PREAMBLE: This section describes the office and duties of the Ombuds Office. Under its original title, “Faculty Ombudsman,” it was added to the Handbook in July of 1992 and, as its title suggested, was restricted to faculty. In July 1999 the section was rewritten, and retitled, so as to include the entire university community. In July 2005 the section was revised to reflect national standards of practice and current terminology. In 2009 the section was again revised to include students. Unless otherwise noted, the text is as of July 1999. More information may be obtained from the Office of the Faculty Secretary (208-885-6151). [ed. 7-00, rev. 7-05, 1-09]

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A. INTRODUCTION.

A-1. The establishment of an ombuds office is predicated on the following premises: (1) disagreements are inevitable in human organizations; (2) unresolved conflict inhibits productive enterprise and disrupts interpersonal relationships; and (3) an impartial third party may afford insights and informal processes for conflict resolution. [rev. and ren. 7-99, rev. 7-05]

A-2. The office is staffed by two ombuds: one ombuds that is an exempt position, and may also include one part-time position appointed from the tenured faculty ranks, and one part-time exempt position. Both ombuds report to the provost/president. [add. 7-99, rev. 7-05, 1-09]

A-3. The office provides a voluntary, informal mechanism to facilitate communications between individuals in dispute, to help clarify issues involved, and to suggest avenues for dispute resolution. Alternative avenues for resolving conflicts are available through other university offices and resources (e.g., Human Resources, Office of the Dean of Students, University Residences, Counseling and Testing Center and the Employee Assistance Program). The office’s role complements existing formal procedures. The processes initiated by the office do not substitute for or become part of other institutional processes. Individuals retain their right to use any formal procedures ordinarily available to them [see FSH section 3.8]. Ombuds are not authorized to accept notice on behalf of the university, and contact with the office does not constitute nor is it regarded as notice to the university. [rev. and ren. 7-99, rev. 7-05]

A-4. The ultimate success of the office is highly dependent on the assurance of impartiality, independence, informal processes and procedures, confidentiality, accessibility, expertise in mediation, and integrity. The environment in which an ombuds can be effective is one where administrators, faculty, staff and students recognize and respect the appropriateness and usefulness of the ombuds’ role in enhancing the goals of the individual members of the university community. [rev. 7-05, 1-09]

A-5. The university prohibits any employee from discouraging or limiting another employee or student from accessing the office, or intimidating, threatening, coercing, retaliating, or discriminating against any individual because that individual raised an issue or participated in dispute resolution through the office. [see 3810]. Employees will be allowed reasonable time away from work to access the office. The university also prohibits any employee or student from, intimidating, threatening, coercing, retaliating, or discriminating against the ombuds, or their staff for performing the duties of the office. [rev. and ren. 7-99, rev. 7-05, 1-09]
B. DUTIES OF THE OMBUDS OFFICE.

B-1. The ombuds listens to concerns of any employee or student at the UI and uses informal means to facilitate resolution of disputes. The ombuds do not act as advocates for a single party. Rather, they seek to find a reasonable and equitable solution for all parties to a problem or conflict situation in pre-mediation. Any employee or student in the UI community can bring a concern to the office, so long as it relates to the role and experiences of the workplace or university life. [rev. 7-99, 7-05, 1-09, ed. 7-01]

B-2. The office conducts discussions, makes inquiries and keeps quantitative information about caseloads in a confidential manner, and is discreet in dealing with comments or inquiries from those not involved in the dispute or its resolution. With respect to confidentiality, all contacts, conversations, and information exchanged with the office are confidential to the fullest extent allowed by law, unless release is authorized by all parties involved as well as the involved ombuds person. There are limits to confidentiality, such as when necessary to protect someone from harm, or as otherwise required by law. No case records, documents, or copies of documents are kept, unless doing so is legally mandated. Working notes, which are regarded as confidential and ephemeral, are shredded along with documents at approximately two week intervals or at the conclusion of a case, whichever comes first, unless retaining these documents is legally mandated. In order to preserve the confidentiality and impartiality so essential to the successful conduct of the ombuds function, the standards and practices of the profession preclude participation by ombuds staff as witnesses in formal proceedings on or off campus, unless subject to a subpoena or other order from a court of competent jurisdiction. [rev. 7-99, 7-05, 1-09]

B-3. The office is impartial and its primary purpose is to help employees and students find resolutions to problems affecting or involving them. The office is well versed in the policies, procedures, and processes that exist at the university for handling complaints or concerns. The office will listen to the concern, make appropriate inquiries, and involve appropriate other parties, make suggestions to the employee(s), student(s) and other parties involved (including but not limited to formal and informal procedures that could be used), and conduct mediation as needed. The office has the authority to make reasonable arrangements for meetings of appropriate people involved in a dispute to try to achieve a resolution. Ombuds may attend these informal meetings to help facilitate communication among the parties through mediation. Ombuds may serve as designated neutral observers at formal meetings and may provide recommendations regarding processes and procedures. [rev. 7-99, 7-05, 1-09]

B-4. The role of the office is not to make judgments on the merits of a particular situation or complaint, but rather to create an environment in which the individual concerned and the others directly involved come to a clearer understanding of the situation and reach reasonable and mutually satisfying agreements. The office is neither an advocate for any party nor a final judge of a situation, rather it facilitates a resolution determined by the parties. In specific instances, the ombuds may offer opinions and recommendations and may comment on a process or procedure when they believe it is not functioning well. [rev. 7-99, 7-05, 1-09]

B-5. The ombuds will have access to the Office of General Counsel for legal counsel and representation. Upon request by the ombuds to the Office of General Counsel, the university may provide access to independent counsel for their consultation and representation. [add. 7-05, ed. 1-09]

B-6. The ombuds are encouraged to comment on policies, procedures, and processes with an eye to positive future change. These observations should be shared with the administrators and bodies with jurisdiction over those policies, procedures, and processes. The ombuds author an annual report including aggregate data on the types of matters handled and narrative reflecting the character of the year’s activities. The report is submitted to the president, provost, faculty senate, and staff affairs committee on or before September 30 of each year. The annual report and other educational programs are means for proffering advice and comment on policies and procedures. [rev. 7-99, 1-10, rev. and ren. 7-05]

C. QUALIFICATIONS AND NATURE OF THE APPOINTMENT.

C-1. The ombuds will be an exempt position appointed by the president. A second ombuds may be selected
from among the tenured faculty at the UI (a faculty member in a non-tenure track position, or who has not achieved
tenure, may be considered for the position under exceptional circumstances). Another ombuds will be an exempt
staff position. Both serve at the pleasure of the president, but considerable independence and autonomy,
confidentiality, impartiality, and informality are afforded to ensure the ombuds’ effectiveness in keeping with
national standards for the office. The ombuds positions are part time. The term of service is
for 2 years and is
renewable upon evaluation and review by the president. The terms of the ombuds will be staggered so as to ensure
there is always an experienced incumbent in the office. [rev. 7-99, 7-05, 1-09]

C-2. The qualifications of the successful candidate for ombuds should include:

a. excellent communication and interpersonal skills,
b. characteristics which lend themselves to facilitating problem solving,
c. demonstrated ability to handle confidential information and use discretion in sensitive matters,
d. demonstrated experience in mediation and conflict resolution processes,
ed. demonstrated respect of his or her colleagues for professionalism and integrity,
fe. familiarity with university policies and procedures, especially those pertaining to grievances and records.
[rev. 7-99, 1-09, ed. 7-05]

D. NOMINATION AND SELECTION PROCESS.

D-1. Ombuds selection.

a. The chair and vice chair of the Faculty Senate propose to the council for appointment two Faculty Senate
members to serve on a nine-member ombuds committee. The chair and vice chair of the Staff Affairs Committee
(Staff Affairs) propose two Staff Affairs members to the Staff Affairs for appointment. The president and vice
president of ASUI select two students, one graduate and one undergraduate. The committee is composed of the
provost, the director of Human Resources, the six aforementioned members and the outgoing ombuds (without
vote), and has the responsibility for nominating people for the ombuds position. [rev. and ren. 7-99, ed. 7-05,
rev. 1-10]

b. The advertisement is drafted by the committee and reviewed and approved by the president. The committee
advertises the position, accepts and solicits applications and nominations, and interviews candidates. The
committee functions in a confidential manner. [rev. and ren. 7-99]

c. The committee provides a list of at least two nominees to the Faculty Senate, Staff Affairs and ASUI, forwards
the list to the president along with a portfolio and statement of rationale for each nominee. The president
reviews the files and interviews the nominees. The president selects the ombuds from that list. [rev. and ren. 7-
99, rev. 7-05, 1-10]

E. EVALUATION AND RENEWAL.

E-1. Ombuds review. The president conducts an annual review of the ombuds. During the latter half of the second
year of each two-year term, an in-depth evaluation is conducted by the president. Included in the evaluations
will include assessments by the provost, the Faculty Senate, Staff Affairs, ASUI and a self-evaluation by the ombuds.
These confidential evaluations are submitted to the president for review and discussion with the incumbent by
February 15 in the second year of service. Renewal of the appointment of the ombuds and renewal of the exempt
ombuds and renewal of the ombuds will be based on these evaluations and requires mutual consent of the Faculty Senate, Staff Affairs and the president. [rev. and ren. 7-99, ed. 7-06, rev. 7-05, 1-10]