



# UNIVERSITY OMBUDS CHARTER

## I. INTRODUCTION

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The University of North Carolina at Charlotte is committed to supporting the success of its faculty and staff through every stage of their employment at the university. UNC Charlotte is likewise committed to creating and maintaining a diverse and inclusive workforce and to providing faculty and staff support for professional and personal development. The University Ombuds plays a crucial role in supporting the University's mission, vision, and guiding commitments.

In recent years, the number of institutions in academia, government, and private industry that have adopted organizational Ombuds programs to help address issues early in the conflict continuum has grown immensely. The International Ombuds Association (IOA), the gold standard for organizational Ombuds programs, has promulgated a "Code of Ethics and Standards of Practice" and created a Board of Certification to help reinforce the highest levels of professionalism and integrity within the field. The University Ombuds program at UNC Charlotte shall adhere to these standards, which are outlined in this Charter.

The primary duties of the University Ombuds are (1) to work with faculty and staff to explore and assist them in determining options to help resolve conflicts, problematic issues, or concerns, and (2) to bring systemic concerns to the attention of the University administration for resolution. In all circumstances, the University Ombuds shall:

- Act with honesty and integrity;
- Promote fairness and support a fair process;
- Remain non-judgmental, with empathy and respect for individual differences;
- Promote diversity, equity, inclusion, and belonging;

- Communicate accurate understanding through active listening;
- Promote the voluntariness of the program, self-determination, individual empowerment, and collaborative problem-solving; and
- Endeavor to be an accessible, trusted, and respected informal resource.

## II. PURPOSE AND SCOPE OF SERVICES

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UNC Charlotte supports a University Ombuds program that serves as a confidential resource for faculty and staff to informally work through challenging workplace problems, dilemmas, and conflicts. The Ombuds is a thought partner to help its visitors explore the range of options, think through the pros and cons of the various choices, and help its visitors come to a decision on how to proceed.

The University Ombuds uses a number of interest-based techniques, such as coaching, facilitated discussions, and shuttle diplomacy to help prevent problems from escalating and empower faculty and staff to find productive, collaborative solutions to their own problems. The Ombuds also provides feedback on emerging or systemic concerns, and provides recommendations for positive change to University policies and practices when appropriate.

Engaging the services provided by the Ombuds program is entirely voluntary and not a required step in any formal grievance or administrative procedure. Visitors who use the services of the Ombuds are understood to have agreed to abide by the terms, conditions, and principles under which the program was created. Some activities and functions of the University Ombuds include, but are not limited to:

- Listens and understands issues while remaining neutral with respect to the facts. The University Ombuds seeks not to judge or to decide who is right or wrong, but rather listens in order to understand the issue from the perspective of the individual. This is a critical step in developing options for resolution.
- Assists in reframing issues and helping individuals to develop and evaluate options. The University Ombuds helps individuals identify the interests of various parties to the issues and helps focus efforts on potential options to meet those interests.
- Guides or coaches individuals to deal directly with other parties, including the use, when appropriate of the University's formal resolution resources. The University Ombuds often

seeks to help faculty and staff improve their skills and confidence in giving voice to their concerns directly.

- Refers individuals to appropriate resolution resources, including formal resources that can potentially resolve the issue.
- Assists in surfacing issues to formal resolution channels. When an individual is unable or unwilling to surface a concern directly, the University Ombuds can assist by helping give voice to the concern and /or creating an awareness of the issue among appropriate decision-makers.
- Facilitates informal resolution processes. The University Ombuds may help to resolve issues between parties through various types of informal mediation or resolution.
- Identifies new issues and opportunities for systemic change within the University. The unique positioning of the University Ombuds in the Chancellor's Office serves to provide unfiltered information to University administration that can produce insight to issues and resolutions. The University Ombuds is a source of detection and early warning of new issues and a source of suggestions of systemic change to improve existing processes.

The University Ombuds program intends to provide support to:

- Address issues promptly, fairly, and at the appropriate level;
- Improve faculty and staff communication and conflict management skills;
- Foster transparency and communication at all levels;
- Strengthen professional relationships; and
- Promote an engaged, inclusive, and supportive University culture.

### **III. CODE OF ETHICS AND STANDARDS OF PRACTICE**

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The University Ombuds shall act with the utmost integrity and professionalism in accordance with the University's standards of ethical conduct and the International Ombuds Association's Code of Ethics and Standards of Practice, as outlined in this section.

## A. INDEPENDENCE

### The University Ombuds:

- Is independent in appearance, purpose, practice, and decision-making, and operates independently of reporting structures and without influence from others throughout the University;
- Reports directly to the Chancellor, and not through any other University department, unit, function, or entity outside of the Chancellor's office that affects, or is perceived as affecting, the Ombuds' independence;
- Holds no other position and performs no other duties that compromise, or could be reasonably perceived as compromising, the Ombuds' independence;
- Has administrative responsibility for the Ombuds program, including personnel, budget, and operations without undue external influence or limitations; and
- Has sole discretion over whether or how to engage regarding individual, group, or systemic concerns, including whether to bring concerns to the attention of appropriate administrative individuals.

## B. CONFIDENTIALITY

Confidentiality is the defining characteristic of Ombuds practice. An Ombuds visitor's identity, and the content of communications with the Ombuds, are considered confidential to the maximum extent permitted by law. Consistent with confidentiality standards of the International Ombuds Association and to the extent legally permissible, the University Ombuds:

- Shall protect the identity of those seeking assistance from the Ombuds, as well as all communications with them and information relating to them;
- Shall not disclose confidential information in any matter within the University to the maximum extent permitted by law, unless the Ombuds determines that failure to do so could result in imminent risk of serious harm to self or others;
- Shall only maintain records of anonymous, aggregate data about Ombuds services usage and the broad types of issues shared in line with generally accepted organizational Ombuds practice standards;

- Shall deem any work notes developed from an Ombuds visitor case interaction as a temporary memory aid that is confidential and off-the-record;
- Is considered an off-the-record resource that does not retain permanent records containing confidential information on behalf of the University to the maximum extent permitted by law. As a practical matter, other than a request for a meeting time, potential visitors to the Ombuds office should not send electronic communications with detailed information, as e-mail is not a confidential method of communication;
- Has a duty to preserve confidentiality and shall protect, to the maximum extent permitted by law, the content of confidential communications with the University Ombuds program. Confidentiality attaches to communications that occur at intake, and continues for both the duration of the Ombuds' informal involvement with the matter and after the matter is considered closed by the Ombuds. This requirement cannot be waived by the University administration. The University Ombuds, and UNC Charlotte as a whole, shall take reasonable measures to safeguard confidential information shared with the Ombuds;
- May, with permission from the Ombuds visitor, disclose their identity and confidential information to assist with informal resolution of a concern, but subsequent disclosure is at the sole discretion of the Ombuds. Visitors who consult with the Ombuds are understood to have agreed to abide by the terms, conditions, and principles within this Charter and shall not request the Ombuds to testify or disclose confidential information in any other forum unless there is a statutory duty to report;
- Is designated as a confidential resource for the purposes of Title IX;
- Is **not** designated as a "campus security authority" as defined in the Clery Act; and
- As a designated neutral, shall not be compelled to testify or produce evidence concerning the content of confidential discussions in any formal process involving the University. Evidence of statements made and conduct occurring during a confidential Ombuds interaction shall not be subject to disclosure and shall not be admissible in any University process or administrative proceeding. In the event testimony of confidential discussions is sought from external sources, the Ombuds shall communicate the Ombuds' duty to protect confidentiality to the maximum extent practicable and permitted by law. Specifically, the Ombuds shall oppose disclosing confidential information unless there is a statutory duty to report or an appropriate judicial or regulatory authority determines that disclosure is necessary to prevent a manifest injustice or that disclosure is required because the interests served by disclosure clearly outweigh the interests served by Ombuds confidentiality. The Ombuds may disclose confidential information as necessary to defend against a legal claim of professional misconduct by the Ombuds in their professional capacity.

UNC Charlotte commits not to seek, request, or compel the University Ombuds to disclose any information that would breach confidentiality or to participate in any internal or external formal process in a manner otherwise inconsistent with this Charter.

It is mutually understood that individuals who interact with the Ombuds will honor Ombuds confidentiality and not request, call upon, or seek to require the University Ombuds to testify or otherwise participate in any University process or formal administrative proceeding.

### **Exceptions to Confidentiality**

As indicated above, the Ombuds shall maintain the confidentiality of the identity of those seeking assistance from the Ombuds, as well as all communications with them and information relating to them, with the following exceptions:

- If the Ombuds determines that failure to do so could result in imminent risk of serious harm to self or others;
- If there is a statutory duty to report or an appropriate judicial or regulatory authority determines that disclosure is necessary to prevent a manifest injustice or that disclosure is required because the interests served by disclosure clearly outweigh the interests served by Ombuds confidentiality; or
- As necessary to defend against a legal claim of professional misconduct by the Ombuds in their professional capacity.

## **C. IMPARTIALITY**

The Ombuds is a designated neutral and impartial resource who does not take sides or serve as an advocate for any person or entity. The Ombuds avoids conflicts of interest and conduct that could be perceived as a conflict of interest. To that end, the University Ombuds:

- Functions as an impartial, neutral, and unbiased resource that fairly and objectively considers issues and all people who may be affected;
- Has no personal interest in, and incurs no gain or loss from, the outcome of a matter, and may decline involvement when there may be a real or perceived conflict of interest;
- Promotes equitably-administered processes and does not advocate on behalf of any person or group on campus; and
- Facilitates communication, dialogue, and collaborative problem-solving and helps identify a range of reasonable options to surface or resolve issues or concerns.

## D. INFORMALITY

As a resource who only provides informal assistance, the University Ombuds:

- Is not authorized to make, change, or set aside any business or policy decisions for the University, with the exception of carrying out the responsibilities of administering the Ombuds program;
- Shall not conduct formal investigations; adjudicate cases; act as an advocate or witness in any case inside or outside the University; assess innocence or wrongdoing; impose sanctions; or participate in any formal disciplinary process or grievance procedure;
- Takes only specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then, at the sole discretion of the Ombuds, only if such action can be taken in a way that safeguards the identity of the individual contacting the Ombuds;
- Is not an agent of the organization authorized to accept legal notice of claims, complaints, or grievances against the University. The University Ombuds will assist visitors with identifying appropriate formal channels to make a formal concern known to the University if that is an avenue they wish to pursue;
- Is authorized to conduct informal inquiries and request, and promptly receive, information and data (to the extent permitted by law) if the Ombuds believes such information would be helpful in understanding an issue and informally facilitating early resolution of a concern. The University Ombuds shall maintain the confidentiality of all such information shared to the extent permitted by law; and
- May and should attend University and Departmental meetings as appropriate, but does not serve as a voting member of any University committee or group.

## E. RETALIATION

**Protection from Retaliation.** All faculty and staff are free to use the services of the University Ombuds and attempt to resolve concerns informally and in good faith without dissuasion or fear of retaliation. University employees exercising direct or indirect supervisory authority shall not: a) dissuade or discourage in any way an employee from seeking assistance from the University Ombuds; or b) take or threaten to take any action that may adversely impact an employee who they believe sought assistance, or plans to seek assistance, from the University Ombuds or who participated in the resolution of a matter. Employees who have a reason to suspect violation of

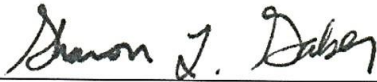
these non-retaliation provisions may follow the procedures outlined in [University Policy 803, Reporting and Investigation of Suspected Improper Activities and Whistleblower Protection](#). Substantiated cases of retaliation may result in disciplinary action up to and including termination.

## IV. OTHER PARAMETERS

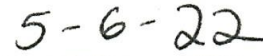
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**Periodic Reports.** The University Ombuds may provide broad, de-identified information about the Ombuds program and usage (annually or biennially), including data, trends or reports, in a manner that protects confidential information and consistent with generally accepted organizational Ombuds practices.

**Outside Counsel.** Consistent with the provisions of the Defense of State Employees Act, the University Ombuds may, if deemed necessary following consultation with the Chancellor and the Vice Chancellor for Institutional Integrity and General Counsel, retain legal advice, counsel, and representation separate and independent from the University.



Sharon L. Gaber, Ph.D., Chancellor



Date



Scott M. Deyo, M.S., CO-OP®, University Ombuds



Date