January 24, 2011

MEMORANDUM

TO: Mary Steinhardt, EdD, LPC
    University Faculty Ombuds

FROM: Steven W. Leslie
      Executive Vice President and Provost

RE: Office Charter for the University Faculty Ombuds Office

Purpose. The Office of the University Faculty Ombudsperson (Ombuds) was established in 2004 to provide faculty with a prompt and professional way to resolve conflicts, disputes, or complaints beyond turning to their supervisors. The Faculty Ombuds assists faculty and postdoctoral fellows (post-docs) with any work related difficulty, including interpersonal conflict or misunderstandings, as well as academic or administrative concerns.

The Ombuds Office provides a confidential place for faculty and post-docs to voice concerns, develop options, and problem solve. The Office helps further the University’s strategic objectives within a culture that is ethical and civil, and in which differences can be resolved and mutual understanding created through respectful dialogue and fair process. The Faculty Ombuds performs a variety of functions in carrying out the duties and responsibilities of the Office. These include such functions as: listen and provide a respectful, safe, and humanized place within the University for faculty and post-docs to discuss problems; help individuals clarify concerns and develop options; explain University policies and procedures; provide referrals to other offices; coach visitors on how to help themselves; look into problems by gathering data and the perspectives of others; and conduct structured mediations between willing parties or help facilitate conversations. In addition, the Ombuds shall serve as a communication resource, consultant, and catalyst for institutional improvement and change.

Reporting. The Ombuds Office is independent and exercises autonomy with respect to the handling and management of issues. Administratively, the Ombuds reports directly to the Provost of the University with respect to faculty, and the Vice-President for Research with respect to post-docs. The Ombuds informs them of the kinds of issues and trends the Ombuds Office has been hearing about, explains the relevance of such information, and makes recommendations for improvement. In addition, the Ombuds prepares an annual report and regularly provides feedback to the Faculty Council and other University officials on general trends and patterns of complaints so that problems may be prevented from escalating or recurring.
**Standards.** In order to afford visitors the greatest freedom in using its services, the Office is an independent, neutral, and informal problem-solving resource serving faculty and post-docs. The Office maintains strict confidentiality, and provides a safe place for faculty and post-docs to have off-the-record conversations on issues related to work. The Office supplements, but does not replace, any existing grievance mechanisms or modes of redress.

This Office Charter is based on the Code of Ethics and Standards of Practice (http://www.ombudsassociation.org/standards/) developed by the International Ombudsman Association (IOA). The Faculty Ombuds will function according to these best practices and ethical principles of confidentiality, impartiality/neutrality, informality, and independence. These principles govern the way in which the Ombuds receives complaints, works to resolve issues, and makes recommendations for the general improvement of the University.

**Confidentiality.** Confidentiality helps create a safe place for visitors to voice concerns, evaluate issues, and identify options. It is essential to the Ombuds function. The Faculty Ombuds will not disclose the name of any individual who has visited the office or issues that were discussed with anyone unless permission to do so has been given by the individual. The only exception to the promise of confidentiality is when the Ombuds has a reasonable concern about possible violence or physical harm.

A visitor’s confidential disclosure to the Ombuds is strictly off-the-record and does not constitute a formal report of wrongdoing. Thus, conversations with the Ombuds do not constitute notice to the University of any claims a visitor may have. The University will make every effort to protect the confidentiality of the Office. The University will not ask the Ombuds to testify on the University’s behalf in internal or external proceedings, and will take appropriate steps to protect the Ombuds from subpoena by others.

**Impartiality/Neutrality.** The Faculty Ombuds provides impartial and objective assessments of any concern brought to the office. As a neutral third-party, the Ombuds is an advocate for equity, fair process, and the fair administration of process, but does not take sides on behalf of any individual or cause.

**Informality.** All conversations with the Faculty Ombuds are considered informal and off-the-record. Use of the office is strictly voluntary, and individuals cannot be sanctioned for using, or not using, the Ombuds Office. The Ombuds maintains no records (other than statistical data) and does not participate in formal grievances or complaints. Informal notes may be temporarily created only insofar as they are necessary for case management. The Ombuds makes referrals to appropriate formal channels so that individuals may make informed choices about which process is best for them to pursue.

The Ombuds may request data from and explore a concern with University officials. The Ombuds does not make decisions on behalf of the institution or override the decisions of other officials. The following are also outside the purview of the Ombuds Office: assessing wrongdoing or innocence, acting as an advocate or witness in any case inside or outside the
University; keeping case records for the University; determining sanctions; and making, changing, or setting aside any rule, policy, or administrative decision.

**Independence.** The Faculty Ombuds exercises autonomy regarding responsibilities. The Office is independent and is situated outside of the University’s normal administrative structure to better ensure impartiality. The Ombuds neither compels other offices to take specific action nor receives compulsory orders from other offices about how to approach a particular issue. Although the Ombuds has no authority to establish, change, or set aside any University rule or policy, or override the decisions of University officials, the Ombuds has access to all University officials and records as needed to carry out the functions of the Office. The Ombuds takes all steps to avoid conflicts of interest, whether actual or perceived.

**Authority of the Faculty Ombuds Office.** The Ombuds may inquire informally about any issue concerning the University and affecting any member of the University community. The Ombuds may request access to information related to visitors’ concerns, from files and offices of the University, and shall respect the confidentiality of that information. Requests by the Ombuds for information should be handled with reasonable promptness by University departments.

Examples of issues that fall within the authority of the Faculty Ombuds include:
- Listen in a nonjudgmental and objective way and discuss visitors’ concerns
- Answer questions or refer visitors to someone who can
- Explain how University policies or procedures work
- Help visitors identify options to resolving a problem
- Help visitors evaluate options and possible next steps
- Assist visitors in informally resolving a dispute or conflict by facilitating communication, coaching on conflict resolution, or mediating between willing parties
- Refer visitors to the appropriate office should they wish to file a formal complaint
- Look into perceived procedural irregularities in grievance proceedings
- Recommend changes to policies/procedures that appear outdated or problematic
- Inform University officials about significant trends and patterns of complaints or problems that appear to be systemic
- Provide other forms of assistance to help visitors resolve a problem informally

**Limitations on the Authority of the Faculty Ombuds Office.** The Ombuds shall have no actual authority to impose remedies or sanctions or to enforce or change any policy, rule or procedure. Also, the Ombuds will not disclose documents, or testify, attend, or participate in formal proceedings, even with the permission of the complainant.

Examples of areas where the Faculty Ombuds shall not have authority include:
- Taking sides or serving as an advocate for any party
- Maintaining official records
- Unilaterally changing rules or policies
- Setting aside a decision or superseding the authority of another University official
- Providing legal advice
- Providing psychological counseling or therapy
- Conducting formal investigations
• Participating in any formal grievance process
• Providing testimony in any court initiated proceeding

Examples of Problems Appropriate for the Office of the Faculty Ombuds. Faculty members or post-docs might want to contact the Faculty Ombuds when they:
• Need an impartial and confidential sounding board
• Believe they have been treated unfairly
• Have been unsuccessful in resolving a problem
• Want to report a problem, but want to get a sense of possible outcomes first
• Are not sure how to interpret a University policy or procedure
• Are not sure which University policy applies to a particular situation
• Believe a University policy or practice is unfair or confusing
• Believe there have been procedural errors in any official University formal process
• Need a mediator or help facilitating communication
• Have a question or a complaint about an office, service, or decision at the University
• Are not sure where else to turn for help