

Metropolitan State University of Denver University Ombuds Office

Charter Agreement

I. Introduction

In 2010, Metropolitan State College of Denver conducted an “Employee Climate Survey” and concluded from this survey results the need for a full-time informal, confidential, neutral and independent office where employees, faculty and staff could talk about, and obtain direction regarding conflicts and concerns in the workplace. The goals identified were to offer a “safe” environment for those who wanted or needed the above services and to lower the number of formal complaints, grievances and lawsuits.

In March 2013, Metropolitan State University of Denver (hereinafter “University”) established the University Ombuds Office, to provide confidential, impartial, independent and informal dispute resolution services to designated constituents of the University community.

II. Terminology

Ombudsman, Ombuds, Ombudsperson and Ombuds Officer are terms of art and are used interchangeability. These terms are intended to be gender neutral. The University has chosen to use the title “University Ombuds Officer” (“UOO”). UOO describes the practitioner(s), the office itself, and any and all support staff. UOO will be used interchangeably as appropriate to context and sentence structure.

“Designated Constituents” are those that may utilize these services and are identified as all faculty, classified staff, administrators, student-employees and external individuals having business with the University. Students are excluded from this service as they have similar resources allocated to them.

“Visitors” is a term of art describing those designated constituents who seek assistance from the UOO, or those who the UOO contacts in relation to a case on which the UOO is working.

“Respondents” are those that may be contacted by the UOO in response to a concern, issue or conflict brought forth by the visitor.

“Facilitated Conversations” indicate a process that is similar to the “mediation” process but with a distinctive and important difference. The difference is that the mediation process generally produces a record as a part of that process. Because the UOO is not an “office of record,” we use the term “facilitated conversation” to indicate that the process will not produce an “official record” although the parties involved may produce their own record that will not be a part of the UOO process.

The International Ombudsman Association (hereinafter “IOA”) is the preeminent- international professional organization representing organizational ombudsmen.

“Certified Organizational Ombudsman Practitioner (hereinafter “CO-OP”)" is the recognized designation of those Ombuds practitioners that have a level of experience and education coupled with having successfully passed both written and voice examinations.

III. Statement of Practice and Scope of Services

The UOO shall be a safe and confidential place where visitors can seek guidance regarding disputes and concerns at any stage of a conflict or concern. The UOO shall provide informal dispute resolution services to its visitors. In addition, the Office will engage in facilitated conversation activities, conflict resolution interventions, and work proactively via presenting educational workshops/seminars focused on how to prevent and address interpersonal conflict.

The UOO shall confidentially hear and receive complaints, concerns and questions about alleged illegal acts, omissions, improprieties, and/or broader systemic problems. The UOO's response shall be tailored to the dynamics of the situation and/or the visitors concerns. The UOO will listen without judgment, make informal inquiries, identify and explore options with the visitor, clarify University policies and procedures, act as an information resource, make appropriate referrals, intervene and facilitate conversations through direct contact, shuttle diplomacy or other appropriate means independently, impartially and confidentially adhering strictly to IOA Code of Ethics, Standards of Practice and Best Practices (hereinafter collectively “Standards”), subject to State and Federal law.

The UOO will support self-determination of its visitors in assisting them in reaching resolutions of their choosing that are consistent with the ideals and objectives of the University. These services are meant to support and enhance existing processes but not replace any.

The UOO will serve as an information and communication resource and act as the University dispute resolution expert, serving as consultant, coach, facilitator and catalyst for institutional change, by providing upward feedback and trend reporting relating to issues, concerns, questions and conflicts brought to the attention of the UOO.

IV. The Standards

The UOO shall practice in strict adherence to the Standards of the IOA, subject to State and Federal law. The Standards are incorporated by reference into this Charter.

The tenets of the Standards are described as follows:

A. Independence

The UOO administratively reports to the Associate to the President for Diversity, on behalf of the President, and shall function outside of the formal lines of authority and is intended to be independent in its structure, function and appearance. More specifically, in the legitimate performance of his/her duties, The UOO shall be free from interference, retaliation, or control from others outside the Ombuds Program. This independence shall be affected primarily through formal organizational recognition and reporting structure as

well as the UOO's informality and impartiality. The UOO has sole discretion over how, when and to what degree it will respond regarding any individual or systemic matter.

In order to fulfill its function, the UOO shall oversee an allocated budget to operate the Office of the University Ombuds. The University shall provide adequate staffing and office space that is accessible, welcoming, comfortable and located in a place that offers visitors the highest degree of privacy and safety.

B. Confidentiality

The UOO holds the confidentiality of its visitors sacrosanct. Confidentiality is the cornerstone of the UOO practice and absolutely necessary in offering a "safe" venue for its visitors. As such, the UOO will not confirm or disclose the identity, communications or information without its visitor's expressed permission. The UOO shall have sole discretion over the manner, of how, when and to whom the disclosure is affected. Confidentiality will be respected even if non-disclosure may prevent resolutions of the issue(s). The UOO may, at their discretion, disclose confidential information if there is an imminent risk of serious physical harm and there is no other avenue or mechanism for reporting the matter.

The UOO asserts, and the University acknowledges and supports, that the UOO holds and owns a privilege of confidentiality with respect to the identity of any visitor(s) and any information brought to the UOO in any manner.

C. Neutrality and Impartiality

The UOO shall remain neutral and impartial in their activities. As such, the UOO will not take sides nor advocate for any party, group or organization. The UOO shall impartially consider the interests and concerns of all the parties involved in the situation or dispute with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreement(s) that are fair, equitable and consistent with the mission and policies of the University.

The UOO does not make decisions for visitors. The UOO shall not have any power to order any person to do, or refrain from doing any activity. The UOO shall not have power to change any policies of the University.

The UOO shall avoid any appearance, or involvement in matters where there may be a conflict of interest. A conflict of interest occurs where the UOO's private interests, real or perceived, supersede or compete with the UOO's dedication to their neutral, impartial and independent role. Where a conflict of interest exists, or is perceived to exist, the UOO will take immediate steps to disclose or avoid the conflict.

D. Informality

The UOO shall not keep records for the University. The UOO shall not formally investigate, arbitrate, adjudicate or in any way participate, in any internal or external formal process. Even if a visitor has initiated a formal process, and gives the UOO permission to

participate in the process, the UOO shall not do so. The UOO shall not sit or participate in any committee as a decision maker but may participate in a committees' function as "ex officio" only.

V. Authority and Limits of the UOO

The authority of the UOO derives from the University administration as manifested by the endorsement of the University President.

A. Authority

1. Initiating Informal Inquiries

The UOO shall be entitled to inquire informally about any issue concerning the University even if there has not been any specific complaint.

2. Access to Information

The UOO may request access to information located in files and offices within the University that is related to visitor(s) concerns. Where the UOO makes a request for information contained within files and offices of the University, the request shall be honored with reasonable promptness so long as such records would be otherwise disclosable under open records and other confidentiality laws or policies. Confidentiality shall be honored and extended to this information.

3. Declining or Ending Involvement in Cases

The UOO may decline to look into any matter, or withdraw from any matter, where the UOO believes involvement, or continued involvement, would be inappropriate for any reason.

4. Discussions with Visitors and Others

The UOO has authority to discuss any range of options available to the visitor, including both informal and formal processes.

5. Access to Legal Counsel

The UOO shall work closely with the University's General Counsel regarding general matters relating to University policies, regulations and processes or where an external entity has made a demand for documents or testimony from the UOO as part of a formal process.

On occasion, and in the judgment of the UOO, the UOO may require outside expert advice and counsel in order to fulfill the UOO required functions in adherence to IOA Standards. When such circumstances arise, the UOO will work with the General Counsel to secure appropriate independent representation.

B. Limitations

1. Receiving Legal Notice for the University

Communications with the UOO, by any means, shall not constitute notice to the University. This includes allegations that may be perceived as violations of laws, regulations or policies, issues covered by whistleblower policy, or incidents subject to reporting under the Clery Act. The UOO asserts that the UOO is not a “campus security authority” as defined under the Clery Act. The UOO shall educate and bring awareness to its visitors of the numerous alternative-reporting channels inside or outside of the University.

The University has not authorized the UOO to receive notice of claims against the University on any matter, including reports of sexual harassment and unlawful discrimination. Visitors will be made aware that the information related to those claims will not be reported to the University unless requested by the visitor subject to section IV (B) of the Charter Agreement with the exception of threat of imminent serious physical harm. The UOO will endeavor to advise all visitors of all reporting avenues that are available within and outside of the University to report claims and to place the University on “notice” of said claim(s).

2. Putting the University on Notice

If any visitor(s) would like to put the University on notice regarding a specific situation, or wishes the information to be provided to the University, the UOO will provide to the visitor, information relating to those available formal processes so that the visitor(s) may put the University on notice themselves. The UOO shall have no authority to order or direct any visitor(s) to make such a report.

3. Formal Processes and Investigations

The UOO shall not conduct, nor participate in, any formal investigations, or other formal process of any kind and originating from any source, including investigations of outside agencies, or lawsuits and shall resist any directive or order to do so.

4. Record Keeping

The UOO shall not keep records for the University, and shall not create or maintain documents or records for the University about individual matters. Notes that may be taken during the course of a case, or documents that are received by the UOO during the life of a specific case, shall be kept in a secure location and manner, and shall be destroyed immediately by the UOO once the UOO concludes its involvement with a case. The University agrees that it shall make no effort to obtain records from the UOO.

5. Advocacy of the Parties

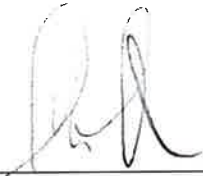
The UOO shall not act as an advocate for any party to a dispute, nor shall the UOO act as a representative to any person or party of the University as a whole.

6. Adjudication of Issues

The UOO shall not have authority to adjudicate, impose remedies, sanctions, or to force change in University policies.

VI. Retaliation for using the UOO

Designated constituents shall have the right and power to consult with the UOO without retaliation. The University's policy on retaliation will protect the visitors when using the UOO.



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President
Metropolitan State University of Denver