

University of West Georgia  
Faculty Senate Minutes  
September 26, 2008  
Approved October 31, 2008

**Date:** September 26, 2008

**Call to Order:** The meeting was convened in room 1-303 of the Technology –enhanced Learning Center. Chair pro-tem Randy Hendricks called the meeting to order at 3:00 pm.

**Roll Call:** Best, Cook, Elman, Hancock for Ogletree, Brown, Epps, Huff, Luken, Murphy, Snipes, Baumstark, Harkins, MacKinnon, McCord, Hazari, Hendricks, Austin, Hasbun, Mowling, Baylen, Mbaye, Talpade for Rollins, Keith Bohannon for Aran MacKinnon

**Not in Attendance:** Harkins, Ramanathan, Clark

**Minutes:** The minutes of the August 8, 2008 meeting of the Faculty Senate were approved.

**Committee I: Undergraduate Academic Programs (Chair, Diane Fulkerson)**

**Action Items: (See Addendum D)**

A) College of Arts and Sciences

1) Department of History

a) BA in history with Secondary Education Certificate

Request: modify program

Action: approved

B) College of Education

1) Department of Media and Instructional Technology

a) MEDT 3402

Request: Add

Action: approved

2) Department of Physical Education and Recreation

a) BS in Recreation

Request: change degree name

Action: approved

3) Department of Special Education and Speech Language Pathology

a) BS in Education Special Education General Curriculum/Early Childhood Education

Request: Add

Action: approved

**Information Items:**

A) College of Education

1) Department of Curriculum and Instruction

a) ECED 3271

Request: modify  
Action: approved

b) SEED 4271  
Request: modify  
Action: approved

2) Department of Physical Education and Recreation  
a) SPMG 3670  
Request: modify  
Action: approved

b) SPMG 4668  
Request: modify  
Action: approved

3) Department of Special Education and Speech Language Pathology  
a) SPED 4713  
Request: modify  
Action: approved

### **Committee III: Faculty and Administrative Staff Personnel**

#### **Action Item: Approved**

**A)** The committee recommends revising the first sentence of section 104.0203, General Implementation Procedures, of the Faculty Handbook to indicate that post-tenure review takes

place five or more years after any personnel action:

#### **104.0203 General Implementation Procedures**

All tenured faculty members for whom five or more years have passed since their last career review decision or personnel action took effect (tenure and/or promotion), must undergo post-tenure review.

**B)** BOR Policy **803.02 EMPLOYMENT OF FULL-TIME LECTURERS** states, "To carry out special instructional functions such as basic skills instruction, universities may appoint instructional staff members to the position of lecturer. Lecturers are not eligible for the award of tenure. Reappointment of a lecturer who has completed six consecutive years of service to an institution will be permitted only if the lecturer has demonstrated exceptional teaching ability and extraordinary value to the institution. The reappointment process must follow procedures outlined by the institution. (BR Minutes, February 2007) Not more than 10% of an institution's FTE corps of primarily undergraduate instruction may be lecturers and/or senior lecturers (BR Minutes, 1992-93, p. 188)." <<http://www.usg.edu/regents/policymanual/800.phtml>>

In order to coincide with BOR Policy 803.02, the committee recommends approval of the following change to UWG Faculty Handbook 103.0301.A

<[http://www.westga.edu/vpaa/index\\_1930.php](http://www.westga.edu/vpaa/index_1930.php)>: FASP will be charged with reviewing this policy and establish a timeframe when to review people in this track. The departments will be responsible for creating criteria regarding promotion and renewal for senior lecturers.

### **103.0301 Time Limits--Promotion**

A. A Lecturer may serve in rank six years. Reappointment after six consecutive years of service will be permitted only if the lecturer has demonstrated exceptional teaching ability and extraordinary value to the institution. He or she Lecturers who have served for a period of at least six years at the University of West Georgia may be considered for promotion to Senior Lecturer if he or she has they have met criteria for Senior Lecturer.

C) As part of the process of implementing the UWG Office of the Ombuds, the committee recommends approval of the following changes which add the Ombuds Terms of Reference to

UWG Faculty Handbook section 107 <[http://www.westga.edu/vpaa/index\\_1934.php](http://www.westga.edu/vpaa/index_1934.php)>:

### **107 Dispute Resolution and Grievance Procedures**

The University of West Georgia recognizes the value of constructive dispute resolution. Faculty, staff, and students at the University of West Georgia are encouraged to seek resolution of any conflict through informal discussion with those persons involved. If such informal efforts do not resolve the dispute, the parties may choose to utilize the Office of the University of West Georgia Ombuds (see section 107.03 ), the services of the Alternative Dispute Resolution (ADR) Program at the University of West Georgia ( see section 107.01 ) and/or may pursue resolution of disputes through established Grievance Procedures ( see section 107.02 ).

#### **107.01 Oversight and Administration of Alternative Dispute Resolution Program.**

The University of West Georgia ADR program is administered by the University Co-Liaisons for Alternative Dispute Resolution in cooperation and consultation with the Committee on Alternative Dispute Resolution.

**107.0101** The university co- liaisons for ADR will be appointed by the President. One co- liaison will be a member of the staff; the second co- liaison will be a member of the faculty. The co-liaisons will serve as co-chairs of the Committee on Alternative Dispute Resolution and will oversee all committee tasks. In addition, the Co-Liaisons will serve as the first point of contact for any member of the university community who wishes to utilize mediation to pursue resolution of a conflict; screen requests for mediation to determine the appropriateness of mediation (including the willingness of parties to participate in mediation); secure the consent of all parties involved and arrange for an approved neutral or neutrals to mediate the dispute; and maintain all necessary records, forms of consent, and evaluations required during the mediation process.

**107.0102** The Committee on Alternative Dispute Resolution will consist of persons recommended by the co- liaisons and appointed by the President. Every major constituency in the university will be represented on the committee.

The Committee will meet regularly and participate in a variety of tasks associated with

mediation, including but not limited to: overseeing the general operations of the ADR program; distributing and updating information about the program's policies and procedures; coordinating mediation training for faculty, staff, and students; and overseeing all ADR-related tasks requested by the Board of Regents.

**107.0103** The Committee on Alternative Dispute Resolution will recruit mediators from the faculty, staff and students at the university. Persons wishing to mediate within the institution should submit a written request to the committee. Each person wishing to mediate must have successfully completed an appropriate course designed to train mediators. In those cases where it may be deemed appropriate to obtain the services of a mediator from off-campus, the co-liaisons will contact the office of the Consortium on Negotiation and Conflict Resolution (CNCR). Every effort will be made to provide appropriate training to faculty who are interested in becoming mediators within the University System of Georgia.

#### **107.0104 Requests for Mediation**

Any member of the faculty may request a mediation to resolve disputes with other faculty, staff, or students.

Seeking a solution through mediation does not take away an individual's rights to pursue claims through the grievance process or litigation.

Under ordinary circumstances, parties involved in a dispute would ideally attempt mediation before pursuing claims through the grievance process or litigation. There may be cases, however, in which parties involved in a dispute may wish to request suspension or delay of a grievance process in order to pursue possibilities for a mediated resolution of their dispute. If a grievance process is interrupted in this way and a solution is not reached in mediation within ten (10) working days from the initial request for mediation, aggrieved parties may return to the grievance process.

#### **107.0105 The Mediation Process**

If the co-liaisons have determined that mediation is appropriate, they will appoint a mediator or co-mediators to assist parties in resolution of their dispute(s). It will be the responsibility of the mediator(s) to arrange for an appropriate time and place to conduct the mediation, and to conduct the mediation according to all applicable policies and procedures.

Procedures that govern the mediation process include the following:

A. Mediation is a form of dispute resolution in which a neutral party, a trained mediator, attempts to assist parties in conflict to negotiate a mutually satisfactory resolution to their dispute. A mediator does not decide who wins or loses the dispute. A mediator does not act as judge or jury, does not take sides in disputes, and does not guarantee the results of mediation. Instead, a mediator is in the role of a neutral third-party who establishes a fair and structured process which facilitates communication and mutual decision-making between and among parties to a dispute.

**B. At the beginning of the mediation session, the mediator(s) will inform the parties involved of the policies and procedures that will be followed and will ensure that participation in mediation is purely voluntary. No mediation will occur without the consent of all parties involved.**

**C. If the mediator(s) allow the parties to have an advisor present, the mediator(s) will decide to what degree the advisor may participate in the process.**

**D. All parties will be given the opportunity to present their side of the matters at issue in their own words. Because mediation is essentially a communication process and not a legal proceeding, the customary rules of evidence do not apply. Parties are free to discuss any matters related to the issue(s) they believe will support resolution of their dispute(s).**

**E. Confidentiality. The discussions held during mediation are strictly confidential with the following exceptions: confidentiality does not extend to a situation in which conduct by either party is criminal in nature or statements are made during the process of mediation that involve threats of imminent violence to self or others and lead the mediator(s) to reasonably believe that someone's safety is at risk.**

**In light of this commitment to confidentiality, the mediator(s) will not retain any notes taken during the mediation, no tape recording will be permitted during the mediation process by any parties involved and it is understood that mediators cannot testify for or against any party should the dispute be subsequently pursued through grievance and/or legal proceedings.**

**F. A successful mediation is one in which the parties involved in the dispute reach an agreement described as "win/win." In mediation, parties agree only to things that are acceptable to them, to resolutions which each believes will actually resolve the dispute(s) between/among them. Because parties jointly work to resolve the dispute, the resolutions are frequently more creative and have the potential to enhance, or at least preserve, relationships better than other forms of dispute resolution.**

**G. If an agreement is reached, the agreement will be written by the mediator(s), and signed by all parties. A copy of the agreement will be given to the parties but not retained by the mediator(s).**

**H. The mediator(s) will inform the co - liaisons only that an agreement was or was not reached.**

**I. Each participant in mediation will be given the opportunity to evaluate the mediation process at the conclusion of the mediation.**

**J. It is important to understand that: time spent in mediation will be considered part of the working day and will not require any person to take leave to participate. All supervisors**

will make reasonable efforts to enable employees to be available for participation in mediation.

K. The acceptance or refusal of either party to submit a dispute to a mediator will not influence the outcome of any subsequent grievance proceeding.

### **107.0106 Limitations to Mediation**

It is important to understand that not all disputes are appropriate for mediation. Some examples of disputes that are not appropriate for mediation include those that have been the subject of a final ruling or decision in accordance with University policies and procedures; disputes involving purely academic decisions (i.e., faculty assessment of students' work); disputes involving trivial matters; allegations of sexual harassment; complaints of discrimination based on protected class; and disputes that have no relation to the University. It is also important to understand that mediation will not result in resolution for every dispute.

### **107.02 Grievance Procedures**

Within ninety days after becoming aware of the grievance, a person having a grievance shall attempt to resolve it at all levels through that of the Vice President for Academic Affairs before submitting it to the chair on the Subcommittee on Faculty and Staff Grievances. The initialization of a grievance shall not preclude attempts to resolve a dispute by means of Alternative Dispute Resolution (see [Section 107](#)). The person should understand that a committee appointed to hear the grievance functions to study the case and to make recommendations; it is not empowered to reverse decisions.

**107.0201** A person submitting grievance shall follow the stated procedures at each level.

#### **107.0202 Department Chair (or Supervisor)**

- A. The aggrieved person shall first discuss the grievance with the appropriate department chair.
- B. If the matter is not resolved at this level, the person should prepare a written statement clearly delineating the grievance, supplying appropriate documentation.
- C. Simultaneously, the department chair shall prepare a written statement to justify his or her action.
- D. These documents shall be forwarded to the next highest administrative level.

#### **107.0203 Dean of College (or comparable Administrator)**

- A. Upon receipt of the documents, the dean of the college shall review the grievance in consultation, if necessary, with the person involved, the department chair, and/or any other persons who might provide useful information.
- B. If the grievance is not resolved at this level, the dean shall prepare a written statement describing his or her actions and justifying his or her decision.
- C. The folder of documents including the dean's statement shall be forwarded to the next highest administrative level.

#### **107.0204 Vice President for Academic Affairs**

A. The Vice President shall review all statements concerning the case. He or she may consult with the involved dean, department chair, and faculty or staff member before rendering a decision on the grievance.

B. If the person filing the grievance is not satisfied with the decision, the Vice President shall forward the folder including a written statement of the decision and justification to the Chair of the Subcommittee on Faculty and Staff Grievances.

### **107.0205 Chair of the Subcommittee on Faculty and Staff Grievances**

A. Any petition or material which has not gone through the stated procedures described above (from the level of the department chair or supervisor up through the level of the Vice President for Academic Affairs) will be returned to the petitioner with a copy of the pages of the *Faculty Handbook* describing the grievance procedures on campus.

The petitioner will be informed that the Faculty and Administrative Staff Personnel Committee of the Faculty Senate has no authority to act on grievances which have not properly gone through channels.

B. Upon receipt of the folio concerning the grievance, the chair of this subcommittee shall consult with the chair of the Faculty and Administrative Staff Personnel Committee. They shall discuss the grievance petition and identify persons who might be best suited to constitute a committee to hear this grievance. The appointed committee shall be constituted in an effort to ensure that the aggrieved person receives a fair and impartial hearing.

1. In most cases, a four-member committee of faculty members will be selected to hear a given grievance: one from the College of Arts & Sciences, one from the College of Business, one from the College of Education, and one from the Library or some other segment of the campus.

2. The chair of the Subcommittee on Faculty and Staff Grievances will contact on an individual basis the persons identified as prospective committee members to determine their willingness to serve and their acceptability (re: impartiality, fairness, absence of conflict of interest). Their service as committee members will also be agreed to by any involved administrators and by the faculty member submitting the grievance.

3. Under normal circumstances, the chair of the Subcommittee on Faculty and Staff Grievances will serve as the chair of each of the grievance hearing committees established.

4. The Chair of the Subcommittee on Faculty and Staff Grievances is required to convene meetings to hear given grievance petitions and is responsible for writing the final draft of each committee's report with regard to a given grievance.

C. The Hearing Committee has the authority to conduct inquiries into faculty grievances, to attempt the resolution of these grievances by mediation, and to present to the President (via the appropriate channels) its recommendations for appropriate responses to the grievances it has considered. It is the responsibility of the Hearing Committee to seek to determine whether there is substance to the grievances brought before it and, if so, to attempt to resolve these grievances. In carrying out this responsibility, the Hearing Committee reviewing a given grievance may examine decision-making processes related to that grievance to determine whether or not such processes were handled fairly,

professionally, and in accordance with university policy. To this end, faculty members, administrators, and designated committee members involved in or knowledgeable about particular issues pertaining to the grievance may be asked by the committee hearing the grievance to provide clarifying information and/or to discuss and defend their actions related to grievance charges. Hearing committee members may interview persons that the aggrieved faculty member and/or the administration feels would be helpful in getting the clearest picture of what has occurred.

The aggrieved individual should be provided every opportunity to fully state his or her contentions to the Hearing Committee, and the Hearing Committee should make every reasonable effort to understand the facts and the substance of an aggrieved person's allegations before rendering its report and recommendation(s).

Respecting due process and confidentiality, faculty members serving on a Hearing Committee will not discuss a given grievance or set of grievances with the aggrieved individual, other administrative or non-administrative colleagues, or with students, except when as such contacts are agreed to by the Hearing Committee as an authorized part of their role in reviewing said grievance(s).

D. Should the Hearing Committee determine that a formal hearing is appropriate, the following guidelines for conducting such a hearing shall be adhered to:

1. An oath or affirmation shall be administered to all persons expected to testify in the hearing by any person authorized by law to administer oaths in the State of Georgia.
2. All witnesses (except the principal parties), if they expect to testify, shall leave the room following the administration of the oath until called upon to testify.
3. The burden of proof is on the aggrieved party to sustain his or her allegations by appropriate evidence, and the administrative spokesperson or other appropriate party shall have the opportunity to respond.
4. The Hearing Committee shall allocate an amount of time to each side. Time shall be charged only against the party asking the questions. Time used by the Hearing Committee members in questioning witnesses shall not be charged against either party.
5. The Subcommittee on Faculty and Staff Grievances has no subpoena powers, so the parties involved in a formal grievance hearing are responsible for producing witnesses, advisors and evidence. The Hearing Committee, however, may request the appearance of witnesses whose testimony it believes would be helpful to its purposes.
6. Each party may present an opening statement of not more than 10-15 minutes. The aggrieved person makes his or her presentation first, and then the opposing party shall have an opportunity to make its presentation.
7. Following the opening statements, the aggrieved party may then call witnesses to present evidence in support of his or her side of the case. He or she may question these witnesses or ask that the witnesses be permitted to make a narrative statement. When the aggrieved person has concluded his or her questioning of a given witness, the administrative spokesperson or other appropriate party shall be

provided an opportunity to question (cross-examine) this witness.

8. When the aggrieved person has concluded with his or her witnesses, the administration or other appropriate party may proceed with its witnesses, if it chooses to call any. The administration or other appropriate party may question its witnesses, or ask that the witnesses be permitted to make a narrative statement. When the administrative spokesperson or other appropriate party has concluded his or her questioning of a given witness, the aggrieved party shall be provided an opportunity to question (cross-examine) this witness.

9. The Hearing Committee may question each witness after both parties have concluded their questions. During the hearing, once each party's witnesses have testified, the Hearing Committee may question both parties in an effort to clarify various aspects of the grievance petition.

10. The aggrieved person and the administration's spokesperson (or other appropriate party) shall be present during the entire proceeding, including the examination of all witnesses.

11. Witnesses and any other evidence must be addressed to issues discussed in the grievance petition, not to inconsequential matters. Any evidence which may assist the Hearing Committee in reaching a decision should be admitted into the record. However, the chair may exercise discretion and exclude any evidence which is not pertinent to the case. The scope of questions asked by appropriate persons shall not be limited by the chair unless it appears that the questions are wholly irrelevant to the purpose of the hearing or the questions are asked solely to embarrass, harass, or intimidate the witness.

12. The chair may allow informal exchanges and comments between parties or among Hearing Committee members and participants. The chair may require that the hearing be conducted on a more formal basis when he or she believes this approach will be more conducive to an orderly hearing. Neither party shall be allowed to interfere with the orderly presentation of the other's case. Personal abuse, harassment or obscene language is to be considered out-of-order.

13. Each party may bring to the hearing an advisor who may be present during the entire proceeding, but shall not be called as a witness or speak for the parties. In addition, each party may bring up to three other persons (not witnesses) to act as observers, if desired.

14. The hearing shall be tape-recorded.

15. All witnesses and parties to this matter must be present at the time designated for the swearing in, regardless of their time of appearance. When a witness can not appear because of illness or other cause acceptable to the Hearing Committee, the sworn statement (affidavit) of the witness may be introduced into the record and served on the opposing party, who should be allowed additional time, not to exceed three (3) working days following the completion of the hearing, to file counter-affidavits.

16. The party introducing written evidence should identify the evidence for the record (unless the opposite party agrees to its authenticity), preferably by calling a witness with firsthand knowledge of the document. Since the legal rules of evidence do not apply, however, it shall be sufficient if the party simply describes

the documents, their source, and what the introduction of such documents is intended to prove. The chair should announce that the document is admitted into the record if that is his or her decision. Documentary (written) evidence introduced by the Hearing Committee or by either party should be marked for identification by the person making a record of the hearing. Generally, Hearing Committee evidence should be marked C-1, C-2, C-3, etc.

17. Evidence presented by the person bringing the grievance should be marked G-1, G-2, G-3, etc. Evidence presented by the administration or other appropriate party in response to the grievance will be marked A-1, A-2, A-3, or R-1, R-2, R-3, respectively.

18. If the hearing cannot be concluded in the time established by the Hearing Committee, the chair of the Hearing Committee shall adjourn the hearing for the day and reconvene at the earliest possible time convenient to all parties involved.

19. At the conclusion of the hearing, the administration (or other appropriate party) may make a closing statement (not more than 15 minutes in length). Then the aggrieved person may make a closing statement (not more than 15 minutes in length). As the aggrieved person bears the burden of proof in this hearing, he or she may wish to reserve part of his or her closing statement for rebutting the closing argument of the administrative spokesperson or other appropriate party.

20. Each party shall have three (3) working days following the hearing to file any counter-affidavits or responses with the Hearing Committee. If neither party wishes to submit additional documentary evidence after the hearing is concluded, the Chair shall announce that the record is closed. If either party asks to present additional evidence, additional time not to exceed three (3) working days may be granted, with the other party granted an additional three (3) working days to rebut the evidence. The Chair shall announce the record then be closed, and thereafter no further evidence shall be received. Copies of evidence presented shall be sent by the party presenting it to the opposite party.

21. The Hearing Committee shall develop its findings and formulate its recommendations based on the evidence submitted to it by the parties involved. This evidence includes all written material submitted to it prior to the hearing and attested to at the hearing, all evidence produced at the hearing itself, and any counter-affidavits or responses filed with the Hearing Committee before the record is closed.

22. Immediately after the conclusion of the hearing, the Hearing Committee shall meet privately to discuss their initial reaction to the case and the evidence. As soon as the record (transcript, tape, etc.) of the hearing is available, each Hearing Committee member shall carefully review it before reaching a decision. The Hearing Committee shall then meet again, discuss the case and reach its decision, which is then written and signed. The decision does not have to be unanimous and a minority report may be filed.

**E. This committee shall forward its decision with justifications to the chair of the Faculty and Administrative Staff Personnel Committee who shall present it to the full committee for consideration.**

**F. The report of the Hearing Committee will follow the guidelines stated below:**

- 1. Findings of Fact:** A brief summary of the facts as determined by the Committee hearing the grievance from the evidence presented at the hearing, including a statement as to the nature of the case. This summary will state findings of fact on each major issue raised by the parties.
- 2. Violations:** A general statement of Regents' Policies or institution rules and regulations violated, if any, and/or the stated reasons for the action.
- 3. Recommendation:** A statement specifying the action the Hearing Committee recommends. The Hearing Committee will keep its purpose in mind and limit the scope of its recommendations to the case before it. To reduce the length of the decision without sacrificing clarity, the Hearing Committee report should include only such factual recitals as necessary to present and decide the issues.

**G. This committee shall forward its report to the chair of the Faculty and Administrative Staff Personnel Committee who shall present it to the Faculty and Administrative Staff Personnel Committee for its consideration. The chair of the Faculty and Administrative Staff Personnel Committee may request that one or more members of the Hearing Committee be present when the report is presented to the Faculty and Administrative Staff Personnel Committee.**

- 1. The chair of the Faculty and Administrative Staff Personnel Committee shall submit the evidence and the report accepted by the full committee to the Vice President for Academic Affairs.**
- 2. Simultaneously, a letter stating that action has been taken concerning the grievance and a copy of the report approved by the Faculty and Administrative Staff Personnel Committee shall be transmitted to the aggrieved person.**
- 3. The Vice President for Academic Affairs shall assume responsibility for transmitting all information back down through the appeal chain.**

#### **107.0206 President of the University**

If the grievance is not resolved at this point, the aggrieved person may appeal to the next highest level -- the President of the University.

#### **107.03 Office of the University Ombuds**

The Office of the University Ombuds has been established to provide an accessible, informal channel of communication to facilitate non-adversarial means of dispute resolution and to promote conflict management and cooperation throughout the University community. The office will work to resolve concerns, complaints and questions about University policies, procedures and practices in a neutral, impartial and confidential manner. In their dealings with visitors (i.e.: faculty, staff and students), Ombuds staff will act with integrity and will advocate, not for any individual, but for fairness, equitable treatment, and respect throughout the University community. Ombuds staff shall be properly trained and will adhere to the Code of Ethics and Standard Operating Practices of

the International Ombudsman Association. They shall also serve as sensors and resource persons in identifying systemic institutional problems.

### **107.0301 Purpose and Scope**

The University Ombuds Office is an independent source of assistance to faculty, staff and students who seek guidance in dealing with problems, issues and conflicts. The office works outside the formal organizational structure of the University to resolve concerns and complaints.

Ombuds personnel promote communication, fairness and civility in work relationships and in the resolution of conflicts. The office supplements, rather than replaces, other alternative dispute resolution (ADR) processes at the University. It strives to help parties reach mutually acceptable resolutions of disputes in non-adversarial fashion. Ombuds staff also design and conduct training programs in conflict resolution and related areas for the University community. Without violating the confidential nature of the information, Ombuds staff may make recommendations for institutional change to the President when appropriate (e.g.: policy change, needed training, or other procedures that may enhance the campus climate). They also may provide feedback with regard to trends or issues.

### **107.0302 Organization and Procedures**

Professional staff in the University Ombuds office are appointed by, and report to, the President of the University. The office shall operate independent of the ordinary line and staff structure of the University. All staff with the title of Ombuds shall be appropriately trained and affiliated with the University Ombuds office.

The office shall have access to any University office and will be provided information in an expeditious manner. It shall safeguard the confidentiality of that information. Ombuds serve neither as advocates nor as adjudicators and do not exercise decision-making authority. The office acts in an informal manner outside usual administrative procedures, but does not subvert those procedures. It shall not be involved in any compliance function of the institution. Contact with the Ombuds office is voluntary and shall not be required.

Ombuds provide informal, confidential guidance to visitors and assist the University community in the development of policies and procedures. They listen, offer information on University policies and procedures, discuss options, make inquiries and referrals and facilitate communication. Ombuds will explain the limits of services to visitors and the policy of confidentiality. No member of the University community shall experience reprisal in seeking the services of the office.

Ombuds do not take sides in a conflict and strive to ensure fair and equitable treatment for all concerned. Ombuds must consider the interests of all individuals affected.

With the permission of the visitor, the Ombuds will meet with all parties involved in a conflict. If the Ombuds determines that formal mediation may be appropriate, the parties involved in the conflict will be referred to the ADR liaisons who will arrange the mediation. Ombuds will advise visitors of proper procedures to follow, including the lodging of a formal grievance if necessary. At that point, the Ombuds will withdraw from the process.

The Ombuds office shall not conduct formal investigations nor will it provide testimony in formal or legal proceedings unless required by subpoena or court order.

The Ombuds office may initiate review without a specific complaint in the determination of procedural or systemic problems. An Ombuds may decline or withdraw from involvement in any matter which is inappropriate for the engagement of the office. An Ombuds shall avoid situations in which there is appearance of conflict of interest.

Contact with the Ombuds office is not regarded as official notice to the University on any matter nor is an Ombuds required to report any such communication to the University. If a visitor wishes to put the University on notice, the Ombuds will make a referral to the appropriate official.

Communication with the Ombuds office is confidential. Statistical data maintained by the office will not reveal confidential information. Records of communications will not be kept and informal notes will be destroyed promptly. Oral communication is preferred and use of e-mail in communicating confidential matters with the office is not encouraged.

### **107.0303 Code of Ethics and Standard Operating Procedures**

The Ombuds office at the University of West Georgia will adhere to the Code of Ethics and Standards of Practice of the International Ombudsman Association (see appendices). In the exercise of duties, Ombuds shall be “truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations’ practices, processes, and policies.”

#### **A. Independence**

The Ombuds office reports to the President of the University. It shall function free from interference and will not be constrained by the organizational structure of the institution. Ombuds staff will have no other affiliation or function at the University which might compromise their independence. To fulfill Ombuds functions, the Ombuds office shall have a specific, allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development. The Ombuds shall have the authority to manage the budget and operations of the Ombuds office. The Ombuds shall report to the office of the University President for administrative and budget matters.

#### **B. Neutrality and Impartiality**

An Ombuds shall not advocate for any individual but shall strive for fair and equitable treatment for all members of the University community. Ombuds must avoid participation in matters which would create a conflict of interest or otherwise compromise neutrality, including involvement in a compliance function.

#### **C. Confidentiality**

The Ombuds office shall not reveal the name of any party with whom it has communicated and shall maintain confidentiality in communications, disclosing confidential information, at the discretion of the Ombuds, only when given permission,

when compelled by law, judicial subpoena or court order or when there is an imminent risk of possible violence or physical harm to self or others as determined by the Ombuds. Ombuds staff do not keep notes or records on individual cases.

#### **D. Informality**

Ombuds will not participate in any internal formal grievance process or external formal process or action, even if given permission to do so. Use of the office is voluntary and shall not be required.

The Ombuds office does not keep records for the University and in carrying out its mission is not authorized to:

- Make, change, or set aside a law, policy, or administrative decision;
- Make binding decisions or determine rights;
- Compel anyone to implement recommendations;
- Conduct investigations that substitute for administrative or judicial proceedings;
- Give legal advice;
- Determine “guilt” or “innocence” of anyone accused of wrong-doing;
- Provide testimony in formal grievance or disciplinary procedures or litigation except to explain the role of the office and provide publicly available information (unless ordered to do so by a judge);
- Maintain formal written case records identifying users of the office;
- Assist individuals with an issue that is currently pending in a formal forum (e.g.: a grievance) unless all parties and the presiding officer in that action explicitly consent to suspend the formal process;
- Assist individuals with no affiliation with the campus community;

#### **107.0304 Evaluation**

Evaluation of the Ombuds office and staff will be conducted periodically by the University President through external review and shall include an assessment of visitor satisfaction.

#### **107.0305 Reporting**

The Ombuds office shall at least annually make reports to the University President, the Committee on Alternative Dispute Resolution and the campus community on conflict trends and areas of general concern regarding policies and procedures.

#### **107.0306 Adoption**

These Terms of Reference and any subsequent amendments shall be approved by the Committee on Alternative Dispute Resolution, the Faculty Senate and the President of the University. They shall be effective on the date approved by the President and shall be incorporated into the dispute resolution and grievance procedures in the faculty, employee and student handbooks.

#### **Committee IX: Graduate Studies (Chair, Skip Clark)**

**(See Addendum III)**

##### **Action Items:**

- A) College of College of Education
  - 1) Special Education and Speech Language Pathology

**a) Specialist in Education – Special Education**

**Request: Modify**

**Action: approved**

**5. Old Business**

**A) Update on Strategic Planning (Dr. Micheal Crafton)—Dr. Crafton provided a link to the latest version of the Strategic Plan: <http://www.westga.edu/~mcrafton/planning.html>**  
**There will be meetings across campus to discuss the latest version of the strategic plan.**

**B) Update on Governance Committee (Dr. Thomas Hynes and Dr. Randy Hendricks)—The work of the committee will continue and Dr. Hynes will distribute a list of the people who will constitute the committee.**

**6. New Business**

**A) Election of Chair Pro Tem for 2008-09—Chris Huff was elected Chair Pro-Tem**

**7. Announcements**

**8. Adjournment—Meeting adjourned at 4:00**