

**West Virginia University
Charter of the Faculty Ombudsperson Office
September 26, 2019**

The West Virginia University Faculty Ombudsperson Office ¹ was founded April 1, 2016 to provide assistance to faculty members across WVU campuses to resolve workplace problems in a confidential, informal, neutral, and independent manner. The office was established by the WVU Office of the Provost, however the services are not managed or controlled by WVU administration. This charter defines the authority and responsibilities of the WVU Faculty Ombudsperson Office.

I. Mission and Scope of the West Virginia University Faculty Ombudsperson Office.

A. Mission Statement.

The Faculty Ombudsperson Office serves as a BOG Rule 1.6 designated confidential resource ² for assisting WVU faculty members in managing workplace conflicts and concerns. It provides an alternative to formal conflict resolution channels. The Faculty Ombudsperson Office operates as a confidential, informal, neutral, and independent resource, in accordance with International Ombudsman Association Standards of Practice and Code of Ethics.³ The Faculty Ombudsperson does not advocate for faculty members or for the University, nor is she/he a representative of the University. Instead, the Faculty Ombudsperson works toward just and equitable resolution of concerns presented and provides feedback to University officials on general trends and systemic issues, while protecting confidentiality. The Faculty Ombudsperson acts with integrity and emphasizes and promotes fairness, procedural justice, and respect for all members of the University community.

B. Responsibilities of the WVU Faculty Ombudsperson Office.

- i.** The Faculty Ombudsperson will develop and maintain office policies and practices for the effective operation of the Faculty Ombuds Office. Policies and practices will be publicized through a formal website and outreach activities.
- ii.** The Faculty Ombudsperson will communicate to visitors⁴ the confidential, informal, neutral, and independent nature of the services provided. The Faculty

¹ The terms “ombudsperson” and “ombuds” are used interchangeably throughout this document.

² A conversation with the Faculty Ombudsperson does not constitute notice on behalf of the University of an issue, except when the Faculty Ombudsperson believes there is an imminent risk of serious harm or when the Faculty Ombudsperson is informed of child abuse (see BOG Rule 1.7 <https://policies.wvu.edu/finalized-bog-rules/bog-governance-rule-1-7-rule-on-child-protection>). Moreover, the Faculty Ombudsperson does not constitute a “responsible employee” in accordance with BOG Rule 1.6 and has been designated as a Confidential Resource by the Title IX Coordinator in accordance with BOG Rule 1.6 (<https://policies.wvu.edu/finalized-bog-rules/bog-governance-rule-1-6-rule>).

³ The IOA Standards of Practice and Code of Ethics may be retrieved from <https://www.ombudsassociation.org/standards-of-practice-code-of-ethics-3>

⁴ The IOA refers to people who seek assistance from an ombudsperson as “visitors.”

Ombudsperson will explain that communications with the Faculty Ombudsperson do not constitute notice on behalf of the University of an issue, except when the Faculty Ombudsperson believes there is an imminent risk of serious harm or when the Faculty Ombudsperson is informed of child abuse in accordance with BOG Rule 1.7. Moreover, the Faculty Ombudsperson does not constitute a “responsible employee” in accordance with BOG Rule 1.6 and has been designated as a Confidential Resource by the Title IX Coordinator in accordance with BOG Rule 1.6.

- iii. The Faculty Ombudsperson will serve as a resource for the informal resolution of conflicts, problems, and concerns. Ombudspeople assist visitors by listening to concerns and asking questions, providing information about University policies and procedures, helping to identify and reframe issues, aiding in the identification of goals, helping to generate solution options and action plans, assisting with decision making, coaching visitors to address their concerns with others, serving as a neutral party in resolving disputes through informal mediation and group facilitation, communicating with others with the permission of the visitor, and making referrals to other resources. Strategies used will vary based on the concerns presented, context and dynamics of the situation, goals and preferences of the visitor, and discretion of the Faculty Ombudsperson.
- iv. While protecting confidentiality, the Faculty Ombudsperson will inform WVU leadership of general trends and systemic issues of concern; identify opportunities to improve policies, procedures, and practices; and highlight possible future concerns. The intention is to serve as a catalyst for change, in interest of the University community. Information will be reported in aggregate form, in a manner that protects confidentiality and safeguards the identity of individuals.
- v. The Faculty Ombudsperson will develop and maintain her/his skills through professional development and membership in the International Ombudsman Association.

C. Constituents Served by the Faculty Ombudsperson Office.

WVU faculty members across all WVU campuses are welcome to seek services. The Faculty Ombudsperson is located on the Morgantown campus and will serve faculty members from other WVU campuses by phone and video conferencing.

Faculty Ombudsperson Office services are available to full-time and part-time faculty members, including faculty members with administrative roles, who hold the following positions, as defined by BOG Rule 4.2: ⁵

- Tenured assistant, associate, and full professors
- Tenure-track instructor, assistant, associate, and full professors

⁵ <https://policies.wvu.edu/finalized-bog-rules/bog-faculty-rule-4-2-appointment-promotion-tenure-and-dismissal-for-cause>.

- Clinical, research, service, and teaching non-tenure track instructor, assistant, associate, and full professors
- Extension tenure-track and non-tenure track instructor, assistant, associate, and full professors
- Librarian-track staff, assistant, associate, and university librarians
- Lecturers and senior lecturers
- Visiting instructor, assistant, associate, and full professors

Those with other faculty designations (e.g., adjuncts; information technology; medical, dental, and pharmacy residents,) are not eligible for Faculty Ombudsperson Office services. Administrative and staff personnel, undergraduate and graduate students, and post-doctoral fellows also are not served by the Faculty Ombudsperson Office.

II. Standards of Practice and Code of Ethics.

The practices and procedures of the Faculty Ombudsperson Office were developed in accordance with the Standards of Practice and Code of Ethics of the International Ombudsman Association. Consistent with the IOA principles, the WVU Faculty Ombudsperson office functions independent of the formal organizational structure, operates confidentially, remains neutral, and limits the scope of its services to informal assistance with conflict management and resolution. ⁶

A. Independent.

The WVU Faculty Ombudsperson Office operates independent of formal organizational structures. While the Faculty Ombudsperson reports to the Office of the Provost, she/he has sole discretion over the design and operation of the office and sufficient funds to meet operating needs and to pursue continuing professional development. University leadership does not control the activities of the Faculty Ombudsperson Office, and the Faculty Ombudsperson does not share confidential information, except when the Faculty Ombudsperson believes there is an imminent risk of serious harm or when the Faculty Ombudsperson is informed of child abuse.

The Faculty Ombudsperson is employed by West Virginia University, but does not represent the University administration or management in this role. She/he also is employed as a tenured professor but will not take on responsibilities that might compromise independence, such as those requiring faculty evaluation or formal investigation. The Faculty Ombudsperson Office will maintain a separate office, phone number, and email account from her/his faculty role. The Faculty Ombudsperson will make every effort to keep the ombuds and faculty roles separate.

⁶ <https://www.ombudsassociation.org/standards-of-practice-code-of-ethics-3>

B. Confidential.

The Faculty Ombudsperson Office is a safe place for visitors to voice and examine concerns and identify options for resolving concerns. The Faculty Ombudsperson will hold communications with those seeking assistance in strict confidence and will take reasonable steps to safeguard confidentiality. The Faculty Ombudsperson Office will not disclose the identity of a visitor or share information relayed in confidence unless the Faculty Ombudsperson receives express permission from the visitor, believes there is an imminent risk of serious harm, is informed of child abuse, or required by court order to make a disclosure.

The Faculty Ombudsperson does not act as an agent of the University and does not accept notice on behalf of the University, except as indicated in the previous paragraph. Moreover, the Faculty Ombudsperson does not constitute a “responsible employee” in accordance with BOG Rule 1.6 and has been designated as a Confidential Resource by the Title IX Coordinator in accordance with BOG Rule 1.6. The Faculty Ombudsperson will not participate in formal proceedings inside or outside the University, even if asked to do so by a visitor, unless compelled by court order.

West Virginia University fully supports the confidential nature of the Faculty Ombudsperson Office. University officials will not request the names of visitors or information provided in confidence that could lead to the identification of any individual who contacts the Faculty Ombudsperson Office.

The Faculty Ombudsperson will prepare and deliver a yearly report to the Provost and Faculty Senate Executive Committee. The report will communicate general trends and systemic issues of concern; identify opportunities to improve policies, procedures, and practices; and highlight possible future concerns. Information will be reported in aggregate form, in a manner that protects confidentiality and safeguards the identity of individuals.

The Faculty Ombudsperson will maintain information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others, including University leaders. Notes may be taken, as deemed necessary to assist a visitor. As a matter of policy, records will be destroyed when the matter is resolved or otherwise closed by the Faculty Ombudsperson or the visitor or after one-month of inactivity. Only anonymous data needed to produce annual reports will be maintained long-term.

C. Neutral.

The Faculty Ombudsperson Office is designated as a neutral resource. The Faculty Ombudsperson will consider the legitimate interests and concerns of all involved parties and strive for impartiality in the treatment of people and consideration of issues. The Faculty Ombudsperson will not take sides in any conflict or issue and will not advocate for or represent faculty members, the University, or other involved parties. Instead, the Faculty Ombudsperson will work toward just and equitable resolution of concerns presented and

emphasize and promote fairness, procedural justice, and respect for all members of the University community.

The Faculty Ombudsperson will not be assigned to roles within the University that might compromise her/his neutrality, such as those requiring faculty evaluation or formal investigation. The Faculty Ombudsperson Office will not be affiliated with any compliance function of the University. The Faculty Ombudsperson will take necessary steps to avoid involvement in matters that present real or perceived conflicts of interest, which may arise from personal interests that could interfere with the neutrality of the Faculty Ombudsperson Office. The Faculty Ombudsperson will avoid or withdraw from a matter when a conflict of interest arises.

D. Informal.

The Faculty Ombudsperson Office is an informal resource, providing informal assistance for those who voluntarily seek its services. The Faculty Ombudsperson Office supplements, but does not replace, the University's existing resources for formal conflict resolution. The Faculty Ombudsperson Office does not investigate, arbitrate, adjudicate, or otherwise participate in internal or external formal proceedings or actions, unless required by court order. It does not make binding decisions, mandate policies, or formally resolve issues for the University or any other party.

The Faculty Ombudsperson has no authority to make decisions on behalf of the University. Communications with the Faculty Ombudsperson do not constitute notice on behalf of the University of an issue, except when the Faculty Ombudsperson believes there is an imminent risk of serious harm or when the Faculty Ombudsperson is informed of child abuse. The Faculty Ombudsperson will refer visitors wishing to go on-record to the appropriate formal channels, so individuals may make informed decisions about which options are best for them to pursue.

Use of the Faculty Ombudsperson Office is strictly voluntary and is not a required step in grievance or other formal procedures or University policies. Also, use of the Faculty Ombudsperson Office does not preclude pursuing formal remedies. The University prohibits retaliation for using the services provided by the Faculty Ombudsperson Office.

III. Authority and Limitations of the Faculty Ombudsperson Office

The authority of the Faculty Ombudsperson Office derives from and is endorsed by the West Virginia University Office of the Provost.

A. Authority of the Faculty Ombudsperson Office.

i. Providing services to visitors.

The Faculty Ombudsperson serves as a resource for the informal resolution of conflicts, problems, and concerns. The Faculty Ombudsperson has the authority to

discuss informal options and formal procedures available to visitors, assist visitors with conflict resolution, and make recommendations to the University for improving policies and procedures. The Faculty Ombudsperson will listen carefully to visitors' concerns and choose appropriate strategies for providing assistance based on the concerns presented, context and dynamics of the situation, and visitor's goals and preferences. Strategies may include providing information about University policies and procedures, helping to identify and reframe issues, aiding in the identification of goals, helping to generate solution options and action plans, assisting with decision making, coaching visitors to address their concerns with others, serving as a neutral party in resolving disputes through informal mediation and group facilitation, communicating with others with the permission of the visitor, and making referrals to other resources.

ii. Access to information.

The Faculty Ombudsperson Office may request information or otherwise seek informal assistance in the course of providing services. For example, the Faculty Ombudsperson may request information to increase knowledge of possible adverse systemic trends; to better understand policies, procedures, and practices; to gain an understanding of all sides of a dispute; or to gather information on behalf of a visitor. As permitted by law, University employees and administrators are encouraged to accommodate the Faculty Ombudsperson's requests. All inquiries made by the Faculty Ombudsperson Office are to be considered informal. They do not constitute formal investigation.

iii. Declining or ending involvement in matters.

The Faculty Ombudsperson may withdraw or decline to provide services if she/he believes involvement would be inappropriate for any reason, including, but not limited to, conflicts of interest, requests that would constitute misuse of ombuds services, matters not brought in good faith, matters outside the scope of the normal functions and duties of the Faculty Ombudsperson Office, and when insufficient information is provided.

iv. Access to legal counsel.

The Faculty Ombudsperson may require legal advice from the WVU General Counsel to fulfill the functions of the Faculty Ombudsperson Office. The Faculty Ombudsperson also may require independent legal counsel if she/he is asked for documentation or testimony. If needed, independent counsel will be procured by WVU General Counsel.

B. Limitations on the authority of the Faculty Ombudsperson Office.

i. No involvement in formal processes or investigations.

The Faculty Ombudsperson Office may not conduct formal investigations of any kind. The Faculty Ombudsperson Office may not participate in formal dispute processes, investigations, complaints, or lawsuits on behalf of a visitor, the University, or other parties unless compelled by court order.

ii. No authority to adjudicate.

The Faculty Ombudsperson Office has no authority to formally adjudicate, impose remedies or sanctions, make binding decisions, or enforce or change University policies. The Faculty Ombudsperson Office has no authority to make decisions on behalf of West Virginia University or its administrators, mandate policies, or formally resolve issues for the University or any other party.

iii. With exceptions, does not receive legal notice.

As a designated BOG Rule 1.6 Confidential Resource, the Faculty Ombudsperson Office does not receive or provide notice on behalf of West Virginia University. Communications with the Faculty Ombudsperson do not constitute notice on behalf of the University of an issue, except when the Faculty Ombudsperson believes there is an imminent risk of serious harm, when the Faculty Ombudsperson is informed of child abuse, or when the Faculty Ombudsperson is compelled by court order to make a disclosure.

If visitors choose to communicate allegations of misconduct (other than child abuse) to the Faculty Ombudsperson, they should do so with the understanding that such communication does not serve as notice to the University. The Faculty Ombudsperson will provide information and referrals to appropriate formal channels to visitors who wish to put the University on notice.

iv. Not an advocate or representative.

As a neutral resource, the Faculty Ombudsperson will not take sides in any conflict or issue and will not advocate for or represent faculty member visitors, the University, or other involved parties. Furthermore, the Faculty Ombudsperson is not a representative of the University, except in cases of child abuse or when there is an imminent risk of serious harm.

IV. Record keeping.

The Faculty Ombudsperson Office does not maintain permanent records related to individual cases. Notes may be taken, as deemed necessary to assist a visitor. As a matter of policy, records will be destroyed when the matter is resolved or otherwise closed by the Faculty Ombudsperson

or the visitor or after one-month of inactivity. Records on open matters will be kept in a secure location, protected from inspection by others, including University leaders.

The Faculty Ombudsperson Office will collect and maintain anonymous data, for purposes of annual reporting. The Faculty Ombudsperson may record, for example, the number of faculty members who seek ombuds services, types of concerns for which visitors seek assistance, strategies used to assist visitors, disposition of cases (e.g., whether the matter was resolved successfully), and amount of time spent. No identifying information will be documented in these records. The Faculty Ombudsperson will use the anonymous data to prepare and deliver a yearly report to the Provost and Faculty Senate Executive Committee. The report will communicate general trends and systemic issues of concern; identify opportunities to improve policies, procedures, and practices; and highlight possible future concerns. Information will be reported in aggregate form, in a manner that protects confidentiality and safeguards the identity of individuals.

V. Retaliation for using or not using the Faculty Ombudsperson Office.

Retaliation for using or not using the services of the Faculty Ombudsperson Office will not be tolerated by the University. The use of the Faculty Ombudsperson Office is entirely voluntary. Faculty members may not be compelled or otherwise pressured to use its services. Additionally, it is inappropriate to inquire about whether an individual has contacted the Faculty Ombudsperson, communications with the Faculty Ombudsperson, or ombuds services that may have been used.

VI. Procedures for revision and cancelation of the Faculty Ombudsperson Office charter.

Revisions to this charter will be agreed upon by the Office of the Provost and the Faculty Ombudsperson Office. Additionally, the charter will remain in effect until it is revoked by the Office of the Provost. Cancelation of the charter will be presented in writing to the Faculty Ombudsperson.