

This charter defines the authority and responsibilities underlying the operation of the Ombuds Office of Colorado State University.

## **OFFICE OF THE OMBUDS CHARTER**

### **Introduction:**

The Office of the Ombuds, "Ombuds Office" shall serve as an impartial and informal resource to assist in the prevention, management and resolution of issues and conflicts for all employees in conjunction with their jobs at Colorado State University. In all proceedings, the Ombuds will maintain integrity, foster respect for members of the University, and promote procedural fairness in the content and administration of the University's practices. The University recognizes that the Ombuds Office serves an important role as a mechanism for amicable, prompt, and economical conflict resolution that may be in many instances preferable to formal proceedings. For administrative and budgetary purposes, the Office of the Ombuds reports to the President's Office through the Executive Vice President and/or Chief of Staff. This document defines the privileges and responsibilities of the Ombuds and the Ombuds Office, which serve all employees, referred to hereafter as "visitor(s)."

### **Mission Statement:**

The Office of the Ombuds at Colorado State University provides confidential, impartial, and independent assistance that enables visitors to manage their conflicts or concerns within the University community early, informally, and at the lowest level possible.

### **Purpose and Scope:**

The Ombuds Office is available for use by all faculty and staff of Colorado State University and serves as an informal channel for dispute resolution. It is intended to complement and not supplant formal channels such as reporting structures, grievance procedures, or legal means. Participation in services is voluntary. The Ombuds performs a variety of functions in carrying out their duties and responsibilities. Responses are tailored to each visitor's specific situation and concerns. The Ombuds has no authority or capacity to render decisions, alter policy, offer legal advice, or provide psychological counseling.

In addition to informal approaches, an Ombuds can provide information about resources or formal channels at the University which may be available to the visitor. The resources and formal channels provided by the Ombuds, if any, may not be the only resources or channels that may be available to the visitor. It is incumbent upon each visitor to determine which resources or formal channels may be available to them based on their circumstances.

Because of its unique, informal, problem-solving function, contacting the Office of the Ombuds about a concern will remain confidential to the full extent allowable by law.

The Ombuds may offer recommendations to address systemic concerns where appropriate, but such recommendations shall not be construed as admissions by the institution.

**Standards of Practice and Code of Ethics:**

The Ombuds shall practice in accordance with the International Ombuds Association (IOA) standards of Practice and Code of Ethics. These require the Ombuds to function with impartiality and independently of their organization, observe confidentiality as permitted by law, and limit the scope of their services to informal means of dispute resolution.

*Confidentiality:* To the full extent allowable by law, 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 or in the limited circumstances set forth in this Charter. Confidentiality does not apply when the Ombuds, using their discretion or in consultation with the Office of the General Counsel, if necessary, determines there is an imminent risk of serious harm to the visitor or another person or that there is a legal obligation to report information.

*Neutrality and Impartiality:* The Ombuds 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 processes. The Ombuds shall avoid involvement in matters where there may be a real or perceived conflict of interest, i.e., where the Ombuds' private interests interfere with the neutrality of the Office. When a real or perceived conflict of interest exists, the Ombuds shall take appropriate action to disclose and/or avoid the conflict.

*Informality:* The Ombuds, 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 Office is voluntary and cannot be required. The Office of the Ombuds is not authorized to receive notice of claims against the University.

*Independence:* To the highest degree possible within the University, the Ombuds is independent in structure, function and appearance. Although the Office is structurally situated in President's Office, reporting through the Executive Vice President and/or Chief of Staff, it is not aligned with any particular departmental unit. The Ombuds will exercise sole discretion about how to act regarding individual matters or systemic concerns. The Ombuds can seek access to University officials and information as needed to carry out the functions of the Office. To fulfill its functions, the Office shall have adequate and secure space and administrative and budget support.

### **Authority and Limitations of the Ombuds Office:**

The authority of the Office of the Ombuds at Colorado State University is both defined and limited in a manner that enables it to best serve the University community. The authority of the Ombuds derives from the President of the University as manifested by the President's endorsement of this Charter.

#### **A: Authority and Limitations of the Ombuds Office**

1. *Providing Services to Visitors:* The Ombuds Office is a safe, accessible, and voluntary resource where visitors can confidentially bring their complaints, concerns, and questions. The informal dispute resolution services offered by the Ombuds will be tailored to each individual and may include providing policy information or referral assistance, identifying and reframing the issues, helping a visitor develop options or a communication strategy, conflict coaching, shuttle diplomacy, making informal inquiries (with permission of the visitor), facilitating communication, or mediating a dispute. The Ombuds also can help visitors assess different options for conflict prevention, management, or resolution.
2. *Initiating Informal Inquiries and Accessing Information:* The University values early and informal conflict resolution. To pursue this goal, the Ombuds may, on occasion, need to make inquiries or seek assistance to gain an understanding of all sides of a dispute. The Ombuds shall have appropriate access to non-confidential information and personnel information with the consent of the visitor for the purpose of facilitating informal resolutions.
3. *Addressing Perceived Systemic Trends:* The Ombuds may inquire into trends observed or perceived through their role. The Ombuds maintains records for statistical purposes, excluding personally identifiable information, in order to describe usage and identify trends. The Ombuds Office may alert University officials and provide upward feedback regarding systemic problems, general trends or patterns that merit review or further consideration for the good of the University community and may include recommendations for addressing those concerns.
4. *Ending Involvement in Matters:* The Ombuds may decline to participate in a visitor's case or withdraw from it if they believe that involvement in the case would be inappropriate for any reason.
5. *Access to Legal Counsel:* On occasion, the Ombuds may require legal advice or representation in order to fulfill their required functions. The Ombuds shall be provided access to legal counsel as necessary and appropriate to protect confidentiality and the integrity of the Ombuds Office. The Ombuds is not required to share confidential information with the Office of General Counsel unless, in their professional judgment, there is an imminent risk of serious harm.

**B: Limitations on the Authority of the Ombuds Office**

1. *Notice:* The Office of the Ombuds is not authorized to receive notice of claims against the University.
2. *Formal Process and Investigations:* The Ombuds shall not conduct formal investigations of any kind. Likewise, they shall not initiate participation 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.
3. *Record Keeping:* To the extent allowable by law and policy, the University Ombuds will create and maintain information in the manner that it sees fit. 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 visitors. Notes and any other materials related to a matter shall be maintained in a secure location, protected from inspection by others, and will be destroyed in the regular course of business unless the Ombuds Office becomes subject to legally binding requirement to maintain such records. Non-confidential information shall be stored and otherwise maintained in accordance with University policy.
4. *Advocacy for Parties:* It is of paramount importance that the Ombuds not compromise their impartiality. Thus, the Ombuds shall not act as an advocate or representative for any individual party in a dispute, nor for the University administration.
5. *No Professional Counseling:* The Ombuds will not provide mental health counseling, medical or legal advice, or any other advice that is more appropriately provided by specifically qualified or licensed professionals.

**Inquiry and Retaliation:**

No person shall be subject to any adverse employment action for consulting with the Ombuds. The University and its agents will not retaliate against individuals for consulting with the Ombuds Office. The Office is intended to be a confidential resource, therefore it is not appropriate to inquire about a visitor's use of the Ombuds Office or any communication that may have taken place there. Furthermore, discouraging or preventing visitors from using the Ombuds Office is inappropriate and contrary to the University's intent of providing the Office as a resource for early and informal conflict prevention, management and resolution.

**Approval and Effective Date:**

This Charter is approved by Amy Parsons on this day of 8 December 2023, and becomes effective as of this date.

Signed by: 