Proposal approved by the University Senate January 15, 2008

PROPOSAL TO ESTABLISH A UNIVERSITY OMBUDSPERSON POSITION

(It is intended that this policy be implemented on a two-year trial basis and re-evaluated for continuation beyond that time period.)

Rationale for the Position:

Universities are increasingly establishing Ombudsperson positions to assist in the informal resolution of internal problems or conflicts. Although the law in Alabama does not provide a guarantee of confidentiality, the informality of the Ombudsperson position and the practice of minimizing formal record-keeping help to maintain the privacy of the person consulting the Ombudsperson. Except when obligated to warn persons facing apparent imminent threat of serious danger to people or property, the Ombudsperson will, to the extent permitted by law, protect confidentiality. Subject to these limitations, the expectation of confidentiality applies to all employees and to all reports, communications, and aggregate data generated by the Office of the Ombudsperson.

The Ombudsperson will adhere to the Code of Ethics and the Standards of Practice of the International Ombudsperson Association (IOA) as provided at: http://www.ombudsassociation.org/standards.html.

Position Summary:

The Ombudsperson will assist university employees (faculty, staff, and administrative and professional employees) to expeditiously resolve problems or conflicts that arise within the institutional setting.

1. The Ombudsperson acts as an advocate for fairness and provides advice, information, intervention, mediation, and referrals to help ensure that all employees receive equitable and fair treatment.
2. The Ombudsperson may exercise discretion in accepting or declining issues addressed to him/her and may, at his/her discretion, decline to consider conflicts or issues deemed outside his/her mandate, that appear to be frivolous, that may not have been brought to the Office of the Ombudsperson in a timely manner, or for any other reason considered appropriate by the Ombudsperson. When declining such a case, the Ombudsperson shall direct the employee to the appropriate relevant body within the institution, if one exists.
3. The Ombudsperson does not have the power or authority to make binding decisions on behalf of Auburn University.
4. The Ombudsperson is independent of the normal academic administration but may consult with the Provost for faculty concerns, and with the Executive Vice-President for staff, administrators and professional employees concerns.

What the Ombudsperson Can Do:

1. Listen to and gather information about any problem or conflict brought forward by an employee.
2. Help employees analyze the problem or conflict and evaluate possible options for obtaining a resolution.

3. With permission of the employee, carry the issue forward on the employee's behalf if the employee cannot do so, or if the employee has a fear of retaliation.
4. Advance a resolution of the problem or conflict using mediation, facilitation, negotiation, and other conflict resolution skills.
5. Evaluate if policies and procedures have been applied in a fair and equitable manner consistent with espoused values and the policies of the University.
6. Suggest improvements to policies and procedures if current ones are incomplete, unfair, or in need of updating.
7. Guide the employee through the process of resolution, and when requested, provide expertise regarding the University's existing formal institutional grievance and dispute resolution systems.

What the Ombudsperson Cannot Do:

1. Act as an advocate for any party or provide testimony or evidence in any adjudicatory or formal grievance process.
2. Require an appointing authority to change a decision, practice, policy, or modify a negotiated contract provision or waive rules, regulations, or laws.
3. Change a grade or deal with parking violations.

Office Composition and Compensation:

The Office of the Ombudsperson shall consist of an Ombudsperson at 0.75 F.T.E during the regular academic year plus 0.75 F.T.E. during the summer plus a staff person at 0.50 F.T.E. on 12 month salary to run the office. If the workload of the Ombudsperson proves too burdensome, an Assistant to the Ombudsperson shall be appointed at any time at an appropriate F.T.E. level. The Assistant to the Ombudsperson shall be employed under normal employment guidelines and shall be selected by the Ombudsperson following the advertisement of the position in the local media. The individual selected as Assistant shall require the approval of the Executive Committee of the Senate, including the Provost. It is recommended that an annual stipend of one month's base salary be added to the regular annual compensation of the Ombudsperson (and Assistant, if one is appointed) in order to attract well-qualified applicants.

Budget and Facilities:

The physical facilities of the Office of the Ombudsperson shall provide the privacy necessary for confidential consultations. For the sake of such privacy, it is desirable that there be a rear entrance to those seeking the Office's services. Since training is critical to the Office of the Ombudsperson, a training and travel budget of $5,000 per year shall be provided. This will allow the Ombudsperson to attend professional workshops and training. Telephone service shall also be provided to the Office of the Ombudsperson.

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Qualifications for Ombudsperson:

Candidates for Ombudsperson shall possess these minimum qualifications:

1. Very high level of integrity, professionalism, and trustworthiness.
2. Knowledge of the Auburn University culture, policies, structure, practices, and academic due process. The individual must be a tenured full professor, a retired faculty member, or be a faculty member on modified service.
3. Master's degree required, doctorate or other terminal degree preferred.
4. Excellent oral and written communication skills.
5. Understanding of diverse cultures and backgrounds.
6. Commitment to maintaining integrity and confidentiality.
7. Proven ability to serve as a good listener and as an informed and fair-minded problem solver.
8. Extensive experience in higher education, law, psychology or public administration.
9. Certification in dispute resolution or the willingness to obtain such certification.
10. A professional style that emphasizes facilitation and collaboration.

Selection Procedure:

The Ombudsperson position shall be an internal appointment in order to provide the desired institutional knowledge, appointment efficiency, and flexibility required in this position.

A Search Committee shall evaluate nominations and applications for the position of Ombudsperson. The Search Committee shall be appointed by the Executive Committee and be composed of three tenured faculty members, one of whom will act as chair, one classified staff member, one Administrative /Professional staff member, one representative from Human Resources, and one representative from the Provost's Office. The Search Committee will narrow the pool of candidates to no more than three finalists, who will be available to the Auburn University community in an open forum. Members of the university community will provide feedback on the finalists to the Search Committee which will then make recommendations to the Executive Committee of the Senate, including the Provost, who will collectively make the appointment.

The term of appointment of the Ombudsperson shall be two years, although there is no limit to the number of terms an individual may serve in this position. Three months prior to the conclusion of each term, the Rules Committee shall request nominations and applications for the position for the next two-year term. If the current Ombudsperson wishes to be re-appointed for an additional term, he/she must re-apply for the position in the same manner as a new nominee or applicant. If more than one nomination or application is received by the Rules Committee, a new Search Committee will be formed for the purpose of appointing an Ombudsperson for the next two-year term according to the procedure described above.

Performance Review:

The President may counsel the Ombudsperson regarding his/her performance at any time. In addition, the President, in consultation with the Executive Committee of the Senate and the Provost, shall meet with the Ombudsperson each May to review his/her work during the previous year and to provide a performance evaluation. The President shall also make a recommendation regarding a merit raise for the Ombudsperson in years where merit raises are awarded. The Executive Committee of the Univeristy Senate, in consultation with the Provost, may also recommend removal of an Ombudsperson. If such a recommendation is supported by a two-thirds vote of the Senate, taken in closed Executive Session, the recommendation shall be forwarded to the President.