

Shared Governance Proposal
Creation of the Office of University Ombudsperson

I. Date: Friday, October 5, 2018

II. Sponsoring Constituent: Arkansas State University Faculty Senate

III. Statement of Issue:

The Faculty Senate of Arkansas State University voted to propose the creation of the Office of University Ombudsperson. This office would promote a climate of accountability, fairness, and respect by providing all members of Arkansas State University with a confidential, impartial, informal, and independent resource for problem resolution.

IV. Rational for Proposal

The Office of University Ombudsperson will serve as dispute mediator and advisor to individuals seeking assistance in university related conflicts between colleagues, peers, administrators, units, or other entities affiliated with Arkansas State University or System.

V. Type of Review: Full

Proposal - University Ombudsperson

Arkansas State University Ombudsperson Office: University Ombudsperson Key words: Confidential – Independent – Impartial - Informal

Mission

The Office of University Ombudsperson promotes a climate of accountability, fairness, and respect by providing all members of Arkansas State University with a confidential, impartial, informal, and independent resource for problem resolution.

Introduction

The Office of University Ombudsperson will not replace or supersede existing university grievance, complaint, or appeals procedures. Rather, it will complement existing dispute-resolution offices and activities by providing an additional resource which members of the university community may in some cases find preferable to formal grievance procedures. The Office is open to all members of that community who wish to discuss problems or issues within the University in a safe and confidential environment. The Office does not advocate on behalf of any individual or group, but is instead a neutral advocate for fair and consistent treatment.

Tasks

In its pursuit of the above mission, the Office of University Ombudsperson may perform a variety of tasks. These include, but are not limited to, respectfully listening to concerns voiced by visitors to the Office, helping visitors to clarify their issues and goals and to explore their options, explaining University policies and practices, referring visitors to other offices or services, mediating disputes or facilitating communication among the parties to a dispute, providing University administration with information regarding trends or patterns in complaints (without breaching confidentiality), and making recommendations with regard to the resolution of problems and improvement of policies and practices.

The Office of University Ombudsperson is authorized to provide informal assistance only. It does not possess the authority to conduct formal investigations, impose remedies or sanctions, establish or change any University rule or procedure, or override the decisions of University administrators.

Guiding Principles

The Office of University Ombudsperson shall act in accordance with the International Ombudsman Association Code of Ethics¹ and Standards of Practice². These require that the Office adhere to the following fundamental principles:

1. Independence

To the highest degree possible, the Office of University Ombudsperson functions independently and outside the existing administrative structure. The Office exercises sole discretion regarding whether and how to act regarding a visitor's concerns or a trend consisting of multiple concerns over time. The Office may also initiate informal inquiries into matters that come to its attention without having received a

¹ See http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/Code_Ethics_1-07.pdf.

² See http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Standards_of_Practice_Oct09.pdf.

specific complaint. To the extent permitted by law, the Office has access to all University officials and records as needed to carry out its functions. The Office shall have adequate space and administrative and budget support.

2. Impartiality

The Office of University Ombudsperson does not take sides in any conflict, dispute, or issue. It considers the interests and concerns of all visitors impartially and advocates for fair and equitable processes. Ombudspersons shall serve no other roles within the University that would compromise their neutrality and will avoid involvement in any matters which may create a conflict of interest. They should have no personal stake in, and incur no gain or loss from, the outcome of any issue in which they are involved.

3. Confidentiality

The Office of University Ombudsperson holds all communication with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality. The Office does not reveal the identity of visitors or the content of conversations unless the visitor has given permission to do so. It takes action specifically related to a visitor's concern only with that visitor's express permission and only to the extent permitted by the visitor, unless such action can be taken in a way that safeguards the identity. The Office does not keep any permanent records other than anonymous, aggregate data regarding complaints. Personally identifiable documents are not preserved and informal notes are routinely destroyed. Communications between the Office of University Ombudsperson and others are considered privileged. The privilege belongs to the Office, rather than to any party to an issue, and cannot be waived by visitors to the office. Thus, even with the permission of the visitor, Ombudspersons will not disclose confidential documents or testify, attend, or otherwise participate in formal University proceedings. The only exceptions to this privilege of confidentiality are when an Ombudsperson determines that there is an imminent risk of serious harm and when an Ombudsperson is required to provide information pursuant to a court order or other legal process.

4. Informality

The Office of University Ombudsperson functions on an informal basis and does not initiate or participate in any formal investigative or adjudicative processes. When a formal investigation is requested, the Office refers visitors to the appropriate office or individual. It does not make binding decisions or mandate policies for the University. It is not authorized to accept legal notice of claims against the University. Use of the Office is voluntary, and is not a required step in any grievance process or University policy.