

# **MAR Policies**

**Current Policies Approved by the  
Board of Directors  
September 20, 2019**

<b>POLICY PART 1 - GOVERNANCE</b> .....	<b>2</b>
SECTION 1. AGENDAS AND FINANCIAL REPORTS .....	2
SECTION 2. MAR STRATEGIC PLAN .....	2
SECTION 3. ASSOCIATION VEHICLE USE.....	2
SECTION 4. DIRECTORS MEETING SCHEDULE .....	2
SECTION 5. OFFICE CORRESPONDENCE POLICY .....	2
SECTION 6. CHIEF EXECUTIVE OFFICER.....	3
SECTION 7. FORMS POLICY .....	3
SECTION 8. LEGAL HOTLINE .....	4
SECTION 9. ALCOHOL POLICY .....	4
SECTION 10. MAILING LISTS AND ROSTERS .....	5
SECTION 11. MAR MEETING MINUTES DISTRIBUTION.....	5
SECTION 12. MEDIA CONTACT.....	5
SECTION 13. MEETING POLICY .....	5
SECTION 14. TOBACCO AND VAPING USE POLICY.....	5
SECTION 15. PERSONNEL POLICIES.....	5
SECTION 16. POLICY FORMATION, ADOPTION, AND DURATION .....	5
SECTION 17. REFERRALS AND RECOMMENDATIONS .....	5
SECTION 18. SERVICE OF PROCESS.....	5
SECTION 19. SOCIETIES, INSTITUTES AND COUNCILS .....	6
SECTION 20. STATE DIRECTOR ENTITLEMENT .....	6
SECTION 21. BOARD OF REALTY REGULATION MEETINGS .....	6
SECTION 22. USE OF MAR QUALITY OF LIFE LOGO.....	6
SECTION 23. USE OF MAR LOGO .....	6
SECTION 24. LEGAL ACTION FUND .....	6
SECTION 25. CONFLICT OF INTEREST .....	6
SECTION 26. WHISTLEBLOWER POLICY .....	6
<b>POLICY PART 2 - FINANCIAL</b> .....	<b>7</b>
SECTION 1. DUES .....	7
SECTION 2. AFFILIATE MEMBER DUES .....	8
SECTION 3. BUDGET ADJUSTMENT.....	8
SECTION 4. CHECKS RETURNED UNPAID BY BANK .....	8
SECTION 5. DONATIONS.....	8
SECTION 6. SIGNATORY POLICY.....	8
SECTION 7. EXPENDITURES AUTHORITY .....	8
SECTION 8. OVERDUE ACCOUNTS .....	8
SECTION 9. INVESTMENTS AND RESERVE REQUIREMENTS .....	8
SECTION 10. INVESTMENT POLICY STATEMENT .....	9
SECTION 11. RPAC AND IMF.....	10
SECTION 12. TRAVEL REIMBURSEMENT POLICY .....	10
SECTION 13. REIMBURSEMENT POLICY FOR PRESIDENT OF MAR.....	11
SECTION 14. CEO DISCRETIONARY FUND .....	12
SECTION 15. MAR HEADQUARTERS BUILDING.....	12
SECTION 16. PETTY CASH .....	12
SECTION 17. CREDIT CARD .....	12
SECTION 18. NON DUES REVENUE.....	12
SECTION 19. MAR SPONSORSHIP .....	12
SEC 19. INSURANCE .....	12
123	
<b>POLICY PART 3 - EDUCATION</b> .....	<b>13</b>
SECTION 1. EDUCATION - REGISTRATION.....	13
SECTION 2. GRI DESIGNATION .....	13
SECTION 3. SEMINAR/COURSE CANCELLATION .....	13
<b>POLICY PART 4 - NON-DISCRIMINATION/ANTI-HARASSMENT</b> .....	<b>13</b>
SECTION 1. HARASSMENT/NON-DISCRIMINATION .....	13
SECTION 2. SEXUAL HARASSMENT .....	13
SECTION 3. COMPLAINT PROCEDURE .....	14

SECTION 4.	CORRECTIVE ACTION .....	14
<b>POLICY PART 5 - OFFICER &amp; NATIONAL DIRECTOR CRITERIA/ELECTIONS .....</b>		<b>14</b>
SECTION 1.	NOMINATING/CREDENTIAL REVIEW SUBCOMMITTEE .....	14
SECTION 2.	PROCEDURES FOR NOMINATION AND ELECTION OF OFFICERS.....	15
SECTION 3.	OFFICER POSITION DESCRIPTIONS .....	16
SECTION 4.	OFFICER CANDIDATE APPLICATIONS.....	16
SECTION 5.	ELECTION PROCESS FOR MAR OFFICERS .....	16
SECTION 6.	ELECTION CYCLE OF NATIONAL DIRECTOR .....	16
SECTION 7.	NATIONAL DIRECTORS.....	17
SECTION 8.	VACANCIES .....	17
SECTION 9.	MAR OFFICERS AND DIRECTORS .....	17
<b>POLICY PART 6 - COMMITTEE, SUBCOMMITTEE, PRESIDENTIAL ADVISORY GROUPS, INFORMAL AND FORMAL WORK GROUPS AND OTHER MAR POSITIONS.....</b>		<b>25</b>
SECTION 1.	GENERAL/INDIVIDUAL COMMITTEE POLICY .....	25
SECTION 2.	COMMITTEE AUTHORITY .....	25
SECTION 3.	COMMITTEE COMPOSITION .....	26
SECTION 4.	PAST PRESIDENTS' ADVISORY GROUP .....	26
SECTION 5.	REALTOR® PARTY ADVISORY GROUP .....	26
SECTION 6.	PRESIDENTIAL ADVISORY GROUP COMPOSITION.....	26
SECTION 7.	VACANCIES .....	26
SECTION 8.	POSITIONS.....	26
SECTION 9.	STANDING COMMITTEES.....	27
SECTION 10.	OTHER COMMITTEES .....	30
SECTION 11.	COMMITTEE (INFORMAL) WORKING GROUP .....	31
SECTION 12.	FORMAL WORKING GROUP .....	32
SECTION 13.	OVERVIEW FOR OTHER MAR POSITIONS.....	32
<b>POLICY PART 7 - RECOGNITION &amp; AWARDS .....</b>		<b>33</b>
SECTION 1.	REALTOR® OF THE YEAR .....	33
<b>POLICY PART 8 - PROFESSIONAL STANDARDS.....</b>		<b>34</b>
SECTION 1.	PROFESSIONAL STANDARDS ADMINISTRATION .....	34
SECTION 2.	PROFESSIONAL STANDARDS ENFORCEMENT.....	34
SECTION 3.	OMBUDSMAN PROCEDURES.....	35
SECTION 4.	MEDIATION PROCEDURES.....	36
SECTION 5.	MAR ADOPTED PROCEDURES .....	38
<b>APPENDIX A</b>	<b>TRAVEL POLICY REIMBURSEMENT CRITERIA .....</b>	<b>52</b>
<b>APPENDIX B</b>	<b>ELECTION OF OFFICERS ONLINE VOTING PROCEDURE .....</b>	<b>56</b>

**MONTANA ASSOCIATION OF REALTORS®**  
**Approved – January 26, 2007**

**ANTITRUST POLICY**

**Introduction**

The Montana Association of REALTORS® is a not-for-profit organization. The association is not organized to and may not play any role in the competitive decisions of its members. Rather it serves as a forum for a free and open discussion of diverse opinions without in any way attempting to encourage or sanction any particular business practice.

The Association provides a forum for the exchange of ideas in a variety of settings including its annual meeting, educational programs, committee and business meetings, and the meetings of the Board of Directors. The Board of Directors recognizes the possibility that the Association and its activities could be viewed by some as an opportunity for anti-competitive conduct. Therefore, this statement supports the policy of competition served by the antitrust laws, and communicates the Association's uncompromising policy to comply strictly in all respects with those laws.

While recognizing the importance of the principle of competition served by the antitrust laws, the Association also recognizes the severity of the potential penalties that might be imposed on not only the Association, but its members as well in the event that certain conduct is found to violate the antitrust laws. Should the Association or its members be involved in any violation of federal/state antitrust laws, such violation can involve both civil and criminal penalties that may include imprisonment for up to 3 years as well as fines up to \$350,000 for individuals and up to \$10,000,000 for the Association plus attorney fees; in addition, damage claims awarded to private parties in a civil suit are tripled for antitrust violations. Given the severity of such penalties, the Board intends to take all necessary and proper measures to ensure that violations of the antitrust laws do not occur.

**Policy**

To ensure that the Association and its members comply with antitrust laws, the following principles will be observed:

- The Association or any committee, subcommittee, or Presidential Advisory Group shall not be used for the purpose of bringing or attempting to bring about any understanding or agreement, written or oral, formal or informal, expressed or implied, among two or more members or other competitors with regard to prices or terms and conditions of contracts for services or products. Therefore, discussions and exchanges of information about such topics will not be permitted at Association meetings or other activities.
- There will be no discussions discouraging or withholding patronage or services from, or encouraging exclusive dealings with any supplier or purchaser or group of potential competitors, or any private or governmental entity.
- There will be no discussions about allocating or dividing geographic or service markets or customers.
- There will be no discussions about restricting, limiting, prohibiting, or sanctioning advertising or solicitation that is not false, misleading, deceptive, or directly competitive with Association products or services.
- There will be no discussions about discouraging entry into, or any competition in any segment of the marketplace.
- There will be no discussions about whether the practices of a member, actual or potential competitor, or other person are unethical or anticompetitive, unless the discussions or complaints follow the prescribed due process provisions of the Association's bylaws.
- Certain activities of the Association and its members are deemed protected from antitrust laws under the First Amendment right to petition government. The antitrust exemption for these activities, referred to as the Noerr-Pennington Doctrine, protects ethical and proper actions or discussions by members designed to influence: 1) legislation at the national, state, or local level; 2) regulatory or policy-making activities (as opposed to commercial activities) of a governmental body; or 3) decisions of judicial bodies. However, the exemption does not protect actions designed to cover up anticompetitive conduct.
- Speakers at committee, subcommittee, Presidential Advisory Group or business meetings of the Association shall be informed that they must comply with the Association's antitrust policy in the preparation and presentation of their remarks.
- Meetings will follow a written agenda. Minutes will be prepared after the meeting to provide a concise summary of important matters discussed and actions taken or conclusions reached.

At informal discussions at the site of any Association meeting all participants are expected to observe the same standards or personal conduct as are required of the Association in its compliance.

**It is recommended that Association volunteers read, date, and retain a copy of this statement for their personal files.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **POLICY PART 1 - GOVERNANCE**

### **Section 1. AGENDAS AND FINANCIAL REPORTS**

Agendas and meeting information shall be posted on the website of the Montana Association of REALTORS® (MAR or the Association) and an email sent no later than 10 days prior to the MAR Board of Directors meeting or any meetings of an MAR committee or subcommittee. The most recent financials and proposed budget shall be emailed to all Directors at least 10 days prior to the Board meeting. (1-25-19)

### **Section 2. MAR STRATEGIC PLAN**

MAR shall establish a Strategic Plan that sets the direction for the Association. The Strategic Plan shall be reviewed by a Strategic Planning review group no less frequently than every three (3) years, as recommended by the MAR Executive Committee. Participants of the Strategic Planning review group will be appointed no later than May of the review year by the MAR President-Elect and First Vice President.

The strategic planning session will be held prior to the Fall Business Meeting of the review year. Implementation of the Strategic Plan will be as follows:

- The draft Strategic Plan will be submitted to the Board of Directors in January.
- The Executive Committee will meet no later than February to develop the Business (Action) plan for implementing the Strategic Plan.
- The MAR Leadership Team will meet not later than March to establish priorities for implementing the plan during the following year.
- Standing Committees will complete the methodology for meeting their assigned goals and objectives as prioritized by the MAR Leadership Team.
- MAR staff liaisons will develop the preliminary budget for implementing the committees' goals and priorities and submit those to the Committee Chair and Vice Chair for review prior to the Finance and Audit Committee's meeting held in August for the purpose of preparing the new budget.
- The MAR Chief Executive Officer is authorized to complete the final review and recommendations for the proposed budget prior to submitting it to the Treasurer and the Finance and Audit Committee.
- With the exception of the Board's adoption of a new plan, the same timeline will be followed in off-review years for purposes of monitoring and modifying the Business Plan and establishing priorities for the following year.

The proposed programs for the ensuing year shall be submitted to the MAR staff at least 30 days prior to the Finance and Audit Committee's meeting held for the purpose of preparing the new budget. Program information will be used to develop the preliminary cost amount for each program product, or service which will be compiled and provided to the Finance and Audit Committee. (1-25-19)

### **Section 3. ASSOCIATION VEHICLE USE**

The use of any MAR vehicle(s) is restricted to official MAR business. No personal use is authorized. While not being used for official business MAR vehicle(s) shall remain at the Association's office, or at a site approved by the MAR Chief Executive Officer. All persons approved to drive the association vehicle shall hold a valid driver's license. Only those individuals covered by MAR's auto insurance policy shall be allowed to drive the Association's vehicle(s). (9/18/15)

### **Section 4. DIRECTORS MEETING SCHEDULE**

The First Vice President shall, at the Winter Meeting, present to the Board of Directors for approval, the dates and locations for Directors' meetings and the Annual Meeting to be held during the First Vice President's term as President. (9/18/15)

### **Section 5. OFFICE CORRESPONDENCE POLICY**

All correspondence from individuals and entities acting in an official capacity for MAR shall be kept on file in the MAR office either in electronic format or hard copy. When possible, such correspondence will be prepared and distributed by the MAR office. (1-20-06)

## Section 6. CHIEF EXECUTIVE OFFICER

The MAR Executive Committee shall determine on an annual basis, or as specified in any contract, the compensation package of MAR's Chief Executive Officer. Such compensation shall be ratified by the Executive Committee and the Board of Directors by virtue of adoption of the annual budget. The Executive Committee shall review the performance of the Chief Executive Officer no less than annually. (1-25-19)

The Chief Executive Officer, with the approval of the Executive Committee, and within the approved annual budget, may establish such other staff positions as may be necessary to conduct the activities of the Association. (1-25-19)

The Chief Executive Officer shall ensure that the Association timely and properly complies with its bylaws, policies, financial management, and the directives of the Board of Directors, or, as appropriate, the Executive Committee. (1-25-19)

The Chief Executive Officer shall have authority over all personnel matters, including the hiring, review, promotion, discipline, and termination of all MAR staff. (1-25-19)

## Section 7. FORMS POLICY

Forms will be available to REALTOR® members. Use of MAR forms is subject to the MAR Forms Policy set forth herein. (1-24-14)

- A. TERMS OF USE:** MAR holds the copyright to all forms listed in the MAR real estate forms library (collectively "Forms" and individually "Form"). REALTOR® members of MAR who are in good standing are granted a revocable license to use the Forms subject to the terms and conditions set forth herein. The MAR staff may, on a case-by-case basis and solely within the discretion of the MAR staff, permit persons other than REALTOR® members of MAR who are in good standing to use any or all of the Forms for educational purposes provided said forms are marked "draft," "sample" or with a similar designation indicating that said forms are to be used for educational purposes only. REALTOR® members of MAR who are in good standing are referred to as "Permitted Users" in this Forms Policy. (9/18/15)
- B. FORMS USE:**
1. Permitted users may use the Forms in connection with a transaction in which the Permitted User is involved as a real estate agent, property manager or a principal (i.e., buyer, seller, lessor or lessee). Permitted Users may not distribute blank Forms to clients, customers or others, either gratuitously or for a fee, except that they may distribute specimen copies of any Form to their clients or customers for review purposes.
  2. Permitted Users are allowed to have printed versions of the Forms reproduced by their own printers, so long as the Forms are reproduced directly from copies of the "official" versions available using MAR's approved forms software vendor(s).
  3. MAR may provide copies of Forms marked "Sample" on a MAR publicly-accessible web site for review or printing. Permitted Users may not display any of these sample copies of the Forms on their own web sites, but may link to MAR's web site where the sample Forms may be displayed.
  4. Other than display of a link to MAR's web site where the sample Forms may be displayed, no Form may be emailed, faxed, uploaded, reproduced in an electronic format, saved, published or posted to any database, computer, server or the Internet without written permission from MAR.
- C. FORM LICENSING TO MEMBER BROKERAGES:** Notwithstanding anything else appearing in this Forms Policy, the MAR Executive Committee may, on a case-by-case basis and solely within the discretion of the MAR Executive Committee, provide a license to a brokerage firm to use the Forms in an electronic format and as part of a program provided by said firm for the exclusive use by its agents who are REALTOR® members of MAR and who desire to provide real estate services to the firm's customers and clients. Any such license shall be subject to an application process,

payment of an application fee and satisfaction of certain criteria as may be determined by the MAR Executive Committee and set forth in the application. Any license agreement entered into between MAR and a brokerage for the use of the Forms shall be prepared by MAR legal counsel. (1-25-19)

- D. FORM LICENSING TO THIRD PARTY VENDORS:** Notwithstanding anything else appearing in this Forms Policy, the MAR Executive Committee may, on a case-by-case basis and solely within the discretion of the MAR Executive Committee, provide a license to a third party transactional management vendor to use the Forms in an electronic format and as part of a program provided by said third party vendor to a brokerage firm for the exclusive use by the brokerage firm's agents who are REALTOR® members of MAR and who desire to provide real estate services to the brokerage firm's customers and clients. Any such license shall be subject to an application process, payment of an application fee and satisfaction of certain criteria as may be determined by the MAR Leadership Team and set forth in the application. Any license agreement entered into between MAR and a third party vendor for the use of the Forms shall be prepared by MAR legal counsel. (1-25-19)
- E. REVISIONS TO FORMAT AND PRE-PRINTED LANGUAGE**
1. Revisions to the format or pre-printed content of any Form are prohibited. The format, numerical sections, captions, layout, sequence, pagination, margins, beginning and ending language on each page, sub-parts, and configuration of each Form shall not be modified or changed in any way. The pre-printed text of a Form may not be amended, revised, modified or altered in any way whatsoever. However, Permitted Users may insert the name, address and logo of their firms in an area that does not modify or alter the format or content of the Forms.
  2. The REALTOR® block "R" logo, the Equal Housing Opportunity logo and any MAR logo shall remain where they appear on each Form, if at all, without modification.
  3. The copyright legend and date as they appear on the bottom of each page of a Form shall be included without modification
- F. USE OF OUTDATED FORMS –** Use of outdated Forms is prohibited. MAR's goal is to release any updates to the Forms in the spring of each year unless law, regulation or demonstrated need dictates otherwise. (1-25-19)

Sale and production of the hard copy forms was discontinued on December 31, 2005 with the exception of the Lead Based Paint Booklet. (9/18/15)

New or amended Property Management Forms shall be approved by the Property Manager's Subcommittee as well as the Forms Subcommittee. (1-26-07)

## **Section 8. LEGAL HOTLINE**

The Legal Hotline shall be available to authorized REALTOR® members who serve as the designated REALTOR® in each office. A list of issues addressed and general responses provided by the MAR Legal Hotline shall be made available for use in developing generic articles for publication by MAR or to develop MAR education courses. Members of the Association are entitled to verbal Legal Hotline responses to their own inquiry only. (1-25-19)

## **Section 9. ALCOHOL POLICY**

Alcohol may be provided and served only at MAR or affiliate sponsored or approved events. To the extent possible alcohol at any such MAR or affiliate sponsored or approved event shall be provided and served by a caterer holding a liquor liability insurance policy and a valid liquor license/permit that allows said caterer to serve alcoholic beverages. If possible, MAR shall be listed as an additional insured under said policy and shall obtain from said caterer an agreement in writing to indemnify and hold MAR harmless for any losses, including legal fees, resulting from the caterer's service of alcoholic beverages at the sponsored or approved event. In limited circumstances (for example a hospitality suite provided by MAR for use by certain individuals) MAR may make alcohol available for consumption provided (i) it is at a MAR or affiliate sponsored or approved event (ii) MAR makes the alcohol available for consumption but does not serve the alcohol and (iii) MAR has verified that it has a liability insurance policy that provides insurance coverage for any claims that may be asserted against MAR as a

result of providing said alcohol. At any MAR sponsored or approved event, food and nonalcoholic beverages shall also be provided. MAR must have an insurance policy in force, which includes liquor or host liability coverage for any MAR function at which alcohol is to be served. The MAR Chief Executive Officer or Executive Committee reserves the right to approve or disapprove the dispensing of alcoholic beverages at any MAR function. (1-25-19)

#### **Section 10. MAILING LISTS AND ROSTERS**

Any request for a mailing list and/or member roster shall be reviewed and approved or denied by the Chief Executive Officer, with the advice of legal counsel when deemed appropriate. With the exception of MAR members, the membership list shall not be made available on disk or in any other electronic form. (1-25-19)

#### **Section 11. MAR MEETING MINUTES DISTRIBUTION**

Draft Minutes of all Board of Director, Executive Committee, Committee, and Subcommittee meetings, after review by the MAR CEO, MAR legal counsel and the President or chairperson of the committee or subcommittee, will be posted on the MAR website within two weeks following the meeting date. The Minutes shall be sent to any MAR member upon request. (1-25-19)

#### **Section 12. MEDIA CONTACT**

No one shall purport to be an Official Spokesperson for MAR except the President or a person or persons designated by the President. In addition to the President, the Chief Executive Officer and the Government Affairs Director shall also represent the Association in response to routine media inquiries when appropriate. (1-26-07)

#### **Section 13. MEETING POLICY**

All meetings of the Montana Association of REALTORS<sup>®</sup>, Inc. except hearings and grievance meetings held by the Professional Standards or Grievance committees, are open to all MAR members; provided, however, meetings may be closed at the discretion of the chair, by the affirmative vote of at least two-thirds of the voting members present, or upon the advice of MAR legal counsel (1-25-19)

#### **Section 14. TOBACCO AND VAPING USE POLICY**

All MAR Business Meetings shall be smoke, vape, and tobacco free. (1-25-19)

#### **Section 15. PERSONNEL POLICIES**

The Chief Executive Officer, with the advice of the Association's legal counsel and with the approval of the Executive Committee, shall prepare, maintain, and enforce personnel policies and/or guidelines which will be reviewed annually. The Executive Committee shall review and approve any proposed changes to the personnel policies before they take effect. (1-26-07)

#### **Section 16. POLICY FORMATION, ADOPTION, AND DURATION**

All proposed policies for the Association, except as noted in Section 15, shall be presented to the Executive Committee for review. Once reviewed by the Executive Committee the policies will then be forwarded to the Board of Directors for review and approval. Upon approval by the Board of Directors the policies will be included in the MAR policy manual. The Association Management Committee shall annually review these policies and submit any recommendations to the Executive Committee in preparation for approval by the Board of Directors. Copies of all policies shall be made available to the Board of Directors. (1-25-19)

#### **Section 17. REFERRALS AND RECOMMENDATIONS**

Requests from the general public for professional or business related recommendations of individual members shall be referred to the local board with the appropriate jurisdiction. Requests for recommendations in specialty areas will be referred to the President of the state chapter of the appropriate society, institute, or council. (1-25-19)

#### **Section 18. SERVICE OF PROCESS**

Copies of any and all service of process delivered to the Chief Executive Officer, as the registered agent for the corporation, or to any officer or other person authorized to receive service of process on behalf of MAR under the law, shall immediately be forwarded to the Executive Committee as well as the Association's Legal Counsel. (1-25-19)



## **Section 19. SOCIETIES, INSTITUTES AND COUNCILS**

MAR encourages the participation and involvement of state chapters of affiliated societies, institutes, and councils in the programs of the association provided that the chapter has received the prior approval of the appropriate Committee, or the Board of Directors. As to programs and services of the societies and councils, MAR staff may assist, to the extent possible, in coordinating meetings, publications, announcements, special events, etc. Such assistance shall be furnished only on a cost recovery basis unless otherwise approved by the Board of Directors. (1-25-19)

## **Section 20. STATE DIRECTOR ENTITLEMENT**

Member boards shall be entitled to one state director for every 100 members or a fraction thereof based on the number of members listed on the MAR membership roster as of April 15 of the current elective year. Directors shall not be entitled to complete the full year term to which they were elected if a member board dissolves or the number of members certified in a member board decreases after their term commences. Local Boards are to be notified by MAR of their entitlement for the next elective year no later than June 1st. (1-25-19)

## **Section 21. BOARD OF REALTY REGULATION MEETINGS**

The Association shall be represented at all BRR meetings by the Chief Executive Officer, MAR legal counsel, and/or a designee. (1-25-19)

## **Section 22. USE OF MAR QUALITY OF LIFE LOGO**

The Quality of Life logo can be used by all REALTOR® and affiliate members.

## **Section 23. USE OF MAR LOGO**

The MAR logo can be used by all REALTOR® and affiliate members in accordance with the style guide approved by the MAR Board of Directors. (1-25-19)

## **Section 24. LEGAL ACTION FUND**

The Montana Association of REALTORS® will maintain a Legal Action Fund (LAF) to be administered by the Legal Action Committee in accordance with the statement of organization and procedures approved by the Board of Directors. LAF funds will be accounted for separately from the General Fund and all interest earned will accrue to the LAF account. (9/18/15)

## **Section 25. CONFLICT OF INTEREST**

A member of any of MAR's decision making bodies will be considered to have a conflict of interest whenever that member: 1) is a principal, partner or corporate officer of a business providing products or services to MAR or in a business being considered as a provider of products or services ("business"); or 2) holds a seat on the Board of Directors of the business unless the person's only relationship to the business is service on such Board of Directors as MAR's representative; or 3) holds an ownership interest of more than 1 percent of the business.(1/25/08)

Ownership interest is defined as the cumulative holdings of the member, the member's spouse, children, siblings and to any trust, corporation or partnership in which any of the foregoing individuals is an officer or director, or owns, in the aggregate, at least 50% of the (a) beneficial interest (if a trust), (b) stock (if a corporation) or (c) partnership interests (if a partnership).

Members with a conflict of interest must immediately disclose their interest at the outset of any discussions by a decision making body pertaining to the business or of its products or services. Such members may not participate in the discussion relating to that business other than to respond to questions asked of them by other members of the body. Furthermore, no member with a conflict of interest may vote on any matter in which the member has a conflict of interest, including votes to block or alter the actions of the body in order to benefit the business in which they have an interest. (1/25/08)

## **Section 26. WHISTLEBLOWER POLICY**

### **General**

The Montana Association of REALTORS® requires directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Directors, officers and employees must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

## **Reporting Responsibility**

It is the responsibility of all directors, officers and employees to report violations or suspected violations of all applicable laws and regulations in accordance with this Whistleblower Policy.

## **No Retaliation**

No director, officer or employee who in good faith reports a violation of any rule, regulation or ethical violation, shall suffer harassment, retaliation or adverse employment consequence. 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. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated, or disclosures that would constitute a violation of the attorney-client privilege. This Whistleblower Policy is intended to encourage and enable directors, officers and employees to raise serious concerns within MAR prior to seeking resolution outside the Association.

## **Reporting Violations**

MAR has an open door policy and suggests that directors, officers and employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, the Chief Executive Officer is in the best position to address an area of concern. However, if the person making the report is not comfortable speaking with or is not satisfied with the response of the Chief Executive Officer, they may speak with the President of the Association. In the event any person wishing to make a report prefers to speak to an outside party, such person may contact MAR's General Counsel: Jaymie Bowditch, Boone Karlberg, P.C. 201 West Main – Suite 300, Missoula, Montana 59807-9199; 406-543-6646.

## **Compliance Officer**

MAR's Chief Executive Officer will serve as the Association's Compliance Officer and is responsible for investigating and resolved all reported complaints and allegations concerning violations. The Compliance Officer has direct access to the Executive Committee and is required to report to the Executive Committee at least annually on compliance activity.

## **Acting in Good Faith**

Anyone filing a complaint concerning a violation or suspected violation of applicable laws and regulations must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the laws or regulations. All 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.

## **Confidentiality**

Violations or suspected violations may be submitted on a confidential basis by the complainant to the extent possible, consistent with the need to conduct an adequate investigation.

## **Handling of Reported Violations**

The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

# **POLICY PART 2 - FINANCIAL**

## **Section 1. DUES**

All state dues collected by member boards are payable to MAR on January 1 of each year. Failure of a local board to remit state dues by March 1 of each year shall result in the assessment of late charges and administrative fees not to exceed 1.5 % of the amount due. (1-25-19)

- A.** All local associations shall remit all dues to MAR via electronic fund transfer. (9/21/18)
- B.** No refund of MAR dues paid shall be made. (9/18/15)

## **Section 2. AFFILIATE MEMBER DUES**

Affiliate member dues are paid to MAR by the parent office. Affiliate's Branch offices shall be deemed to be members of the Montana Association of REALTORS®, Inc. by virtue of the payment of dues by the parent office. Affiliate membership is not an endorsement from MAR. Affiliate Member dues payable by an individual are paid to MAR directly by the individual affiliate member. (1-25-19)

## **Section 3. BUDGET ADJUSTMENT**

If and when it becomes apparent that program revenues are not going to meet projections, the Treasurer shall meet with the Executive Committee and staff to review and reduce proposed expenditures to minimize the negative effect on the total MAR budget. (5/8/96)

## **Section 4. CHECKS RETURNED UNPAID BY BANK**

A three-step process will be used to collect for checks returned for insufficient funds, closed accounts, predated or stale dated checks, etc. (9-19-02)

- A.** Maker will be contacted by phone to see if the check can be re-deposited, a new check issued, or payment made in another form.
- B.** If payment is not made and confirmed within fifteen (15) working days, a letter will be sent requesting the check be made good, by either a cashier's check or money order, and advising that MAR may initiate collection action, including recovery of a civil penalty of three times the amount of the check, with a minimum of \$100.00 and a maximum of \$500.00, if the check is not paid within ten days. (9-19-02)
- C.** If the check is not paid within 10 days or acceptable payment arrangements made, collections and/or complaint procedures may be initiated, including a claim for applicable penalties. (9-19-02)

## **Section 5. DONATIONS**

No expenditure or donation of MAR funds shall be made to any religious, philanthropic, or civic organizations without the approval of the Executive Committee. (1-25-19)

## **Section 6. SIGNATORY POLICY**

As a general policy all checks will have two authorized signatures with the exception of payroll related checks. Direct deposit of employee payroll is authorized with the review of the payroll summary to be sent to the MAR Treasurer for each pay period. (1/21/05). On occasions when checks have to be written and dispersed quickly, a single signature check may be issued upon authorization of another authorized signatory. A copy of the invoice and check will be sent to the Treasurer as soon as possible. (1-25-19)

## **Section 7. EXPENDITURES AUTHORITY**

Without written authorization from the MAR Executive Committee, no member of MAR shall negotiate for or contract for goods or services, including but not limited to speakers, facilities, social/meal functions, etc., on behalf of the Association either verbally or through written letter of intent to enter an agreement or through a contract. No commitment for goods and/or services, including, but not limited to speakers, facilities, social/meal functions, may be made until funding has been approved by the MAR Executive Committee. If funding is approved, all negotiations, contracts, and commitments for same shall be implemented by MAR staff. (1-25-19)

## **Section 8. OVERDUE ACCOUNTS**

Members who have charged merchandise and/or services and have not paid by the initiation of the next billing cycle will be sent a second notice. If payment is not received by the 15<sup>th</sup> of the next month, the member will be sent a letter stating that this is the third request for payment and that until the account is paid in full, all sales to that member will require payment in full in advance. Any account with a balance owing of \$25.00 or more not paid in full within six months will be turned over to a collection agency. (1-25-19)

## **Section 9. INVESTMENTS AND RESERVE REQUIREMENTS**

Guidelines for investment are as follows:

- A. MAR shall hold a minimum required reserve equal to 50% of net operating expenses. The definition of “net operating expense” does not include GRI or other revenue generating programs identified by the Board of Directors. The amount of equity invested in a building owned by MAR may be recognized as part of the Association’s minimum reserve balance. (1-24-14)
- B. At least 40% of the operating reserves must be in liquid assets. (4-28-06)
- C. Checking, savings, and money market accounts are required to be maintained in insured institutions and the amount on deposit in any one institution must not exceed the maximums of the insurance unless otherwise authorized by the Finance and Audit Committee. (1-25-19)
- D. The Finance and Audit Committee shall approve investment purchases and sales. (1-26-07)
- E. The Finance and Audit Committee shall establish a Capital or Major Equipment Reserve and shall allocate annually funds to be accumulated in those reserves for the purchase of major capital equipment valued in excess of \$5,000. (1-26-07)
- F. The Finance and Audit Committee and/or the Executive Committee shall approve opening and closing all deposit accounts. (1-25-19)

**Section 10. INVESTMENT POLICY STATEMENT**

- A. **Statement of Purpose:** This policy statement is established to provide a clear understanding between the Board of Directors of the Montana Association of REALTORS® and the Finance and Audit Committee regarding the objectives, goals and guidelines and the assets we have placed under the investment discretion of the Finance and Audit Committee.
- B. An Investment Policy Statement should be specific and meaningful, but also flexible enough to be practical. The terms described in this Statement shall:
  - Give the Finance and Audit Committee an understanding of the investment direction that we believe is most appropriate and prudent in consideration of the present and future financial needs of the Association,*
  - Establish the criteria which the Finance and Audit Committee is expected to adhere to in the active management of the Association’s assets, and*
  - Serve as a review document to guide our ongoing investment objectives.*
- C. **Investment Objectives:** The primary investment of the assets placed under management is to provide for income to offset operating expenses of the Association. Secondly, these assets are to be managed to maintain preservation of purchasing power on a consistent and long term basis. The overall investment direction is to achieve capital appreciation during favorable markets and preservation of capital during poor market conditions.
- D. **Investment Goals:** Based on the investment objective stated above, our primary long term goal is to earn an investment return 2.0 percent in excess of the return measured by the 90-day U.S. Treasury Rate. 50% of the Association’s net operating budget for the coming year, at a minimum, shall be held in reserve account under the direction of the Finance and Audit Committee. A minimum of 40% of this amount shall be kept in Liquid Assets, being the equivalent of Cash, CD’s, and Treasuries with a maturity of one year or less. The balance of the funds shall be kept in a combination of Notes and Mortgages secured by Real Estate, Bonds, Stocks or Mutual Funds, and or equity in a building that houses the day to day business of the Association. The allocation will be determined by the Finance and Audit Committee based on current market conditions. The following security classifications are permissible and suitable investments for the purposes of managing our assets:
  - 1. Cash Reserves should be invested in interest bearing securities, free from price fluctuation and instantly saleable. Those shall consist of individual fixed income securities such as Certificates of Deposit, Treasury Bills, and other similar instruments with one year or less to maturity and/or money market funds.
  - 2. Equities Plan assets may be invested in Real Estate Finance Instruments, Free and Clear Real Estate (other than a building that houses the Association), Equity in a building that houses the day to day business of the Association, publicly traded common and preferred stocks, and convertible preferred and convertible debentures.
  - 3. Other Investments are permissible only with prior approval of the Board of Directors, or by separate policy.

- E. Investment Review: Portfolio measurement standards. The Finance and Audit Committee shall review, no less often than quarterly, the performance of the assets relative to the stated objectives and guidelines. The Finance and Audit Committee will report to the Association Management Committee, and the Executive Committee as requested. (1-25-19)
- F. Review and Modification of the Investment Policy Statement: The Investment Policy Statement shall be reviewed at least once a year to determine if modifications are necessary or desirable. If modifications are made, they shall be promptly submitted to the Board of Directors at the next scheduled meeting for approval. (1-26-07)

**Section 11. RPAC AND IMF**

RPAC and Issues Mobilization funds shall be accounted for separately from the MAR general fund and governed by the Bylaws of their respective entities. (9-19-02)

**Section 12. TRAVEL REIMBURSEMENT POLICY**

Within the parameters established elsewhere in the MAR policies, the Association shall reimburse all reasonable expenses necessary for volunteer leadership or paid employees to accomplish MAR objectives. (3/12/96) (1-20-06)

Expenses charged to the Association shall serve a business purpose and be authorized by the Treasurer and Chief Executive Officer. (1-26-07)

Travel reimbursement for hotels, mileage, per diem, event costs, and any other expenses will be made to individuals authorized to travel to authorized events according to the schedule located in Appendix A of these policies, within the limits of such travel as approved in the annual budget for the year in which the travel occurred. (1-25-19)

Expenses must be submitted on an approved form, which must document all items to be reimbursed. The reports and final expenses must be submitted within sixty days of the last day of the event in order to receive reimbursement. No reimbursement will occur until after travel has taken place. (9/18/15)

- A. Authorized Travel
 

Travel to be funded will be determined during the planning and budgeting process and approved by the Executive Committee and Board of Directors. Members and Staff in addition to the President authorized to travel may include, without limitation: President-elect, First Vice President, Treasurer, Chief Executive Officer, Association legal counsel, National Directors, Regional Vice President-Elect, Distinguished Service Award Recipients, Immediate Past President, State Committee Chairs, and Vice-Chairs, Regional Ambassadors; FPC's, NAR Chairs, Vice-chairs, and members of NAR committees; Chairs and Vice-Chairs of NAR Forums and Sub-forums; Association employees, members of Presidential Advisory Groups, or other members authorized to travel on MAR business. (1-25-19)
- B. Documentation
 

Receipts of expenses for lodging & travel (copies are acceptable) must be submitted for reimbursement as required by the IRS. (5-7-04)
- C. Airfare
 

Based on coach air or actual expense, whichever is less. Costs incurred by MAR due to a cancellation by the individual(s) will be withheld from any travel reimbursement payable to the individual(s). (1-25-19)
- D. Lodging
 

Actual cost of lodging up to the average priced room plus tax of the headquarters hotels available for national or out of town travel. MAR may pre-pay authorized lodging expenses for members budgeted to travel on Association business. Members are responsible for any lodging expenses incurred for failing to cancel a reservation made on their behalf. Costs incurred by MAR due to a cancellation by the individual(s) will be withheld from any travel reimbursement payable to the individual(s). (9/18/15)
- E. Other Travel Expenses
 

MAR will reimburse for travel expenses up to one day prior to the beginning of the meeting attended and up to one day after the meeting is over if necessary due to the scheduling of the meeting(s). This policy is intended to allow full participation in the meeting to be attended. Expenses will be reimbursed on a per diem basis to be determined by location during the budgeting process. MAR will pay travel expenses to and from an airport to the hotel or other

meeting location. The amount of reimbursement may not exceed the allotted amount in the current year's budget and receipts are required to obtain reimbursement. Parking at an individual's local airport will be reimbursed for the same amount of days as per diem. Receipts are required for reimbursement. (9/18/15)

**F. Personal Vehicle**

The IRS maximum allowable mileage rate shall be used for mileage actually incurred as a result of attending association business or meetings. Mileage shall be reimbursed on actual map miles only. In the event several individuals travel in a single vehicle, only one mileage reimbursement will be paid to the owner of the vehicle. (9-19-02)

**G. Per Diem**

For in-state overnight travel, twenty-five dollars; for out-of-state overnight travel, eighty-five dollars. Per Diem reimbursements will be paid at 100% for each overnight stay and at 75% for the return day. No receipts will be required. (1-21-11)

**H. Flying vs. Driving**

The mileage rate for the same distance can be used toward any mode of travel and if there is a savings, the savings would be to the benefit of MAR. (1-20-06)

**I. Tax Liability**

A 1099 may be issued as per IRS guidelines. (1-25-19)

**J. Limitations**

Travel reimbursement will be limited to those expenses incurred per qualifying event and will not be based on the number of volunteer positions held simultaneously. (1/25/08)

**Section 13. REIMBURSEMENT POLICY FOR PRESIDENT OF MAR**

**A. NAR BUSINESS**

1. Airfare: May include spouse or guest based on coach air or actual expenses whichever is less. (1-25-19)
2. Hospitality Suite: The President may host a hospitality suite at NAR meetings and will be reimbursed for receipted expenses incurred in accordance with MAR policies as set forth herein. (3/12/96)
3. Lodging: Actual cost of lodging, including tax, up to the average rates of the headquarters hotel for national or out of town travel; includes a hospitality suite as noted above, for NAR Convention and for other NAR meetings and MAR meetings. (9-19-02) (5-7-04) (9/18/15)
4. Spouse (or Guest) Travel: IRS guidelines (effective January 1, 1994) mandate that the Association file a 1099 or W-2 (based on employment determination) on an officer of the Association receiving travel expense. (9-19-02) (1/26/07)
5. Per Diem: One hundred and fifty dollars per day for out-of-state travel and seventy-five dollars per day for in-state travel. Per Diem reimbursements will be paid at 100% for each overnight stay and at 75% for the return day. No receipts will be required. (1-20-11)
6. Registration: Actual cost of registration for President and spouse or guest for the NAR Annual Meeting. (1/26/07)
7. MAR may reimburse the President for meals and entertainment expenses above the per diem set forth above. However, to the extent possible the President should seek pre-approval from the MAR Executive Committee. Any request for reimbursement for meals or entertainment must include the receipt from the venue/restaurant and the names of those who were present. (1-25-19)

**B. DUES**

MAR will pay the President's state, local and national REALTOR® Association dues for the year of his/her term. (5-7-04)

**C. DISCRETIONARY FUND**

The budget shall provide for a discretionary fund, which may be used by the President, to fund travel or expenses deemed necessary by the President to further the business and purposes of MAR, but not otherwise included in the budget. (9-19-02) (5-7-04)

**D. ASSOCIATION CREDIT CARD**

The MAR President shall be issued a credit card with a limit of \$2500 for Association business purposes. Receipts for expenditures will be provided to the MAR Chief Executive Officer on a monthly basis. (1-27-12)

**E. PRESIDENT'S STIPEND**

The MAR President shall be provided with an annual stipend of \$5,000. The annual stipend may be requested the day after s/he takes office. (8-8-12)

**Section 14. CEO DISCRETIONARY FUND**

The budget shall provide for a discretionary fund, which may be used by the CEO to fund expenses deemed necessary to further the business and purposes of MAR, but not otherwise included in the budget. (5-7-04)

**Section 15. MAR HEADQUARTERS BUILDING**

- A.** Maintenance: In order to ensure that adequate resources are in place to properly maintain the MAR Headquarters Building, a portion of the monthly rent receipts will be placed in a Building Maintenance Reserve Account. The amount will be determined during the annual budgeting process. (1-24-14)
- B.** The building maintenance reserve account will be utilized for expenditures exceeding \$1,000. All other expenses will be paid from a budgeted repair and maintenance account. (1/25/08)
- C.** Leasing Restrictions: MAR shall not lease or rent any space within the MAR Headquarters Building to any person or entity if leasing to such person or entity would create a conflict of interest. The following individuals or entities will be considered to have a conflict of interest with leasing and/or renting space within the MAR Headquarters Building:
- Any Member Board, Board Member, REALTOR® Member or Institute Affiliate of MAR, as defined in the MAR Bylaws; or
  - Any other person required to be licensed by the Montana Department of Labor & Industry, Board of Realty Regulation, including but not limited to real estate brokers, salespersons and property managers. (4/26/17)
- D.** No animals, with the exception of service animals, are allowed in the MAR building without the prior approval of the MAR Chief Executive Officer. (1-25-19)

**Section 16. PETTY CASH**

MAR will maintain a petty cash fund of no more than \$250 for purposes of reimbursing staff for out-of-pocket expenses. No disbursements from petty cash can be made without a receipt or authorization from the Chief Executive Officer. (1-24-14)

**Section 17. CREDIT CARD**

Employees may be issued an MAR credit card to be used for Association business in accordance with the procedures established in the Association's personnel policy. (1-25-19)

**Section 18. NON DUES REVENUE**

MAR may offer products and services to the membership as approved by the Association Management Committee in accordance with criteria and guidelines approved by the Executive Committee and/or the Board of Directors. These products and services are not considered to be benefits accruing to members by virtue of payment of their membership dues, and may generate revenue for the Association. Funds generated will be managed by the Finance and Audit Committee in accordance with all applicable statutory or regulatory requirements. Expenditures of non dues revenue will be authorized by the MAR Board of Directors during the annual budgeting process.

Products and services approved by the National Association of REALTORS® shall be automatically eligible for the MAR Non dues Revenue Program.

**Section 19. MAR SPONSORSHIP**

Sponsorship is available to REALTORS®, REALTOR® offices and affiliates who are in good standing with the Montana Association of REALTORS® or a local REALTOR® association. Upon the approval of the event committee, non-affiliates may participate at MAR events and will be charged a fee determined by the event committee. (1-24-14)

## **Section 20. INSURANCE**

MAR will maintain the following insurance coverages:

- A. All standard NAR policies available to state associations.
- B. A commercial Crime Insurance policy for embezzlement and fraud shall be provided to cover MAR staff, President, President-elect, First Vice President, and Treasurer.
- C. MAR will maintain such other insurance coverages as determined from time to time by the Board of Directors. (1-25-19)

## **POLICY PART 3 - EDUCATION**

### **Section 1. EDUCATION - REGISTRATION**

Course managers and/or deans shall be admitted to the course they are managing at no charge.

### **Section 2. GRI DESIGNATION**

- A. Administration of GRI in Montana shall be according to NAR policy and the MAR GRI Policy and Procedures. (9/18/15)
- B. Unless otherwise specified by NAR policy, an individual must attend and successfully complete all three GRI courses by passing a test or tests at each level with a minimum of 70% passing grade. Credit will be given for GRI courses taken in another state provided that state's GRI has been approved by NAR and reviewed and approved as an acceptable course based on state curriculum requirements established by MAR. (1-20-06)(1-25-08)

### **Section 3. SEMINAR/COURSE CANCELLATION**

In order to maintain fiscal responsibility, the Chief Executive Officer, President, Professional Development Committee Chairperson, and individual course manager are authorized to collectively decide to cancel a scheduled class or program if such cancellation is necessary to minimize monetary loss to the association. (1-26-07)

## **POLICY PART 4 - NON-DISCRIMINATION/ANTI-HARASSMENT**

### **Section 1. HARASSMENT/NON-DISCRIMINATION**

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status or any other characteristic protected by law. The Montana Association of REALTORS® will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Such harassment may include, for example, jokes about another person's protected status, kidding, teasing or practical jokes directed at a person based on his or her protected status.

This policy applies to conduct occurring in the workplace and/or in other settings where MAR members may be in connection with their work for MAR, such as business trips and business related social events.

The prohibited conduct also includes: (a) epithets, slurs, negative stereotyping, threatening, hostile, offensive or intimidating acts that are based on a person's protected status; and (b) written or graphic material circulated within or posted within the workplace, on company time or using company equipment by email, phone (including voice messages), text messages, social networking sites, etc. that shows hostility toward a person or group because of their protected status. (9/18/15)

### **Section 2. SEXUAL HARASSMENT**

Sexual harassment deserves special attention. Sexual harassment may include subtle and not so subtle behaviors, may be directed towards individuals of the same or different gender, and may include explicit sexual propositions, sexual innuendo, commentary about an individual's body, sexual prowess or sexual deficiencies, sexually oriented "kidding" or "teasing;" "practical jokes," jokes about obscene printed or visual material; staring, leering or whistling; insulting or obscene comments or gestures and physical contact such as patting, pinching or brushing against another person's body. Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when:

- Submission to the conduct is implicitly or explicitly made a term or condition of employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual; or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work



performance or creating an intimidating, hostile, or offensive working environment.

Prohibited Sexual harassment also includes:

- Harassment directed toward a person because of gender
- Propositions or pressure to engage in sexual activity
- Sexual assault
- Display of magazines, books, or pictures with a sexual connotation
- Any harassing behavior, whether or not sexual in nature, directed toward a person because of the person's gender, including, but not limited to, hazing employees working in nontraditional work environments. (9/18/15)

### **Section 3. COMPLAINT PROCEDURE**

Whenever possible, any person who is experiencing unwelcome conduct, of the type generally described above, should inform the person engaging in the conduct that it is unwelcome and request that it stop. Any person who is experiencing unwelcome conduct of the type generally described above or have witnessed such behavior should immediately report this information to the President or CEO. (1-25-19)

### **Section 4. CORRECTIVE ACTION**

MAR will attempt to investigate all complaints of harassment, discrimination and retaliation thoroughly, to the fullest extent practicable. MAR will keep complaints and the terms of their resolution confidential; however it cannot guarantee complete confidentiality to complete a thorough investigation. The complaint does not have to be in writing; however, it is helpful if details of dates, times, places and witnesses, if any, to the harassment alleged can be provided.

All complaints will be investigated promptly and with strictest confidentiality by an investigatory team comprised of the President, President-Elect and/or First Vice President and one (1) member of the Board of Directors selected by the highest ranking officer not named in the complaint after consultation with MAR's legal counsel. If the complaint involves the President, President-Elect and/or First Vice President, they shall be replaced on the investigatory team by the immediate Past President or, alternatively, by another member of the Board of Directors selected by the highest ranking officer not named in the complaint. Incidents may be resolved through both informal and formal means as determined by the circumstances and at the option of the parties.

If an investigation confirms that a violation of this policy has occurred, MAR will take appropriate, corrective action including discipline up to and including any sanction authorized in the Code of Ethics and Arbitration Manual, verbal or written warning, probation, suspension or expulsion depending on the gravity of the incident. Prior incidents of similar behavior shall be taken into consideration when determining the appropriate disciplinary action. The investigatory team shall make such decision.

It is contrary to the policy of MAR for a member to retaliate against any employee who files a charge of sexual harassment. All possible steps will be taken to eliminate the possibility of retaliation resulting from the filing of a complaint.

The knowing filing of a false or malicious complaint of harassment or of retaliation is a violation of this policy. In the event a complaint of sexual harassment is found to be totally and completely without basis, appropriate disciplinary measures may be taken against the employee who brought the complaint. While this is in no way intended to discourage employees who believe they have been the victim of sexual harassment from bringing a complaint, the Board recognizes that a charge of sexual harassment can cause serious damage to the personal reputation and professional career of the accused. (9-18-15)

## **POLICY PART 5 - OFFICER & NATIONAL DIRECTOR CRITERIA/ELECTIONS**

### **Section 1. NOMINATING/CREDENTIAL REVIEW SUBCOMMITTEE**

The purpose of the Nominating and Credential Review Subcommittee is to actively seek at least one candidate for each office as defined in Article IV, Section 1 of the MAR Bylaws with the exception of the President and Treasurer and to verify information on applications and petitions, and forward the names of all qualified candidates to MAR staff to be placed on the ballots. (1/20/06)

#### **A. Appointment**

The Association Management Committee Chair shall appoint a Nominating and Credential Review Subcommittee, and the chairperson of said Nominating and Credential Review

Subcommittee, of at least 5 members that is geographically representative of the membership. Excluded from the Subcommittee are the President and any member interested in being considered for any position. (9/18/15)

**B. Timeline**

Candidate applications must be received at a date and time established by the Chair of the Nominating and Credential Review Subcommittee. It is the responsibility of the applicant to verify that their application has been received prior to the established deadline. No late applications will be accepted. Any candidate who misses the application deadline may seek to be placed on the ballot through the petition process as established in Part 5, Section 2 of these policies.

Candidates not meeting the minimum qualifications shall be informed in writing by the Nominating and Credential Review Subcommittee and encouraged to work toward meeting requirements for future candidacy. If no candidate has been proposed for an office who meets the required criteria for the position, the Nominating and Credential Review Subcommittee may consider candidates who do not meet the criteria for the position or may elect not to propose a candidate for that office (1-25-19)

**C. Confidentiality**

Candidates for MAR office shall remain confidential until their applications have been reviewed by the Nominating and Credential Review Subcommittee and their name placed on the ballot. (1-27-12)

**Section 2. PROCEDURES FOR NOMINATION AND ELECTION OF OFFICERS**

- A.** The Association Management Committee shall appoint a Nominating and Credential Review Subcommittee to actively seek at least one (1) candidate for each office as defined in Article IV, Section 1, with the exception of the President and Treasurer. The Subcommittee shall publish its report to all members no less than ninety (90) days prior to the Annual Association Meeting. The Nominating and Credential Review Subcommittee shall also seek at least one (1) candidate for each Regional Ambassador position from each Region for consideration for appointment by the President, President-Elect, and First Vice President, as set forth in MAR Policies. (1-25-19)
- B.** Additional candidates for the offices of President-Elect or First Vice President may be placed in nomination by petition signed by at least 50 REALTOR® members. Signatures must be obtained from at least two MAR regions to demonstrate representation of statewide membership. All petitions shall be filed with the Association Management Committee within thirty (30) days of the publication of the Committee recommendations. (1-25-19)
- C.** The Nominating and Credential Review Subcommittee shall review the qualifications of all applicants and petitioners and will forward all qualified candidate names to be placed on the ballot. If no candidate has been proposed for an office who meets the required criteria for the position, the Nominating and Credential Review Subcommittee may then consider candidates who do not meet the criteria for the position or may elect not to propose a candidate for that office. The Nominating and Credential Review Subcommittee will forward the slate of candidates to MAR staff for preparation of ballots. (1-25-19)
- D.** The election of officers shall take place at the Annual Association Meeting based upon written ballots. The written balloting may be conducted by U.S. Mail or by electronic communication or both. Each ballot shall have the names of all candidates and the offices for which they are nominated. (1-25-19)
- E.** The written ballots shall be delivered in person, by mail, or by electronic communications to each REALTOR® member, life member, REALTOR® emeritus member, and board member, and must contain the following information or as required by the existing state law. (1-25-19)

1. Set forth each proposed action and/or the names of all candidates and the office for which each has been nominated.
  2. Provide an opportunity to vote for or against each proposed action.
  3. Approval by written ballot pursuant to this section is valid only when the ballot indicates:
    - a) the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action;
    - b) the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot;
    - c) the number of responses needed to meet the quorum requirements;
    - d) the percentage of approvals necessary to approve each matter other than election of directors; and
    - e) the deadline by which a ballot must be received by MAR in order to be counted.
- F.** The Association Management Committee shall appoint an Election Subcommittee at the MAR Annual Association Meeting. The Election Subcommittee shall conduct the election and count valid ballots. If the election Subcommittee desires to use electronic communication in conducting an election, it may request that the Association Management Committee approve said use and that the Association Management Committee request that the Executive Committee approve a contract with a vendor to provide electronic balloting services. (1-25-19)
- G.** The results of the election shall be announced by the chair of the Election Subcommittee at the MAR Annual Association Meeting. The Election Subcommittee shall have final judgment on voting disputes, such decisions to be rendered immediately. In case of a tie vote, the issue shall be determined by lot. (1-25-19)
- H.** The qualified candidate(s) for Treasurer shall be recommended by the President-elect to the Board of Directors. The Treasurer shall be elected by the Board of Directors at the Annual Association Meeting held in the year coinciding with the completion of the current Treasurer's term of office. (1-25-19)
- I.** The President-elect shall automatically succeed to the presidency after serving his/her term as President-elect. (1-25-19)
- J.** The Board of Directors shall, for administrative purposes, divide the state into Regions in accordance with MAR policies. One (1) Regional Ambassador shall be appointed for each Region for a one-year term by the MAR President, President-elect, and First Vice President in accordance with MAR policies. (1-25-19)

### **Section 3. OFFICER POSITION DESCRIPTIONS**

An overview of officers and other MAR positions shall identify the duties and responsibilities of each position. The position descriptions for officers and National Directors identify required experience and qualifications. (9-19-02)

### **Section 4. OFFICER CANDIDATE APPLICATIONS**

Each candidate for an MAR officer position is required to fill out a standard application form for that position. All applicants for election or reelection must submit a new application to be considered for the position in question. (1/20/06)

### **Section 5. ELECTION PROCESS FOR MAR OFFICERS**

The election of an officer position shall be conducted by written ballot, by U.S. mail, by electronic communication or by any combination thereof. The written ballots shall be delivered in person by mail, and/or by electronic communication. The MAR Executive Committee may contract with a vendor providing electronic balloting services, if electronic communication is to be utilized in conducting an election of officers. If electronic balloting services are used see online voting procedures in Appendix B. (1-25-19)

### **Section 6. ELECTION CYCLE OF NATIONAL DIRECTOR**

A National Director will be elected each year (as needed) to serve staggered terms. The candidates' applications must be submitted to the Nominating and Credential Review Subcommittee at a date and time to be established by the chair of the subcommittee. A National Director may not serve more than two consecutive terms. (1-25-19)

## Section 7. NATIONAL DIRECTORS

The Association Management Committee shall present the names of all qualified candidates for the National Director vacancies to the MAR Board of Directors. The Board of Directors, by majority vote, shall determine the person(s) who will be elected to a National Director position. If the results of an election cannot be determined because of a tie vote, the names of the candidates who tie will be submitted to a second, and, if necessary, a third ballot. If neither candidate received more votes than the other as a result of the third ballot, the candidate to fill the position will be selected by the flip of a coin. In the event of an unfilled term, when meeting schedules do not allow the above procedure to be followed, the President, with the approval of the Executive Committee, shall appoint the NAR directors. (1-25-19)

## Section 8. VACANCIES

- A. The Executive Committee shall appoint a qualified member to fill the unexpired term of any officer (but not a director) whose position is vacated by death, illness, or voluntary retirement. (1-25-19)
- B. Vacancy of any director position, elected by a Member Board/Association, shall be filled by the Member Board/Association represented by said director within sixty (60) days of date of vacancy and, if the director position is not filled within sixty (60) days, MAR President may appoint a director for said vacancy from the appropriate Member Board/Association. Vacancy of any director position, held by virtue of an elected or appointed office or position in a Member Board/Association, MAR, or the National Association of REALTORS®, shall be filled by the individual succeeding to such office or position. (1-25-19)
- C. Unexcused absence by a director from two (2) consecutive Board meetings shall be adequate cause for the Board of Directors to remove such director, upon majority vote of a quorum of the directors. An unexcused absence shall be defined as an absence when either an excuse is not submitted to the President in advance of such meeting or such excuse is not deemed valid by a majority of the Board attending the meeting for which the excuse applies. (1-25-19)
- D. In the event of a vacancy in an unexpired term of a National Director position, the Board of Directors shall elect a successor to complete the unexpired term in the same manner as provided in Section 4 of Policy Part 5. The period of the unexpired term that any successor National Director serves shall not count towards any term limits. (1-25-19)

## Section 9. MAR OFFICERS AND DIRECTORS

### A. OVERVIEW FOR THE OFFICE OF PRESIDENT

#### 1. TERM: ONE YEAR

Term to begin at the close of the national convention, each year, and to conclude upon the close of the national convention the following year. (5/7/04)

#### 2. DUTIES AND RESPONSIBILITIES

The President is the chief elected officer and official spokesperson for the Association. In addition to the duties imposed by law, the Association's Articles of Incorporation and Bylaws, the President is charged with the following responsibilities: (1-25-19)

- Conducting the business affairs of the Association (with assistance from staff and other officers)
- Presiding at all official meetings, including meetings of the Executive Committee, and Board of Directors and the Annual Meeting (1-25-19)
- Appointing all chairpersons, Note: The President is an ex-officio member of all committees, subcommittees and PAG's except the Nominating and Credential Review Subcommittee and the Professional Standards Committee
- Representing the Montana Association of REALTORS®, Inc. at local board meetings, conferences, state meetings, and the Region 12 meetings
- Conducting a leadership training program for local board presidents, presidents-elect and state directors to be annually. (1-25-19)
- Coordinating attendees at national meetings along with national directors, and the Chief Executive Officer (1-25-19)
- Attending regional luncheons, regional caucuses, and other meetings at national meetings
- Identifying Committee and Subcommittee members, in cooperation with the Committee Chairs, and staff liaisons. Appoints members to serve on Committees and Subcommittees. (1-25-19)

- Identifying future leadership
  - Motivating leaders, staff, and members
  - Attending miscellaneous meetings/events
  - Legislative session involvement
  - Corresponding via telephone, written and/or electronic correspondence (4-27-12)
  - Participating when possible in unscheduled, unanticipated programs, activities, meetings, etc. (4-27-12)
  - Installing Local Board officers upon request
  - Visiting Local Boards, upon request (4-27-12)
3. **OFFICIAL SPOKESPERSON FOR THE ASSOCIATION**  
The President is responsible for representing the interests and objectives of the Association and its members when dealing with:
- Members of the press and news media
  - Allied businesses and professions
  - Members of the public at large
4. **GENERAL WORKING KNOWLEDGE**  
The President must be knowledgeable and conversant in all areas of the Association operation, including:
- The Constitution, Bylaws, and governing policies of the National Association of REALTORS®
  - The Bylaws and operating policies of the Montana Association of REALTORS®, Inc. including the REALTORS® Political Action Committee (RPAC) and Issues Mobilization Committee (IMF).
  - Parliamentary Procedure – Robert’s Rules of Order (latest edition)
  - The operating guidelines and procedures of the MAR Committees, Subcommittees and PAG’s (1/26/07)
5. **TIME CONSIDERATIONS**
- a) In-State Activities (Attendance Mandatory)
- MAR business meetings (Three 2-3 day meetings)
  - Annual Meeting
  - MAR Planning Session (1 – 2 day(s) )
  - Summer Budget meeting (1/2 day)
  - Summer Executive Committee meeting (1/2 day)
  - GRI Graduation Event (1/20/06)
  - Leadership Development Conference (1-25-19)
  - Leadership/Committee Chair and Vice Chair Training (1-25-19)
- b) Out-Of-State Activities (Attendance Mandatory)
- NAR Mid-year/Legislative meeting (6-7 days)
  - NAR Annual Convention (6-7 days)
  - Region 12 Meeting (3 days) (5/7/04)
6. **EXPERIENCE AND QUALIFICATIONS**
- a) Experience Required for Office of President of MAR at the time of taking office:
- To be actively involved in the real estate business and be a member, and in good standing with MAR, the Board of Realty Regulation and their local board or association
  - To have served as state President-elect
  - To have served two years as a state director, or have served as a local board or association President
  - To have served on an MAR Committee and chaired a minimum of one MAR Committee, Subcommittee or PAG
  - To have served as a member of the Finance Committee for at least one year
- b) Additional Desirable Experience
- To have attended the NAR or other recognized spokesperson training

seminar

- To have previously attended NAR meetings
- To have served on at least one NAR committee
- To have served on the Government Affairs Committee (1-25-19)
- To have participated in the annual planning process (1/26/07)

**B. OVERVIEW FOR THE OFFICE OF PRESIDENT-ELECT**

**1. TERM: ONE YEAR**

Term to begin at the close of the national convention, each year, and to conclude upon the close of the national convention the following year. (5/7/04)

**2. DUTIES & RESPONSIBILITIES**

To perform the duties and responsibilities of the President in the absence or disability of the President, and to perform such other duties and responsibilities as may be directed by the President, Executive Committee and/or the Board of Directors. In addition to the duties imposed by law, the Association's Articles of Incorporation and Bylaws, the President-Elect, is charged with the following responsibilities: (9-19-02)

- Appointing all Vice-Chairpersons where there are eligible vacancies. (5/7/04)
- Monitoring all major state association committees and subcommittees
- Participating in and assisting with the leadership training program for local board presidents, presidents-elect, and state directors. (5/7/04)
- Attending regional luncheons, regional caucuses, and other meetings at national meetings
- Working with the President and assisting with tasks and duties
- Targeting members for appointment on Committees
- Identifying future leadership
- Motivating leaders, staff, and members
- Chairing the Annual Planning Session
- Serving on the Executive Committee as a voting member
- Delivering the Executive Committee's recommendations to the Board of Directors along with an explanation of the Executive Committee's position on action items (1-25-19)
- Meeting with Committee chairs, vice chairs, and staff to plan agendas and review programs for upcoming year (5/7/04)
- Attending miscellaneous meetings/events when possible (4-27-12)
- Visiting Local Boards (4-27-12)
- Participating in Leadership conference calls (4-27-12)
- Legislative Session involvement
- Corresponding via telephone, written and/or electronic (4-27-12)
- Participating when possible in unscheduled, unanticipated programs, activities, meetings, etc. (4-27-12)
- Attending Spokesperson Training (4-27-12)

**3. GENERAL WORKING KNOWLEDGE**

- The President-elect must be knowledgeable and conversant in all areas of Association operations including:
- The Constitution, Bylaws, and governing policies of the National Association of REALTORS®, Inc.
- The Bylaws and operating policies of the Montana Association of REALTORS®, Inc. including the REALTORS® Political Action Committee (RPAC) and Issues Mobilization Committee (IMF);
- The operating guidelines and procedures of the Montana Association of REALTORS®, Inc. committees;
- Parliamentary procedures – Robert's Rules of Order (latest edition).

**4. TIME CONSIDERATIONS**

- a) In-State Activities (Attendance Mandatory)
- MAR Business meetings (Three 2-3 day meetings)
  - Annual Meeting

- MAR Planning Session (1-2 day(s))
  - Summer Budget meeting (1/2 day)
  - Summer Executive Committee meeting (1/2 day)
- b) Out-Of-State Activities (Attendance Mandatory)
- NAR Mid-Year/Legislative Meeting (6-7 days)
  - NAR Annual Convention (5-6 days)
  - NAR Leadership Summit (2-3 days)
  - Region 12 meeting (3 days) (1/20/06)

5. **EXPERIENCE AND QUALIFICATIONS REQUIRED**

- a) Required Experience for the Office of President-elect at the time of taking office:
- To be actively involved in the Real Estate Business and be a member, and in good standing with MAR, the Board of Realty Regulation and their local board or association
  - To have served two years as a state director, or have served as a local board or association President
  - To have served on an MAR Committee for a minimum of one year and chaired an MAR Committee, Subcommittee or PAG
  - To have served on the Finance and Audit Committee for a minimum of one year (1/26/07)
- b) Additional Desirable Experience
- To have previously attended NAR meetings
  - To have served as MAR First Vice President
  - To have been involved in a local board or association

C. **OVERVIEW FOR THE OFFICE OF FIRST VICE-PRESIDENT**

1. **TERM: ONE YEAR**

Term to begin at the close of the national convention, each year, and to conclude upon the close of the national convention the following year. (5/7/04)

2. **DUTIES & RESPONSIBILITIES**

The First Vice President is responsible for performing such duties and responsibilities as may be enjoined upon him or her by the President and/or the Board of Directors. In addition to the duties imposed by law, the Association's Articles of Incorporation and Bylaws, the First Vice-President, is charged with the following responsibilities: (9-19-02) (1/20/06)

- Representing the President and the Association at the Local Board level
- Serving on the Finance and Audit Committee
- Serving as Chairperson of the President/President-Elect Roundtables
- Participating in the leadership orientation program for local board presidents, presidents-elect and state directors
- Attending committee meetings and targeting potential committee vice chairs/chairs
- Identifying future leadership
- Motivating leaders, staff, and members
- Serving on the Executive Committee as a voting member
- Attending Annual Planning Session
- Attending miscellaneous meetings/events
- Participating in board visits
- Participating in Leadership conference calls (4-27-12)
- Legislative session involvement
- Corresponding via telephone, written and/or electronic (4-27-12)
- Participating when possible in unscheduled, unanticipated programs, activities, meetings, etc. (4-27-12)

3. **GENERAL WORKING KNOWLEDGE**

The First Vice President must be knowledgeable and conversant in all areas of Association operation including:

- The Constitution, Bylaws, and governing policies of the NATIONAL ASSOCIATION OF REALTORS®;
- The Bylaws and operating policies of the Montana Association of REALTORS®, Inc. including the REALTORS® Political Action Committee (RPAC) and the Issues Mobilization Committee (IMF);
- Parliamentary Procedure – Robert’s Rules of Order (latest edition).

4. **TIME CONSIDERATIONS**

- a) In-State Activities (Attendance Mandatory)
- MAR Business meetings (Three 2-3 day meetings)
  - Annual Meeting
  - MAR Planning Session (1-2 day(s))
  - Summer Executive Committee meeting (1/2 day)
  - Summer Budget meeting (1/2 day) (1/20/06)
- b) Out-Of-State Activities (Attendance Recommended)
- NAR Mid-year/Legislative Meeting (6-7 days)
  - NAR Annual Convention (5-6 days)

5. **EXPERIENCE AND QUALIFICATIONS**

- a) Experience Required for Office of First Vice President at the time of taking office:
- To be actively involved in the real estate business and a member and in good standing of MAR, the Board of Realty Regulation and their local board or association (1/20/06)
  - To have served two years as a state director, or have served as a local board or association President
  - To have been a member of an MAR Committee
  - To be actively involved in the real estate business and a member of MAR (1/26/07)
- b) Additional Desirable Experience
- To have previously attended NAR meetings
  - To have served as a DVP for MAR
  - To be active in a local board or association (1/26/07)

**D. OVERVIEW FOR THE OFFICE OF IMMEDIATE PAST PRESIDENT**

1. **DUTIES AND RESPONSIBILITIES**

- Attends and serves on all Executive Committee meetings in an advisory capacity and as a voting member
- Provide continuity and historical information when needed

**E. OVERVIEW FOR THE OFFICE OF TREASURER**

1. **TERM:** TWO YEARS or until their successor is appointed and approved by the MAR Board of Director, said term to commence on January 1<sup>st</sup> of every other year. Term to run concurrent with the fiscal year beginning on the first day of January in the first year of the term and concluding the 31<sup>st</sup> day of December in year two. (9/18/15)

2. **DUTIES AND RESPONSIBILITIES**

The Treasurer is the financial officer of the Association. In addition to the duties imposed by law, the Association’s Articles of Incorporation and Bylaws, the Treasurer, is charged with the following responsibilities:

- Overseeing the financial operation of the Association in conjunction with the Finance and Audit Committee and the Chief Executive Officer
- Approving all accounts payable (invoices) prior to payment
- Chairing the Finance and Audit Committee
- Presenting financial reports to the Board of Directors
- Presenting a financial report to the general membership at the Annual Meeting
- Serving on the Executive Committee as a voting member



- Chairing Summer Budget Meeting
- Overseeing fiscal operation
- Presenting the year end budget report at the January business meeting following their tenure
- Signing checks
- Attending miscellaneous meetings/events (4-27-12)
- Corresponding via telephone, written and/or electronic (4-27-12)
- Participating when possible in unscheduled, unanticipated programs, activities, meetings, etc. (4-27-12)

The Treasurer is authorized (along with the President, President-Elect and Chief Executive Officer) to sign all financial documents, including checking and savings accounts, certificates of deposit, mutual funds, and/or other such non-interest and interest-bearing accounts in which the Association has invested funds. (1/20/06)

The Treasurer will have access to all accounting and bookkeeping ledgers, journals, and records; however, all bookkeeping and accounting functions, administration of finances, and maintenance of related records and documents are the responsibility of the Chief Executive Officer and staff.

### 3. **TIME CONSIDERATIONS**

Activities (Attendance Mandatory)

- MAR Business meetings (Two 2-3 day meetings)
- Annual Meeting and Fall Business Meeting (3 days)
- MAR Planning Session (1 – 2 day(s) )
- Summer Budget meeting (1/2 day)
- Summer Executive Committee meeting (1/2 day)
- January Business Meeting of year following expiration of term (for the purpose of a final report on the previous year) (5/7/04) (1/20/06) (1/26/07)
- NAR Mid-Year/Legislative meetings
- Incoming treasurer is sent to the National Convention (November meeting) the year prior to appointment and for the first year of their term. (9/23/16)

### 4. **RECOMMENDED EXPERIENCE AND QUALIFICATIONS**

Note: While previous experience and frequency and regularity of attendance at State Association meetings will be considered, experience listed below is not considered mandatory and is not required as a condition for nomination to the office of Treasurer.

Given the Nature and Scope of the Office, an Individual Assuming the Office of Treasurer Should Have the Following Skills and Experience:

#### EXPERIENCE AND QUALIFICATIONS

- To be actively involved in the Real Estate Business and be a member, and in good standing with MAR, the Board of Realty Regulation and their local board. (9-19-02)
- To have served as a member of the Finance and Audit Committee for a minimum of two years
- To have attended at least one Board of Director's meeting
- To have served at least one year as a state director, or local board or association President
- Strong business and accounting skills
- To have served as a local board Treasurer (1/20/06)

## F. OVERVIEW FOR THE OFFICE OF REGIONAL AMBASSADOR (1-25-19)

### 1. **TERM: ONE YEAR**

### 2. **REGIONS AND BOARD JURISDICTIONS**

Western Region (1)

- Northwest Montana Association of REALTORS®
- Missoula Organization of REALTORS®

- Bitterroot Valley Board of REALTORS®

#### Central Region (2)

- Great Falls Association of REALTORS®
- Helena Association of REALTORS®
- Rocky Mountain Association of REALTORS®
- Gallatin Association of REALTORS®

#### Eastern Region (3)

- Billings Association of REALTORS®
- Park County Board of REALTORS®

### 3. DUTIES & RESPONSIBILITIES

- Must attend MAR Business meetings to report on, and advocate for, members in their respective regions. (1-25-19)
- Must report on the number of contacts they make as well as the discussions involved.
  - Discussion with local associations should include topics such as: What are you looking for from MAR, and how do we best meet member needs? (1-25-19)
- May be required, at the discretion of the MAR President, to provide a written report to be submitted to the MAR CEO prior to the business meetings. (1-25-19)
- The position will receive oversight from the MAR CEO as well as the MAR President and President-Elect. (1-25-19)
- Regional Ambassadors must will participate on the MAR REALTOR® Party Champion Council. (1-25-19)
- Regional Ambassadors shall communicate among themselves sharing examples of what each local association is doing to meet NAR Core Standards. (1-25-19)

By virtue of their office, Regional Ambassadors are voting members of the MAR Board of Directors and Executive Committee. (1-25-19)

### 4. TIME CONSIDERATIONS

#### Activities (Attendance Mandatory)

- MAR Business meetings (Three 2-3 day meetings)
- Annual Leadership Orientation
- Annual Meeting
- MAR Planning Session (1 – 2 day(s))
- Summer Executive Committee meeting (1/2 day)
- Board visitations

### 5. EXPERIENCE AND QUALIFICATIONS

- a) Experience Required For Office of Regional Ambassador: (1-25-19)
- To be actively involved in the real estate business and be an MAR member.
  - Must have knowledge of advocacy for state and national issues.
  - Shall have served on either an MAR or NAR committee.

## G. OVERVIEW FOR THE OFFICE OF NATIONAL DIRECTOR

### 1. **TERM: THREE YEARS**

Term to begin at the close of the national convention, each year, and to conclude upon the close of the national convention the year that Director's term expires. A National Director may serve a maximum of two consecutive terms, not to exceed six years. (1/20/06)

### 2. **DUTIES AND RESPONSIBILITIES**

As authorized by Article IV of the Constitution and Bylaws of the National Association of

REALTORS®, the National Association's Board of Directors is the policy-making and governing body at the national level. While Montana's National Directors represent the interest of the Montana Association and its members, their primary responsibility is to represent the entire membership of the National Association.

**NATIONAL DIRECTORS ARE RESPONSIBLE FOR:**

- Staying informed of National Association issues, activities, and programs
- Attending meetings of the National Association's Board of Directors (held in conjunction with NAR's two regular business meetings)
- Presenting reports to the State Board of Directors following NAR Director meetings
- Attending national committee meetings. National Directors are also required to serve on the corresponding MAR Committee as an ex-officio member
- Providing written reports from national meetings to be given to MAR (5/7/04)
- Communicating to the President (and the Executive Committee) issues or items that may be valuable to the interests of the Association
- Serving as a voting member of the NAR Board of Directors and attending all NAR Board of Director meetings, and attending all Region 12 and State Caucus meetings. (Note: Attendance is required at these events) (1/23/15)
- Telephone, written and/or electronic correspondence
- Unscheduled, unanticipated programs, activities, meetings, etc.
- MAR Leadership Orientation Training
- Miscellaneous Meetings/Events (1/20/06)

**3. TIME CONSIDERATIONS**

- a) In-State Activities
  - MAR Winter and Spring Business meetings (Two 2- 3 day meetings)
  - MAR Annual Meeting and Fall Business meetings (2-3 day(s))
  - MAR Executive Committee Meetings in Winter, Spring and September
- b) Out-Of-State Activities (Attendance Mandatory)
  - NAR Mid-year/Legislative meeting (6-7 days)
  - NAR Annual Convention (5-6 days)
  - Region 12 Meeting (1-2 day(s)) (1/20/06)

**4. EXPERIENCE AND QUALIFICATIONS**

- a) Experience Required for Office of National Director:
  - To be actively involved in the Real Estate Business and be a member, and in good standing with MAR, Board of Realty Regulation and their local board or association. (9-19-02)
  - To have served as a voting member of the MAR Board of Directors for a minimum of two years.
  - To have served on a Committee or as an officer of MAR (1/26/07)
- b) Additional Desirable Experience:
  - Knowledge of the Constitution, Bylaws, and governing policies of the National Association of REALTORS®
  - Knowledge of the Bylaws and operating policies of the Montana Association of REALTORS®, including the REALTORS® Political Action Committee and the Issues Mobilization Committee

**H. OVERVIEW FOR THE OFFICE OF STATE DIRECTOR**

1. Term: Unless otherwise directed by policy, state directors shall serve for a term of three years.
2. DUTIES AND RESPONSIBILITIES:  
As authorized by Article VII of the Bylaws of the Montana Association of REALTORS®, the Montana Association's Board of Directors is the policy-making and governing body at the state level. While State Directors represent the interest of the members of the local boards/associations from which they are elected, their primary responsibility is to represent the interests of the entire membership of the Montana Association of REALTORS®.

STATE DIRECTORS ARE RESPONSIBLE FOR:

- Staying informed about Montana Association issues, activities and programs
- Financial Management, including adoption and oversight of the annual budget
- Complying with all applicable legal standards of conduct, including duty of obedience, duty of loyalty and duty of care
- Attending meetings of the Montana Association of REALTORS® Board of Directors (generally held in winter, spring and fall)
- Presenting reports to their local Board of Directors following MAR Director meetings
- Communicating to the President (and the leadership team) issues or items that may be valuable to the interests of the association
- Attending the Annual MAR Leadership Orientation Training
- Understanding the policies and procedures of the Montana Association of REALTORS® (1-25-19)

3. **TIME CONSIDERATIONS**

The Board of Directors is required to meet at least three times per year. Directors are expected to attend all Board of Directors Meetings unless they obtain an excused absence. An absence by a member of the Board of Directors from two (2) consecutive Board meetings shall be adequate cause for the Board of Directors to remove such director, upon majority vote of a quorum of the directors. (1-25-19)

Directors may also be appointed to serve on various committee/subcommittees of the state association. Standing Committees meet at least three times per year, usually in conjunction with the state business meetings.

**POLICY PART 6 - COMMITTEE, SUBCOMMITTEE, PRESIDENTIAL ADVISORY GROUPS, INFORMAL AND FORMAL WORK GROUPS AND OTHER MAR POSITIONS**

**Section 1. GENERAL/INDIVIDUAL COMMITTEE POLICY**

Overall Purposes and Responsibilities:

- To coordinate activities necessary to accomplish the mission and assigned objectives and strategies of MAR.
- To develop plans for programs, products, services, and activities for the areas of Committee responsibilities for the following year.
- To make the related committees, subcommittees, and presidential advisory groups more efficient and to provide them with a direct line of communication to leadership.
- To focus on specific issues, programs, products, and activities within the subject areas assigned by the Strategic Plan.
- To develop unique value to members in response to the Association's Strategic Plan.
- To plan and implement information and input sessions at MAR meetings.
- To facilitate open communication among all levels of the organization (membership through leadership). (1/26/07)

**Section 2. COMMITTEE AUTHORITY**

Each Committee is authorized to carry out the goals and objectives defined in the annual budgeted program plan. Each Committee shall have the ability to change goals and objectives, with the approval of Executive Committee, and to re-appropriate funding if the total annual budget for the Committee is not affected and the activities are within the scope of MAR's Strategic Plan. Committees may not make a distribution or payment of any part of the income or profit of the association to association members, directors, or officers. The Board of Directors must approve any increase in financial expenditures above the annual total budget amount for the Committee, after review and guidance from the Finance and Audit Committee regarding the availability of funds, or any deviation from the Association's Strategic Plan. If at any MAR business meeting a Committee approves a request to increase the Committee's financial expenditures above the annual total budget amount for that Committee, the Board of Directors and the Executive Committee may not consider any motion to request such an increase until a subsequent meeting unless the Executive Committee, after review and guidance from the Finance and Audit Committee regarding the availability of funds, determines that immediate consideration of such expenditure is necessary. (1-25-19)

### **Section 3. COMMITTEE COMPOSITION**

In November of each year, the MAR President-elect and First Vice President shall solicit recommendations for members of MAR Committees and any Subcommittees deemed necessary to accomplish the business of the Association from the Regional Ambassadors, the Committee Chairs and Vice-Chairs, and MAR leadership. Each Committee shall include no less than 2 state directors. One local board AE liaison as a non-voting member may be added to each Committee. Members may serve 3-year staggered terms. (1-25-19)

Members shall be appointed with consideration given to

- Geographic distribution
- Diversity of experience and opinions
- Knowledge
- Per capita membership of local boards (1-25-19)

### **Section 4. PAST PRESIDENTS' ADVISORY GROUP**

The MAR Past Presidents' Advisory Group is made up of all past state presidents. The Immediate Past President will serve as Chair. The Group will meet only as needed as determined by the current State President. The Past Presidents' Advisory Group will serve in an advisory capacity only and is not authorized to make decisions on behalf of the Association. Recommendations from the Group will be reported to the current State President.

### **Section 5. REALTOR® PARTY ADVISORY GROUP**

The MAR REALTOR® Party Advisory Group will consist of participants appointed by the MAR President for the purpose of reviewing and approving local board and state association independent expenditure requests prior to their submission to NAR. (10/19/11)

### **Section 6. PRESIDENTIAL ADVISORY GROUP COMPOSITION**

A Presidential Advisory Group is a special group of members appointed directly by and reporting to the President of the Association. The business or tasks assigned to a PAG by the President shall be very specific and shall not fall within the normal or routine business of the association. (1/20/06)

### **Section 7. VACANCIES**

Vacancies in the Chair and Vice Chair positions shall be filled by the President and President-elect and approved by the Executive Committee. Vacancies in Committee membership shall be filled by the President and President-elect in cooperation with the Chair and Vice Chair, with Executive Committee approval.

### **Section 8. POSITIONS**

#### **A. COMMITTEE CHAIR**

##### **1. DUTIES AND RESPONSIBILITIES**

- Understands the program responsibilities of the committee as well as the committee goals and priorities as established by the association's strategic plan and the priorities of the Executive Committee. Assists with implementation of the objectives and strategies for their area of responsibility (1-25-19)
- Remain informed regarding the progress of committee or subcommittee members' work assignments
- Motivate the committee and subcommittee members toward the attainment of the committee's and/or subcommittee's objectives and strategies
- Consult with the staff to prepare a budget as part of the annual budgeting process
- Ensure that accurate minutes are kept, motions recorded, necessary reports are prepared and a record of committee work maintained
- Communicate with other Committee chairs, be cognizant of the actions of others and be aware of the impact that these action items may have in respect to the Committee
- Work together with leadership and staff in identifying future Committee members (to be appointed by the President and President Elect,
- Maintain a working knowledge of Robert's Rules of Order
- Attend Annual Planning Session with MAR staff and leadership
- Attend Committee Leadership Training Session
- Coordinate any meetings and/or position appointments with MAR staff, and leadership
- Attend Annual Leadership Orientation (1/26/07)

**B. COMMITTEE VICE CHAIR**

**1. DUTIES AND RESPONSIBILITIES**

- Assist chair to achieve goals and carry out agenda items
- Be cognizant of the action items in the other Committee meetings
- Attend Annual Planning Session with MAR staff and leadership
- Attend Committee Leadership Training Session
- Develop leadership skills for running a meeting
- In the absence of the chair, preside over Committee meetings
- Be knowledgeable of MAR Bylaws/Policies
- Basic knowledge of Robert's Rules of Order
- Work together with leadership and staff in identifying future Committee members (to be appointed by the President and President Elect)

**C. COMMITTEE AND SUBCOMMITTEE MEMBER**

**1. TERM: Maximum Three Year Term, with no term limits. (4-27-12)**

**2. DUTIES AND RESPONSIBILITIES**

- Attend all Committee and Subcommittee meetings. Absence by committee or subcommittee from two (2) consecutive meetings shall be adequate cause for the removal of such member by the MAR President and President-Elect upon the request of the committee chair. (1-25-19)
- Chair Subcommittees as needed
- Actively participate and provide input at all meetings (1/26/07)

**3. COVERED EXPENDITURES (9/19/02)**

- MAR does not provide funding for Committee Members with the exception of any meetings held outside the regularly scheduled business meetings.

**Section 9. STANDING COMMITTEES**

The President, subject to the approval of the Board of Directors and in accordance with approved MAR policies, shall appoint members to the committees, subcommittees, and working or advisory groups as defined in MAR Policies to implement the objectives of the Association. (1-25-19)

- |                            |   |
|----------------------------|---|
| - Association Management   | - Grievance                                   |
| - Communications           | - RPAC  |
| - Government Affairs       | - Legal Action                                |
| - Professional Development | - Issues Mobilization                         |
| - Risk Management          | - All Subcommittees, with the exception       |
| - Executive                | of those established by RPAC and Issues       |
| - Finance and Audit        | Mobilization, unless otherwise limited by the |
| - Professional Standards   | MAR bylaws.                                   |

The groups shall have such composition, terms, and responsibilities as stated in MAR Policies. The President and President-elect shall be ex-officio members of all Committees, Subcommittees, and working and advisory groups. (1-25-19)

**A. GOVERNMENT AFFAIRS COMMITTEE**

**1. Purpose**

To assist local boards and members through collective action to promote and preserve private property rights and to pursue other interests of the real estate industry. To coordinate activities necessary to accomplish the mission and assigned MAR Strategic Plan goals and objectives (1/20/06)

**2. Government Affairs Committee Authority**

The Government Affairs Committee, in conjunction with any Subcommittees established for that purpose shall have the authority to establish MAR positions for the legislative session in accordance with the MAR Legislative Policy Statement. A designated spokesperson may be authorized by the President to act on a day-to-day basis during the legislative session. (1/20/06)

3. **Composition**

Chair and Vice Chair with 7 to 18 additional members (1/2717). The composition of the Government Affairs Committee should include representatives with commercial, farm and ranch, development and property management experience. The terms of the chair and vice-chair of the Government Affairs Committee shall run from the end of one legislative session to the end of the immediately following legislative session (i.e. generally two years). The vice chair should have at least one (1) year of experience serving as a member of the Government Affairs Committee before becoming vice-chair. (9/18/15)

4. **Functions**

- Legislative
- Government Affairs (1-25-19)
- RPAC (standing committee)
- Issues Mobilization (IMF) (standing committee)
- Legal Action Fund (standing committee)

**B. RISK MANAGEMENT COMMITTEE**

1. **Purpose**

To assist members by providing programs and activities to prepare them to effectively and profitably conduct business in a productive, ethical and professional manner. To coordinate activities necessary to accomplish the mission and assigned Strategic Plan goals and objectives (1/20/06)

2. **Composition**

Chair and Vice Chair with 7 to 18 additional members (1/2717)

3. **Functions**

- REALTOR® Image
- Professional Standards Enforcement/Mediation/Arbitration/Ombudsman Program
- Legal Hotline
- Forms (Standing Subcommittee)
- Property Management (Standing Subcommittee)
- Specialty Groups (commercial, farm & ranch, etc.)
- Risk Management
- Equal Opportunity  
(9/18/15)

4. **Committees/Subcommittees**

- Forms Subcommittee
- Property Management Subcommittee
- Grievance Committee (Standing): The MAR President shall appoint the Chair of the MAR Grievance Committee. The Chair of the State Grievance Committee, in cooperation with the MAR Certified Professional Standards Administrator(s) shall select the members of the State Grievance Committee from the list of local board grievance committee members. The Committee shall consist of no less than 7 and no more than 15 members who will serve a one year term.
- Professional Standards Committee: The MAR President shall appoint the Chair of the MAR Professional Standards Committee. The Professional Standards Committee shall be composed of the members of the professional standards committees of the local boards/associations. The Chair of the Professional Standards Committee, in cooperation with the MAR Certified Professional Administrator(s) shall select the chair and members of arbitration and ethics hearing panels from the membership of the MAR Professional Standards Committee as needed for professional standards hearings. Members of the Professional Standards Committee or the Chair of the Professional Standards Committee, upon direction from the President, may appoint additional members to a panel from a given district or region of Montana, to have all the powers of the regular members of the Professional Standards Committee, and to conduct a hearing as may be required in that particular district or region of Montana.

**C. PROFESSIONAL DEVELOPMENT COMMITTEE**

1. **Purpose**

To provide tools for members to be the best prepared and to perform to the highest standards. Research members' needs, provide relevant and effective programs, and publicize resources and programs available. To coordinate activities necessary to accomplish the mission and assigned Strategic Plan goals and objectives. (1/20/06)

2. **Composition**

Chair and Vice Chair with 7 to 18 additional members (1/27/17).

3. **Functions**

- Education
- Designation Courses
- GRI Subcommittee

**D. ASSOCIATION MANAGEMENT COMMITTEE**

1. **Purpose**

To oversee responsibilities and resources necessary to allow the Association to provide programs, products, services and activities to the members and boards. The purpose of this group includes planning, training of staff and leadership, administrative functions and internal operations. To coordinate activities necessary to accomplish the mission and assigned MAR Strategic Plan goals and objectives.

2. **Composition**

Chair and Vice Chair with 7 to 18 additional members. (1/27/17)

3. **Functions (1-24-14)**

- Awards Work Groups (ROTY)
- By-Laws & Policy
- Strategic Planning
- Member Services
- Board Services/Board Credentials/Core Standards compliance review
- Nominating and Credential Review Subcommittee
- Elections Subcommittee
- Leadership Development
- Non Dues Revenue Program  
(9/18/15)

**E. COMMUNICATIONS COMMITTEE**

1. **Purpose**

To oversee MAR's internal and external communication programming, including publications, media outreach, and public relations. To coordinate activities necessary to accomplish the association's mission and assigned MAR strategic plan goals and objectives.

2. **Composition**

Chair and Vice Chair with 7 to 18 additional members. (1/27/17)

3. **Functions (1-24-14)**

- REALTOR® Digest
- reMARks
- Public Relations
- Internal and External Communications
- Media Training (1/26/07)
- Technology (9/18/15)

**F. YOUNG PROFESSIONAL NETWORK COMMITTEE**

1. **Purpose**

The Young Professionals Network (YPN) are networking groups and committees in



Montana whose primary purpose is to help REALTORS® advance their careers by giving them the tools and encouragement to build a stronger link with the real estate industry. The purpose of the MAR Young Professionals Network Committee is to act as a liaison between MAR and these YPN networking groups in an effort to encourage, assist and train YPN members to become involved in MAR and MAR leadership roles and to enhance REALTOR® professionalism among YPN members.

2. **Composition**

A Chair, a Vice-Chair, a past President of MAR (who shall serve solely as an advisor in an ex-officio capacity), the immediate past Chair of the MAR Young Professionals Network Committee, and 5 to 11 additional members. Members of the MAR Young Professionals Network Committee shall serve for 2-year staggered terms. The Vice-Chair should have at least one (1) year of experience serving as a member of the MAR Young Professionals Network Committee before becoming Vice-Chair.

3. **Additional Covered Expenditures**

Travel and per diem to attend YPN NAR Leadership Summit for Vice-Chair or, if Vice-Chair is unable attend, Chair or another member of the MAR Young Professionals Network Committee who has expressed an interest in becoming Chair. Expenses shall be reimbursed in accordance with MAR Policies and shall not include those for spouse or guest. The maximum amount or reimbursement shall be established in the annual operating budget of MAR.

4. **Functions**

- Attend REALTOR® meetings and conferences and pursue leadership roles with NAR, MAR and local associations
- Take an active role in policy discussions and advocacy issues, and be informed about the latest news and trends in the real estate industry
- Become exceptional community members by setting a high level of REALTOR® professionalism and volunteerism
- Promote national, state and local YPN events, including social and educational events, through regular communications with Montana YPN members and potential event sponsors
- The Chair of the MAR Young Professionals Network Committee shall report regularly to the MAR Executive Committee and MAR Board of Directors at regularly schedule MAR business meetings

## Section 10. OTHER COMMITTEES

### A. FINANCE AND AUDIT COMMITTEE

1. **Purpose**

To oversee the association's budget and investments, including receiving and independently reviewing the annual financial review or audit as applicable.

2. **Composition**

The MAR Treasurer serves as chair of the Finance and Audit Committee. The immediate past treasurer and MAR First Vice President also serve as members of the Finance and Audit Committee, along with additional members to be appointed by the MAR President.

3. **Functions**

- Approve investment purchases and sales
- Establish and manage a capital or major equipment reserve
- Monitor all MAR investments
- Report to the Association Management Committee at regularly scheduled business meetings of MAR
- Annually review the capitalization of all depositories where MAR accounts are located
- Review the MAR investment policy and recommend changes to the MAR Board of Directors as needed

- Review proposed expenditures and provide guidance to the Executive Committee and/or Board of Directors regarding the availability of funds
- Work with MAR committees and staff to develop the annual budget for consideration by the Board of Directors (1/25/08)

**4. Committees/Subcommittees**

MAR Headquarters Building Subcommittee:

a.Purpose: The purpose of the Subcommittee is to manage, operate and maintain the MAR Headquarters Building (the “Building”). (1-25-19)

b.Composition: The MAR President shall appoint the Chair of the MAR Headquarters Building Subcommittee. The Chair of the MAR Headquarters Building Subcommittee shall select Subcommittee members, which shall be comprised of current members of the Finance and Audit Committee and shall consist of no less than 5 and no more than 7 members. The members of the Subcommittee shall serve a three-year term. The building property manager and the MAR CEO will be non-voting members of the subcommittee. (1-25-19)

c. Function: The duties of the Subcommittee include, but are not limited to, entering into lease and/or rental agreements, coordinating and/or authorizing repairs and maintenance on the Building, serving as the liaison between the Building’s property manager and the Finance and Audit Committee and drafting policies for the Building’s management, operation and maintenance. (1-25-19)

- Lease or Rental Agreements: In entering into lease and/or rental agreements on the Building on behalf of MAR, the Subcommittee shall, in its sole and absolute discretion, ensure the agreement complies with the leasing restrictions as set forth in Part 2, Section 17 (C) of these Policies. (1-25-19)
- Building Expenditures: The Subcommittee has authority to expend funds in an amount not to exceed the total annual budget for the Building’s repair and maintenance account. The Board of Directors or the Executive Committee must approve any increase in financial expenditures above the annual total budget for the Building’ repair and maintenance account (1-25-19)
- This subcommittee will outline a plan for building repairs/maintenance that exceed \$5,000. (1-25-19)
- Any services or repairs that are over \$5,000 will require 2 bids, if possible, from licensed contractors in the field of service required. (1-25-19)
- Bids will be presented to the Building Subcommittee for review and recommendation. The following criteria will be considered when reviewing the bids: Quality of service and cost. (1-25-19)
- The bid will be forwarded to the Finance and Audit Committee for final consideration. (1-25-19)

**Section 11. COMMITTEE (INFORMAL) WORKING GROUP**

- PURPOSE:** A group of members appointed by a Committee Chair to do in-depth analysis on a specific issue(s) that is well-defined and within the purview of the committee. Membership is confined to members that serve on the committee to which the working group reports. An informal working group may only need to meet once or twice to accomplish its task, and it disbands when the task is completed or at the end of the committee year, whichever comes first. If the work of the informal working group is not completed by the end of the committee year, it is the discretion of the next chair of the committee to which the working group reports to decide whether to re-appoint the working group to complete the task.
- AUTHORITY:** An informal working group reports its findings/analysis to the committee

to which it reports. The committee decides whether to move the recommendations from the working group through the committee reporting process.

3. PROCEDURES: If staff time is involved, or if there is a budget impact, a “special meetings authorization request” must be completed and signed by the Committee Chair. Authorization requires the approval of the CEO and the Treasurer. If funds are not available in the current year’s budget, the request must be forwarded to the Executive Committee.

## **Section 12. FORMAL WORKING GROUP**

1. PURPOSE: A group of members that includes representation from more than one committee to do in-depth analysis on a specific issue(s) that is well-defined and falls within the jurisdiction of one or more committees. A formal working group may be established to carry out a project that requires collaboration between two or more committees. Members are appointed by their respective Committee Chairs from the committee membership and by the MAR President if members outside the committees are considered for participation in the formal working group.
2. AUTHORITY: A request to establish a formal working group may be initiated by any committee but must be approved by the MAR President. Prior to establishing the formal working group, each participating Committee Chair must sign off on the request.

A formal working group reports its findings to the MAR President who will determine how to proceed.

3. PROCEDURES: If staff time is involved, or there is a budget impact, a “Special Meetings Authorization Request” must be completed by the Chair of the Committee initiating the request and requires the approval of the CEO and the Treasurer. If funds are not available in the current year’s budget, the request must be forwarded to the Executive Committee.

## **Section 13. OVERVIEW FOR OTHER MAR POSITIONS**

### **NATIONAL COMMITTEE MEMBERS**

#### **1. DUTIES AND RESPONSIBILITIES**

- Serve on the corresponding Committee as an ex-officio member at MAR
- Provide written reports from national meetings to be given to MAR, which will be forwarded to the appropriate Committee (5/7/04)
- Communicate to the President, CEO, and Executive Committee issues or items that may be valuable to the interests of the Association
- Attend NAR Member Director Forum (attendance recommended)
- Attend Montana Caucus following the NAR Member Director Forum (attendance recommended) unless there is an NAR conflict (5/7/04)
- At the request of the President, will attend national committee meetings or forums and report to MAR (1/26/07)

### **FEDERAL POLITICAL COORDINATORS**

#### **1. DUTIES AND RESPONSIBILITIES**

- Respond to ALL NAR Calls for Action
- Advocate on Behalf of all REALTORS® and the REALTOR® Party
- Contact Assigned Member of Congress at Least Once per Quarter and Submit a Field Report to NAR with a Copy to MAR CEO
- Participate in Training as required
- Utilize and Deliver all RPAC Contributions in a Timely Manner
- Attend Each Annual NAR May Meeting/Hill Visits
- Develop a Contact Team
- Support Their Member of Congress

- Sign and Return a Pledge Form to NAR
- Attend MAR Business meetings and provide reports to MAR Committees

## POLICY PART 7 - RECOGNITION & AWARDS

### Section 1. REALTOR® OF THE YEAR

MAR will annually recognize a state REALTOR® of the Year (ROTY) in accordance with the following:

#### A. Qualifications:

1. **REALTOR® Spirit 15%** – General description of candidate's faithfulness to principles of organized real estate, laws and regulations of his/her Board Association and the REALTOR® Code of Ethics, time and effort expended in furthering the principles of good real estate practice among other real estate brokers, press, general public. (1-25-19)
2. **Civic Activities 20%** - Participation and offices held in local, state, and national civic and service clubs, membership in charitable organizations and activities. (1-25-19)
3. **Local Activities 20%** - Local Association board positions held and committee positions/work, special assignments, seminar activity and educational work, membership and office held in local chapter of Institutes, Societies, etc. (1-25-19)
4. **Activity in State Association 20%** - State Association work, special assignments, seminar activity and educational work, membership and office(s) held in the state association. (1-25-19)
5. **Activity in the National Association 5%** - National Association work, special assignments, seminar activity and educational work, membership and office(s) held at the National association. (1-25-19)
6. **Business and Educational Accomplishments 20%** - Public recognition of business conduct, service to clients, imaginative and creative advertising programs, rehabilitation work, land utilization, etc. Please describe. (1-25-19)

#### B. Selection Process:

1. The qualifications of each candidate will be mailed to all past (living) ROTYs.
2. A written ballot shall be sent to each past ROTY. The written ballot may be sent by U.S. mail, electronic means, or both. (1-24-14)
3. Each past ROTY will have 10 days in which to study the qualifications, cast ballot, and return the ballot to the MAR office.
4. The application forms format for ROTY shall be consistent within all local associations.
5. The past ROTY is asked to rank his/her top three choices, based on his/her ranking according to the scores he or she has assigned on the scoring sheet. Three points will be assigned to first choice; 2 points for second choice; 1 point for third choice.
6. In an effort to give the voting results validation, 50% of the eligible voters must have returned a valid ballot. If less than 50% of the eligible voters cast a ballot, then a conference call will be established to discuss the candidates and come to an agreement of the final WINNER.
7. It is at the discretion of ROTY chair to determine if there is an adequate or inadequate response.
8. The ROTY chair may elect to require a conference call if there is a close vote.
9. The ballots will be sent to the designated MAR staff person who will count the ballots, and upon completion of the count will notify the ROTY chairperson. (1-25-19)
10. In order to have more uniform ROTY information to review, any information such as press releases, letters of recommendation, etc., outside of the specific requests noted in the application shall not be considered.

11. Once a person has been elected as the Montana State REALTOR® of The Year, he/she may not make application again. A local Board may select a person to be their local ROTY as often as they want and as long as that person has not been MAR ROTY they may reapply for consideration as Montana State REALTOR® of The Year.
12. The ROTY chair will be the previous year's ROTY.

## **POLICY PART 8 - PROFESSIONAL STANDARDS**

### **Section 1. PROFESSIONAL STANDARDS ADMINISTRATION**

The Professional Standards Committee and Grievance Committee are Standing Committees as established in the MAR Bylaws. Appointment of members of the Professional Standards Committee and Grievance Committee shall be set forth in Part 6 of these MAR policies. The purpose of these Committees is to oversee Professional Standards for MAR including providing Grievance, Professional Standards, Arbitration and Mediation procedures for the enforcement of the Code of Ethics and provision for the NAR Code of Ethics and Arbitration Manual (CEAM) as amended annually. (1-25-19)

- A. All Professional Standards shall be administered according to:
  1. The NAR CEAM as amended annually
  2. Optional Policies provided in NAR CEAM as adopted by the Montana Association Of REALTORS® Board of Directors
  3. MAR Policy Part 8 Professional Standards
- B. The Professional Standards Committee Chair and the Grievance Committee Chair will serve as an ex-officio member of the Risk Management Committee as established in the MAR Policies, Part 6.
- C. Any MAR member who serves on the NAR Professional Standards Committee shall be an ex-officio member of the Professional Standards Committee as established in the MAR Policies, Part 6. (9/18/15)

### **Section 2. PROFESSIONAL STANDARDS ENFORCEMENT**

- A. Local boards, prior to referring an ethics complaint or arbitration request to MAR for review, should exhaust all efforts to impanel an impartial panel to conduct either the original hearing or the appeal or procedural review. These efforts may include the appointment of knowledgeable members of the local boards/associations on an ad hoc basis to serve on either a hearing panel or on behalf of the local boards of directors. MAR may, at its discretion, require that the presidents or association executives of the local boards/associations referring an ethics complaint or arbitration request certify that all reasonable efforts to impanel an impartial panel have been made, and may further require that those efforts be documented.
- B. MAR estimates an expense of at least \$3,500 to administer an Ethics or Arbitration Hearing. Local Boards/Associations who refer a professional standards ethics complaint or arbitration request to MAR must reimburse MAR for the actual cost of those services in one of two ways:
  1. Pay a deposit of \$3,000 to MAR at the time of requesting service and the remainder after the hearing panel decision has been finalized; or
  2. Pay a per member assessment not to exceed \$50.00 per year, no later than at the time of next dues billing until the entire cost of the proceeding is reimbursed and remit said assessment to MAR.

If a local board/association requests another Professional Standards Enforcement procedure from MAR before the entire amount is reimbursed, MAR will cover the expenses and continue to bill the assessment until the costs of all proceedings are recovered. In the event of the referral of an interboard arbitration hearing to MAR, the costs of the arbitration shall be equally split by the local boards/associations where the parties who are involved in the interboard arbitration hold primary membership and paid to MAR according to one of the two methods outlined above.

Travel costs of panel members shall be included in the costs which local

boards/associations shall pay as set forth in this Section 2. The billing of any such travel costs and reimbursement thereof by MAR to panel members shall be in accordance with MAR travel policies. (9/18/15)

- C. MAR will allocate an amount, to be established annually in the budgeting process, for Professional Standards Enforcement to cover expenses of administering Professional Standards Enforcement. (1/24/03)
- D. Appeals panels (ethics) and procedural review panels (arbitration) shall be selected by the chairperson of the professional standards committee from those members of the professional standards committee who did not take part in the initial hearing. Final decisions on any hearings when no appeal is filed shall be ratified by a group consisting of no less than three (3) members of the board of directors selected by the chairperson of the professional standards committee.
- E. In the event a member is alleged to have improperly refused to submit a dispute to arbitration, the allegation shall be brought before a tribunal of six (6) members selected from the state's professional standards committee from the individuals who did not serve on the original arbitration hearing panel. The procedures for notices, times of notices, and hearings prescribed for matters before a hearing panel shall apply. The sole question of fact to decide is whether the party has refused to submit an arbitrable matter to arbitration. Upon determination that the member has refused to arbitrate a properly arbitrable matter, the tribunal may direct implementation of the appropriate sanction(s), including suspension or expulsion of the member from the local board of REALTORS®. The decision of the tribunal shall be final and binding and is not subject to further review by MAR or any local board/association.

### **Section 3. OMBUDSMAN PROCEDURES**

#### **A. Purpose**

The purpose of the Ombudsman is to provide consultation concerning about the ethics hearing, arbitration or dispute resolution processes to MAR members, clients and customers. An Ombudsman does not determine whether a violation of the Code of Ethics has occurred. Rather, an Ombudsman anticipates, identifies and attempts to resolve misunderstandings and disagreements before matters ripen into disputes and possible complaints of allegedly unethical conduct. (9/18/15)

#### **B. Qualifications**

1. Must have a minimum of five years in the real estate business and be actively involved in real estate practice.
2. Familiar with the NAR Code of Ethics, Montana real estate statutes and regulations, and applicable MLS Rules and Regulations.
3. Primary member of MAR.
4. Completed Professional Standards and Mediation training, served as a member of either the Grievance Committee or the Professional Standards Committee for a minimum of two (2) years, and have served on a Grievance Committee and processed at least three (3) complaints or have served on at least three (3) Professional Standards hearing panels. (9/18/15)

#### **C. Responsibilities**

1. Maintain confidentiality of all parties.
2. Field and respond to questions from MAR members, clients and customers about the ethics hearing, arbitration or dispute resolution processes. (9/18/15)

#### **D. Limitations**

The Ombudsman may not refer concerns they have regarding the conduct of any party utilizing their services to the Grievance Committee, to the Board of Realty Regulation, a local MLS Committee or to any other regulatory body except that concerns that the public trust has been violated will be referred to the Grievance Committee.

The Ombudsman will adhere to Article 11 of the Code of Ethics and make appropriate referrals when the issues are outside their area of expertise.

**E. Selection and Term**

Ombudsmen will be appointed by the Risk Management Committee and ratified by the Board of Directors. Appointment will be for a one-year term and may be renewed at the option of the Risk Management Committee and ratified by the Board of Directors. MAR will maintain a pool of at least 3 Ombudsmen to be available at all times.

**F. Process**

1. The Ombudsman may be contacted directly or referred by MAR staff or members.
2. When contacted, MAR staff will offer the services of an Ombudsman as an alternative to or in conjunction with submitting a formal complaint.
3. If a complaint is received by MAR and the complainant agrees, the Ombudsman may attempt to resolve the matter before proceeding to the Grievance Committee. If resolution is not reached, the complainant may continue with the complaint procedure as outlined in the Code of Ethics and Arbitration manual.
4. In carrying out the assigned duties, the Ombudsman may:
  - a) Contact the members who are named to obtain information to provide an informed response.
  - b) Arrange a meeting of the parties to facilitate a mutually acceptable resolution as necessary.
  - c) Call upon other Ombudsmen serving MAR for consultation.
5. The Ombudsman will submit a report to the Risk Management Committee on a form to be provided for the purpose of tracking the service and potential areas of member education.

**Section 4. MEDIATION PROCEDURES**

**A. Purpose**

Mediation is made available by MAR as a way to expedite the settlement of disputes in accordance with the following policies:

1. MAR will mediate any disputes which are arbitrable (either mandatory or voluntary) in accordance with the Code of Ethics and Arbitration Manual.
2. Complaints brought by other REALTORS® or members of the public and naming REALTORS® as respondents may be mediated.
3. Complaints alleging a violation of the public trust (as defined in Article IV, Section 2 of the NAR Bylaws) may not be mediated. (9/18/15)

**B. Mediators**

MAR will maintain a pool of no less than 3 mediators. In November of each year, MAR staff shall solicit applications of persons interested in serving as mediators. Mediators will serve for 3 years and, to the extent possible, the terms of the mediators in the pool shall be staggered. From the applications submitted, the Professional Development Committee shall select the individuals to be mediators with consideration given to the qualifications set forth below.

**C. Qualifications**

1. Must have a minimum of five years in the real estate business and be actively involved in real estate practice.
2. Familiar with the NAR Code of Ethics, the NAR Code of Ethics and Arbitration Manual, Montana real estate statutes and regulations, and applicable MLS Rules and Regulations.
3. Primary member of MAR.
4. Completed Professional Standards and Mediation training. NAR Mediation Training or possess other mediation credentials approved by the Risk Management Committee.
5. If possible, it is preferred that mediators have served on the Grievance Committee or the Professional Standards Committee and processed at least two complaints or have served on at least one hearing panel, but it is not required. (9/18/15)

#### D. Responsibilities

Maintain confidentiality of all parties.

1. When a general letter of inquiry or complaint is received and the matter(s) complained of does not involve a possible violation of the "public trust" (See Section 1, C above), the Professional Standards Administrator will notify both parties and offer the option of mediation. If both parties agree, they will be provided with a Request and Agreement to Mediate Form and a Mediation Officer Selection Form. Forms must be returned to the MAR office and received from both parties no later than fourteen (14) calendar days from the date of the mailing. Failure to return the forms may be viewed as a refusal to mediate and arbitration or ethics procedures may be implemented at that time.
  2. If there is a written complaint, the matter will be forwarded to the Grievance Committee. If mediation is appropriate based on an arbitrable issue or one which is not arbitrable but complies with #5 above, or is an alleged ethics violation which qualifies for mediation, then the procedures under #6 above will be followed.
  3. Parties will receive at least two names of MAR mediators from which to choose if possible. When only one MAR mediator is available, the parties may agree on the services and proceed with the mediation. If no MAR mediator is available or the parties do not agree on using the services of the mediator(s) available, the parties may agree to arrange for an outside mediator. Costs for the services of the outside mediator will be the responsibility of the parties involved.
  4. The Mediation Officer and/or MAR Staff shall contact all parties to arrange time, location, and will coordinate with MAR Professional Standards Administrator to send written confirmation of the arrangements by certified mail return receipt requested no later than ten (10) days prior to the scheduled mediation. The mediation may proceed sooner with the agreement of the Mediation Officer and all parties.
  5. It must be communicated to the parties that participation in mediation procedures is entirely voluntary and that either party may withdraw from the mediation process at any time prior to reaching an agreement. If parties resolve the dispute through mediation, the Mediation Officer shall furnish to each party a copy of the agreement including signatures of all parties and forward the original to MAR. The original signed Mediation Resolution Agreement will be kept in the parties' files in accordance with the terms of the agreement or in accordance with MAR policies.
  6. Resolutions of mediated disputes may include but are not limited to payment of disputed funds, repairs or restoration of property, written or oral apology, or acknowledgement of a violation of the Code of Ethics. In cases where a REALTOR® acknowledges that the Code has been violated, that admission may be sufficient to resolve the matter or, alternatively, the parties may agree that discipline should be imposed. The discipline may, at the agreement of all parties, include any of the forms of discipline established in the Code of Ethics and Arbitration Manual and may also include payment of monies to the complainant or to a third party. Also, the parties may agree that the complainant will withdraw a complaint or agree not to file a formal written complaint in return for the respondent's action of acknowledgement. Any discipline imposed must be agreed to by all of the parties.
- If the mediation conference does not successfully resolve the dispute, the Mediation Officer will advise the MAR Professional Standards Administrator that the Mediation Conference has been terminated without resolution.
    - If the complaint was received in writing and has already been reviewed by the Grievance Committee, the Request for Arbitration or Ethics Complaint will be forwarded to the Professional Standards Committee for a hearing.
    - If the complaint was not received in writing, parties will be informed by the Mediation Officer of their options for pursuing resolution separate from mediation.
  - Mediators cannot refer concerns or complaints they have regarding the conduct of any party to mediation to the Grievance Committee, to the state real estate licensing authority, or to any other regulatory body. Mediators are, however, authorized to refer concerns that the public trust (Section 1, C above) may have been violated to the Grievance Committee.
  - Failure or refusal of a respondent to comply with the terms of any mutually agreed upon resolution shall entitle the complaining party to resubmit the original complaint, or, where a formal complaint in the appropriate form had not been filed, to file a



complaint. The time the matter was originally brought to MAR's attention shall be considered the filing date for purposes of determining whether a complaint is filed in a timely manner.

## **Section 5. MAR ADOPTED PROCEDURES**

The Montana Association Of REALTORS® hereby adopts the most current Code of Ethics and Arbitration Manual (CEAM) of the National Association Of REALTORS® subject to the following provisions which shall replace, modify or amend, as may be applicable, the provisions set forth in said manual. (1-24-14)

### **Statement of Professional Standard Policy Applicable to Ethics Proceedings**

#### **33. Use of panels in place of the Board of Directors**

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.

#### **45. Publishing the names of Code of Ethics violators**

The Policy of MAR is not to publish the names of Code of Ethics violators.

### **Part One—Ethics General Provisions**

#### **Section 6. Conduct of Hearing**

The Board shall, and any party may, at his own expense, have a court reporter present at the hearing, or may record\* the proceeding, and, if transcribed, shall present a copy to the Secretary.\*\* (9/18/15)

\*It is recommended that recordings produced by the Board be maintained in the confidential professional standards files until a date when any sanction imposed by the Board has been completed. (9/18/15)

\*\*Videotaping of the proceedings shall not be permitted except by advance express consent of all parties and all members of the tribunal.

Recordings or transcripts from ethics hearings may be used only by the parties for the purpose of appeals and may not be introduced into evidence at any subsequent hearing. Any other unauthorized use of the recordings or transcripts may be construed as a violation of Article 14, as interpreted by the applicable Standards of Practice, and as a violation of these procedures.

(Revised 9/18/15)

### **Part Two—Membership Duties and Their Enforcement**

#### **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 Montana authorized to make the determination, as having violated a provision of the Montana real estate law or a regulation of the Montana real estate licensing authority; or on a 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. (Revised 11/01)

#### **Section 14. Nature of Discipline**

In addition to any discipline imposed, MAR will impose administrative processing fees of \$500 against respondents found in violation of the Code of Ethics or other membership duties. The administrative processing fee will be in addition to, and not part of, any disciplinary sanction imposed. (Revised 5/13)

#### **Section 15. Selection and Appointment of the Grievance Committee**

There will be a standing committee, known as the Grievance Committee, of at least seven (7) Members, in good standing, of whom at least a majority shall be Realtors®. The members of the committee shall be appointed by the President, subject to confirmation by the Board of Directors, for staggered three (3) year terms. The committee shall annually select its own Chairperson and Vice Chairperson (or, alternatively, the President shall annually designate the Chairperson and Vice Chairperson of the committee). The Grievance Committee will hold regularly-scheduled meetings and/or review complaints not later than forty-five (45) days after receipt of the complaint. (9/18/15)

## **Section 16. Selection and Appointment of the Professional Standards Committee**

There shall be a Professional Standards Committee of at least fifteen (15) 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. Members of the Professional Standards Committee shall be selected to serve on Hearing Panels as required to hear matters of alleged unethical conduct by Board Members or to provide arbitration as requested. The committee shall annually select its own Chairperson and Vice Chairperson (or, alternatively, the President shall annually designate the Chairperson and Vice Chairperson of the committee). (9/18/15)

## **Part Three—The Grievance Committee in Ethics Proceedings**

### **Section 17. Authority**

The Grievance Committee is established in **Part Two**, Section 15 and **Part Eight**, Section 38 of this Manual, which provide in part:

*There will be a standing committee, known as the Grievance Committee, of at least seven (7) Members in good standing, of whom at least a majority shall be Realtors®. The members of the committee shall be appointed by the President, subject to confirmation by the Board of Directors, for staggered three (3) year terms. The committee shall annually select its own Chairperson and Vice Chairperson (or, alternatively, the President shall annually designate the Chairperson and Vice Chairperson of the committee). (9/18/15)*

### **Section 19. Grievance Committee's Review of an Ethics Complaint**

#### *C. Appeal from the decision of the Grievance Committee related to an ethics complaint*

If the Grievance Committee dismisses the complaint, the notice of dismissal shall specify the reasons for dismissing and the complainant may appeal the dismissal to the panel of the Board of Directors within twenty (20) days from transmittal of the dismissal notice using Form #E-22, Appeal of Grievance Committee Dismissal of Ethics Complaint. The complaint and any attachments to the complaint cannot be revised, modified, or supplemented. The complainant may, however, explain in writing why the complainant disagrees with the Grievance Committee's conclusion that the complaint should be dismissed. If the Grievance Committee deletes an Article or Articles from an ethics complaint, the complainant may also appeal to the Board of Directors using Form #E-22, Appeal of Grievance Committee Dismissal of Ethics Complaint. The Directors (or a panel of Directors or the Executive Committee) shall consider only the information and documents considered by the Grievance Committee, together with the complainant's rationale for challenging the dismissal and render its decision, which shall be final. The parties are not present at the meeting at which the appeal is considered. (Revised 5/06 11/14 9/15)

## **Part Four—The Ethics Hearing**

### **Section 20. Initiating an Ethics Hearing**

(a) Any person, whether a member or not, having reason to believe that a member is guilty of any conduct subject to disciplinary action, may file a complaint in writing with the Secretary, dated and signed by complainant, stating the facts on which it is based (Form #E-1, Complaint, Part Six), provided that the complaint is filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction, whichever is later. (Revised 5/06)

The procedures for processing complaints alleging violations of an Association's bylaws prohibiting harassment are available on-line at REALTOR.org, and those procedures do not involve an Association's Grievance Committee, Professional Standards Committee, or Board of Directors. (Revised 11/11)

Suspension of filing deadlines: If the Board's informal dispute resolution processes (e.g., ombudsman, mediation, etc.) are invoked or initiated by a complainant (or potential complainant) with respect to conduct that becomes the subject of a subsequent ethics complaint, the one hundred eighty (180) day filing deadline shall be suspended beginning with the date of the complainant's (or potential complainant's) request for informal dispute resolution service or assistance and shall resume when the informal dispute resolution procedures are concluded or terminated. Questions about when informal dispute resolution began or ended will be determined by the Board President or the President's designee. (Adopted 11/00)

The Secretary shall promptly refer any complaint to the Chairperson of the Grievance Committee, who may designate one or more members of the Grievance Committee to review the complaint and report their findings to the Grievance

Committee for its determination as to whether to (1) dismiss the complaint as unworthy of further consideration, (2) refer it back to the complainant as appropriate for arbitration rather than disciplinary action, or (3) refer it back to the Secretary to schedule for hearing. This review process may include additional information other than the written complaint itself only if necessary to determine whether a complaint will be referred for hearing. The Grievance Committee may, if it thinks it appropriate, send a copy of the complaint to the party complained of and require the Respondent to furnish it with a response before making its determination. (See Form #E-4, Grievance Committee Request for Information [Ethics Complaint] and Form #E-5, Response to Grievance Committee Request for Information, Part Six of this Manual). The party complained of shall be advised that failure to respond to the Grievance Committee's request may result in the complaint being forwarded for a hearing and may subject the respondent to a charge of having violated Article 14 for failing to submit pertinent facts to an appropriate tribunal. The function of the Grievance Committee is to make only such preliminary review and evaluation of the complaint as are required to determine whether the complaint warrants further consideration by a Hearing Panel of the Professional Standards Committee. The Grievance Committee does not conduct hearings and does not determine if a violation of the Code of Ethics has occurred. (Revised 9/15)

In the event the complaint is from a client, customer, or a member of the general public, and the Grievance Committee determines that the complaint is vague, overly general, does not allege violations of specific Articles, or is otherwise insufficient on its face, a member of the Grievance Committee may be assigned by the Chairperson of the Grievance Committee to assist the complainant in preparing the complaint in proper form. The member providing such assistance shall not participate in any consideration or deliberations of the Grievance Committee with respect to the matter and are not and will not act as the Complainant's advocate or representative. In such cases, the respondent shall receive the revised complaint with the original complaint and all other supporting documentation provided by the complainant incorporated as an appendix. (9/18/15)

(b) Upon its own motion the Grievance Committee may, and upon instruction of the Directors must, review the actions of any member when there is reason to believe that the member's conduct may be subject to disciplinary action, and, if the evidence of unethical conduct warrants a hearing, shall prepare a complaint, refer it to the Secretary, and designate one of its members to present the case at the subsequent hearing on its behalf as complainant. However, no member of the Grievance Committee shall serve as a member of the Hearing Panel. (Revised 4/94)

(c) Any action by the Grievance Committee dismissing the complaint as unworthy of further consideration may be appealed to the Board of Directors within twenty (20) days from transmittal of the dismissal notice using Form #E-22, Appeal of Grievance Committee Dismissal of Ethics Complaint; however, no additional information may be added or attached to the form. Only those materials and information which were available to the Grievance Committee when the committee made its decision will be presented to the Directors and considered with the appeal, and the complainant and respondent do not have the right to appear at the hearing before the Directors. If the Directors determine that the complaint was improperly dismissed by the Grievance Committee, they shall refer it to the Professional Standards Committee for a hearing. If referred for hearing, the Secretary shall at that time provide a copy of the response to the complainant if one had been submitted for review by the Grievance Committee. (Revised 11/98 9/15)

The President may appoint a panel of Directors, acting on behalf of the Board of Directors, to hear the appeal. Any appeal panel so appointed must be composed of at least five (5) Directors or a quorum of the Board of Directors, whichever is less. The decision of the appeal panel is final and binding and is not subject to further review by the Board of Directors. (Revised 11/91)

(d) If the complaint asserts multiple allegations of unethical conduct and the Grievance Committee determines that one or more of the allegations would not, under any circumstances, constitute a violation, that portion of the complaint may be dismissed while the balance of the complaint is forwarded for a hearing before a Hearing Panel of the Professional Standards Committee. However, the complainant has the right to appeal the dismissal to the Board of Directors using Form #E-22, Appeal of Grievance Committee Dismissal of Ethics Complaint; however, no additional information may be added or attached to the form. (Revised 5/97)

If the Grievance Committee feels that the respondent's alleged conduct may be the basis for a violation but that an inappropriate Article(s) has been cited, the Grievance Committee may amend the complaint by deleting any inappropriate Article(s) and by adding any appropriate Article(s) and/or individuals to the complaint. If the complainant disagrees with the deletion of an Article(s) from the complaint, the complainant may appeal to the Board of Directors requesting that the original complaint be forwarded to a Hearing Panel as filed using Form #E-22, Appeal of Grievance Committee Dismissal of Ethics Complaint; however, no additional information may be added or attached to the form. If the Grievance Committee determines that an Article(s) or an additional respondent(s) should be added to the complaint and the complainant will not agree to the addition, the Grievance Committee may file its own complaint and both complaints will be heard simultaneously by the same Hearing Panel. (Revised 5/97)

(e) If an ethics respondent resigns or otherwise causes membership in the Board to terminate after an ethics complaint is filed but before final action is taken by the Board of Directors, the hearing process shall suspend and the Board Secretary shall cause the complaint to be forwarded to any other Board in which the respondent continues to hold membership. If the respondent does not hold membership in another Board, or if the Board Secretary is unable to determine if the respondent holds membership in another Board, the complaint shall be held in abeyance until such time as the respondent rejoins the Board or it can be determined that the respondent holds membership in another Board. In any instance where a complaint is transferred to another Board, the complainant shall be so advised. (Adopted 5/88)

(f) Any person, whether a member or not, having reason to believe that a member is guilty of any conduct subject to disciplinary action, may file a complaint in writing with the Secretary, dated and signed by the complainant, stating the facts on which it is based (Form #1, Complaint, Part Nine); provided, however, that the complaint must be filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence. (Revised 11/97)

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

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

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

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

(k) Alternatively, the respondent has the right to a hearing pursuant to the procedures established in Part Four of this Manual.

(l) If the respondent does not acknowledge the conduct alleged in the complaint or waive the right to a hearing, or does not respond within ten (10) days from transmittal of the complaint, a hearing shall be scheduled in the manner provided for in Section 21, Ethics Hearing, beginning with the twenty (20) day deadline for the Professional Standards Committee chair to select a hearing date. (9/18/15)

(m) If the respondent waives the right to a hearing and acknowledges the conduct alleged in the complaint, such elections will be affirmatively indicated on the response form which shall be returned to the Grievance Committee Chairperson (or staff or counsel) within ten (10) days from transmittal of the complaint by the respondent. The Grievance Committee Chairperson (or staff or counsel) will verify the respondent's assertions as to prior violations in the past three (3) years. In the absence of any prior violation within the past three (3) year period, the complaint will be referred to a panel of the Professional Standards Committee for consideration within thirty (30) days. The panel shall be appointed pursuant to the procedures established elsewhere in this Manual. (9/18/15)

(n) The panel of the Professional Standards Committee will meet in executive session. Neither the complainant nor the respondent will be present. Board staff and counsel will be present as deemed necessary by the Chairperson. The initial question to be determined by the panel will be whether the allegations in the complaint, as acknowledged and agreed to

by the respondent, support a violation of one or more of the Articles of the Code of Ethics. The panel shall prepare a brief, concise decision which shall include findings of fact, conclusions, and a recommendation for discipline if a violation is found. Discipline that may be imposed, if a violation is determined, may only include one or more of the following: letter of warning or reprimand, mandatory attendance at a relevant educational program, suspension for thirty (30) days, or a fine not in excess of \$15,000. In addition to imposing discipline, the hearing panel can also recommend to the Board of Directors that the disciplined member be put on probation. Probation is not a form of discipline. (9/18/15)

(o) The decision of the panel will be filed with the Secretary the day of the hearing, or no later than forty-eight (48) hours following the hearing.\* The procedures for dissemination of the decision shall be those in Section 22(b), Decision of a Hearing Panel. Appeals of decisions shall be pursuant to Section 23, Action of the Board of Directors, of this Manual. (Adopted 4/95)

\* The hearing panel's decision shall be considered final only when it is in writing and signed by the members of the panel following their personal review and any review by legal counsel that may be required. (9/18/15)

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

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

## **Section 21. Ethics Hearing**

The complaint, and response, if any, shall be provided to Hearing Panel members prior to the hearing. Such time period shall be no more than 24 hours (as determined by the hearing panel chair) and shall be adhered to for all hearings. (Amended 4/91)

## **Section 22. Decision of Hearing Panel**

(a) Any member of the Hearing Panel not voting with the majority may dissent from all or any portion of the findings or decision and may file a dissent in writing with the Secretary for consideration by the Directors at the same time the decision is considered. Copies of the decisions disseminated pursuant to these procedures shall be complete and unedited unless an Association, by affirmative action of its Board of Directors, adopts procedures under which decisions presented to the Board of Directors for ratification will not include the names of the parties. The dissenting opinion should also be provided to the parties. In the event the respondent is found in violation, the Hearing Panel will consider all records of previous violations and sanctions imposed, whether by the current or by any other Board or Association, in the member's file in determining discipline, and the rationale for the current disciplinary action can be provided to the parties and the Directors as part of the decision. The Hearing Panel's consideration will include whether prior disciplinary matters involve discipline that was held in abeyance and that will be triggered by a subsequent violation (including the matter currently under consideration by the Hearing Panel). (9/18/15)

## **Section 23. Action of the Board of Directors**

(b) If no appeal is filed, the Panel of Directors will adopt the Hearing Panel's recommendation and issue its order accordingly (at its next regularly scheduled meeting or a special meeting designated for that purpose, but no later than thirty (30) days after the date the Hearing Panel's decision was transmitted to the parties), unless:

(1) the Panel of Directors, if concerned with a possible procedural deficiency, refer the decision back to the Professional Standards Committee for a new hearing and recommendation by a different Hearing Panel; or

(2) the Panel of Directors are concerned with the appropriateness of the recommendation of sanction, in which case the Panel of Directors may impose alternative discipline that does not exceed that recommended by the Hearing Panel, or may refer the decision back to the original Hearing Panel for further consideration and recommendation accompanied by the Panel of Directors' concerns regarding the proposed discipline; or

(3) the Panel of Directors conclude the findings of fact do not support a violation of the Code of Ethics, in which case the complaint will be dismissed. (9/18/15)

In such matters, advice of Board legal counsel should be requested and considered. (Revised 05/11)

(c) All appeals must be in writing and must be accompanied by a deposit with the President in the sum of \$500. The

appeal should clearly indicate the bases on which the Hearing Panel's decision and/or recommendation for discipline is being challenged—(1) misapplication or misinterpretation of an Article(s) of the Code of Ethics; (2) procedural deficiency or any lack of procedural due process; (3) the discipline recommended by the Hearing Panel—and set forth in reasonable detail the facts and evidence to support the bases cited. The complainant may appeal based only on alleged procedural deficiencies or other lack of procedural due process that may have deprived him of the opportunity for a full and fair hearing. The written request for appeal shall be reviewed within ten (10) days after the appeal was transmitted to the association by the Board President or the President's designee only for the purpose of determining whether the appeal states any legitimate basis for consideration by the Panel of Directors. If determined to be insufficient, it shall be returned to the appellant accompanied by an explanation and a request for additional detail to be received by the Board within ten (10) days of notice. This initial administrative review is not a decision on the merits of the appeal request but is only intended to ensure compliance with the requirement that an appeal clearly set forth all bases that will be presented to the Board of Directors for their consideration. All requests for appeals received by the Board must be considered by the Panel of Directors, and only those bases and issues raised in the written request for appeal may be raised by the appellant in any hearing before the Panel of Directors. (Revised 9/18/15)

(m) Appeals to the Board of Directors may be heard by a panel of Directors appointed by the President for that purpose (or, alternatively, by the Board's Executive Committee). Five (5) Directors or a quorum of the Board of Directors, whichever is less, shall constitute such an appeal panel, which shall act on behalf of the Board of Directors. The decision of the appeal panel (or Executive Committee) shall be final and binding and shall not be subject to further review by the Board of Directors. (Revised 11/91)

#### **Section 24. Initial Action by Directors**

If the complainant alleges that a member has improperly refused to submit a dispute to arbitration (or mediation if required by the Board), the complaint shall not be referred to the Grievance Committee or a Hearing Panel, but shall be brought before the Board of Directors at the next regular meeting or at a special meeting called by the President for that purpose. The procedures for notices, time of notice, and hearing prescribed for matters before a Hearing Panel shall apply. The sole question of fact for the Directors to decide will be whether the respondent has failed to submit an arbitrable matter to arbitration or mediation in violation of Article 17. (Revised 11/11)

There can be no charge that there has been a refusal to arbitrate (or mediate if required by the Board) until the Grievance Committee determines the matter is arbitrable and of a mandatory nature and the respondent fails to submit to arbitration or mediation before the Board. (Revised 11/11)

Upon determination that the member has refused to arbitrate or mediate a properly arbitrable matter, the Board of Directors may direct the implementation of appropriate sanction and should, if it has reason to believe that the imposition of sanction will become the basis of litigation and a claim for damages consequent to such sanction, delay the effective date of implementing the sanction to a date following receipt by the Board of a judicial decision in a petition for declaratory relief filed by the Board to confirm the propriety of its action. (Revised 11/11)

On the other hand, if the complaint against the member is that, having properly submitted a dispute to arbitration or mediation, the member has refused to abide by the award or the resulting agreement, such refusal should not be referred to the Grievance Committee as a violation of the Code of Ethics unless it reflects an established pattern or practice of noncompliance with the commitment to arbitrate or mediate. A refusal to abide by an award in arbitration or any resulting agreement in mediation should be enforced in the manner set forth in Part Ten, Section 56, Enforcement.\* (Revised 11/11)

\*Refer to Appendix III to Part Ten for the rationale for use of judicial enforcement of arbitration awards when a Board Member refuses to pay an award in arbitration. (9/18/15)

#### **Appendix V to Part Four**

##### **Ethics Hearing Checklist**

(18) **Time and place of hearing.** The Chairperson of the Professional Standards Committee, or the panel itself, or its Chairperson, shall designate a time and place for hearing the complaint. Parties' requests for continuances shall only be granted when all parties mutually agree to a subsequent specified date, or when the hearing panel chair determines that denying the continuance would deny the requestor a fair hearing. The complaint and response, if any, shall be provided to Hearing Panel members prior to the hearing. Such time period shall be ten (10) days and shall be adhered to for all hearings. (Revised 04/14 9/15)

## **Part Five—Conduct of an Ethics Hearing**

**Postponement of hearing:** Postponement may be granted if there are extenuating circumstances. Parties' requests for continuances shall only be granted when all parties mutually agree to a subsequent specified date, or when the hearing panel chair determines that denying the continuance would deny the requestor a fair hearing. Requests for postponement must be made in writing. Permission can be given by the Chairperson. All parties shall be advised of the date of the rescheduled hearing. *(REVISED 9/15)*

**Recording the hearing:** The Board shall, and any party may at their own expense, have a court reporter present at the hearing, or may record the proceeding and, if transcribed, shall furnish a copy to the Secretary. *(REVISED 9/15)*

## **ARBITRATION**

### **Statements of Professional Standards Policy Applicable to Arbitration Proceedings**

#### **1. Article 17, Code of Ethics**

"In the event of contractual disputes or specific non-contractual disputes as defined in Standard of Practice 17-4 between Realtors® (principals) associated with different firms, arising out of their relationship as Realtors®, the Realtors® shall mediate the dispute if the Board requires its members to mediate. If the dispute is not resolved through mediation, or if mediation is not required, Realtors® shall submit the dispute to arbitration in accordance with the policies of the Board rather than litigate the matter.

In the event clients of Realtors® wish to mediate or arbitrate contractual disputes arising out of real estate transactions, Realtors® shall mediate or arbitrate those disputes in accordance with the policies of the Board, provided the clients agree to be bound by any resulting agreement or award.

The obligation to participate in mediation and arbitration contemplated by this Article includes the obligation of Realtors® (principals) to cause their firms to mediate and arbitrate and be bound by any resulting agreement or award." (Amended 9/18/15)

#### **3. Circumstances under which arbitration is contingent upon the REALTOR®'s voluntary participation\***

(a) REALTORS® and REALTOR-ASSOCIATE®S who are or were affiliated with the same firm shall have the right to invoke the arbitration facilities of the Board, provided each party voluntarily agrees to the arbitration in writing and the Board finds the matter properly subject to arbitration. This privilege as stated applies to disputes arising when the parties are or were affiliated with the same firm, irrespective of the time request is made for such arbitration. (Amended 11/95)

(b) A REALTOR® principal may invoke the arbitration facilities of the board in a dispute arising out of the real estate business with a nonmember broker, provided each party agrees in writing to the arbitration and provided the board finds the matter properly subject to arbitration. However, it shall be optional with the member as to whether he will submit to a claim to arbitration by a nonmember broker who is not an MLS Participant. A nonmember broker who is not an MLS Participant or nonmember salesperson may invoke the arbitration facilities of the Board of Realtors® in cases where they believe they have an arbitrable dispute with a Realtor®. Under these circumstances, Realtors® are not required to agree to or participate in arbitration. (Revised 9/15)

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

#### **25. Expenses related to conduct of hearings by Multi-Board or regional Grievance or Professional Standards Committees**

Expenses related to the conduct of hearings by a multi-Board or regional Grievance Committee or Professional Standards Committee shall be as established by written agreement between the signatory Boards. The expenses of such hearings shall be borne by the signatory Boards and shall not be supported by fees charged to the members other than as otherwise authorized by the Code of Ethics and Arbitration Manual. (Revised 11/98)

#### **33. Use of panels in place of Committees and the Board of Directors**

Any matter brought before the Grievance Committee, Professional Standards Committee, or Board of Directors may be considered by a panel of members or Directors appointed by the President for that purpose (or, alternatively, by the Board's Executive Committee). Three (3) or more members shall constitute a panel of the Grievance and Professional Standards Committees that can act on behalf of those committees. 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 (or Executive Committee) shall be final and binding and shall not be subject to further review by the full Committee or the full Board of Directors, except as otherwise provided in this Manual. (9/18/15)

## **Part Seven—Arbitration General Provisions**

### **Section 26. Definitions Relating to Arbitration**

As used herein,

(a) "Agent" means a real estate licensee (including brokers and sales associates) acting in an agency relationship as defined by state law or regulation. (Revised 4/98)

(b) "Board" means the Montana Association of REALTORS®.

(c) "Broker" means a real estate licensee (including brokers and sales associates) acting as an agent or in a legally recognized non-agency capacity. (Adopted 4/98)

### **Section 31. Conduct of Hearing**

At any ethics or arbitration hearing, every party has the right to present any witnesses, to submit any evidence pertinent to the case, and to cross-examine witnesses. Witnesses giving oral testimony shall be sworn in by the Chairperson. Before permitting testimony relating to the character or general reputation of anyone, the tribunal shall satisfy itself that the testimony has a direct bearing on the case at issue. The Board shall, and any party may, at his own expense, have a court reporter present at the hearing, or may record\* the proceeding, and, if transcribed, shall present a copy to the Secretary.\*\* If the Board utilizes a court reporter in lieu of recording, the parties may not be prohibited from making their own recording. (See Form #A-10, Outline of Procedure for Arbitration Hearing, **Part Thirteen**, and Conduct of an Arbitration Hearing, **Part Twelve**.) Ethics and arbitration hearings must be recorded, not appeals or limited procedural review proceedings. Boards shall prohibit parties from recording appeals or limited procedural review proceedings. (Revised 11/14 9/15)

## **Part Eight—Membership Duties and Their Enforcement**

### **Section 38. Selection and Appointment of the Grievance Committee**

There will be a standing committee, known as the Grievance Committee, of at least seven (7) and no more than fifteen (15) members. The Chair of the MAR Grievance Committee (who is appointed by the MAR President as set forth in these Policies), in cooperation with the MAR Certified Professional Standards Administrator(s) shall then select the members of the Grievance Committee from the list of local board grievance committee members.

### **Section 39. Selection and Appointment of the Professional Standards Committee**

There shall be a Professional Standards Committee which shall consist of the members of the professional standards committees of each local board/association. The Chair of the MAR Professional Standards Committee (who is appointed by the MAR President as set forth in these Policies), in cooperation with the MAR Certified Professional Standards Administrator(s) shall select the chair and members of the arbitration and ethics hearing panels from the membership of the MAR Professional Standards Committee as needed for professional standards hearings. Members of the Professional Standards Committee or the Chair of the Professional Standards Committee, upon direction from the President, may appoint additional members to a panel from a given district or region of Montana, to have all the powers of the regular members of the Professional Standards Committee, and to conduct a hearing as may be required in that particular district or region of Montana.

## **Part Nine—The Grievance Committee in Arbitration Proceedings**

### **Section 40. Authority**

The Grievance Committee is established in Part Two, Section 15 and Part Eight, Section 38 of this Manual, which provide in part:

There will be a standing committee, known as the Grievance Committee, of at least seven (7) and no more than fifteen



(15) members. The Chair of the MAR Grievance Committee (who is appointed by the MAR President as set forth in these Policies), in cooperation with the MAR Certified Professional Standards Administrator(s) shall then select the members of the Grievance Committee from the list of local board grievance committee members.

**Section 42. Grievance Committee's Review and Analysis of a Request for Arbitration**  
*C. Appeals from the decision of the Grievance Committee related to a request for arbitration*

If the Grievance Committee determines that a matter should not be arbitrated by the panel of the Board (because of the amount involved or the legal complexity, or for any other valid reason specified in the Grievance Committee decision and written report), the reason(s) for dismissing the request will be stated in the notice of dismissal. Any party may appeal the decision to the panel of the Board of Directors within twenty (20) days from transmittal of notice of the committee decision using Form #A-20, Appeal of Grievance Committee Dismissal or Classification of Arbitration Request/ The request for arbitration and any attachments cannot be revised, modified or supplemented. The party appealing the dismissal may, however, explain in writing why they disagree with the Grievance Committee's conclusion that the request for arbitration should be dismissed.. The Hearing Panel can also dismiss the arbitration request if the Hearing Panel concludes the matter is not arbitrable. (Amended 9/18/15)

The materials which were presented to the Grievance Committee when the Grievance Committee made its decision will be presented to the Board of Directors and considered with the appeal, together with any party's rationale challenging the Grievance Committee's dismissal. The parties to the arbitration (complainant and respondent) do not have the right to appear at the appeal hearing before the panel of Directors. In the event a request for arbitration is dismissed, any deposit submitted by the complainant shall be returned to the complainant. (Revised 11/12)

**Part Ten—Arbitration of Disputes**

**Section 44. Duty and Privilege to Arbitrate**

(b) MAR shall only provide arbitration facilities pursuant to these Policies for mandatory arbitration involving disputes arising out of the real estate business between REALTORS® “. . . associated with different firms . . .” as set forth in the Code of Ethics, Article 17 (i.e., those described in paragraphs (1), (2), and (3) of Article 17). In this regard MAR will not provide arbitration facilities for the additional types of arbitration described in paragraphs (4), (5), and (6) of Article 17.

**Section 45. Boards Right to Decline Arbitration**

(b) The President may appoint a panel of Directors, acting on behalf of the Board of Directors, to hear the appeal. Any appeal panel so appointed must be composed of at least five (5) Directors or a quorum of the Board of Directors, whichever is less. The decision of the appeal panel is final and not subject to further review by the Board of Directors. (Revised 11/91)

**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 Montana Association of REALTORS® any dispute with a member of any other local Board or Montana 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 Montana Association of REALTORS® has established facilities for such arbitration.\*

Disputes as defined in Article 17 of the Code of Ethics requiring arbitration between members having no commonality of Board membership or MLS participation may be submitted and conducted under the procedure established in Part Eleven of this Manual, subject to such modification as may be required by applicable state law. (Revised 9/15)

The method set forth in Part Eleven may also be utilized for the conduct of arbitration between Board Members of different Boards of different states, subject to the parties' voluntary agreement in advance to accept the place, date, and time established by the arbitration panel thus chosen for a hearing, and to pay all costs of such arbitration as may be directed by the panel, and further subject to applicable state law of the respective states permitting such binding arbitration.

**Section 47. Manner of Invoking Arbitration**

(a) Any person authorized by the provisions of Part Ten, Section 44 of this Manual may request arbitration by the Board. A request for arbitration shall be in writing (Form #A-1 or #A-2, Request and Agreement to Arbitrate, Part Thirteen, or any other appropriate form permitted by law), must be signed by the complainant, must indicate the nature of the dispute and the amount in dispute, and must be accompanied by the required deposit of \$500.00.\*\* Requests for arbitration must be filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180)

days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later. Boards may provide mediation even if arbitration has not been requested provided the mediation is requested within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later. (Revised 11/00)

Suspension of filing deadlines: If the Board's informal dispute resolution processes (e.g., ombudsmen, mediation, etc.) are invoked or initiated by a complainant (or potential complainant) with respect to an otherwise potentially arbitrable matter that becomes the subject of a subsequent arbitration request, the one hundred eighty (180) day filing deadline shall be suspended beginning with the date of the complainant's (or potential complainant's) request for informal dispute resolution service or assistance and shall resume when the informal dispute resolution procedures are concluded or terminated. Questions about when informal dispute resolution began or ended will be determined by the Board President or the President's designee. (Adopted 11/00)

(b) The Secretary shall promptly refer the request for arbitration to the Chairperson of the Grievance Committee for determination by the Committee within 21 days as to whether the matter is subject to arbitration. (Revised 11/98)

The function of the Grievance Committee is to make only such preliminary review and evaluation of the request for arbitration as is required to determine (1) whether the matter is properly arbitrable; (2) whether arbitration is mandatory or voluntary based upon the requirements of Part Ten, Section 44 of this Manual; and (3) whether the proper parties are named in the request for arbitration. The Grievance Committee does not hold hearings and does not determine entitlement to awards.

\*The State Association as a Member Board of the National Association has the obligation to establish arbitration procedures and facilities consistent with applicable state law, as required by the Constitution, National Association, Article IV, and by Article 17, Code of Ethics of the National Association, for individual members of the State Association.

If no response, the Grievance Committee will not request a response from the respondent to a request for arbitration prior to the meeting of the Grievance Committee.

(c) If the Grievance Committee finds the matter properly subject to arbitration, the Chairperson shall refer it back to the Secretary with instructions to arrange a hearing, notifying the parties of the Grievance Committee's decision, informing the parties as to whether the arbitration is mandatory or voluntary (and, if voluntary, of the date certain by which the respondent is requested to inform the Board of his decision) and informing the parties of their ability to challenge the classification (see Section 45[d], Board's Right to Decline Arbitration). The Secretary shall notify the respondent within five (5) days of receipt of the Grievance Committee's instructions by transmitting a copy of the request for arbitration, the Notice to Respondent (Arbitration) (Form #A-3), and two (2) forms for response (Form #A-4, Response and Agreement to Arbitrate, Part Thirteen), with directions to complete and return the written response and deposit amount of \$500.00\* within fifteen (15) days from the date of transmittal to respondent. The Secretary shall concurrently transmit to each of the parties a list of names of members of the Professional Standards Committee (see Part Seven, Section 27, (a) through (f), Qualification for Tribunal; Part Thirteen, Form #A-7, Notice of Right to Challenge Tribunal Members; and Form #A-8, Challenge to Qualifications by Parties to Panel Members). Within fifteen (15) days from the date the names are transmitted to the parties, the Professional Standards Committee Chairperson shall appoint from the names not successfully challenged by either party three (3) or more arbitrators who will hear the dispute. The Chairperson shall also select one of the panel members to serve as Chairperson of the Hearing Panel. Any Hearing Panel must have an odd number of members. At least two (2) shall be REALTORS®, and in the event a REALTOR-ASSOCIATE® or REALTOR® other than a principal has invoked the arbitration through the REALTOR® principal, or is affiliated with the respondent, and has a vested interest in the outcome of the proceeding, one (1) of the arbitrators must be a REALTOR-ASSOCIATE® or REALTOR® other than a principal. It shall be a membership duty of anyone so appointed to serve as an arbitrator unless disqualified. The Professional Standards Committee Chairperson shall select the Chairperson of the Hearing Panel, who shall possess the powers of the neutral arbitrator within the meaning of the Montana arbitration statutes.\*\* A party will be deemed to have waived all objections to any person whose name he does not challenge. If a challenge to members of the Professional Standards Committee results in an insufficient number of members to constitute a panel, the President may appoint other qualified Board Members to serve as panel members. No arbitration may proceed without three (3) or more arbitrators not disqualified pursuant to Part Seven, Section 27, Qualification for Tribunal. (Revised 11/14)

\*This fee should not be so high as to deter parties from arbitration. This amount shall not exceed \$500. Where a party(ies) from the same firm is involved in more than one related request for arbitration, and the claims will be consolidated and resolved in a single hearing, no more than one deposit or filing fee may be required of that party(ies). When a REALTOR® requests arbitration to determine which of multiple respondents is entitled to disputed funds, or where a party makes no claim to the disputed funds, that party may not be assessed an arbitration filing fee. (Revised 11/96)

\*\*As an alternative, the Board may, as a matter of Board procedure, elect to have the Board President appoint the Chairperson of each Hearing Panel.

#### **Section 48. Submission to Arbitration**

(a) Submission of a dispute to arbitration by the Board shall consist of signing and delivering to the Secretary either a request or response form provided by the Board (Form #A-1 or #A-2, Request and Agreement to Arbitrate, or Form #A-4, Response and Agreement to Arbitrate) or any other similar writing permitted by law and making the appropriate deposit of \$500.00 (not to exceed \$500).\*\* Agreements to arbitrate are irrevocable except as otherwise provided under state law. (Revised 05/01)

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

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

Where arbitration takes place in a respondent's absence, the respondent is still entitled to be represented by legal counsel. Counsel may make opening and closing statements; call witnesses; cross-examine witnesses called by other parties; and introduce affidavits, documents, and other admissible relevant evidence. Counsel may not testify to events and facts of which counsel has no firsthand knowledge. Hearing Panels should be instructed by the Chair that counsel's arguments do not constitute testimony. (Adopted 11/98)

#### **Section 49. Initial Action by Directors**

If the complainant alleges that a member has improperly refused to submit a dispute to arbitration (or mediation if required by the Board), the complaint shall not be referred to the Grievance Committee or a Hearing Panel, but shall be brought before the panel of the Board of Directors at the next regular meeting or at a special meeting called by the President for that purpose. The procedures for notices, time of notice, and hearing prescribed for matters before a Hearing Panel shall apply. The sole question of fact for the Directors to decide will be whether the respondent has failed to submit an arbitrable matter to arbitration or mediation in violation of Article 17. (Revised 11/11)

There can be no charge that there has been a refusal to arbitrate (or mediation if required by the Board) until the Grievance Committee determines the matter is arbitrable and of a mandatory nature and the respondent fails to submit to arbitration or mediation before the Board. (Revised 11/11)

Upon determination that the member has refused to arbitrate or mediate a properly arbitrable matter, the panel of the Board of Directors may direct the implementation of appropriate sanction and should, if it has reason to believe that the imposition of sanction will become the basis of litigation and a claim for damages consequent to such sanction, delay the effective date of implementing the sanction to a date following receipt by the Board of a judicial decision in a petition for declaratory relief filed by the Board to confirm the propriety of its action. On the other hand, if the complaint against the member is that, having properly submitted a dispute to arbitration or mediation, the member has refused to abide by the award, or the resulting agreement, such refusal should not be referred to the Grievance Committee as a violation of the Code of Ethics unless it reflects an established pattern or practice of noncompliance with the commitment to arbitrate or mediate. A refusal to abide by an award in arbitration, or any resulting agreement in mediation, should be enforced in the manner set forth in Part Ten, Section 56, Enforcement.\* (Revised 11/11)

\* Refer to Appendix III to Part Ten for the rationale for use of judicial enforcement of arbitration awards when a Board Member refuses to pay an award in arbitration (9/18/15)

#### **Section 50. Preliminary Judicial Determination Prior to Imposition of Discipline**

If the panel of the Board of Directors has reason to believe that the imposition of a proposed sanction will become the basis of litigation and a claim for damages, it may specify that the discipline shall become effective upon entry of the final judgment of a court of competent jurisdiction in a suit by the Board for declaratory relief declaring that the discipline proposed violates no rights of the member.\*\*

\*\* Refer to Rationale of Declaratory Relief Procedure provided in Appendix IV to Part Four. (9/18/15)

### **Section 51. Arbitration Hearing**

(a) Not sooner than fifteen (15) days nor later than twenty-one (21) days after transmitting notice to the respondent of the request for arbitration, the Secretary shall transmit to the complainant a copy of the response and respondent's affirmative claim, if any. (Revised 11/14)

In the case of an arbitration request involving issues related to areas of the real estate business such as commercial, investment, industrial, etc., where there is an insufficient number of qualified practitioners on the Board's Professional Standards Committee to provide a representative peer panel, the Board President shall appoint other Board Members qualified in that field to serve as panel members. If the Board President is unable to identify a sufficient number of qualified members to serve on a panel, the President shall report that fact to the Directors at their next regularly scheduled meeting. If the Board of Directors concurs, the request shall be referred to the State Association pursuant to Part Fourteen of this Manual. If the State Association is unable to provide a representative peer panel, the parties shall be released from their obligation to arbitrate. (Revised 11/98)

(b) The Secretary shall inform the parties of the date, time, and place of the hearing established by the arbitrators (or the Chairperson of the Professional Standards Committee) (Form #A-9, Official Notice of Hearing, Part Thirteen).<sup>\*</sup> The arbitration request and response, if any, shall be provided to Hearing Panel members prior to the hearing. Such time period shall be no more than 24 hours as determined by the chair of the hearing panel and shall be adhered to for all hearings. Board's conducting arbitration must also provide all parties and panel members with the Arbitration Guidelines prior to commencement of any arbitration hearing (including the Arbitration Work Sheet). The parties shall be given at least twenty-one (21) days' prior notice of the hearing, but appearance at a hearing without objection by a party will constitute a waiver of any defective notice of the hearing. The arbitrators may recess the hearing from time to time as necessary. Parties' requests for continuances shall only be granted when all parties mutually agree to a subsequent specified date, or when the hearing panel chair determines that denying the request for continuance would deny the requestor a fair hearing. (Revised 11/14)

<sup>\*</sup> Form #A-10, Outline of Procedure for Arbitration Hearing, Part Thirteen, should accompany the notice of the hearing or be otherwise provided to the parties prior to the hearing

### **Section 53. The Award**

(c) If an award has been rendered, the nonprevailing party must, within ten (10) days following transmittal of the award, either (1) pay the award to the party(ies) named in the award or (2) deposit the funds with the Board Secretary or Board Executive Officer to be held in a special Board escrow account maintained for this purpose. Failure to satisfy the award or to deposit the funds with the Board within this time period may be considered a violation of a membership duty and may subject the member to disciplinary action at the discretion of the Board of Directors. (Adopted 11/14)

The nonprevailing party shall have twenty (20) days following transmittal of the award to request procedural review of the arbitration hearing procedure or to have legal counsel notify the Board Secretary or Executive Officer that a legal challenge to the validity of the award has been initiated. (Revised 11/14)

(d) If a request for procedural review of the arbitration procedure is received within twenty (20) days, the funds deposited with the Board shall be retained in the Board's escrow account until the review is completed. If the arbitration award is confirmed by the Board of Directors following the conduct of the limited procedural review, the nonprevailing party shall have an additional fifteen (15) days to institute an appropriate legal challenge to the validity of the arbitration award. In such case, the nonprevailing party shall also cause legal counsel to advise the Board in writing that a suit challenging the validity of the arbitration award has been filed during this additional fifteen (15) day period. After fifteen (15) days, if written notice of a suit challenging the validity of the arbitration award has not been received by the Board, the funds shall be released from escrow and paid to the prevailing party. If written notification is received during the fifteen (15) day period, the funds will be held in escrow pending the determination of the matter by a court of competent jurisdiction. (Adopted 11/87)

If the nonprevailing party does not request the Board to conduct a procedural review of the arbitration hearing process during the twenty (20) day period following transmittal of the award, then written notification that a legal challenge has been instituted must be received within the twenty (20) days following transmittal of the award. Failure to provide written notification that a suit challenging the validity of the award has been filed within twenty (20) days following transmittal of the award will result in the award being paid from the Board's escrow to the prevailing party. (Revised 11/14)

(e) Any failure to make the necessary deposits with the Board shall be referred to the Board of Directors for action at their

next meeting or at a special meeting called for that purpose. The party failing to make the deposit on a timely basis shall be advised of the date, time, and place of the meeting and shall have an opportunity to explain why the required deposits were not made on a timely basis. The Board of Directors may, at its discretion, impose discipline or may give the party an additional period to make the required deposits. The Directors may also stipulate appropriate discipline to be automatically imposed if the party fails to make the deposit within the time established by the Directors. (Adopted 11/87)

(f) Any interest accrued on the escrowed funds shall become the property of the party to whom the funds are ultimately released by the Board. (Adopted 11/87)

#### **Section 54. Costs of Arbitration**

At the conclusion of a hearing, the arbitrators shall determine the disposition of the deposits made by the parties. Options for disposition include:

1. Return the deposit of the prevailing party
2. Return a portion of the deposit to each party should the award be rendered in an amount other than that requested by any of the parties.
3. Any other disposition determined by the arbitrators, provided that no party shall receive a refund greater than the amount of that party's deposit.
4. Where parties successfully mediate an otherwise arbitrable dispute, their arbitration filing fees will be refunded.

#### **Section 55. Request for Procedural Review by Directors**

(a) A written request for procedural review of the arbitration hearing procedures must be filed with the President within twenty (20) days after the award has been transmitted to the parties and be accompanied by a deposit in the sum of \$500. The request for procedural review should cite the alleged procedural deficiencies or other irregularities the party believes constitute a deprivation of due process (e.g., fraud, coercion, bias, prejudice, evident partiality, etc.) on the part of Hearing Panel members or others acting on behalf of the Board. The request for procedural review shall be reviewed by the Board President or the President's designee only for the purpose of determining whether the request states any legitimate basis for consideration by the Board of Directors. If determined to be insufficient, it shall be returned to the requester accompanied by an explanation and a request for additional detail to be received by the Board within ten (10) days of notice. This initial administrative review is not a decision on the merits of the request for procedural review but is intended only to ensure compliance with the requirement that the request cite the alleged procedural deficiency or irregularity on which the request is based and which will be presented to the Board of Directors for its consideration. All requests for procedural review received by the Board must be considered by the Board of Directors, and only the bases raised in the written request for procedural review may be raised during the review before the Directors. (Amended 11/14)

(c) The request for procedural review may be heard by a panel of Directors appointed by the President for that purpose (or, alternatively, by the Board's Executive Committee). Five (5) Directors or a quorum of the Board of Directors, whichever is less, shall constitute such 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. (Revised 11/91)

#### **Section 56. Enforcement**

The judgment of any competent court of record in Montana, state or federal, may be rendered upon the award. If a member fails to comply with an award or the terms of a mediated settlement agreement, 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. (Revised 11/14)

### **Part Eleven – Interboard Arbitration Procedures**

**Fee deposit and arbitration agreement:** The request for interboard arbitration shall be accompanied by a deposit not to exceed \$500, which shall go toward the costs of arbitration as determined by the panel, and by a signed arbitration agreement, which may be in the form of Specimen Form #A-1, Part Thirteen of this Manual, or in any other appropriate form provided or permitted by law. (Revised 11/96)

Interboard arbitration involving parties in Boards distant from each other may involve costs including travel expenses of the arbitration panel and other expenses of the arbitration. (Revised 5/06)

Boards should establish a filing fee for interboard arbitration that may be the same as or different from filing fees for arbitration not conducted pursuant to Part Eleven, provided that the total cost that may be charged any party, including any filing fee, may not exceed \$500. Boards administering arbitration pursuant to Part Eleven should agree prior to any hearing which Board will retain the respective parties' filing fees. (Revised 5/06)

**Arbitration request and response:** The Secretaries of the Boards involved with the interboard arbitration shall ensure that the panel Secretary receives all documents related to the arbitration request. The panel Secretary may require the complainant to submit sufficient copies of the arbitration request and related documents for each member of the panel and the respondent or respondents. Within 10 days after the interboard arbitration panel has been formed, the panel Secretary shall send a copy of the arbitration request to the respondent, informing the respondent that he may file a written response with the panel Secretary (if the respondent has not already received a copy of the arbitration request and had an opportunity to submit a response) within twenty-one (21) days from the date of the notification in which the request for arbitration was transmitted to him, including sufficient copies for each Hearing Panel member and the complainant. If the arbitration request has already been provided to the respondent and a response solicited, the panel Secretary shall obtain the response from the Board which requested it and ensure that the complainant receives a copy. The panel Secretary may require the respondent to submit sufficient copies of the response for each member of the panel and the complainant or complainants. Any response shall be accompanied by a signed arbitration agreement, which may be in the form of Specimen Form #A-4, **Part Thirteen** of this Manual, or in any other appropriate form provided or permitted by law, and a deposit not to exceed \$500, which shall go toward costs of such arbitration if so determined by the arbitration panel, or shall be returned as determined by the panel. *(Revised 11/14)*

**Recordation:** Any party may, at his own expense, have a court reporter present, or may record the proceeding, and, if transcribed, shall furnish a transcript to the panel. The panel may also cause the hearing to be transcribed or recorded on its own motion. *(9/18/15)*

## **Part Twelve—Conduct of an Arbitration Hearing**

### **Outline of Procedure for Arbitration Hearing**

Montana Association of REALTORS®

State of Montana

*(To be transmitted in advance to both parties.)*

**Postponement of hearing:** Postponement may be granted if there are extenuating circumstances. Parties' requests for continuances shall only be granted when all parties mutually agree to a subsequent specified date, or when the hearing panel chair determines that denying the continuance would deny the requestor a fair hearing. Requests for postponement must be made in writing. Permission can be given by the Chairperson. All parties shall be advised of the date of the rescheduled hearing. *(REVISED 11/14)*

**Recording the hearing:** The Board shall, and any party (may/may not), at their own expense, have a court reporter present at the hearing, or may record the proceeding, and, if transcribed, shall furnish a copy to the Secretary. *(Revised 11/14)*

**MAR Policy Appendix A - Travel Policy Reimbursement Criteria – In-State**

<b>Position</b>	<b>Event</b>	<b>Hotel*</b>	<b>Per Diem**</b>	<b>Travel Fees***</b>	<b>Registration</b>
<b>President</b>	Winter Business Meeting	2	2	Y	N
	MAR Strategic Plan Review	1	1	Y	N
	GRI Graduation	1	1	Y	N
	Spring Business Meeting	2	2	Y	N
	MAR Budget Meeting	1	1	Y	N
	MAR Fall Convention	3	3	Y	Y
	MAR Leadership Training	1	1	Y	N
	LDC	1	1	Y	N
<b>President Spouse</b>	MAR Fall Convention	N	N	N	Y
<b>President-Elect</b>	Winter Business Meeting	2	2	Y	N
	MAR Strategic Plan Review	1	1	Y	N
	Spring Business Meeting	2	2	Y	N
	MAR Budget Meeting	1	1	Y	N
	MAR Fall Convention	3	3	Y	Y
	MAR Leadership Training	1	1	Y	N
	LDC	1	1	Y	N
	<b>President-Elect Spouse</b>	MAR Fall Convention	N	N	N
<b>1st Vice President</b>	Winter Business Meeting	2	2	Y	N
	MAR Strategic Plan Review	1	1	Y	N
	Spring Business Meeting	2	2	Y	N
	MAR Budget Meeting	1	1	Y	N
	MAR Fall Convention	3	3	Y	Y
	MAR Leadership Training	1	1	Y	N
<b>Treasurer</b>	Winter Business Meeting	2	2	Y	N
	MAR Strategic Plan Review	1	1	Y	N
	Spring Business Meeting	2	2	Y	N
	MAR Budget Meeting	1	1	Y	N
	MAR Fall Convention	3	3	Y	Y
	MAR Leadership Training	1	1	Y	N
<b>Immediate Past Pres.</b>	Winter Business Meeting	2	2	Y	N
	MAR Strategic Plan Review	1	1	Y	N
	Spring Business Meeting	2	2	Y	N
	MAR Budget Meeting	1	1	Y	N
	MAR Fall Convention	3	3	Y	Y
	MAR Leadership Training	1	1	Y	N
<b>NAR Directors (2)</b>	Winter Business Meeting	2	2	Y	N
	Spring Business Meeting	2	2	Y	N
	MAR Fall Convention	3	3	Y	Y

Position	Event	Hotel*	Per Diem**	Travel Fees***	Registration
<b>Committee Chairs (6)</b>	Winter Business Meeting	2	2	Y	N
	MAR Strategic Plan Review	1	1	Y	N
	Spring Business Meeting	2	2	Y	N
	MAR Budget Meeting	1	1	Y	N
	MAR Fall Convention	3	3	Y	Y
	MAR Leadership Training	1	1	Y	N
<b>Committee V. Chairs (6)</b>	Winter Business Meeting	1	1	Y	N
	MAR Strategic Plan Review	1	1	Y	N
	Spring Business Meeting	1	1	Y	N
	MAR Budget Meeting	1	1	Y	N
	MAR Fall Convention	3	3	Y	N
	MAR Leadership Training	1	1	Y	N
<b>Regional Ambassadors (3)</b>	Winter Business Meeting	1	1	Y	N
	MAR Strategic Plan Review	1	1	Y	N
	Spring Business Meeting	1	1	Y	N
	MAR Fall Convention	3	3	Y	Y
	MAR Leadership Training	1	1	Y	N
<b>FPC's (3)</b>	Winter Business Meeting	1	1	N	N
	Spring Business Meeting	1	1	N	N
	MAR Fall Convention	1	1	N	N
<b>RPAC Chair</b>	Winter Business Meeting	1	1	Y	N
	Spring Business Meeting	2	2	Y	N
	MAR Fall Convention	3	3	Y	N
	MAR Leadership Training	1	1	Y	N
<b>RPAC V. Chair</b>	Winter Business Meeting	1	1	Y	N
	MAR Strategic Plan Review	1	1	Y	N
	Spring Business Meeting	1	1	Y	N
	MAR Fall Convention	1	1	Y	N
	MAR Leadership Training	1	1	Y	N
<b>IMF Chair</b>	Winter Business Meeting	2	2	Y	N
	Spring Business Meeting	1	1	Y	N
	MAR Fall Convention	2	2	Y	N
	MAR Leadership Training	1	1	Y	N
<b>IMF V. Chair</b>	Winter Business Meeting	1	1	Y	N
	MAR Strategic Plan Review	1	1	Y	N
	Spring Business Meeting	1	1	Y	N
	MAR Leadership Training	1	1	Y	N
<b>Association Attorney</b>	Winter Business Meeting	2	2	Y	N
	BRR Meetings (4)	N	N	Y	N
	Spring Business Meeting	2	2	Y	N
	MAR Fall Convention	2	2	Y	N
<b>Past ROTY</b>	MAR Fall Convention	3	3	Y	Y
<b>Finance Cmte Members (15)</b>	Budget meeting	1	1	Y	N



**Travel Fees include: mileage, airfare, cab fees and parking.**

\*Hotel is paid at actual rate

\*\*Per Diem, mileage, cab fees and parking rates approved annually in the budget

\*\*\*Airfare paid at actual rate (see section ??? In travel policy)

**MAR Policy Appendix A - Travel Policy Reimbursement Criteria – Out-of-State**

Position	Event	Hotel*	Per Diem**	Travel Fees***	Registration
<b>President</b>	Region 12 Meeting	2	2	Y	N
	NAR Mid-Year Meeting	6	6	Y	N
	NAR Convention	6	6	Y	Y
<b>President Guest</b>	NAR Mid-Year Meeting	N	N	Airfare only	N
	NAR Convention	N	N	Airfare	Y
<b>President-Elect</b>	Region 12 Meeting	2	2	Y	N
	NAR Mid-Year Meeting	6	6	Y	N
	NAR Leadership Sum.	3	3	Y	N
	NAR Convention	6	6	Y	Y
<b>1st Vice President</b>	NAR Mid-Year Meeting	6	6	Y	N
	NAR Convention	6	6	Y	Y
<b>Treasurer</b>	NAR Mid-Year Meeting	6	6	Y	N
	NAR Convention	6	6	Y	Y
<b>NAR Directors (2)</b>	Region 12 Meeting	2	2	Y	N
	NAR Mid-Year Meeting	6	6	Y	N
	NAR Convention	6	6	Y	Y
<b>NAR Cmte. Members*</b>	NAR Mid-Year Meeting	N	N	N	N
	NAR Convention	N	N	N	N
<b>NAR Cmte. V. Chair (1)</b>	NAR Mid-Year Meeting	6	6	Y	N
	NAR Convention	6	6	Y	Y
<b>MAR CEO</b>	Region 12 Meeting	2	2	Y	N
	AE Institute	4	4	Y	Y
	NAR Mid-Year Meeting	6	6	Y	N
	State CEO Meeting	3	3	Y	Y
	NAR Leadership Sum.	3	3	Y	N
	NAR Convention	6	6	Y	Y
	NAR Mid-Year Meeting	N	N	N	N
<b>YPN Chair</b>	YPN Retreat	2	2	Y	Y
<b>Association Attorney</b>	NAR Legal Workshop	3	3	Y	Y
<b>ROTY</b>	NAR Convention	6	6	Y	Y
<b>Government Affairs Dir.</b>	NAR Mid-Year Meeting	6	6	Y	N
	GAD Institute	3	3	Y	Y
<b>Education &amp; Program Coord.</b>	Ed. Directors Meeting	3	3	Y	Y

Position	Event	Hotel*	Per Diem**	Travel Fees***	Registration
Communication Director	Comm. Dir. Meeting	3	3	Y	Y
YPN Staff Liaison	YPN Retreat	2	2	Y	Y
Business Manager	AE Institute	4	4	Y	Y
MAR Office Staff	NAR Convention	6	6	Y	Y

**Travel Fees include: mileage, airfare, cab fees and parking.**

\*NAR Committee members reimbursed at a flat rate amount as approved annually in the budget

\*\*Hotel is paid at actual

rate

\*\*\*Per Diem, mileage, cab fees and parking rates approved annually in the budget

\*\*\*\*Airfare paid at actual rate (see Section 12 (C) in travel policy)

## **MAR Policy Appendix B**

### **Election of Officers ONLINE Voting Procedures**

#### 1) Roles and Responsibilities

- Electronic voting is for the purpose of elections only.
- The Association Management Committee will decide during the winter business meeting each year what form of voting will be conducted (electronic or mailed ballots).
- If mailed ballots are selected a separate set of procedures will be followed.
- Election Subcommittee reviews and selects vendor to provide electronic balloting services.
- The Leadership Team approves a contract with a vendor to provide electronic balloting services.
- MAR staff works with the vendor in setting up the electronic voting system.
- Third-Party Vendor will run the election.

#### 2) Procedure before the election:

- Online voting will be handled through a third-party online election management company whose credentials have been reviewed and selected by the Election Committee.
- The Leadership Team will approve a contract with a vendor to provide electronic balloting services no later than the spring business meeting.
- Candidate pictures, bios and application information will be available on the MAR website 30 days prior to the election.

#### 3) During the Election:

- Voting access will be open for one month, ending 7 days prior to the annual meeting.
- A login and pin will be necessary to vote and will be provided with the instructions.
- The number of email notifications sent out from the vendor will be decided as part of the contract with the vendor. After the first notification to all voting members, notifications will only be sent to those who have not voted yet.
- Reminders to vote will be in ReMARKs throughout the election.
- For security purposes, MAR staff will be unable to provide login and pin information. If a login or pin is lost, a member can acquire a new pin by contacting the company hired to conduct the election.
- A paper ballot can be provided by contacting the vendor. Paper ballots are returned to the vendor and the ballot information is securely added to the online voting election.
- **ONLINE VOTING INSTRUCTIONS:** In accordance with the Bylaws, the Montana Association of REALTORS® has decided to conduct online voting for its slate of next year's officers. Vote by clicking the appropriate box next to the candidate. You may unmark a box by clicking on it again. You may abstain from voting for any candidate. Review your ballot carefully. You may review your ballot and change your vote at any time prior to clicking the SUBMIT button. Once you click the SUBMIT button, your vote is counted and cannot

be changed by you or anyone. The ballots will be completely confidential as information will be gathered by a secure third party, not directly by MAR.

- **AGREEMENT BY VOTING MEMBERS:** By Participating in the electronic voting, each voting member is deemed to have agreed to consent to electronic voting.

Each voting member is aware that once they submit their vote, the login and pin become void of future use.

Each voting member will not share their log in or pin with anyone, and each member agrees not to take any steps to interfere with the operations of any election.

That each voting member will comply fully with the Bylaws and Policies of the Montana Association of Realtors

- **EXTENUATING CIRCUMSTANCES.** In the event that the electronic system fails to operate properly, or the technology provider is unable to deliver the services required, during the Voting Period:

If the failure is not rectifiable. MAR Election Team may determine to terminate electronic voting during the applicable voting period, and institute another form of voting.

If the failure is temporary with the result that a voting member was unable to cast their vote electronically, MAR authorizes the third party vendor, to review such claim and to accept a vote from such voting member in such alternative manner as is determined appropriate provided reasonable evidence exists of the said voting member's inability to vote electronically as a result of the failure.

#### 4) Following the election

- MAR will receive the information necessary to allow the strict verification and tally of the results, but in no instance will MAR be able to determine how a particular member voted.
- The Election Subcommittee meets prior to the Annual Meeting to verify the number of responses needed to meet the quorum requirements
- Online voting results and the slate of MAR Officers will be announced at the Annual Meeting. (MAR BYLAWS Article 5, Section 8)