



CHARTER

OFFICE OF THE OMBUDSPERSON

I. Introduction

The Auburn University Office of the Ombudsperson¹ provides resources and assistance to individuals seeking the informal resolution of campus and workplace problems and disputes in an independent, neutral, confidential and informal manner. The Office of the Ombudsperson is designed to be a confidential, neutral resource where faculty, administrative and professional employees ("A & P"), staff, and graduate and undergraduate students can seek assistance in identifying available options, facilitating productive communication, and surfacing responsible concerns regarding university policies and practices.

This Charter will establish and set forth Auburn University policy regarding the Office of the Ombudsperson.

The Office of the President establishes the role and authority of the Ombudsperson, but the services of the Ombudsperson are neither directed nor controlled by the President. Further, other than as explained below, communications made to the Ombudsperson are not shared with Auburn University or any of its officials. Unless expressly required by law, the Ombudsperson does not serve as an official of Auburn University or an agent of notice to the University. This Charter defines the role, privileges, and responsibilities of the Auburn University Office of the Ombudsperson.

II. Purpose and Scope of Services

The Office of the Ombudsperson provides informal dispute resolution services to Auburn University faculty, undergraduate and graduate students, and A & P and staff employees. The Ombudsperson Office is a place where these constituents can seek

¹As used in this Charter, the terms Office of the Ombudsperson, Ombudsperson and Ombuds are synonymous and used interchangeably.

guidance regarding workplace or campus disputes, problems or concerns, at no cost and without fear of retaliation. Consultation with the Ombudsperson is entirely voluntary and may not be compelled by the University or an employee.

The Ombudsperson Office listens to questions and concerns about individual situations or broader systemic issues and, with limited exceptions, keeps them confidential. The exceptions to confidentiality occur when: 1) the individual authorizes the Ombudsperson to relate to others information imparted by that individual, or; 2) where, in the judgment of the Ombudsperson, a threat of imminent and serious harm to a person or property exists; or, 3) where expressly required by law. Absent permission to speak from all parties to a dispute, the Ombudsperson shall resist entry of any court order compelling production of documents or Ombuds testimony. The Ombudsperson has discretion to resist even when such permission is given or a request to speak made.

The response of the Ombudsperson is tailored to the dynamics of the situation and the nature of the concerns. The Ombudsperson will listen, make informal inquiries or otherwise review matters received, offer resolution options, make referrals, and informally mediate disputes independently and impartially. The Ombudsperson will assist individuals in reaching resolutions that are consistent with the stated ideals, objectives and policies of Auburn University.

Services offered by the Office of the Ombudsperson supplement, but do not replace, other more formal processes available to university faculty, employees and students. The Ombudsperson serves as an information and communication resource. The Ombuds also is a catalyst for institutional change for the University through reporting of trends and identifying opportunities to enhance policies and procedures.

The Ombudsperson has no authority to impose remedies or sanctions. Nor does the Ombuds have the authority to enforce, make exceptions to, or change any Auburn University policy, rule, or procedure.

Services of the Ombuds Office include but are not limited to:

Providing individual problem assistance services

- Listening impartially to concerns and providing a confidential place to collaboratively explore problems
- Developing options for informal approaches to resolving concerns
- Pointing employees and students toward available services and resources and obtaining and giving guidance on applicable information, including university policies, procedures, and materials
- Exploring early problem solving approaches as a means of avoiding escalation of conflicts and empowering individuals to find their own solutions to problems when appropriate
- Coaching and training and/or referral to resources on communication and interpersonal relationship skills in the workplace

Providing conflict resolution services

- Facilitating communication between parties during conflict
- Serving as facilitator for group problem solving and consensus development

Assisting groups in the design and implementation of collaborative decision making processes
Mediating and advising mediation as an informal conflict resolution process
Alerting individuals or groups to available formal channels for conflict resolution

Serving the Auburn University campus community

Carrying out his or her duties modeling fairness, equity, inclusion and civility
Identifying observed trends or problem areas and advising senior administration of them without violating confidentiality
Providing feedback to senior administration regarding changes in policies and procedures, without violating confidentiality
Educating and informing the campus community about conflict resolution through presentations and office literature.

The Ombuds Office will publish an annual report that will describe the activities of the office and aggregate data on the concerns raised at the office in a manner that protects the identity of visitors.

III. The Ombuds is Not an Agent of Notice for the University

The Ombuds Office does not receive or record complaints on behalf of Auburn University, and the Ombuds is not designated by the University as an individual or agent authorized to receive reports of any violations of university policy or the law. **THEREFORE, COMMUNICATIONS TO THE OMBUDS OFFICE REGARDING POSSIBLE VIOLATIONS OF UNIVERSITY POLICIES OR UNLAWFUL PRACTICES DO NOT CONSTITUTE NOTICE TO AUBURN UNIVERSITY, unless expressly required by law. Any such information shared with the Ombuds Office is not shared with the University, absent consent of the individual, an express requirement by law or where, in the Ombudsperson's judgment, there exists an imminent threat of serious harm to a person or property.** This allows the Ombuds to preserve the confidential and impartial nature of the office. If an individual discloses information that might evidence a violation of University policy or unlawful activity, the Ombuds will provide information necessary **to permit the individual** to make an official report to the University and, if requested, will assist the individual in making such report.

IV. Standards of Practice

The Ombuds subscribes to the Code of Ethics and Standards of Practice of the International Ombudsman Association (IOA) as a neutral party to promote fair practices and foster integrity and timeliness in the administration of University policies and practices that may affect faculty, staff and students. The IOA's tenets require that ombuds function independently of their organization, be confidential and neutral, and limit the scope of their services to informal means of dispute resolution. The IOA Standards are minimum standards, and the Ombudsman will strive to operate to "best practices" and in a way that serves the interests of the University community in a manner consistent with the law. Additionally, these tenets require that Ombudspersons not be agents of notice to their institutions.

Independence

To the extent permitted by law and consistent with university policy and availability of funding, the Ombuds Office is designed to be free from direct University oversight or control. This independence is achieved primarily through reporting structure, neutrality and organizational recognition. The Ombudsman reports to the Office of the President but the President neither directs nor controls the day-to-day activities of the Ombuds Office, and the Ombuds does not share with the President or any other University official communications made in confidence to the Ombuds Office. The University's Ombuds provides programmatic leadership and direction for the office and is responsible for designing, implementing, operating and coordinating all aspects of the office. The Ombudsperson should have an adequate budget, space and resources to meet operating needs and pursue continuing professional development. The Ombuds will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns.

Confidentiality

With limited exceptions, listed in Section II, the Ombuds holds all communications with those seeking assistance in strict confidence. The Ombuds will not confirm communicating with any individual who has sought the services of the Ombuds Office or disclose any confidential information shared with the Ombuds Office without that individual's express permission. The Ombudsman may, however, disclose confidential information without consent when, in the judgment of the Ombudsman, there is an imminent risk of serious harm to a person or property, or where expressly required by law. The Ombudsman does not participate in formal processes, whether internal or external to the University, and shall resist subpoenas to testify in judicial or other proceedings. The Ombuds may choose to keep matters confidential even when all parties request and give permission to the Ombuds to speak or testify.

Neutrality

The Ombuds is neutral in his or her activities and does not act as an advocate for or give legal advice to any participant to a dispute or visitor to the office. The Ombudsperson impartially considers the interests and concerns of all persons involved in a situation with the aim of facilitating communication and assisting others in reaching mutually acceptable agreements that are fair and equitable, and consistent with the mission and policies of the University.

The Ombuds will not be assigned other roles, including assignment to university committees, which would compromise neutrality. The Ombuds will take all necessary steps to avoid involvement in matters where there may be a real or perceived conflict of interest. A conflict of interest occurs when the Ombuds' personal or private interests, real or perceived, are at odds with his duties and obligations to the University, including his role as a neutral and independent ombudsman.

The Ombuds may withdraw services or decline to look into a matter if he believes involvement would be inappropriate for any reason, including, but not limited to, requests for misuse of ombuds services, matters not brought in good faith, a conflict of interest, or when insufficient information is provided.

Informality

The Ombuds Office is a resource for informal dispute resolution only. The Ombuds does not formally investigate, arbitrate, adjudicate or in any other way participate in any formal adjudicative or administrative process or procedure, unless expressly required to do so by law. Use of Ombuds Office services is completely voluntary; it is not a required step in any grievance process or any University or external complaint process.

The Ombuds does not create or maintain documents or records for the University about individual matters. The Ombuds disposes of documents as a matter of business practice when they are no longer useful to the Ombudsperson's involvement in any particular Ombuds matter.

V. Authority and Limits of the Ombuds

In addition to the authority and limits otherwise set forth in this Charter, the Ombuds has the authority to discuss a range of options available to visitors, including both informal and formal procedures, and may make non-binding recommendations she or he deems appropriate with regard to resolving problems or improving policies, rules, or procedures.

The Ombuds has authority to informally look into matters, and may review any Auburn University employee or student file if relevant to an Ombuds matter and permission to review has been given by such employee or student to the Ombuds. Requests by the Ombudsperson for information shall be handled with reasonable promptness by University departments or employees.

The Ombuds has no authority to bargain or negotiate with Auburn University on behalf of any employee, or with any employee on behalf of the University. No interaction involving the Ombudsperson and any University employee or student constitutes "negotiating" or "bargaining". Rather, all communications with the Office of the Ombudsperson are for the sole purpose of discussing and working toward informal resolution of workplace or campus concerns. The Ombuds does not represent any individual or entity, but can advocate for fair process.

VI. Retaliation for Using the Office of the Ombudsperson

Auburn University faculty, A & P and staff employees, and students have the right to consult the Office of the Ombudsperson without retaliation. Similarly, because consultation with the Ombuds is wholly voluntary and not a required step in any process, formal or informal, internal or external, individuals will not be retaliated against for choosing to not consult the Ombuds.

Employees may access the Ombuds Office during their normal working hours but may be required to notify the applicable supervisor and receive approval to leave their assigned work area. Employees wishing to access the Ombuds Office without notifying a supervisor may use approved leave time, scheduled break time, or visit outside normal work hours. The Ombuds Office will be available to arrange flexible hours to meet with employees, within or outside normal work hours.

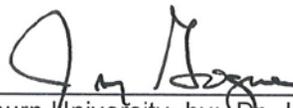
VII. Access to Legal Counsel

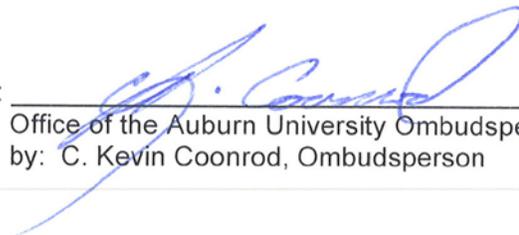
On occasion, the Ombudsperson may require legal advice or representation in order to fulfill his or her required functions. The Ombudsperson will be provided with legal counsel separate and independent from the University in the event he or she is asked for documents or testimony related to any litigation or other formal process arising out of Ombuds activities, or if named a party to any legal proceeding arising from the Ombudsperson's exercise of his or her duties. Access to independent legal counsel shall be at University expense but not under University direction or control, and is necessary to maintain the independence of the Ombudsperson.

VIII. Initiating Informal Inquiries

The Ombudsperson may inquire informally about any issue concerning the University and affecting any faculty, administrative, staff or student member of the University community. The Ombudsperson thus may initiate informal inquiries that come to his or her attention without having received a specific complaint from any one of those affected members.

APPROVED this the 14th day of May, 2015.

By:  _____
Auburn University, by: Dr. Jay Gogue, President

By:  _____
Office of the Auburn University Ombudsperson,
by: C. Kevin Coonrod, Ombudsperson