



### 2.3.3 Dispute Resolution

Chapter 2 - General	Original Effective Date: April 2000
Section: 2.3 Legal Affairs	Date Last Reviewed: August 2001
Responsible Entity: Chief Legal Officer	Date Last Revised: August 2001

#### I. Purpose

To establish an efficient and effective alternative problem-solving method for dispute resolution that affects the operations of UT Health San Antonio.

#### II. Scope

This policy applies to all faculty, staff, students, residents, healthcare providers, researchers, contractors, or any other individual (collectively, Workforce Member, including employees and non-employees).

#### III. Policy

UT Health San Antonio (UTHSA) supports the establishment and use of dispute resolution procedures in appropriate areas of UTHSA and its activities. UTHSA may integrate dispute resolution processes wherever it is determined that the procedures will be effective in promoting the fair and expeditious resolution of disputes. Dispute resolution procedures include all of the non-binding processes described in Chapters 154.023 - 154.027, Texas Civil Practice and Remedies Code, also identified as the Alternative Dispute Resolution Procedures Act (ADRPA).

##### A. Expenses

Expenses associated with the establishment and use of dispute resolution procedures may be paid from any appropriate area of UTHSA's budget. UTHSA is authorized to contract with other public and private entities for any dispute resolution services which will satisfy the objectives of the ADRPA.

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#### B. Sovereign Immunity

UTHSA's authority to assert or waive sovereign immunity is not affected by use of a dispute resolution process. Use of a dispute resolution process by UTHSA, its faculty and staff or agents does not constitute a waiver of sovereign immunity.

#### C. Supplemental Nature of Procedures

The dispute resolution processes prescribed herein are not intended to replace or limit but are rather to supplement current UTHSA's dispute resolution procedures. The dispute resolution procedures may not be applied to deny a person a right granted under other state or federal law, including a right to an administrative or judicial hearing.

#### D. Impartial Third Parties

UTHSA may appoint a governmental officer, faculty or staff or a private individual to serve as an impartial third party in an alternative dispute resolution procedure. UTHSA may obtain services from the State Office of Administrative Hearings, the Center for Public Policy Dispute Resolution at the UT Austin School of Law, local community dispute resolution centers, or other governmental and private entities or may enter into a pooling agreement with several government entities to obtain the services of impartial third parties.

Any impartial third party selected for a dispute resolution process may be acceptable to the disputants.

Impartial third parties selected by UTHSA must have completed a 40-hour basic mediation-training course and must not have a conflict of interest. Additionally, the neutral party must abide by the standards and duties described in the ADRPA which include the following:

1. A duty not to coerce or compel settlement;
2. A duty to keep the parties' confidences; and,
3. A duty to keep the communication, conduct, and demeanor of the parties confidential from outside parties, including the appointing entity.

#### E. Confidentiality

Sections 154.053 and 154.073 of the ADRPA set forth the governing standards and duties of impartial third parties and establish confidentiality of communications in dispute resolution processes. Certain information created during a dispute resolution process is specifically excepted from the Texas Public Information Act under the ADRPA. This information includes:

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1. Communications and records of those communications between an impartial third party and the disputants and between the disputants that are relevant to the dispute and made during the dispute resolution process, and;
2. The notes of the impartial third party.

Final written agreements reached through a dispute resolution procedure to which a governmental entity is a signatory are not considered communications excepted from the Texas Public Information Act. Such final written agreements are subject to normal treatment under the Texas Public Information Act. The impartial third party may not be required to testify in any proceedings as a result of the dispute resolution process.

#### **IV. Definitions**

There are no defined terms used in this Policy.

#### **V. Related References**

There are no related documents associated with this Policy.

#### **VI. Review and Approval History**

- A. The approving authority of this policy is the University Executive Committee.
- B. The review frequency cycle is set for three years following the last review date, a time period that is not mandated by regulatory, accreditation, or other authority.

<b>Effective Date</b>	<b>Action Taken</b>	<b>Approved By</b>	<b>Date Approved</b>
<b>04/2000</b>	Policy Origination		
<b>08/2001</b>	Policy Revision		