

Charter for the ISU Faculty Ombuds Office

Charter for the ISU Faculty Ombuds Office March 13, 2017
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The ISU Faculty Ombuds Office is designed to offer informal problem solving and conflict management assistance for all ISU Faculty. This charter agreement is based on the code of ethics and standards of practice developed by the International Ombudsman Association.

Purpose and Scope of Services

ISU faculty ombudspersons are impartial concerned parties whose primary role is to help faculty members informally resolve problems involving or affecting them. These individuals are neither advocates for the faculty nor agents for the university. Rather, faculty ombudspersons are advocates for fair practices and foster integrity and timeliness in the administration of campus policies and practices that affect the faculty. The goal of the Faculty Ombuds Office is to help faculty solve problems early, informally, and at the lowest levels to prevent the need to pursue more daunting formal grievance procedures. Faculty ombudspersons also may recommend policy changes to alleviate chronic problem areas.

The Faculty Ombuds Office is intended to complement, and not supplant, formal channels such as administrative reporting structures, institutional grievance procedures, or legal means. Faculty ombudspersons can provide information about formal channels as options to pursue in addition to informal approaches. Likewise, they can assist faculty members in weighing the appropriateness of different options for their needs and can provide assistance after formal processes are completed. However, faculty ombudspersons cannot and will not become actively involved in formal grievances or legal actions.

Non-participation in formal and/or legal grievance procedures is important since ombuds work is intended to be kept confidential. Participating in formal grievance procedures would violate this intention by acknowledging conversations with individuals about issues that were promised to be kept confidential. Also, formal grievance procedures, by definition, are adversarial. A faculty ombudsperson's role is to remain impartial. Providing information that might assist one party—to the detriment of another—violates this aspect of the mission of the office.

Because of its unique, informal, problem-solving function, contacting the Faculty Ombuds Office about a concern does not constitute legal notice to the institution that the problem exists. Anyone wishing to put the institution on notice must contact an administrator or invoke formal grievance procedures.

Any faculty member or administrator of the ISU community can bring a concern to a faculty ombudsperson, so long as it relates to the role and experience of ISU faculty. No person shall be retaliated against for utilizing the Faculty Ombuds Office.

Faculty ombudspersons shall keep records of service and activity without identifying information. They shall prepare an annual report summarizing types of matters handled and commenting on policies, procedures, and processes with an eye to positive future change. This report will be submitted to the Faculty Senate and made available to the Executive Vice President and Provost for Academic Affairs and other members of the university community.

Standards of Practice

The faculty ombudsperson shall be guided by the following principles.

INDEPENDENCE: The Faculty Ombuds Office is independent in structure, function, and appearance to the highest degree possible within the organization. Faculty ombudspersons shall operate independent of ordinary line and staff structures, exercising sole discretion over whether and how to act regarding individual matters or systemic concerns.

INFORMALITY: Faculty ombudspersons, as an informal resource, do not participate in any formal adjudicative or administrative procedure related to concerns brought to their attention and will not retain individual records for subsequent formal proceedings, nor will they serve as a witness or offer testimony in any formal proceeding. Faculty ombudspersons shall be resources for informal dispute resolution only. All consultations are conducted “off the record” and do not constitute notice to the university. Use of a faculty ombudsperson's services shall be voluntary.

NEUTRALITY: Faculty ombudspersons, as designated neutrals, remain unaligned and impartial and do not engage in any situation that could create a conflict of interest. A conflict of interest occurs when an ombudsperson's private interests, real or perceived, supersede or compete with a dedication to the neutral and independent role. When a conflict of interest exists, a faculty ombudsperson shall take all steps necessary to disclose and/or avoid the conflict. Faculty ombudspersons do not take sides on an issue nor represent or advocate on behalf of any party. Rather, it is the role of a faculty ombudsperson to consider the facts, rights, interests, and safety of all parties involved in a search for a fair and mutually acceptable resolution to a problem.

CONFIDENTIALITY: Faculty ombudspersons hold all communications with those seeking assistance in strict confidence and do not disclose confidential communications unless given permission to do so. Confidentiality cannot be waived by any party. The only exception to this privilege of confidentiality is where a faculty ombudsperson becomes privy to information indicating that criminal activity has taken place or indicating intent of an individual to commit harm to self or another.

Authority and Limits of the Faculty Ombuds Office

Faculty ombudspersons derive authority from the selection by and oversight of the Faculty Senate and the recognition, support, and endorsement of the Office of the Executive Vice President and Provost for Academic Affairs.

Faculty ombudspersons will be guaranteed reasonable access to university personnel relevant to an issue and to records based upon a specific request made by a faculty seeking ombuds assistance to gather information needed for the inquiry.

Faculty ombudspersons may seek, as needed, information and advice from the Office of Human Resources, the EEO/Affirmative Action Office, and the Office of General Counsel.

Faculty ombudspersons shall be assured sufficient resources to meet operating needs and pursue continuing professional development.

Faculty ombudspersons may withdraw from or decline to look into a matter if they believe involvement would be inappropriate for any reason and, in particular, will avoid involvement in matters where there may be a conflict of interest.

Faculty ombudspersons have the authority to discuss a range of options available to faculty seeking ombuds assistance, including both informal and formal processes, and may make any recommendations deemed appropriate. However, faculty ombudspersons shall have no actual authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

Faculty ombudspersons shall not conduct formal investigations of any kind, nor participate in the substance of any formal dispute processes, outside agency complaints, or lawsuits.

Faculty ombudspersons can help individuals understand their rights within the university but do not provide legal advice.

Faculty ombudspersons do not address disputes between members of the campus community and private individuals, companies, or organizations not affiliated with Idaho State University.

Faculty ombudspersons shall not keep records for the university, and shall not create or maintain documents or records for the university about individual matters. Notes and any other materials related to a matter shall be maintained in a secure location and manner, and shall be destroyed once a faculty ombudsperson's involvement in the matter is concluded.

Selection and Oversight

Faculty ombudspersons will be selected by the Faculty Senate from among the faculty (tenured or non-tenure/clinical) at ISU in accord with the following guidelines. The Faculty Senate may elect to appointment more than one faculty member to serve as faculty ombudspersons concurrently.

1. When a faculty ombudsperson position becomes vacant, or in anticipation of an imminent vacancy, an invitation will be sent from Faculty Senate to all faculty inviting self-nomination.

2. Interested individuals will be asked to provide letters expressing interest and addressing qualifications as related to the functions of the office and the content of this charter. These letters will be made available to all Faculty Senate members. It is the responsibility of ombuds candidates to get prior written approval of service from their supervisor and dean before submitting their application.

3. At the discretion of Faculty Senate, nominees may be invited to a regularly scheduled Faculty Senate meeting for introduction.

4. At a regularly scheduled Faculty Senate meeting, following distribution of nominee letters and introductions, all members of Faculty Senate will select the ombudsperson. If there are only one or two individuals being considered, Faculty Senate will select by a vote; a simple majority will suffice for selection purposes. If there are more than two individuals being considered for a single ombudsperson position, all members of Faculty Senate will rank order nominees; rankings will be tallied to determine new faculty ombudsperson selection.

In order to allow faculty ombudspersons needed time for service, they will receive a 20% workload release (typically, reducing a normal teaching load by the equivalent of one three-credit class for each fall and spring semester). Funds will be made available to cover the cost of instructional replacement for an ombudsperson's teaching release, for attending appropriate ombuds trainings on a regular basis, for any necessary ombuds office operating expenses, and for hourly summer pay for requested ombuds service. Funding is limited to support for two faculty ombudspersons at any one time.

Once selected, terms of service will be for three years. The Faculty Senate will provide oversight and evaluation for faculty ombudspersons in accord with the following guidelines.

1. Prior to the final Faculty Senate meeting of the academic year, current faculty ombudspersons each will prepare an annual, anonymized report summarizing types of matters handled and commenting on policies, procedures, and processes with an eye to positive future change. These reports will be submitted to the Faculty Senate and made available to the Provost and Vice President for Academic Affairs and other members of the university community.

2. Current faculty ombudspersons will be invited to the final Faculty Senate meeting of the academic year to present and discuss these reports and answer questions related to the Faculty Ombuds Office.

3. At this meeting and after three consecutive years of service, a faculty ombudsperson will indicate interest or no interest in renewal for an additional three-year term. If there is interest,

the Faculty Senate will vote to determine reappointment. A majority vote in favor will result in an additional three-year term reappointment.

4. If after three consecutive years of service a faculty ombudsperson indicates no interest in renewal or does not receive a majority vote for reappointment, the Faculty Senate will initiate the process for new faculty ombudsperson selection.

5. If, at any time during a faculty ombudsperson's appointment, a standing faculty senator has reason to question a faculty ombudsperson's ability, integrity, or effectiveness, the senator can request that the Faculty Senate review the faculty ombudsperson's appointment. Following such a review, Faculty Senate will take a vote of confidence in the faculty ombudsperson. Given the importance of broad trust and credibility for someone serving in this position, any faculty ombudsperson whose service has been questioned and reviewed needs to have at least two-thirds of currently elected faculty senators vote to indicate confidence. If a faculty ombudsperson whose service has been questioned and reviewed does not receive a two-thirds or greater confidence vote, the individual will immediately be removed as faculty ombudsperson. Faculty Senate will then initiate steps to fill the vacant faculty ombudsperson position.

Review of this Policy

The Faculty Senate and other appropriate parties will periodically review this policy. The review should consider the effectiveness of the program, of the number of faculty served in relation to resources committed to the ombuds office, the adequacy of resources devoted to the program, whether there is sufficient demand for increasing the number of individuals serving in the ombuds role, etc.