

# Ohio Wesleyan University Ombuds Services Charter

## I. INTRODUCTION

Ombuds Services provides a mechanism where staff and faculty questions, complaints and concerns about the functioning of the University and personal work interactions can be discussed confidentially in a safe environment. Ombuds Services offers an informal setting where concerns can be expressed, potential solutions can be explored, resources and referrals can be made, conversations can be facilitated, and the employee can find ways to proceed that fit their situation. Ombuds Services operates independently as a supplement to existing administrative and formal dispute resolution policies and processes and has no formal decision-making authority, nor is it an office of notice. The Ombuds is not an advocate for either side in a dispute. Instead, they are an impartial advocate for fair and consistent treatment. Ombuds Services also believes that disputes and conflicts can often be “gifts” to help the University understand how it can change and improve. Thus, Ombuds Services promotes positive organizational change by facilitating improvements in University policies, procedures, services and systems to better serve Ohio Wesleyan’s mission. The University recognizes that the Ombuds Office serves an important role and public interest as a mechanism for amicable, prompt and economical dispute resolution that may in many instances be preferable to formal grievance procedures and other proceedings. The Office reports, for administrative and budgetary purpose, to the President. This document defines the privileges and responsibilities of the Ombuds Services.

## II. STANDARDS OF PRACTICE AND CODE OF ETHICS

Ombuds Services shall follow the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics. These require that the Ombuds shall function independently of their organization, observe confidentiality and neutrality, 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 fairness in the content and administration of the University’s practices, processes and policies.

### A. Independence

Ombuds Services is independent in structure, function and appearance to the highest degree possible within the University. The Ombuds will exercise sole discretion of whether and how to act regarding individual matters or systemic concerns. To the extent permitted by law, the Ombuds has access to all University officials and records as needed to carry out the functions of the office. To fulfill its functions, Ombuds Services shall have adequate and secure space and administrative and budget support.

### B. Neutrality and Impartiality

Ombuds Services shall not take sides in any conflict, dispute or issue. The Ombuds shall consider the interests and concerns of all visitors impartially with the aim of facilitating communication and supporting fair and equitable process and outcomes. The Ombuds serves no additional roles within

the University that would compromise neutrality, and shall avoid involvement in matters where there may be conflict of interest.

#### C. Confidentiality

The Ombuds holds all communication with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality. The Ombuds does not disclose the identity of visitors or the content of conversations unless permission has been given by the visitor to do so. The Office does not share its records with the University. Communications between the Ombuds and others are considered privileged to the fullest extent recognized by law. The privilege belongs to the Ombuds, rather than to any party to an issue. There are three exceptions to this pledge of confidentiality and privilege: (1) when the Ombuds determines that there is an imminent risk of serious harm; (2) when any court of competent jurisdiction or other governmental agency makes a proper lawful request that is enforceable by law compelling such disclosure; and (3) as required by Ohio's mandatory felony reporting law.

#### D. Informality

Ombuds Services, as an informal resource, does not investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the service will be voluntary and not a required step in any grievance process or University policy. Ombuds Services is not an office of notice to the University. As set forth more fully below, the Ombuds neither acts as agent for, nor accepts notice on behalf of, the University, but may refer individuals to the appropriate place where formal notice can be made.

### III. AUTHORITY OF OMBUDS SERVICES

#### A. Initiating Informal Inquiries

Ombuds Services will be entitled to inquire informally about any issue concerning the University, exercising sole discretion over whether or how to act regarding individual concerns or trends. The Ombuds may initiate informal inquiries into matters that come to its attention without having received a specific complaint.

#### B. Access to Information

Ombuds Services may request access to information related to visitors' concerns from files and offices of the University. Any University personnel contacted by the Office with request for information are expected to cooperate and provide information as requested with reasonable promptness to the extent permitted by law.

#### C. Confidentiality of Digital Information

Ombuds Services will regularly delete emails, calendar entries, and files that contain information related to visitors. Ombuds' files will be password protected. Searches of OWU digital information requested by internal or external persons will exclude any information obtained from the Ombuds' electronic records.

#### D. Ending Involvement in Matters

Ombuds Services may withdraw from or decline to look into a matter if he/she believes involvement would be inappropriate for any reason.

#### E. Discussions with Visitors and Others

The Ombuds has the authority to discuss a range of options available to their visitors, including both informal and formal processes. The Ombuds may make any recommendations they deem appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Ombuds shall have no actual authority to impose remedies or sanctions or to enforce or change any policy, rule or procedure.

### IV. LIMITS OF OMBUDS SERVICES

#### A. Receiving Notice for the University

Communication to Ombuds Services will not constitute notice to the University about existence of any problem including but not limited to alleged violations of law, regulations, or policies such as sexual harassment, issues covered by whistleblower policy or incidents subject to reporting under the Clery Act or Title IX. Although visitors to the Office may make such allegations, the Office is not a “campus security authority” as defined by the Clery Act or a “responsible authority” under Title IX, nor is it required to report these allegations to the University.

#### B. Putting the University on Notice

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

#### C. Formal Processes and Investigations

Ombuds Services will not conduct formal investigations of any kind. It will not willingly participate in the substance of any internal or external dispute process, outside agency complaints or lawsuits, either on behalf of a visitor to the office or on behalf of the University.

#### D. Record Keeping

Ombuds Services will not keep records for the University and will not create or maintain documents or records for the University about individual matters. The Ombuds sets their own record-keeping practices and will create and maintain records in a secure location and manner for a limited duration, after which the information will be destroyed. The Ombuds may maintain statistical data to assist in reporting trends and giving feedback, but only in a manner that reveals no information that could be used to identify individual visitors to Ombuds Services.

#### E. Advocacy for Parties

Ombuds Services will remain neutral and impartial. The Ombuds will not act as an advocate for any party in a dispute; the Ombuds will not represent the University or visitors to the Office.

#### F. Adjudication of Issues

Ombuds Services does not have the authority to adjudicate, to impose remedies or sanctions, to compel others to impose remedies, or to enforce or change University policies or rules.

#### V. RETALIATION FOR USING OMBUDS SERVICES

The University and its agents will not retaliate against individuals for consulting with the Ombuds Services. The Ombuds shall have a set and renewable term of three years, and should be removed only for neglect of duty or misconduct, and only by means of a fair process and procedure. Given the confidential nature of Ombuds Services, discretion is required when reviewing the person(s) in the office, so should done by the President, with discreet consultation with the Director of Human Resources or the University Governance Committee, as appropriate. Appointment of a new Ombuds will be made by the President in consultation with the University Governance Committee and others individuals or offices as deemed appropriate.

#### VI. PROCEDURE FOR REVOCATION OR REVISION OF THIS DOCUMENT

This Charter will be reviewed at least once every five years by the President, Ombuds, and the University Governance Committee, with the Ombuds initiating the process. Any of these three may request a review before five years have lapsed. Any revision to this Charter will be subject to the approval of the University President after her/his conferring with the Ombuds and the University Governance Committee.

Approved \_\_\_\_\_, 2022 by President Rock Jones

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