

REMOTE TESTIMONY POLICY & GUIDELINES

1. A party (or witness) requesting remote testimony at an arbitration or disciplinary hearing must send a request in writing no later than fifteen calendar (15) days before the hearing to the Professional Standards Administrator (Administrator). The request must be copied to all parties and must clearly set forth by sworn declaration:
 - a. The reason(s) why postponement or rescheduling to permit personal attendance is not feasible, and
 - b. Why the remote party's (or witness') participation is necessary to have a fair hearing.
2. Unless stipulated in writing by all parties that remote testimony is acceptable, the Opposing Party will have (5) five calendar days after receipt of this request to respond in writing either objecting or stipulating to the remote testimony. Copies of Opposing Party's response must be sent to the Administrator and copied to all parties.
3. The Administrator will present the request and any opposition to the Hearing Panel Chair and will subsequently notice all parties, either approving or refusing remote testimony. If approved, the notice will set forth the time and method of remote testimony. If the request is made prior to the hearing being scheduled, the Professional Standards Chairperson will approve or deny the request. The Board of Directors may delegate the Professional Standards Chairperson's duty to the Administrator.

Implementing Remote Testimony - If remote testimony is approved, the following procedures shall be followed at the hearing:

1. Instruction by Hearing Chair that cross-talk or talking at the same time as another individual is strictly prohibited.
2. The remote party/witness must be sworn in.
3. Inquire if anyone is present with the party/witness and the function or purpose of that person.
4. If the party/witness is using a cell phone, he/she should be reminded that the hearing may take several minutes so their battery life should be sufficient, and they must remain in an area where reception is clear.
5. The Association may require that the location of the remote testimony must be at a bank, a local Association of REALTORS®, or some other location designated by the Association. The Association shall have the discretion to waive this requirement for hardship.

Further Guidelines

1. Once party/witness is sworn in, he/she must declare that he/she is speaking of his/her own free and is not under duress of any kind.
2. If the remote party/witness is represented by an attorney or accompanied by another individual who will also be speaking on the record, the speaker must clearly identify themselves each time they begin speaking in order to create an accurate record.
3. If a party or witness is disconnected, the caller should be instructed that he/she is responsible for reconnecting with the Hearing Panel at the earliest moment.
4. Remote Testimony may be terminated at the discretion of the Panel at any time.

SAMPLE