

OHSU Ombudsperson (Ombuds) Office Charter

I. INTRODUCTION

The OHSU Ombudsperson (hereafter referred to as, Ombuds) Office was established in 2015 to provide an accessible, confidential, neutral, independent, and informal resource for resolution and management of problems and conflicts to all members of the OHSU community. The President and Provost recognize the importance of these tenets in service to all OHSU members by supporting the creation of this vital role.

II. OVERVIEW: PURPOSE AND SCOPE OF SERVICES

The Ombuds will serve the entire OHSU community, including faculty, classified staff (exceptions in section IV.B.4. Collective Bargaining Agreements below) research ranked and unclassified staff members, postdocs, learners, and volunteers by providing a neutral, confidential, informal, and independent environment where they may seek assistance with matters brought to the attention of the Ombuds.

As a designated neutral referral resource and dispute resolution practitioner, the Ombuds provides confidential and informal assistance by listening to concerns, clarifying issues, proposing options for resolution, providing information and referrals, and facilitating informal non-binding mediation.

The Ombuds is not an advocate for any individual or for OHSU, but rather acts as an advocate for fairness and productive conflict resolution. This position supplements, but does not replace existing OHSU resources for conflict resolution. The Ombuds does not provide legal advice or psychological counseling.

The Ombuds does not have the power to make any decisions related to resolution, nor does the Ombuds have the power to reverse any decision made or actions taken by OHSU authorities.

III. STANDARDS OF PRACTICE AND CODE OF ETHICS

The Ombuds shall be a member of the International Ombuds Association (IOA) and shall practice the IOA Standards of Practice and Code of Ethics. The IOA standards require the Ombuds to function independently, be confidential and neutral, and limit the scope of services to informal dispute resolution.

The Ombuds shall be truthful, act with integrity, respect all members of the OHSU community, and promote procedural fairness in the content and administration of OHSU practices, processes and policies.

The Ombuds shall publicize the confidential, independent, neutral, and informal nature of their services through a website, promotional materials, and communicate the standards to each visitor. In addition, the Ombuds shall also publicize any limits to the confidentiality of the office (covered in section B below).

A. Independence

The Ombuds shall be free, and appear to be free, from interference in the performance of their duties. This independence is achieved primarily through organizational recognition,

reporting structure, and neutrality of the Ombuds. To further ensure this independence, OHSU guarantees that there will be no retaliation against the Ombuds for performing duties of this Office.

The Ombuds also reports anonymous trend data annually to the leadership of OHSU and may provide periodic conflict resolution trainings to the OHSU community.

B. Confidentiality

The Ombuds Office provides an informal, impartial and confidential service. The Ombuds is committed to protecting the identity of participants and the confidentiality of information that is shared.

In limited circumstances, the Ombuds may not maintain confidentiality of certain information, including disclosures involving imminent threats to safety and mandatory reporting required by law, such as child abuse. Although it is highly uncommon, the Ombuds may be required to disclose information as part of a formal external legal process. However, OHSU will not require the Ombuds to participate in any formal process inside OHSU or report incidents to any authority at OHSU other than as may be described in this section.

C. Neutrality

The Ombuds shall maintain neutrality and shall not take sides in any conflict, dispute, or issue. The Ombuds shall impartially consider the interests and concerns of all parties with the aim of facilitating communication and assist in reaching mutually acceptable agreements that are fair, and equitable.

The Ombuds shall avoid involvement in matters where there may be a conflict of interest. (A conflict of interest occurs when the Ombuds' private interests, real or perceived, supersede or compete with their dedication to the neutral and independent role of the Ombuds.) When a conflict of interest exists, the Ombuds shall take all steps necessary to disclose and/or refer the visitor to another resource.

D. Informality

The Ombuds shall be a resource for informal dispute resolution and conflict management only. The Ombuds shall not formally investigate, arbitrate, adjudicate, or in any other way participate in any internal formal process or action, unless compelled by a court or by law.

Use of the Ombuds' services shall be voluntary and not a required step in any grievance process, OHSU policy or any other situation.

IV. AUTHORITY AND LIMITS OF THE OMBUDS

A. Authority of the Ombuds

The Ombuds has the authority to contact OHSU members to gather information related to individual concerns, mediate disputes, bring concerns to the attention of those in authority, and informally explore and expedite inquiries into administrative processes.

1. *Initiating Informal Inquiries:* The Ombuds shall be entitled to inquire informally about any issue concerning OHSU and affecting any member of the OHSU community, but must not divulge the identity of the visitor without the visitor's consent.

The Ombuds may initiate informal inquiries into matters that come to their attention without having received a specific complaint from an affected member of the OHSU community.

2. *Access to Information:* The Ombuds may request access to information related to visitors' concerns, from files and OHSU offices, and shall respect the confidentiality of that information. If other departments voluntarily choose to respond to Ombuds' requests for information, such responses should be handled promptly.

3. *Ending Involvement in Matters:* The Ombuds may withdraw from or decline to look into a matter if they believe 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 their visitors, including both informal and formal processes.

The Ombuds may make any recommendation for the purposes of resolving problems or improving policies, rules or procedures. However, the Ombuds shall have no authority to impose remedies or sanctions, or to enforce or change any policy, rule or procedure.

B. Limitations on the Authority of the Ombuds

1. *Receiving Notice for OHSU:* Communication to the Ombuds shall not constitute notice to OHSU, as the Ombuds has no authority to receive notice of any claims against the University or criminal offenses.

This includes 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, Title IX, or the VAWA. Further, the Ombuds is not a "campus security authority" as defined in the Clery Act.

In addition, if the visitor discloses such allegations and expresses a desire to make a formal report, the Ombuds shall refer the visitor to the appropriate OHSU office(s) for investigation, response, remediation, support or administrative or formal grievance processes.

2. *Putting the University on Notice:* If a visitor would like to put OHSU on notice regarding a specific situation, or wishes for information to be provided to OHSU, the Ombuds shall provide the visitor with information so that the visitor may do so themselves.

If the Ombuds decides it is important to put OHSU on notice, they shall do so without breaking confidentiality and in writing to the extent practicable.

3. Formal Processes, Investigations and Corrective Measures: The Ombuds shall not conduct formal investigations of any kind. OHSU shall not require the Ombuds to participate in any internal formal dispute process, either on behalf of a visitor to the Ombuds or on behalf of OHSU.

Ombuds are not authorized to participate in an “informal resolution process” after the filing of a formal Title IX complaint because this would trigger recordkeeping requirements that are inconsistent with their role and may result in Ombuds being classified as “Title IX personnel” under the Final Regulations. Ombuds are, however, a resource available to people prior to the filing of a formal complaint or with respect to systemic issues involving sexual harassment or any other issue.

Ombuds have no authority to institute corrective measures on behalf of the University under Title IX and its regulations and have no authority to be responsible for student or campus activities or serve as a campus security authority under the Clery Act.

4. Collective Bargaining Agreements: The Ombuds Office shall not address any issues arising under a collective bargaining agreement (“CBA”). The Ombuds will refer all union members to their union representative for matters subject to the visitor’s collective bargaining agreement. The Ombuds may not inquire (informally or otherwise) into the application or interpretation of a CBA, or into the alleged violation of rights of union members by the CBA or public employee collective bargaining law.

The Ombuds may otherwise work with union members to address communication issues such as, facilitating discussion, and improving teamwork.

5. Record Keeping: The Ombuds shall not keep records, and shall not hold documents or personally identifying records about individual matters.

6. Advocacy for Parties: The Ombuds shall not act as an advocate for any party in a dispute, nor shall the Ombuds represent management or visitors to the office.

7. Adjudication of Issues: The Ombuds shall not have authority to adjudicate, impose remedies or sanctions, or to enforce or change OHSU policies or rules.

V. PROTECTION FROM RETALIATION FOR USING THE OMBUDSOFFICE

OHSU is committed to protecting faculty, staff, and learners who visit the Ombuds from reprisal or retaliation from others in the OHSU community.

References:

- IOA Standards of Practice: https://www.ombudsassociation.org/assets/docs/IOA_Standards_of_Practice_Oct09.pdf
- IOA Code of Ethics: <https://www.ombudsassociation.org/assets/IOA%20Code%20of%20Ethics.pdf>
- IOA Best Practices: A Supplement to IOA’s Standards of Practice – Version 2, October 9, 2009
https://www.ombudsassociation.org/assets/docs/IOA_Best_Practices_Version3_101309_0.pdf