**Charter for the Faculty Ombuds Office**

**Informal problem solving and conflict management for all Weber State Faculty**

This Charter Agreement is based on the [Code of Ethics](http://www.ombudsassociation.org/ethics/) and [Standards of Practice](http://www.ombudsassociation.org/standards/Stds_Practice_1-07.pdf) developed by the [International Ombuds Association](http://www.ombudsassociation.org/)

**I. INTRODUCTION**

The Office of the Faculty Ombuds, Weber State University, shall provide a neutral and informal resource to assist in the resolution of issues and conflicts for all faculty in conjunction with their jobs at Weber State University. Through its mission, the Office helps further the University’s strategic objectives within a culture that is ethical and civil and in which differences can be resolved and mutual understanding created through respectful dialogue and fair process. This agreement defines the privileges and responsibilities of the office of the Faculty Ombuds.

The Faculty Ombuds will be a tenured member of the faculty appointed by the Executive Committee of the Faculty Senate for an annual term, which may be renewable. The Faculty Ombuds shall be selected through a process which seeks individuals willing and able to carry out the responsibilities of the office in an ethical and professional manner. At a minimum, this reflects the Standard of Practice of the International Ombudsman Association (formerly, the University and College Ombuds Association.

In all proceedings, the Ombuds shall be truthful and act with integrity, shall foster respect for all members of the University, and shall promote procedural fairness in the content and administration of the University’s practices, processes, and policies.

**II. PURPOSE AND SCOPE OF SERVICES**

The Faculty Ombuds’ goal is to help faculty solve problems early, informally, and at the lowest levels possible without the need to pursue more formal grievance procedures. Any faculty member, including adjunct instructors, of the Weber State community may bring a concern to the Faculty Ombuds. Faculty are not required to use the Ombuds Office for informal resolution of conflict, and do so voluntarily. The Weber State Faculty Ombuds is an impartial concerned party whose primary role is to facilitate faculty members’ resolution of problems involving or affecting them.

The Ombuds has no authority or capacity to render decisions, alter policy, offer legal advice, or provide psychological counseling. This individual is neither an advocate for the faculty nor an agent for the university. Rather, the Faculty Ombuds is an advocate for fair practices and fosters integrity and timeliness in the administration of campus policies and practices that affect faculty members. The Faculty Ombuds also may recommend policy changes to alleviate chronic problem areas.

An ombuds is an informal channel for dispute resolution. It is intended to complement, and not supplant, formal channels such as reporting structures, grievance procedures, or legal means. An ombuds can provide information about formal channels as options to pursue in addition to informal approaches. Likewise, an ombuds can assist the faculty member in weighing the appropriateness of different options for his/her individual needs, and can provide assistance after formal processes are completed. The Faculty Ombuds will try not to become actively involved in formal grievances or legal actions. Although the Faculty Ombuds may assist visitors in reducing their concerns to writing for the purpose of clarifying the nature of those concerns, the Faculty Ombuds should refrain from assisting visitors with formulating or drafting complaints to be used by any other grievance procedure within or beyond the university.

Non-participation in formal and/or legal grievance procedures is important because an ombuds’ work is intended to be kept as confidential as possible. Participating in formal grievance procedures would compromise this intention by acknowledging conversations with individuals about issues that were promised to be kept as confidential as possible. Also, formal grievance procedures, by definition, are adversarial. An ombuds’ role is to remain impartial. Providing information that might assist one party – to the detriment of another – undermines this aspect of the mission of the office.

Because of its unique, informal, problem-solving function, contacting the office of the Faculty Ombuds about a concern may not constitute legal “notice” to the institution that the problem exists. Anyone wishing to “put the institution on legal notice” should contact an administrator or invoke formal grievance procedures.

**III. STANDARDS OF PRACTICE AND CODE OF ETHICS**

The Faculty Ombuds shall adhere to professional ethics. These tenets require, among other things, that an ombuds shall:

* function independently of his/her organization,
* be as confidential as possible,
* be neutral,
* limit the scope of his/her services to informal means of dispute resolution
* be truthful and act with integrity,
* foster respect for all members of the organization, and
* promote procedural fairness in the content and administration of the organization’s practices, processes and policies.

The four foundational principles for the Faculty Ombuds are the following:

**A. Independence**

The Faculty Ombuds shall be, and appear to be, free from interference in the performance of his or her duties. This independence is affected primarily through organizational recognition, reporting structure, and neutrality. The Faculty Ombuds shall be largely independent from existing administrative structures . He/she shall exercise sound discretion over whether and how to act regarding individual matters or systemic concerns. The Faculty Ombuds will be provided reasonable access to University personnel relevant to an issue, and records based upon a specific request made by a visitor, as permitted by law and University policy, in order to carry out the mission of the office of resolving conflicts.

To fulfill his/her functions, the Faculty Ombuds shall be assured sufficient resources to meet operating needs and pursue continuing professional development. The Faculty Ombuds shall report to the office of the Provost and Chair of the Faculty Senate for administrative and budgetary matters. The Ombuds may inform appropriate administrators of trends affecting the university environment. At no time is the Faculty Ombuds permitted to share information identifying an individual using his/her services with the Provost or any others unless required by law or University policy. In such cases, permission to do so should be provided by said individual and should first be sought.

**B. Confidentiality**

All contacts, conversations, and information exchanged with an ombuds shall be treated as confidentially as possible and should not be disclosed without the consent of the parties involved and the ombuds unless otherwise required by law or University policy. Such information is not legally privileged. Thus, confidentiality does not apply when disclosure is necessary to protect an individual or the University from harm, when child abuse or sexual harassment is indicated, or when otherwise required by law or university policy. Confidentiality also does not apply when failure to disclose certain information to proper authorities may put the Ombuds at risk of criminal prosecution. An ombuds should try to avoid participation in any formal process inside or outside the University, unless compelled to do so by court order, other applicable law or university policy.

**C. Neutrality**

An ombuds does not take sides on an issue nor represent or advocate on behalf of any party. Rather, it is the role of an ombuds 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. The Faculty Ombuds advocates for fairness and justice consistent with the mission and policies of the University.

An ombuds shall avoid involvement in matters where she or he may have a conflict of interest. (A conflict of interest occurs when an ombuds’ 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 Ombuds shall take all steps necessary to disclose and/or avoid the conflict.

**D. Informality**

The Faculty Ombuds shall be a resource for informal dispute resolution only. All consultations are conducted “off the record” and may not constitute legal notice to the University. Persons wanting to establish “legal notice” to the university should contact an administrator or administrative office, or he/she should initiate a formal proceeding. The Faculty Ombuds will provide information about whom to contact and how to use administrative or grievance procedures for persons wanting to establish a formal record or who want formal consideration of their complaint. Individuals using the services of an ombuds retain their rights to all formal procedures ordinarily available to them.

The Faculty Ombuds shall not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Faculty Ombuds shall be voluntary and is not a required step in any grievance process or University policy.

The Faculty Ombuds will not retain individual records for subsequent formal proceedings, unless required by law or university policy, nor will he/she serve as a witness or offer testimony in any formal proceeding, unless required by law or university policy.

**IV. AUTHORITY AND LIMITS OF THE OMBUDS**

The authority of the Faculty Ombuds derives from the University administration as manifest by the endorsement of the University Provost.

**A. Authority of the Ombuds**

**1. Reporting Patterns**

The Faculty Ombuds shall keep records for statistical purposes, excluding personally identifiable information, in order to describe usage and identify trends. At least annually, he/she shall submit a report to the Provost and the Chair of the Faculty Senate summarizing the number and types of issues and resolutions addressed by the office of the Faculty Ombuds. This report should also make special note of problem areas evidenced by case trends.

**2. Access to Information**

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. Requests for information should be handled with reasonable promptness by University departments consistent with the Government Records Access and Management Act (GRAMA).

**3. 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.

**4. Discussions with Visitors and Others**

The Faculty Ombuds has the authority to discuss a range of options available to his/her visitors, including both informal and formal processes. The Ombuds may make any recommendations deemed appropriate with regard to resolving problems or improving policies, rules or procedures. However, the Faculty Ombuds shall have no actual authority to impose remedies or sanctions or to enforce or change any policy, rule or procedure.

**5. Access to Legal Counsel**

On occasion, the Ombuds may require legal advice or representation in order to fulfill his/her required functions. The Ombuds shall be provided with legal counsel as necessary and appropriate to protect the integrity of the Ombuds office.

**B. Limitations on the Authority of the Ombuds**

**1. Receiving Notice for the University**

Communication to the Faculty Ombuds may not constitute legal 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, he/she should not be considered a “campus security authority” as defined in the Clery Act, nor should he/she be required to report these allegations to the University, except as set forth 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 processes.

**2. Putting the University on Notice**

If a visitor desires to put the University on legal notice regarding a specific situation, or wishes for information to be provided to the University, the Faculty Ombuds shall provide the visitor with information so that the visitor may do so himself/herself. In certain situations, including, but not limited to, situations that involve public safety, harm to self or others, violations of law, discrimination, or sexual harassment, a Faculty Ombuds may have an ethical or legal obligation to put the University on notice in order to protect the safety of members of the University community or otherwise comply with law. If the Faculty Ombuds decides to put the University on notice, he or she shall do so in writing to the extent practicable.

**3. Formal Processes and Investigations**

The Faculty Ombuds shall not conduct formal investigations of any kind. Likewise, he/she shall not initiate participation in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Faculty Ombuds or on behalf of the University, unless compelled to do so by court order or applicable law.

**4. Record Keeping**

As a university employee, the Faculty Ombuds shall manage documents and other forms of records consistent with the provisions of GRAMA or other relevant law. 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 ombuds’ involvement in the matter is concluded, as permitted by law.

**5. Advocacy for Parties**

It is of paramount importance that the Faculty Ombuds not compromise their status as a neutral third party. Thus, the Faculty Ombuds shall not act as an advocate or representative for any individual party in a dispute, nor for the University administration. It is not within the scope of the Faculty Ombuds’ Charter to assist visitors in formulating or drafting complaints.

**6. Adjudication of Issues**

The Faculty Ombuds shall not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

**V. RETALIATION FOR USING THE OMBUDS OFFICE**

No person shall be subject to any materially adverse employment action for consulting with the Faculty Ombuds.

**VI. ORGANIZATIONAL RELATIONSHIPS OF THE FACULTY OMBUDS OFFICE**

The Faculty Ombuds is largely independent of existing administrative structures. However, the work of the Faculty Ombuds shall be subject to oversight by the Executive Committee of the Faculty Senate and the Provost. The Faculty Ombuds shall issue reports to the Provost and the Executive Committee of the Faculty Senate. He/she will maintain close working relationships with the Faculty Senate, the Dean of Students, the Office of Affirmative Action and Equal Opportunity and the Office of Human Resources. On an annual basis, both the position of the Ombuds and the performance of the individual serving as the Ombuds will be reviewed by a committee consisting of the Chair and Vice Chair of Faculty Senate, the AVP for Human Resources, University Legal Counsel, the Director of Equal Opportunity/Affirmative Action and the Provost. This review should take place and be concluded prior to March 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.