THE CITY COLLEGE

REVISED GOVERNANCE PLAN

[Current text – Approved by Board of Trustees, June 28, 1999]

ARTICLE XI
The Office of the Ombudsman

The Office of the Ombudsman is not intended to replace the normal channels of administrative process. It is an exceptional procedure, to be used only when the normal channels do not adequately respond.

a. The areas of responsibility of the Ombudsman are:

i. Equity - to help individuals in specific cases to seek just and equitable treatment;

ii. Critical Review - to help administrative functionaries (whether connected with student government organizations or with the officers of the Faculty or the administration) to improve their process and procedures, not only to correct a particular inequity or injustice, but also to prevent its recurrence; and

iii. Recommendation and Report - to recommend such changes in procedure and practice as may be appropriate, and to make final, public report on his actions.

b. The methods appropriate to the Ombudsman will be those which are appropriate to the foregoing functions:

i. As to Equity, the Ombudsman will

(a) afford full opportunity for the presentation, in confidence, of any complaint or grievance, from any student or any member of the Faculty or the staff alleging unfairness, inequity, discourtesy, undue delay, or other malfunctioning in the processes of The City College;

(b) investigate, in confidence, to determine the degree of validity of the complaint.

(c) mediate or otherwise resolve the problem, arriving, in confidence, at what appears to be a just resolution (including the dismissal of the complaint or recommendation of action based on the verified complaint); and

(d) report the disposition of the specific case directly to the Office of the President.
Notwithstanding the foregoing, in all cases of alleged inequity, injustice or malfunction, the Ombudsman will not be expected to concern himself with the normal operations of grievance process or disciplinary procedures which are established by the Board of Trustees or by appropriate College bodies and authorities, except that he may, on the sole basis of his own judgment, inquire into possible or alleged unfairness or inequity resulting from possible bias or malfunction in any of these proceedings, and make confidential report thereon to the Office of the President.

ii. As to critical review, the Ombudsman will

(a) be receptive to all suggestions, comments and criticisms regarding the general functioning of College processes and procedures (as distinguished from individual grievances or complaints of inequity);

(b) make appropriate inquiries;

(c) make recommendations, in confidence, to the administrative officer who heads the particular unit involved; and

(d) report to the Office of the President as to the disposition of such recommendations.

iii. As to recommendation, the Ombudsman will, in addition to any recommendations submitted in connection with the foregoing functions, from time to time and annually, make such report and recommendations as he deems wise, directly to the Office of the President, with such substantiation as may be appropriate.

The primary task of the Ombudsman is to serve as a confidential investigator in any specific case of alleged inequity, unfairness or maladministration, and therein to be the impartial spokesman, both to the person or persons making the complaint and to the person(s) against whose performance the allegation is brought. The Ombudsman is to have access to all relevant facts in the case. He is to enjoy the complete cooperation of the individual officers(s) of instruction or administration against whom complaints have been brought. He is to receive cooperation from any complaint. He is to carry out his work in privacy and with full respect for the rights and immunities of all parties.

Having completed his inquiries, he will make such disposition of each case, as, in his sole judgment, is best. He may dismiss the charges as being without foundation or merit. He may recommend corrective action to achieve justice or equity in the particular case. He will determine the question of equity and fairness not on the basis of opinion or bias or preference, but on the basis of whether or not the rules, guidelines, and other governing statutes have been followed honestly and fairly, and without undue delay. If he finds a particular rule or
regulation or statute is itself unfair or makes for inequity, he may convey that finding to the Office of the President; but he may not at the same time make a finding against an individual who has faithfully adhered to the guidelines then governing the case.

His secondary, but no less important, task is to make recommendations which seem appropriate to him for changes in the rules, practices, procedures and regulations by which administrative functionaries of the student body, Faculty or administration are guided.

Thirdly, he may recommend changes in procedures and practices which do not involve changes in the rules, regulations, guidelines and statutes.

In arriving at any of the foregoing recommendations, he will consult carefully and fully with the particular officers and offices involved, keeping the President informed of progress.

In addition, should the Ombudsman arrive at conclusions which are critical of the operations and practices of the Office of the President, or Presidential disposition of specific cases duly reported by the Ombudsman to the President, he will so inform the President; and if there is no resolution of the problem which is satisfactory to him, the Ombudsman may take the matter directly to the Board of Trustees, informing the President as he does so.

The powers of the Ombudsman include:

a. access to all records pertinent to any allegation of inequity or injustice or other grievance coming under his jurisdiction;

b. the right to inquire of any officer of instruction or of administration, or of any member of the clerical and custodial staffs, or of any student, in connection with his proper inquiries, and to receive full and complete answers;

c. the right to mediate or otherwise arrive at a compromise or to arrive at his own proposal for solution of the problem at hand;

d. the right to present his recommendations for solution to the parties involved and to report such recommendations to the supervisory officers of the person(s) involved and to the President; and, having completed the foregoing processes, in confidence;

e. the right to make final public report in the matter.

The Office of the Ombudsman shall be headed by a member of the tenured Faculty, elected by the Faculty each year, at the same time as the election for the Faculty Senate. The electorate shall be the same as for the Faculty Senate.
Nominations shall be by petition of at least twenty-five signatures. The Faculty Senate will make a good faith effort to find at least two candidates. Failing this, a single candidate will be sufficient, and there shall be at least two candidates. Failing this, the Faculty Senate shall nominate a sufficient number. A reduced teaching schedule should be afforded for the Ombudsman.

In the Office of the Ombudsman there shall also be a student, preferably one who is in his final year as an undergraduate, elected at the same time as the election for the Undergraduate Senate. The electorate shall be the same as for the Undergraduate Senate. Nominations shall be by petition of at least twenty-five signatures, and there shall be at least two candidates. Failing this, the Undergraduate Senate shall nominate a sufficient number. The Student Ombudsman will perform his duties in consultation with the Faculty Ombudsman, when desirable.