

## University of Oregon Ombuds Program Charter

### I. Introduction

The University of Oregon Ombuds Program provides confidential, impartial, independent, and informal dispute resolution assistance to the University of Oregon community. The Ombuds Program was created in December 2013 by the University President with the [endorsement of the University Senate](#) and follows the [Code of Ethics](#) and the [Standards of Practice](#) of the International Ombudsman<sup>1</sup> Association (IOA). Throughout this document, the term Ombuds refers to the Ombudsperson and any Associate or Assistant Ombudsperson.

### II. Purposes of the Program

The purposes of the Ombuds Program are to **promote** the highest standards of university governance; **further** the University's commitment to the principles of equality of opportunity; **complement** existing University conflict resolution resources and compliance activities; **provide** a confidential and anonymous mechanism for people to seek guidance on how to report violations of the law; and **encourage** the community to use alternative dispute resolution methods to deal with disputes, improve work life, and foster a supportive atmosphere and healthy organizational culture.

### III. Scope of Services

The Ombuds does the following:

- Provides confidential, non-escalating, impartial, off-the-record dispute resolution assistance to visitors<sup>2</sup> at no cost. This assistance includes listening to concerns; brainstorming and assessing options; providing coaching; helping gather information about resources and referrals; facilitating dialogue; and conducting informal conflict resolution, as appropriate. The Ombuds does not provide legal advice, psychological counseling, or advocacy, but instead seeks to inform visitors and empower them to handle their own concerns.
- Provides regular feedback on trends and potential issues, based on non-identifying aggregate data, to the University President, the entities of University governance, the University of Oregon Board of Trustees, and, as deemed appropriate by the Ombuds or the President, to other programs and offices.
- Gives input on policy and practices to reduce confusion; to address gaps or chronic misinterpretation; and to promote equity, inclusion, and institutional fairness.

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<sup>1</sup> *The men and women of the International Ombudsman Association choose to use the term "ombudsman" to refer to both the men and women who perform the role because the term is of Scandinavian origin and refers to an office and function rather than an individual of a particular gender. Nonetheless, the University of Oregon along with many other organizations chooses to shorten the term to "ombuds" when referring to the program and "ombudsperson" when referring to the position, to avoid any implication of sexism in the use of the term.*

<sup>2</sup> *Those using the Ombuds Program are referred to as "visitors."*





- Coordinates with other campus resources to provide a matrix of support for all individuals and constituencies on campus.
- Serves as an information and communication resource for campus.
- Works with managers and teams—in a voluntary, informal, and impartial capacity—on conflict management within the organization.

*Regarding union employees.* Visitors who are members of a union that has a collective bargaining agreement with the University of Oregon may use the Ombuds Program, but, subject to the terms of the applicable collective bargaining agreements, the Ombuds will refer visitors who are union employees to their respective union resources for matters that are subject to resolution under the scope of the visitor's collective bargaining agreement. The Ombuds may work with individual union members to help them answer questions or resolve issues outside of the scope of the collective bargaining agreement or, at the request of the union, assist with informal resolution of other issues. The Ombuds shall not participate in collective bargaining discussions or related activities of any sort.

#### **IV. Program Standards, Design Principles, and Reporting Structure**

The Ombuds follows the standards established by the Code of Ethics and the Standards of Practice of the International Ombudsman Association (IOA), as they may be amended or updated from time to time. Accordingly, the Ombuds will establish consistent policies and practices upholding confidentiality, impartiality, informality, and independence, and will explain these ethical standards to each visitor.

- A. **Confidentiality.** The Ombuds and all staff of the Ombuds Program will treat all communications with the Ombuds as strictly confidential to the maximum extent permitted by law. To preserve confidentiality, the Ombuds does not keep individually identifiable case notes or records, except for basic working notes in active cases as necessary to help the Ombuds follow up on commitments to visitors. The Ombuds does keep anonymous statistical data to identify usage patterns and trends, but will not share this data if doing so might compromise a visitor's identity. The Ombuds shall not be required to participate in formal administrative processes inside or outside the University, even if given permission by the visitor, unless expressly ordered by an appropriate administrative or judicial authority.

The Ombuds may disclose confidential information with a visitor's express permission as part of a plan to help informally resolve that visitor's concern, although the visitor cannot compel the Ombuds to participate in any process, informal or formal. Additionally, the Ombuds may disclose confidential information if, in the sole discretion of the Ombuds, there is an imminent risk of serious harm to the visitor or another person. In these rare situations, the Ombuds will use existing risk management resources to assess "imminent risk" to protect individuals and significant resources of the University.

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- B. **Impartiality and neutrality.** The Ombuds is a designated neutral who works impartially with visitors and groups to help resolve concerns. The Ombuds does not impose any particular solution or assume responsibility for resolving concerns directly. The Ombuds does not advocate for any particular group, specific policy approach, or individual position.
- C. **Informality.** The Ombuds is a completely voluntary, off-the-record resource that uses informal, non-escalating approaches to help individuals develop approaches to resolve their concern or conflict. It is designed to complement other formal and informal services, but not to duplicate them or their processes. The Ombuds cannot intervene formally in any situation, impose a specific outcome or approach, or create or implement any policies or procedures for the University.
- D. **Independence (including Reporting Structure).** The Ombuds shall be, in appearance and in actuality, free from interference and undue influence from anyone in the University. Although the Ombuds is an employee of the University, the Ombuds reports directly to the University President and is not aligned with any particular department or unit. The Ombuds has a limited management function in overseeing the staff of the Ombuds Program but is not considered to be part of University management or administration. Further, the University President and Board of Trustees will not retaliate against the Ombuds for performing the duties of the Ombuds Program within the accepted parameters of the International Ombudsman Association Code of Ethics, Standards of Practice, and generally other accepted business practices that are consistent with University policies and the Ombuds' position description.

*Qualifications.* The Ombuds shall be selected on the basis of training, experience, and credentials. The Ombuds shall be a member of the International Ombudsman Association during his or her employment with the Ombuds Program and thoroughly familiar with the IOA Code of Ethics and Standards of Practice, as well as sound principles of visitor advisement and individual and organizational conflict resolution.

## V. Authority and Limitations of the Ombuds

The authority of the Ombuds derives from the University administration and is endorsed by the University President.

### A. Authority of the Ombuds

1. *Initiating informal inquiries.* The Ombuds is authorized to contact senior officials in the University and make informal inquiries to help resolve concerns that may affect any member of the University community.





2. *Access to information.* The Ombuds may request access to information related to visitors' concerns, from files and offices of the University, and will respect the confidentiality of the information. Requests by the Ombuds for information should be handled with reasonable promptness by members of University departments.
3. *Ending involvement in matters.* The Ombuds may withdraw from or decline to look into a matter if the Ombuds 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 visitors, including both formal and informal processes. The Ombuds may make any suggestions the Ombuds deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Ombuds will have no actual authority to impose remedies or sanctions, or to enforce or change any policy, rule, or procedure.
5. *Access to legal counsel.* On occasion, the Ombuds may require legal advice or representation in order to fulfill certain required functions (such as third party requests for documents or testimony in situations in which the Ombuds has been involved). In such cases, the Ombuds will consult with the Office of the General Counsel, and if the Ombuds and the General Counsel agree that the interests of the Ombuds diverge from and/or cannot be protected by University internal or external counsel, the Ombuds will be provided with legal counsel separate and independent from the University.

#### **B. Limitations on the Authority of the Ombuds**

1. *Receiving notice for the University.* Communication to the Ombuds does not constitute notice to the University. The Ombuds and the Ombuds Program staff are not authorized to accept notice of discrimination or reports of crimes, including 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. The Ombuds and the Ombuds Program staff have no authority to take action to redress prohibited discrimination, nor the duty to report it or any other misconduct pursuant to the University's reporting policy. Per University policy, the Ombuds and the Ombuds Program staff may, however, serve as confidential resources to provide information, advice, and assistance regarding the University's nondiscrimination grievance and complaint procedures and reporting policies.



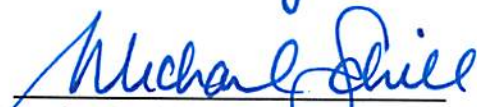
2. *Putting the University on notice.* The Ombuds will assist visitors who would like to report concerns to offices of notice by providing them with information about reporting channels. With the express permission of the visitor, the Ombuds may convey notice to the appropriate authority on behalf of a visitor in appropriate situations. Additionally, and as appropriate, the Ombuds will encourage formal reporting and help refer individuals to the appropriate offices or the appropriate resources. In this way, the Ombuds can abide by the standards of ombuds practice while supporting the overall reporting structure of the University.
3. *Formal processes and investigations.* The Ombuds will not conduct formal investigations of any kind. The Ombuds also will not participate willingly in the substance of any formal dispute processes, outside agency complaints, or lawsuits, either on behalf of a visitor or on behalf of the University. The Ombuds will not reach formal conclusions about the merits of a concern or endorse specific approaches or policy changes.
4. *Record keeping.* The Ombuds will not keep records for the University and will not create or maintain documents or records for the University about individual matters.
5. *Advocacy for parties.* The Ombuds will not act as a representative of or advocate for any party in a dispute; will not assume any partisan position; and will not take sides or share opinions as to the merits of decisions by University authorities, the outcomes of grievances, or the arbitration of claims.
6. *Adjudication.* The Ombuds will not have the authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

## VI. Non-Retaliation

Faculty, staff, and students have the right to visit the Ombuds without reprisal. Employees shall be granted reasonable time away from their work location to use the Ombuds Program. No one shall be compelled to seek permission to use the Ombuds Program; disclose that they wish to visit the Ombuds; or be forced to disclose the contents of their conversations with the Ombuds by any other University employee.

## VII. Approval and Effective Date

This Charter is approved by Michael Schill, President of the University of Oregon, this 24<sup>th</sup> day of February, 2016, and becomes effective as of this date.

  
Michael Schill, President, University of Oregon

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