

PROPOSAL TO ESTABLISH A FACULTY OMBUDS OFFICE

Iowa State University

Faculty Senate Judiciary and Appeals Council
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I. Introduction

Establishing a Faculty Ombuds Office has been discussed for many years within the ISU Faculty Senate. A directive was given to the Judiciary and Appeals Council to determine the feasibility of establishing this office two years ago. One of six priorities for the Fourteenth Session of the Faculty Senate is "filling the position of ombudsperson."

The Faculty Grievance Procedures approved by the Faculty Senate (May 12, 1992) established that "the chairperson of the Faculty Senate Committee on Appeals [FSCA] may....act as an ombudsman..." (ISU Faculty Handbook, 1999, page 141). Current and past chairpersons of the FSCA acknowledge that they have had to informally assume the role of ombudsperson in their dealings with faculty members with an administrative problem. This role puts the FSCA chairperson in conflict with the formal role of chairing the FSCA that includes writing the committee's majority response and recommendations to the provost in a case.

This proposal has been developed after reviewing documents from the University and College Ombuds Association and six major universities (University of California – Berkley, University of Colorado, University of Iowa, University of Maryland, Michigan State University, and University of Missouri – Columbia).

II. Definition of Ombudsperson

An ombudsman, according to Merriam Webster's Collegiate Dictionary, is "one that investigates reported complaints (as from students or consumers), reports findings, and helps to achieve equitable settlements" (www.m-w.com).

The term is meant to be genderless and apply to both males and females in the same way that humanity applies to all people. The official position of an ombudsman was created in Sweden in the early nineteenth century as a means of resolving conflicts in the absence of the king. "Ombud," in the Swedish language refers to the people's representative or delegate. The concept and position of an ombudsperson, or a "people's representative," spread quickly across the Swedish nation and into countries all around the world. The United Nations even uses an official ombudsperson to resolve human rights issues.

The position of ombudsperson has expanded to include almost every aspect of modern life, from nursing homes to the mass media. Colleges and universities began using an official ombudsperson position in the late 60's with Eastern Montana College being the first followed closely in time by Michigan State University. Over two hundred colleges and universities around the United States and Canada have an official ombudsperson position on their faculties.

III. Role of the Faculty Ombuds Office

The ISU faculty ombudspersons provide problem-solving assistance for faculty work-related issues or disputes in an informal, confidential, and impartial manner. The ombudspersons are guided by the ethical standards of Iowa State University and the University and College Ombuds Association (see appendix).

An Ombudsperson does:

- listen and discuss faculty concerns, complaints, and questions.
- help faculty evaluate options to address problems and issues.
- make referrals to appropriate university resources.
- help obtain interpretation and information on university policies and procedures.
- advise faculty on steps for problems resolution.
- seek a “win-win” resolution to problems.
- act as intermediary in conflict resolutions.
- work for systems change, when needed.
- promote understanding among people in a conflict.
- bring to administrative attention any policies, programs, or personnel decisions that appear to violate the rights of faculty.

An Ombudsperson does NOT:

- do formal investigations.
- participate or testify in formal grievance processes.
- issue reports or findings.
- adjudicate or arbitrate or assign sanctions.
- make, change, or set aside administrative decisions or existing policies, procedures, rules or regulations.

Four major principles guide the actions of an ombudsperson:

1. Confidential. The ombudsperson:

- does not disclose the identity of any individuals who have or have not contacted the office, without permission of the party or parties.
- only acts with the permission of the individuals involved and only to the extent specified by that individual.
- does not violate Iowa State University principles or standards of privacy in acquiring information.
- retains all information (notes, records, etc.) in a secure manner and location, but keeps no formal written record.
- must not disclose, and will not be required to disclose, any information given in confidence --- including the nature of the complaint-unless serious future harm is imminent and breaking confidentiality is the only plausible option.

2. Neutral. The ombudsperson:

- is completely impartial, and objective with no personal stake in or gain from the outcome of a particular complaint or issue.
- advocates the fair process, not the individual over the university or vice versa.
- considers the interests of all of the parties involved in an issue and does not take sides.
- recommends responsible and appropriate changes to all parties involved.

3. Independent. The ombudsperson:

- is not part of the ISU formal grievance process.
- reports only to the President.
- is not an administrative officer of the University and does not report to any administrative office or group.

4. Informal. The ombudsperson:

- seeks non-confrontational solutions to problems.
- keeps no formal records.
- has no authority to act on behalf of the university.

IV. Structure and Organization of the Office

- The Ombuds Office shall be filled by three (3) recently retired, long-time Iowa State University faculty members. Their appointments shall be part-time, for three-year renewable terms, on a rotational basis.
- Ombudspersons shall be appointed by the President, based on the recommendations of a search conducted by a five person committee jointly appointed by the Faculty Senate Judiciary and Appeals Council and the President.
- Removal of an Ombudsperson shall be by mutual consent of the President and a majority vote of the Faculty Senate Executive Board.
- The ombudspersons will report directly to the President and will have direct access to any university officer.
- Reports will be issued to the President summarizing the Ombudspersons activities every semester.
- An annual report on the operation of the Ombuds Office will be submitted to the President and to the Faculty Senate.
- The Ombuds Office is outside the usual administrative structure of the university.
- Ombudspersons can offer recommendations for policy change to the Faculty Senate Executive Board and the President.

V. Appendix: Standards of Practice for University of College Ombuds

INTRODUCTION

The University and College Ombuds Association has developed the following standards of practice to provide a model for individual practice and for the establishment of office policies and procedures. These standards were developed in accordance with commonly understood principles within the Ombuds profession and reflect the core values of the University and College Ombuds Association. Standards of Practice help guide members in making responsible choices and further, they are intended to promote constituents' understanding of and confidence in Ombuds Offices and their services.

DEFINITION

A college or university ombudsman* is authorized by an institution of higher education to confidentially receive complaints, concerns or inquiries about alleged acts, omissions, improprieties, and/or broader systemic problems within the ombudsman's defined jurisdiction and to listen, offer options, facilitate resolutions, informally investigate or otherwise examine these issues independently and impartially.

* The term Ombudsman is used in this definition in order to communicate with the widest possible community and is not intended to discourage others from using more gender neutral terms. In accordance with UCOA practice adopted in 1991, the document uses the term Ombuds throughout. UCOA acknowledges, with respect, that many practitioners use alternative forms of this word, such as ombudsperson, ombuds officer and the like.

Members of the University and College Ombuds Association strive to practice according to the following standards:

1. Independence

The Ombuds Office must be independent in its structure, function and appearance.

1.1 The Ombuds institutional reporting relationship to her/his supervisor is for administrative and budgetary purposes only.

1.2 The Ombuds should be placed at the highest possible level.

1.3 The Ombuds should have no assignment of duties that would present a conflict of interest to her/his duties as ombuds.

1.4 The Ombuds is independent of the units which the office informally investigates or examines.

1.5 The Ombuds has the sole power to appoint and remove Ombuds Office staff and is directly involved in staff supervision.

1.6 The Ombuds acts on issues, concerns, inquiries, complaints, or on her or his own initiative.

1.7 The Ombuds should issue periodic reports summarizing the ombuds' activities.

1.8 The Ombuds should have a set and renewable term or should be removable only for cause.

1.9 The Ombuds should have a specific allocated budget and sufficient resources to perform the function.

1.10 The Ombuds Office should be established through an act of the organization's official governing body, or in written policies, such as terms of reference or resolution.

1.11 The Ombuds has access to all relevant sources of information.

2. Impartiality/Neutrality

The Ombuds is neutral, impartial, unaligned and objective.

2.1 The Ombuds has no personal interest or stake in and incurs no personal gain or loss from the outcome of an issue.

2.2 The Ombuds avoids situations which may cause or result in conflicts of interest for the Ombuds.

2.3 The Ombuds is an advocate for good and fair process, not an advocate on behalf of individuals or the institution.

2.4 The Ombuds acts in consideration of and with respect for the legitimate interests and concerns of all affected parties.

2.5 The Ombuds should recommend and advocate for responsible and appropriate systems change.

2.6 The Ombuds should bring to the attention of appropriate parties policies, programs, personnel matters, or institutional practices or decisions which affect persons' health, safety or rights.

3. Confidentiality

The Ombuds must not disclose and must not be required to disclose any information provided in confidence, except to address an imminent risk of serious harm where there is no other responsible option.

3.1 The Ombuds safeguards the identity of individuals and their issues and does not disclose having met or talked with a party or parties, without permission of the party or parties.

3.2 The Ombuds does not disclose without permission communications received from any or all parties in the course of performing her/his duties.

3.3 The privilege of confidentiality of communications and records belongs to the Ombuds and the Ombuds Office, rather than to any party to an issue.

3.4 The Ombuds does not comply with requests for information about individual cases.

3.5 The Ombuds takes specific action related to an individual's issues only with the individual's permission and only to the extent permitted.

3.6 If the Ombuds pursues an issue systemically, the Ombuds does so without revealing the identity of a complainant or a singular situation that could be associated with a particular individual(s).

3.7 The Ombuds does not violate institutional standards of privacy or confidentiality in the pursuit or provision of information.

3.8 The Ombuds maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner.

3.9 The Ombuds carefully prepares data and/or reports in anonymous and aggregate form to preserve confidentiality and prohibit identification of individuals.

3.10 Communication with the Ombuds is not notice to the organization.

3.11 The Ombuds publicizes the confidential nature of Ombuds work.

4. Informality

The Ombuds functions on an informal basis by such means as: listening, providing and receiving information, reframing issues, developing options, referral, third party intervention, shuttle diplomacy, mediation, and systems change.

4.1 The Ombuds does not take an active role in any formal institutional investigative or adjudicative procedures. The Ombuds may informally investigate or otherwise examine alleged procedural irregularities of a formal process and allegations about alleged acts, omissions, improprieties and/or broader systemic problems.

4.2 The Ombuds supplements, but does not replace, any steps required in formal internal or external procedures. Use of the Ombuds office is not a required step in any grievance process or organizational policy.

4.3 The Ombuds hears, considers, and as appropriate, pursues resolution of the concerns, issues, perceptions, interpretations, facts, and/or allegations of inappropriate acts, omissions, or improprieties presented by individuals.

4.4 The Ombuds may conduct informal fact finding when appropriate.

4.5 When a formal investigation is requested, the Ombuds refers individuals to the appropriate offices or persons.

5. Access to Services

All members of the specified community may voluntarily seek services and will be treated with respect and dignity.

5.1 The Ombuds exercises discretion in response to requests for service.

6. Professional Competence

The Ombuds acts in accordance with professional standards of practice and pursues and provides opportunities for staff to pursue continuing education and training.