

# The Senate of Michigan Technological University

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## Superseded

### PROPOSAL 1-69

#### OFFICE OF THE OMBUDSMAN

An "Office of the Ombudsman" shall be established by the Senate of Michigan Technological University. Its purpose shall be to provide any member of the general faculty with a fair and effective means of stating a complaint to an impartial person who has investigative powers.

In carrying out the responsibilities of his office, the Ombudsman must be independent of the normal line and staff organization below the President's Office, and though ultimately responsible to, and reporting to, the President, should be accorded a fraternal status. If the holder of the office is considered merely an administrative functionary, then his most important attribute -- that of "perceived impartiality" -- is destroyed. He must be a person known to all and immediately available to listen impartially to complaints. To maintain this independence, the holder should be secure in his tenure. He may be dismissed from the office only by a two-thirds vote of the entire Senate membership. He should be a person of integrity with an understanding of the principles of simple justice, and of academic due process. Since "due process" in this context is often little more than applied wisdom, the emphasis should be on reputation rather than formal credentials.

The Office shall have no power to change any decisions; it can only investigate and persuade.

Along with the authority to investigate any complaints of any member of the general faculty, the Office shall have the authority to dismiss any complaint, with or without a hearing, subject to the responsibility of stating reasons for such dismissal to the complainant, in writing if the latter so requests.

It is vital that the holder of the Office have the power to assume jurisdiction according to his own conscience. The good sense requisite to the Office would place some limits on its jurisdiction (e.g., a holder would not "ombud" disputes among administrative officials; at this level the President normally acts as his own Ombudsman). Any member of the general faculty who thinks that he has a grievance must be allowed to present it. The Ombudsman shall attempt to conciliate the matter informally. At any point in the process, he may dismiss the complaint (a record of all dismissed complaints without identifying individuals shall be transmitted to the President semi-annually).

The Office may point out violation of justice and due process within the institution against the individual, or vindicate reasonable decisions. It cannot make "policy" decisions but can make suggestions on the basis of its findings. It should function to bridge any "communications gap" -- the source of much friction in institutional governance. It should be viewed not as a first step in a dispute resolution process; it should be viewed as a means to obviate the need for formal appeal proceedings.

The Ombudsman is to be appointed by a three-man appointing committee made up as follows: one member appointed by the President of the University one member elected by the Senate from among its members; and one member elected by the general faculty (said election to be conducted by the executive committee of the Senate). The choice of the appointing committee

must be unanimous. The Ombudsman shall during the initial year have his usual load reduced by one-fourth. After a period of one year (or less if requested by the Ombudsman) a similarly constituted committee shall review the work of the office, report to the President and the Senate, and recommend any needed changes.

**Proposal Adopted by Senate: 16 April 1969**

**Adopted by Board of Control: 13 June 1969**

**See Proposal 6-06**