

## **The Mediation Process:**

(1) Participation in the mediation process is voluntary.\*

(2) Parties to a mediation conference may withdraw from the process at any point prior to reaching an agreement. Should you choose to withdraw from the process prior to reaching an agreement, the complainant is free to pursue arbitration of the dispute in accordance with the guidelines set forth in the *Code of Ethics and Arbitration Manual* of the National Association of Realtors®.

(3) If the parties to the mediation conference agree to a settlement of the dispute, and the settlement is reduced to writing and has been signed by all of the parties, the matter shall be considered resolved, and shall not be the subject of a subsequent arbitration hearing. In the event that either of the parties fail to abide by the terms of the settlement, the matter may not be arbitrated; instead, the other party should be encouraged to have the settlement agreement judicially enforced by a court of competent jurisdiction.

(4) Parties to the mediation may be accompanied by and represented at the conference by legal counsel. If it is your intent to have legal counsel present at the mediation conference, the Mediation Officer or the Board staff should be advised of this fact at least ten (10) days prior to the mediation conference.

(5) Parties to the mediation may agree to a mutual resolution of the matter at any time during the mediation conference. If following a thorough discussion of all the pertinent facts, the parties are still unable to resolve the matter, the Mediation Officer may make a recommendation for the resolution of the dispute. The recommendation for resolution can be oral or in writing and may be provided to both parties at the conclusion of the mediation conference. The parties can agree to the Mediation Officer's proposed resolution at the time it is presented to them. If neither of the parties desire to give additional consideration to the Mediation Officer's resolution, both parties will be given a specified period of time, not to exceed forty-eight (48) hours, to consider the resolution and to advise the Mediation Officer of their acceptance or rejection of the recommended resolution. Failure to respond to the recommended resolution within the specified time period will be deemed as a rejection of the suggested resolution. If either of the parties reject the proposed resolution, the mediation conference will be deemed concluded and the matter will proceed to the Board's Grievance Committee for determination. If the Grievance Committee has previously referred the dispute to the Board's Professional Standards Hearing Panel, the matter will proceed to arbitration.

(6) If the parties to the mediation conference are unable to resolve the dispute, any offers of settlement that were not accepted or any suggested resolution proposed by the Mediation Officer that was not accepted will not be introduced as evidence nor considered in any manner should the matter require arbitration by the Board's Professional Standards Committee.