

Constitution and Bylaws Committee
Proposed Changes to the Bylaws for the Ombudsteam

Rationale: To provide language that will stop the Ombudsteam work on an issue or concern brought to it by a faculty member that has led to a faculty Board of Review. It would prevent the grieved faculty member from reactivating the Ombudsteam to assist in continuing the discussion following the Board of Review and chancellor's decision.

Items added below **highlighted in yellow** were inspired by the C&B Committee.

BYLAW ARTICLE IV. FACULTY GRIEVANCES PROCEDURES

Section A. Purpose

1. To further the aims of IUPUI in teaching/performance, research/scholarly activity/creative work/professional development, and professional/public service, the faculty has established grievance procedures. These grievance procedures serve the full-time tenured and tenure-track faculty and librarians, full-time clinical and scientist/scholar rank faculty, and full-time lecturers of the IUPUI campus, by providing peer evaluation with respect to administrative actions of dismissal, academic freedom, non-reappointment, tenure, promotion, salary adjustment, and the nature or conditions of work. Equity for the individual and the good of the university shall always be considered.
2. The IUPUI Ombudsteam is an elected faculty group designed to be available early on in the course of emerging concerns or potential grievances. It is further designed to provide designated places and persons for faculty to voice concerns and learn about options for channeling criticisms and addressing complaints so that faculty can be fully informed about possible actions and consequences before they make a decision as to what steps, if any, to take next. The IUPUI Ombudsteam serves all IUPUI faculty, including both full- and part-time faculty and librarians who may utilize these grievance procedures and other faculty and librarians who may wish to voice concerns but otherwise lack standing to file a formal grievance pursuant to these procedures.
 - a) The Ombudsteam members are available to serve as impartial consultants for faculty/librarians and administrators who seek confidential informed advice from senior faculty colleagues.
 - b) The Ombudsteam members also are available to help resolve situations informally by the following means:
 - Identifying and evaluating options and possible solutions to respond to concerns
 - Providing coaching, shuttle diplomacy, or informal mediation
 - Making referrals to appropriate resources within and outside the university for additional support
 - With the faculty member or librarian's consent and without serving as an advocate for the individual, making formal inquiries and ensuring concerns are heard with relevant university administrators, offices, and representatives
 - Advocating for fair, objective processes for addressing and resolving concerns and potential grievances
 - Encouraging and facilitating discussions between the parties to the emerging concern or potential grievance
 - Other actions consistent with the International Ombudsman Association Standards of Practice and applicable university policy and law
 - c) At the conclusion of its work, the Ombudsteam shall not compile any report or file containing the specific information of any concern or potential grievance brought to it.
3. A Faculty Board of Review is to consider grievances, via a Formal Hearing, to gather appropriate information, and to consider its findings in light of existing policies and

principles of fairness. The Board of Review shall file a written report of its findings and recommendations in a timely and expeditious manner.

4. In each formal grievance case, the Faculty Board of Review acts in an impartial way. It is not an advocate for the faculty member or librarian, nor is it an advocate for the administration. The Board shall determine:
 - a) whether appropriate procedures were followed;
 - b) whether the grievance arose from inadequate consideration of the qualifications of the faculty member or librarian;
 - c) whether presentation of erroneous information substantially affected the decision; and
 - d) whether essential fairness was accommodated throughout the decision-making process.
 - e) The Boards of Review may consider the issues set forth in 4 a-d regarding promotion and/or tenure grievances, but a Board of Review shall not function as a substitute Promotion and Tenure Committee.
5. In those cases in which the Board of Review concludes that the rights of a faculty member or librarian have not been adequately protected, the Board is expected to formulate a recommendation for remediation.

Section B. Submission of Grievances

1. A faculty member or librarian seeking advice about or informal assistance with review of an administrative action may contact:
 - a) the President of the IUPUI Faculty; or,
 - b) the Chair or any member of the Ombudsteam.
 - 1) The Ombudsteam roster will be available in the IUPUI Faculty Council Office and listed on its website.
2. A faculty member or librarian may consult informally with a member of the Faculty Ombudsteam before filing a formal grievance for a Board of Review.
3. A faculty member or librarian may request that a grievance be considered by a Faculty Board of Review without first presenting it to the Faculty Ombudsteam.

Section C. Composition and Election of Ombudsteam

1. The Ombudsteam shall consist of five members of the IUPUI faculty and librarians nominated by the Executive Committee and elected by the IUPUI Faculty Council at its May meeting. Non-tenure-track faculty and members of the IUPUI Senior Academy who have served as faculty or librarians are also eligible for election. The President of the IUPUI Faculty serves as a member ex officio.
2. In offering nominations for election to the Ombudsteam, the Executive Committee should give consideration to representation across the academic units of IUPUI.
 - a) At least three members of the Ombudsteam shall be tenured full or emeritus professors.
 - b) At least four members should have served on the IUPUI or a Unit Promotion and Tenure Committee; Academic Affairs Committee; Faculty Affairs Committee; Diversity, Equity, and Inclusion Committee; on a Faculty Board of Review; or as President of the IUPUI Faculty.
3. Ombudsteam members shall hold office beginning July 1, for staggered terms of three years.
4. Ombudsteam members shall be representative of different schools. No two members shall be from the same school.
5. The members of the Ombudsteam shall elect their own chairperson, who should be a tenured full Professor or Librarian.
6. No faculty member serving on the Ombudsteam may serve concurrently on a Faculty Board of Review or as the Grievant's representative before a Faculty Board of Review.

Section D. Procedures of the Ombudsteam

1. When an Ombudsteam member has been contacted by a faculty member/librarian or an administrator seeking advice, that member will:
 - a) meet with the Individual to discuss the case; and
 - b) inform the Individual concerning the types of further assistance the Ombudsteam members can provide and other resources available on campus.
2. The Ombudsteam members who are contacted by or designated to assist the faculty member/librarian or administrator shall keep all information shared by the individual in confidence.
3. The faculty member or librarian may terminate the assistance of the Ombudsteam at any time.
4. The meetings of the Ombudsteam and the process of assistance employed by the Ombudsteam members should be informal, neutral, impartial, and confidential consistent with the International Ombudsman Association Standards of Practice as permitted by applicable university policy and law.
5. The full Ombudsteam should meet regularly to review its methods and update facilitation techniques.
6. Reports:
 - a) The Ombudsteam shall not report case-related or summary data that include any specifics of individual cases.
 - b) The Ombudsteam shall prepare an annual summary of its work for the Executive Committee of the IUPUI Faculty Council. This report shall include only the number of cases, the categories of the concerns and potential grievances, the number or cases in which the Ombudsteam was successful in resolving concerns and potential grievances, and the number of cases in which the individual withdrew the request for assistance prior to the Ombudsteam completing its work.
7. A faculty member requesting the assistance of the Ombudsteam may also utilize assistance offered by other faculty or other organizations, except that an attorney representing the faculty member or librarian or the Administration may not participate in any process facilitated by the Ombudsteam.
8. The Ombudsteam, or any member of it, cannot be reinstated to assist an Individual **for the original criticism, complaint, or grievance** following the decision of a Faculty Board of Review and/or a decision by the Chancellor. Members should refrain from interacting with the faculty member/librarian about the case once the Board of Review process begins.