

Faculty Ombuds Office

I. Purpose

The purpose of the Faculty Ombuds Office is to assist in resolving faculty concerns. The role of the Ombuds Office may vary depending upon the issues raised and other dispute resolution mechanisms available. However, it is the intent of Iowa State University to create a mechanism that enables quick and efficient problem resolution.

II. Role

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 the University and College Ombuds Association as modified by this document or guidelines and standards adopted by the university under Section III, below.

The ombudsperson's role includes:

- **Listening and Advising.** The Ombuds Office is always available to faculty to listen to faculty concerns, complaints and questions, and to advise on steps for problem resolution. In this role, the Ombuds office may make referrals to appropriate university resources or help obtain information about university policies and procedures.
- **Facilitating.** In appropriate cases the office acts as a facilitator or intermediary. In this role, the ombudsperson tries to promote understanding among the persons involved in the conflict. When the ombudsperson is acting in the facilitator role, he/she is authorized to seek out and examine relevant information. However, the ombudsperson's role does not extend to issuing findings in particular cases. The chart below indicates those cases where other mechanisms for problem resolution must be used or where there are restrictions on acting as a facilitator.
- **Reporting and Recommending.** As indicated below, the Ombuds Office provides a general written report of the Office's activities to the President and President of the Faculty Senate. The report will not identify parties to individual complaints. The report may contain recommendations for improvement of University policies and procedures.

The ombudsperson does not:

- Act as a legal advisor;
- Act as a mental health counselor;
- Do formal investigations;
- Adjudicate, arbitrate or assign sanctions;
- Participate as a representative of any person or entity;
- Testify in formal grievance processes or hearings;
- Issue reports or findings other than periodic reports to the President described above;
- Make, change, or set aside administrative decisions or existing policies, procedures, rules or regulations.

To avoid unneeded duplication, to assure fairness or to meet legal obligations, the Ombuds Office's role as facilitator is restricted in the following instances:

Restricted Subject	Restriction	Reason
Faculty complaints against persons or entities not affiliated with the University or Complaints of unaffiliated persons or entities against a faculty member	No advising or facilitation other than referral	The Ombuds Office is not authorized to act in disputes with such persons or entities.
Non-faculty or student complaints against faculty	No advising or facilitation other than referral	The Office must be available to advise faculty on problem resolution. Other offices and mechanisms are available to non-faculty staff and students.
Scientific Misconduct	No facilitation	The University has an obligation to conduct an investigation and handle in accordance with law.
Matters currently in formal mediation	No facilitation	Any effort is duplicative and may interfere with the mediation.
Faculty complaints against non-faculty employees or students	No facilitation without the permission of the non-faculty employee	The Office exists to address faculty concerns; others may

	or student	perceive an appearance of unfairness.
Matters currently the subject of a student disciplinary case	No facilitation except in exceptional cases, with the consent of all parties and the Office of Judicial Affairs	Ombuds activity may interfere with the student judicial process.
Allegations of discrimination—not filed as a formal complaint	No facilitation without the consent of the Office of Equal Opportunity and Diversity	The University may have an obligation to immediately investigate and address the informal complaint.
Matters currently the subject of a formal discrimination complaint lodged with the Office of Equal Opportunity and Diversity or Provost	No facilitation except in exceptional cases, with the consent of all parties and the Office of Equal Opportunity and Diversity or Provost	The University has an obligation to conduct an investigation and address the complaint; efforts may interfere with or duplicate other activity.
Matters currently the subject of a faculty conduct case	No facilitation except in exceptional cases, with the consent of all parties and the Office of the Provost	Ombuds activity may interfere with the conduct process; efforts may interfere with or duplicate other activity.
Matters currently the subject of a faculty grievance	No facilitation except in exceptional cases, with the consent of all parties and the Faculty Senate Committee on Appeals	Ombuds activity may interfere with the grievance process; efforts may interfere with or duplicate other activity

Upon discovering that an issue or concern is or has fallen into a restricted area, the ombudsperson will suspend activities as required and discuss the restriction with the person seeking assistance. The ombudsperson will obtain the approval of the person(s) seeking assistance prior to seeking consent from university offices to continue facilitation services.

III. Guiding Principles of the Ombuds Office

Ombudspersons shall follow the ethical standards of the University and College Ombuds Association unless inconsistent with this document.

As described below, four major principles guide the actions of the Ombuds Office: confidentiality, neutrality, independence and Informality.

Confidentiality. Except as required by law, 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 seeking the ombudsperson's assistance.
- Does not violate legal or Iowa State University principles or standards of privacy in acquiring information.
- Keeps no formal written record.
- To the extent records (notes, documents, etc.) are retained, they will be maintained in a secure manner and location.
- Must not disclose, and will not be required to disclose, any information given in confidence—including the nature of the complaint—unless serious physical or property damage is imminent and breaking confidentiality is the only responsible option.

Neutrality. The ombudsperson:

- Is completely impartial and objective with no personal stake in or potential gain from the outcome of a particular complaint or issue.
- Advocates for fair and balanced decisions and processes, not the interest of 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.

Independence. The ombudsperson:

- Is not part of the ISU formal grievance process.
- Reports only to the President.
- Is not an administrative officer of the University.

Informality. The ombudsperson:

- Seeks non-adversary solutions to problems.

- Fosters discussion and understanding as a means to resolution.
- Has no authority to act on behalf of any university office or unit other than his/her own.

As necessary, these principles will be incorporated into guidelines and standards adopted by the Ombuds Office in consultation with the President of the Faculty Senate and the University President. The guidelines and standards must be approved by the President and Provost.

IV. Structure and Organization of the Office

The Office shall be staffed by two persons on staggered three-year appointments. Appointments are renewable. One of the two shall be designated by the President as the coordinator of the Office, who shall be responsible for administration of the Office and completion of the periodic reports. Ombudspersons both are each independently responsible to the President on non-administrative matters.

Appointment and Removal. 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.

The President shall have the right to suspend an ombudsperson based upon concerns with performance. The President may remove an ombudsperson only after consultation with the President of the Faculty Senate and after discussing the reasons for removal with the ombudsperson.

Qualifications of Ombudspersons. At the time of the initial appointment, ombudspersons will be recently retired, long-time Iowa State University faculty members. Candidates must have an established reputation for integrity and fairness. Candidates should demonstrate

- Care and commitment to both the institution as a whole and for its many individual members.
- Deep knowledge of the University and its mission.

Report of Activity. Reports will be issued to the President and the President of the Faculty Senate describing generally the activities of the Office and providing general comments regarding improvements in University policies, procedures and decision-making. The Report issued after the Spring Semester shall contain a summary of the year's activity, and suggestions on the operation of the office

for the following year. The reports shall not identify persons involved with specific cases.

As needed, ombudspersons may meet and confer with the President and the President of the Faculty Senate to discuss issues of institutional importance.

Access to University Offices and Documents.

Consistent with the principle of confidentiality and with the restrictions indicated below, ombudspersons are broadly authorized to access information from university officials, employees and records. Administrators and managers are expected to cooperate in providing relevant information consistent with the law, and recognized privileges applicable to the professions. Similarly, ombudspersons are granted access to university documents consistent with the law and recognized privileges.

Ombudspersons do not have the authority, however, to order release of documents or information. In cases of disputes regarding denial of access to information, ombudspersons should appeal to the supervisor of the person who has denied access.

Access to Records of Persons Requesting Assistance. The Ombuds Office should routinely obtain written permission to examine all files and records relating to the person seeking assistance. Nothing prevents such persons from limiting access to all or a portion of their privileged records.

Privileged Records. In no case will ombudspersons have access to information or documents that are privileged under the law or university practice without permission as indicated below:

Privilege	Permission Required
Medical information and records	Subject of the record and, if required by law, the physician
Counseling and mental health	Subject of the record and, if required by law, the counselor
Police investigations	Director of Public Safety (the Director may in turn be responsible to seek permission of persons identified in the record)
Attorney-client privileged information and records	President and in cases involving individual representation in the course of duties, the individual involved, in consultation with the University Counsel
Employee and Discrimination investigations	Investigating office (the investigating office may in turn be responsible to seek

	permission of persons identified in the records)
Attorney work product	University Counsel
Personal notes access to which is restricted	The creator or current holder of the notes
Informal complaints	Complainant
Other recognized privileges or University practice	As required by the privilege or University practice

Sensitive Records. There are university records which are not privileged, but which are sensitive in nature.

At times, the Ombuds Office may need access to sensitive records on persons other than the person requesting assistance. While permission of the subject of the record is not necessary in these cases, a note will be placed in the file that indicates that the ombudsperson has had access to the file or records.

V. Training of Ombudspersons

To assure efficacy of their services, ombudspersons will annually be involved in training in conflict resolution, and will affirmatively take steps to keep current with major University Policies and Procedures affecting their work.

Revised Ombuds Office Budget Proposal

Startup Costs	Revised Admin	FSCA
Computer equipment	\$3,000	\$3,000
Office furniture and equipment	\$3,000	\$3,000
Total Startup Costs	\$6,000	\$6,000
Recurring Costs		
Lead Ombuds Person		
Annual stipend - 12 months	\$15,000	\$10,000
25 hours/month @ \$35 per	\$10,500	\$10,500
Social Security	\$1,785	\$1,335
Total Lead Ombuds	\$27,285	\$21,835
Second Ombuds Person		
Annual stipend - 12 months	\$5,000	\$5,000
25 hours/month @ \$35 per	\$10,500	\$10,000
Social Security	\$1,085	\$1,085
Total Second Ombuds	\$16,585	\$16,585
Telephone/Network	\$5,000	\$5,000
Office supplies and services	\$3,000	\$3,000
Ombuds training & associated travel	\$1,000	\$3,000
Total Recurring Costs	\$52,870	\$48,920