



University Ombuds Office

OREGON STATE UNIVERSITY OMBUDS OFFICE CHARTER

I. INTRODUCTION

The University Ombuds Office was established in 2012 to provide an accessible, confidential, neutral, independent and informal resource for resolution and management of problems and conflicts to all University constituencies.

II. OVERVIEW: PURPOSE AND SCOPE OF SERVICES

The Ombuds will provide a neutral, confidential, informal and independent environment within the parameters of the laws and policies governing the University. The Ombuds Office is a place where members of the University community can seek guidance regarding conflicts, concerns, and systemic issues.

The University Ombuds will strengthen existing campus communication and administrative processes by acting as a designated neutral referral resource and dispute resolution practitioner. The Ombuds' major function is to provide confidential and informal assistance to the University community by listening to concerns, clarifying issues, proposing options for resolution, providing information and referrals, and if all parties agree, facilitating informal, nonbinding mediation. Serving as a designated neutral, the Ombuds is not an advocate for any individual or for the University, but rather acts as an advocate for fairness and healthy campus conflict resolution. The Ombuds does not have the power to make any decisions as to ultimate resolution, nor does the Ombuds have the power to reverse any decision made or actions taken by the regularly constituted University authorities. The Ombuds does not provide legal advice or psychological counseling.

This position supplements, but does not replace, the University's existing resources for conflict resolution. To preserve independence and neutrality, the Ombuds will report directly to the University President. The Ombuds will not accept legal notice on behalf of the University, and information provided to the Ombuds will not constitute such notice to the University. The Ombuds also reports anonymous trend data to the President and may provide periodic conflict resolution trainings to the OSU community.

III. STANDARDS OF PRACTICE AND CODE OF ETHICS

To the extent permissible by law, the Ombuds shall practice the International Ombudsman Association ("IOA") Standards of Practice and Code of Ethics. These tenets require that the Ombuds shall function independently of their organization, be confidential and neutral, and limit the scope of their services to informal means of dispute resolution. The Ombuds shall be truthful and act with integrity, shall foster respect for all members of the University and shall promote procedural fairness in the content and administration of the University's practices, processes and policies. The Ombuds shall be a member of the International Ombudsman Association and attend trainings to develop conflict management and Ombuds skills.

The Ombuds shall publicize the confidential, independent, neutral, and informal nature of his/her services through a website, promotional materials, and a visible wall posting as well as communicate the standards to each visitor. The Ombuds shall also publicize any limits to the confidentiality of the office.

A. Independence

The Ombuds shall be, and appear to be, free from interference in the performance of his or her duties in individual cases. This independence is affected primarily through organizational recognition, reporting structure, and neutrality. The Ombuds shall operate independent of ordinary line and staff reporting structures, and reports only to the President.

B. Confidentiality

The Ombuds shall endeavor to maintain the confidentiality of communications to the extent feasible and lawful. In order to protect the safety of members of the University community, the Ombuds may not be able to maintain the confidentiality of certain disclosures, including but not limited to, disclosures regarding imminent threats to public safety, child abuse, and/or harm to self or others. There may also be times when the Ombuds must disclose information as required by subpoena.

The Ombuds shall not participate in any formal process inside or outside the University, unless compelled to do so by court order or applicable law.

Speaking with an Ombuds does not constitute legal notice to the University of any problem, concern, or complaint. Visitors must pursue alternative complaint avenues if they wish to obligate the University to respond in any way. The Ombuds has no duty or responsibility to report incidents to any person or authority, other than described above.

C. Neutrality

The Ombuds shall be neutral in his/her activities, and shall not take sides in any conflict, dispute or issue. The Ombuds shall impartially consider the interests and concerns of all parties involved in a situation with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair and equitable, and consistent with the mission and policies of the University. The Ombuds shall avoid involvement in matters 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/her dedication to the neutral and independent role of the Ombuds.) When a conflict of interest exists, the Ombuds shall take all steps necessary to disclose and/or refer the visitor to another resource.

D. Informality

The Ombuds shall be a resource for informal dispute resolution and conflict management only. The Ombuds shall not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action, unless compelled by a court or by law. Use of the Ombuds shall be voluntary and not a required step in any grievance process, University policy or any other situation.

IV. AUTHORITY AND LIMITS OF THE OMBUDS**A. Authority of the Ombuds**

Ombuds Officers have the authority to contact senior officers and all other members of the University community, to gather information in the course of looking into a problem, to mediate disputes, to bring concerns to the attention of those in authority, and informally to attempt to expedite and resolve administrative processes.

- 1. Initiating Informal Inquiries:** The Ombuds shall be entitled to inquire informally about any issue concerning the University and affecting any member of the University community, but must not divulge the identity of the visitor without the visitor's consent. The Ombuds may initiate informal inquiries into matters that come to his/her attention without having received a specific complaint from an affected member of the University community, although the participation of others on campus is entirely voluntary.
- 2. Access to Information:** The Ombuds may request access to information related to visitors' concerns, from files and offices of the University, and shall respect the confidentiality of that information. If other departments voluntarily choose to respond to Ombuds' requests for information, such responses should be handled with reasonable promptness.
- 3. Ending Involvement in Matters:** The Ombuds may withdraw from or decline to look into a matter if he/she believes involvement would be inappropriate for any reason.
- 4. Discussions with Visitors and Others:** The Ombuds has the authority to discuss a range of options available to his/her visitors, including both informal and formal processes. The Ombuds may make any recommendations he/she deems appropriate with regard to resolving problems or improving policies, rules or procedures. However, the Ombuds shall have no authority to impose remedies or sanctions, require certain processes be triggered or utilized or enforce or change any policy, rule or procedure.

B. Limitations on the Authority of the Ombuds

- 1. Receiving Notice for the University:** Communication to the Ombuds shall not constitute notice to the University. This includes allegations that may be perceived to be violations of laws, regulations or policies, including but not limited to sexual harassment, discrimination, issues covered by whistleblower policies or laws, or incidents subject to reporting under the Clery Act. Although the Ombuds may receive such allegations, he/she is not a "campus security authority" as defined in the Clery Act, nor is he/she required to report these allegations to the University. In addition, if the visitor discloses such allegations and expresses a desire to make a formal report, the Ombuds shall refer the visitor to the appropriate University office(s) for investigation, response, remediation, support or administrative or formal grievance processes.
- 2. Putting the University on Notice:** If a visitor would like to put the University on notice regarding a specific situation, or wishes for information to be provided to the University, the Ombuds shall provide the visitor with information so that the visitor may do so himself/herself. In certain situations, including but not limited to situations that involve public safety, harm to self or others, or child abuse, an Ombuds may have an ethical obligation to put the University on notice in order to protect the safety of members of the University community. If the Ombuds decides to put the University on notice, he or she shall do so in writing to the extent practicable.
- 3. Formal Processes and Investigations:** The Ombuds shall not conduct formal investigations of any kind. The Ombuds shall also not participate in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Ombuds or on behalf of the University unless compelled to do so by court order or applicable law.
- 4. Collective Bargaining Agreements:** The Ombuds Office shall not address any issues arising under a collective bargaining agreement ("CBA"). The Ombuds will advise all union members to consult their union representative to confirm an understanding of their rights and any deadlines that may apply in vindicating those rights. The Ombuds may not inquire (informally or otherwise) into the application or interpretation of a CBA, or into the alleged violation of rights conferred on union members by the CBA or public employee collective bargaining law. The Ombuds may otherwise provide services to union members.
- 5. Record Keeping:** The Ombuds shall not keep records for the University, and shall not create or hold documents or personally identifying records for the University about individual matters.
- 6. Advocacy for Parties:** The Ombuds shall not act as an advocate for any party in a dispute, nor shall the Ombuds represent management or visitors to the office.
- 7. Adjudication of Issues:** The Ombuds shall not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

V. PROTECTION FROM RETALIATION FOR USING THE OMBUDS OFFICE

The University is committed to protecting faculty, staff, and students who visit the Ombuds from reprisal or retaliation by others in the University community.

VI. REFERENCES

1. "Code of Ethics." *The International Ombudsman Association*. <<http://www.ombudsassociation.org/about-us/code-ethics>>.
2. "Standards of Practice." *The International Ombudsman Association* <<http://www.ombudsassociation.org/about-us/mission-vision-and-values/ioa-best-practices-standards-practice>>.
3. *California State Polytechnic University, Pomona*. <<http://www.csupomona.edu/~ombuds/charter.shtml>>.
4. *Lewis and Clark College*. <<http://lclark.edu/offices/ombuds/essentials/charter/>>.

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