

## MEMO TO THE ACADEMIC COUNCIL

### Proposed Changes to Appendix N of the Faculty Handbook

April 17, 2017

ECAC requests that the Academic Council review and approve proposed changes to Appendix N of the Faculty Handbook, which describes the functions of the Faculty Ombuds and the Faculty Hearing Committee.

The proposed changes primarily concern the Faculty Ombuds position. The need for a revised description of the Ombuds position resulted from a comprehensive review by the Academic Council's Ombuds Review Committee, the recommendations of which were endorsed by the Council in April of 2015. The Council's Diversity Task Force also reviewed the Ombuds position in 2014-2015 and reached conclusions that substantially overlapped with those of the Ombuds Review Committee.

The Faculty Ombuds is appointed by the Academic Council and reports to the President of Duke. ECAC has worked with the Office of the President, the Provost, and the Office of Counsel to reach agreement on a revised description of the Ombuds position. In revising Appendix N, ECAC also consulted with the Chair of the Faculty Hearing Committee (Tom Metzloff).

#### **Background:**

At the Council's April 17, 2014 meeting, members of the Council expressed concern and confusion over the proper role of the Faculty Ombuds in handling faculty grievances. In response, in Fall of 2014, ECAC formed a committee to review the Ombuds position and the relevant language in Appendix N of the Faculty Handbook. The Ombuds Review Committee consisted of Professors Kathleen Smith (Biology), Tom Metzloff (Law), and Rich Burton (Fuqua).

The Ombuds Review Committee conducted a comprehensive review of the position of Faculty Ombuds at Duke and elsewhere and explored best practices as articulated by the International Ombudsman Association (IOA). The Committee submitted a Report and Appendix to the Council on April 16, 2015, and recommended significant changes to existing functions and procedures. The recommendations focused on five principal areas, as described below, with references to proposed revisions to Appendix N:

- 1. Clarification of the role and functions of the Ombuds, in keeping with best practices.**
  - *See, for example, Section II.C: "The Faculty Ombuds is a confidential, informal, independent, and impartial resource for faculty and instructional staff. The Ombuds provides faculty and instructional staff with guidance on a range of issues, including communication and conflict management skills..."*

**2. Independence of the Ombuds**, particularly separation of the activities of the Ombuds from those of the Faculty Hearing Committee (FHC).

- *Several changes throughout the document are designed to separate the activities of the Ombuds from those of the FHC and other University administrative processes. The Ombuds will no longer function as the 'gatekeeper' for the FHC.*

**3. Training**

- *See, for example, Section II.A: "Upon appointment, the Faculty Ombuds shall maintain active membership in the International Ombudsman Association (IOA) and follow recognized best practices of the profession. Before assuming duties, and regularly while in office, the Faculty Ombuds shall receive training in areas including counseling, implicit and explicit bias, and negotiation and mediation...."*

**4. Confidentiality**

- *In consultation with the Office of University Council, a separate section (Section II.D) has been added on confidentiality.*

**5. Record keeping and annual reporting**

- *See Sections II.C.4 and II.C.7, describing record keeping of de-identified data to identify patterns and make suggestions for improvement.*

In revising Appendix N, ECAC focused on the Ombuds position and only made revisions to the Faculty Hearing Committee provisions as required for consistency and as required to separate the functions of the Ombuds and the FHC. This led to some duplication of language and alteration of cross-references.

Attached for your consideration are:

- The original text of Appendix N of the Faculty Handbook.
- The revised text of Appendix N with proposed changes indicated (markup).
- The revised text of Appendix N with proposed changes accepted (final).
- The Academic Council's Faculty Ombuds Review Committee Report, and the recommendations regarding the Ombuds from the Academic Council's Diversity Task Force Report.