

CHARTER AGREEMENT
for the
OFFICE OF THE OMBUDSMAN



I. INTRODUCTION

The Office of the Ombudsman at the University of California, Riverside ("UCR") was first established on November 12, 1968 to provide independent conflict resolution assistance to the University community while protecting the principles of fairness, equity and respect for all. In the spirit of this important function, this Charter Agreement defines the privileges and responsibilities of the University Ombudsman and the Office of the Ombudsman.

II. PURPOSE AND SCOPE OF SERVICES

The Ombudsman will provide informal dispute resolution services to UCR faculty, staff and students. The Office of the Ombudsman will be a place where members of the University community can seek guidance regarding disputes or concerns at no cost and at any stage in the resolution process.

The Ombudsman will confidentially receive complaints, concerns or questions about alleged acts, omissions, improprieties, and/or broader systemic problems. The response of the Ombudsman is tailored to the dynamics of the situation and the visitor's concerns. The Ombudsman will listen, make informal inquiries or otherwise review matters received, offer resolution options, make referrals, and mediate disputes independently and impartially. Services of the Ombudsman supplement, but do not replace, other more formal processes available to the University community.

In addition, the Ombudsman will serve as an information and communication resource, consultant, mediator, dispute resolution expert and source of recommendations for institutional change for the University. The Ombudsman also will provide feedback to the University when trends, patterns, policies or procedures of the University generate concerns or conflicts.

III. STANDARDS OF PRACTICE AND CODE OF ETHICS

The Ombudsman will practice under the International Ombudsman Association ("IOA") Standards of Practice and Code of Ethics, and this Charter adopts and incorporates by reference the IOA Standards of Practice, IOA Code of Ethics and IOA Best Practices. The Ombudsman will function independently of their organization, be confidential and impartial, and limit the scope of their services to informal means of dispute resolution. The Ombudsman will be a member of IOA, and will attend regular trainings and the annual IOA conferences. The IOA Standards, Code, and Best Practices are minimum standards, and the UCR Ombudsman will also strive to operate to best practices in a way that serves the interests of the University community, including adhering to the "Declaration of Best Practices for University of California Ombuds Offices".

The Ombudsman will establish consistent policies and practices for the Ombudsman which will be made available upon request. The Ombudsman will also publicize the confidential, independent, neutral and informal nature of his/her services, and explain these ethical standards to each visitor.

A. Independence

The Ombudsman will be, and appear to be, free from interference in the performance of his/her duties. This independence is effected primarily through organizational recognition, reporting structure, and neutrality. The Ombudsman will operate independent of ordinary line and staff structures. The Ombudsman will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns.

To fulfill his/her functions, the Ombudsman will have a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development. The Ombudsman will have the authority to manage the budget and operations of the Office of the Ombudsman. The Ombudsman will report to the Office of the University Chancellor and Executive Vice Chancellor for administrative and budgetary matters only.

B. Confidentiality

The Ombudsman will not confirm communicating with any party or disclose any confidential information without the party's express permission and at the discretion of the Ombudsman. Confidentiality will be respected even if disclosure may prevent resolution of a problem. The Ombudsman may, however, disclose confidential information if and when there is an imminent risk of physical harm and no other mechanism for reporting.

The Ombudsman will assert that he/she holds a privilege with respect to the identity of visitors and their issues. Therefore, the Ombudsman will not participate in any formal process inside or outside the University, even if given permission by the visitor after initiating formal processes.

C. Neutrality

The Ombudsman will be neutral in his/her activities, and will not take sides in any conflict, dispute or issue. The Ombudsman will impartially consider the interests and concerns of all parties involved in a situation with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair and equitable, and consistent with the mission and policies of the University.

The Ombudsman will avoid involvement in matters where there may be a conflict of interest. (A conflict of interest occurs when the Ombudsman's private interests, real or perceived, supersede or compete with his/her dedication to the neutral and independent role of the Ombudsman.) When a conflict of interest exists, the Ombudsman will take all steps necessary to disclose and/or avoid the conflict.

D. Informality

The Ombudsman will be a resource for informal dispute resolution only. The Ombudsman will not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Ombudsman will be voluntary and not a required step in any grievance process or University policy.

IV. AUTHORITY AND LIMITS OF THE OMBUDSMAN

The authority of the Ombudsman derives from the University administration as manifest by the endorsement of the University's Executive Vice Chancellor.

A. Authority of the Ombudsman

1. Initiating Informal Inquiries

The Ombudsman will be entitled to inquire informally about any issue concerning the University and affecting any member of the University community. Therefore, the Ombudsman may initiate informal inquiries into matters that come to his/her attention without having received a specific complaint from an affected member of the University community.

2. Access to Information

The Ombudsman may request access to information related to visitors' concerns, from files and offices of the University, and will respect the confidentiality of that information. Requests by the Ombudsman for information should be handled with reasonable promptness by University departments.

3. Ending Involvement in Matters

The Ombudsman may withdraw from or decline to look into a matter if he/she believes involvement would be inappropriate for any reason.

4. Discussions with Visitors and Others

The Ombudsman has the authority to discuss a range of options available to his/her visitors, including both informal and formal processes. The Ombudsman may make any recommendations he/she deems appropriate with regard to resolving problems or improving policies, rules or procedures. However, the Ombudsman will have no actual authority to impose remedies or sanctions or to enforce or change any policy, rule or procedure.

5. Access to Legal Counsel

On occasion, the Ombudsman may require legal advice or representation in order to fulfill his/her required functions. The Ombudsman may be provided with legal counsel separate and independent from the University in the event he/she is asked for documents or testimony related to any litigation or other formal process arising out of the Office of the Ombudsman's activities.

B. Limitations on the Authority of the Ombudsman

1. Receiving Notice for the University

Communication to the Ombudsman will not constitute notice to the University. This includes allegations that may be perceived to be violations of laws, regulations or policies, such as sexual harassment, issues covered by whistleblower policy, or incidents subject to reporting under the Clery Act. Although the Ombudsman may receive such allegations, he/she is not a "campus security authority" as defined in the Clery Act, nor is he/she required to report these allegations to the University. In addition, if the visitor discloses such allegations and expresses a desire to make a formal report, the Ombudsman will refer the visitor to the appropriate UCR office(s) for administrative or formal grievance processes.

2. Putting the University on Notice

If a visitor would like to put the University on notice regarding a specific situation, or wishes for information to be provided to the University, the Ombudsman will provide the visitor with information so that the visitor may do so himself/herself. In extremely rare situations the Ombudsman may have an ethical obligation to put the University on notice. This will take place only when there is

no other responsible option. If the Ombudsman decides to put the University on notice, it will do so in writing to the extent practicable.

3. Formal Processes and Investigations

The Ombudsman will not conduct formal investigations of any kind. The Ombudsman will also not participate willingly in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Ombudsman or on behalf of the University.

4. Collective Bargaining Agreements

The Ombudsman may not inquire (informally or otherwise) into the application or interpretation of a collective bargaining agreement, or into the alleged violation of the duty of fair representation against a certified union.

5. Record Keeping

The Ombudsman will not keep records for the University, and will not create or maintain documents or records for the University about individual matters. Notes and any other materials related to a matter will be maintained in a secure location and manner, and will be destroyed once the Ombudsman concludes its involvement in a matter.

6. Advocacy for Parties

The Ombudsman will not act as an advocate for any party in a dispute, nor will he/she represent management or visitors to the office.

7. Adjudication of Issues

The Ombudsman will not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

V. RETALIATION FOR USING THE OMBUDS OFFICE

Faculty, staff and students will have the right to consult the Ombudsman without reprisal. The Ombudsman will work with the University to create policies to protect visitors from reprisals for using the Ombudsman.

Agreed to and accepted by:

/S/ 

Ellen Wartella,
Executive Vice Chancellor and Provost

On behalf of the Office of the
Chancellor and Executive Vice Chancellor

Dated: Sept 25 2008, 2008

/S/ 

Indumati Sen,
University Ombudsman

On behalf of the
Office of the Ombudsman

Dated: September 24, 2008