Charter for the ISU Faculty Ombuds Office
March 13, 2017
Voted on and approved by the Faculty Senate, March 13, 2017
Amended Charter Approved by Faculty Senate on February 27, 2018

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**

The ISU faculty ombudsperson is an impartial concerned party whose primary role is to help faculty members informally resolve problems involving or affecting them. This individual is neither an advocate for the faculty nor an agent for the university. Rather, the faculty ombudsperson is an advocate for fair practices and fosters 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. The ombudsperson 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. The faculty ombudsperson can provide information about formal channels as options to pursue in addition to informal approaches. Likewise, he/she can assist faculty members in weighing the appropriateness of different options for their needs and can provide assistance after formal processes are completed. However, the faculty ombudsperson 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. The 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 the 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.
The faculty ombudsperson shall keep records of service and activity without identifying information. He/she 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. The faculty ombudsperson 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:** The faculty ombudsperson, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention and will not retain individual records for subsequent formal proceedings, nor will he/she serve as a witness or offer testimony in any formal proceeding. The faculty ombudsperson shall be a resource for informal dispute resolution only. All consultations are conducted “off the record” and do not constitute notice to the university. Use of the faculty ombudsperson's services shall be completely voluntary.

**NEUTRALITY:** The faculty ombudsperson, as a designated neutral, remains unaligned and impartial and does not engage in any situation which could create a conflict of interest. A conflict of interest occurs when an ombudsperson's private interests, real or perceived, supersede or compete with his/her dedication to the neutral and independent role. When a conflict of interest exists, the faculty ombudsperson shall take all steps necessary to disclose and/or avoid the conflict. An ombudsperson does not take sides on an issue nor represent or advocate on behalf of any party. Rather, it is the role of the 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:** The faculty ombudsperson holds all communications with those seeking assistance in strict confidence and does 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 the faculty ombudsperson becomes privy to information indicating that criminal activity has taken place or indicating intent of an individual to harm him/herself or another.

**Authority and Limits of the Faculty Ombuds Office**

The faculty ombudsperson derives 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.
The faculty ombudsperson will be guaranteed reasonable access to university personnel relevant to an issue and to records based upon a specific request made by a faculty complainant to gather information needed for the inquiry.

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

The faculty ombudsperson shall be assured sufficient resources to meet operating needs and pursue continuing professional development.

The faculty ombudsperson may withdraw from or decline to look into a matter if he/she believes involvement would be inappropriate for any reason and, in particular, will avoid involvement in matters where there may be a conflict of interest.

The faculty ombudsperson has the authority to discuss a range of options available to his/her faculty complainant, including both informal and formal processes, and may make any recommendations deemed appropriate. However, the faculty ombudsperson shall have no actual authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

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

The faculty ombudsperson can help individuals understand their rights within the university but does not provide legal advice.

The faculty ombudsperson does not address disputes between members of the campus community and private individuals, companies, or organizations not affiliated with Idaho State University.

The faculty ombudsperson 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 the faculty ombudsperson’s involvement in the matter is concluded.

Selection and Oversight

The faculty ombudsperson 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.

1. When the 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 the ombuds candidate 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 by a vote; a simple majority will suffice for selection purposes.

In order to allow the faculty ombudsperson needed time for service, he/she 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 the ombudsperson’s teaching release, attending appropriate ombuds trainings on a regular basis, operating expenses for the ombuds office, and for hourly summer pay for the ombudsperson. Funding is limited to two faculty ombuds.

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

1. Prior to the final Faculty Senate meeting of the academic year, the faculty ombudsperson 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. This report 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. The faculty ombudsperson will be invited to the final Faculty Senate meeting of the academic year to present and discuss this report and answer questions related to the Faculty Ombuds Office.

3. At this meeting and after three consecutive years of service, the 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 the 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.
Review of this Policy

This policy will be reviewed by the Faculty Senate and other appropriate parties one year after it is implemented and as needed thereafter. The review should document the effectiveness of the first year of the program in terms of numbers of faculty served in relation to hours worked by the ombudsperson. At the time of review, the Faculty Senate should consider if there are adequate resources being devoted to the program and whether there is sufficient demand for increasing the number of individuals serving in the ombuds role.