



TEXAS TECH UNIVERSITY
Faculty Senate

To: Dr. Duane Nellis, Texas Tech University President

From: Dr. Aliza Wong, Faculty Senate President

Date: September 13, 2013

Introduced to, and passed by, the Texas Tech Faculty Senate on 11 September 2013
Includes Faculty Ombudsperson Draft

Resolution of Support for the Creation of the Position of a Faculty Ombudsman

WHEREAS the Faculty Senate previously recommended to the University administration that the position of Faculty Ombudsman be created; and

WHEREAS the Senate worked with former Provost William Marcy to create this position, and a draft O.P. that outlined the duties and responsibilities of the Ombudsman; and

WHEREAS the Senate had advertised, interviewed candidates, and made a hiring recommendation for this position that was placed on hold following changes in several senior University administrative positions;

WHEREAS the Senate recognizes the continuing need for a Faculty Ombudsman; therefore

BE IT RESOLVED THAT the Faculty Senate meeting on this 11th day of September 2013 expresses its continuing support for creating the position of Faculty Ombudsman and its willingness to work with President Duane Nellis, and others in the Administration, to create and staff that position.

OP 70.00: Faculty Ombudsman

DATE: Month Day, Year

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish the Office of the Faculty Ombudsman at Texas Tech University, to create policies and procedures necessary for the Office of the Ombudsman to function effectively, and to promote constituents' understanding of and confidence in the Office of the Ombudsman.

REVIEW: This OP will be reviewed by September 1 of each even-numbered year by the ombudsman, the President of the Texas Tech University Faculty Senate, and the office of the Provost with recommendations for revision forwarded through administrative channels to the Provost by September 15.

POLICY/PROCEDURE

1. Policy

The Office of the Faculty Ombudsman is established as a neutral, objective third party to provide the faculty of Texas Tech University with informal assistance in resolving work-related problems, conflicts, and disputes. The responsibilities of this office will be executed by an ombudsman, who will serve as a source of information and assistance to all faculty of Texas Tech University with respect to university rules, regulations, policies, and procedures. The ombudsman may make any recommendations he or she deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, he or she shall have no actual authority to impose remedies or sanctions, or to enforce any policy, rule, or procedure.

2. Role and Purpose

a. Independence

- (1) The Office of the Faculty Ombudsman is independent in its structure and function, and reports to the Faculty Senate and the Provost/ Senior Vice President for Academic Affairs, both of whom will jointly provide operational oversight of the office.
- (2) The ombudsman responds to issues, concerns, inquiries, and complaints either by request or on her/his own initiative.
- (3) The ombudsman supplements, but does not replace, any steps required in formal internal or external procedures. Use of the Ombudsman Office is not a required step in any grievance process or organizational policy.
- (4) The ombudsman has access to all levels within the campus community and authorization to obtain records necessary for the resolution of concerns, except as prohibited by university policy or law.

b. Impartiality/Neutrality

- (1) The ombudsman shall be neutral, impartial, unaligned, and objective in the performance of all duties.

- (2) The ombudsman has no personal interest or stake in and incurs no personal gain or loss from the outcome of an issue.
- (3) The ombudsman is an advocate for good and fair process, not an advocate on behalf of individuals or the institution.

c. Confidentiality

- (1) The ombudsman shall not disclose and shall not be required to disclose any information provided in confidence or otherwise received in the course of performing her/his duties, except to address a serious risk of imminent harm or as required by law, judicial order, or other legal process.
- (2) The ombudsman does not disclose, without permission, communications received from any or all parties in the course of performing her/his duties.
- (3) The privilege of confidentiality of communications and records belongs to the ombudsman and the Office of the Ombudsman, rather than to any party to an issue.
- (4) If the ombudsman pursues an issue systemically, the ombudsman does so without revealing the identity of a complainant or a singular situation that could be associated with a particular individual(s), unless the ombudsman has obtained the individual's permission to do so.
- (5) The ombudsman shall comply with institutional standards of privacy or confidentiality in the pursuit or provision of information.
- (6) Communication with the ombudsman does not constitute notice to the organization.

d. Informality

- (1) The ombudsman functions on an informal basis by such means as listening, providing and receiving information, reframing issues, developing options, referral, third party intervention, shuttle diplomacy, mediation, and systems change.
- (2) The ombudsman does not take an active role in any formal institutional investigative or adjudicative procedures. The ombudsman may conduct informal fact-finding, or otherwise examine alleged procedural irregularities of a formal process and allegations about alleged acts, omissions, improprieties, and/or systemic problems.
- (3) The ombudsman hears, considers, and, as appropriate, pursues resolution of the concerns, issues, perceptions, interpretations, facts, and/or allegations of inappropriate acts, omissions, or improprieties presented by individuals.
- (4) The ombudsman may conduct informal, non-binding fact-finding, when appropriate, to better understand an issue, while maintaining expected confidentiality.
- (5) When a formal investigation is requested or warranted, the ombudsman shall refer the individual(s) to the appropriate offices or persons.

3. Procedures

- a. Any member of the Texas Tech University faculty can bring forward any work-related complaint, concern, or matter to the ombudsman.
- b. The ombudsman will receive work-related complaints brought to her/him from any member of the Texas Tech University faculty, will explain the available options, and may recommend an appropriate course of action.

- c. The ombudsman shall attempt to handle all inquiries in an expeditious manner.
- d. When the ombudsman receives a request to review a decision, policy, or procedure, this request must be presented by one of the parties involved, and no third party shall have authority to initiate such a request on another's behalf. This restriction does not preclude the ombudsman from conducting regular and independent reviews of decisions, policies, or procedures.
- e. The ombudsman shall produce an annual public report indicating the number and type of cases, general operations of Texas Tech University affairs, and any recommendations the ombudsman feels are in the best interest of the university. A copy of the annual report shall be distributed to the President's Office, the senior vice president for administration and finance, the provost/senior vice president for academic affairs, and the Staff Senate.

4. Appointment, Performance Review, and Removal from Office

- a. The job description for the faculty ombudsman will be developed by a committee of the Faculty Senate in consultation with the provost/senior vice president for academic affairs. Screening of candidates will be overseen by the faculty senate committee, which will recommend a single candidate to the provost.
- b. The Executive Committee of the Faculty Senate in consultation with the provost/senior vice president for academic affairs may meet with and counsel the faculty ombudsman at anytime regarding his or her performance.
- c. The executive committee of the faculty senate in consultation with the provost/ senior vice president for academic affairs will meet with the faculty ombudsman each year to review his or her performance during the past academic year.
- d. Proceedings to dismiss the faculty ombudsman can be initiated by either the executive committee of the faculty senate or the provost/ senior vice president for academic affairs. After consultation, either party then can make a recommendation, to the Faculty Senate, for removal of the faculty ombudsman. If the recommendation is supported by a two-thirds vote of the senate, proceedings to vacate the position will commence.

