

Memo to: All UH-Downtown Faculty  
From: Max Castillo, President  
Subject: Faculty Ombuds Policy

UH-Downtown/PS 10.A.18  
Issue No.1  
Effective Date: 08/25/08  
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## 1. PURPOSE

This PS describes university policies regarding the Faculty Ombuds.

## 2. DEFINITIONS

- 2.1 PS—The abbreviation for Policy Statement. UHD policy statements are available on the university website.
- 2.2 Faculty Ombuds—A faculty member of the University of Houston-Downtown serving as a resource to faculty who have questions about faculty academic rights, responsibilities, and the working environment.
- 2.3 Faculty member—A member of the Faculty Assembly (as defined by the Faculty Senate Constitution), a lecturer, or an instructor.
- 2.4 Complainant—A faculty member who seeks the assistance of the Faculty Ombuds.
- 2.5 Grievant—A faculty member who files a grievance.
- 2.6 Grievance—A written notification by a faculty member of the Grievance Committee charging that the faculty member has been injured as a result of violations of university policies (specified in PS 10.A.01, section 3.1.1) and asking for redress; the ensuing hearing of that allegation.
- 2.7 Respondent(s)—The person(s) named by the Grievant as having violated university policies.
- 2.8 Campus Relations Officer (CRO)—A full-time staff member who advises in conflicts between faculty and other faculty or between faculty and the administration about faculty concerns, disputes, and complains related to sexual harassment (PS 02.A.15) and harassment and discrimination (PS 02.B.09).

## 3. POLICY

### 3.1 Duties

- 3.1.1 The Faculty Ombuds will be available for consultation during all academic sessions.

- 3.1.2 The Faculty Ombuds will receive and review concerns or complaints related to faculty academic rights, responsibilities, and working environment from members of the UHD faculty.
- 3.1.3 The Faculty Ombuds will act as a neutral agent in disputes between faculty and/or administrators and informally assist to resolve concerns or problems.
- 3.1.4 The Faculty Ombuds will promote the values of fairness, equity, justice, equality of opportunity and mutual respect.
- 3.1.5 The Faculty Ombuds will assist a complainant to determine the overall context of the dispute, concern or problem and if the matter should be pursued.
- 3.1.6 The Faculty Ombuds will direct a complainant to the appropriate office, Department or organization—even if the Faculty Ombuds does not become directly involved in the matter.
- 3.1.7 The Faculty Ombuds, when called upon, will conduct informal inquiries into the complaint with the full cooperation of University personnel and will recommend appropriate action.
- 3.1.8 Most of the Faculty Ombuds’s work will be conducted informally via phone or in person. Formal reports will rarely be issued.
- 3.1.9 The Faculty Ombuds will discuss with the complainant the outcome of inquiries into the issue of concern and may offer advice as to an appropriate course of action.
- 3.1.10 There are certain circumstances under University policy and law that require disclosure of information. However, to the extent possible, all consultations with the Faculty Ombuds are confidential.

### 3.2 Duties Specific to the Faculty Grievance Process

- 3.2.1 The Faculty Ombuds will be available to grievants, respondents, and the Hearing Committee.
- 3.2.2 Faculty members considering or seeking grievance procedures under this policy are not required to consult the Faculty Ombuds at any step in the faculty grievance process.
- 3.2.3 The Faculty Ombuds may discuss with all parties grievances spelled out in 3.1.1 of the Faculty Grievance Policy PS 10.A.01. These include: academic freedom, promotion, performance evaluation, salary, tenure, dismissal, non-reappointment, and materially adverse action.

- 3.2.4 If any participants have difficulty in obtaining documents in a timely manner, they may seek assistance from the Ombuds.
- 3.2.5 Faculty should consult the CRO, not the Faculty Ombuds, regarding issues of sexual harassment and harassment and discrimination.

### 3.3 Conflict of Interest

- 3.3.1 The Faculty Ombuds may not simultaneously serve on any personnel, grievance or tenure committee during his or her term of appointment as Faculty Ombuds.
- 3.3.2 The Faculty Ombuds will avoid any issue in which there may be a conflict of interest on his or her part.
- 3.3.3 In the event of a conflict of interest, the complainant will seek advice from the CRO.
- 3.3.4 In the absence of the Faculty Ombuds, the complainant should seek advice of the CRO.

### 3.4 Disposition of Records

- 3.4.1 The Faculty Ombuds will destroy all records of a consultation after one year from the consultation unless required by law to be maintained for a different period of time.

### 3.5 Relationship to Other University Offices or Programs

- 3.5.1 The Faculty Ombuds is independent of the normal University's academic administration.
- 3.5.2 The duties of the Faculty Ombuds complement and enhance existing University offices provided for adjudication, dispute resolution, internal review, severance or discipline, academic freedom, and grievance, particularly that of the CRO.
- 3.5.3 The Faculty Ombuds is not an avenue to officially appeal decisions made in the Grievance Committee, nor is the CRO an avenue to appeal Presidential decisions in cases of sexual harassment or harassment and discrimination.
- 3.5.4 The Faculty Ombuds does not have the power to change any decisions, but can only advise, refer, review and/or persuade.
- 3.5.5 The Faculty Ombuds will consult with the CRO about possible legal questions.

## 4. PROCEDURES

### 4.1 Qualifications of the Faculty Ombuds

- Must be a current tenured member of the faculty assembly, a tenured faculty member on modified service, or a formerly tenured, retired member of the faculty.
- Must be or have been tenured ten (10) years with the University of Houston-Downtown prior to becoming Faculty Ombuds.
- Must be a person of integrity with an understanding of the principles of simple justice and academic due process.
- Must be familiar with the University policies and procedures, especially those pertaining to academic issues, grievances, faculty, and records.
- Must command the respect of colleagues and be able to respect the private and confidential nature of issues brought to his or her attention.
- Must be willing to participate in conflict resolution training and/or other appropriate training.

### 4.2 Application and Selection Process

- The Executive Committee of the Faculty Senate will solicit applications and nominations by September 15<sup>th</sup> for the first selection of a Faculty Ombuds and subsequently by September 15<sup>th</sup> of the second year of a two-year term.
- If the current Faculty Ombuds is eligible for reappointment, the Executive Committee of the Faculty Senate may recommend reappointment rather than soliciting additional applications.
- Applicants/nominees must submit in writing the following information to the President of the Faculty Senate:
  - Background, qualifications and perspectives the applicant would bring to the position.
  - A comprehensive vita.
  - The names and telephone numbers of at least three references.
- The Executive Committee of the Faculty Senate in consultation with the Vice President for Academic Affairs and Provost will screen applications and recommend the appointment of a Faculty Ombuds to the Faculty Senate by October 15<sup>th</sup>.

- If approved by the Faculty Senate the recommendation will be forwarded to the President of the University by December 1<sup>st</sup>.
- If approved by the President, the appointment will begin the following January 1<sup>st</sup>. If the recommendation is not approved by the President, he or she will meet with the Faculty Senate Executive Committee to determine a course of action.

#### 4.3 Term of Appointment, Workload, and Compensation

- 4.3.1 The Faculty Ombuds will serve a term of two years and is eligible for reappointment for a second two-year term with the approval of the Faculty Senate and the Vice President for Academic Affairs and Provost.
- 4.3.2 The duties of the Faculty Ombuds will constitute a teaching load reduction commensurate with the responsibilities. The teaching load reduction will be no less than a three-hour reduction in each semester of the regular academic year. Compensation for the summer is limited to not less than the equivalent of one summer term course.
- 4.3.3 Compensation of a retired or part-time faculty member should be negotiated through established UHD employment procedures in the spirit of 4.3.2.
- 4.3.4 Necessary budgetary expenses for both the teaching load reduction and summer compensation shall be arranged through the Office of the Vice President for Academic Affairs and Provost.
- 4.3.5 In addition to his or her faculty office, the Faculty Ombuds will receive a private office, a private phone, and office equipment, to be provided by the Office of the Vice President for Academic Affairs and Provost.
- 4.3.6 Funding for professional development for the Faculty Ombuds shall be arranged through the Office of the Vice President for Academic Affairs and Provost.

#### 4.4 Performance Review

- 4.4.1 For purposes of performance review, each faculty member who consults with the Faculty Ombuds will be given a form to fill out and return anonymously to the Senate President. The form shall be drafted by the Senate and, without asking for either the name of the faculty member or the purpose of consultation, indicate the faculty member's perception of the Faculty Ombuds's effectiveness, including such matters as availability, knowledge of the issue, and ability to resolve it. No changes in the form will be made without Senate approval and due notice to the Faculty Ombuds.

- 4.4.2 For review purposes as well, the Faculty Ombuds will keep reporting records of the number of faculty consultations, the time required for resolution of the faculty member's problem, and a general categorization of the problem.
- 4.4.3 The Executive Committee of the Faculty Senate in consultation with the Vice President for Academic Affairs and Provost may counsel the Faculty Ombuds at any time regarding his or her performance.
- 4.4.4 The Executive Committee of the Faculty Senate and the Vice President for Academic Affairs and Provost will meet with the Faculty Ombuds in July to review his or her work during the academic year and make recommendations to him or her as needed.
- 4.4.5 The Executive Committee of the Faculty Senate and the Vice President for Academic Affairs and Provost will report to the Faculty Senate and the President no later than the first meeting of the Faculty Senate in the Fall their assessment of the Faculty Ombuds' performance during the previous academic year.
- 4.4.6 The Executive Committee of the Faculty Senate in consultation with the Vice President for Academic Affairs and Provost may at any time recommend removal of a Faculty Ombuds to the Senate and, if supported by a two-thirds vote of the Senate, the recommendation will be forwarded to the President.
- 4.4.7 Upon removal of a Faculty Ombudsperson, the selection of his or her replacement will begin as expeditiously as possible and follow the steps (but not the dates) set forth in 4.2. The newly elected Faculty Ombudsperson will fill out the term of the previous Faculty Ombudsperson and is eligible for re-election.

## **5. EXHIBITS**

There are no exhibits associated with this policy.

## **6. REVIEW PROCESS**

Responsible Party (Reviewer): Faculty Affairs Committee and Provost

Review: Every four years on or before August 1<sup>st</sup>.

Signed original on file in Employment Services and Operations.

## **7. POLICY HISTORY**

| This is the first issue of this policy.

## **8. REFERENCES**

PS 10.A.01

PS 02.A.15

PS 02.B.09