Conflict Management/Dispute Resolution/Mediation

Final Report & Recommendations

December 2022

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## Introduction

The long-serving University Ombuds retired in 2020 during the pandemic when Cal Poly Pomona was operating in a primarily remote modality and navigating budgetary challenges, concurrent with the implementation of budget reductions and an incentivized early retirement/separation program. In this context, the President communicated to the campus that the Ombuds vacancy would not be filled and referred students, faculty and staff to other resources appropriately aligned with their role.

The Ombuds Office served as a confidential resource for the entire campus community -- students, staff, and faculty -- for assistance navigating university processes, mediating and resolving interpersonal conflicts, and providing support, guidance and advice for action. This service primarily addressed matters proactively brought forward by individuals, but it did not sufficiently identify and help to resolve systemic issues.

Further, the escalation of needs among our community for mental health and wellbeing support catalyzed by the pandemic, combined with the rapid pace of change facing Cal Poly Pomona and higher education as a whole, calls for a new kind of service and resource model for the university that will support individuals and groups in managing specific conflicts but also advance the community’s learning and capacity to manage change and to provide tools and training on healthy interpersonal dialogue.

In Spring 2022, the Academic Senate put forth a resolution to re-establish a University Ombuds in recognition of the need for such resources. In dialogue with the Senate, President Coley acknowledged the need but also conveyed her views on the limitations of a formal Ombuds Office and requested collaboration to design a new model for Cal Poly Pomona that would address the range of needs and ambitions.

In response to this situation, President Coley asked for the creation of a joint Academic Senate and Administration Working Group on conflict resolution to consider and recommend a model for the establishment of a new university resource to support faculty seeking to manage conflictual situations in their immediate workplaces and more broadly to develop the skills and infrastructure to systematically and comprehensively address conflict management and resolution at Cal Poly Pomona. The recommendation should take into consideration existing and developing resources for principal stakeholders, emerging needs, as well as effective models employed at other institutions, and be aligned with the values, vision, and mission of the university.

## Executive Summary

**Models**

When the Working Group began its research, there was an assumption that a Conflict Resolution Office would be very different from an Ombuds Office. For the most part that seems not to be true. What is more important is the skills and expertise of the staff. This will shape what kinds of conflict resolution options are available to the campus. Our main takeaway is that there should be many types of processes and options available and that a significant focus of the office should be on training and coaching in order to teach campus members how to manage day-to-day conflict and improve the culture and morale on campus.

**Additional Considerations**

Confidentiality is centrally important for any type of office focused on helping faculty with conflict management, dispute resolution, and mediation. Reporting should meet the standards set by the International Ombuds Association, and our experts identified technology in meeting confidentiality requirements. Resources allocated should meet the needs for our campus size. Staff should have the qualifications necessary to meet the demands for the position(s). We found evidence of other universities that leveraged their Ombuds/Conflict Resolution Office to advance culture change. These examples were very compelling, and we hope to see Cal Poly Pomona take advantage of these opportunities.

**Key Findings and Recommendations**

Trust and confidentiality should be a top priority. In addition to being a safe, neutral space for faculty to share concerns, the Ombuds/Conflict Resolution Office should be adequately staffed so that it can provide multiple solutions for resolving conflict as well as training opportunities; for Cal Poly Pomona this would require at least two high level experts and one administrative support personnel. Having a charter is a common best practice; this public document defines the priorities and responsibilities of the office.

**Appendices**

See a list of all experts interviewed, the most current code of ethics and standards of practice set by the International Ombuds Association, and a sample charter from one of our fellow CSU campuses, Channel Islands.

## Models

### Ombuds

The role of an Ombuds is to respond to conflict by investigating sensitive issues, while maintaining confidentiality, independence, neutrality and impartiality, and informality. These are the four key standards in the widely adopted Code of Ethics of the International Ombuds Association (see Appendix B, also see [Ombuds Field Guide, HNMCP Spring 2021](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3934432)). Depending on the nature and severity of the conflict, the Ombuds then can offer different services that vary in terms of scope. For example, low-level conflicts that do not involve legal considerations can be responded to with distribution of information and best practices resources on conflict resolution, so that parties involved may be able to resolve the conflict on their own. For more serious conflicts, the Ombuds can respond with an informal investigation into the conflict and offer dispute resolution services directly. In these cases, Ombuds are expected to act as impartial, third-party facilitators or mediators. Should the Ombuds determine during their investigation that the conflict involves serious legal concerns, they can refer parties to external, professional mediators.

Ombuds are expected to maintain standards of professionalism and impartiality, while also having strong knowledge of the institution to which they belong, including human resources policies and practices, ethical principles, and norms of behavior. In terms of skills, some sources emphasize the need for demonstrated experience in both mediation as well as negotiation. Others suggest an “unbiased generalist” with a broader array of conflict resolution experience. The Ombuds should also have strong networks within the institution and have easy access to top administrators at the University, including the President and Provost.

The scholarship on conflict resolution particularly emphasizes the need for strong protections around confidentiality in order ensure parties feel comfortable and confident to disclose all relevant details surrounding the conflict. This includes clearly articulated approaches to gathering, storing, and destroying documents gathered during the fact-finding process. It also includes placing the Ombuds Office geographically away from upper management. Nevertheless, there are various types of Ombuds:

**Classical Ombuds**

These Ombuds receive and investigate complaints and concerns regarding governmental policies and processes. The authority and mandate of classical ombuds are typically provided by statutory language. These ombuds may be elected by constituents or appointed by a legislature or organization to monitor citizens’ treatment under the law. Classical Ombuds generally have authority to conduct investigations and make recommendations for appropriate redress or policy change.

**Advocate Ombuds**

May be located in either the public or private sector. They evaluate claims objectively but are authorized or required to advocate on behalf of individuals or groups found to be aggrieved. Often found in organizations such as long-term care facilities or agencies, and organizations that work with juvenile offenders.

**Hybrid Ombuds**

Usually established by policy or terms of reference by both private and public sector organizations. They primarily use informal methods to resolve complaints but also have the power to investigate and the authority to publish annual and special reports.

**Executive Ombuds**

May be located in either the public or private sector and receives complaints concerning actions and failures to act by the organization, its officials, employees, and contractors. May either work to hold the organization or one of its programs accountable or work with the organization’s officials to improve the performance of a program.

When it comes to Ombuds on college campuses, the Hybrid Ombuds is most descriptive of the offices the Working Group reviewed.

For the sake of clarity, the Working Group refers to those Ombuds offices as Traditional Ombudsthat are primarily reactive in terms of their focus being to speak with those who seek out the guidance from the Ombuds. In our research there are many services and roles that an Ombuds or conflict resolution office can provide beyond this and still maintain neutrality, independence, and confidentiality.

### Conflict Resolution Offices

In addition to Traditional Ombuds as illustrated above, various higher education institutions have started to introduce on-campus Conflict Resolution Offices with expanded roles to address rising dispute resolution needs. This section of the report will describe a couple of examples the Working Group examined during the process.

**University of Redlands**

This university does not have a physical office or full-time staff devoted to its Conflict Resolution Center. Instead, it relies on a large team of faculty and staff from across the university who receive extensive training in conflict resolution methods. They do emphasize restorative justice. Restorative justice is a philosophical approach that focuses on reparation of harm, restore trust, prevent recurrence, and heal of trauma. Central to the process is collaborative decision making which includes the harmed parties, the people who have caused harm, and anyone who seeks active accountability.

The university’s conflict resolution center has an extensive website which is intended to help parties identify the conflict resolution method that best fits their circumstances and needs and facilitates pairing the individual with trained facilitators (<https://sites.redlands.edu/conflict-resolution-center/about-the_crc/>).

During the interview with the creator of this office and the managing dean, they expressed a great deal of passion about the work and the successes of the office, but also fully admitted that they would prefer an office with full-time staff and a director if the budget allowed.

**University of Michigan**

This university maintains an Office of Student Conflict Resolution (<https://oscr.umich.edu/>), which allows students to directly request services. It offers a spectrum of conflict resolution pathways that are educationally focused, student-driven, community owned, and restorative in nature. In addition to providing in-person and online dispute resolution services, it also offers educational workshops to the campus community on issues and topics related to conflict management and resolution, which can be tailored for individual circumstances and needs, including preventative or reactive programming. Popular topics include conflict styles, communication skills, OSCR services, culture and conflict, and identifying/resolving conflict.

### Ombuds Non-Traditional Models

The non-traditional Ombuds model includes an expanded role for the Ombuds who provides a wide array of conflict resolution services and has varied expertise such as mediation, restorative justice circling and development of educational programs.

**CSU-Channel Islands**

While named University Ombuds, CSUCI’s Ombuds office (<https://www.csuci.edu/ombuds/>) offers a range of dispute resolution and dispute education programs. It aims to help individuals and organizations explore creative options for problem-solving without being committed to a specific process for resolution. Its service is informal and off-the-record, and no one can be required to use the Ombuds Office or prohibited from it. Appointments are easy and can be made anonymously. Because the University Ombuds is a permanent function at CSUCI, follow-up consultations, course corrections, and completely new plans are always possible. Common services include conflict coaching, option generation, assisted process navigation, facilitation, shuttle diplomacy, informal climate assessments and more.

## Additional Considerations

**Confidentiality**

In general, Ombuds programs require confidentiality except in matters relating to serious misconduct or a crime, if there is imminent risk of serious harm, or if disclosure is otherwise required by law. Ombuds/Dispute Resolution Programs will not identify involved parties nor discuss a party’s particular concerns with anyone. Such information may be shared if permission is given by the program visitor. To the extent allowed by law, a University Ombud shall not be compelled to testify in any University hearing regarding matters brought to the Ombuds Program. Nor shall the University ask an Ombud to reveal information received in the appropriate conduct of his/her ombud related work except as legally required or as provided in this document. Confidentiality cannot be promised in matters relating to serious misconduct (violations of Title IX, sexual misconduct, harassment, etc.).

**Reporting**

As a policy matter, many University Ombuds compile annual reports to report trends in terms of the types of cases and resolutions (often annually). The International Ombuds Association maintains a standard reporting scheme that many professional Ombuds use for their reporting. The report often contains non-confidential statistical data in an effort to assist the Office of the Ombuds in reporting trends and providing feedback to the University community.

The Ombuds office provides a confidential and at times anonymous service to campus constituents, thus if notes are taken they are typically de-identified, housed in a secure manner, and can be destroyed once cases have concluded. Notes, if any, are not considered public record and should not be accessed by other campus partners. The Ombuds office may maintain anonymous statistical or aggregate data to assist in reporting trends/patterns and provide feedback. A recommended application is VuApps (<https://www.vuapps.com/>), which was created for Ombuds offices. Additionally, if the Ombuds office utilizes Maxient (<https://www.maxient.com/>), a Student Conduct software, they must have the ability to have a “locked” suite that only the Ombuds office has access to. The Ombuds office should also include a website with a reporting form (identified, confidential, or anonymous) and an online contact form.

**Resources and Staffing**

The number of staff in an Ombuds office depends on the size of the campus community. At UC Santa Cruz, which has an undergraduate enrollment of approximately 17,200 students, it was recommended that Ombuds office have a minimum of two FTE, in addition to supportive staff, to have effective capacity. It is recommended that one of the FTE be a coordinator who is responsible for the calendar and managing in-take. In the interview with the CSUCI Ombuds, it was stated that a generally agreed upon standard is one ombuds per 10,000 community members.

Depending on staffing, the office should have two to three rooms in a decentralized, discrete, easily accessible, and secure location that is conducive to confidentiality and safety. The office should also have access to locations on campus that are conducive to meeting with constituents in a manner that offers privacy and anonymity

**Qualifications**

To provide a wide range of services, the qualifications for the Ombuds or office director should include the following:

1. Minimum Requirements:
2. Master’s degree or higher in counseling, social work, psychology, business administration, higher education, dispute resolution, legal studies, or relevant field or equivalent combination of education and experience
3. 3-5 years of relevant experience (e.g. as an ombuds or in mediation and conflict resolution)
4. Advanced certificate in mediation, conflict resolution or dispute resolution, organizational psychology, higher education, counseling or related fields
5. Training and experience in restorative justice Process
6. Experience at an academic institution
7. Preferred Requirements (A more experienced candidate will lend greater credibility to position and be accessible to a wider cross-section of campus constituents):
   1. Doctoral degree in counseling, social work, psychology, higher education, legal studies or relevant field or equivalent combination of education and experience
   2. 5 or more years relevant experience (e.g. as an ombuds or in mediation and conflict resolution)
   3. Certified Organizational Ombudsman Practitioner (CO-OP) through IOA (International Ombudsman Association)
   4. Familiarity with university processes and structures
   5. Experience successfully developing and facilitating trainings on workplace issues, restorative justice and dispute resolution/mediation skills

**Encouraging Broader Culture Change**

Most of the resources and experts we consulted mentioned the opportunities for advancing culture change through collaborations with other departments and student engagement. On our campus we see similar opportunities, such as working with the Ahimsa Center to advocate nonviolence and nonviolent social change and offering students internships, class credit, and extracurricular programs. A badging system could be created to recognize students who have undergone significant training. Please note that student interns and/or employees should work separately from the confidential areas and materials but could be involved in trainings and other programming related efforts.

## Key Findings and Recommendations

**Trust and Confidentiality**

All the experts interviewed and resources consulted emphasized the need for constituent trust. Trust in the conflict resolution or ombuds office is necessary so that constituents share information and voluntarily engage with problem solving. Central to gaining trust is the assurance and understanding that the information and participation will be kept confidential.

1. Confidentiality has implications for the kinds of data collection and storage systems the office uses. This issue is complex and will need to be addressed in setting up the office. The report mentions some options.
2. Placement of the office impacts confidentiality. Building 1 would continue to be a good placement for the office since it is away from most of the administrative offices in the Student Services Building.
3. Notably, Ombuds have clear standards for confidentiality created by the International Association of Ombuds.
4. Listening. Key to building trust and effective problem solving is the time to listen to individuals and understand the nuances of each situation. This impacts the number of staff in the office.

**Provision of multiple services by experts**

The committee found that there are both Ombuds and Conflict Resolution Offices in higher education that serve as models regarding the provision of multiple forms of conflict resolution. Because conflict can take so many forms, the mechanisms for resolving it must also be varied. There is general agreement that the best conflict resolution is informal and accomplished by those parties who are involved because these resolutions usually result in the development of conflict management skill building and are less expensive and potentially produce longer-lasting resolutions than the more adversarial adjudicatory processes such as grievances and lawsuits.

**Significant investment in training**

Training campus members in conflict resolution skills and the restorative justice process will encourage a positive culture change on campus and ensure the sustainability of the Ombuds office. Student, faculty, and staff representatives can be trained (train the trainer model) to facilitate trainings, respond to incidents (low level), and provide referral support.

Initially, it might be helpful if there were financial/time incentives for departments to send faculty and staff for training.

The committee strongly supports the creation of an office whose top priorities include the provision of an array of services such as:

* DIY conflict resolution materials/web-based self-help
* Conflict resolution trainings,
* Facilitated conversations,
* Conflict coaching
* Informal climate assessments for departments and colleges
* Shuttle diplomacy
* Restorative justice resources and circles

**Adequate Resources**

To achieve both confidentiality and provide the resources necessary to address the ongoing and serious conflicts on campus among faculty and others, the committee is confident that two high level expert staff are needed in addition to one administrative staff person. We were told that Ombuds believe that one person per every 10,000 constituents is needed to adequately address a community’s needs, and in reviewing the size of our campus and the limitations of the previous Ombuds office at CPP, the need for two expert staff is clear. Ideally, the two would bring expertise in different conflict resolution styles but with a commitment to the same overarching principles. One model could have an Ombuds and an Associate Ombuds. The working group met with two Ombuds who have the expertise to provide a range of services such as those listed above, and we do not believe that an Ombuds is in conflict with actually solving problems on campus. The Harvard Negotiation and Mediation Project calls this kind of Ombuds a “Systemic Ombuds.”

**Charter**

The new office should have a charter that clearly states the priorities, responsibilities, independence, and reporting requirements. The charter will serve to establish the role of the office for the community, state its independence and neutrality, while also establishing the expectations regarding conflict resolution and identification of systemic problems on campus.

## Appendices

### Experts Interviewed

**Cal Poly Pomona**

Araceli Guzman, Interim Director, Student Conduct and Integrity

Jonathan Grady, Senior Associate Vice President and Dean of Students

Nicole Hawkes, Chief of Staff, Office of the President

**CSU Channel Islands**

Mark Patterson, University Ombuds

**Pomona College**

Erica Moorer Taylor, Associate Dean and Title IX Coordinator (former Deputy Title IX Coordinator and founder of the Conflict Resolution Center at University of Redlands)

**University of Redlands**

Ken Grcich, Senior Associate Dean, Student Affairs

**University of Southern California**

Thomas Kosakowski, University Ombuds, Health Sciences Campus

### International Ombuds Association Code of Ethics



**CODE OF ETHICS**

**PREAMBLE**

The International Ombuds Association (IOA) is dedicated to excellence in Organizational Ombuds[[1]](#footnote-2) practice. The Code of Ethics provides Practice Principles and Core Values that are the foundation for the IOA Standards of Practice.

This Code of Ethics reflects IOA's commitment to the establishment of consistently structured Ombuds programs, ethical conduct by Ombuds, and the integrity of the Organizational Ombuds profession.

**CORE VALUES**

The Ombuds role requires Ombuds to conduct themselves as professionals. The following Core Values are essential to the work of Ombuds:

Act with honesty and integrity;

Promote fairness and support fair process;

Remain non-judgmental, with empathy and respect for individual differences;

Promote dignity, diversity, equity, inclusion, and belonging;

Communicate accurate understanding through active listening;

Promote individual empowerment, self-determination, and collaborative problem-solving; and

Endeavor to be an accessible, trusted, and respected informal resource.

**FUNDAMENTAL PRINCIPLES**

**INDEPENDENCE**

The Ombuds is independent in structure, function, appearance, and decision-making. The Ombuds reports to the highest possible level within the organization and does not report to a function or entity that could affect, or be perceived as affecting, the Ombuds' independence.

**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.

**INFORMALITY**

The Ombuds does not participate in any evaluative, disciplinary, legal, or administrative proceedings related to concerns brought to the Ombuds' attention. The Ombuds is not authorized to make business and policy decisions or conduct formal investigations on behalf of the organization. The Ombuds is not an agent of the organization for purposes of receiving notice of claims against the organization and is not authorized to be a formal reporting channel for the organization on matters brought to the Ombuds' attention except when specifically and expressly mandated by law.

**CONFIDENTIALITY**

Confidentiality is the defining characteristic of Ombuds practice. The identity of those seeking assistance from the Ombuds and all communications with them are confidential to the maximum extent permitted by law. The Ombuds may, at their sole discretion, disclose confidential information when the person seeking assistance gives permission to do so; when failure to do so might result in an imminent risk of serious harm; or as necessary to defend against a formal complaint of professional misconduct.

International Ombuds Association www.ombudsassociation.org Adopted 17 March 2022

Link: <https://ioa.memberclicks.net/ioa-standards-of-practice---code-of-ethics>

### International Ombuds Association Standards of Practice



**Standards of Practice**

**PREAMBLE**

The Standards of Practice are based upon the fundamental principles and core values stated in the International Ombuds Association (IOA) Code of Ethics. These principles are independence, impartiality, informality, and confidentiality. They describe the essential elements and requirements for operating a sound ombuds program. The core values emphasize the professional qualities underlying ombuds work. The principles and core values guide the Ombuds in fulfilling responsibilities such as assisting individuals at all levels of the organization; resolving conflict; facilitating communication; and assisting the organization by surfacing issues, and through feedback on emerging or systemic concerns. These can be applied in different settings and jurisdictions.

In combination with the core values embedded in the Code of Ethics, these Standards of Practice form the foundation necessary for the unique and valuable role of an Ombuds in the sponsoring organization.

1. **GENERAL PRACTICE STANDARDS**

1.1 The Ombuds is an independent, impartial, informal, and confidential resource for an organization. Compliance with these Standards of Practice is essential for any Ombuds program.

1.2 The Ombuds assists people through voluntary consultation and provides information, guidance, and assistance in developing options to address their concerns. When possible, the Ombuds facilitates outcomes that build trust, enhance relationships, and improve communication within the organization.

1.3 The Ombuds assists the organization by identifying procedural irregularities and systemic problems. This may include identifying emerging trends, policy gaps, and patterns of problematic behavior in ways that do not disclose confidential communications or information. The Ombuds may provide general recommendations to the organization for addressing these concerns.

1.4 Each Ombuds program shall have a charter, terms of reference, or a detailed program description approved by executive leadership of the organization that complies with the provisions of the IOA Code of Ethics and Standards of Practice and that articulates the basis on which the Ombuds operates.

1.5 The Ombuds keeps professionally current through relevant continuing education, and provides opportunities for Ombuds' staff professional development.

1. **INDEPENDENCE**

2.1 The Ombuds is independent in appearance, purpose, practice, and decision-making. The Ombuds operates independently of line and staff reporting structures and without influence from other functions or entities within the organization.

2.2 The Ombuds program reports to the highest authority possible within the organization. In executing the Ombuds' roles and responsibilities, the Ombuds does not report programmatically to any function that affects, or is perceived as affecting, the Ombuds' independence.

2.3 The Ombuds holds no other position that compromises, or could be reasonably perceived as compromising, the Ombuds' independence. If the Ombuds has non-ombuds duties, those duties must not interfere with their ombuds duties. The Ombuds must clearly communicate when they are and are not acting as the Ombuds.

2.4 The Ombuds has the authority to select Ombuds program staff and to manage the Ombuds program budget and operations without undue external influence or limitations. However, the Ombuds has no formal policy-making, enforcement, or disciplinary role except internally within the Ombuds program.

2.5 The Ombuds has sole discretion over whether or how to engage regarding individual, group, or systemic concerns. Acting on their own initiative, an Ombuds may bring a concern to the attention of appropriate individuals.

2.6 The Ombuds has access to relevant individuals and information within the organization as necessary to fulfill their informal role and as permitted by law.

1. **IMPARTIALITY**

3.1 The Ombuds functions as an impartial, neutral, and unbiased resource.

3.2. The Ombuds has no personal interest in, and incurs no gain or loss from, the outcome of a matter. The Ombuds declines involvement when the Ombuds determines that they may have a real or perceived conflict of interest.

3.3. The Ombuds fairly and objectively considers issues and people who may be affected. The Ombuds promotes equitably administered processes but does not advocate on behalf of anyone.

3.4. The Ombuds facilitates communication, dialogue, and collaborative problem-solving and helps identify a range of reasonable options to surface or resolve issues or concerns.

1. **INFORMALITY**

4 .1 The Ombuds is an informal and off-the-record resource. The Ombuds does not make business or policy decisions, adjudicate issues, participate in disciplinary or grievance processes, or conduct formal investigations for the organization.

4 .2 Consultation with the Ombuds is not a required step in any formal disciplinary process or grievance policy.

4.3 The Ombuds takes 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, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombuds Office.

4.4 Consistent with these standards, consulting with the Ombuds is completely voluntary. People 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 and not call the Ombuds to testify or disclose confidential information in any formal, legal, or other matter.

4 .5 The Ombuds is not an agent of the organization authorized to receive notice of claims, complaints, or grievances against the organization unless specifically and expressly required by law. The Ombuds may refer individuals to the appropriate place where formal notice of claims can be made.

4.6 The Ombuds creates no permanent records containing confidential information. The Ombuds has a consistent practice for the timely destruction of confidential information.

1. **CONFIDENTIALITY**

5.1 The identity of those seeking assistance from the Ombuds, as well as communications and information specifically relating to them is confidential information.

5.2 To the maximum extent permitted by law, the Ombuds shall protect confidential information, and others cannot waive this requirement. The Ombuds and the organization that established the program shall take reasonable measures to safeguard the security of confidential information.

5.3 Except as provided in these standards, the Ombuds does not disclose confidential information in any matter within the organization.

5.4 The Ombuds shall oppose disclosing confidential information in any formal, administrative, or legal matter external to the organization, unless 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.

5.5 The Ombuds may disclose confidential information as necessary if the Ombuds determines that the failure to do so could result in imminent risk of serious harm.

5.6 The Ombuds may disclose confidential information about a specific matter to the extent the ombuds determines it is necessary to defend themselves against a formal complaint of professional misconduct.

5.7 Confidential information relating to an individual may be disclosed with their permission to assist with informal resolution of a concern but at the sole discretion of the Ombuds.

5.8 The Ombuds may provide non-confidential information about the ombuds program in any appropriate forum. The Ombuds shares data, trends, or reports in a manner that protects confidential information.

Adopted 17 March 2022 by the Board of Directors of the International Ombuds Association.

Effective 17 March, 2022.

Link: <https://ioa.memberclicks.net/ioa-standards-of-practice---code-of-ethics>

### Sample Ombuds Charter from CSUCI

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University Ombuds Office

Charter and Operating Procedures

**1. Introduction**

In May 2019, the University President of California State University Channel Islands established an ombuds office to serve faculty, staff, management personnel, student employees and, when appropriate, others designated by the Chief of Staff as eligible for services. People served by the Ombuds Office are those who contact, visit, inquire with, seek guidance from, consult with, or engage with the Ombuds Office for the purposes of voluntarily seeking information or receiving guidance, conflict management or resource referral services, and are referred to collectively as “visitors.”

The ombuds office at CSUCI will be designated the “University Ombuds Office” or “Ombuds Office.” The University Ombuds Officer and staff employed in the Ombuds Office will be designated the “University Ombuds.” Terms such as “ombudsman,” “ombudsperson,” “ombud,” “ombuds officer” and “ombuds” may be used interchangeably and are not intended to reflect gender or identity preference for the University Ombuds.

**2. Purpose and Scope**

The University Ombuds listens without partiality, judgment or record-keeping, explores concerns outside formal processes, seeks and shares information about policies and procedures, assists visitors in connecting with appropriate resources and processes (internal and external), and discusses options for dispute resolution, conflict management,[[2]](#footnote-3) and orderly and responsible systems change, within the parameters of the laws and policies governing the University. The University Ombuds may also assist in developing conflict management skills and processes at the individual and organizational level. The Ombuds Office fosters respect for all members of the University and promotes equity and fairness in the content and administration of the University's practices, processes and policies.

The Ombuds Office works to facilitate communication and assist parties in reaching mutually acceptable resolutions that are consistent with the mission of the University. It is the intent of the University that the Ombuds Office be a safe resource for all visitors and potential visitors. The Ombuds Office complements and supports, and does not supplant or supersede, formal or established channels for dispute resolution, including but not limited to actions pursuant to United States Code Title IX and associated regulations, grievances under applicable Collective Bargaining Agreements, and other formal processes of review and other means. “Conflict management” refers to establishing systems to prevent, channel, resolve and/or mitigate the impact of disputes.

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adjudication. The Ombuds Office does not have the power to make decisions on behalf of the University or to reverse decisions made or actions taken by regularly constituted California State University authorities. The Ombuds Office does not provide legal advice or psychological counseling.

**3. Operations**

The Ombuds Office shall be established at a location conducive to and supportive of confidential communications, independence, and visitor and potential visitor trust. The Ombuds Office operating budget shall be maintained by the Office of the President and managed to the greatest extent possible by the University Ombuds with support from office staff. The University Ombuds shall be given access to locations on campus conducive to meeting with visitors in circumstances respectful of privacy and protective of the anonymity of visitors. The University Ombuds shall be evaluated in a manner supportive of the Standards discussed in Part 4 and upon criteria agreed upon by the University Ombuds and Chief of Staff.

It is the intent of the University that the University Ombuds be an International Ombudsman Association (IOA) Certified Organizational Ombuds Practitioner (CO-OP ®) or a Candidate for CO-OP® certification (see https://www.ombudsassociation.org/about-the-co-op-credential) if reasonably practicable and permissible under applicable California State University Executive Orders. The University Ombuds will be designated as management (MPP) personnel for administrative and pay purposes and will not be a member of any collective bargaining unit. Recognizing the unique responsibility of the University Ombuds to address conflict at all levels and to serve as an advocate for fair and equitable processes even when the substance of the conflict may be controversial and unpopular, CSUCI is committed to the highest standards of transparency regarding the employment of members of the Ombuds Office and for those who work with the Ombuds Office. No individual or organization may take adverse action against an individual or group for visiting, contacting, recommending or working with the Ombuds Office, or against the University Ombuds for contacting or working with any individual or organization in good faith.

The Ombuds Office shall produce and publicly release an annual report, which may include some or all of the following: observed barriers to equity and fairness, relevant demographic patterns, categories of assistance provided, scope of issues, referral sources, alternative paths to resolution considered by visitors, and such other non-confidential information as may be relevant or requested regarding the maintenance of a fair, inclusive and equitable campus environment. The Ombuds Office will take steps to ensure statistical data included in the report will not identify individual visitors and confidential matters discussed, including avoiding cross-tabulated data and demographic reporting where numbers are small. The University Ombuds may engage in other forms of outreach, education and committee membership in an advisory capacity supportive of these goals as well.

**4. Standards**

To the extent permissible by law and CSU policy, the Ombuds Office adheres to the Standards of Practice and the Code of Ethics of the IOA, which include the principles of confidentiality, independence, impartiality/neutrality and informality, incorporated here by reference, and available at the IOA website:

https://www.ombudsassociation.org/standards-of-practice-code-of-ethics-3.

The IOA Standards and Code are considered minimum standards, and the Ombuds Office strives to operate in accordance with best practices in a way that serves the best interests of CSUCI. In order to remain knowledgeable about best practices in dispute resolution and conflict management and to enhance the visibility of the CSUCI Ombuds Office, the University Ombuds may volunteer with various professional associations, and attend conferences and educational institutions pr0moting ombuds professionalism.

The Ombuds Office shall publicize the independent, confidential, impartial, informal, and voluntary nature of services provided by the Office as widely as possible, including where possible through online means (a University-sponsored website, social media, and articles), educational materials, presentations, and inperson communications. The Ombuds Office shall also make visitors and potential visitors aware of any limits to confidentiality but shall not be required to create or maintain any records regarding such advice (although the University may do so for all employees so long as records are not tied to use of Ombuds Office services).

**4.1. Independence**

In order to enhance and protect the independence of the Ombuds Office, the University Ombuds will report to the President through the Chief of Staff, except in cases where confidentiality requires contact with the President directly or in cases where the President requests assistance from the University Ombuds directly. However, the University Ombuds is not authorized to act as an agent on behalf of the President or any other CSUCI entity. The University Ombuds does not represent CSUCI Administration, any Division or any organization or party at CSUCI. The Ombuds Office may report patterns, trends and systemic concerns at the discretion of the University Ombuds but may not be compelled to provide confidential information.

The University Ombuds may serve as a non-voting member of campus committees and organizations but should not exercise authority over any University outcome or appear to do so. The University Ombuds may decline involvement in any matter, including committee or organizational involvement, in accordance with the purposes of this Charter and the Standards referenced above.

In the event of a conflict of interest in the performance of Ombuds Office duties, the University Ombuds may seek representation from outside counsel at CSU or University expense after consulting the President’s Office and General Counsel for the CSU.

**4.2. Confidentiality**

It is the intent of the University that the Ombuds Office provide confidential and anonymous services for all visitors to the greatest extent possible under federal and state law, and applicable CSU Executive Orders. The Ombuds Office shall not disclose or be required to disclose any information provided in confidence, except to address an imminent risk to public safety, to report observed or suspected child abuse and neglect as required by CSU Executive Order 1083 (revised July 21, 2017), or to report incidents of sex discrimination, sexual harassment, sexual misconduct, dating or domestic violence and stalking as required by EO 1095 (revised June 23, 2015), 1096 (revised March 29, 2019) or 1097 (revised March 29, 2019). It is *not* the intent of the University that communications with the University Ombuds be treated as legally privileged unless authorized by California or federal law.

In accordance with EOs 1095, 1096, and 1097, members of the CSUCI community are encouraged to report incidents of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence and Stalking cases to the Title IX Coordinator, DHR Administrator, campus police, or other administration and faculty officers. When involved, the Ombuds Office will strive to facilitate reporting of such incidents by visitors directly and allow visitors to maintain control to the greatest extent possible.

The Ombuds Office shall maintain no records that include visitor-identifying information but may keep aggregate information revealing patterns or trends. CSUCI as an institution may keep individual acknowledgments of the limits of confidentiality in the Ombuds Office so long as those records are not tied to actual use of University Ombuds services or contact with the Ombuds Office. Notes, if any, taken by the University Ombuds as part of a confidential discussion will not be considered public records and will be routinely destroyed when no longer needed in the sole discretion of the Ombuds Office. The University will not seek the identity of visitors and will defend the Ombuds Office from attempts to compel testimony or to create records regarding individual visitors.

**4.3. Impartiality/Neutrality**

The University Ombuds considers the interests and concerns of all parties with the aim of impartially facilitating communication and assisting parties in reaching mutually acceptable solutions, agreements or working relationships that are fair and equitable, consistent with the mission and policies of the University. The Ombuds Office does not favor any individual, department or division in a conflict or dispute, or in the development or implementation of policy by the University or any organization. The University Ombuds does not have authority or power to adjudicate disputes, impose remedies, or enforce agreements. However, the University Ombuds may make recommendations regarding fair and equitable processes for dispute resolution and conflict management.

The University Ombuds will avoid involvement in matters where there may be a conflict of interest or the reasonable appearance of a conflict of interest. When a conflict of interest arises, the Ombuds will take steps to disclose the conflict without violating confidentiality and may refer the visitor to another resource. In the event the University Ombuds refers a matter to another entity, the Ombuds Office may provide notice regarding the referral but is not required to do so.

**4.4. Informality**

The Ombuds Office is a resource for informal dispute resolution and conflict management. Use of the Ombuds Office is voluntary. Working with the Ombuds Office is not a required step in any grievance or other dispute resolution process. The University Ombuds shall not investigate, arbitrate, adjudicate or perform a role in any formal process or action, including any grievance procedure established by a collective bargaining agreement. The Ombuds Office respects the autonomy and independence of visitors to manage their own workplace outcomes to the greatest extent possible.

Because the University Ombuds has no authority to direct or require University action in any matter, the Ombuds Office can listen without judgment, maintain confidentiality in accordance with Section 4.2, and explore options for informal action without initiating formal processes. As an informal resource, the University Ombuds can also receive, identify and raise issues to campus leaders without agenda or bias.Individuals or organizations seeking to put the University on notice of any matter are encouraged to use means other than contacting the Ombuds Office.

In fulfillment of the purposes for establishing the CSUCI Ombuds Office, the University Ombuds may contact or work with any individual or organization at CSUCI, with visitor consent where appropriate. The University Ombuds is authorized to make informal inquiries into any matter covered by an employment relationship, even without a visitor requesting the information, except as may be limited by a collective bargaining agreement. The University Ombuds may not be required to disclose the purpose for the inquiry to the extent that doing so may reveal a visitor’s identity.

**5. Amendment/Revocation of the Charter**

This charter may be amended only at the agreement of the University Ombuds and the President. It remains in effect unless revoked by the President, following notice to the Executive Committee of the Academic Senate, the Staff Council, and Collective Bargaining Unit representatives, or their successor organizations.

**Erika D. Beck, Ph.D.**

**President**

**Date: April 20, 2020**

Link: <https://www.csuci.edu/ombuds/about/how/charter.htm>

1. The term "Ombuds" includes all applicable nomenclature in use for an organizational ombudsperson. [↑](#footnote-ref-2)
2. For purposes of this Charter, “dispute resolution” refers to settling disagreements through negotiation, mediation, adjudication or [↑](#footnote-ref-3)