

ALTERNATIVE DISPUTE RESOLUTION

Effective Date: March 1, 2026

Purpose: It is the policy of the Commission to encourage the use of alternative dispute resolution (ADR) procedures whenever appropriate. Chapter 12 of the Commission rules detail the sworn complaint process. Rule 12.83 allows the Commission to determine if the formal hearing will be held before the Commission or the State Office of Administrative Hearings (SOAH). ADR is not appropriate to address a preliminary review or preliminary review hearing under Tex. Gov't Code Sections 571.124 through 571.126.

Per Tex. Gov't Code Chapter 2260, the use of dispute resolution is mandatory in a contract dispute, authorizing the contractor to file a claim against the Commission, and if not satisfied with the result of negotiation, may request a mediation or SOAH hearing.

The use of ADR, including mediation, may be appropriate in various non-sworn complaint related issues, such as HR complaints. SOAH offers mediation services and is one option that the Commission could use.

Per Tex. Gov't Code 571.078(d), the Commission must designate a trained person to coordinate the implementation of this policy, serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution and collect data concerning the effectiveness of those procedures. The General Counsel has been designated as the trained person for the Commission.

Any use of ADR will, to the greatest extent possible, conform to model guidelines issued by the State Office of Administrative Hearings, utilizing an impartial third party.

Scope: This policy applies to disputes before the Commission, not including those specifically excluded per Tex. Gov't Code Sections 571.124 through 571.126.

Limitations: ADR is not appropriate to address a preliminary review or preliminary review hearing under Tex. Gov't Code Sections 571.124 through 571.126.

Defined Terms: In this policy, "Alternative Dispute Resolution" means the process described by Tex. Gov't Code Chapter 2009.