

# ISU Ombuds Program

## Office of Human Resources

General Program Guidelines – Executive Summary

9/28/2015

The ISU Ombuds program provides a resource to assist faculty and staff with informal problem solving activities on campus. An ombuds is not empowered to change departmental or institutional decisions, but through unbiased intervention or a clarification of matters, information may emerge to assist in the resolution of a dispute. Employees are encouraged to contact an ombuds or the Coordinator of the Ombuds program if they would like to discuss possible assistance.

The Idaho State University Ombuds Committee is comprised of employees from all University areas, through either self-nomination, or nomination by their peers and appointed by the President, to provide an informal means of problem resolution to University-related disputes.

Faculty and staff with problems, possible grievances, questions or concerns may contact any member of the committee and request they review matters as a neutral third-party. There is no fee to contact an ombuds and inquiries are confidential, unless otherwise required by law.

Ombuds may provide information, direct the affected party to the appropriate resources, and if needed, provide an informal means of problem resolution for individual employees who have problems, potential grievances, questions or concerns regarding the University. Ombuds are prepared to deal with many types of problems and may use informal mediation and/or other problem-solving techniques to facilitate communication and problem resolution between disputing parties where appropriate.

If ombuds intervention proves unsuccessful, and the parties move to formal problem resolution proceedings, the ombuds will not disclose any matter discussed with either party. All information received by ombuds is confidential, unless otherwise required by law. Ombuds will not testify or provide statements about cases in which they were involved in formal grievance proceedings or other University committees or review boards, unless required by law.

The Idaho State University Ombuds Committee will operate under the Standards of Practice and Code of Ethics as described by the International Ombudsman Association, (IOA).

*If the complaint provides evidence of illegal discrimination, sexual harassment, and/or a Title IX violation, the ombuds will immediately consult with the Office of Equal Opportunity, Affirmative Action and Diversity for appropriate action.*

*Ombuds cannot intervene if the employee has already contacted an attorney or if the employee has already begun to address their concerns through other formal proceedings. If an employee is already involved in a matter that has reached a disciplinary or dismissal process, it is no longer an informal matter and is not subject to ombuds intervention. Termination of a classified employee during his/her probationary period, or contract non-renewal of a non-classified employee or non-tenured faculty member is not subject to ombuds intervention.*

Faculty and Staff can access any ISU Ombuds that they feel most comfortable working with. ISU Faculty Senate has a Faculty Ombuds Office. Their charter agreement also aligns with the standards of the International Ombuds Association. To learn more visit <https://www.isu.edu/facultysenate/faculty-ombuds/>.

*Ombuds cannot intervene in a personnel dispute if a hearing before a University grievance panel has already occurred and/or if a grievance panel has already convened to hear a respective grievance, or if a grievant is represented by counsel.*

## **Ombuds Program Outline**

### **I. General Program Description**

The ISU Ombuds Program is available to provide faculty, classified staff, and non-classified staff with voluntary, informal, neutral, and confidential, third-party assistance in resolving University-related issues, concerns or conflicts.

The responsibilities of the ISU Ombuds Program will be executed by the Coordinator of the Ombuds Program in the Office of Human Resources, who will assist ombuds as a conduit of information regarding University rules, regulations, policies and procedures. The Coordinator of the Ombuds Program may make any recommendations he or she deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, neither the Coordinator nor Ombuds Committee will have authority to impose remedies or sanctions, or to enforce any policy, rule, or procedure.

Ombuds shall be appointed by the President for a two-year term, which may be renewable following a nomination/application and review process of the Ombuds Coordinator. Ombuds shall be selected through a process which seeks individuals willing and able to fulfill the Standards of Practice of the International Ombudsman Association and who have proven themselves to be leaders and mentors in their respective roles on campus. Committee members shall serve as trained ombuds under the guidance of the Coordinator of the Ombuds Program. Efficient functionality of the Ombuds Committee shall be subject to periodic review by the Coordinator of the Ombuds Program and management as needed. Serving as an Ombuds is considered as fulfilling a University service role, similar to serving on a major standing university committee.

The Coordinator of the Ombuds Program may put out a call for nominations/applications to serve as an ombuds as needed in order to select a sufficient number of ombuds committee members. All nominees and employees interested in serving as an ombuds will be asked to complete an ISU Ombuds Program Application for the review and consideration of the employee's respective management and advisory chain, up to and including their Vice President. In considering applications, each Vice President will confer with their management teams and the Faculty Senate and/or Staff Council, respectively. Upon approval by the respective Vice President, completed applications will be forwarded to the Ombuds Coordinator for final consideration and appointment with the Office of the President. Applications will also be reviewed with the Director of Equal Opportunity, Affirmative Action, and Diversity in an effort to achieve as broad and diverse Ombuds Committee as possible.

## **II. Program Roles and Operating Principles**

### **Informality**

An ombuds works outside the formal problem-resolution and grievance procedures of the University. The role of an ombuds is to listen, receive, and provide information to/from parties, provide informal facilitation between parties when requested, and such other functions normally within the purview of a University Ombuds.

An ombuds does not make, change, or set aside policy or previous administrative decisions, nor does an ombuds serve to determine the rights of others or to unilaterally resolve conflicts.

The ombuds provide services on a voluntary basis. No individual can be compelled to seek assistance from the ISU Ombuds Program or to participate in a session with an ombuds. In addition, an ombuds has the discretion to determine whether a request for services will be accepted.

Use of the ISU Ombuds Program is not a required step in any internal grievance procedure. The ISU Ombuds Program is not part of any university review of appeal process. While an ombuds may engage in informal, confidential, fact-seeking or otherwise gather information related to a particular issue, the ISU Ombuds Program will not engage in formal investigation proceedings on behalf of individuals or the University. If an ombuds concludes a formal investigation may be necessary, the ombuds shall refer the concerned individual to the appropriate University office.

While an ombuds may prepare written notes for their use in assisting parties with an issue, the ISU Ombuds Program does not keep written records of cases. This practice shall not preclude ombuds from maintaining aggregate data on overall cases which allows for periodic evaluation of ombuds and the Ombuds Program itself.

### **Independence**

Ombuds will operate under the guidance of the Coordinator of the Ombuds Program. The ISU Ombuds Program is intended to be independent in its structure, function, and appearance. This means that in the legitimate performance of his/her duties, an ombuds shall be free from interference, retaliation, or the influence of others outside the Ombuds Program. An ombuds responds to the issues, concerns, or problems of others by request rather than by proceeding on his/her own initiative. An ombuds has access to all appropriate administrative levels within the University and is authorized to obtain information necessary in the resolution of conflict, (except where prohibited by ISU or SBOE policies and Procedures, State rules or regulations, or law).

### **Neutrality**

An ombuds shall be neutral, impartial, and absent of self-interest in the performance of his/her duties in the program. An ombuds will act in such fashion as to respect the rights of all parties in a conflict. An ombuds does not give legal advice or act as anyone's representative, advisor, or counselor. An ombuds does not serve as an advocate for an individual or for the University, but rather, to uphold a fair and impartial process in the resolution of a problem. Upholding an important workplace principle may mean

that suggestions are made to the President, Provost, or other appropriate University administrators for considering change to University processes or procedures.

### **Confidentiality**

Confidentiality is an essential characteristic of ombuds work. An ombuds will not voluntarily disclose outside the Ombuds Committee, information provided by employees, (including ombuds participants) without the employee's explicit permission except as provided in this program description. This will not preclude the Ombuds Committee from keeping aggregate program usage data for ongoing program assessment purposes. Confidentiality extends not only to the spoken word but also to all other forms of communication to and with an ombuds in his/her ombuds role, including working notes and emails of an ombuds. This includes information regarding whether someone did or did not contact an ombuds committee member. Such information may be shared if permission is given by an employee engaging with the ombuds program and an ombuds also agrees to share this information. In addition, an ombuds shall comply with all University regulations and standards relating to personal privacy and the confidentiality of information.

Exceptions to the principle of confidentiality include when an ombuds A) believes there is a reasonable risk of serious personal injury to anyone or future criminal activity, B) has knowledge of past criminal activity, or C) where information is legally required to be disclosed. To the extent allowed by applicable policy, rule, regulation, or Law, an ombuds shall not be compelled to testify in any University hearing regarding matters brought to the Ombuds Program. Nor shall the University ask an ombuds to reveal information received in the appropriate pursuit of his/her ombuds-related work except as legally required or as provided in this program outline. Unless prohibited by relevant policy, rule, regulation, or Law, the University shall attempt to protect an ombuds from subpoena by others seeking to extract information received in the appropriate pursuit of his/her duties as an ombuds.

### **Notice**

Communications with an ombuds and the ombuds committee are informal and off-the-record. They do not constitute formal "notice" to Idaho State University of alleged, actual, or perceived inappropriate behavior by Idaho State University employees, unless otherwise required by law. Other channels exist within the University for such notice to be given and will be discussed by an ombuds as appropriate or when requested. The ombuds is available to refer employees to offices that can "receive notice" for the institution.

### **Removal from Office**

The ombuds are employees of the University who are appointed by the President and serve as volunteers in addition to their regular job duties. Ombuds do not receive a salary from the University for the duties and services they perform as an ombuds. Ombuds are required to attend an orientation to ombudsing and to practice in accordance with the principles and ethics set forth by the International Ombuds Association. They are also required to attend any necessary Ombuds Program workshops or training sessions throughout the year in order to be considered for continued appointment to the Program. Workshops may be in-house and are conducted under the direction of the Coordinator of the Ombuds Program. Although the initial appointment of an ombuds is two years, and subsequent

appointments are year-to-year, the appointment can be rescinded at any time by the President, with or without the recommendation of the Ombuds Coordinator. The decision of the President with respect to cancelation of appointment is final.

### **Program Effectiveness and Evaluation**

The effectiveness of the ISU Ombuds Program shall be evaluated annually by the Program Coordinator and the Offices of the President, the Provost, and Vice President for Finance & Administration. Information relevant to the effectiveness of the ISU Ombuds Program may include aggregate statistics relating to Program usage and types of cases handled, satisfaction surveys, and other such information as the President may regard as appropriate.

### **III. Roles and Responsibilities of the Coordinator**

The Coordinator of the Ombuds Program is an appointed position within the Office of Human Resources. The Coordinator of the Ombuds Program maintains the operation and integrity of the ISU Ombuds Program in keeping with the Standards and Practices of the International Ombudsman Association insofar as practicable within the University setting, policies and procedures. The “roles and operating principles” applies to ombuds in part II of this document shall also apply to the work of the Coordinator of the Program.

The Coordinator of the Ombuds Program shall report to the President, Provost, and Vice President of Finance & Administration through the HR Director for administrative, budgetary, and program evaluation purposes. The specific responsibilities of the Coordinator of the Ombuds Program shall include (but may not be limited to):

- The selection, orientation and on-going training of ombuds;
- Maintenance of consistent standards among the various ombuds of the principles of confidentiality, impartiality, and independence;
- Handling of individual cases as well as coordination of all referrals to ombuds;
- Gathering aggregate data on the ombuds program and presenting them periodically in report form to the President, Provost, and/or Vice President for Finance & Administration, taking into consideration the confidentiality of individual cases; the Coordinator of the Ombuds Program will comment on trends in these data as well as on policies and practices of the University for consideration by the President, Provost, and Vice President for Finance & Administration
- Overseeing expenditures for the ISU Ombuds Program
- Coordinating publicity and awareness of the ISU Ombuds Program to the campus community