



UNIVERSITY RISK AND COMPLIANCE SERVICES

DEPARTMENT OF INVESTIGATION AND ADJUDICATION

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What is DIA's Alternative Dispute Resolution service?

The Department of Investigation and Adjudication (DIA) offers Alternative Dispute Resolution (ADR) services as part of the process of reviewing and resolving complaints of alleged harassment, discrimination, or violations of other University policies within DIA's purview that involve University students, staff, and faculty. Participation in ADR is voluntary, so both parties must agree before an ADR session can be scheduled. ADR does not result in disciplinary outcomes, and agreements reached by the parties through the ADR process are not enforceable by DIA or the University. In cases where a Formal Complaint has been filed through Title IX, the Formal Complaint grievance process will be paused. Failure to reach a resolution through ADR will resume the Formal Complaint grievance process.

What is ADR?

ADR is a process in which an impartial person, the Mediator, facilitates communication between the parties with the goal of promoting reconciliation, resolution, or understanding among them. The mediator's role in this process is to facilitate an agreement through improved communication, negotiation, and decision making, and to guide parties through a process that encourages open and honest communication, deep listening, and mutual understanding and respect. The Mediator may suggest ways of resolving the dispute, but they may not impose their own judgment on the issues for that of the parties.

ADR sessions are scheduled for three hours. Issues are often resolved during the first session, but additional sessions may be scheduled as needed. During an ADR session, which may either be held on campus at DIA's office or virtually, each party will have uninterrupted time at the beginning of the conversation to explain the reasons they have come to the ADR session and to describe the problem from their perspective. Parties will then have an opportunity to ask one another questions and exchange information in a two-way conversation. After that, the mediator will clarify the parties' interests and concerns and check understanding. The Mediator will then guide the parties through a process of brainstorming options for resolution, evaluating the options, and coming to an agreement as to how they would like to move forward.

The Mediator will meet individually with each party ahead of the first scheduled ADR session to explain the process and discuss each party's questions or concerns. The ADR session may include a joint session with both parties present, or parties may elect to remain separated. The ADR session may be in person or a virtual meeting. At any time during the process, either party may request a private meeting with the Mediator to discuss any questions or concerns that may arise. During ADR sessions, the Mediator will control the process, but not the substance of the discussion. The parties decide what to discuss and what their agreement will include.

With limited exceptions, the facilitated conversations that take place during ADR sessions are confidential, and information shared during ADR cannot be used against either party in future administrative or legal proceedings.

Who is the Mediator?

The Mediator, James Fowler, is a licensed attorney and a full-time DIA staff member who has received training in mediation. He does not act as an attorney during the ADR process and cannot provide either party with legal advice. Instead, the Mediator will focus on helping the conversation progress in a way that meets the needs of the parties and promotes resolution of their dispute. His responsibilities include remaining neutral toward the parties and the issues in dispute, reflecting what has been said, and asking open-ended questions to identify areas of agreement or disagreement.