

OUTLINE OF PROCEDURE FOR HEARING ARBITRATION



In accordance with the rules and procedures used by the Association for arbitration, a Presiding Officer has been selected for the hearing. The Presiding Officer is responsible for conducting the hearing and maintaining its proper decorum. The Presiding Officer can proscribe any procedures for the hearing that are not inconsistent with the Association's rules and procedures for arbitration.

This is a remote (internet) hearing involving video and audio interaction by internet. All parties are expected to appear on camera. **No virtual backgrounds are allowed.** If a party will be using a portable device for the video conference, the portable device should be plugged in or fully charged. Should any party get disconnected from the video conference, the hearing will stop until that party is reconnected. Each party will be asked to confirm their identity by providing a photo identification card issued by a governmental authority. Each party will also need to be accessible to their email, in the event a party introduces evidence that was not previously provided.

If the parties have objections or suggestions regarding the procedure to be used for the hearing, they should be made at the commencement of the hearing and the Presiding Officer will rule thereon. Otherwise, the general hearing procedures will be as follows:

1. Each party will be given the opportunity to make an opening statement. If the respondent wishes to wait until conclusion of the complainant's evidence, that will be permitted.
2. The Presiding Officer will swear in all parties and witnesses prior to the giving of testimony.
3. The parties may present any documents, evidence, and testimony they feel are relevant and applicable to the matter being heard, and the Presiding Officer and/or hearing Panel will determine its relevancy or appropriateness. Parties are encouraged to provide the other party(ies) and the Association all documents and evidence they intend to introduce during the hearing prior to the day of the hearing. Providing documents and evidence in advance can expedite the hearing process and prevent costly, unnecessary continuances. Individuals served subpoenas by personal service must be given fifteen (15) calendar days' notice for appearance at the hearing and/or production of books, records, documents, and other evidence.
4. No testimony will be allowed relating to the character or general reputation of anyone, unless such testimony has a direct bearing on the matter being heard.
5. At the conclusion of a party's witness testifying, the other parties will be given an opportunity to cross-examine the witness.

6. Witnesses may only be present during the hearing while testifying and will be excused from the hearing room after giving testimony. Those with a vested financial interest in the outcome of the matter will be allowed to remain.
7. Members of the hearing Panel may question the parties and their witnesses at any time during the hearing.
8. Upon completion of the presentation of evidence and testimony, each party will be given an opportunity to make a closing statement. Usually, the complainant will be first followed by the respondent.
9. The hearing will be recorded by the Association unless the parties have requested and paid for a court reporter. The recording will be made available to the parties for purchase but only for the purpose of filing a review with the Association's Board of Directors. **Parties may not record the hearing.**
10. The hearing and decision are confidential. All parties to the hearing have an obligation to maintain and protect this confidentiality.

The foregoing is not intended to prevent other procedures being used for the hearing that are otherwise consistent with the Association's rules and procedures for arbitration and acceptable to the hearing Panel. All parties and their attorneys are reminded that the hearing Panel is not bound by formal rules of evidence as may be applied in a court of law. As such, the hearing Panel has broad discretion regarding the evidence and testimony it will allow to be presented. The primary goal of the hearing Panel is to hear all relevant facts and circumstances regarding the matter to make a decision that is fair to all parties.