

Resolving Disputes in 2025: A Guide to Housing and Employment Mediations and Conciliations in this New Frontier

2025

A wide, straight asphalt road stretches into the distance towards a bright sunset. The sun is low on the horizon, creating a strong lens flare and casting a warm, golden glow over the entire scene. The sky is filled with soft, white clouds. In the foreground, the year '2025' is painted in large, white, sans-serif numerals on the road surface. The landscape on either side of the road is arid, with low-lying desert shrubs and distant, hazy mountains under a clear blue sky.

Objective

This is a roundtable discussion on mediating and conciliating housing and employment cases. We'll discuss best practices, common fears, and challenges that can either lead to a successful resolution or an impasse.

Everyone has the opportunity to ask questions, share their best practices, challenges or stories with the group.

Agenda

What is ADR

Mediation and Conciliation

What is included in a Settlement

TER and Public Interest

Incorporating AI in your ADR toolbox.

Let's talk about ADR

What is Alternative Dispute Resolution (ADR)

Alternative Dispute Resolution (ADR) refers to any process for resolving disputes outside of formal court proceedings, with the assistance of a neutral third party.

This includes methods such as mediation, arbitration, mini-trials, conciliations, and summary jury trials.

For the purpose of today, the discussion will be limited to Mediations and Conciliations.

Types of ADR

Mediation-Mediation and conciliation are opportunities for the parties to work together to reach a resolution. The mediator/conciliator's role is to facilitate conversation, help parties brainstorm ideas, help parties look at the case from different angles, provide recommendation and/or suggestions with hopes to get the parties to a point where a resolution can be reached

Conciliation-Much like mediation, except, there is no scheduled mediation. This process can be conducted over a couple of days.

Settlements Types

Part of the process of resolving a case is the negotiations and settlement.

For Employment part of negotiating of a settlement is broken down as the following areas:

Back wages, Front pay, Compensatory Damages, Punitive Damages

For Housing the amounts are based on what is considered to be fair, reasonable, and verifiable damages.

Parts of a Settlement For Employment

Back Pay-Lost wages/back pay are based on Complainant's final pay with the Respondent and how long have they been out of work.

Front Pay-Front pay is when the Complainant has found another job, and the pay is less than their previous position.

Compensatory Damages-Compensatory damages are normally defined as damages inflicted on the Complainant.

Punitive Damages-A penalty an employer may be required to pay based on how egregious, malicious or intentional the alleged allegations were proven to be.

Compensatory Damages

Compensatory damages are harms that the Complainant was subjected to based on the alleged allegations. These damages are defined as pain, suffering, mental anguish, loss of enjoyment of life, harm to relationships or economic damages.

Examples of Damages

Seeing a psychologist, psychiatrist, therapist, marriage and family counselor, career coach, seeking in-patient treatment, increase or change in medication due to the stress of the discrimination, medical bills incurred due to the discrimination.

Other economic damages can be:

resume services, gas/milage for job hunting, job search, relocation, eviction, Money withdrawn from a retirement account. -only interest or penalties can be taken into consideration, credit card late fees or interest on loans.

Compensatory Damage Caps

Compensatory damage caps are based on the number of employees that the employer has. These limits are set and are not negotiable.

1-100 employees, the limit is \$50,000.

101-200 employees, the limit is \$100,000.

201-500 employees, the limit is \$200,000.

500 or more employees, the limit is \$300,000

Housing Damages

Housing Damages are based on what is fair, reasonable, and verifiable.

This includes compensation for out-of-pocket expenses and emotional distress caused by discrimination.

Ex. Moving cost- U-Haul, utility deposit, storage fees, hotel cost, deposit

Other Non-Monetary Compensation Examples

Neutral rental reference letter, Zero balance letter, letter submitted to the court showing eviction has been satisfied, refund of pet deposit.

TER and Public Interest

TARGETED EQUITABLE RELIEF

Targeted Equitable Relief (TER) is any non-monetary and non-generic relief which explicitly addresses the discriminatory employment practices at issue in the case, and which provides remedies to the aggrieved individuals or prevents similar violations in the future.

Ex. Positive Reference Letter, Reinstatement, Promotion, Policy Changes, Disability and Religious Accommodations, Job Referral

Public Relief

Public Relief in the context of housing discrimination cases refers to the remedies and actions the government, specifically the U.S. Department of Housing and Urban Development (HUD) and state and or local agencies can take to address violations of fair housing laws.

Ex. Policy Changes, Training, Annual Reviews of their Policies and Procedures.

Generative AI

What is Generative AI?

Generative AI refers to a type of artificial intelligence that can create new content, such as text, images, audio, and video, based on the data it has been trained on. It is a learning system that the more it is utilized, the more content it can create based on what it has learned.

Best known examples of Generative AI

ChatGPT, Google Gemini, CRD Connect**

****CRD is a generative AI application. Because of the confidentiality of the information CRD uses, any new content creation is based on updates uploaded.**

AI Usage, Ethics and Confidentiality

There is no getting around utilizing AI in the workplace. Some functions AI can replace; others will always require some type of human interaction.

Keep in mind the following information:

- *“Junk in Junk Out” –When using a generative AI app keep in mind that the prompts or commands that you put in, may or may not generate the correct response.

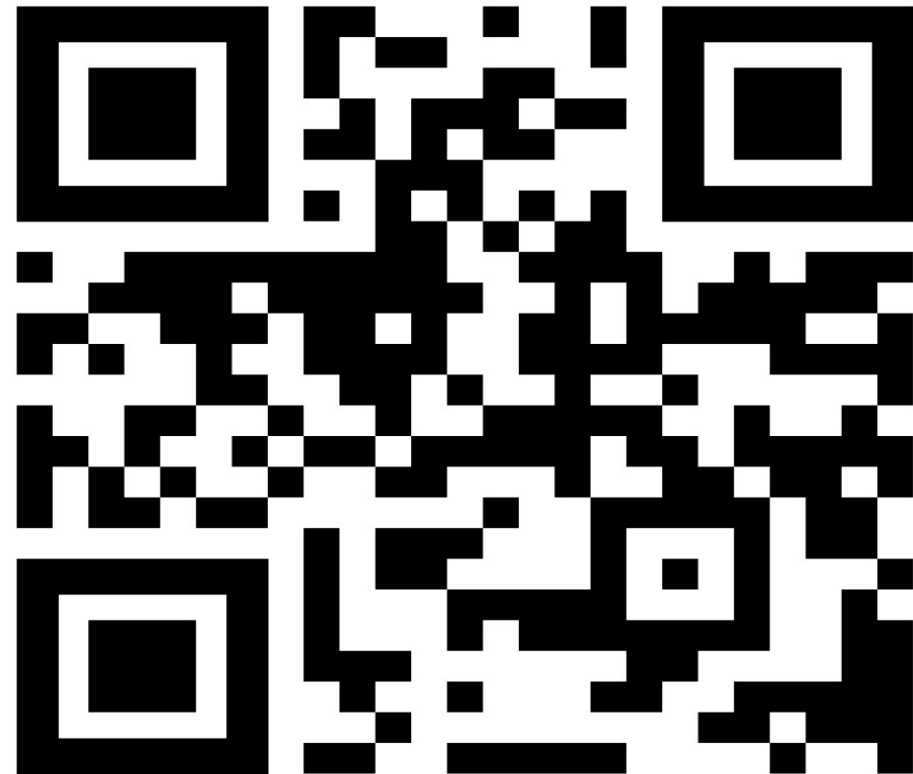
- *There is no confidentiality using ChatGPT- If using any public application, the information now becomes the company’s information and there is no expectancy of privacy.

- *Always review the information received-Sometimes the information may not be accurate or correct.

- *AI and Integrity-Because of the access of so much information, ethics, morals and honesty will be paramount.

- *Make sure that the responses are not bias, prejudicial, or discriminatory .

If you would like a copy of the PowerPoint and to receive information on future Virtual Roundtable Discussions, please use the QR code below to register.





Marci Y. Anavitarte-Jordan, MA-CRR
Credentialed Distinguished Mediator **(TMCA)**
ADR Mediator/Conciliator for Civil Rights Division
Texas Workforce Commission
737-279-7166-(O) 512-756-3629-(C)
Marcia.Anavitarte-Jordan@TWC.Texas.Gov