

DOCUMENTS OF THE GENERAL FACULTY

**PROPOSAL FROM THE FACULTY GRIEVANCE COMMITTEE TO CREATE AN OFFICE OF
THE FACULTY OMBUDSPERSONS**

On behalf of the Faculty Grievance Committee, Professor Mary Steinhardt (kinesiology and health education and committee chair) has submitted the following proposal concerning the creation of an Office of the Faculty Ombudsperson. For additional reference, please see D 1652-1655 passed by the Faculty Council on January 28, 2002, and the minutes of the Faculty Council meeting held September 27, 2004 (D 3550-3555).

The secretary has classified this proposal as *general* legislation. It will be presented to the Faculty Council for discussion at its meeting on December 11, 2006, and will be acted on at its meeting on January 22, 2007.

Sue Alexander Greninger, Secretary
The Faculty Council and General Faculty

PROPOSAL FROM THE FACULTY GRIEVANCE COMMITTEE TO CREATE AN OFFICE OF THE FACULTY OMBUDSPERSONS

Background

The Faculty Grievance Committee members met with the current ombudsperson, Stan Roux, and reviewed his annual reports to the Faculty Council. The committee recommends that the legislation be amended as follows:

1. That the charge, selection, and composition of the screening committee be changed. Currently, a screening committee is established when the Ombudsperson position is vacant. It is composed of four members elected by the Faculty Council and two members appointed by the Executive Vice President and Provost. We believe that the selection process would be enhanced by the establishment of a subcommittee of the Grievance Committee that serves as both an oversight committee and, when needed, as a screening committee. Its members would then be fully familiar with the functions, workload, issues, etc. of this office. The Grievance Committee also believes that nomination of the Ombudsperson(s) should be the responsibility of a faculty committee that works in consultation with the administration. As is currently legislated, the Executive Vice President and Provost would make the final selection from the list provided by the Ombudsperson Committee.
2. That language be added to clarify that the assistant ombudsperson(s) is to be selected and appointed in the same manner as the primary ombudsperson.

The committee concurs with Dr. Roux that there is enough demand for the services of the ombudsperson that at least one Assistant should be named, as provided for in the current legislation. It is valuable to the University for faculty to have a prompt and professional way to resolve questions, concerns, and complaints beyond turning to their supervisors. The creation of the Office of the Faculty Ombudspersons would provide this service. Such an office would also ease the burden of voluntary service of the Faculty Grievance Committee, which is not in a position to answer or mediate quickly many faculty questions or complaints.

For these reasons, the Faculty Grievance Committee recommends the creation of an Office of the Faculty Ombudspersons as specified in the following proposal.

Proposal

I. Purpose

The faculty ombudspersons serve as neutral third parties providing information, counsel, and mediation to faculty (as defined in *Regents' Rules* Chapter 3, Section 1.8) who have University-related questions or complaints.

II. Scope and Duties

- A. The scope of the faculty ombudspersons' concerns extends to all aspects of University life, both academic and nonacademic, which affect faculty.
- B. The faculty ombudspersons shall receive, examine, and channel complaints of faculty to appropriate University officials or University committees (including the Faculty Grievance Committee and the Office of Equal Employment Opportunity) and seek to secure expeditious and impartial redress. The faculty ombudspersons may decline to deal with any case that they consider inappropriate for the office or postpone consideration until a final decision resulting from a referral to another University entity is made.
- C. For certain complaints, the faculty ombudspersons may work with the Faculty Grievance Committee or the Office of Equal Employment Opportunity; however, none of the responsibilities or duties of either the Faculty Grievance Committee or the Office of Equal Employment Opportunity are altered by the creation of the Faculty Ombudspersons' Office. Initiating and

- pursuing a formal grievance with the University will be accomplished through the faculty grievance process. Initiating and pursuing an equal employment opportunity complaint will go through the Office of Equal Employment Opportunity. Faculty may always informally pursue questions and complaints through regular administrative channels as well.
- D. The effectiveness of the faculty ombudspersons' office will rest on its reputation for fairness, objectivity, tact, independence, and respectful concern for the welfare of all members of the University community and the well-being of the University.
 - E. When investigating a complaint or question, the faculty ombudspersons shall have access to all records ordinarily available to University administrators. University officials and employees involved in a case shall cooperate with the investigation in good faith and in a timely manner.
 - F. The faculty ombudspersons shall establish simple, orderly procedures for receiving complaints and for ensuring that case records are maintained in a confidential manner.
 - G. The sensitive and confidential nature of the faculty ombudspersons' work dictates that office operations be conducted with dignity and integrity. The faculty ombudspersons shall maintain the privacy of all persons who solicit their assistance and protect them against retribution.
 - H. The faculty ombudspersons shall recommend to University officials procedures or policies as necessary.
 - I. The faculty ombudspersons shall make a written annual report to the executive vice president and provost and also the Faculty Council regarding the operation of the Office of the Faculty Ombudspersons. This report shall contain a general summary of the ombudspersons' activities for the past year, along with any appropriate recommendations for new policies and procedures. In addition, the faculty ombudspersons shall make periodic reports to pertinent University Standing Committees when issues arise that should be addressed by those committees. Moreover, when the faculty ombudspersons deem it necessary, they shall report to the executive vice president and provost or appropriate University committee, including the Faculty Grievance Committee, any valid complaint for which no remedy has been found. The faculty ombudspersons may make any recommendations they deem appropriate regarding such unresolved complaints.

III. Selection

- A. When a vacancy occurs, an Ombudsperson Screening Committee, composed of the chair of the Faculty Grievance Committee and three additional Faculty Grievance Committee members, appointed by the Grievance Committee Chair, will be created. **The role of the Ombudsperson Screening Committee will be (a) to serve as a liaison to the Office of the Ombudsperson, (b) to support and monitor the proper functioning of the Office, (c) to evaluate the effectiveness of the Ombudsperson, and (d) to serve as the recommending committee for the positions of Ombudsperson and the Assistant Ombudsperson(s).** In accordance with established personnel policies and procedures, the screening committee shall review applications and nominations for these positions and interview candidates as appropriate.
- B. Only tenured faculty members already employed at The University of Texas at Austin are eligible as candidates for ombudspersons. Additional qualifications for the position shall include evidence of an understanding of the administrative procedures of the University, strong written and oral communication skills, effective interpersonal skills, the ability to evaluate objectively the facts of a given situation, and the ability to manage the faculty ombudspersons' office. Additionally, candidates must demonstrate that they are able to act with fairness, objectivity, tact, independence, and respectful concern for the welfare of all members of the University community and wellbeing of the University in the conduct of duties. Moreover, the sensitive and confidential nature of the faculty ombudsperson's work dictates those candidates are able to perform their duties with dignity and integrity.

- C. In its report to the executive vice president and provost, the screening committee shall recommend one candidate for each position for the executive vice president and provost's consideration. If the executive vice president and provost is unable or unwilling to appoint any of the individuals recommended by the screening committee, the executive vice president and provost shall ask the committee for additional nominations.

IV. Structure and Organization

- A. The faculty ombudspersons' office shall be housed and funded within the Office of the General Faculty. The faculty ombudspersons shall maintain posted office hours during University working days.
- B. The faculty ombudspersons shall be appointed by and report directly to the executive vice president and provost of the University.
- C. The faculty ombudspersons shall be appointed by the executive vice president and provost for a two-year, renewable term. If possible, terms of the ombudspersons will be staggered.
- D. One faculty ombudsperson shall be appointed to a twelve-month 1000 code (non-academic employee) appointment. Additional compensation will come in the form of course teaching reductions, other reduced workload expectations (research, service), and/or a salary increase as negotiated at the time of appointment. The form and level of compensation will be determined by mutual agreement of the faculty member and provost after consultation with the faculty member's chair and dean. Service as the ombudsperson shall fulfill the total expectations for service to the University for the academic year.
- E. **Assistant faculty ombudspersons will be recommended by the Ombudsperson Screening Committee and appointed and trained in the same manner as the primary ombudsperson. The number of assistants will be determined by the demand for mediation each year. The Assistant Ombudsperson shall be appointed to a twelve-month 1000 code (non-academic employee) appointment. Additional compensation will come in the form of course teaching reductions, other reduced workload expectations (research, service) and/or a salary increase as negotiated at the time of the appointment. The form and level of compensation will be determined by mutual agreement of the faculty member and provost after consultation with the faculty member's chair and dean.**
- F. The ombudspersons shall undergo formal training as mediators through the Center for Public Policy Dispute Resolution in The University of Texas School of Law. The Office of the Executive Vice President and Provost will pay for this training.