



HOW DO I ACCESS OMBUDS SERVICES?

Office: 505-724-3466
e-Mail: ombuds@nmrealtor.com

OMBUDS PROGRAM

Have a question or concern about a real estate transaction?

MORE ABOUT CONFIDENTIALITY

The ombudsman will treat all communications with users as confidential. With the exception of short-term working notes to keep track of commitments and follow-up steps, the ombudsman will keep no records. Information will not be released to anyone except as part of a resolution plan to which all parties have agreed.

Important exceptions to confidentiality exist where failure to disclose information would result in imminent risk of serious harm to the user or others; where there is a duty to disclose imposed by law; or where there is an allegation of a public trust violation (which is defined as a misappropriation of client or customer funds or property, willful discrimination, or fraud resulting in substantial economic harm).

CONDITIONS FOR USING THE OMBUDS PROGRAM

The Ombudsman Program is a completely voluntary benefit offered to its users. While users are free to share their own information, the ombudsman is required to hold all communications confidential.

Users agree to honor and be bound by the Program's conditions, namely:

- Users will never seek to force the ombudsman to disclose any information received in the course of providing ombudsman services;
- Users will not seek to involve the ombudsman in any subsequent administrative or legal proceedings; and
- Users will not rely on or introduce into evidence in any subsequent proceedings any information revealed by another party during the course of using the ombudsman program.

Conversations with Ombuds are not considered notice to NMAR for any purpose.



549 S. Guadalupe Street
Santa Fe, NM 87501
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OMBUDS PROGRAM

What is an ombudsman?

- An informal, highly confidential resource with whom individuals can discuss concerns/issues
- A designated neutral who remains unaligned and impartial in a conflict situation
- An advocate for fair treatment, equitable processes, and high professional standards

What services will an NMAR ombudsman provide?

- Communicates with REALTOR® members, clients or customers of REALTOR® members, or with the public to address issues or concerns in a way that meets their needs
- Explores options, approaches, and available resources to resolve disputes
- Provides third-party intervention, such as shuttle diplomacy, facilitated dialogues, etc.
- Offers informal coaching on handling challenging communications

What will an ombudsman not do?

- Conduct investigations or participate in formal proceedings
- Draw conclusions about the merits of a concern
- Give advice, make recommendations, or impose a solution

What are the advantages of calling an ombudsman?

- Serves as a voluntary resource
- Provides services at no cost to users
- Typically offers more timely resolutions of disagreements and conflicts
- Ensures a less adversarial process than the formal proceedings
- Attempts to preserve relationships
- Allows the parties to maintain control of resolution approaches and outcomes

What are the qualifications of an NMAR ombudsman?

- Minimum 28-hours of Ombuds training
- Working knowledge of NAR's Code of Ethics, New Mexico Real Estate Commission rules and regulations, and current real estate practices
- Familiarity with professional standards processes and other avenues and resources for resolving concerns

OMBUDS PRINCIPLES

Confidentiality

- Users' identities and communications are held confidential
- Individually identifiable case notes and formal records are not kept
- Information is not released to anyone unless as part of an agreed-upon resolution plan by all parties

Impartiality

- Treats all parties equitably/fairly
- Will not take sides in a dispute or promote one side over the other
- Ensures a fair process

Informality

- Off-the-record, non-escalating, and voluntary process that applies communication and conciliation rather than formal adjudication
- Informality preserves and often enhances relationship

Independence

- Exercises autonomy in conducting ombudsman responsibilities
- Reports trends and recurrent issues to NMAR Executive Committee for use in system improvements and professional development