

# **Ombudsman/Mediation**

## **Ombudsman Process**

Many “complaints” received by boards and associations do not expressly allege violations of specific Articles of the Code of Ethics, and many do not detail conduct related to the Code. Some “complaints” are actually transactional, technical, or procedural questions readily responded to.

It is the belief of the Idaho Association’s Professional Standards Committee that many ethics complaints might be averted with enhanced communications and initial problem-solving capacity at the local or regional level. So the IAR has ombudsman procedures in place that are intended to provide that capacity.

The ombudsman’s role is primarily one of communication and conciliation, not adjudication. Ombudsmen do not determine whether ethics violations have occurred, rather they anticipate, identify, and resolve misunderstandings and disagreements before matters ripen into disputes and possible charges of unethical conduct.

## **Mediation Process**

Traditionally, real estate industry disputes rely on negotiation for solutions. If negotiation fails, litigation or arbitration is often initiated. Mediation involves the skillful intervention of a third-party professional to help resolve disputes that arise between two or more parties.

Mediation can be a useful tool in resolving the conflicts that arise involving Board Members and their clients and customers. Mediation can resolve controversy, promote amicable resolutions, and reduce the number of cases requiring the more

formal and complex arbitration procedures of the Board.

The Idaho Association of REALTORS® has a Mediation process and in 2012 the Board of Directors approved its mandatory use prior to Arbitration for those Boards that contract with the Idaho Association of these services.

If you would like to learn more about the Ombudsman/Mediation process, Call The Idaho Association of Realtors® 1 (800) 621-7553