

OFFICE OF ACADEMIC AND STUDENT AFFAIRS

MEMORANDUM

TO: USM Presidents

FROM: Joann A. Boughman, Senior Vice Chancellor for Academic and Student Affairs

DATE: Tuesday, May 15, 2018

SUBJECT: Implementation of Ombuds Activities in the USM

Our shared governance bodies (CUSF, CUSS, and USMSC) have passed a resolution challenging our USM institutions to implement a more comprehensive approach to resolving some types of personnel and other issues that arise in our communities. The Office of the Attorney General and USM administration have developed guidelines for the administration of ombuds services for the USM. Some institutions already have ombudsperson activities on campus, and the attached guidelines attempt to provide the framework (and limitations) of services so that all institutions may be assured of consistency with law and other USM policies. In the operation of any ombuds programs on campuses, existing processes and procedures required by law (such as Title IX processes), set forth in policy (such as grievance and Human Resource policies), or contained in agreements (such as collective bargaining agreements) must not be superseded.

Each campus is expected to consider and promote the best processes appropriate to the institution, including communication of the services available and the support and limitations involved in any ombuds activities implemented.

During the many conversations about the development of these services, it has been concluded that there are clear and convincing situations in which the service of an ombudsperson may help resolve difficult situations, alleviating some needs for the invocation of more complicated and time-consuming procedures. Each campus administration should work to determine the best possible way to develop and implement these services within their campus structure and within available resources, recognizing that appropriate engagement of these services permits more effective and efficient use of comprehensive resources on our campuses.

CC: Robert L. Caret, Chancellor, USM
USM Provosts
USM Vice Presidents for Student Affairs
Katherine Bainbridge, Assistant Attorney General, Maryland Office of the Attorney General
Caden Fabbi, President, USM Student Council
Lisa Gray, Chair, Council of University System Staff
Ellen Herbst, Vice Chancellor, Administration and Finance, USM
Robert Kauffman, Chair, Council of University System Faculty
Elena Langrill, Senior Counsel for Advice, Maryland Office of the Attorney General
Carolyn Skolnik, Associate Vice Chancellor, Office of Human Resources, USM
Denise Wilkerson, Chief of Staff, USM

Guidelines for the Administration of Ombudsperson Services

Developed in collaboration with the Maryland Office of the Attorney General

May 7, 2018

To ensure that all institutional ombudspersons and others providing ombudsperson services operate in a manner that is consistent with the law, USM and institutional policies and procedures, and to protect against potential liabilities, each institution will adopt policies and procedures to ensure that the structure and operation of the office of the ombudsperson are consistent with the principles set forth in these USM guidelines. For purposes of these guidelines, “Ombuds Office” includes any ombudsperson(s), as well as any employees, interns, or volunteers of such office or offering such services.

1. The Ombuds Office shall have no authority to adjudicate, to impose remedies or sanctions, or to enforce or modify institutional policies, procedures or rules.
2. The Ombuds Office shall not conduct formal investigations of any kind, nor participate in formal dispute processes or outside agency complaints or lawsuits unless required by law.
3. The Ombuds Office webpage and all written materials describing the roles and responsibilities of the ombudsperson must include information regarding an employee or student’s right to file a complaint or grievance and list the contact information for the appropriate institution office that accepts such complaints or grievances. If the reporting individual is a member of a bargaining unit, contact information for such unit shall also be provided.
4. The Ombuds Office shall preserve confidentiality of communications with the Ombuds Office, except as otherwise required by law or policy or as specified in these guidelines. If, in the course of its operations, the Ombuds Office becomes aware of information for which disclosure is required by law or policy, then the Ombuds Office shall timely comply with law or policy to provide such disclosure. The Ombuds Office shall immediately report all allegations, reports and communications which potentially involve Title IX matters to the institution’s Title IX Coordinator or which potentially would require Clery Act reporting to the institution official charged with Clery Act reporting. Additionally, the Ombuds Office shall disclose information to the institution, law enforcement, and other appropriate authorities to address an imminent risk of serious harm.
5. The Ombuds Office will include a prominent, easily understood statement on all electronic or written documents, with respect to the limits on confidentiality set forth in #4 above. For electronic documents, this shall include a “click-through” page wherein the user agrees that he or she has read and agrees to the limits on confidentiality. In a situation involving an oral disclosure, the Ombuds Office shall ensure that it provides this information to the person providing the disclosure, and shall document such communication in writing and maintain this in the Ombuds Office files.
6. The institution’s policies and procedures with respect to the Ombuds Office shall be provided to each member of the Ombuds Office.
7. All members of the Ombuds Office are governed by the policies and procedures of the USM and of the employing institution, as well as all pertinent laws and regulations.

**A Joint Resolution
of the University System of Maryland Student Council (USMSC),
Council of University System Staff (CUSS), and
Council of University System Faculty (CUSF)
to Provide Ombudsperson Services
to Students, Staff, and Faculty**

INTRODUCTION: The purpose of this resolution is to provide the needed ombudsperson service to students, staff and faculty. It recognizes that in a time of scarcity it requires resources. For this reason, the proposal provides flexibility in its implementation.

CURRENT SITUATION: Under the tutelage of Richard Manski at UMB in 2013, CUSF passed a resolution indicating the need for a System supplied ombudsperson. Since then, several institutions have implemented ombuds. UMB, UMCP, UMUC hired full-time ombudsperson. UMCP has four ombudspersons. In 2017, the University Senate at Towson passed a resolution requesting an ombudsperson. Frostburg created an ombudsperson committee for the faculty where the committee has received ombudsperson training.

MOTION NOTES: The following notes provide additional context and background to the joint resolution and its components.

Ombudsperson Services (Item #1) – The first item in the motion states that USM institutions will provide ombudsperson services to student, staff and faculty. How they provide the service is left to the individual institutions to determine. There may be innovative and creative ways with which to provide this service. The motion recognizes that this process is evolutionary and that there can be satisfactory solutions other than an outright hiring of an ombudsperson. Frostburg has created a committee and provided them with ombudsperson training. When the ombudsperson at UMB was hired, it took several years for people to recognize and utilize the service. Today, the UMB ombudsperson has a full-time case load. Initially, several institutions could share an ombudsperson. As demand develops, the institutions could modify the relationship as appropriate to meet the need.

Standard of Care (Item #2) – The second part of the motion provides the standard of care of the ombudsperson services provided. As stated, it is not mandatory, but suggestive that the services provided will be consistent with those prescribed by the International Ombudsman Association or similar associations.

Review and Monitoring (Item #3) – To help insure the implementation of the ombudsperson services, it is important to develop a plan, implement it and monitor the service once implemented. It is important to assign these tasks to the appropriate administrators. It is important to allow the Presidents the flexibility to implement a plan that best services the needs of their students, staff and faculty. The plan is not developed in isolation. Constituent groups including shared governance should be included in the process. It is reviewed by the Chancellor or his designate. Periodic monitoring and evaluation is included as part of the President's annual evaluation. This review process helps to close the loop.

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of the University System of Maryland Student Council (USMSC),
Council of University System Staff (CUSS), and
Council of University System Faculty (CUSF)
to the Chancellor of USM
to Provide Ombudsperson Services
to Students, Staff, and Faculty**

Final passage by CUSF - Wednesday, September 20, 2017

Be it resolved that:

- 1) Each USM institutions will make available to the students, staff, and faculty ombudsperson services.**
- 2) Where possible these services will be consistent with the recommended policies and practices of the International Ombudsman Association or a similar association.**
- 3) Each USM institution will develop an implementation plan. The development of the implementation plan should be done in consultation with constituent groups including shared governance. The plan will be reviewed by the Chancellor or his designated appointee. The Chancellor will review the ombudsperson services provided as part of his yearly evaluation of the Presidents as specified under Section III of BOR Policy: VII - 5.00 (Policy on Performance Evaluation of the Chancellor and the Institution Presidents of the University System of Maryland).**