

<http://academic-senate.berkeley.edu/committees/omb/faculty-ombudsperson>

## **Faculty Ombudsperson**

The Faculty Ombudsperson is a confidential, informal, impartial alternative for the resolution of work-related problems and conflicts. Members of this committee, acting as individuals, are available to Senate members and staff members in the academic series. The latter may also go to the Staff Ombudsperson (642-7823), who has much more expertise in matters of personnel policy, both union and non-union contract issues, and legal matters.

The Faculty Ombudspersons function as classical "organizational ombudspersons," solving problems and disputes in a confidential and informal manner. They listen, suggest, investigate, and mediate to achieve problem resolution. Often they satisfy the needs of the complainant by simply acting as a sounding board and source of advice as to how that person may solve his/her own problem. It is the objective of the ombudsperson to get all parties to act collegially and according to their responsibilities. All proceedings remain confidential. Ombudspersons do not issue reports or findings. They do not keep written records or act as witnesses in possible subsequent proceedings. They subscribe to a code of conduct, assuring impartiality and confidentiality.

The process begins with the complainant contacting a Faculty Ombudsperson (usually the chair who will direct the caller to the appropriate member). After a phone call or brief meeting, a discussion is held concerning possible courses of action. All actions are strictly confidential and, unless at the request of the complainant, no action is taken. The ombudsperson may also advise the complainant that they he/she has no basis for a complaint and decline to proceed further. Often, at the request of the complainant, the ombudsperson contacts the faculty member or member of the administration that is in a position to solve the problem and, if necessary, arranges a meeting to discuss the issues. It is our experience that most members of the University community respond positively to the ombudspersons' suggestions and that the majority of disputes can be resolved informally.

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<http://academic-senate.berkeley.edu/conflict-resolution>

## **Conflict Resolution**

The Academic Senate offers several resources to assist faculty in the resolution of conflicts on campus. Conflicts may arise over regulation, policy or procedural interpretations, interpersonal disagreements, or academic differences. Senate members provide support for other faculty experiencing conflict, from confidential consultation and informal mediation, to case preparation and formal hearing.

The Faculty Ombudspersons exist to assist faculty and academic personnel in finding non-confrontational solutions to problems involving other members of the University. It is possible to talk confidentially about your problem with any member of the committee and see if an informal resolution might be possible. Contact the chair or any member of the Faculty Ombudspersons or call the Faculty Ombudsperson line (510-642-7213) for a referral. For more details on the ombuds process, see the description of the Faculty Ombudspersons.

The Panel of Counselors are available to advise faculty on further avenues for resolution of their problem, if an informal resolution does not seem likely. They are knowledgeable about faculty rights and privilege and can offer advice on the preparation and management of cases within the jurisdiction of the Committee on Privilege and Tenure. A counselor may also act as a mediator. Contact the chair of the Panel or call the Senate Executive Director (510-642-7213) for a referral.

The Committee on Privilege and Tenure provides the most formal level of conflict resolution. The committee hears complaints from officers of instruction regarding various matters of academic privilege, appointment, tenure, and promotion. The hearing process is outlined in the Manual of the Academic Senate, Bylaw 335. The process is initiated by submitting a complaint in writing to the chair of the committee. A member of the Panel of Counselors can assist in the preparation of the complaint. Faculty members should consult the Faculty Ombudspersons and the Panel of Counselors before submitting a complaint to the Committee on Privilege and Tenure.

#### Other Resources

Academic Personnel Manual

Manual of the Academic Senate (Bylaw 334: Privilege and Tenure: Divisional Committees)

Advancement and Promotion of Junior Faculty at UC Berkeley

The Staff Ombudsperson Office

Standards and Procedures Governing the Reassignment of Tenured Faculty When Objections are Raised

For more information, contact the Academic Senate Executive Director, Andrea Green Rush, (510) 642-7213.

<http://sa.berkeley.edu/ombuds>

## Ombuds Office for Students & Postdoctoral Appointees

The Ombuds Office can be your first step, your last resort, or anything in between. If you wish assistance sorting through a campus-related conflict or concern, please contact us. The Ombudsperson will listen to your concerns, serve as a sounding board, discuss your options with you, and help you get a new perspective and determine the next steps to take.

The office is strictly confidential and no one will know you have spoken with us unless you wish them to. The only exception to this confidentiality is where there appears to be imminent risk of serious harm or danger.

### How the Ombudsperson Helps

You may contact the Ombuds Office at any time during a conflict if you want assistance sorting through the situation. The Ombudsperson will listen, help you come up with next steps, and discuss other resources that might be helpful.

### The Ombudsperson DOES:

- Listen impartially and provide unbiased feedback
- Provide a confidential place to discuss complaints and consider options
- Refer students and postdocs to appropriate campus services and resources
- Assist with problem-solving to minimize the escalation of conflict
- Assist people in conflict to develop mutually acceptable outcomes
- Encourage and empower students and postdocs to find their own solutions to problems and concerns
- Coach individuals on how to communicate their concerns non-defensively

### The Ombudsperson DOES NOT:

- Advocate for individuals or take sides
- Participate in formal procedures, including legal proceedings
- Keep records identifying individuals who meet with the Ombudsperson
- Serve as an office of notice for the University
- Provide legal advice
- Share information with others without permission
- Keep confidential any imminent risk of serious harm or danger
- Conduct formal investigations or write formal investigative reports
- Change policies or academic and administrative decisions

All UC Berkeley undergraduates, graduate students, and postdoctoral appointees, as well as faculty and staff members who work with these groups, can contact the Student Ombuds Office for assistance. Please call 510-642-5754.

<http://staffombuds.berkeley.edu>

Welcome

The Staff Ombuds Office is an independent department that provides strictly confidential and informal conflict resolution and problem-solving services for all Staff, Non-Senate Academics, and Faculty who perform management functions.

The Staff Ombuds Office is a safe place to voice and clarify concerns, understand conflict situations, and find effective ways to respond.

Services provided by the Staff Ombuds Office include:

- Conflict analysis
- Strategies to resolve and prevent disputes
- Identification of options and information
- Communication and conflict coaching
- Mediation
- Group facilitation
- Tailored trainings in conflict resolution
- Resource referrals
- Publishing annual reports
- Providing regular feedback to campus leaders regarding systemic issues

See our Services page for more information.

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<http://staffombuds.berkeley.edu/search/site/faculty%20ombuds>

#### **How is the Staff Ombuds Office different from CARE Services?**

CARE Services is the campus employee assistance program providing free, confidential counseling and referral for **UC Berkeley faculty and staff**. It is also the employee assistance program for the Lawrence Berkeley National Laboratory. CARE Services is staffed by licensed social workers and psychologists. In contrast, the **Staff Ombuds Office is staffed by organizational ombudspersons with extensive specialized training, expertise and experience in conflict management and alternative dispute resolution.**

CARE offers assistance with a range of issues, including:

- Child and teenager problems
- Couples and marital issues
- Work related stress
- Elder and dependent adult care
- Depression, anxiety, and other emotional problems
- Grief and loss
- Alcohol, drug and other addictions

In addition to services for individuals, CARE Services also provides free and confidential consultation and training services for faculty and staff management and campus administration related to behavioral health problems, such as mental illness, chemical dependency, interpersonal problems, employee deaths, threats of violence, work stress and change management, etc., that impact workplace functioning.

Although some issues handled by CARE Services and the Staff Ombuds Office may overlap, ombudspersons provide conflict resolution approaches to workplace concerns and problems. CARE Services staff generally provide assistance with personal issues, such as stress, health

concerns, substance abuse, anger management, or family concerns that may be affecting job performance.

### **Who does the Staff Ombuds Office serve?**

The Staff Ombuds Office is equally available to all staff, non-Senate academics, and faculty who perform management functions (including deans, department chairs, and directors). We are receptive, respectful, and welcoming to everyone accessing our services. To that end, the Staff Ombuds Office actively works to establish, maintain, and increase trust with all our campus constituencies.

Category:

General

Meet Our Staff

Our office includes Director and Ombudsperson Sara Thacker, Associate Ombudsperson Bridget Regan, and Assistant Ombudsperson Michele Bernal. When contacting our office Michele is the first person who will assist you in answering questions about our services and standards of practice, conducting intake, making referrals, and scheduling appointments. Sara and Bridget then meet with employees to listen to their concerns, problem-solve, and explore a range of options that help facilitate resolution.

Campus Offices and Services

Academic Personnel Office

The Academic Personnel Office provides comprehensive information and materials related to academic personnel needs at UC Berkeley. <http://apo.chance.berkeley.edu/>. 642-5626

Resources

Please see our Self-Help Tools for materials you can use yourself to better manage a problematic situation or conflict.

Welcome

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Individual Assistance

The Staff Ombuds Office is available to all Staff, Non-Senate academics, and Faculty who perform management functions (including deans, departmental chairs, and directors). We are receptive, respectful, and welcoming to everyone accessing our services.

For each individual using our services we are committed to:

<http://staffombuds.berkeley.edu/search/site/faculty%20ombuds>

## **Services**

Purpose of the Staff Ombuds Office is to provide employees with a confidential, safe place to discuss work-related concerns and to strategize options to effectively resolve them. The Staff Ombuds Office uses a variety of methods to help staff resolve their work-related concerns, including:

**Individual Assessments and Referrals:** The ombudsperson candidly discusses each person's concern to fully understand the individual's experience and perspective, how they'd like to change the situation, and what options might be available to improve the situation. The ombudsperson, when appropriate, also makes referrals to other resources on campus to support the person in resolving the situation.

**Individual Communication and Conflict Resolution Coaching:** The ombudsperson, using communication best practices and conflict coaching techniques, helps employees develop their communication and conflict resolution skills so that they are better equipped to effectively manage their situations.

**Facilitating Communications between Individuals:** At times, with the expressed permission of the employee, the ombudsperson may act as a go-between when there is fear of retaliation and/or when it is culturally inappropriate or uncomfortable to confront someone directly.

**Mediation:** Mediation is another tool the Staff Ombuds Office uses to help you resolve conflicts. It is a confidential, voluntary process by which the ombudsperson acting as mediator helps two or more people who are in conflict try to reach mutually agreeable solutions. One great advantage of mediation is that it allows the individuals involved to stay in control of their own situations, rather than turning over control to another person, whether a higher level of management, a hearing officer or arbitrator, or anyone else in a position of authority.

**Group Conflict Resolution:** The ombudsperson may also work with groups or teams on campus that are working through difficult decisions, disagreements, and/or conflict affecting multiple people. The ombudsperson role is to facilitate constructive discussions and share information and expertise related to effective group processes and conflict resolution.

**Departmental Needs Assessments:** The Staff Ombuds Office consults with departmental managers to determine their conflict resolution training and development needs. Tailor-made classes and workshops are delivered based on these needs assessments.

**Training classes:** The Staff Ombuds Office offers a variety of classes and workshops to help manage and resolve conflict in the workplace. Download our 2012-2013 schedule of classes.

**Self-Help Tools:** The Staff Ombuds Office regularly posts tools and information that staff can use on their own or recommend to others who are looking for ways to handle problematic situations or workplace conflicts. The Staff Ombuds Office also has a small lending library on relevant workplace topics. Staff members are invited to contact our office to schedule an appointment to visit the library and check out materials.

**Feedback About Systemic Trends and Issues of Concern:** The Director of the Staff Ombuds Office consults on an ongoing basis with key administrators and leaders on campus to bring systemic problems to the attention of the responsible change agents and to discuss general campus conflict trends and responses. The Staff Ombuds Office also issues Biennial Reports to provide information about non-confidential office activities and feedback to the campus community and leadership.

<http://www.umich.edu/~facombud/>

The Office of the Ombuds is a confidential, impartial, informal, and independent resource for information or conflict management that serves all faculty members of the University of Michigan Ann Arbor campus community. The Office assists those who seek guidance with the resolution of academic or administrative issues and disputes that are not being adequately addressed through other University processes. It is a safe place to express concerns.

The Office advocates for fairness and works to ensure that all faculty members of the University receive equitable treatment. The Office serves by helping to resolve complaints, by providing information and referrals, and by making recommendations for constructive change when University policies or procedures generate conflicts or concerns. The Office adheres to professional standards of practice to create an environment where University faculty members can obtain information, review options, and resolve problems.

In addition to the University Faculty Ombuds, each School or College has Unit Ombuds who are also available as a source of information concerning University policies or for conflict management.

Michael Welsh  
University Faculty Ombuds  
Professor of Cell and Developmental Biology  
Professor of Electrical Engineering and Computer Science  
Email: [welsh@umich.edu](mailto:welsh@umich.edu)  
734-763-2549  
or 734-764-3405  
Offices:  
3035 Biomedical Sciences Research Building  
or 6066 Fleming Building

### **What Does the University Ombuds Do?**

The University Faculty Ombuds provides information, options, impartial review, and help in resolving conflicts, and they offer feedback and recommendations for system change to senior administration. Using an alternative dispute resolution sensibility, or perhaps more apt, an appropriate dispute resolution sensibility, the ombuds can provide options to whistleblowers or members of the organization with ethics concerns; provide coaching, shuttle diplomacy, generic solutions (meaning a solution which protects the identity of one individual by applying to a class of people, rather than just for the one individual) and mediation for conflicts; track problem areas; and make recommendations for changes to policies or procedures in support of orderly system change.

The ombuds practicing to the International Ombuds Association (IOA) "standards of practice" is neutral and visibly outside ordinary line and staff structures. The ombuds practices informally, with no management decision-making power, and without accepting "notice" for the organization. The ombuds typically keeps no case records and keeps near absolute confidentiality. The only exception is when there appears to be an imminent risk of serious harm to a person, and the ombuds can see no responsible option other than breaking confidence -- but the ombuds can almost always find "other responsible options", such as helping a visitor to make an anonymous report about whatever appears to be the problem.

Another ombuds function is to monitor and pick up "new things" -- that is, issues new to the University. This is particularly important if the "new thing" is "disruptive" in the sense of requiring the University to review and possibly improve its policies, procedures and/or structures. In recent years there have been many articles about organizational ombuds and about how they coordinate

with internal conflict management systems. (See for example: [International Ombudsman Association](#) and [Massachusetts Institute of Technology Ombuds Office](#) for many references).

## FAQs

### How do I contact the University Faculty Ombuds?

You can phone or email the Ombuds (click [here](#) for contact information). The best way to contact the Ombuds, particularly if you are leaving an email address or phone number where you can be contacted. Because email is not certain to be a secure mode of communication, a concern is to have the highest level of confidentiality, you should communicate in person or by telephone. If using email, please use an email other than a way for the Ombuds to phone you in return. If confidentiality is not critical, you may contact the Ombuds by phone or problem.

### What is the role of the Unit Faculty Ombuds?

[Unit Faculty Ombuds](#) serve their specific college or school by providing confidential and impartial assistance that supports a manner similar to that of the University Faculty Ombuds. The Ombuds work to protect the interests and rights of any faculty member or abuses of discretion, from unnecessary delay and complication in administration of rules and regulations, and from inequity or discrimination at all levels of the university's operations and programs.

The [Unit Faculty Ombuds](#) positions exist to help increase the probability that satisfactory and suitable resolutions can be reached and the likelihood that difficult situations might lead to formal grievances. The Ombuds' work does not supersede regular university grievance procedures and supplements and enhances them.

### What types of issues do the Unit and University Faculty Ombuds handle?

Concerns that faculty ombuds may assist with could include (but are not limited to) uncivil behavior, bullying or harassment, improper procedures were followed for decisions concerning tenure, promotion, or salary; working conditions and general university policies; discriminatory behavior. Although the faculty ombuds do not have the power to change rules, regulations, policies, procedures, they advocate for just and fair treatment. They have an understanding of the current University policies and practices regarding salaries and grievance procedures.

### What if I don't want to use the ombuds in my unit?

Because of supervisory, mentoring or other relationships, there will be times when some faculty members will feel more comfortable with the Unit Faculty Ombuds. In such circumstances, faculty are welcome and encouraged to [contact](#) the University Faculty Ombuds. [Back to Top](#)

### Who can use the Faculty Ombuds?

All University faculty including instructors, librarians, curators, research investigators, tenure track, research track and emeriti faculty.

### When should I contact the ombuds?

- When you want to discuss a sensitive question or issue
- When you are unsure of where to go or what options exist to solve a problem
- When you have a situation requiring negotiation or help in facilitating communication
- When you are unsure which policies, procedures, or regulations apply in your situation
- When you feel a policy, procedure, or regulation has been applied unfairly or erroneously
- When you have a concern about an office, a service, or a decision at the University
- When you have a conflict with colleagues, staff or students
- When you experience uncivil behavior or harassment
- When you have concerns about ethics or academic dishonesty
- When you have questions or concerns about appointment, promotion or hiring issues
- When you have questions or concerns about performance evaluations and discipline

### Does using an ombuds mean I can't file a formal grievance?

Speaking with and exploring options with a Unit Faculty Ombuds in an academic unit or the University Faculty Ombuds in the University Faculty Ombuds procedures and is currently a recommended first step in filing a grievance. See the [Formal Grievance Procedures](#) section of the [Model Faculty Appeal Procedures for Schools, Colleges, and Academic Units](#).

### What can the Ombuds do?

- Listen to your questions and concerns
- Help you to identify and evaluate options
- Offer an impartial perspective
- Help you to deal with a problem
- Facilitate difficult conversations as an impartial third-party
- Help you to resolve a problem by coaching, by shuttle diplomacy or by mediation
- Make referrals to appropriate resources



- Recommend constructive change in University policy
  - Make informal inquiries to gather relevant information
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#### **What can the Ombuds *not* do?**

- Provide legal advice
- Offer psychological counseling
- Make decisions or render judgments on issues
- Compel or order anyone to take any specific action
- Conduct formal investigations
- Participate in formal processes, including lawsuits or grievances
- "Take sides" or advocate for either party or for the University in a dispute
- Accept notice on behalf of the University

#### **Is the Ombuds my advocate?**

No. The Ombuds does not take sides in a dispute. The rights and interests of all parties are carefully considered with the goal of resolving the issue.

#### **What authority does the Ombuds have?**

The Ombuds has the authority to contact senior officers of the University, to gather information in the course of looking for settlements to disputes, to bring concerns to the attention of those in authority, and to attempt to expedite administrative actions. While the Ombuds does not have the power to change University rules or policies, the Ombuds can make recommendations for change to those with the authority to do so.

#### **What about confidentiality?**

The Ombuds' Office is firmly committed to maintaining the confidentiality of those who use our services. The Ombuds will not disclose information unless in the course of your discussions with the Ombuds you give your explicit permission to disclose information. In the event that talking with other individuals may help your situation, you will be asked for your permission before any disclosures are made. Because confidentiality is so important to the Office, all communications with the Office are made with the understanding that no one from the Office will be called to testify as a witness in any formal or legal proceeding to reveal confidential communications. Case notes regarding issues brought to the Office are retained only until the matter is resolved as determined by the Office. The only exception to this confidentiality is when the Ombuds decides that an imminent threat of serious harm to any person exists in the sole discretion of the Ombuds. If you have particular concerns about confidentiality, please be sure to raise the issue with the Ombuds. This confidentiality of the Ombuds cannot be "waived" by users of the Office (for example, a visitor should not expect a waiver because the privilege of confidentiality belongs to the Office and not to the users of the Office. However, a visitor is free to choose not to disclose information.

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#### **Will the Ombuds help me in a grievance or lawsuit?**

No. Once a matter is in a formal process, including legal action, the Office does not have any involvement with the formal process. It is important to the Office, all communications with the office are made with the understanding that they are confidential, and no one from the Office will be called to testify as a witness in any formal or legal proceeding to reveal confidential communications. The Office will assert any and all legal protections to maintain that confidentiality. The Office will not disclose information even when the person using the services of the Office requests disclosure.

#### **Can I remain anonymous?**

Yes. You can call or meet with the Ombuds to discuss the issue without giving your name. The Ombuds will work with you in a way that does not compromise your identity. However, this may limit the options available to you for resolution of your issue.

#### **Am I informing the University about my complaint by speaking with the Ombuds?**

No. Because of the confidential and informal problem-solving role of the Office, informing the Office in person or in writing is not a "notice" to the University that the problem exists, nor is speaking to the Office a step in any grievance process. Anyone who wishes to file a grievance may contact an administrator or invoke a formal grievance process. The Office can provide referral information about where to file a "notice" for the University about the existence of problems.

#### **What kind of records does the Ombuds Office keep?**

The Office does not keep records other than aggregate statistical summaries. The Office is not a place of notice or "record" regarding issues brought to the Office are retained only until the matter is resolved as determined by the Office and the University. The Office keeps aggregate statistics and periodically reports general problem areas to senior administrators. Data on the number and types of concerns may appear in our annual report. The data are strictly demographic and do not contain information about individuals who used the Office. The data may signal emerging issues, indicate trends, highlight vulnerable groups, or suggest areas for improvement.

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#### **What else should I know about the Office?**

The principles of confidentiality, impartiality, informality, and independence are absolute, non-negotiable, and belong to the Office. Anyone who uses our services cannot request us to breach any of these standards of practice.

Email is not a confidential medium for communication with the Ombuds. For this reason, when confidentiality is important, confidential information should be communicated to the Ombuds either in person or by telephone.

All communication is "off-the-record" and does not constitute a step in any grievance process. Therefore, it is your responsibility to meet deadlines in filing formal grievances or appealing decisions.

The services of the Office do not compromise or replace policies or procedures established under collective bargaining agreements.

The Ombuds has the right to discontinue providing service and disassociate from a matter at any time.

### **How did the Unit and University Faculty Ombuds come into being at Michigan?**

In 1989, the [Senate Assembly](#) established a task force to review the faculty grievance procedures. The task force found that informal methods rather than formal methods. As a consequence, the task force recommended that the University develop an office of Ombuds that all faculty would have access. After consultation with the Provost, the decision was made to establish faculty ombuds positions in the 1990s, without existing programs, with the Faculty Senate Office serving as coordinator.

In 2003 the Provost and Vice President of Academic Affairs, Paul N. Courant, created the additional position of University Faculty Ombuds upon request. The University Faculty Ombuds works with the Unit Ombuds in each school and college of the University to facilitate the resolution of complaints.

The Unit Faculty Ombuds in the schools and colleges are faculty members who have been elected or appointed. The Ombuds in the colleges of the University by providing information and counseling on the issue facing the individual. The Ombuds help individuals understand the process available for handling concerns, problems and complaints.

### **What does "ombudsman" or "ombuds" mean, and what are the historical origins of the Ombuds?**

(taken and modified from [Wikipedia](#))

The origin of the word is found in Old Swedish *umbuðsmann* and the word *umbuds man*, meaning representative (with the implication of someone who is authorized to act for someone else). The modern use of the term began with the Swedish Parliament, the Riksdag in 1809, to safeguard the rights of citizens by establishing a supervisory agency independent of the executive branch. Originally, ombudsmen (or ombuds) were state officials appointed by national rulers or governments to provide a check on the actions of a government official, citizen, and to oversee the investigation of complaints of improper government activity against the citizen. More recently, many organizations and government agencies have established an ombuds office to serve internal employees, faculty and students. The ombuds function independently of the institution, by reporting to the company president, CEO, board of directors, provost, or chancellor. The major advantage of an ombuds is that he or she examines complaints from outside the formal administrative structure. The ombuds function of interest inherent in self-policing. However, for the ombuds system to operate effectively the selection of an appropriate individual to perform the function of an effective official from within the apparatus of the institution is of great importance.

Persons who played a role similar to an ombuds may have flourished in China during the Qin Dynasty (221 BC), and in ancient Rome. The Tribune had some similar roles, with power to veto acts that infringed upon the plebeians.

In the Danish Law of Jutland from 1241 the term is *umbozman* and means a royal civil servant in a hundred (country or district). In other Scandinavian languages such as the Icelandic "*umboðsmaður*", the Norwegian "*ombudsmann*" and the Danish "*ombudsmand*" began in Sweden, with the Swedish Parliamentary Ombudsman instituted by the Instrument of Government of 1809, to provide a supervisory agency independent of the executive branch. The predecessor of the Swedish Parliamentary Ombudsman was the "*Högste Ombudsmannen*" which was established by the Swedish King, Charles XII in 1713. Charles XII was in exile in France and Sweden to ensure that judges and civil servants acted in accordance with the laws and with their duties. If they did not, he would order them to prosecute them for negligence. In 1719 the Swedish Office of Supreme Ombudsman office became the Chancellor of Justice. The Ombudsman may have been the Turkish *Diwan-al-Mazalim* which appears to go back to the second Caliph, Umar (634-644). However, the current predecessor of ombudsman institutions, the Swedish Parliamentary Ombudsman, is based on the work of Montesquieu, which has a western origin and roots in the Enlightenment. The Parliamentary Ombudsman was established in the Riksdag, as a parallel institution to the still-present Chancellor of Justice. The Parliamentary Ombudsman is the institution that has subsequently molded into its contemporary form, and which subsequently has been adopted in many types of organizations.

<http://ombudsman.osu.edu/>

## **Faculty Ombudsman (Ohio State University)**

Site Navigation

Faculty Ombudsman

Frequently Asked Questions

Resources

Annual Reports

The Ohio State University established the position of faculty ombudsman in 2010 to deal with faculty concerns and complaints. According to Ohio State university rules (3335-5-45.3), the responsibilities of the faculty ombudsman include:

- Serve as an advisor to faculty to assist them in determining the viability of their complaints and issues.
- Direct faculty to appropriate offices, committees, and university rules and policies.
- Serve when appropriate as an informal mediator of early-stage complaints, to mediate as an impartial party rather than as an advocate for faculty involved in complaints.

Jack A. Rall, PhD  
Professor Emeritus,  
Department of Physiology & Cell Biology  
Office: 021 Hamilton Hall

### **Principles**

The Ohio State faculty ombudsman operates according to the standards of practice of the International Ombudsman Association (IOA). These include:

#### **Independence**

Though the faculty ombudsman reports annually to the Faculty Council and Office of Academic Affairs, the ombudsman functions independently of all university offices, and neither represents the university administration nor any individual.

#### **Neutrality and impartiality**

The ombudsman does not take sides and remains neutral. The ombudsman is not an advocate for faculty or for the university, but rather, acts as a facilitator and is even-handed. The ombudsman does not have the power to change decisions, but can advise, refer, review, and/or persuade as a neutral and impartial agent. The ombudsman promotes fair practices and fosters integrity and timeliness in the administration of university policies and practices that affect faculty.

#### **Confidentiality**

To the extent permitted by law, conversations with the faculty ombudsman are confidential except where there appears to be imminent risk of serious harm, where harassment or other illegal activity may be involved, and where there is no other reasonable option.

#### **Informality**

Meeting with the faculty ombudsman is an informal and off-the-record process, which includes such means as: listening, providing and receiving information, identifying and reframing issues, and developing a range of responsible options. The faculty ombudsman pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems. The faculty ombudsman does not make binding decisions. The ombudsman, as an informal resource, does not participate in any university adjudicative or administrative hearing, process, or procedure related to concerns brought to his attention.

#### **History**

The modern use of the term began in Sweden with the Swedish Parliamentary Ombudsman, instituted to safeguard the rights of citizens by establishing a supervisory agency independent of the executive branch. Currently, more than 200 colleges and universities have ombudsman offices.

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**ANNUAL REPORT**  
**OHIO STATE UNIVERSITY FACULTY OMBUDSMAN**  
**2011 – 2012**

The position of faculty ombudsman at Ohio State University started on October 1, 2010. This is the second annual report and it covers the period from July 1, 2011 through June 30, 2012. The duties of the faculty ombudsman are defined in university rule 3335-5-45.3 and include: (1) helping faculty assess viability of complaints and issues, (2) directing faculty to appropriate offices, committees, university rules and policies and (3) where appropriate serving as an informal mediator for early-state complaints.

The faculty ombudsman is a member of the International Ombudsman Association and as such operates according to the principles of that association. These principles are: (1) Independence- the faculty ombudsman is not an advocate for the administration or any individual faculty member, (2) Impartiality: the faculty ombudsman remains neutral in all interactions, (3) Confidentiality: interactions with the faculty ombudsman are confidential to the extent permitted by law. The faculty ombudsman's notes are not subject to open records requests. (4) Informality: interactions with the faculty ombudsman are informal wherein the faculty ombudsman listens to a person's concerns and suggests various approaches to resolving the issues. For more information about these operating principles, see the faculty ombudsman webpage at [ombudsman.osu.edu](http://ombudsman.osu.edu).

During the past year, the appointment of the faculty ombudsman was expanded to cover the summer of 2011. Thus the position is now a twelve month appointment. The faculty ombudsman had a total of eighty five interactions (seventy two during the academic year) with fifty nine faculty or groups of faculty (fifty during the academic year) who sought advice or information. The increase in the number of faculty seen during this academic year (thirty five faculty last academic year) is most likely due to a wider recognition of the existence of the position of the faculty ombudsman. The faculty came from thirty different units across the Columbus campus and from two OSU regional campuses. The faculty ranged in rank from lecturer to full professor. Most of the interactions were one-time interactions but some have been on-going throughout the year.

Some of the issues as perceived by the faculty that were discussed this past year included:

**Conflict with chair/supervisor**

- Academic freedom and responsibility
- Compensation for voluntary teaching
- Contract dispute
- Disability issue
- Annual evaluation not factual
- Pattern of administration not followed
- Research space
- Retaliation
- Spousal hire agreement
- Teaching assignment
- Toxic environment

**College issues**

- Full time equivalent (FTE) policy proposal

- Lack of interaction with new dean
- Potential unit closure
- Promotion requirements
- Reorganization
- Rehire policy
- Workload policy

**Inappropriate faculty behavior**

**Promotion/tenure issues**

**University policies and procedures**

- Benefits appeal
- Faculty Professional Leave (FPL) policy
- Lecturer classification and benefits

**Bullying**

- Student bullying faculty
- Administrative staff bullying faculty

**Information requests related to**

- University rules
- Office of Academic Affairs policies and procedures
- Committee on Academic Freedom and Responsibility

The faculty ombudsman led a two-session workshop for college faculty on academic freedom and responsibility. The session included presentations by Vice Provost Susan Williams and three senior faculty, two of whom were former department chairs and one who was a former chair of the senate committee on academic freedom and responsibility (CAFR). Presentations were made on academic freedom and responsibility and faculty comments and questions were addressed.

Professor Nancy Rogers, College of Law, has served as an advisor to the faculty ombudsman and her enthusiastic support for the position is greatly appreciated. She has agreed to continue to provide advice during her tenure as an emeritus professor.

The faculty ombudsman became an emeritus professor on July 1, 2012. After the required sixty day hiatus from university activities, the faculty ombudsman will be on duty again from September 1 through August 31, 2013.

Jack A. Rall, Ph.D.  
Emeritus Professor

\*\*\*\*\*

**Frequently Asked Questions**

**To whom are the faculty ombudsman services available?** *To all faculty at all academic ranks associated with all OSU campuses.*

**Does the faculty ombudsman handle student or staff issues?** *No. Undergraduate and graduate students should contact the Student Advocacy Center, Office of Student Life. Staff should contact their local Human Resources person. OSU has available a Mediation Service for faculty, staff and graduate associates (at [hr.osu.edu/mediation](http://hr.osu.edu/mediation)).*

**What functions does the faculty ombudsman perform?**

*Listens to you*  
*Answers your questions*

Analyzes your situation  
Explains policies and procedures  
Provides information and advice  
Explores possible solutions  
Suggests appropriate referrals  
Assists in pursuing a resolution  
Informally mediates a dispute where appropriate  
Apprises the administration of significant trends  
Recommends changes in policies and procedures

**When should a faculty member contact the faculty ombudsman?** When you:

need to have a confidential discussion about a university related problem  
feel a policy or procedure has been unfairly applied to you  
need information about faculty rights and university policies and procedures  
need help in facilitating a resolution to a work-related problem  
need help communicating with other faculty or university administrators  
want to know your options for solving a work-related problem  
prefer to resolve a dispute in an informal manner  
want to know what university resources are available to you

**What doesn't the faculty ombudsman do?**

Advocate for you, i.e., assume a non-neutral role  
Represent you in a grievance procedure  
Address a non-university related problem or complaint  
Intervene in a formal grievance procedure  
Overturn decisions by university officials  
Provide legal advice or legal representation

**What authority does the faculty ombudsman have?**

The faculty ombudsman has no formal authority. However, he can mediate and negotiate settlements in disputes. The faculty ombudsman may identify systemic conflicts, bringing to the administration's attention those practices, policies, and aspects of OSU culture that appear to exacerbate tensions or create problems for faculty.

**If the faculty ombudsman is employed by OSU, how independent can he be?**

The faculty ombudsman is not part of the OSU administration. He is free from any influence in addressing issues and resolving conflicts. The fact that faculty ombudsman works outside of the official channels means a person can raise a concern without bringing it as a formal complaint.

**How long has the faculty ombudsman worked at OSU?** This is the faculty ombudsman's 38th year as an OSU faculty member and second year as faculty ombudsman.

**Do you keep records?** No. The faculty ombudsman may take notes to be sure of a comprehensive understanding of the issues. These notes and any documents that may be provided are shredded after consultation is complete. The faculty ombudsman's notes are not subject to open records requests. The faculty ombudsman keeps only statistical data and does not keep names in a database.

**What is informal, early stage, mediation?**

Informal mediation is a voluntary meeting of disputing parties in which they attempt to reach their own solution with the help of the faculty ombudsman.

Some benefits of mediation include:

Parties choose their own solution; no arbitrator imposes a decision  
You can work to seek common interests, rather than bringing or defending against charges of wrongdoing or violations of OSU policy

*You have flexibility to reach creative solutions that a grievance or other formal proceedings may not allow*

**Can faculty members be compelled to use the services of the faculty ombudsman?**

*No. The use of these services is strictly optional.*

**How should I communicate with the faculty ombudsman?**

*Appointments can be arranged by telephone or email. Please do not include confidential information in an email.*

<http://senate.psu.edu/ombuds/ombuds.asp>

(Pennsylvania State University)

## **University Faculty Senate Standing Rules**

### **SECTION 9**

#### **UNIVERSITY OMBUDSPERSON:**

(a) Eligibility: Current or emeritus faculty member

(b) Election: By the Senate Council for a term of four (4) years (renewable). While University Ombudsperson, the incumbent may not serve on the Standing Joint Committee on Tenure, the Senate Committee on Faculty Rights and Responsibilities, or the University Promotion and Tenure Review Committee .

(c) Duties: The University Ombudsperson shall coordinate the training of all college and campus ombudspersons; shall provide for the appropriate dissemination of information among the various college and campus ombudspersons; and shall be the university-level contact for the various college and campus ombudspersons. The University Ombudsperson shall report periodically to the Senate Council and shall maintain liaison with the Office of the University Provost, the Office of Human Resources and the Senate Office. The University Ombudsperson shall have no appeal function.

University Ombudsperson (effective July 1, 2010)

Deborah F. Atwater, Associate Professor Emerita, Communication Arts and Sciences  
and African and African American Studies, College of the Liberal Arts

email: [dfa1@psu.edu](mailto:dfa1@psu.edu)

phone: 814-867-7467 (home) 8:00 a.m.-5:00 p.m. Monday-Friday

Unit Ombudspersons

Policy HR76 Faculty Rights and Responsibilities Selection and Responsibilities of  
Ombudspersons

Other Policies of Interest to Ombudspersons

Recent Ombudsperson Reports

Ombudsperson Legislation, March 31, 1998

Conflict Resolution Services (Affirmative Action Office)

Ombudsperson Workshop Resources:

August 31, 2012

October 18, 2011 (video recorded workshop)

Additional Ombudsperson Resources:

United States Ombudsman Association (Annual Conference)

International Ombudsman Association (Standards of Practice and Code of Ethics)

The Ombuds Blog: News and Information for and about Organizational Ombuds

Mediation Resources

Tools for Working With and Learning From Conflict in Higher Education



(Wayne State University)

Civility at Work: 20 Ways to Build a Kinder Workplace

Conflict Information Consortium

<http://www.utexas.edu/ombuds/>

## OMBUDS OFFICES

The ombuds offices were established to provide students, staff, and faculty with a prompt and professional way to help resolve conflicts and address concerns.

Student Ombuds

Staff Ombuds

Faculty Ombuds

## HOW WE OPERATE

We are members of the International Ombudsman Association (IOA). All offices operate consistent with the Code of Ethics and Standards of Practice of the IOA. The ombuds offices help the University uphold the institutional core values and honor code.

**Confidential** We will not identify you or discuss your particular concerns with anyone without your permission. Exception is taken when we believe that disclosure is necessary to address imminent risk of serious harm.

**Neutral** We advocate for fair processes, consider the rights and interest of all parties, and do not take sides.

**Informal** We are an off-the-record, voluntary resource. Contacting our office does not provide notice to the University.

**Independent** The Ombuds exercises autonomy regarding responsibilities. The office is independent and is situated outside of the University's normal administrative structure to better ensure impartiality.

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<http://www.utexas.edu/faculty/council/ombuds/>

## OFFICE OF THE UNIVERSITY FACULTY OMBUDS

### Purpose

The Office of the Faculty Ombuds at The University of Texas at Austin was established in 2004 to provide faculty with a prompt and professional way to resolve conflicts, disputes, or complaints beyond turning to their supervisors. The office assists faculty and post-doctoral fellows (post-docs) with any work-related difficulty, including interpersonal conflict or misunderstandings, as well as academic or administrative concerns. To afford visitors the greatest freedom in using its services, the office is an independent, neutral, and informal problem-solving resource serving faculty. The office maintains strict confidentiality and provides a safe place for faculty and post-docs to have off-the-record conversations on issues related to work. The Faculty Ombuds helps individuals identify options for fair and equitable outcomes and fosters civility and mutual respect as outlined in the University Honor Code. The office supplements, but does not replace, any existing grievance mechanisms or modes of redress. The Faculty Ombuds administratively reports to the provost of the University (faculty) and the vice president for research (post-docs) and has the full cooperation of University personnel.

Who is the University Faculty Ombuds?

Mary Steinhardt is currently serving as the Faculty Ombuds.

How do I contact the Faculty Ombuds?

Phone:

471-5866

E-mail:

facombud@uts.cc.utexas.edu

Office Location:

WMB 2.102

Office Address:

The University of Texas at Austin

General Faculty PO Box 7816

Austin, TX 78713

Campus Mail Code:

F9500

Although no specific office hours are designated, your initial phone or e-mail contact will result in an immediate response or a rapid arrangement of a mutually convenient time for a longer meeting or phone conversation with the Faculty Ombuds. Please note that due to the limits of technology, confidentiality cannot be ensured in email communication. Thus, you are advised against sending sensitive information via email.

OMBUDS OFFICES

FACULTY OMBUDS HOME

ABOUT THE FACULTY OMBUDS OFFICE

- OPERATING PRINCIPLES
- FREQUENTLY ASKED QUESTIONS
- OFFICE CHARTER

HOW CAN THE OMBUDS HELP?

RESOURCES

- HELPFUL WEBSITES
- PRESENTATIONS & COACHING SESSIONS
- CONFLICT MANAGEMENT LINKS
- PRACTICAL SELF-HELP TOOLS

ANNUAL REPORTS

2011-2012

2010-2011

2009-2010

2008-2009

2007-2008

2006-2007

2005-2006

2004-2005

DOCUMENTS OF THE GENERAL FACULTY

**ANNUAL REPORT OF THE UNIVERSITY FACULTY OMBUDSPERSON FOR 2011-2012**

The annual report of the University Faculty Ombudsperson for 2011-12 is reproduced below.

Sue Alexander Greninger, Secretary

General Faculty and Faculty Council

## ANNUAL REPORT OF THE UNIVERSITY FACULTY OMBUDSPERSON FOR 2011-2012

The Office of the University Faculty Ombudsperson (ombuds) was established in 2004 to provide faculty with a prompt and professional way to resolve conflicts, disputes, or complaints beyond turning to their supervisors. In 2010, the faculty ombuds also began officially seeing visitors holding postdoctoral fellowship appointments. The ombuds office provides a confidential place for faculty and post-doctoral fellows (post-docs) to voice concerns, clarify desired outcomes, think through difficult situations, develop options, and problem-solve. Administratively, the ombuds reports directly to the provost of the University with respect to faculty, and to the vice-president for research with respect to post-docs.

During the academic year 2011-12, sixty-five visitors (sixty-two faculty and three post-docs) from ten different colleges or schools contacted the faculty ombuds to seek help or advice on concerns involving the tenure process, denial of promotion and tenure, post-tenure review, salary/gender equity, professional conflicts, concerns regarding appropriate procedures being followed, and help having a difficult conversation. Informal mediation involved meetings with three deans/associate deans, eight departmental chairs, and several staff of the Office of Legal Affairs.

The majority of cases were resolved through informational mediation, counseling, and coaching, although several are still in process. An additional twelve contacts requested information only or referral to the appropriate office and no further action was needed. Ombuds-related activities averaged approximately seven to ten hours a week during the fall and spring semesters, and twelve to fifteen hours a week during the summer.

In addition to the activities noted above, faculty outreach included several presentations on campus regarding the purpose of the University faculty ombuds office, a collaborative survey project with the Office of the Vice President for Research to see how the University could better serve post-docs (n=211 surveys completed), quarterly meetings with the professional group Ombuds of Texas, regular meetings with the University staff ombuds and student ombuds, and consultations with other universities regarding their current or planned ombuds office.

Thank you for the opportunity to serve.

Submitted by Mary Steinhardt, University faculty ombuds for the October 15, 2012, Faculty Council meeting.

Mary A. Steinhardt, EdD, LPC  
Distinguished Teaching Professor

Posted on the Faculty Council website (<http://www.utexas.edu/faculty/council/>) on October 18, 2012.

<http://ombuds.colorado.edu>

At the Ombuds Office, we offer all members of the university community a safe place to talk about their campus-related problems. We help you identify and evaluate options and provide information. We can facilitate conversations between conflicting parties and make referrals when necessary.

We offer confidential assistance with:

- Conflicts (interpersonal, workplace, classroom)
- Perceived unfair treatment
- Complaints (e.g. grading, or campus services)
- Improving communication
- Understanding CU policies and procedures
- Administrative roadblocks

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<http://ombuds.colorado.edu/faculty-ombuds/>

#### For Faculty

In 1997, the Boulder Faculty Assembly recommended the creation of the Faculty Ombuds Program. Since that time, the Ombuds Office has employed two retired faculty members to serve as Ombuds specifically available to active and retired faculty and those involved in conflict with faculty members. Faculty Ombuds combine mediation and conflict management skills with extensive experience and knowledge of the campus culture. They assist in managing interpersonal disputes, improving collegiality and communication, addressing classroom issues, brainstorming options for career transitions, and addressing questions about university policies/procedures.

**Contrast Chart of Faculty Relations & Faculty Ombuds**  
**Services Offered by Faculty Ombuds and Faculty Relations Director**

<b>Faculty Ombuds</b>	<b>Director of Faculty Relations</b>
Assists in managing any conflict between a faculty member and any others in the university community, including faculty colleagues, administrators, students, staff, and post-doctoral appointees.	Assists in managing any conflict between a faculty member and administrators, faculty colleagues, post-doctoral appointees, and graduate students on appointment.
<p>Never conducts formal investigations of faculty. Assists all parties in recognizing and evaluating the range of options to manage and resolve conflicts.</p> <ul style="list-style-type: none"> <li>• Does not conduct investigations at all nor recommend anything to administrators about individual cases, though with permission can share information with parties involved.</li> <li>• Conversations with all parties can occur only on a voluntary basis (i.e., if people are willing to talk about the issues).</li> <li>• Does not reveal confidential information to University Counsel and consults with Counsel using only hypothetical examples.</li> </ul>	<p>At request of academic administrators, conducts formal investigations of allegations of inappropriate, disruptive, or unacceptable conduct or behaviors on the part of faculty.</p> <ul style="list-style-type: none"> <li>• Reports findings and makes recommendations to administrators with authority to take action.</li> <li>• Conversations involving respondents may occur involuntarily on the part of respondents.</li> <li>• Consults with University Counsel about details of cases under investigation.</li> </ul>
Always confidential except in situations involving “imminent risk of serious physical harm.”	Confidential to the extent possible – until an investigation appears to be necessary (similar to Office of Discrimination and Harassment).
<p>Provides the following services:</p> <ul style="list-style-type: none"> <li>• coaching on communication and conflict management skills;</li> <li>• offering information on university policies and procedures;</li> <li>• helping clarify goals as well as brainstorming and evaluating options for conflict resolution;</li> <li>• facilitating mediated conversations or conducting shuttle diplomacy;</li> <li>• making appropriate referrals.</li> </ul>	Provides coaching and advice to faculty members and academic administrators.(See Faculty Relations brochure for specifics).
Guided by the International Ombudsman Association Standards of Practice, which include confidentiality, impartiality, informality, and independence.	Guided by the Memorandum of Understanding with the Provost.
Keeps no written records of those who initiate a request for assistance or those about whom complaints are made; keeps only general information on issues raised and number of people assisted.	Keeps records with names in a file and/or database, including names of those requesting assistance and those about whom complaints are made.
Is not required to report allegations involving criminal conduct, harassment, discrimination, etc. Reports only situations involving “imminent risk of serious harm.”	Is required to report allegations involving criminal conduct, harassment, discrimination, etc.
Resists giving testimony in any situation.	Provides testimony if requested by University Counsel, administration,

or if subpoenaed.




3074 FLEMING ADMINISTRATION BUILDING  
503 THOMPSON STREET  
ANN ARBOR, MICHIGAN 48109-1340  
734 764-9290 FAX: 734 764-4546

February 24, 2012

TO: Michael J. Welsh  
University Ombuds

FROM: Lori J. Pierce   
Vice Provost for Academic and Faculty Affairs

Christina B. Whitman   
Vice Provost for Academic and Faculty Affairs

RE: University of Michigan Office of the University Faculty Ombuds

In an effort to bring increased transparency and clarity to the Office of the University Faculty Ombuds and based on our discussions and the draft document you developed, the following is an overview of the Office.

## MISSION

The Office of the University Faculty Ombuds provides a neutral, independent, informal, and confidential resource to facilitate fair, equitable, and expeditious resolutions of concerns and conflicts expressed by faculty at the Ann Arbor campus of the University of Michigan.

## I. INTRODUCTION

The University Faculty Ombuds Office is established to complement other dispute resolution offices and activities of the University. The University Faculty Ombuds Office provides an informal and confidential mechanism for amicable, prompt, and economical dispute resolution, which may in many instances be preferable to formal grievance procedures and judicial proceedings. The University administration and University faculty recognize that a Faculty Ombuds Office serves an important role and public interest by providing an independent, confidential, impartial, and informal mechanism to resolve disputes, identify systemic problems or concerns, and provide a resource for faculty who may seek guidance on how to report possible violations of University policy.

This document outlines the privileges and responsibilities of the University Faculty Ombuds [Ombuds] and the Office of the University Faculty Ombuds [Office].



## II. PURPOSE AND SCOPE OF SERVICES

The Office will provide an informal, neutral and confidential environment for resolution of disputes to University of Michigan faculty with concerns related to their faculty roles. The Office will be a place where members of the University faculty<sup>1</sup> can seek information and guidance regarding concerns, conflicts, or disputes at no cost and at any stage in the resolution process to the extent possible based on laws and the policies governing the Office. The scope of the Office is limited to addressing matters directly involving University faculty.

The Office will confidentially receive complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader problems. The response of the Office is tailored to the dynamics of the situation and the visitor's<sup>2</sup> concerns. The Ombuds will listen, make informal inquiries to facilitate resolution, or otherwise review matters received, offer options for resolution, make referrals, and mediate disputes independently and impartially. The Ombuds will not function as a fact-finder or arbitrator; where the Ombuds thinks an investigation is appropriate, the Ombuds may request that the Provost's Office or another office as appropriate conduct an investigation. Services of the Office supplement, but do not replace, other processes (formal and informal) available to the University community. In addition, the Ombuds will serve as an information and communication resource, consultant, mediator, dispute resolution practitioner, and source of recommendations for institutional change for the University. The Ombuds will provide feedback to the University administration when trends, patterns, policies, or procedures of the University generate concerns or conflicts.

## III. STANDARDS OF PRACTICE

To the extent possible, the Office will practice in a manner consistent with the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics.

As described below, the Office shall exercise its functions independently, be confidential and impartial, and limit the scope of services to informal means of dispute resolution. The Office will strive to operate to best practices in a way that serves the interests of the University community.

The Office will publicize the confidential, independent, neutral, and informal nature of its services through a website, promotional materials, and will explain the ethical standards referenced above to each visitor to the Office.

### A. Independence

The Office shall be, and will appear to be, free from interference in the performance of its duties. This independence is effected primarily through University recognition of the Office,

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<sup>1</sup> For purposes of this document, "University faculty" include instructors, assistant professors, associate professors, professors, and emeriti faculty of research, clinical, or tenure tracks, as well as librarians, archivists, and curators on the Ann Arbor campus.

<sup>2</sup> A visitor is any person who seeks the service of the Ombuds.

reporting structure, and neutrality. The Office shall operate independently, outside of the ordinary line and staff structures of the University. Consistent with the role of the Ombuds described in this document, the Ombuds shall exercise sole discretion regarding whether to become involved in a matter and what steps to undertake as Ombuds regarding individual matters or systemic concerns.

To fulfill its functions, the Office shall have adequate and secure space and administrative support. The budget for the Ombuds will be sponsored and handled by the Office of the Provost.

#### B. Confidentiality

Unless required by law or court order, the Office will not confirm communicating with any visitor to the Office or disclose any confidential information without the visitor's explicit permission and, even with that permission, any communication will be at the sole discretion of the Ombuds. The Office will, however, disclose confidential information if and when there is, as judged by the Ombuds, an imminent risk of physical harm to any person.

The Office will not participate in any formal process inside or outside the University (such as a grievance procedure or an action in a court of law), even if given permission by a visitor who has initiated a formal process, unless compelled to do so by law or court order.

#### C. Neutrality

The Office will be neutral in its activities and will not take sides in any conflict, dispute, or issue. The Ombuds will impartially consider the interests and concerns of all parties involved in a situation, with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with University policies and the law.

The Office will avoid involvement in matters where there may be a conflict of interest. When a conflict of interest exists, or appears to exist, the Ombuds will disclose the conflict to the visitor and to any other members of the University community who are involved in the matter (e.g., department chair, dean). The Ombuds will take all steps necessary to manage or avoid the conflict and if the conflict cannot be managed or avoided, the Ombuds will notify the visitor and any other involved parties that the Ombuds cannot assist in the particular matter. When a conflict of interest does occur, the Provost may appoint a substitute Ombuds to assist with the particular issue that constitutes a conflict.

#### D. Informality

The Office shall be a resource for informal dispute resolution only. The Office will not formally investigate, arbitrate, adjudicate, or in any other way participate in any internal or external formal process or action. The Office does not give legal advice. Use of the Office is voluntary and not a required step in any grievance process or University policy. No one is required to meet with the Ombuds. The Office is not an office of notice to the University.

## IV. AUTHORITY AND LIMITS OF THE OFFICE OF THE UNIVERSITY FACULTY OMBUDS

### A. Authority of the Office

#### 1. Initiating Informal Inquiries

The Ombuds is entitled to inquire informally about any issue concerning the University that directly affects a University faculty member. The Ombuds may initiate informal inquiries into matters that come to its attention without having received a specific complaint from an affected member of the University faculty. If a more serious investigation is necessary, the Ombuds may ask the Provost's Office to undertake an investigation.

#### 2. Access to Information

The Ombuds may request access to information related to a visitor's concerns from files and offices of the University. The purpose of the access is to provide a context for understanding the concerns raised by the faculty member. Consistent with applicable policies and within applicable constraints, University personnel contacted by the Office with requests for information should respond with reasonable promptness to the requests for information. The Office will have access, as appropriate, to the highest levels of the University. The Office will not breach confidentiality nor will it request a department or individual to breach confidentiality. The Office may share such information with the visitor only if the University personnel who provided the information specifically authorizes such disclosure.

#### 3. Ending Involvement in Matters

The Ombuds may discontinue providing service and disassociate from a matter at any time. In such a case, the Ombuds will provide notice to the visitor and all others involved in the matter.

#### 4. Discussions with Visitors and Others

The Ombuds has the authority to discuss a range of options available to a visitor, including both informal and formal processes. The Office may make any recommendations it deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Office has no authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

### B. Limitations on the Authority of the Office

#### 1. Receiving Notice for the University

Communication to the Office will *not* constitute notice to the University about existence of a problem including, but not limited to, alleged violations of laws, regulations, or policies such as sexual harassment, issues covered by whistleblower laws, or policy or incidents subject to reporting under the Clery Act. Although the Office may

receive such allegations, the Office is not a “security authority” as defined by the Clery Act, nor is the Office required to report these allegations to the University.

## 2. Putting the University on Notice

If a visitor discloses allegations that would constitute notice to the University and expresses a desire to make a formal report, the Office shall refer the visitor to the appropriate office(s) for formal administrative or grievance processes, or the Office will assist the visitor to disclose the allegation to the appropriate office(s).

## 3. Formal Processes and Investigations

The Office shall not conduct formal investigations of any kind. It will not participate in the substance of any internal or external formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Office or on behalf of the University, unless compelled to do so by law or court order.

## 4. Record Keeping

The Office will not keep records for the University and will not create or maintain documents or records for the University about individual matters. Notes and any other materials related to a matter will be maintained in a secure location and manner and will be destroyed when the Ombuds deems it appropriate to do so, unless legally required to retain the documents (e.g., pending FOIA request, litigation hold).

## 5. Advocacy for Parties

The Office will remain neutral and impartial. The Ombuds shall not act as an advocate for any party in a dispute; the Ombuds will not represent administration, management or visitors to the Office.

## 6. Adjudication of Issues

The Ombuds does not have the authority to adjudicate, to impose remedies or sanctions, to compel others to impose remedies, or to enforce or change University policies or rules.

## 7. Evaluation and Reporting

Evaluation of the activities of the Ombuds Office by the Provost and the Senate Advisory Committee on University Affairs (SACUA) will occur periodically on the basis of information from results of an anonymous feedback survey distributed to visitors to the Office by the Ombuds and returned to the Provost’s Office. Information provided by the Ombuds to SACUA and the Provost will consist of a tally of approximate numbers of visits to the Office and reporting of the general nature of issues brought to the Ombuds. Confidentiality of visitors will be scrupulously maintained, and no information that might lead to identification of any person, or any department, or school or college will be made available in this report.

## V. RETALIATION FOR USING THE OFFICE OF THE OMBUDS

The University and its agents will not retaliate against any individual for consulting with the Office. The Ombuds will not be disciplined or removed from office, nor will the Office budget be reduced, for performing the duties of the office in good faith.

## VI. APPOINTMENT AND COMPENSATION OF THE OMBUDS

The Ombuds will be appointed by the Provost for a term of three years, which will be renewable. The search for a new Ombuds will be handled by the Provost's Office using a process that provides for input/consultation from SACUA, the Office of the General Counsel (OGC), staff in the Provost's Office, unit ombuds, and deans.

Renewal of an Ombuds' term will follow a review conducted by the Provost's Office with input from SACUA, OGC, senior staff in the Provost's Office, unit ombuds, deans, and visitors. Arrangements will be made to ensure that visitors have the ability to provide anonymous input to the review process.

The Ombuds position is a part-time position. The Office of the Provost will provide compensation and will negotiate the terms of the compensation with the prospective Ombuds' dean. The Ombuds' workload in his or her department or school of appointment will be reduced in proportion to time dedicated to the Ombuds' position.

## VII. REMOVAL FROM OFFICE

The Ombuds may be removed from the Ombuds position before the end of the term of office at the discretion of the Provost, and SACUA will be informed in a timely way. If removal is made under this paragraph, the Provost will work with the home unit of the Ombuds to determine appropriate transitional support and an appropriate return-to-service plan.

CBW/lpb

cc: Philip Hanlon, Provost and Executive Vice President for Academic Affairs  
Jeffery Frumkin, Associate Vice Provost and Senior Director, Academic Human Resources  
Christine Gerdes, Associate General Counsel, Office of the General Counsel  
Karen Gibbons, Chief of Staff, Office of the Provost  
Stephanie Riegle, Acting Chief of Staff and Assistant Vice Provost for Academic and Budgetary Affairs  
Kate Barald, Chair, SACUA  
Thomas Schneider, Director, Faculty and Operational Support Activities, SACUA

<http://www.ombuds.unc.edu/index.html>

## **WELCOME**

The University Ombuds Office is a safe place where all Carolina staff, faculty, students and administrators are welcome to come and talk in confidence about any campus issue, problem, or dispute. Our office supplements, but does not replace, the University's formal channels, such as the grievance policy.

Contact us as a first step, or as a last resort, or anywhere along the way. Come and share your concerns, evaluate your situation, and plan your next step—if you want to take a next step.

Use of our services is voluntary and free. Visitors will find our office a safe place to discuss their concerns, no matter how large or small.

We also welcome suggestions about how to improve Carolina, and we invite you to share good news with us.

[home](#)

[about us](#)

[principles](#)

[faq](#)

[policies & procedures](#)

[resources](#)

[brochure](#)

[contact us](#)

[ombuds@unc.edu](mailto:ombuds@unc.edu)

**The University Ombuds Office** 134 East Franklin Street, CB 5146, Chapel Hill, NC 27599-5146

## **ABOUT US**

An ombuds is a person trained to assist members of a community or organization. We are a confidential, impartial, informal, and independent resource for staff, faculty, students and administrators at Carolina. We also identify trends and challenges and can make recommendations for change in University policy or practice when appropriate. However, we are not decision makers. We do not have the power to establish, change, or set aside any University rules, policies, or management decisions.

### **WAYNE A. BLAIR**

Wayne comes to UNC-Chapel Hill from Columbia University in New York, where he also served as an associate university ombuds officer. He earned a bachelors degree and a master of arts in technology and society from Stony Brook University. Wayne is a Certified Organizational Ombudsman Practitioner.

Wayne joined Columbia in 1995 as assistant director of student activities, and then was promoted to serve as director three years later. He went on to serve as special adviser to the dean of student affairs and as interim deputy director of Columbia's Office of Disability Services before he was named Columbia's associate university ombuds officer in 2002.

Wayne has had extensive experience in conflict management, mediation and working collaboratively with various groups and constituents. He looks forward to the opportunity helping to build an ombuds program that members of the Carolina community will find useful.

### **LAURIE MESIBOV**

Laurie Mesibov is an ombuds because she believes people want to do a good job and to be respected and appreciated for the work they do. She understands that while workplace problems and conflicts are inevitable, they also offer opportunities for positive change, learning, and professional development. Laurie considers it is a privilege to serve the Carolina community as an ombuds.

Laurie is a long-time faculty member at the School of Government where she specializes in public school law. She is continuing her work there on a half-time basis. Laurie also has wide experience across the campus. She worked in the Office of the Provost from 1996-2000, chaired

the Performance Management Review Board, served as advisor to SPA grievance panels, and was a member of the Faculty Grievance Committee, Faculty Executive Committee, and Faculty Council.

Laurie earned her B.A. from Stanford University and her J.D. from Carolina's School of Law.

#### VICTORIA DOWD

Victoria is the program specialist for the University Ombuds office. She has over fifteen years of service at the University of North Carolina at Chapel Hill.

She has served on various committees and boards across campus to include the Performance Review Board, SPA Grievance Committee, Employee Forum, Personnel Issues Committee, Graduate Studies Committee and served as an SPA Grievance support person. Her professional training includes mediation, managing conflict and confrontation, advanced problem solving, counseling, performance management, student services, supervisory resources and a variety of courses offered by the International Ombudsman Association.

Victoria is a recipient of the 2006 State Employee's Award for Excellence, 2005 Chancellor's Award, Star Heels Award and the Black Faculty/Staff Caucus award. She is a member of the International Ombudsman Association and the Association for Conflict Resolution.

#### OUR PRINCIPLES

Confidentiality, impartiality, informality, and independence are the principles under which we operate.

##### WE ARE CONFIDENTIAL

We will not identify you or discuss your concerns with anyone without your permission. The only exceptions are when we believe that disclosure is necessary to address an imminent risk of serious harm or when we suspect abuse or neglect of a child or disabled adult, or if otherwise required by law. We do not keep permanent records about individuals. We assert that there is a privilege with respect to confidential communications with the ombuds, and we resist testifying in any formal proceeding. This privilege is held by the office and cannot be waived by others.

##### WE ARE IMPARTIAL

We do not take sides; we consider the rights and interests of all parties. We do not judge, discipline, or reward anyone. We are advocates for fairness. We have no personal stake in the outcome of any situation.

##### WE ARE INFORMAL

Use of the Ombuds Office is not a substitute for formal procedures, such as filing a grievance. Any communication with us is "off the record" and does not put the University on formal notice of a problem.

##### WE ARE INDEPENDENT

We report directly to the Chancellor and are not part of any other department or group on campus. We work hard to merit the trust others place in us.

#### FAQ

What is an ombuds?

What does an ombuds do?

What doesn't an ombuds do?

What power does an ombuds have?

When should I contact the ombuds?

What is an ombuds?

The word ombudsman (OM-buds-man) comes from Sweden, where the term was first used to designate a public official who was appointed to investigate citizens' complaints against governmental agencies. We use the shorter term "ombuds." Here at the University of North

Carolina at Chapel Hill, the ombuds helps faculty, staff, students and administrators solve workplace problems, and gives generic feedback on matters of general concern.

#### What we do

Our responses are tailored to the individual's situation and informed consent, so we...  
Listen, which may be all you want  
Discuss your concerns and help clarify the most important issues  
Help identify and evaluate your options  
Gather information, explain policies, and offer referrals to other resources  
Serve as a neutral party to solve problems and resolve conflicts and work to achieve fair outcomes for all parties using mediation and other conflict resolution strategies  
Offer coaching, for example to help you prepare for a difficult conversation  
Review drafts of employment-related documents  
Consult with groups on development of policies and procedures  
Facilitate conversations  
Consult with University officials about broad issues and trends  
Make recommendations for institutional change when appropriate  
Use our experience, knowledge, and judgement to assist all visitors and improve Carolina  
Provide referrals to other resources  
Operate under the code of ethics and standards of practice of the International Ombudsman Association

#### What we don't do

Make decisions for anyone  
Offer legal advice  
Offer psychological counseling  
Participate in the University's grievance process or any other formal process  
Testify in any judicial or administrative proceeding, unless required by law after reasonable efforts have been made  
Serve as a place to put the University on notice of claims  
Serve as an advocate for any individual or entity  
Address issues involving persons not at Carolina

#### What power does an ombuds have?

We have the authority to contact senior officers of the University, to gather information if a visitor requests that a situation be investigated, to mediate or negotiate settlements to disputes, to bring issues to the attention of those with authority to address concerns, to expedite administrative processes, and to make recommendations for change in policy or practice when appropriate. We are not decision makers. We do not have the power to establish, change, or set aside any University rule or policy.

#### When should I contact the Ombuds Office?

Contact us as a first step, or as a last resort, or anywhere along the way. Come and share your concerns, evaluate your situation, and plan your next step--if you want to take a next step.

## **POLICIES & PROCEDURES**

### **THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL**

The University is a complex institution. Although there are University-wide policies, each school within the University has its own policies on some matters, and each department and center or institute may have its own policies and procedures.

One of our functions is helping visitors to understand the University's various policies and procedures and identify which policies pertain to their particular situations.

These links may be helpful:

[Faculty Governance](#)



- [Equal Opportunity Policies](#)
- [Guidelines for Research](#)
- [Financial Guidelines](#)
- [The University's Mediation Policy](#)

### **PROFESSIONAL STANDARDS**

The University of North Carolina at Chapel Hill's ombuds officers follow the ethical guidelines and standards of practice of [The International Ombudsman Association](#).

### **STANDARDS OF PRACTICE**

The University Ombuds is guided by the principles developed by the leading international professional associations of ombuds.

- The International Ombudsman Association's Code of Ethics
  - [PDF](#)
- The International Ombudsman Association's Standards of Practice
  - [PDF](#)

- [The Mediation Process](#)
- [The Power of Apologies](#)
- [Writing a Letter](#)

### **STUDENT RESOURCES**

The following links may be helpful:

- [Student Affairs](#)
- [Campus Health](#)
- [Counseling and Wellness Services](#)
- [Registrar's Office](#)
- [Safe @ UNC - Interpersonal Violence Awareness & Prevention](#)

<http://www.ombuds.wisc.edu/>

## **Ombuds Office for Faculty and Staff**

223-225 Lowell Center  
610 Langdon Street  
University of Wisconsin-Madison  
Madison, WI 53703  
Phone (608) 265-9992  
Fax (608) 263-9228

The Ombuds Program serves as an informal, impartial, confidential, and independent resource for faculty and staff at the University of Wisconsin-Madison. Our services are supplemented in the School of Medicine and Public Health by the provision of similar services for faculty, staff and students through Ombuds Rosa Garner. An ombuds will listen to your concerns, clarify procedures, discuss options, and, if requested and appropriate, serve as an intermediary in attempting to resolve disputes. Ombuds work independently from University administrative offices; discussing a matter with an ombuds is confidential and does not constitute notice to the University.

Four emeritus faculty and staff work part time and share the duties of the office. First contact should be made by calling the Ombuds Office (265-9992). We take turns checking the phone and one of us will call you back within a day. You may also call or email any of us, but he/she may be unavailable when you call since all four of us are retired and are sometimes out of town.

Download a flyer describing our services (255K PDF).

The School of Medicine and Public Health's Ombuds, Rosa Garner, continues to provide services for faculty, staff, and students within that school's 26 departments, centers, and institutes ([www.med.wisc.edu/Ombuds](http://www.med.wisc.edu/Ombuds)).

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<http://www.ombuds.wisc.edu/purpose-and-procedures.html>

## **Purpose and Procedures**

### **Introduction**

The University of Wisconsin-Madison Ombuds Office was established by the Office of the Provost in 2003 to provide a confidential, neutral resource for staff and faculty to raise and clarify issues and concerns, identify options, and request assistance to informally resolve workplace conflicts. This document defines the role and responsibilities of the University Ombuds, and serves as a clear and consistent set of operating principles and expectations.

The campus Ombuds Office works collaboratively with the Ombuds in the School of Medicine and Public Health (SMPH), who has served those faculty, staff and students since 1998, adding the School of Pharmacy (SOP) in 2006.

### **Mission statement**

The University of Wisconsin-Madison Ombuds Office provides informal, neutral, and confidential services to staff and faculty, for the purpose of resolving university-related problems and concerns. The Ombuds advocate for fairness, equity, and a respectful work environment.

### **Purpose and scope of services**

The Ombuds Office is a place where UW-Madison employees can seek guidance regarding concerns at any time, without fear of reprisal, and at no cost to them. Ombuds confidentially receive questions and concerns related to individual situations as well as broader systemic issues. The response of the Ombuds is tailored to the dynamics of the situation and the nature of

the concerns. Ombuds assist parties in reaching resolutions that are consistent with the ideals and objectives of the university. Services offered by the Ombuds Office supplement, but do not replace, other more formal processes available to the university community. In addition, Ombuds serve as a communication resource and catalyst for institutional change for the university by reporting trends and identifying opportunities to enhance policies and procedures. Ombuds cannot impose remedies or sanctions or enforce or change any policy, rule or procedure. Due to the role of the Ombuds, communication with the Ombuds does not serve notice to the University.

More specifically, the Ombuds:

- Provide individual problem assistance services
- Listen impartially and give unbiased feedback
- Provide a confidential place to collaboratively explore complaints, clarify issues, and consider options
- Point employees toward available services and resources
- Assist with early problem-solving, to minimize the escalation of conflict
- Encourage and empower employees to find their own solutions to problems
- Provide support for addressing work place problems
- Facilitate communication when conflict arises
- Serve as facilitator in group problem-solving
- With the Visitor's consent, consult with university units and departments to obtain more information about the issue and explore options for conflict resolution
- Suggest the redirection of matters to formal channels when appropriate
- Serve the UW-Madison community
- Advocate for and model fairness, equity, and a healthy work environment
- Identify and report about campus trends and problem areas
- Make recommendations regarding changes in policy and procedure
- Promote equality, inclusion and access for all persons

### **Limitations of ombuds office authority**

Ombuds do not have any formal decision-making capability, or the ability to determine "Guilt" or "Innocence" in any matter. Ombuds do not offer legal advice and do not act as an advocate or representative of any individual or entity. Ombuds do not offer psychological counseling. Ombuds remove themselves if or when a grievance is filed.

### **Standards of practice and code of ethics**

Ombuds adhere to the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics. These tenets require that Ombuds function independently of their organization, be confidential and neutral, and limit the scope of their services to informal means of conflict resolution. The IOA Standards and Code are minimum standards, and the University of Wisconsin-Madison Ombuds strive to operate to standards of "best practices" and in a way that serves the interests of the university. The Ombuds office maintains membership in IOA and, whenever possible, takes part in IOA national or regional training opportunities. Ombuds maintain consistent policies and procedures which are made available upon request. Ombuds publicize the nature of Ombuds services and explain the ethical standards to each person seeking the services of the office. The essential characteristics of the Ombuds function are Independence, Confidentiality, Informality, and Neutrality.

### **Independence**

Ombuds are independent in structure, function, and appearance to the highest degree possible.

### **Confidentiality**

Ombuds hold all communications with those seeking assistance in strict confidence. All information exchanged remains confidential except for instances where there appears to be imminent danger to the Visitor or others.

**Informality**

Ombuds do not participate in any formal adjudicative or administrative procedure. Use of Ombuds services is totally voluntary and not a required step in any UW-Madison grievance process or university procedure.

**Neutrality**

Ombuds impartially consider the interests of all parties involved in a situation, in order to assist the parties in reaching mutually acceptable agreements that are fair and equitable, and consistent with the mission and policies of UW-Madison. An individual Ombuds may decline to assist a Visitor or withdraw from the process if she/he believes involvement would be inappropriate due to conflict of interest or perceived conflict of interest.

**Ombuds office structure**

The Ombuds Office employs retired faculty and staff who work part-time. Currently (2007) there are four individuals who share one full-time position. Their offices and conference room are located in the Lowell Center, 610 Langdon Street.

The Ombuds report to the Provost through the Vice Provost for Diversity and Climate.

**Operating procedures**

UW-Madison employees who wish to talk to an Ombuds leave a message on the Ombuds' phone (608-265-9992). The Ombuds rotate full weeks monitoring the phone and responding to calls. Generally Ombuds meet with individuals or small groups in the Ombuds' conference room in the Lowell Center, but are available to meet at other locations when more convenient.

Callers are referred to as "Visitors" to further emphasize the confidential and impartial nature of the relationship. A Visitor's consultation with the Ombuds Office is considered to be voluntary and should not be viewed as a requirement for any grievance process. Employees may visit with the Ombuds during their normal work hours. Under some circumstances, it may be necessary to receive approval to leave an assigned work area. If an employee wants to access services completely confidentially, the employee may consider the use of approved leave, scheduled break time, or visit outside normal work hours.

**Reporting**

Each August, the Ombuds submit an Annual Report to the Provost. The report is subsequently distributed to campus leaders and made available to the general university community. The report provides general information about visitor demographics, issues and concerns they have experienced, any trends or patterns observed, and recommendations for improving campus climate for employees.

**Record keeping**

To protect Visitors' confidentiality Ombuds do not create or maintain documents or records for the university about individual matters. The only information retained from contacts by Visitors is that regarding demographics and types of issues raised. These data are not associated with Visitors' names or any other identifying information such as department or school/college/division.

**Receiving notice for the university**

The Ombuds Office is not designated by UW-Madison as an entity authorized to receive reports of possible violations of University policies or of unlawful practices. Therefore communications made to the Ombuds regarding possible violations do not constitute notice to UW-Madison. This provision ensures the freedom of Ombuds to work independently and confidentially with individuals seeking assistance.

**Ombuds qualifications and appointment process**

Ombuds are part-time professional employees of UW-Madison (consultants), appointed by the Provost when vacancies occur.

Important qualifications for ombuds include:

knowledge of university policies and resources  
extensive cross campus experience  
strong communication skills  
ability to be objective and neutral

Ombuds are selected from interested retired faculty and academic and classified staff.

In making each appointment, the Provost strives for diverse experiences on campus, and a balance of faculty and staff, and of gender and ethnicity.

When vacancies occur, the Ombuds and Vice Provost for Diversity and Climate initiate a search, publicizing the position and encouraging colleagues to apply. Candidates are interviewed by the Vice Provost and the Ombuds. The Provost makes the final decision based on their recommendations.

The Ombuds for the School of Medicine & Public Health and the School of Pharmacy is appointed by the respective Deans.

### **Training**

The IOA recommends professional training of all new Ombuds. Since the inception of the Ombuds Office in 2003, all Ombuds have undergone a two-day training by a university Ombuds who formerly trained new Ombuds at the annual meeting of the IOA. All new Ombuds have also attended the annual conference of the IOA. Ombuds attend occasional regional conferences. In addition, experienced Ombuds guide new Ombuds as needed.