

University of Arizona's Ombuds Committee Charter and Terms of Reference

I. Primary Mission

The primary mission of the Ombuds Program is to assist individuals in resolving conflict, facilitating communication, and assisting the University by surfacing issues and providing feedback on emerging or systemic concerns. It will operate in a way that supports the University's values of integrity and inclusion. The Ombuds Committee is neither an advocate for its visitors (the people who see the Ombuds) nor a representative of University administration. Rather, the Ombuds Committee is an advocate for respectful dialogue, fair practices, and mutual understanding.

II. Appointment of Committee Chair; Formation of Ombuds Committee

The Chair of the Ombuds Committee¹ will be appointed by the Provost, in concurrence with the University President or their designee for a one-year term, which may be renewed. The Associate Provost for Diversity and Inclusion will present a slate of nominees for the position of Chair to the Provost, who will have final authority to appoint. The Provost will be the conduit of information, updates and reports regarding all Ombuds activities to the President and other Senior Leadership. The Chair must be a tenured, CS, or CSE member of the faculty. The Chair will be someone who, by experience, personal characteristics, and training, exemplifies the attributes of a qualified university ombuds. The Chair shall report to the Associate Provost for Diversity and Inclusion. The Chair (in consultation with the AVP for Diversity and Inclusion) shall select committee members. Potential committee members for consideration will be identified through consultation with campus leaders and partners, including, but not limited to, the Diversity Coordinating Council, Provost Council, President's Cabinet, Faculty members, as from other bodies of campus work-life or governance that are determined relevant by the AVP of ODI and the Chair of the Committee. The committee members will be appointed for one year with the option for renewal on an annual basis. The committee members should consist of a diverse array of campus professionals, such as faculty (broadly defined to include designated campus colleagues, emeritus faculty, tenured and non-tenured faculty), staff, or students that provide resources and informal problem-solving. Prior to appointing someone, the Chair will consult with the Provost HR Team to determine that the

¹ The Ombuds Committee and ombuds are used interchangeably in this Charter.

nominated candidate is eligible. For university staff, the Chair will obtain confirmation from the nominee's supervisor that their time for service on the Committee is available. The Office of Diversity and Inclusion shall ensure that the committee receives ombuds training and will have a budget sufficient to pay for this training. Serving as a faculty ombuds is considered as fulfilling a University Service requirement, similar to serving on a major university standing committee. The AVP of Diversity and Inclusion shall determine the level and manner of compensation of the Chair of the Ombuds Committee on an annual basis. The Office of Diversity and Inclusion will provide administrative support to the work of the Chair and the Committee (scheduling meetings, preparing agendas, etc.).

III. Program roles and operating principles

Informality

An ombuds works outside the formal problem-resolution and grievance procedures of the University. The role of an ombuds is to listen, receive, and provide information from visitors, provide informal facilitation between parties when requested, and to perform such other functions normally seen as within the purview of a university ombudsperson. An ombuds does not make, change, or set aside policy or previous administrative decisions, nor does an ombuds serve to determine the rights of others or to unilaterally resolve conflicts.

Utilization of an ombuds is strictly voluntary and at the request of individuals seeking assistance. No individual can be compelled to seek assistance from the Ombuds Committee or to participate in a session. In addition, an ombuds has the discretion to determine whether a request for services will be accepted.

Use of the Ombuds Committee is not a required step in any internal grievance procedure or other faculty process. The Ombuds Committee is not part of any University review or appeal process.

While an ombuds may engage in informal, confidential fact-seeking or otherwise gather information related to a particular issue/case, the Ombuds Committee does not engage in formal investigation or fact-finding on behalf of individuals or the university. When engaging in factfinding, the Ombuds Committee may, on occasion, need to make inquiries or seek assistance in order to gain an understanding of all sides of a dispute. University employees and administrators are encouraged to cooperate with these efforts. (Any inquiry by the Ombuds Committee does not constitute a formal investigation either by the Ombuds

Committee or the University). If an ombuds believes that a formal investigation may be necessary, the ombuds may refer the individual to the appropriate university office.

While an ombuds may prepare written notes while assisting parties to an issue or case, the Ombuds Committee generally will not keep written records of its cases. However, this will not preclude maintaining aggregate data on overall cases which allow for periodic evaluation of the Ombuds Committee itself and the work it does.

Independence

The Ombuds Committee is intended to be independent in its structure, function, and appearance. This means that in the legitimate performance of his/her duties, an ombuds will be free from interference, retaliation, or the control of others outside the Ombuds Committee.

An ombuds responds to the issues, concerns, or problems of others by request rather than by proceeding on their own initiative.

An ombuds has access to all appropriate administrative levels within the University and is authorized to obtain information necessary in the resolution of conflict (except where prohibited by ABOR policies, University policies, or by law).

Neutrality (impartiality)

An ombuds will be neutral, impartial, and absent of self-interest in the performance of their duties in the program. An ombuds will act in such fashion as to respect the rights of all parties in a conflict. An ombuds does not give legal advice or act as anyone's representative, advisor, or counselor. It does not provide mental health counseling. An ombuds does not serve as an advocate for an individual or for the University.

An ombuds may strive to uphold an important workplace principle (such as a fair process) in the resolution of a problem. Upholding an important workplace principle may mean that suggestions are made to the Ombuds Advisory Committee, the Provost (or other appropriate University administrators) for considering change to University processes or procedures.

Confidentiality

Confidentiality is an essential characteristic of ombuds work. An ombuds will not voluntarily disclose outside the ombuds' office information provided by visitors

(including the visitor's identity) without the visitor's explicit permission except as provided in this Charter.

Confidentiality extends not only to the spoken word but to all other forms of communication to and with an ombuds in connection with their work, including working records of an ombuds. This includes information regarding whether someone did or did not contact the ombuds office. Such information may be shared if permission is given by the visitor **and** the ombuds also agrees to share this information. In addition, an ombuds will comply with all University regulations and standards relating to personal privacy and the confidentiality of information.

Exceptions to the principle of confidentiality include when an ombuds: a) believes there is a reasonable risk of serious personal injury to anyone or future criminal activity, or b) where information is legally required to be disclosed.

To the extent allowed by ABOR policy and law, an ombuds will not be compelled to testify in any university hearing regarding matters brought to the ombuds office. Nor will the university seek an ombuds to reveal information received in the appropriate pursuit of their ombuds-related work except as legally required or as provided in this Charter.

As allowed by ABOR policy and authorized by the Provost, the University will attempt to protect an ombuds from subpoena by others seeking to extract information received in the appropriate pursuit of duties as an ombuds.

IV. Notice

Communications with the Ombuds Committee are informal and off-the-record. They do not constitute formal "notice" to the University of Arizona of alleged, actual, or perceived inappropriate behavior by the University or its employees. Other channels exist within the University for such notice to be given and will be discussed by an ombuds as appropriate or when requested.

V. Limitations on the Authority of the Ombuds Committee

The Ombuds Committee will not hear matters relating to denial of faculty tenure or promotion, termination of an employee during the probationary period, student conduct and academic integrity, and issues that have been formally noticed for compliance investigators. If a visitor has a concern relating to one of these issues, the Ombuds Committee will refer the visitor to other resources.

VI. Limitations on the Constituents Serviced by the Ombuds Program

The Ombuds Program at the University² serves as a resource for current faculty, students, staff, post-doctoral fellows, and administrators.

VII. Inquiry and Retaliation are Inappropriate

The University supports efforts to manage and resolve concerns informally, so as to preserve collegial and effective working relationships, maintain a vibrant University community, and avoid the time and expense required in formal processes. Because the Ombuds Program is intended to be a confidential resource, it is not appropriate to inquire about an individual's use of the program or any communication that may have taken place there. Furthermore, discouraging or preventing anyone who is eligible from using the program is inappropriate. An individual's use of the program or participation in the process will always be completely voluntarily, although it is acceptable to remind individuals that the program is available as an option or a resource.

VIII. Annual Report from Ombuds

Annually, the Chair will prepare a report of the work of the Ombuds Committee for the Provost consisting of aggregate statistics relating to office usage, types of cases handled, analysis of salient topics and trends, and recommendations for adjustments or additional implications for university conflict resolution approaches. A comprehensive review of both the program and the role of the Chair will be conducted at no greater than three-year intervals.

IX. Procedures for Revision or Revocation of this Document

This Charter remains in effect unless otherwise revoked by the University President or their designee, and such revocation will be provided in writing to the Chair of the Ombuds Committee. Any revision to this Charter will be jointly

² The term "University" does not include UA Global (Ashford).

agreed to in writing by both the University President or their designee and the Chair and will be appended to this document.

Acknowledged this 7 day of Sept., 2022

The President or Designee



Chair of Ombuds Committee

Diana J. Simon
