

INDIANA STATE UNIVERSITY FACULTY OMBUDS OFFICE CHARTER

INTRODUCTION

The Office of the University Faculty Ombuds (“the Office”) at Indiana State University (ISU, “the University”) was created in 2019 to provide faculty with voluntary access to a neutral, independent, informal, and confidential resource. The Office facilitates fair, equitable, and respectful resolutions to employment-related concerns and conflicts expressed by faculty. The Office also helps the University to identify and address policies and practices that may interfere with fairness, equity, and civility in the workplace. In the spirit of these important function, this Charter Agreement defines the privileges and responsibilities of the Office.

PURPOSE AND SCOPE OF SERVICES

The scope of services is limited to matters directly involving faculty. The major function of the Office is to provide confidential, impartial, and informal assistance to faculty. The Office is a place where faculty can seek guidance regarding disputes or concerns at no cost and at any stage in the resolution process, as a first step or a last resort. The Office is a resource for information about University structure, policies, procedures, and practices. It supplements, but does not replace, other existing administrative processes and conflict resolution resources at the University. The University and its agents will not retaliate against any individual for consulting with or declining to consult with the Office.

The Office shall confidentially receive complaints, concerns or inquiries about alleged acts, omissions, improprieties, and/or broader systemic problems and shall respond by listening to concerns, clarifying issues, proposing a range of options for resolution, providing information and referrals, and facilitating solution-focused conversations when all parties agree to participate. The response of the Office in any given situation is tailored to the dynamics of the situation and the needs of the visitor(s).

In addition, the Office reports general trends throughout the organization without disclosing confidential communications. The Office provides feedback to the University administration when trends, patterns, policies, or procedures of the University generate concerns or conflicts, recommending systems change when appropriate. The Office may also serve as an information, communication, and dispute resolution resource or consultant to the broader University community.

REPORTING

The Office functions independently with respect to case handling and issue management. For administrative purposes, the Office reports jointly to the Chairperson of the Faculty Senate and the Provost and Vice President for Academic Affairs (Provost). For budgetary purposes, the Office reports to the Provost. To fulfill its functions, the Office shall have a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development.

STANDARDS OF PRACTICE

To the extent permitted by law, the Office shall adhere to the International Ombudsman Association (IOA) Standards of Practice and IOA Code of Ethics (<https://www.ombudsassociation.org/standards-of-practice-code-of-ethics-3>), which this Charter adopts and incorporates by reference. The tenets of these standards require the Office to function independently of the organization, to be confidential and neutral, and to limit the scope of its services to informal means of dispute resolution. The individual serving as the Faculty Ombuds will be a member of the IOA and will attend regular trainings to maintain current knowledge and skills related to the roles and functions of the Office. The Office will strive to operate to best practices in a way that serves the interests of the University community.

The Office is responsible for explaining its standards of practice to all people using the services of the Office, and for making these publicly available via its website and promotional materials.

Independence

The Office will be, and will appear to be, free from interference in the performance of its duties. This independence is effected primarily through University recognition of the Office, reporting structure, and neutrality. This means that in the legitimate performance of his/her duties, the Faculty Ombuds shall be free from interference, retaliation, or the control of others outside the Office. The Office shall operate independently, outside of the ordinary line and staff structures of the University. Consistent with the role of the Office described in this document, the Faculty Ombuds shall exercise sole discretion regarding whether and how to become involved in a matter and what steps to undertake regarding individual matters or systemic concerns. The Faculty Ombuds shall have access to all appropriate administrative levels within the University and shall be authorized to obtain information necessary in the resolution of conflict, except where prohibited by University policies or by law.

To fulfill its functions, the Office shall have sufficient budget to meet operating needs and pursue continuing professional development. The budget for the Ombuds will be sponsored and handled by the Office of the Provost and Vice President for Academic Affairs. The Faculty Ombuds shall have the authority to manage the budget and operations of the Office and the discretion to function independently. Administrative support will be sufficient to meet the needs of those who seek the services of the Office. The Office will be assigned secure space that is appropriate to the Office's independence, neutrality, and confidentiality, as well as safety.

Confidentiality

Communication with the Office is confidential and off-the-record. The University and the Office assert that there is a privilege of confidentiality with respect to the identity of visitors and their issues, and therefore the Office cannot be required to disclose confidential communications. The Office will not confirm or deny whether someone did or did not contact the Office, the identity of someone who contacts the Office, or any individually identifiable information regarding a visitor's concerns without the visitor's explicit permission. Even with the visitor's permission, the Faculty Ombuds will exercise discretion regarding the disclosure of confidential information.

Confidentiality extends not only to the spoken word but to all other forms of communication to and with the Office, including working records of the Faculty Ombuds. The Office does not create or maintain records for the University with individually identifiable information. The University shall not seek information received by the Office in the appropriate pursuit of ombuds-related work, except as legally required. The Office will not voluntarily participate in

any formal process inside or outside the University, such as a grievance procedure or an action in a court of law, even if given permission by a visitor who has initiated a formal process.

The Office is required by law to disclose confidential information if and when there is, as judged by the Faculty Ombuds, an imminent risk of serious harm to any person, or when there is suspected maltreatment of a child or endangered adult. Disclosure of information may also be compelled by court order.

Impartiality

As a designated neutral, the Faculty Ombuds advocates for fair process but does not take sides in the resolution of any conflict, dispute, or issue. The Office does not represent or advocate for any one party. The Faculty Ombuds impartially considers the rights and interests of all parties, with the aim of facilitating a fair, equitable, and mutually agreeable resolution that is consistent with the mission and policies of the University.

The Faculty Ombuds shall avoid involvement in matters where there may be a real or perceived conflict of interest. When a conflict of interest exists or arises, the Office shall take all steps necessary to disclose the conflict and/or refer the visitor(s) to another appropriate resource.

Informality

Use of the Office is voluntary and may not be a required step in any formal review, resolution, or appeal proceedings. The Office shall not investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. The Office has no authority to make, change, or set aside policies or administrative decisions.

The Office shall not create or maintain documents or records for the University about individual cases. Notes, if any, taken during the course of working on a case shall be routinely destroyed at regular intervals and at the conclusion of a matter.

AUTHORITY AND LIMITATIONS OF THE OFFICE

Receiving Notice for the University

Communication to the Faculty Ombuds within the scope of fulfilling the duties of the Office shall **not** constitute notice to the University. This includes allegations that may be perceived to be violations of laws, regulations or policies, including but not limited to sexual harassment, discrimination, issues covered by whistleblower policies or laws, or incidents subject to reporting under the Clery Act. The Faculty Ombuds will be considered a “confidential resource” for faculty concerning Title IX reporting and will not be considered a “campus security authority” as defined in the Clery Act.

Required Disclosures

The Office is required by law to disclose confidential information if and when there is, as judged by the Faculty Ombuds, an imminent risk of serious harm to any person, or when there is suspected maltreatment of a child or endangered adult. Disclosure of information may also be compelled by court order.

In his/her fulfillment of responsibilities as a regular faculty member of the University apart from the Office, the Faculty Ombuds shall be considered a responsible employee concerning Title IX reporting and a campus security authority as defined in the Clery Act. The Faculty Ombuds is

responsible for clarifying the capacity in which he/she receives information from potential visitors to the Office.

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, the Faculty Ombuds shall provide the visitor with sufficient information, referrals, resources, and supports so that the visitor may do so himself/herself.

Access to Individuals and Information

The Office has the authority to contact senior Officers and all other members of the University community to gather information in the course of looking into a problem, resolving disputes, bringing concerns to the attention of those in authority, and informally attempting to expedite and resolve administrative processes.

The Faculty Ombuds may request access to information related to visitors' concerns from files and Offices of the University, and shall respect the confidentiality of that information. If other departments voluntarily choose to respond to the Office's requests for information, such responses should be handled with reasonable promptness.

Record Keeping

The Office shall not keep records for the University, and shall not create or hold documents or personally identifying records for the University about individual matters. Notes and any other materials related to a matter will be maintained in a secure location and manner and will be destroyed when the Faculty Ombuds deems it appropriate to do so, unless legally required to retain the documents.

Formal Processes, Investigations, and Findings

The Office shall not conduct formal investigations of any kind and shall 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 Office shall not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

Advocacy for Parties

The Faculty Ombuds shall not act as an advocate, witness, or counselor for any party in a formal dispute or as part of a formal investigation, nor shall the Faculty Ombuds represent or advocate on behalf of management or visitors to the Office in formal or informal proceedings.

Ending Involvement in Matters

The Faculty Ombuds may withdraw from or decline to look into a matter if he/she believes involvement would be inappropriate for any reason, including matters not brought in good faith, or which appear to be misuses of the Office.

Discussions with Visitors

The Office shall does not offer legal advice and does not provide psychological counseling of any kind. The Faculty Ombuds has the authority to discuss a range of options available to visitors, including both informal and formal processes. The Faculty Ombuds may make any recommendation or discuss any option consistent with the best practices of the Office with regard to resolving concerns, conflicts, or disputes.

Reporting Trends and Recommendations

While protecting the confidentiality of individual visitors, the Office has a responsibility to provide upward feedback to the administration and the Chairperson of the Faculty Senate about trends and to make recommendations for constructive change in areas in need of improvement.

APPOINTMENT AND COMPENSATION

The Faculty Ombuds will be appointed by the Provost for a term of three years, which will be renewable. Renewal of an Faculty Ombuds' term will follow a review conducted by the Chairperson of the Faculty Senate and the Provost, with input from faculty and administration. The search for a new Faculty Ombuds will be facilitated jointly by the Chairperson of the Faculty Senate and the Provost.

The Faculty Ombuds position is a part-time position to be filled by a tenured member of the regular University faculty. The Provost will provide compensation and will negotiate the terms of the compensation with the prospective Faculty Ombuds and his/her Department Chairperson. Generally, compensation will be in the form of workload reduction in the Faculty Ombuds' Department or School of appointment, in proportion to time dedicated to the Office. A stipend may also be negotiated as an alternative to workload reduction.

EVALUATION OF THE OFFICE

The Office and the Faculty Ombuds should be protected from retaliation (such as elimination of the Office, removal the Faculty Ombuds, or reduction of the operating budget or other resources) by any person who may be the subject of a complaint or inquiry. The Ombuds will not be disciplined or removed from Office, nor will the Office budget be reduced, for performing the duties of the Office in good faith. Complaints regarding the Office may be directed to the Chairperson of the Faculty Senate or the Provost and may trigger a review of the office.

The Faculty Ombuds and the Office shall be subject to periodic review, which shall occur at least once every three years but no more than annually, except in response to a complaint as described above. Evaluation of the Faculty Ombuds and the Office shall be conducted jointly by the Chairperson of Faculty Senate and the Provost. Information relevant to the effectiveness of the Office will include aggregate statistics relating to Office usage, types of cases handled, and attempted issue resolutions. Arrangements will be made to ensure that visitors have the ability to provide anonymous feedback about the effectiveness of the Office, which will also be considered as input to the review process. Confidentiality of visitors will be scrupulously maintained, and no information that might lead to identification of any visitor will be made available as part of the reporting or evaluation process.

REMOVAL FROM OFFICE

At the discretion of the Provost, the Faculty Ombuds may be removed from the position before the end of the term for such actions as willful or repeated violations of this Charter, the IOA Standards of Practice, or University policy. Decisions to remove the Faculty Ombuds should be informed by a review process as described above and should take into account the need for the legitimate and independent fulfillment of the duties of the Office, free from the interference, retaliation, or control of others as well as the managerial and administrative responsibilities of the Provost. If removal is made under this paragraph, the Provost will work with the Faculty Ombuds' Department or School of appointment to determine appropriate transitional support.

CHARTER REVISION AND REVOCATION

This Charter has been developed and may be revised by agreement among the Faculty Ombuds, Provost, and Chairperson of Faculty Senate, with input from the University General Counsel, the University President, and other appropriate administrative officials. The Charter may be revoked by the Provost, in consultation with the Chairperson of the Faculty Senate.

REFERENCES

- Berman, B. (2016). Campus ombuds as confidential resources for purposes of Title IX and Clery Act reporting. A memo written by the law offices of Wilmer Hale, at the request of the Title IX Task Force of the IOA.
- Howard, C. L., & Gullumi, M. A. (1996). The ombuds confidentiality privilege theory and mechanics. Dallas, TX: The Ombudsman Association.
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