provisions can be found at nar.realtor (see Model Bylaws).

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

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.

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.

Clarify whether a party may or may not record the proceeding.

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*).

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*).

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

Form #E-2, **Notice to Respondent (Ethics)** and Form #A-3, **Notice to Respondent (Arbitration)**. Specify the number of copies that 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. Also determine amount. Should be consistent with Section 14, last paragraph, **Discipline**.

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*).

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.

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*).

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*).

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*).

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.