

**THE UNIVERSITY OF MASSACHUSETTS OMBUDSMAN**

**I. TITLE**

There shall be one or more Ombudsman at the University of Massachusetts (Amherst).

**II. APPOINTMENT**

The Ombudsman shall be appointed by the President/Chancellor of the University upon recommendation of a joint selection committee consisting of three faculty members appointed by the Secretary of the Faculty Senate, two undergraduate students appointed by the President of the Student Senate, one graduate student appointed by the President of the Graduate Student Senate, one member of the professional non-academic staff appointed by the Speaker of PAUMA, and the Dean of Students. The Ombudsman shall be a faculty member at the University and shall receive appropriate release time from other duties to enable him/her to adequately perform his/her functions. If circumstances warrant, a student co-ombudsman may be appointed and an appropriate salary established. Only students enrolled on a full-time basis at the University shall be eligible for this position. If a student is appointed, his/her jurisdiction shall be determined solely by himself/herself and the ombudsman.

The Ombudsman shall be appointed for a term of two years. In case of a vacancy in the office, a successor shall be appointed to serve a two-year term commencing upon the date of his/her appointment. No Ombudsman may serve more than two consecutive terms in office.

The Ombudsman shall be removed only upon a two-thirds (2/3) vote by the Faculty Senate, Student Senate, and the Graduate Student Senate, each meeting and voting separately.

**III. STAFF**

The Ombudsman shall be provided with the necessary staff and services to enable him/her to fulfill his/her function.

**IV. FUNCTION**

The function of the Ombudsman shall be to assist any petitioner in the procurement of a just settlement of a grievance. All members of the University community are expected to cooperate with the Ombudsman in the discharge of his/her duties.

**V. PROCEDURES**

Every complaint or grievance by a petitioner to the Ombudsman shall be submitted in writing.

If in the course of his/her duties it appears to the Ombudsman that under existing channels there is an adequate remedy or right of appeal, or if it appears that, having regard to all the

circumstances of the case, any further action is unnecessary, he/she may in his/her discretion refuse to pursue the matter further.

If in his/her opinion the subject matter of the complaint is frivolous, or vexatious, or is not made in good faith, or the complainant has no sufficient personal interest in the subject matter of the complaint, the Ombudsman shall not be required to investigate the complaint.

In any case where the Ombudsman decides not to investigate or further investigate a complaint, he/she shall inform the complainant of the decision and shall state his/her reasons therefore in writing.

Every investigation by the Ombudsman shall be conducted with due respect for the privacy and reputation of others.

No person shall be entitled as a right to be heard by the Ombudsman, except that before any report is issued, persons or organizations adversely affected by such report must have been afforded an opportunity to be heard.

## **VI. REPORTS**

The Ombudsman shall issue a report in every case where, after making any investigation, he/she is of the opinion that the decision, act, or omission which was the subject matter of the investigation:

- a. **Appears to have been contrary to written rules; or**
- b. **Was unreasonable, unjust, oppressive, or improperly discriminatory, or was in accordance with any rule that is unreasonable, unjust, oppressive, or improperly discriminatory; or**
- c. **Was based wholly or partly on a mistake of fact or interpretation of rules;**

The Ombudsman may recommend that:

- a. **The matter should be referred to the appropriate authority for further consideration;  
or**
- b. **An omission should be rectified; or**
- c. **A decision should be cancelled or changed; or**
- d. **Any practice on which the decision, act, or omission was based should be altered; or**
- e. **Any rule on which the decision, act, or omission was based should be reconsidered; or**
- f. **Reasons should have been given for a decision; or**
- g. **Any other steps should be taken.**

The Ombudsman shall report his/her opinion, and his/her reasons therefore, to the appropriate organization or person, and may make such recommendations as he/she sees fit. In any case he/she may request the organization, or person involved, to notify him/her, within a specified time, of the steps that it proposes to take to implement his/her recommendations.

If within a reasonable time after issuance of the report, no action is taken which appears satisfactory to the Ombudsman, he/she may send a copy of his report and recommendations to the President/Chancellor of the University.

The Ombudsman shall in any case inform the complainant of the result of the investigation and recommendations.

The Ombudsman shall submit a written report at the beginning of May of each year to the Faculty, Graduate Student, and Student Senates, to the President of the University, and to the Board of Trustees of the University on the general functioning of his/her office. Copies of this report shall be made available for general distribution. In addition, from time to time he/she shall issue such other reports as he/she may determine necessary.

Senate Document 69-023  
March 6, 1969

revised: October 1970  
revised: March 1982

Chairperson's Note: 4/26/82

Changes between 10/18/69 and 4/13/82

- I. "Ombudsmen" changed to "Ombudsman"
- II. "Chancellor" added to "President"  
After "Graduate Student Senate" add "one member of the professional non-academic staff appointed by the Speaker of PAUMA."  
"He shall" changed to "The Ombudsman shall"  
"Her/she/herself" added throughout