

**Faculty Assembly Meeting Materials
February 22, 2013 meeting**

Attachment 2: Background Information on Faculty Ombuds Offices

This document contains the following items:

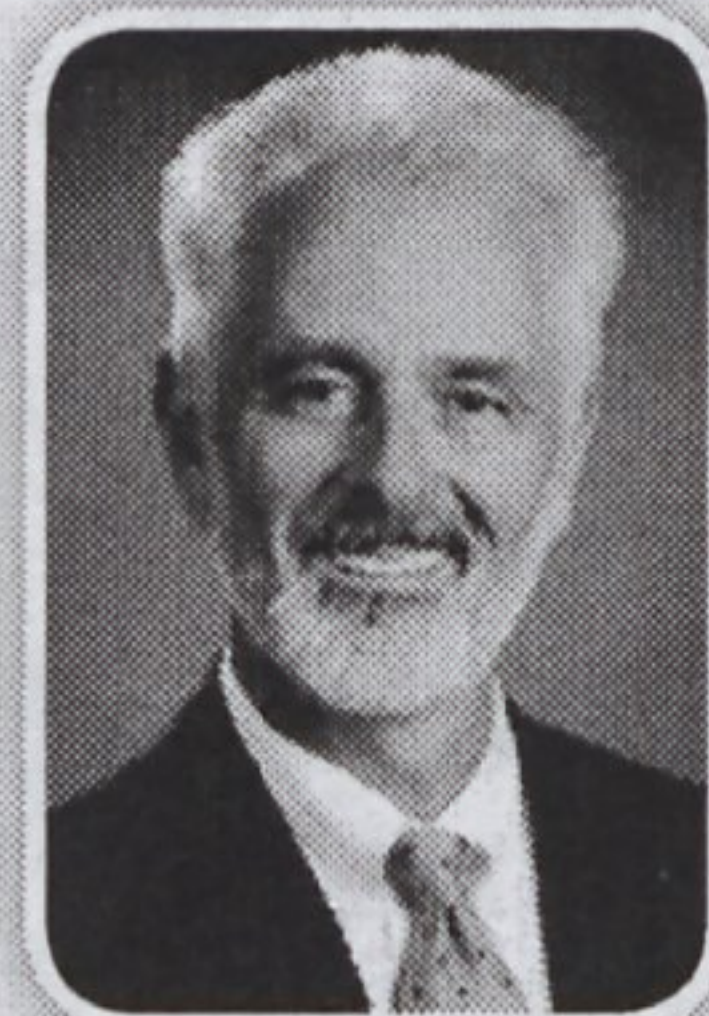
- UNCC Ombuds Office Brochure
- UNCC Faculty Ombuds Office Charter
- UNC-CH Ombuds Office Brochure
- NCSU Ombuds Resolution
- NCSU Ombuds Proposal
- IOA Standards of Practice
- Vignettes for the February 22, 2013, Faculty Assembly Panel Discussion

More information on established UNCC and UNC-CH Ombuds programs can be found at the following websites:

- <http://ombuds.uncc.edu/>
- <http://www.ombuds.unc.edu/index.html>

For more information on Ombuds practices, please see the International Ombudsman Association website at <http://www.ombudsassociation.org/>.

Bruce Auerbach, Faculty Ombuds, is a Professor of Theatre with a specialty in design for the stage. In March, 2009 he was appointed to a three-year term as University Mediation Coordinator (UMC) then began serving as the University's first Faculty Ombuds in Spring of 2012.



After nearly twenty-five years of serving in an administrative capacity, Bruce rejoined the faculty ranks and began searching for ways to become more involved as a "citizen of the University." This search led to his role as UMC and formal training as an Organizational Ombuds. In 2009 he became a member of the International Ombudsman Association and went on to pass the Certified Organizational Ombudsman Practitioner exam.

The highly collaborative nature of theatre, along with his service as an administrator and professor have created a unique and valuable background preparing him for work as an Ombuds. He is especially attracted to the numerous opportunities to help the faculty, administration and University as a whole. ✓

Bruce C. Auerbach

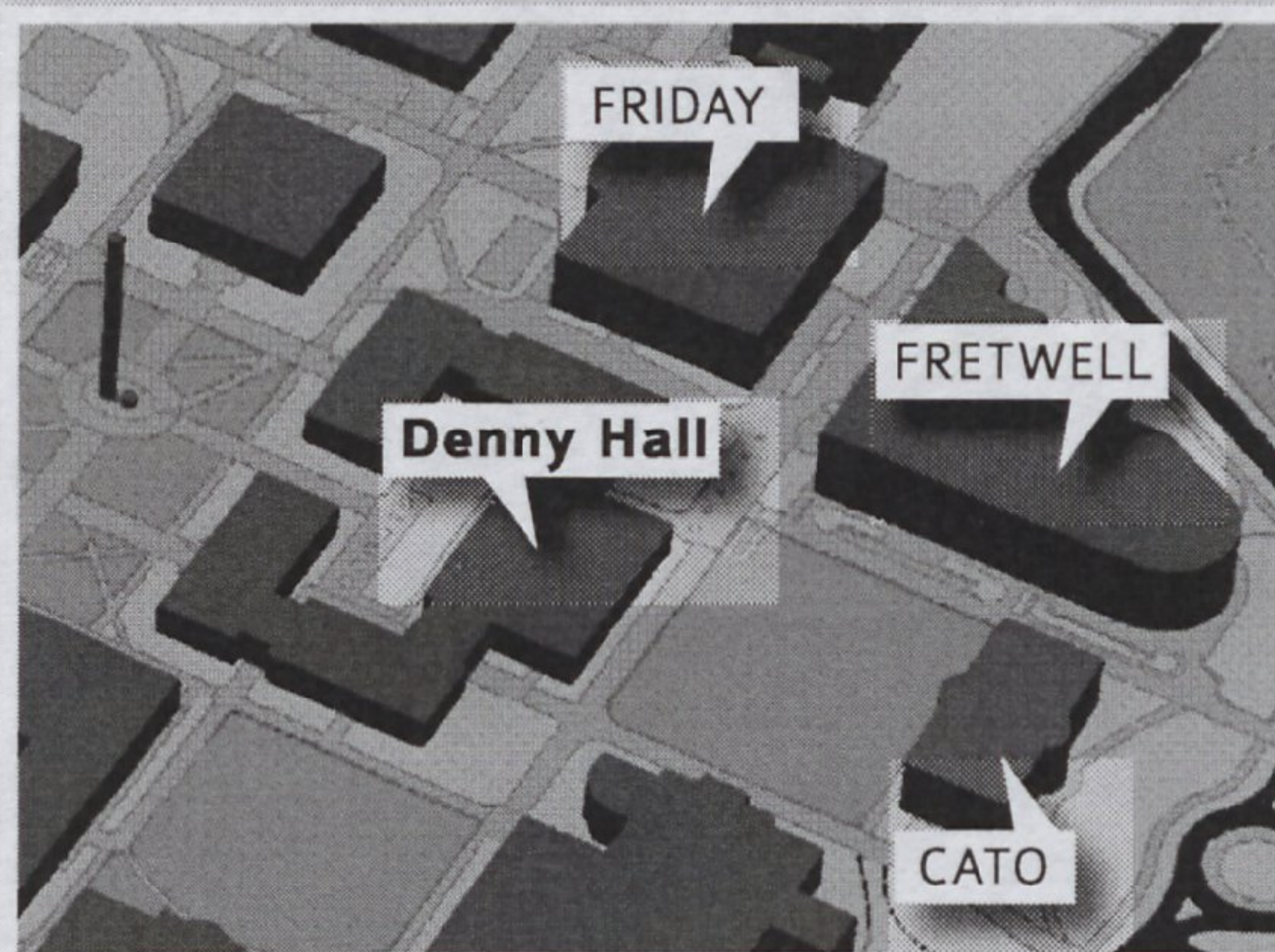
Faculty Ombuds Office
218 Denny Hall
9201 University City Blvd.
Charlotte, NC 28223

704.687.5899 Ombuds Office
704.687.0230 Faculty office

ombudsoffice@uncc.edu
bauerbach@uncc.edu

(please remember that email is not a confidential form of communication)

ombuds.uncc.edu



Welcome to the Faculty Ombuds Office

A safe place to talk when you need a confidential and informal resource to help understand University-related issues that affect you.



PURPOSE OF THE FACULTY OMBUDS

Any organization has its share of complaints, differing perceptions, and alleged acts of impropriety or unfairness that require attention and resolution. Universities have traditionally addressed the need for resolution of conflict through a formal grievance process. As anyone who has participated in such a process knows, it is time-consuming and often emotionally wrought. Outcomes deemed unsatisfactory by complainants may proceed to grievance hearings, appeals and even lawsuits. To make the most of opportunities for informal resolution, the University of North Carolina at Charlotte has established a Faculty Ombuds Office.



The Faculty Ombuds serves as an alternate resource for conflict management, prevention and resolution. Our purpose is to provide an informal, impartial, independent, and to the extent allowable by law, confidential source of assistance to individual faculty or groups experiencing conflicts or who have complaints involving others at the University. We seek to educate the faculty, administration and greater University on matters relating to improving the culture of civility throughout our campus.

ETHICAL PRINCIPLES GUIDING THE OMBUDS

Independence

The Ombuds Office is independent in structure, function, and appearance to the highest degree possible within the organization.

Neutrality and Impartiality

The Ombuds, as a designated neutral, remains unaligned and impartial. The Ombuds does not engage in any situation which could create a conflict of interest.

Confidentiality

The Ombuds holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exceptions to this privilege of confidentiality are where there appears to be imminent risk of serious harm, or if the Ombuds is otherwise required by law to disclose, report or testify. The privilege is held by the office and cannot be waived by others.



Informality

The Ombuds, as an informal resource, resists testifying in any formal proceeding, asserting the confidential nature of communications with the Ombuds Office.

SOME CONCERNS WE CAN HELP YOU WITH

- Relationship with your supervisor
- Interpersonal conflicts
- Workplace incivility
- University policies and procedures
- Academic disputes
- Bullying and harassment
- Equitable treatment
- Grievance procedures

THE OMBUDS ASSISTS FACULTY BY

- Listening to concerns
- Clarifying issues
- Explaining policies
- Reviewing procedures
- Articulating options
- Serving as a neutral party in resolving disputes
- Providing referrals to other resources
- Helping to pursue solutions
- Identifying trends of conflict
- Facilitating conversations
- Mediating disputes
- Engaging in shuttle diplomacy

SOME THINGS WE DON'T DO

- Receive formal notice of complaints on behalf of the University
- Render formal decisions
- Alter policy
- Offer legal advice
- Provide psychological counseling
- Serve as an advocate for individuals or groups
- Participate in any formal University grievance or hearing
- Circumvent administrative procedures

Faculty are not required to use the Ombuds Office for informal resolution of conflict, and do so voluntarily.

University of North Carolina at Charlotte
Faculty Ombuds Office Charter
May 24, 2012

INTRODUCTION

The University of North Carolina at Charlotte (UNC Charlotte) Faculty Ombuds Office was established in the spring of 2012 to provide an alternative resource for the management, prevention, and resolution of conflicts involving the faculty of the University. The Ombuds Office provides a safe, informal environment where faculty may speak in confidence about issues of concern they encounter in conjunction with their jobs at UNC Charlotte. In all proceedings, the Ombuds shall be truthful and act with integrity, shall foster respect for all members of the University, and shall promote procedural fairness in the content and administration of the University's practices, processes, and policies.¹

PURPOSE

The purpose of the UNC Charlotte Faculty Ombuds Office, in keeping with the cornerstone principles articulated by the International Ombudsman* Association (IOA), is to provide an informal, impartial, independent, and to the extent allowable by law, confidential source of assistance to individuals or groups experiencing conflicts or who have complaints involving others at the University. The Ombuds assists faculty by listening to concerns, clarifying issues, explaining policies, articulating options, serving as a neutral party in resolving disputes, and providing referrals to other resources. Faculty are not required to use the Ombuds Office for informal resolution of conflict, and do so voluntarily.

The Ombuds has no authority or capacity to render decisions, alter policy, offer legal advice, or provide psychological counseling. The Ombuds does not conduct formal investigations or serve as an advocate or representative for any group or individual. Unless required by law, the Ombuds does not participate in any formal grievance, hearing, administrative or legal proceeding.

The Ombuds Office can assist those interested in making formal complaints through referrals to other offices or channels at the University, but the Office is not designed to receive formal notice of complaints on behalf of the University and should not be used in that way.

¹ *Code of Ethics*, International Ombudsman Association. Retrieved February 15, 2012 from <http://www.ombudsassociation.org/about-us/code-ethics>

ETHICAL PRINCIPLES GUIDING THE OMBUDS²

Independence

The Ombuds Office is independent in structure, function, and appearance to the highest degree possible within the organization.

Neutrality and Impartiality

The Ombuds, as a designated neutral, remains unaligned and impartial. The Ombuds does not engage in any situation which could create a conflict of interest.

Confidentiality

The Ombuds holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exceptions to this privilege of confidentiality is where there appears to be imminent risk of serious harm, or if the Ombuds is otherwise required by law to disclose, report or testify. The privilege is held by the office and cannot be waived by others.

Informality

The Ombuds, as an informal resource, resists testifying in any formal proceeding, asserting the confidential nature of communications with the Ombuds Office.

STANDARDS OF PRACTICE

The Ombuds will operate under the IOA Code of Ethics, IOA Standards of Practice and IOA Best Practices, all of which are available on the Ombuds Office website at <http://ombuds.uncc.edu> and at <http://www.ombudsassociation.org/about-us/code-ethics>, and <http://www.ombudsassociation.org/about-us/mission-vision-and-values/ioa-best-practices-standards-practice>.

Constituents

Access to the services of the UNC Charlotte Faculty Ombuds Office is limited to currently-employed full-time faculty and administrators holding faculty rank.

Reporting

The Faculty Ombuds Office reports to the Provost and Vice Chancellor for Academic Affairs.

Qualifications of the Ombuds

The Ombuds will be a tenured member of the faculty who has undergone formal training through the IOA. The Ombuds must follow the Code of Ethics and Standards of Practice of the IOA.

The Ombuds must participate in continuing professional education during his or her term of office. As a minimum, the person selected as the Ombuds should have good listening

² *Code of Ethics*, International Ombudsman Association. Retrieved February 15, 2012 from <http://www.ombudsassociation.org/about-us/code-ethics>

and communication skills, be fair-minded, diplomatic, comfortable speaking to people with varying backgrounds, and sensitive to issues of diversity.

Term of Office

The Ombuds will serve a three-year renewable term. The position will require a commitment of 50% effort. Although most faculty are on nine-month contracts, conflicts requiring resolution may require attention during the summer months. To accommodate the need for access during the summer, a stipend will be provided for the Ombuds.

Selection of the Ombuds

The Faculty Executive Committee (FEC), acting as a committee of the whole or by appointing a nominating committee, will recommend one or more tenured members of the faculty who meet the specified qualifications to the Provost. In order to provide adequate time for training, the Provost's decision about renewal of an Ombuds' term should be completed one year prior to the conclusion of the Ombuds' term. Should the Provost elect not to renew an Ombuds' term, or to reject the initial candidate(s) recommended by the FEC, the FEC shall submit a new candidate or candidates to the Provost for consideration via the process described above. Final selection of the Ombuds and any subsequent renewals of an existing Ombuds will be made by the Provost.

Relationship to the University Mediation Coordinator (UMC)

The Ombuds may serve simultaneously in the role of UMC.

Accountability and Evaluation

The Ombuds will provide to the Provost an annual self-evaluation and statement of goals for the coming year. The Ombuds Office will maintain records of the number of faculty who use services of the Ombuds Office as well as types of consultations. The Ombuds Office will provide a written report annually to the Provost describing broad categories of issues brought to the attention of the Ombuds Office. The Office will also develop an evaluation form to allow for feedback from those who consult the Office and to provide summary information to the Provost on satisfaction with the Office.

Complaints about the Ombuds Office should be directed to the Provost or to the President of Faculty Counsel.

Record Keeping

Personally identifiable records kept by the Ombuds Office will be maintained in accordance with the North Carolina Public Records Act. Records that are not personally identifiable will be used for statistical analysis and reporting of trends to the University.

RETALIATION FOR USING THE OMBUDS OFFICE

All faculty will have the right to consult the Ombudsman without reprisal. Policy Statement #129, Reporting and Investigation of Suspected Improper Activities and Whistleblower Protection (<http://legal.uncc.edu/policies/ps-129.html>), including the whistleblower protection provided in that policy, is applicable to faculty members who

consult with the Ombuds regarding any Improper Activities, as that term is defined in Policy Statement #129.

* "The term ombuds is used to communicate to the widest possible community and is not intended to discourage others from using alternatives. IOA respectfully acknowledges that many practitioners use alternative forms of this word." International Ombudsman Association (<http://www.ombudsassociation.org/>).

What is an Ombuds?

An ombuds is a person trained to assist members of a community or organization. We are a confidential, impartial, informal, and independent resource for everyone at Carolina. We also identify trends and challenges and make recommendations for change in University policy or practice when appropriate. However, we are not decision makers. We do not have the power to establish, change, or set aside University rules, policies, or management decisions.

Always Open

We want to hear from you

We will arrange a confidential meeting at a time and place convenient for you. It is helpful if you make an appointment, but you may drop by our office without an appointment and an ombuds will see you as soon as possible. We believe we can be most effective if we meet with you, but if you prefer, we will work with you over the telephone. We do not do our work through email and discourage you from sending any confidential information through email. Retaliation for visiting an ombuds is prohibited.

We also welcome invitations to come explain what we do and answer questions about the University Ombuds Office.

Our office is located at 134 East Franklin Street; the main entrance is around the corner on Porthole Alley. The entrance on Franklin Street is accessible to persons with disabilities.

Wayne Blair, University Ombuds
Laurie Mesibov, University Ombuds
Victoria Dowd, Executive Assistant

University Ombuds Office
The University of North Carolina at Chapel Hill
134 East Franklin Street, CB 5146
Chapel Hill, NC 27599-5146
T: 919.843.8204
F: 919.843.8219
ombuds@unc.edu
www.ombuds.unc.edu

© 2006 University Ombuds, The University of North Carolina at Chapel Hill
Design & Production: A Better Image Printing, Chapel Hill NC

the university
**OMBUDS
OFFICE**

confidential
informal
impartial
independent



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

About the Office

The University Ombuds Office is a place where all Carolina staff, faculty, students, and administrators are welcome to come and talk in confidence about any campus issue, concern, problem, or dispute. Our office supplements, but does not replace, the University's formal channels.

Contact us as a first step, or as a last resort, or anywhere along the way. Come and share your concerns, evaluate your situation, and plan your next step — if you want to take a next step. We also welcome suggestions about how to improve Carolina, and we invite you to share good news with us.

Our Door Is

Topics You May Want to Discuss

- Interpersonal difficulties
- Student life
- Violations of University policy
- Discrimination
- Harassment
- Communication problems
- Academic policies or disputes
- Health and safety issues
- Red tape in University procedures
- Departmental conflict
- Disciplinary actions
- Misunderstandings
- Promotions or Evaluations
- Appropriate ways to frame and discuss issues
- Ways to make or seek an apology
- Untangling a complicated situation
- Protecting your reputation
- Threats or retaliation
- Academic freedom
- Ethical behavior
- Accessing other University resources
- Formal processes for resolving issues
- Other campus concerns

confidential

Why Come to the Ombuds Office?

People come to our office for many reasons. Sometimes visitors just want to talk. Some are reluctant to go through formal channels. Some just don't know where else to go. And some have tried other ways to get help but have not found what they need. If you are not sure whether the Ombuds Office can help, please contact us, no matter how big or small your issue is. We invite you to drop in just to get acquainted. All conversations with an ombuds are voluntary and free.

What We Do

- Our responses are tailored to the individual's situation and informed consent, so we
- Listen, which may be all you want
 - Discuss your concerns and help clarify the most important issues
 - Help identify and evaluate your options
 - Gather information, explain policies, and offer referrals to other resources
 - Serve as a neutral party to solve problems and resolve conflicts and work to achieve fair outcomes for all parties using mediation and other conflict resolution strategies
 - Offer coaching, for example to help you prepare for a difficult conversation

impartial

Our Principles

Confidentiality, impartiality, informality, and independence are the principles under which we operate.

- We are confidential. We will not identify you or discuss your concerns with anyone without your permission. The only exceptions are when we believe that disclosure is necessary to address an imminent risk of serious harm or when we suspect abuse or neglect of a child or disabled adult, or if required by law. We do not keep permanent records of confidential communications. We assert that there is a privilege with respect to communications with the ombuds, and we resist testifying in any formal proceeding. This privilege is held by the office and cannot be waived by others.

informal

- We are impartial. We do not take sides; we consider the rights and interests of all parties. We do not judge, discipline, or reward anyone. We are advocates for fairness. We have no personal stake in the outcome of any situation.
- We are informal. Use of the Ombuds Office is not a substitute for formal procedures, such as filing a grievance. Any communication with us is "off the record" and does not put the University on formal notice of a problem.
- We are independent. We report directly to the Chancellor and are not part of any other department or group on campus. We work hard to merit the trust others place in us.

What We Don't Do

- Make decisions for anyone
- Offer legal advice
- Offer psychological counseling
- Participate in the University's grievance process or any other formal process
- Testify in any judicial or administrative proceeding, unless required by law after reasonable efforts have been made to protect confidentiality
- Serve as a place to put the University on notice of claims
- Serve as an advocate for any individual or entity
- Address issues involving persons not at Carolina

independent

Whereas an Ombud, who acts confidentially to resolve a variety of concerns of faculty, staff, or administrators, is an important person in large organizations, and

Whereas, an Ombud can serve both the university and its employees by providing impartial advice outside of a formal grievance process, and

Whereas other universities in the UNC system and across the country have successfully adopted the Ombuds model, and

Whereas North Carolina State University currently has no such office, and

Whereas NC State has discussed the creation of an Ombuds office for over forty years and the Faculty Senate has passed resolutions in the past to this effect,

Be it resolved that North Carolina State University should institute an Ombuds position as described in the appendix to this resolution.

(07 Nov 2012)

I. Introduction.

Organizations of the complexity of North Carolina State University almost universally now have an Ombud, simply because it improves employee morale, provides a means of obtaining suggestions for improving operations, and provides an efficient and low-cost way to address concerns that arise within the organization before they reach a formal grievance process. The Ombuds structure proposed here is that on which the Personnel Policy Committee of the Faculty Senate converged during its 23 Oct and 06 Nov meetings. The meetings included not only members of the Faculty Senate but also members of Administration. The current draft incorporates in addition material from the report of the North Carolina State Ombuds Committee formed by Provost Nielsen in 2008, and other sources including the International Ombudsman Association website. We believe that the described position is appropriate for our organization.

In arriving at our conclusions, we examined how other organizations approach the Ombuds position. We recommend a structure that resembles that of the University of North Carolina – Chapel Hill, but with some significant differences. The UNC-CH Ombuds facility serves students as well as faculty, staff, and administrators, and is staffed with three trained mediators that can and do perform mediations. This is a larger operation than what we envision here. Also, the three UNC-CH Ombuds report to the Chancellor instead of a neutral intermediate group tasked with hiring them and overseeing their performance. However, we retain the requirement that all discussions are off-line, and that no records other than statistical data are created or retained. This is in distinct contrast to the more formal Duke approach, where written documentation is required at all stages.

The present document is done in several parts. Section II provides an overview of the structure. Section III is the proposal itself. Section IV presents appendices that provide additional detail.

II. General overview.

A. Scope:

The Ombud deals with concerns brought by administrators, faculty, or staff.

B. Structure:

The Ombud is hired and his or her performance assessed by an Ombuds Committee consisting of 2 administrators, 2 faculty, and 2 staff.

The administrative members are appointed by the Chancellor, the faculty members are elected by the Faculty Senate, and the staff members are elected by the Staff Senate.

C. Responsibility:

The Ombud relies on clarification, fact-finding, persuasion, and conciliation to resolve concerns, and recommends procedures to be followed.

The Ombud does not mediate, and has no judgmental or punitive power.

D. Records:

No records other than statistical data are created or retained.

III. Proposal.

Introduction:

The Ombud acts confidentially to resolve concerns, issues, conflicts, problems, or disputes (collectively "concerns") involving a member of the faculty, staff, or administration. The Ombud provides the individual an informal, independent, and confidential (off the record) opportunity to discuss a concern. The Ombud can offer an unbiased and impartial perspective; provide information; help clarify interests, goals, policies, procedures, and risks; analyze and assess avenues for resolution; and provide information about such avenues, including but not necessarily limited to information on university policies, processes, and procedures available to assist the resolution of the concern.

Typical concerns could include career management, work relationships, research, policies and requirements, illness and disability, sexual harassment, and University services. The Ombud acts to resolve concerns before they reach the formal grievance process, or to refer the individual to the appropriate office. Should the need arise, the Ombud is not a substitute for the grievance process, and does not get involved with it.

Ombuds positions are now a part of many organizations, the University of North Carolina – Chapel Hill, Charlotte, and Duke, to name several. We recommend the establishment of an Ombuds position at North Carolina State University (hereinafter NCSU) as a means of resolving conflicts before they reach the formal grievance level. The Ombud will operate from an Ombuds Office (hereinafter "Office") as described below. We recommend the establishment of an University Ombuds Committee (hereinafter "Committee") that has the responsibility of overseeing the Ombud and the Office. Specifically, we recommend the following structure and guidelines:

A. The Ombud:

1. The Ombud shall report to the Committee described below, and be independent of, and not associated with, any administrative or other office of NCSU. However, the Ombud is encouraged to make recommendations to all parts and levels of the organization for improving NCSU procedures.
2. The duties of the Ombud shall include:
 - a. Dealing with concerns brought by administrators, faculty, or staff;
 - b. Working with the parties involved to perform the functions outlined in the Introductory paragraph;
 - c. Recommending procedures to satisfy identified needs.
3. To perform these duties, the Ombud shall operate from an Office described below, and shall have access to any appropriate NCSU information that does not violate the rights of an individual to privacy.
4. The Ombud shall rely on clarification, fact-finding, persuasion, and conciliation as described in the Introductory paragraph. The Ombud shall have no judgmental or punitive power.
5. The Ombud shall undertake suitable training for the position. This will include mediation training, even though the Ombud will not perform mediations.

6. The Ombud shall operate under the code of ethics and standards of practice of the International Ombudsman Association.

B. The Committee and the Office:

1. The Ombud and Office shall be overseen by a Committee with the following constituency:
 - a. Two administrators appointed by the Chancellor;
 - b. Two faculty members elected by the Faculty Senate, at least one of whom shall be a member of the Faculty Senate;
 - c. Two staff members elected by the Staff Senate, at least one of whom shall be a member of the Staff Senate.
 - d. All members shall serve three-year terms.
2. The duties of the Committee shall include:
 - a. Selecting the Ombud;
 - b. Overseeing the work of, and counseling with, the Ombud in a continuing evaluation of his or her performance;
 - c. Replacing the Ombud should the need arise.
3. The Committee shall select the Ombud by a simple majority of the Committee, provided that the candidate receives at least one vote from the representatives of each constituency (administration, faculty, and staff). The performance of the Ombud shall be reviewed annually.
4. The Committee shall report to the Chancellor.
5. The duties of the Ombud relative to the Committee shall be:
 - a. To prepare and present a written yearly report to the Committee describing activities and suggested reforms of University procedures, and interim reports as needed;
 - b. To carry out other activities requested or authorized by the Committee.
6. The Ombud shall operate out of an Office that shall be established with funds provided by NCSU. These funds will provide for:
 - a. The salary of a full-time Ombud;
 - b. The salary of a full-time administrative assistant;
 - c. Space, furnishings, supplies, and travel as necessary to carry out the functions of the Office.
7. The Office shall be established for a three-year trial period with a review of the effectiveness of the Office near the end of the three-year period.

IV. Appendices providing further details:

A. The Ombud:

1. Listens, which may be all that the individual needs.
2. Discusses concerns and helps clarify the most important issues.
3. Helps identify and evaluate options.
4. Gathers information, explains policies, and offers referrals to other resources.
5. Makes recommendations for improving University procedures as appropriate to any part or level of the organization.

B. The Ombud does not:

1. Make decisions for anyone.
2. Conduct formal investigations.
3. Serve as an advocate on behalf of any party.
4. Offer legal advice or psychological counseling.
5. Offer mediation or arbitration services.
6. Enforce or modify policies, regulations, or rules.
7. Participate in the grievance or any other formal process.
8. Testify in any judicial or administrative proceeding, unless required by law after reasonable efforts have been made.
9. Serve as a place to put the University on notice of claims
10. Address issues involving persons not at NCSU.

C. Additional aspects of the Ombuds role:

1. The use of Ombuds services is strictly voluntary.
2. The only exceptions to confidentiality are (a) when the Ombud is given permission by the individual to do so and (b) where there appears to be an imminent risk of serious harm to oneself or others.
3. The Ombud does not formally receive reports of possible violations of law or policy on behalf of NCSU.
4. The Ombud may discontinue providing services to an individual at his or her discretion.
5. The Ombud is independent in function and appearance to the highest degree possible within NCSU.

D. Competencies:

1. Current knowledge and understanding of applicable NCSU policies, processes, and procedures, and of the complexity and diversity of NCSU.
2. Effective communications skills.
3. The capability of maintaining a balanced and objective approach.
4. Completion of formal training through an appropriate professional organization such as the International Ombudsman Association.

E. Ethics:

1. The Ombud shall be truthful and act with integrity at all times.
2. The Ombud shall foster respect for all members of NCSU.
3. The Ombud is a designated neutral who remains unaligned and impartial.
4. The Ombud does not engage in any situation that could cause a conflict of interest.
5. The Ombud shall create or retain no records other than statistical data.



INTERNATIONAL
OMBUDSMAN
ASSOCIATION

IOA STANDARDS OF PRACTICE

PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

STANDARDS OF PRACTICE

INDEPENDENCE

- 1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.
- 1.2 The Ombudsman holds no other position within the organization which might compromise independence.
- 1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.
- 1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.
- 1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

NEUTRALITY AND IMPARTIALITY

- 2.1 The Ombudsman is neutral, impartial, and unaligned.
- 2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.
- 2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.
- 2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.
- 2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.
- 2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

CONFIDENTIALITY

- 3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.
- 3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.
- 3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.
- 3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.
- 3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.
- 3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.
- 3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.
- 3.8 Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

INFORMALITY AND OTHER STANDARDS

- 4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.
- 4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.
- 4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.
- 4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.
- 4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.
- 4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.
- 4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
- 4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.

Vignette # 1

Dana has been with the University since 1998 either as an adjunct or an instructor. Dana has been full time with the University since 2005. Dana is not tenured track and has a year to year contract. Dana has been working to secure her PhD, but Dana's workload at the University has delayed Dana finishing the requirements. Last week, the Chair of the Dana's department came to Dana and informed Dana that this coming summer, Dana would have to teach 3 classes during the first summer session as well as 3 classes during the second summer session. Moreover, Dana would have to teach 3 classes this coming fall along with a large distance education course. In addition, Dana was asked to coordinate freshman orientation for next fall. Dana was told that the terms of her salary would remain the same as in the previous year, when she only taught 3 classes, which included a distance education course during the semester and taught 3 classes over the entire summer. When Dana asked for a meeting with the Chair and the Dean of the Department, Dana was told that the Dean was unavailable to meet with Dana to address this issue. Furthermore, the Chair responded that the subject was closed and Dana could accept the additional workload or leave the University.

Vignette # 2

Kelsey is an assistant professor with the University in the sociology department. Kelsey joined the University in 2008. Kelsey plans to seek tenure and a promotion during the next academic year. Kelsey received a letter from the University Provost informing Kelsey that Kelsey would be transferred from the sociology department to a newly created liberal studies department. The new department has collapsed faculty from the former sociology department, with members from other departments. The sociology department will no longer be in existence. Kelsey was informed that the standards that are required for tenure and promotion will be determined by the newly created department and the new chair. Kelsey was told that the details of the new department and the new standards were "works in progress" and "further details will be forthcoming." Kelsey is livid that all of Kelsey's previous preparation for satisfying the standards of the sociology department is not useful and there is no certainty as to the new standards.

Vignette # 3

Pat is an associate professor with tenure with the University in the history department. While teaching a summer course on the woman's suffrage movement, Pat showed a controversial movie about the violence associated with men stopping woman from voting. A number of the male students complained to the University administrators. The Chancellor decided to remove Pat from the classroom and another professor finished the course. Pat was not paid for the summer teaching and the Chancellor told Pat that a letter of reprimand would be placed in Pat's file. Pat is frustrated because the process to challenge the Chancellor's actions is not clear.

Vignette # 4

Jamie is an associate professor without tenure with the University. Jamie follows the departmental guidelines and exceeds expectations for the entire probationary period. Jamie has unanimous positive votes on department and college review TPR committees each year. When Jamie applies for tenure in the 6th year, Jamie once again receives unanimous department support, but the college vote is mixed with a majority of no votes. (The college TPR committee includes two appointed individuals who persuasively argue against Jamie. Both have known conflicts with Jamie.) At the next level, the University TPR committee vote is mixed with a majority of yes votes. On appeal, the provost recommends tenure, but the chancellor rejects the recommendation and denies tenure. On appeal, the Hearing Committee recommends tenure. The BOT denies tenure based on this phrase, excerpted from section 4.09.F.1 in the Faculty Handbook: ...may be based on any factor considered relevant to the total institutional interests...

In context, the phrase reads:

The Faculty Handbook states: "The decision not to reappoint a faculty member when a probationary term of appointment expires may be based on any factor considered relevant to the total institutional interests, but it must consider the faculty member's demonstrated professional competence, the potential for future contributions, and institutional needs and resources."