

Oregon Association of REALTORS® OMBUDSMAN PROGRAM

Purpose

The mission of the Ombudsman is to provide a confidential, neutral and informal process which facilitates fair and equitable resolutions to concerns that arise within the Oregon Association of REALTORS® and/or between Oregon Association of REALTORS® and the local boards, including all members and employees. In performing this mission, the Ombudsman serves as an information and communications resource, upward feedback channel, advisor, dispute resolution expert and change agent.

Standards of Practice:

1. Independence

1.1 The Ombudsman is independent from Oregon Association of REALTORS®, local boards or any affiliate. Independent means not employed by or currently serving in a leadership capacity.

1.2 The Ombudsman holds no other position within the organization which might compromise independence.

1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.

1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.

2. Neutrality and Impartiality

2.1 The Ombudsman is neutral, impartial, and unaligned.

2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitable administered processes and does not advocate on behalf of any individual.

2.3 The Ombudsman will be appointed by the President subject to review and approval of the Executive Committee. The Ombudsman shall report to the

President and President-Elect for the Oregon Association of REALTORS® and operate independent of ordinary line and staff structures.

2.4 The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman.

2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

3. Confidentiality

3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following:

A. The Ombudsman does not disclose confidential¹ communications unless given permission to do so in the course of informal discussions with the Ombudsman, and even then at the sole discretion of the Ombudsman, without that individual's express permission; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman.

B. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is not another reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.

3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in the capacity) are considered privileged. The privilege belongs to the Ombudsman rather than to any party to an issue. Others cannot waive this privilege.

3.3 The Ombudsman does not testify in any formal process inside Oregon Association of REALTORS® and/or local boards and resists testifying in any formal process outside of these organizations, even if given permission or requested to do so.

¹ Confidential describes communications, or a source of communications, which are intended to be held in secret. Confidentiality is often accomplished by providing anonymity to the source of communications when the source of a communication is kept secret or private, this is known as an anonymous communication.

3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.

3.5 The Ombudsman keeps no records containing identifying information on behalf of Oregon Association of REALTORS® and/or local boards.

3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including Oregon Association of REALTORS® and local board staff), and has a consistent and standard practice for the destruction of such information.

3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.

3.8 Communications made to the Ombudsman are not notice to Oregon Association of REALTORS® and/or local boards. The Ombudsman neither acts as agent for, nor accepts notice on behalf of, these organizations. However, the Ombudsman may refer individuals to the appropriate place where formal notice can be made.

4. Informality and Other Standards

4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in formal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.

4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into irregularities and/or broader systemic problems when appropriate.

4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.

4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman is voluntary, and is not a required step in any grievance process or organizational policy.

4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.

4.6 The Ombudsman identifies trends, issues and concerns about policies, procedures and behaviors including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.

4.7 The Ombudsman acts in accordance with the NAR and Ombudsman Code of Ethics and Standards of Practice and keeps professionally current by pursuing professional training.

4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman position.

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