

TO: Faculty Senate Executive Committee

FROM: Scott E. Simmons

RE: Ombuds Best Practices

DATE: October 4, 2007

The purpose of this memorandum is to highlight the best practices used in ombuds programs at flagship, higher-education institutions in the United States.

A. Purpose of Ombuds Programs

An organizational ombudsperson program is traditionally initiated to provide (1) confidential, (2) independent, (3) neutral and (4) informal dispute resolution for the entity implementing the program.¹ These four principles have been set forth as the appropriate Code of Ethics by the International Ombuds Association.

B. Defining Characteristics of Ombuds Programs

An ombudsperson must, first and foremost, be a neutral and impartial party to the parties in conflict. The ombudsperson must remain unaligned and impartial.² An ombudsperson should not engage in any situation that could create a conflict of interest.³

Secondly, an ombuds office must be independent in “structure, function, and appearance to the highest degree possible.”⁴ Further, the role of the ombudsperson is one of confidentiality in all situations except those in which there appears to be an “imminent risk of serious harm.”⁵

The final defining characteristic of an ombuds program is a level of informality associated with conflict resolution. The ombudsperson should not participate in any “formal adjudicative or administrative procedure” related to the conflict.⁶

C. Current Ombuds Situation – University of Tennessee⁷

¹ The Ombuds Blog: News and Information For and About Organizational Ombuds. See <http://www.ombuds-blog.blogspot.com>.

² International Ombuds Association: IOA Code of Ethics (Revised January 2007).

³ See id.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ See generally The University of Tennessee, Knoxville – Faculty Handbook (Revised 2003-04).

The University of Tennessee faculty ombuds program currently consists of three faculty members, each of whom serves staggered, renewable three-year terms.⁸ The chief academic office and the Faculty Senate Executive Committee collaboratively select members for appointment.⁹ The ombudsperson in the final year of his or her appointment serves as lead coordinator of informal mediation services.¹⁰

In order to serve as a faculty ombudsperson, a candidate **must**:

- Be a tenured associate or full professor with five or more years of service at UT.
- Have “clearly demonstrated professional experience or training in mediation, conflict resolution, counseling, or administrative supervision.”
- Demonstrate knowledge of the UT Faculty Evaluation Manual and UT Faculty Handbook.
- Show strong interpersonal skills, as well as strong verbal/written communication skills.
- Experience in handling confidential matters.¹¹

Further, several **preferred** criteria have been set forth:

- The candidate is preferred to be a tenured full professor or professor emeritus.
- Prior experience with university grievance procedures, such as service on the UT Faculty Senate’s Faculty Affairs or Faculty Appeals Committee, is encouraged.¹²

A candidate who holds the rank of professor emeritus is more likely to provide “objectivity, independence, and institutional perspective unavailable to candidates who continue to hold tenure within a department and college.”¹³

Each ombudsperson is paid on an hourly basis for his or her work.¹⁴ The lead ombudsperson submits quarterly bills to the Chancellor’s office on behalf of all ombudspersons.¹⁵

Ombudspersons meet each semester with the Faculty Senate Faculty Affairs committee and quarterly with the Office of Academic Affairs, and provide an annual written report to the central academic affairs office, as well as to the Faculty Senate Executive Committee and Faculty Affairs Committee.¹⁶

⁸ See UT Faculty Handbook Sec. 5.2.

⁹ See *id.*

¹⁰ See *id.*

¹¹ UT Faculty Senate Web Site: Ombudspersons (Oct. 3, 2007).

¹² See *id.*

¹³ *Id.*

¹⁴ UT Faculty Senate Web Site: Common Practices of Faculty Ombudspersons (Oct. 3, 2007).

¹⁵ See *id.*

¹⁶ See *id.*

The ombudspersons are independent of both the faculty and the administration alike, and do not serve as advocates of either the faculty or the university.¹⁷ Rather, the ombudspersons make informal, non-binding recommendations based upon their “understanding of the situation, university policies and procedures, experience, and sense of fairness.”¹⁸

Faculty ombuds work to informally resolve disputes among faculty members. Their duties involve no grievances initiated by administration, staff, or students.¹⁹ The ombudspersons “facilitate informal conflict resolution at the request of faculty members and . . . may serve as consultants for faculty members needing advice to resolve problems and may serve as informal mediators if the faculty member has not started an appeal through the administrative or faculty senate channels.”²⁰

D. Methodology of Best-Practices Study

At the University of Tennessee Faculty Senate Executive Committee meeting on August 27, 2007, Dr. David Patterson notified the committee that a study would be performed to determine nationwide best practices for ombuds programs at higher-education institutions.²¹

In response to this request from Dr. Patterson and the executive committee, I have performed research on the current state and structure of ombuds programs at 14 state flagship universities, as well as Vanderbilt University. Most research was performed online through the various Web sites available on each university’s site, but I did speak to actual ombudspersons at five of the 15 schools in question.

Among the variables considered during my research was the number of ombudspersons at each university, including any staff support available to the department. Other relevant criteria considered were: (1) the size of the faculty at each university, (2) the length of term for the position, (3) compensation, (4) whether the ombudsperson is a faculty member or a full-time, staffed position, (5) whether the ombudsperson was hired, appointed, or elected, and (6) what office or department the ombuds office reports to or is associated with.

E. Results of Best-Practices Study

1.) Number of Ombudspersons – Best Practices

Of the various institutions that were studied, only one school had three ombudspersons. The University of Alabama has three ombudspersons, but each of the three is representative of a different faction of the academic community. One ombudsperson is a representative of the

¹⁷ See Faculty Handbook Sec. 5.2

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ See Faculty Senate Executive Committee Minutes – Ombudsperson Search (Aug. 27, 2007).



college of arts and sciences, one is a representative of the colleges of business and engineering, and the other is a representative of the other colleges on campus.

Eight of the 15 universities in the study used the services of only one ombudsperson, including the University of Florida, which has an instructional faculty of more than 4,000, XX the size of the faculty at Tennessee. The University of Wisconsin implements a strategy whereby four professors emeritus share the duties of one full-time position. Each of the four professors takes cases on a rotating business.

The University of Michigan, on the other hand, with an instructional faculty of nearly 4,000, employs the most intensive strategy. With 14 separate colleges located on campus, the university appoints an ombudsperson for each college who hears cases within that college. In addition, one central ombudsperson is appointed to coordinate efforts among the college-level ombudspersons, as well as to hear cases involving a conflict of interest between the faculty member and his or her college-level ombudsperson.

The University of Georgia currently has no ombudsperson program, and Vanderbilt University is still in the process of working through a proposal to establish such an office.

2.) Term Length – Best Practices

Among programs that use faculty members to serve as ombudspersons, two distinct trends have arisen. Several programs use one-year terms for their ombudspersons. Generally, these one-year terms are renewable.

On the other hand, several universities use three-year terms. In a similar manner to Tennessee, the University of Alabama staggers its terms for each of its three ombudspersons, in order that one new ombudsperson is elected each academic year. The University of Michigan also employs three-year terms for each of its 15 ombudspersons.

The prevailing trend, however, is that the university ombudsperson serves for an indefinite length of time, mainly until he or she is willing or ready to hand his or her term over to a new ombudsperson. Along these lines, five of the 15 universities studied employ a salaried, full-time ombudsperson who is not a faculty member at all, but rather a professional ombudsperson with extensive experience in conflict mediation. Louisiana State University employs a full-time ombudsperson office that even releases an official annual report.

The University of Florida employs one, full-time, salaried ombudsperson who performs in a similar fashion to LSU. Florida established its ombuds office after the Florida legislature mandated that each state university create such an office in 2004. The ombudsperson is approachable on a full-time basis, and he is equipped with an administrative assistant to help him manage the office. The University of Arkansas employs a similar method, but uses the services of a graduate assistant rather than an administrative assistant.

3.) Compensation – Best Practices

Among universities that employ a full-time, non-faculty ombuds program, the ombudsperson is always paid on a salary basis. Additionally, nearly all of these programs are affiliated with the IOA, and receive annual training as a result. Among faculty-led ombuds programs, on the other hand, the methods employed are varied.

Of the universities that employ more than one faculty ombudsperson, the prevailing trend is that the ombudspersons are neither compensated for their time, nor given any release from their non-ombuds duties. In these instances, the service provided by the ombudsperson is similar to the service of performing various other unpaid, faculty committee duties. On the other hand, the central managing ombudsperson at Michigan is paid on a half-time basis, as is the ombudsperson at the University of Kentucky.

The University of South Carolina employs an alternative technique, employing its ombudsperson on a one-fourth time with funding from the Provost's office. Additionally, funding is allowed for the ombudsperson to receive training from conferences given by the IOA.

4.) Election / Appointment – Best Practices

The prevailing trend among university ombuds programs is that the ombudspersons are appointed, rather than elected. In the case of programs that use a full-time, non-faculty member as an ombudsperson, that person is inevitably hired, rather than appointed. But for faculty-led programs, only three of eight universities in the study actually elect their senators.

The prevailing trend is that the chief executive officer of the university or the campus – either the president or the chancellor – appoints the ombudsperson. With this in mind, the University of Kentucky institutes some accountability on the part of the president. At Kentucky a search committee is appointed to make recommendations to the university president, who then makes a final decision.

5.) Structure within University Framework – Best Practices

Among the most pressing concerns facing the University of Tennessee's ombuds program is the hierarchical structure of the program. Various concerns have been raised regarding who or which office the ombudspersons should report to. Based upon this study, the majority of university ombuds programs report directly to the office of the provost.

Five of the 15 programs in question report directly to the provost, three report to the chancellor of the university, two report to the offices of equity and diversity, one reports directly to the faculty senate, and two offices have no reporting responsibilities.

Again, the University of South Carolina has a unique approach to this matter that has been, in the words of the university ombudsperson, "extremely successful." The provost's office at South

Carolina pays the salary of the ombudsperson, yet it allows him free reign to run the program as he sees fit. Relying on IOA's principles of anonymity and confidentiality, the ombudsperson reports to no one regarding his findings. He does not distribute an annual report. During our conversation he noted that the person in his position has to be someone that has the complete trust of the administration to conduct the office in a proper manner. He said he had gained that respect and trust during his prior tenure as the head of the faculty senate.

F. General Conclusions

When I performed my research, one trait inevitably arose in nearly every university's ombuds program. At nearly all of these universities, the ombuds program was a member of and affiliated with the International Ombuds Association. In fact, the Ombuds Blog, the leading resource regarding professional and educational ombuds programs, insists that any ombuds program that does not align itself with the IOA ethics is not a true ombuds program.²²

The IOA provides both a code of ethics and standards of practice that all ombuds programs should abide by. This way the ombuds program has a uniform set of standards that all potential faculty members who need assistance can rely on. As a result, when a faculty member needs assistance from the office of the ombudsperson, he or she knows that the conditions of confidentiality, independence, neutrality, and informality will be abided by throughout the tenure of the relationship between the ombudsperson and the aggrieved faculty member.

²² The Ombuds Blog: News and Information For and About Organizational Ombuds.