

GUIDELINES FOR THE OPERATION OF THE NORTHWESTERN UNIVERSITY FACULTY OMBUDSMAN PROGRAM

(approved by Executive Committee of the General Faculty Committee and Office of Legal Counsel of Northwestern University, October, 2009)

I. Establishment of the Northwestern University Faculty Ombudsman Program

The General Faculty Committee (“GFC”) shall do the following with respect to the establishment and operation of the Northwestern University Faculty Ombudsman Program:

1. Appoint ombudspersons for the different Schools and campuses in accordance with Section III of these guidelines;
2. Establish, periodically review, and in consultation with Central Administration, update guidelines for the operation of the Northwestern University Faculty Ombudsman Program;
3. Monitor the operation of the Northwestern University Faculty Ombudsman Program;
4. Evaluate on a yearly basis the operation of the Northwestern University Faculty Ombudsman Program;
5. To the extent funding is available, provide for appropriate training of the Ombudspersons for serving in the role of ombudsperson;
6. Establish a standing subcommittee to accomplish the foregoing tasks and to recommend to the GFC whatever modifications of the Faculty Ombudsman Program the subcommittee deems warranted.

II. Purposes of the Northwestern University Faculty Ombudsman Program

The Northwestern University Faculty Ombudsman Program shall have the following functions:

1. Receive concerns and inquiries from members of the faculty with regard to grievances, misunderstandings or concerns;
2. Advise faculty as to appropriate, alternative courses of action to resolve their grievances, misunderstandings or concerns;
3. Assist in the informal resolution of grievances when requested and deemed appropriate, including bringing the concern to the attention of the appropriate University official or body;

4. Advise as to the exhaustion of appropriate department, college and/or campus dispute resolution procedures before a dispute rises to more formal levels of decision-making inside or outside the University;
5. Serve as a source of information and assistance available to all faculty members concerning rules, regulations, and procedures of the University;
6. Provide appropriate referrals to established University hearing or grievance bodies when there is reason to believe that an individual has been improperly treated and has been unable, or is unlikely to be able, to resolve the matter with the Ombudsperson's assistance;
7. Recommend to the General Faculty Committee and other appropriate University officials or bodies such changes in rules, regulations, and procedures as are deemed necessary or desirable.

III. Staffing of the Northwestern University Faculty Ombudsman Program

1. The General Faculty Committee shall appoint at the beginning of each academic year an appropriate number of ombudspersons to serve all of the Schools, campuses and departments of the University and, at a minimum, one to serve the Schools on the Chicago campus, one to serve the Weinberg College of Arts and Sciences and one to serve all of the other Schools on the Evanston Campus.
2. The General Faculty Committee shall endeavor to assure that Ombudspersons it appoints have had substantial experience on the Northwestern Faculty, do not hold any University administrative positions or otherwise hold positions that would present, or appear to present, a conflict of interest, who possess good listening and negotiating skills and who understand and prize the rights and responsibilities of Northwestern University Faculty.

IV. Powers and Duties of the Northwestern University Ombudspersons

A. In performing the functions set forth above, the Ombudsperson shall when appropriate do the following:

1. Listen and discuss the questions, issues, and concerns of Northwestern Faculty members seeking the Ombudsperson's assistance;
2. Help faculty members evaluate the various options that would most effectively address their concerns, including alternative procedures or steps available to resolve problems both formally and informally;
3. Answer questions or help find others who can provide the appropriate answers;

4. Explain University policies and procedures;
5. Facilitate communication between people in order to clarify uncertainties or resolve disagreements;
6. Make appropriate referrals when informal dispute-resolution options seems unlikely to work;
7. Report, as necessary, on systemic problems that could usefully be addressed by the General Faculty Committee and/or University Administration and propose possible solutions.
8. Help assure that decisions affecting faculty members are made with reasonable promptness.

B. Confidentiality and Record-keeping

1. The Ombudsperson shall hold all communications with those seeking assistance in strict confidence and will not disclose confidential communications without the permission of the faculty member. The only exceptions to this observance of confidentiality are: 1) where disclosure appears necessary to prevent an act that would result in imminent bodily harm; and 2) in response to a valid and enforceable court order or subpoena.
2. The Ombudsperson shall not appear as a witness in any University proceeding relating to matters disclosed to the Ombudsperson acting in that capacity except to substantiate concerns about imminent bodily harm.
3. The Ombudsperson will not keep formal written records regarding the services he or she provides, but can keep such suitable records of complaints, findings and recommendations as are necessary to accomplish the functions of his or her office. In order to protect the anonymity of the complainants and the confidentiality of the complaint, such records shall be accessible only to the Ombudsperson or, if the Ombudsperson is working with any Ombudsman Office staff members, such staff members as are appropriate for the proper functioning of the Office. At the end of an Ombudsperson's term of service, that Ombudsperson shall decide which records shall remain for his or her successor and which shall be destroyed. No records retained shall refer to the identity of any person who has sought the services of the Ombudsperson.
4. Communication to the Ombudsperson on any matter will not constitute notice to the University about that matter.

V. Limitations on the powers, duties and functioning of the Ombudspersons

- A. In performing their duties, Ombudspersons shall not engage in the following activities:

1. Listen to, investigate and/or advise as to complaints regarding alleged violations of the University's policies on nondiscrimination or sexual harassment other than to the extent necessary to refer the faculty member to University offices and procedures established to deal with these types of issues;
2. Participate in formal grievance processes, including holding hearings of any kind;
3. Make administrative decisions that are the province of the Administration or otherwise substitute his/her judgment for that of appropriate administrative and/or faculty bodies;
4. Make University policy or replace established procedures;
5. Make any determination as to "guilt" or "innocence" of those accused of wrongdoing;
6. Make decisions as to what would be appropriate sanctions for individuals;
7. Receive official "notice" or complaints on behalf of the University or University officials about any matters or act as the University's agent.
8. Give legal advice about anything;
9. Serve as counsel or advocate for any party to an official dispute-resolution proceeding or hearing.

B. Use of the Ombudsperson's services is strictly voluntary and shall not be a required step in any grievance process or organizational policy. The Ombudsperson shall not have authority to take disciplinary action, reverse decisions, or circumvent existing University rules and procedures. The Ombudsperson shall supplement, not replace, other means, where they exist, for redress of grievances.