

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 2	General Policies and Procedures	Effective:	April 2000
Section 2.3	Legal Affairs	Revised:	August 2001
Policy 2.3.3	Dispute Resolution	Responsibility:	Chief Legal Officer

DISPUTE RESOLUTION

Policy

The Health Science Center supports the establishment and use of dispute resolution procedures in appropriate areas of the Health Science Center and its activities. The Health Science Center 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).

Expenses

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

Sovereign Immunity

The Health Science Center'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 the Health Science Center, its faculty and staff or agents does not constitute a waiver of sovereign immunity.

Supplemental Nature of Procedures

The dispute resolution processes prescribed herein are not intended to replace or limit but are rather to supplement current Health Science Center'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.

Impartial Third Parties

The Health Science Center 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. The Health Science Center may obtain services from the State Office of Administrative Hearings, the Center for Public Policy Dispute Resolution at the UT Austin

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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 the Health Science Center 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.

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:

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

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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.
