Faculty Ombuds Program Description

1. INTRODUCTION

This document (“Program Description”) defines the terms, conditions, and principles on which the Faculty Ombuds Program has been established and describes the privileges, responsibilities, and authority of the Faculty Ombuds Program and the Faculty Ombuds. This Program Description document is based on the International Ombuds Association’s Standards of Practice and Code of Ethics.

1. PURPOSE/MISSION AND SCOPE OF SERVICES

The mission of the Faculty Ombuds Program is to provide faculty with independent, confidential, impartial, and informal services to faculty to manage, and/or resolve faculty-related issues, including early and informal conflict resolution at the lowest levels possible without the need to pursue formal grievance processes. During consultations, the ombuds will listen, serve as a strategic thought partner, help the visitor explore or develop options to resolve conflict or to surface an issue, provide resources and information about the University’s policies and systems, and otherwise assist with informal conflict resolution and problem solving.

1. STANDARDS OF PRACTICE AND CODE OF ETHICS

To the extent permissible by law and Utah Valley University (UVU) policy, the faculty ombuds will follow the International Ombuds Association (IOA) Standards of Practice and Code of Ethics. These fundamental principles require that the faculty ombuds will function independently of their organization, be confidential and neutral, and limit the scope of their services to informal means of dispute resolution. The faculty ombuds will be truthful and act with integrity, foster respect for all members of the University, and promote procedural fairness in the content and administration of the University’s practices, processes, and policies.

The faculty ombuds will establish consistent procedures, which should be available upon request. The confidential, independent, neutral, and informational nature of the ombuds service should be publicized through a website, promotional material, and visible wall posting, as well as providing a copy of the standards to each visitor.

1. Independence

The faculty ombuds is intended to operate independently in structure, function, and appearance. The ombuds should be able to operate freely from control, limitation, interference, or retaliation imposed by others outside the Ombuds Program. The faculty ombuds decides, in their sole discretion, whether and how to act regarding visitor matters.

1. Confidentiality

Confidentiality is essential to an ombuds’ work. The faculty ombuds will keep confidential the fact of a visitor’s visit and the information shared unless given permission by the visitor to reveal specific issues with specific persons for the purpose of resolving the conflict. However, there are legal exceptions and University policies that occasionally require the faculty ombuds to break confidentiality. These primarily entail a serious risk of imminent harm to self or others, or a perceived threat to the University. Under the guidelines of the University, the faculty ombuds is designated a mandatory reporter for Title IX purposes and will need to breach confidentiality on Title IX concerns brought up during a visit. The faculty ombuds will inform the visitor if their case is likely to require a breach of confidentiality.

To the extent allowed by law, a faculty ombuds must not be compelled to testify in any university hearing regarding matters brought to the faculty ombuds. Nor will the university seek a faculty ombuds to reveal information received in the appropriate pursuit of the ombuds-related work except as legally required or as provided in this document.

As allowed by university policy and authorized by the Provost, the university will attempt to protect a faculty ombuds from subpoena by others seeking information the faculty ombuds received while performing their duties as an ombuds.

1. Neutral and Impartial

A faculty ombuds is to remain neutral, impartial, and free of self-interest in performing their duties. A faculty ombuds must act in a manner that is respectful to all parties in a conflict. The faculty ombuds will take all steps necessary to avoid conflicts of interest, whether actual or perceived.

1. Informal

A faculty ombuds is a resource for informal dispute resolution only and works outside the formal problem-resolution and grievance procedures of the university. The role of a faculty ombuds is to listen, receive, and provide information from parties, provide informal facilitation between parties when requested, and such other functions normally seen as within the purview of an ombudsperson. A faculty ombuds does not make, change, or set aside policy or previous administrative decisions, nor does a faculty ombuds serve to determine the rights of others or to unilaterally resolve conflicts.

When the faculty ombuds works with a visitor to address issues that may involve formal alternatives (under laws, policies, rules, or regulations), the faculty ombuds should make clear to the visitor that an informal approach does not automatically exclude the visitor’s later participation in more formal options, but the visitor should keep in mind possible time limits and their potential impact on the visitor’s formal options.

While some issues or concerns may involve some form of informal, confidential fact-seeking or gathering of information to better understand the issue/case, the faculty ombuds does not engage in formal fact-finding or investigation on behalf of a visitor or the university. If the faculty ombuds concludes that a formal investigation may be necessary, the faculty ombuds will refer the individual to the appropriate university office.

1. AUTHORITY AND LIMITATIONS OF THE OMBUDS
2. Authority

The authority of the faculty ombuds derives from the university administration, as manifest by the endorsement of the University President, and from the Faculty Senate, as manifest by the Faculty Senate Executive Committee.

1. Providing Services to Visitors

All faculty ombuds services are provided on a voluntary basis. No individual should be compelled to seek assistance from or consult with the faculty ombuds. In addition, a faculty ombuds has the discretion to determine whether a request for services will be accepted.

A faculty ombuds should help the visitor explore and assess an appropriate range of options, from the very informal to the most formal. Formal options may include ways to put management on notice of an issue, referrals to rights-based elements of the university’s conflict resolution system, or the provision of information about the possibility of seeking external resources or assistance. The faculty ombuds should never provide legal advice.

1. Access to information

The University values early and informal conflict resolution. To pursue this goal, the faculty ombuds may, on occasion, need to make inquiries or seek assistance in order to gain an understanding of all sides of a dispute. The faculty ombuds may request access to such information related to visitors’ concerns from files and offices of the University, and they will respect the confidentiality of that information. University offices are encouraged to cooperate with these efforts by the faculty ombuds. Such research inquiries do not constitute a formal investigation by either the faculty ombuds or the University. Requests by the faculty ombuds for information should be handled with reasonable promptness by university departments.

1. Ending Involvement in Matters

The faculty ombuds may withdraw from or decline to look into a matter if they believe involvement would be inappropriate for any reason, including actual or potential conflicts of interest. The faculty ombuds retains the right to withdraw or recuse themselves from any case based on their own discretion.

1. Discussions with Visitors and Others

The faculty ombuds has the authority to discuss a range of options available to their visitors, including both informal and formal processes. The faculty ombuds may make any recommendations they deem appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the faculty ombuds does not provide legal advice and has no actual authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

1. Limitations
2. Receiving Notice for the University

While ombuds are mandatory reporters as UVU employees and there may be legal exceptions and University policies that require the ombuds break confidentiality, communication with the faculty ombuds does not constitute notice to the University. This includes allegations that may be perceived to be violations of laws, regulations, or policies, such as sexual harassment, issues covered by whistleblower policy, or incidents subject to reporting under the Clery Act. Although the faculty ombuds may receive such allegations, they should not be considered a “campus security authority” as defined in the Clery Act, nor should they be required to report these allegations to the University, except as set for in Section III.B. above. In addition, if the visitor discloses such allegations and expresses a desire to make a formal report, the faculty ombuds shall refer the visitor to the appropriate university office(s) for administrative or formal grievance procedures.

1. Putting the University on Notice

If a visitor would like to put the University on notice regarding a specific situation or wishes for information to be provided to the University, then the faculty ombuds will provide the visitor with information so that they may do so themself. In certain situations which demonstrate a preponderance of evidence to support “imminent risk of harm,” including but not limited to those that involve public safety, harm to self or others, violation of law, discrimination, or sexual harassment, the faculty ombuds may exercise an ethical obligation to put the University on notice in order to protect the safety of members of the university community.

1. Formal Processes and Investigations

The faculty ombuds will not conduct or participate in formal fact-finding or an investigation of any kind. The faculty ombuds will also not participate in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor or on behalf of the University unless compelled to do so by court order or applicable law. The faculty ombuds does not provide testimony in formal grievance or disciplinary procedures or litigation (except to explain the role of the faculty ombuds). Further, the faculty ombuds does not assist individuals with issues that are currently undergoing formal grievance procedures.

1. Record Keeping

The ombuds does not keep records for the University and will not create or maintain documents or records for the University about individual matters. Any notes or other materials related to a matter are not retained. The ombuds retains aggregate data about ombuds issues, type and length of assistance provided, and visitors’ departments in such a way that individuals cannot be identified from the data. This data will be presented to both the Provost and Faculty Senate Executive Committee in the form of an annual report for information only.

While an ombuds may prepare written notes while assisting visitors to an issue or case, the faculty ombuds generally will not keep written records of their cases. However, this does not preclude maintaining aggregate data on overall cases, which allows for periodic evaluation of the faculty ombuds and the Faculty Ombuds Program itself.

1. Advocacy for Parties

The faculty ombuds will not act as an advocate for any party in a dispute, nor will the faculty ombuds represent administration or visitors.

1. Adjudication of Issues

The faculty ombuds has no authority to adjudicate, impose remedies or sanctions, or enforce or change any University policy or rule.

1. EMPLOYMENT TERMS
2. Appointment

The faculty ombuds is appointed by the Provost for a term of three years, which is renewable. Following an internal advertising of the position, final candidates for the position give presentations to the Faculty Senate Executive Committee, whose members then vote for their recommended candidate. Considering the outcome of the Senate vote, the Provost makes the final decision regarding this appointment.

1. Professional Development

The faculty ombuds should be a member of the International Ombuds Association (IOA) and attend trainings to develop conflict management and ombuds skills. They must complete the foundational training offered by the International Ombuds Association during their first three months and attend one IOA (or comparable) conference during their first or second year of their three-year term. They should also participate in regular professional learning activities with the Manager of Faculty Relations for the study of alternative dispute/conflict resolution and emerging practices and trends.

1. Reporting

The faculty ombuds should keep records for statistical purposes only, excluding personally identifiable information, in order to describe usage and identify trends. At least annually, the faculty ombuds will submit a report to the Provost and the Faculty Senate Executive Committee summarizing the number and types of issues and resolutions addressed, as well as recommendations for systemic change. Ombuds materials (websites, brochures, etc.) should state that all such reporting is conducted in a manner that protects the identity of individuals and does not place the organization on notice.

1. Evaluation

On an annual basis, the performance of the individual serving as the faculty ombuds will be reviewed by a committee consisting of the President and Vice President of Faculty Senate, the Vice President of People and Culture, General Counsel, the Director of the Office of Equity, and the Provost. The evaluation will be based on the Faculty Ombuds Annual Report and other relevant sources judged appropriate by the Provost. This review should take place and concluded prior to May 1. The same group is available to act as a sounding board for issues or conflicts that might arise in the execution of the faculty ombuds’ role.

1. Removal

The faculty ombuds may be removed from their assignment by the Provost for such things as a violation of university policy, neglect of duty, misconduct, medical incapacity, or willful or careless violations of the Standards of Practice of the International Ombudsman Association. Removal shall be done by means of a procedure established by the Provost, taking into consideration the need for the legitimate and independent performance of an ombuds’ duties free from the interference, retaliation, or control of others, as well as the managerial and administrative responsibilities of the Provost as the university’s chief academic officer. The process for removing the faculty ombuds will begin after sufficient notice by the Provost and a vote of the Faculty Senate Executive Committee.

1. PROGRAM EFEECTIVENESS AND EVALUATION

The effectiveness of the Faculty Ombuds Program will be evaluated annually by the Office of the Provost. Information related to the effectiveness of the Faculty Ombuds Program will include aggregate statistics relating to program usage and types of cases handles (i.e., information from the faculty ombuds annual report), a satisfaction survey by visitors of the program, and such other information as the Provost may regard as appropriate. In addition, a comprehensive review of the program will be conducted at three-year intervals to determine whether program continuation or modification is appropriate.

1. ORGANIZATIONAL RELATIONSHIPS OF THE FACULTY OMBUDS PROGRAM

The faculty ombuds is largely independent of existing administrative structures. However, the work of the faculty ombuds shall be subject to oversight by the Faculty Senate Executive Committee and the Provost. They will report to the Office of Provost for administrative and budgetary matters. The faculty ombuds shall submit an annual report, as described above, to the Provost and Faculty Senate Executive Committee. They will maintain close working relationships with the Faculty Senate, the Dean of Students, the Office of Equity, and People and Culture.

1. AMENDMENTS/REVOCATION

Any amendment to the Program Description must be agreed to by the Provost and Faculty Senate Executive Committee during the annual program evaluation period. The Program Description remains in effect until revoked by the Provost and the Faculty Senate Executive Committee.