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SR-06-07-10 FPC

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## FACULTY PERSONNEL COMMITTEE RECOMMENDATION

**SR-06-07-10 FPC**

Recommends the establishment of the position of Faculty Ombudsperson.

### **RATIONALE:**

Students already have a position that fills the responsibilities of the Ombudsperson which is the Student Legal Aid Advisor to help with their concerns, and the university has counsel to constantly provide advice; meanwhile, the faculty is also in the position to need someone they can go to and receive assistance and someone who helps them understand or resolve the situations they are in. Resolving conflicts before they get to the level of a grievance would be beneficial to the University as well as the faculty member. Faculty do not know where to go in problem situations, so they end up calling on the Faculty Senate Chair, the Chair of the Faculty Personnel Committee, or senior faculty members whom they think they can trust but who have no power. They need an unbiased and confidential listener to their problems.

**Ombudsperson:** One who impartially helps faculty resolve university-related problems through just and equitable resolution of conflicts in university matters; an impartial intervention agent who helps faculty resolve academic and non-academic concerns with administrators, other faculty, students or staff.

**Independence:** The office functions independently from all other administrative structures and reports directly to the Senior Vice-President for Academic Affairs. The Ombudsperson is authorized to talk to – and receive answers from – all persons in the university. This independence, combined with total confidentiality, impartiality, and immediate access to information, enables the office to deal with a wide variety of problems in a nonpartisan manner.

**Confidentiality:** All conversations are maintained with absolute confidentiality unless permission is given by the faculty member seeking assistance; the only exception is if the information revealed is required by law to be reported. Conversations with the Ombudsperson cannot be used as evidence in a formal grievance. The Ombudsperson's records are confidential and will not be revealed to other offices unless written permission is granted. Persons requesting assistance must express their consent before the Ombudsperson will discuss their concerns or problems with other parties. The confidentiality extends also to those situations in which an unresolved dispute is later submitted for adjudication through university grievance procedures or external legal channels. The Ombudsperson will not testify for or against any party to the complaint.

**Impartiality:** The office maintains a commitment to justice and fair treatment for all university faculty. The work of the Ombudsperson is neutral and impartial during any investigation, mediation, or attempts at resolution. All interaction with faculty, administrators, and staff is unbiased, objective and conducted with respect.

**Functions:**

- To bring to the attention of responsible administrators those problems which persist and which should be corrected. He/she may recommend changes in policies and procedures to prevent similar occurrences from recurring.
- Refer to other persons inside or outside the university, who may be able to help the faculty member.
- Make inquiries on behalf of the faculty member, obtaining responses and information to questions.
- May initiate inquiries into problems he/she notices are occurring to facilitate change.
- Mediate between the faculty member and other parties in a conflict to bring about resolution; or, arrange for mediation that is acceptable to all parties involved.
- If it appears that an injustice was done against a faculty member, help present the case to the appropriate person.
- Provide information on and clarification of University policies and practices, find proper authorities to resolve situations, or otherwise seek a resolution to the problems.
  - Make requests for reconsideration of decisions.
  - Advocate equitable solution when a complaint has merit.
  - Cut through bureaucratic red-tape to solve problems.
  - Provide information about the formal grievance procedures.
  - Listen to the faculty member's concerns.
  - Help the faculty member understand his/her rights and responsibilities, as well as the options available to the faculty member.
  - Disseminate information to the faculty concerning policy and procedure additions and changes.
  - Facilitate communication between individuals.

**Selection:** The Faculty Personnel Committee (which is comprised of a member from each college and the library) will conduct a search and interviews for the position of Ombudsperson. Explicit qualifications will be written by the Committee and approved by the Faculty Senate. They will then send up to three candidates to the Senior Vice President for Academic Affairs for selection and offering of the position. The Administration will determine the salary to be paid. The job description will detail the responsibilities of the position. While the Faculty Personnel Committee cannot hire or fire it retains the right to recommend removal if the person is not meeting these responsibilities. There will be an evaluation of the position annually as is done for any other position on the campus.

**Record keeping:** There will need to be a mechanism to keep records of the workings of this office; to track the outcomes, to see trends, locate areas of abuse, misuse or misunderstanding of policies and procedures in order to see the big picture and be able to plan for change as needed.

**Relation to Formal Grievance Process:** This position is not a part of the official grievance procedure. It would be an opportunity where the faculty member might be able to resolve his/her problems before going to the full grievance process. The use of this office by faculty members is totally up to the faculty members according to their needs.

**Budget:** There must be money allocated from the University (probably through the President's Office) to pay for office supplies, phones, an office and appropriate furniture, support staff position and salaries for Ombudsperson and support staff position. In its start-up phase, a half-time appointment might be feasible until the true workload is known.

The Ombudsperson needs to be a person with extensive experience in university governance and operations. A fulltime office with secretarial help should be established that has a cadre of employees who are trained in mediation practices and who serve as internal mediators under the direction of the Ombudsperson.

**FACULTY SENATE CHAIR:**

APPROVED BY THE FACULTY SENATE: Larry Stibler DATE: 12/12/06

DISAPPROVED BY THE FACULTY SENATE: \_\_\_\_\_ DATE: \_\_\_\_\_

**UNIVERSITY PRESIDENT:**

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

DISAPPROVED: [Signature] DATE: 2/1/07

COMMENTS: \_\_\_\_\_  
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