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Proposal for the Establishment of a University Ombudsman

University of Rhode Island Faculty Senate

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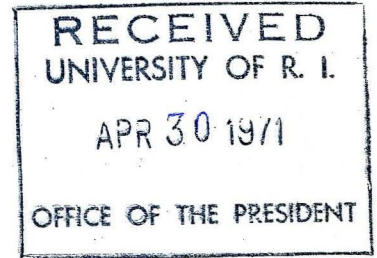
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UNIVERSITY OF RHODE ISLAND

FACULTY SENATE

BILL

Adopted by the Faculty Senate



TO: President Werner A. Baum

FROM: Chairman of the Faculty Senate

1. The Attached BILL, titled Proposal for the Establishment of a University
Ombudsman.

is forwarded for your consideration.

2. The original and two copies for your use are included.

3. This BILL was adopted by vote of the Faculty Senate on April 29, 1971
(date)

4. After considering this bill, will you please indicate your approval or disapproval. Return the original or forward it to the Board of Trustees, completing the appropriate endorsement below.

5. In accordance with Section 8, paragraph 2 of the Senate's By-Laws, this bill will become effective on May 20, 1971 (date), three weeks after Senate approval, unless: (1) specific dates for implementation are written into the bill; (2) you return it disapproved; (3) you forward it to the Board of Trustees for their approval; or (4) the University Faculty petitions for a referendum. If the bill is forwarded to the Board of Trustees, it will not become effective until approved by the Board.

April 30, 1971
(date)

Walter C. Donnell /s/
Chairman of the Faculty Senate

ENDORSEMENT 1.

Amended by 71-72-1

TO: Chairman of the Faculty Senate

FROM: President of the University

1. Returned.

2. Approved _____ Disapproved _____

3. (If approved) In my opinion, transmittal to the Board of Trustees is not necessary.

7/20/71
(date)

Werner A. Baum /s/
President

ALTERNATE ENDORSEMENT 1.

TO: Chairman of the Board of Trustees.

FROM: The University President

1. Forwarded.

2. Approved.

_____/s/
(date) President

ENDORSEMENT 2.

TO: Chairman of the Faculty Senate

FROM: Chairman of the Board of Trustees, via the University President.

1. Forwarded.

_____/s/
(date) _____
(Office)

ENDORSEMENT 3.

TO: Chairman of the Faculty Senate

FROM: The University President

1. Forwarded from the Chairman of the Board of Trustees.

_____/s/
(date) President

Original received and forwarded to the Secretary of the Senate and Registrar for filing in the Archives of the University.

_____/s/
(date) Chairman of the Faculty Senate

PROPOSED LEGISLATION

The Office of the Ombudsman

The basic function of the office of the Ombudsman is to investigate complaints from members of the University community -- students, faculty, and administrative personnel -- that they have been unfairly dealt with in the normal channels of administrative process. The Ombudsman office is not intended to replace those normal channels. The services of the Ombudsman are an exceptional administrative procedure to be used only when the normal channels do not adequately respond.

I. The Method of Selecting the Ombudsman:

The Executive Committee of the Faculty Senate shall nominate at least two tenured faculty for the post of Ombudsman. Additional nominations of tenured faculty may be made by members of the Faculty Senate during one of its meetings. The list of nominees will be distributed to the general faculty and an election by secret ballot will be conducted. If no candidate receives a majority of the votes of those voting, a run-off election will be held between the two candidates receiving the most votes.

II. The Term of Office:

The Ombudsman will serve for a period of two years. There shall be no limitation on the number of times a faculty member is elected to the office.

III. The Areas of Responsibility of the Ombudsman are Equity, Critical Review, and Recommendations and Report.

- A. Equity: to help individuals or groups in specific cases to get just and equitable treatment. In securing equity, the Ombudsman will:
1. Afford full opportunity for the presentation in confidence of any complaint or grievance from any student, faculty member, or member of the administrative staff alleging unfairness, discourtesy, undue delay, or other malfunctioning in the processes at the University of Rhode Island;
 2. Investigate, in confidence, to determine the degree of validity of the complaint;
 3. Mediate or otherwise resolve the problem, arriving in confidence at what appears to him to be a just resolution (in the dismissal of the complaint, or in recommended action based on the verified complaint).

(The Ombudsman will not be expected to concern himself with the normal operations of established grievance processes or disciplinary procedures contained in The University Manual, except that he may, on the basis solely of his own judgment, inquire into possible bias or malfunction in any of those proceedings, and make a confidential report thereon to the office of the President and to the Chairman of the Faculty Senate.)

B. Critical Review: to help administrative functionaries (whether connected with Student Government or with faculty or administrative offices) to improve their processes, not only to correct a particular inequity or injustice but also to prevent its recurrence. In carrying out this function the Ombudsman will:

1. Be receptive to all suggestions, comments and criticism regarding the general functioning of university processes and procedures (as distinguished from individual grievances or complaints of inequity);
2. Make appropriate inquiries;
3. Make recommendations in confidence to the administrative officer who heads the particular unit involved; and
4. Report to the office of the President and to the Chairman of the Faculty Senate as to the disposition of the recommendations.

C. Recommendation and Report: on the basis of inquiry and experience to recommend such changes in procedure and practice as may seem to him to be appropriate, and to make final public report on his actions. In fulfilling this function, the Ombudsman will:

1. In addition to any recommendations submitted in connection with the foregoing functions, from time to time, make such reports and recommendations as he deems wise, directly to the office of the President and to the Chairman of the Faculty Senate, with such substantiation as may be appropriate.
2. Prepare an annual report reviewing and evaluating the activities of his office during the year, the report to be distributed to the general faculty, the members of the Student Senate, and administrative personnel.

IV. Nature of Investigative Procedures, Disposition of Cases, and Powers of the Ombudsman

A. Nature of Investigative Procedures: The primary task of the Ombudsman is to serve as a confidential investigator in any specific case of alleged inequity, unfairness or maladminis-

tration, In carrying out this task, he will be an impartial spokesman, both to the person or persons making the complaint and to the person (s) against whose performance the allegation is brought. The Ombudsman can inquire at the office or other location where the offense is alleged to have been committed, is to have access to all relevant guidelines, principles, rules, regulations and similar data, and is to have access to all relevant facts in the case. He is to enjoy the complete cooperation of the faculty, administrators or students against whom complaints have been brought. He is to receive complete and courteous cooperation from any complainant. He is to carry out his work in privacy, and with full respect for the rights and immunities of all parties. All records, correspondence, and communications in the office of the Ombudsman shall be kept in a locked file under sole control of the Ombudsman.

- B. Disposition of Cases: Having completed his inquiries, he will make such disposition of each case as, in his sole judgment, is best. He may dismiss the charges as without foundation or merit. He may recommend corrective action to achieve justice or equity in the particular case. He will determine the question of equity and fairness not on the basis of opinion or bias or preference, but on the basis of whether or not the rules, guidelines, and other governing statutes have been followed honestly and fairly without undue delay. If he finds that a particular rule or regulation or statute is itself unfair or makes for inequity, he may convey that finding to the office of the President and to the Chairman of the Faculty Senate; but he may not at the same time make a finding against an individual who has faithfully adhered to the guidelines then governing the case.

Should the Ombudsman arrive at conclusions which are critical of the operations and practices of the office of the President, or of the presidential disposition of cases duly reported by the Ombudsman to the President, he will so inform the President; and if there is no resolution of the problem which is satisfactory to him, the Ombudsman may take the matter directly to the Chairman of the Board of Regents, informing the President as he does so.

C. Powers of the Ombudsman include:

1. Access to all records pertinent to any allegation of inequity or injustice or other grievance coming under his jurisdiction.
2. The right to inquire of any officer of instruction or of administration, or of any member of the clerical and custodial staffs, or of any student, in connection with his proper inquiries and to receive full and complete answers.
3. The right to mediate or otherwise arrive at a compromise or to arrive at his own proposal for solution of the problem at hand.

4. The right to present his recommendations for solution to the parties involved and to report such recommendations to the supervisory officers of the person (s) involved and to the office of the President and to the Chairman of the Faculty Senate.
5. Having completed the foregoing processes in confidence, he has the right to make final public report on the matter.

Submitted by the Faculty Welfare Committee, April 6, 1971

Elton Rayack, Chairman

Professors

Joel A. Cohen
Else Levy
John O'Leary
Kenneth Simpson
Raymond Stockard
Paschal Viglione
Maruice Zarchen

Students

Tony Robinson
Lance Dickinson

V. The Ombudsman's Student Assistant

"The Ombudsman will be assisted by a student who shall be nominated by the Student Senate and appointed by the President of the University. The Ombudsman's Student Assistant will perform his duties in consultation with and under the direction of the Ombudsman, shall serve a one-year term, and shall be eligible to succeed himself. The Ombudsman's Student Assistant will receive a stipend of \$500 per semester, to be paid by the University."

VI. Provisions of the Office

The Ombudsman will use the facilities of his regular departmental office. The question of his teaching load shall be decided in consultation with his departmental chairman, his Dean, and the Academic Vice-President. Every effort shall be made to reduce his teaching load appropriately. He shall be free of all committee assignments, student advising and other similar duties, during his term in office. Upon the completion of the initial two year term of the Ombudsman, the provisions of the office as described in this paragraph shall be reviewed by the Faculty Senate.