

SPOTLIGHT ON Higher Education

Joseph P. Farina

(Retired Chief Judge
11th Judicial Circuit)



Tell us about your background and experience.

As a trial judge in Miami, I served in the criminal, civil and family divisions of the courts, including serving as the administrative judge of the criminal division and chief judge of the courts' divisions. I was in private practice before the bench, handling civil, family, probate and guardianship cases. At JAMS, I mediate and arbitrate interpersonal conflicts for families, businesses and organizations. At the center of most disputes are fractured relationships requiring respectful and caring resolution. I have mentored college students both while they were in school and after graduation. In-person and social media discussions have included academic, social and life issues. My mentees have provided me continuing interest in higher education. I look forward to utilizing my experience to help parties achieve closure at Title IX proceedings.

Please describe your approach to dispute resolution.

Preparation, patience and neutrality are the hallmarks of my ADR approach. I read and review everything presented to me, take time to listen and consider all points of view and remain objective while receiving information relevant to the ultimate decision.

In what ways do you think higher education institutions can benefit from alternative dispute resolution (ADR)?

Serious matters of many types are effectively heard and decided outside of formal court forums through ADR

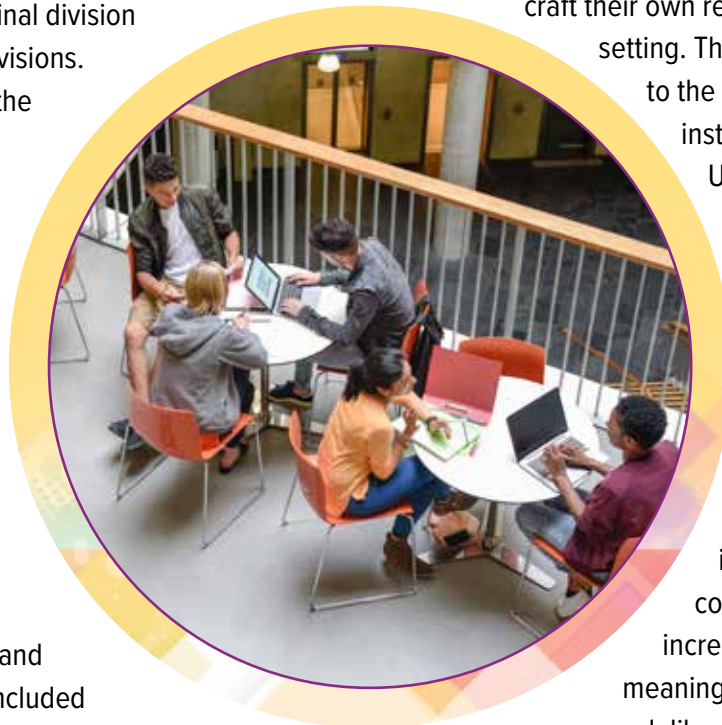
proceedings. ADR is generally less stressful than going to court and allows for timely and neutral decision-making to occur. Additionally, ADR allows parties the ability to craft their own resolution, in a less formal setting. These attributes translate well to the challenges higher education institutions face with Title IX.

Universities and colleges must provide students, and their supporters, confidence in Title IX proceedings. Experienced ADR practitioners can support this goal in formal resolution through skilled hearing management and well-reasoned decisions. In instances of informal resolution, confidence in the process is increased by incorporating the meaningful participation of the parties in a very deliberate manner, akin to a mediation

of family law cases or general civil litigation. When parties have the opportunity to shape an outcome, they tend to find the process fairer.

Tell us why you feel JAMS is best equipped to help higher education institutions resolve their disputes.

JAMS has been on the forefront of ADR for over 40 years and features neutrals who are practiced, full-time dispute resolvers with proven track records. JAMS' services are cost-effective and flexible, the results of which are further strengthened by our reputation for fairness and independence, which helps build confidence within the institutions with which we work. JAMS specializes in resolving complex and emotionally difficult matters—those



in which the choice of neutral is critical. We handle an average of 18,000 cases per year throughout the world, and we are experts in developing, administering and working within ADR programs of all sizes and types, including many that are managed in accordance with special rules, procedures and protocols.

What are some procedural benefits to resolving disputes with ADR?

One benefit is that the more formal procedures associated with court proceedings are relaxed while maintaining the importance of the decision for all participants. This makes it easier to provide a forum to present concerns. We understand that flexibility is important to higher education institutions, and our service offerings can be adopted in whole or in part, independent from or in conjunction with institutional policies and procedures. Additionally, schools are assigned a dedicated administrative contact in order to help accommodate requests efficiently.

What are some best practices for mediating Title IX disputes?

Remaining open and receptive to what is presented during the dispute, without exhibiting preference by word or body language, helps establish trust and confidence in the proceedings.

Title IX-related disputes can be highly emotional. Tell us how you help manage emotions throughout the ADR process.

The emotional aspect is understandable, so it is important to take breaks throughout the hearing. Establishing boundaries while remaining respectful and courteous can aid the process. My many years of experience and training

have taught me that my responses should be measured, constructive and appropriate. I've also learned that demonstrating empathy creates a constructive atmosphere. I am responsible for setting the proper tone for the proceeding. Managing emotions is complex, and it requires patience, of which I thankfully have a lot.

Why is diversity within higher education important to you?

I believe in diversity and have advocated for diversity while I was on the bench and now at JAMS. Diversity provides perspectives and life experiences that may be vastly different from our own. JAMS offers higher education institutions a diverse pool of hearing officers so that students can see themselves represented in the dispute resolution process. During my time on the bench, I initiated diversity sensitivity training for all 123 judges and 12 special magistrates. When I am moderating panel discussions, I select diverse panel members. In addition, I have contacted diverse applicants to join JAMS as neutrals. We become greater than the sum of our parts when we include others from diverse backgrounds who have different points of view.

Joseph P. Farina is a JAMS neutral based in Miami. He is available nationwide as a mediator, arbitrator and Title IX hearing officer. To schedule a case, visit jamsadr.com/farina or call 786.405.0614.



To learn more about the innovative conflict resolution strategies offered by JAMS Solutions for Higher Education, visit jamsadr.com/solutions or contact Jennifer Sambito at solutions@jamsadr.com.

