

Ombuds Office

Charter



I. Purpose

The Lewis & Clark Ombuds Office was established in 2008 by President Thomas J. Hochstetler to serve as a supplemental channel for open communication and issue resolution. The office was established as part of a comprehensive plan to increase effective communication and feedback at Lewis & Clark.

The office is available to assist faculty, staff, students, and other community members who seek guidance in addressing the range of issues that can occur in a college community. The Lewis & Clark Ombuds Office provides confidential, neutral and informal services that supplement, but do not replace, other administrative processes at the College. The Office works to facilitate communication and assist Office visitors in developing strategies to address challenges with which they struggle, with emphasis on supporting fair and equitable process at the

College. The Ombuds Office also reports general trends of issues and provides feedback throughout the organization, and advocates systems change when appropriate without disclosing confidential communications.

The Lewis & Clark Ombuds Office shall confidentially receive visitors' concerns and inquiries within the Office's defined jurisdiction. In response, the Ombuds Office staff will listen, may suggest and assist in developing a range of options, and make referrals. When requested by Office visitors and as appropriate, Ombuds Office staff may participate as a third party to facilitate potentially difficult conversations. All actions shall be conducted independently and impartially. In addition, the Ombuds Office staff shall serve as an information and communication resource, consultant, and catalyst for institutional change.

II. Reporting

The Office functions independently with respect to issue handling and management, and reports to the President's Office for administrative and budgetary purposes only. To fulfill its functions, the Ombuds Office shall have a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development.

On an ongoing basis the Ombuds Office will provide feedback, while maintaining confidentiality, to the President and other leadership team members throughout Lewis & Clark to inform them of the kinds of issues and trends the Ombuds Office may be hearing about, explain the relevance of such information, and provide guidance to those leaders.

III. Standards

The Ombuds Office operates in accordance with the International Ombudsman Association Code of Ethics and Standards of Practice as specified in 2008. These tenets require ombuds offices to function independently of the organization, to be confidential and neutral, and to offer only informal services. The IOA Standards and Code delineate minimum standards, and the Lewis & Clark Ombuds Office shall strive to use "best practices" and to operate the Ombuds Office in a way that serves the mission of the College.

A. Independence

Independence is essential to the effective functioning of the Ombuds Office. The Ombuds Office shall be, and shall appear to be, free from interference in the legitimate performance of its duties. This independence is achieved primarily through reporting structure, neutrality and organizational recognition and respect for the independent role of the Ombuds Office. To ensure objectivity, the Ombuds Office shall function independent from administrative authorities. This includes not disclosing confidential information about matters discussed in the Ombuds Office with anyone in the organization, including the person to whom the Ombuds Office reports, except as clearly delineated in Section III.B.

B. Confidentiality

The Ombuds Office shall not disclose any information provided in confidence, unless in the course of discussions with a visitor, the visitor requests it, the ombudsperson asks for and receives permission to make a disclosure, or the ombuds determines that there is an imminent risk of serious harm. The Ombuds Office asserts that there is a privilege of confidentiality with respect to the identity of visitors and their issues, subject only to court order. The Ombuds Office shall not confirm communicating with any party or parties. The Ombuds Office shall neither willingly participate as witnesses with respect to any confidential communication, nor participate in any formal process inside or outside the College except under court order.

C. Neutrality

The Ombuds Office shall not take sides in any conflict, dispute or issue. The Ombuds Office shall consider the interests and concerns of

all visitors impartially with the aim of facilitating communication and supporting fair and equitable process.

D. Informality

The Ombuds Office shall be a resource for informal services. The Ombuds Office shall not investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. The Ombuds Office does not keep records for the College, and shall not create or maintain documents or records for the College about individual cases. Notes, if any, taken during the course of working on a case shall be routinely destroyed at regular intervals and at the conclusion of a matter.

IV. Authority and Limits of the Ombuds Office

A. Authority of the Ombuds Office

The Ombuds Office at Lewis & Clark was created at the specific direction of the President. The Ombuds Office shall be entitled to inquire about any issue concerning the College which affects any member of the College community, and shall respect the confidentiality of that information. The Ombuds office is authorized to informally address issues which fall under federal, state and local labor and employment laws, rules and regulations. The Ombuds Office shall have access to records and personnel at Lewis & Clark for the purpose of facilitating situations. The Ombuds Office has the authority to break confidence if the Ombuds believes there is an imminent risk of serious harm.

The Ombuds Office may, without having received a specific complaint from a member of the College community, act on its own discretion, and initiate inquiries concerning matters the Ombuds Office believe warrant such treatment. The Ombuds Office may decline to inquire into a matter or may withdraw from a case if the Ombuds believes involvement is inappropriate for any reason, including matters not brought in good faith, or which appear to be misuses of the ombuds function. The Ombuds Office has the authority to discuss a range of options available to the visitor, including both informal and formal processes. The Ombuds Office may require legal or other professional advice, from time to time, in order to fulfill their required functions. The Ombuds Office shall be provided legal counsel independent from the College in the event a conflict of interest arises between the Ombuds Office and the administration or the College.

B. Limitations on the Authority of the Ombuds Office

1. Receiving Notice for the College

Communication to the Ombuds Office shall not constitute notice to the College. The Ombuds Office shall publicize its non-notice role to the College. This includes allegations that may be perceived to be violations of laws, regulations or policies, such as sexual harassment, issues covered by the College's Financial Whistleblower policy, or incidents subject to reporting under the Clery Act. Because the Ombuds does not function as part of the administration of the College, even if the Ombuds become aware of such allegations, the Ombuds is not required to report it to the College.

If a user of the Ombuds office would like to put the College on notice regarding a specific situation, or desires that certain information to be provided to the College, the Ombuds will provide that person with information so that the person may do so himself or herself.

2. Collective Bargaining Agreements

The Ombuds Office shall not address any issues arising under a collective bargaining agreement ("CBA"), unless allowed by specific language in the CBA. This means that while the Ombuds Office may provide services to union members, those services may not include addressing issues that are covered in the CBA, including, but not limited to, issues such as grievable claims for termination of employment or formal discipline. In those cases, the ombuds shall refer the employee to the CBA and to his or her union representative. The Ombuds Office may work with union members regarding all other issues not covered by the contracts, such as communication issues with co-workers.

3. Formal Processes and Investigations

The Ombuds Office shall not conduct formal investigations of any kind. The Ombuds Office staff shall not willingly participate in formal dispute processes or outside agency complaints or lawsuits, either on behalf of a user of the Ombuds Office or on behalf of the College. The Ombuds Office provides an informal and alternate communication channel for concerns in the campus community, and all use of ombuds services shall be voluntary. Because confidentiality, independence, neutrality and informality are critically important to the Ombuds Office, all communications with the Office are made with the understanding that they are confidential, off-the-record, and that no one from the office will be called to testify as a witness in any formal or legal proceeding to reveal confidential communications. However, all users should understand that the State of Oregon does not presently recognize a privilege for communications with ombuds. Consequently, ombuds may be compelled to testify in formal court proceedings.

4. Record Keeping

The Ombuds Office does not keep records for the College, and shall not create or maintain documents or records for the College about individual cases. Notes, if any, taken during the course of working on a case shall be routinely destroyed at regular intervals. All materials related to a case shall be maintained in a secure location and manner, and shall be destroyed immediately after the case is

concluded. The ombuds may maintain non-confidential statistical data to assist the ombuds in reporting trends and giving feedback.

5. Advocacy for Parties

Because of its neutrality, the The Ombuds Office shall not act as an advocate for any party in a dispute, nor shall they represent management or visitors to their office.

6. Adjudication of Issues

The Ombuds Office shall not have authority to adjudicate, impose remedies or sanctions, or to enforce or change policies or rules.

7. Conflict of Interest

Individual ombuds shall avoid involvement in cases where there may be a conflict of interest. A conflict of interest occurs when the ombuds' private interests, real or perceived, supersede or compete with his or her dedication to the impartial and independent nature of the role of the ombuds. When a real or perceived conflict exists, the ombuds should take all steps necessary to disclose and/or avoid the conflict.

References:

IOA Standards of Practice (http://www.ombudsassociation.org/standards/Std_Pactice_1-07.pdf)

IOA Code of Ethics (http://www.ombudsassociation.org/standards/Code_Ethics_1-07.pdf)

IOA Guidance for Best Practices and Commentary on the American Bar Association Standards for the Establishment and Operation of Ombuds Offices, revised February 2004; March 14, 2006 (http://www.ombudsassociation.org/pdfs/GuidanceOnABAStandards%20_final.pdf)

approved by David Ellis 04.09.08