

**CHARTER FOR THE
IOWA STATE UNIVERSITY OMBUDS OFFICE**

Established 2008

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

1. PURPOSE AND SCOPE OF THE OMBUDS OFFICE

A. Mission Statement

The primary mission of the Iowa State University Ombuds Office is to provide confidential and impartial assistance that enables individuals to manage their own conflicts early, informally, and at the lowest levels possible without the need to pursue more formal grievance processes or litigation. In addition, the Ombuds Office may alert University officials about systemic problems or general trends that merit further review or consideration for the good of the University community. The Ombuds is neither an advocate for its visitors nor does it represent University management. Rather, the Ombuds is an advocate for respectful dialogue, fair practices, and mutual understanding.

B. Responsibilities of the Ombuds Office

The Iowa State University Ombuds Office is responsible for doing the following:

- providing ombuds services to the eligible constituents;
- informing University leadership about trends or systemic problems in a manner that protects confidentiality;
- conducting outreach and education to the campus community about Ombuds Office services and conflict management and resolution;
- developing and maintaining administrative procedures for effective and efficient operation of the Ombuds Office;

C. Constituents Served by the Ombuds Office

The Ombuds Office at Iowa State University may provide service to individuals in the following groups:

- faculty
- professional and scientific staff
- confidential and supervisory staff (also known as “non-covered merit”)
- graduate or professional students
- post-doctoral student-employees

Individuals who contact the Ombuds Office who do not belong to one of the above groups will be given appropriate referral information to other resources.

2. STANDARDS OF PRACTICE AND CODE OF ETHICS

The Ombuds Office has established consistent practices and procedures regarding its operation, and it practices according to the Code of Ethics and the Standards of Practice of the International Ombuds Association¹. As noted below, it functions independently and confidentially, it remains neutral, and it limits the scope of its service to providing informal assistance in conflict management and resolution.

A. Independence

Iowa State University has established an independent Ombuds Office within the Office of the President, which allows visitors to come forward and confidentially discuss concerns from any area of the University without fear of retribution or ridicule. The Ombuds Office is staffed by the Ombuds Officer, who reports to the President through the President's designee: the Associate Vice President and Chief of Staff.

The Ombuds Officer is an employee of Iowa State University, but does not represent University administration or management. The Ombuds Officer exercises sole discretion over whether and how to act regarding individual matters or systemic concerns, consistent with the terms of authority described below in Section 3: **"AUTHORITY/LIMITATIONS OF THE OMBUDS OFFICE."**

B. Confidentiality

The Ombuds Office will not disclose the identity of a visitor or the substance of confidential or identifiable communications -- written, spoken, or otherwise -- unless the Ombuds Officer:

- receives permission from a visitor to make a disclosure, or
- determines that there is imminent risk of serious harm, or
- is compelled or required by law to make the disclosure.

Iowa State University created the Ombuds Office with the understanding that information shared with the ombuds will be held strictly confidential unless it falls in one of these exceptions. Likewise, the Ombuds Office does not keep any permanent records of confidential information related to its visitors or their cases. (See Section 3. B.4) "Recordkeeping.")

¹ "The mission of the International Ombudsman Association is to support and advance the global Organizational Ombudsman profession and ensure that practitioners work to the highest professional standards." International Ombuds Association, <http://www.ombudsassociation.org/> .

The University fully supports the confidentiality of the Ombuds Office. It encourages parties to come forward, confidentially share their concerns, and attempt early and collaborative resolution instead of resorting to prolonged appeals or litigation. In order to achieve a mutually-acceptable outcome, the opportunity for a frank and confidential discussion of issues, options, and possible outcomes is necessary.

The value of confidential discussion as a tool for conflict management is recognized by Iowa public policy and statutory law supporting the confidentiality of mediation, and it is also consistent with Iowa open records laws that allow for the confidentiality of information related to employment personnel or student matters. For example, mediation communication is usually privileged and not subject to discovery or admissible in evidence (§ 679C.104, Iowa Code 2011). In addition, student matters, personnel matters, and mediation communications remain confidential under the Open Records Act (§§ 22.7.1, 22.7.11 and 22.7.37, Iowa Code 2011).

C. Neutrality and Impartiality

The Ombuds Office shall always be a neutral and impartial resource and shall not take sides or advocate on behalf of any individual or cause. The Ombuds Officer will impartially consider the interests and concerns of all parties involved in a situation.

Consistent with its position of neutrality, the Ombuds cannot and will not participate in formal proceedings of the University or the Board of Regents that concern issues visitors have discussed with the Ombuds Office. It will not participate in formal off-campus proceedings unless legally compelled to do so.

Furthermore, the Ombuds shall avoid involvement in matters where there may be a real or perceived conflict of interest, i.e., the ombuds' private interests interfere with the neutrality of the Ombuds Office. When a real or perceived conflict of interest exists, the Ombuds shall take appropriate action to disclose and/or avoid the conflict. The Ombuds Officer shall also comply with University and Board of Regents' policies related to conflicts of interest.

D. Informality

The Ombuds Office provides informal assistance to its visitors. It does not accept formal complaints, nor does it conduct formal investigations. It will not participate in formal adjudicative processes, outside agency complaints or lawsuits unless legally compelled to do so. Instead, the Ombuds Office provides visitors with an opportunity to informally collaborate to accomplish mutually-acceptable outcomes.

As an informal resource, the Ombuds Office is always a voluntary option. It is not a required step in any formal process that is available at the University or through the Board of Regents.

3. AUTHORITY/LIMITATIONS OF THE OMBUDS OFFICE

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

A. Authority of the Ombuds Office

1) Providing Services to Visitors

The Ombuds Officer will listen to each visitor's concerns or questions and then try to tailor a response that is appropriate to the dynamics of each situation. These responses 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 their different options for conflict management or resolution.

2) Initiating Informal Inquiries and Accessing Information

The University values early and informal conflict resolution. To pursue this goal, the Ombuds Officer may, on occasion, need to make inquiries or seek assistance in order to gain an understanding of all sides of a dispute. University employees and administrators are encouraged to cooperate with these efforts of the Ombuds Office. (Any inquiry made by the Ombuds Officer does not constitute a formal investigation by either the Ombuds Office or the University.)

3) Addressing Perceived Systemic Trends

The Ombuds Officer may inquire into adverse trends that the Ombuds Officer observes or perceives. The Ombuds Officer may also bring adverse trends to the attention of appropriate University administrators in a manner that protects the confidentiality of individuals who may have shared information with the Ombuds Officer about such trends.

4) Ending Involvement in Matters

The Ombuds Officer may decline to participate in a visitor's case or withdraw from it if the Ombuds Officer believes that involvement in the case would be inappropriate for any reason.

B. Limitations on the Authority of the Ombuds Office

1) No Authority to Investigate, Adjudicate, Sanction, Change, Bind, or Enforce

The Ombuds Office may not conduct formal investigations of any kind, nor is it authorized to adjudicate disputes, issue findings, or impose remedies or sanctions. The Ombuds may not make decisions on behalf of Iowa State University, its administrators or managers, or the Board of Regents.

While the Ombuds Office can provide visitors with information and assistance in conflict management, visitors are solely responsible for deciding what action they wish to take and for managing their own conflicts.

The Ombuds Office is not authorized to unilaterally change management decisions or University policies/procedures. The Ombuds Office is not authorized to make any statements or commitments that bind the University or the Iowa Board of Regents, financially, contractually, or otherwise.

Neither the Ombuds Office, nor the University, nor the Iowa Board of Regents shall be responsible for enforcing any settlement agreement that individuals may reach solely between themselves as a result of information or assistance they receive from the Ombuds Office. This Charter does not affect or impede the University's right to enforce any policy or any agreement to which the University is a party.

2) Not a Recipient of "Notice"

Because the Ombuds Office is designed to be a confidential resource for informal conflict resolution, communication with the Ombuds Office is always "off the record" (unless it falls in one of the exceptions noted in Section 2.B., "Confidentiality", above). Therefore, the Ombuds Office is not a recipient of notice about any alleged misconduct. Individuals who wish to comply with the University's "Reporting Responsibility" policy may not simply tell their allegations to the Ombuds Officer. Visitors are always welcome to discuss any type of concern with the Ombuds Officer, and if they wish to put the University on notice of alleged misconduct, the Ombuds Officer can provide assistance and referral information about how visitors can appropriately do that.

Important Note: The Ombuds Officer is not obligated to maintain the confidentiality of information that appears to represent an imminent threat of serious harm.

3) Collective Bargaining Agreements

The Ombuds Officer may not inquire into or discuss with a visitor the application or interpretation of any collective bargaining agreement that is applicable to employees of Iowa State University.

4) Recordkeeping

Because it is a confidential resource, the Ombuds Office does not keep permanent records about any of its individual cases. Any recordkeeping or note-taking related to a specific case shall only be used as a temporary memory aid or to help informally manage or resolve the visitor's conflict. Records created by the Ombuds Office and related to open cases are kept in the sole possession of the Ombuds Officer who makes them, will be maintained in a secure manner and location, and will be destroyed as soon as the case is closed.

The terms of this Charter found in Section 2.B. "Confidentiality" also apply to Ombuds Office records.

The Ombuds Office also may maintain generic data related to the general categories of visitors who seek assistance from the Ombuds Office. Generic data may be used for general purposes like annual reports. The University's Records Retention schedule shall provide for appropriate management of both generic data and records related to specific cases.

The Ombuds Office does not create or maintain "education records" as that term is defined in the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).

5) Not an Advocate or Representative

The Ombuds Office shall remain neutral and may not advocate for any party to a conflict. Furthermore, the Ombuds Office does not serve as the representative of Iowa State University or the Board of Regents. See also Section 2.C. of this Charter: "Neutrality and Impartiality."

6) No Professional Counseling

The Ombuds Office may not provide mental health counseling, medical or legal advice, or any other advice that is more appropriately provided by specially qualified or licensed professionals.

4. INQUIRY AND RETALIATION ARE INAPPROPRIATE

The University supports efforts to manage and resolve conflicts informally, so as to preserve collegial and effective working relationships, maintain a vibrant University community, and avoid the time and expense required for formal proceedings or litigation. Because the Ombuds Office is intended to be a confidential resource, it is not appropriate to inquire about an individual's use of the Ombuds Office or any communication that may have taken place there. Furthermore, discouraging or preventing eligible students or employees from using the Ombuds Office is inappropriate because it is contrary to the University's intent of providing the office as a resource for early and informal management and resolution of conflicts.

While the University supports and encourages the use of the Ombuds Office for conflict management, an individual's use of the Ombuds Office must always be completely voluntary. It is acceptable to remind individuals that the Ombuds Office is available as an option or a resource. However, no one may be ordered or required to visit the Ombuds Office, nor may an individual be punished for not visiting it.

5. PROCEDURE FOR REVISION OR REVOCATION OF THIS DOCUMENT

This Charter remains in effect unless otherwise revoked by the University President, and such revocation shall be providing in writing to the Ombuds Officer. Any revision to this Charter shall be jointly agreed to in writing by both the University President and the Ombuds Officer, and shall be appended to this document.

Signed this 27th day of February, 2013.

Steven Leath
Steven Leath, President
Iowa State University

Signed this 27th day of February, 2013.

Elaine S. Newell
Elaine Newell, Ombuds Officer
Iowa State University