

# Common Practices of Faculty Ombudspersons

## The University of Tennessee, Knoxville

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### Preface

Ombudspersons are distinguished faculty who facilitate informal conflict resolution at the request of faculty members. They provide advice and may serve as informal mediators if the faculty member has not yet initiated an appeal. Their primary role is to support fair practices and mutual respect. The functions of the Ombudspersons are described in, Chapter Five, Section 2, of the newly revised Faculty Handbook. It is important that all Ombudspersons observe common practices. Because this office is relatively new, these common practices are still being established. The intent is to keep practices flexible enough to best facilitate the resolution of issues in an informal manner and involving only those closest to the issue, while also keeping Ombudspersons' activities consistent, responsive, and responsible. It is of particular importance that Ombudspersons remain neutral, advocating for neither faculty members nor administrators. While they can occasionally offer advice to those involved with an issue, such advice should be offered for consideration only. Faculty Ombudspersons do not declare a formal opinion or make formal recommendations regarding a case. Instead, their role is to serve as a liaison between those directly involved in the situation and to offer support and assistance in (a) understanding various perspectives, (b) gathering facts and (c) revealing assumptions that may be contributing to the issue.

### 1. Selection of Faculty Ombudspersons

Ombudspersons are selected by the Faculty Senate and the Office of the Chancellor based upon the following criteria:

Required Criteria:

- Tenured Associate or Full Professor
- Five years or more of service at UT
- Clearly demonstrated professional experience or training in mediation, conflict resolution, counseling, or administrative supervision.
- Demonstrable knowledge of UTK *Faculty Evaluation Manual* and UTK *Faculty Handbook*.
- Strong interpersonal skills and verbal/written communication skills.
- Experience in handling confidential matters.

Preferred Criteria:

- Tenured Full Professor or Professor Emeritus\*
- Significant experience or training in mediation, conflict resolution, counseling, or administrative supervision.
- Prior experience with university grievance procedures such as service on the UT Faculty Senate's Faculty Affairs or Faculty Appeals Committee.

\* Candidates who hold the rank of professor emeritus may bring to the position objectivity, independence, and institutional perspective unavailable to candidates who continue to hold tenure within a department and college.

## 2. Terms of Ombudspersons

Ombudspersons serve three year, rotating terms. Upon occasion, a faculty member is selected to replace an Ombudsperson who has left the position before the end of the three- year term. In such cases, the appointment is to complete the given term. In most cases, the Ombudsperson who has been in the position longest will serve as the Lead Ombudsperson.

## 3. Role of Ombudspersons

The role of a Faculty Ombudsperson is an informal one and limited to that described in the current *Faculty Handbook*. Rather than making formal, binding recommendations, Ombudspersons assist faculty members in exploring issues, gathering information, and determining available options. Rather than conducting formal hearings, they meet with the faculty member and others only upon the request and/or permission of the faculty member. Rather than determining blame, they facilitate an informal resolution of conflicts by those involved. Rather than advocating for faculty members or administrators, they assist those involved in exploring the situation from varying perspectives, questioning assumptions, and helping to facilitate acceptable outcomes. Ombudspersons strive for fair process, understanding by all involved parties, and resolution of issues prior to a formal appeal process. Faculty Ombudspersons do not make formal recommendations regarding specific cases. Any opinions or suggestions they might share with others are not legally binding.

## 4. Services Provided by Faculty Ombudspersons

Ombudspersons offer a variety of services from which faculty members can select:

1. Providing private consultation regarding an issue to
  - provide and/or gather information on behalf of the faculty member.
  - facilitate reflective thinking about the issue, such as assisting the faculty member
  - in clarifying facts in the case and assumptions that need to be checked out.
  - assist the faculty member in preparing for a meeting regarding the issue.
  - explore informal and formal options for resolving the issue, such as convening a meeting with those involved in the issue or investigating the appropriate process for bringing a formal appeal through administrative channels, the Faculty Senate Appeals Committee, or the OED
  - determine acceptable outcomes.
  - develop an action plan.
2. Exploring an issue with others on behalf of the faculty member
  - with or without the faculty member in attendance.
  - with or without keeping the faculty member anonymous.
  - through face-to-face meetings or other forms of communication.

3. Facilitating informal conflict resolution meetings between the faculty member and an administrator to
  - assist both parties in agreeing to seek a resolution of the issue.
  - assist both parties in making an effort to understand the other's perspective.
  - assist both parties in clarifying any proposed and accepted outcome.
4. Facilitating of meetings to clarify, modify, or determine progress regarding action plans.
5. Accompanying the faculty member to annual evaluation or other meetings (when participants agree to this)
6. Providing reports to the Faculty Senate and administrators regarding general patterns of concerns across cases that need to be addressed by UTK (with specific case information remaining anonymous)

#### 5. Role of the Lead Faculty Ombudsperson

The Lead Ombudsperson is responsible for the following, completed in accordance with the agreement of the other Ombudspersons:

1. Convening regular meetings of the Ombudsperson Team
  2. Assigning cases to each Ombudsperson according to set criteria
  3. Coordinating regular reports to the Faculty Senate and Central Administration regarding the number of cases, general recommendations, and other issues identified the Ombudspersons' work
  4. Submitting quarterly billing reports for all Ombudspersons to the Chancellor
  5. Representing Ombudspersons as appropriate (e.g.; at information sessions with administrators)
6. Eligibility for Ombudsperson Services  
Any tenured, tenure-track, or non-tenure-track full- or part-time faculty member who is governed by the *Faculty Handbook* is eligible for Ombuds services. Undergraduate and graduate students, including graduate teaching assistants, are not eligible for services provided by Faculty Ombudspersons.

#### 7. Case Assignments

Faculty members requesting services contact the Lead Ombudsperson. Assignments are made on a rotating basis across all three Ombudspersons with the following considerations:

1. The Ombudsperson who is next in line to receive a case
2. The current level of Ombudsperson work held by each
3. A request by the faculty member for a particular Ombudsperson
4. An attempt to designate an Ombudsperson outside the faculty member's unit

## 8. Confidentiality

Ombudspersons will not reveal a faculty member's personal information outside the Ombuds Office unless given permission to do so by the person providing the information or as required by law. The Ombudsperson should make this clear to all parties with whom they meet regarding a specific case. The party may request that the information they provide not be shared. The Ombudsperson will uphold this request except when required to share it by law (for example, if the information indicates possible harm to self or another is being contemplated). No legal privilege of confidence is available between the Ombudspersons office and those utilizing their services. Although one Ombudsperson is designated to directly assist a given faculty member, the three Ombudspersons share information as a team for the purpose of assisting each other in thinking about individual cases and determining what anonymous information should be shared in reports they present to appropriate Faculty Senate committees and to administrators. Information in these reports is general in nature and does not reveal specifics that can directly identify any faculty member or unit. The purpose of these reports is to bring general and recurring issues to the attention of the Faculty Senate and appropriate administrators so that efforts can be made to improve the working atmosphere at UTK.

## 9. Communicating with others about a Particular Case

Communication with others about a specific case, other than discussions conducted amongst the three Ombudspersons, occurs only with the permission of the faculty member. In many situations, an Ombudsperson can gather information for a faculty member without revealing his or her identity. This information often can aid in clearly delineating facts and assumptions. In some situations, it is helpful for the Ombudsperson to reveal certain kinds of information to others involved in the issue, but this is done only hypothetically or with the permission of the faculty member.

## 10. Maintenance of Written Documents and Notes Regarding Specific Cases

Ombudspersons may keep paper or electronic records regarding specific cases. These materials are kept confidential but are not legally protected against legal subpoena. Permission for sharing documents that have been given to an Ombudsperson is granted by the party who provided them to the Ombudsperson. Notes recorded by the Ombudsperson should not include names or any comments or opinions that would be inappropriate as a public record. Notes and other documents should not be shared via email in most situations. Ombudspersons should decide how long to keep records once cases are closed. In many cases, it will be deemed appropriate to destroy records at that time.

## 11. Collaboration with Other UTK Offices

Offices that can provide important information relevant to cases include the Office of Academic Affairs, the Office of Equity and Diversity, the Chair of the Faculty Senate Appeals Committee, the General Counsel's Office, the Office of Human Resources, the Office of Institutional Research, Faculty Senate officers, deans, department heads, and other administrators. Ombudspersons should contact the appropriate UTK office when in doubt about policy, process, or procedures regarding a particular case.

Confidential information should not be shared without permission of the person(s) involved in the case. It is also important that the Ombudsperson make a determination about whether the person being contacted within a UTK office should be provided with the confidential information even if the parties involved have given permission to share the information.

#### 12. Ombudspersons' Position Regarding Formal Appeals

Ombudspersons do not participate in the formal appeal process, whether the appeal is through the Faculty Senate Appeals Committee or the Office of Equity and Diversity (OED). Ombudspersons are available to provide consultation to faculty members on matters of process during an appeal. They do not accompany faculty members to hearings, nor do they receive copies of documents that are a part of the appeal unless provided to them by the parties involved.

#### 13. Documents Helpful in Determining the Existence of Case-Relevant Policies and Procedures

Information needed to clarify and resolve cases varies considerably. However, certain official documents need to be examined as they relate to relevant policies and procedures:

- The Faculty Handbook
- College/Unit Bylaws
- Departmental Bylaws
- Faculty Evaluation Manual
- Letter of appointment

#### 14. General Information Regarding Formal Appeals

Ombudspersons should refer to Chapter 5 of the *Faculty Handbook* as well as the most recent copy of the *Faculty Evaluation Manual* for specific information. A flowchart regarding the process of appeals is also helpful. Beyond the administrative appeal process involving specific administrators to whom the parties involved report, there are two main avenues of appeal: (a) Faculty Senate Appeals Committee and (b) Office of Equity and Diversity.

#### 15. Reports to the Faculty Senate and Administrators

On a regular basis, at least annually, the Ombuds Office provides a written report to the central academic affairs office and to the Faculty Senate Executive Committee and Faculty Affairs Committee. These reports include a list of the general types of cases brought to the Ombuds Office, without references to information that would reveal the unit and/or particular persons involved in any given case. These reports also include recommendations derived from patterns of general concern that have become evident as Ombudspersons have shared their cases with other members of the Ombuds team.

16. Administrative Activities

Ombudspersons engage in a variety of administrative activities. They meet regularly as a team, each semester with the Faculty Senate Faculty Affairs Committee, quarterly with designated administrators in the Office of Academic Affairs, and as needed with others, including, for example, members of the General Counsel's Office, the Office of Equity and Diversity, Human Resources and the Faculty Senate Appeals Committee. Ombudspersons also spend administrative time gathering and reviewing general information related to their work in general, ensuring that they are aware of current of all relevant policies and changes in such policies. Ombudspersons also participate in the writing regular reports.

17. Professional Development

Ombudspersons engage in professional development activities that enhance their performance of duties, provision of services, and continuous improvement of the Ombuds Office.

18. Submission of Bills for Service

Ombudspersons hold an official position at The University of Tennessee and are paid on an hourly basis for their work. Ombudspersons provide quarterly bills with documentation of hours worked. The bills are submitted to the Chancellor by the Lead Ombudsperson. Accounts of billing are recorded using a legal-system type of record keeping. Each case is assigned a number, and information is provided regarding the type of service and the number of minutes spent during a given event. A separate list of time and events is provided for administrative activities. Codes are used to describe types of activities (M = meeting, T = telephone, E = email correspondence, D = draft of a written document or report, R = read or review of written materials, PD = professional development activities. A subtotal is provided for each case and for all administrative work.