

## **The University of North Carolina at Chapel Hill University Ombuds Office Charter**

The University Ombuds Office (the “Ombuds Office”) was established by Chancellor James Moeser, as recommended by the Chancellor’s Task Force for a Better Workplace. The Ombuds Office opened its doors on May 5, 2005.

This Charter sets out the role, function, and responsibilities of the Ombuds Office. The term “Ombuds” includes the Director and all Ombuds Office staff. The term “Visitor” includes anyone who consults with the Ombuds Office about a University-related concern. The University Ombuds Office is the only campus entity authorized by the University to use the term “Ombuds” as a designation or to otherwise describe offered services.<sup>1</sup>

The University’s mission is to serve as a center for research, scholarship, and creativity, and to teach a diverse community of undergraduate, graduate, and professional students to become the next generation of leaders. The University extends knowledge-based services and other resources to the people of the State and their institutions, thereby enhancing the quality of life for all North Carolinians.

The role of the Ombuds Office is to support the University’s mission and the individuals who study, work and live here, in their efforts to achieve goals consistent with this mission. The Ombuds Office, like the University itself, supports intellectual freedom and promotes personal integrity, dignity, justice, and values that foster enlightened leadership and constructive interactions among members of the campus community.

### **I. Purpose and Scope of Services**

The University Ombuds Office is a confidential, impartial, informal, and independent resource for members of the Carolina community. It offers a space in which to discuss any University-related issue, dilemma, conflict, or dispute. All communications with the Ombuds are voluntary, and all Ombuds services are free of charge to Visitors.

Ombuds services include:

- serving as a resource for dispute resolution and conflict management;
- assisting individuals and groups in navigating challenging circumstances;
- acting as a designated neutral facilitator;
- educating the campus community on best practices for constructive conflict engagement;
- sharing insights with decision makers and acting as a consultant to other campus entities when consistent with the standards of practice for ombuds;
- modeling ethical behavior, collaboration, and collegiality;
- showing respect for the role of other units on campus and for every member of Carolina’s vibrant, diverse, and mission-driven community.

The Ombuds will tailor the response to a Visitor's issue depending on the specific situation and the Visitor's self-identified goals. The Ombuds will not advocate for individual Visitors but will assist Visitors in advocating for themselves and in reaching resolutions consistent with Carolina's policies. The Ombuds does not make decisions for Visitors.

In addition to working with individual Visitors and groups of Visitors, the Ombuds provides feedback and input to campus leaders, units, and schools in a variety of ways, including:

- Describing patterns and systemic concerns to University administrators in order to provide insights that may lead to better informed choices or serve as a catalyst for change. If the concern arises because of a specific Visitor, the Ombuds will provide individual information only with the consent of the Visitor or in a manner that does not identify the Visitor.
- Raising issues or concerns to relevant University administrators based on the Ombuds' personal observations or insights as a member of the University community.
- Availability to all administrative or academic units, schools, centers, institutes or other programs on campus for conflict management consultation and conversations about how to strengthen the Carolina community.
- Serving on University committees, facilitating dialogue between and among community members, and otherwise engaging with the campus in ways that are consistent with ombuds ethical standards and the overarching spirit of the ombuds role.

## **II. Ethical Principles**

To fulfill its responsibilities and to serve the University and Visitors effectively, the Ombuds Office adheres to the principles of confidentiality, impartiality, informality, and independence. These principles, as applied, are delineated in the International Ombuds Association's Code of Ethics and Standards of Practice and guide the day-to-day practice of all Ombuds Office staff. The Ombuds Office promotes these principles in all marketing materials and outreach activities and explains these principles to each Visitor prior to consultation, providing Visitors an opportunity to ask questions and gain understanding of Ombuds Office ethics, protocols, and practices. The Ombuds Office makes a copy of this Charter publicly available and references this document with each Visitor.

The Ombuds Office will have standard operating procedures, reviewed regularly. These procedures support Ombuds Office staff in practicing the principles discussed in this Charter.

### Confidentiality

Effective functioning of the Ombuds Office requires that all communications with Visitors be kept confidential, and the Ombuds Office will make every effort to protect the confidentiality of Ombuds Office communications.

The Ombuds will not confirm or deny the identity of Visitors, disclose the content of any conversations with a Visitor, or disclose confidential records maintained by the Ombuds Office (collectively, “Confidential Information”) without (1) consent of the Visitor to which the information or records pertain, or (2) the Ombuds reasonably determining that one of the following exceptions to confidentiality exists:

- the Ombuds reasonably believes there is an imminent risk of serious harm to a Visitor, to others, or to property and the communication is made for the limited purpose of seeking to prevent such harm;
- the Ombuds is complying with North Carolina law related to reporting abuse and neglect of children or elderly or disabled adults;
- the Ombuds is complying with applicable law, regulation, subpoena, or order from a court of competent jurisdiction; or
- disclosure of confidential information is necessary for the Ombuds to defend against a formal claim of professional misconduct.

The Ombuds will not testify or produce Confidential Information on behalf of the University, any Visitor, or any other party in any internal University proceeding or any external proceedings unless required by law, subpoena, or order from a court of competent jurisdiction. The Ombuds may exercise reasonable discretion to engage in available legal process to object, stay, quash, or appeal, any request, demand, subpoena, or order in any such proceeding or otherwise.

### Impartiality

The Ombuds serves as a designated neutral in all activities with Visitors. The Ombuds does not act as an advocate for any Visitor’s effort to achieve a specific outcome but may act as an advocate for fair policies, processes, and practices.

When assisting visitors in resolving matters brought to the Ombuds Office, the Ombuds will consider the interests and concerns of all parties as they seek to reach mutually acceptable resolutions, consistent with the policies of the University.

The Ombuds will avoid involvement in any matter in which there is a conflict of interest. A conflict of interest may exist when the Ombuds’ own interests supersede or compete with dedication to the requirements of the position. The Ombuds will take all steps necessary to disclose and/or avoid conflicts of interest.

The Ombuds does not make decisions on behalf of the University or for any individual.

### Informality

The Ombuds is an off-the-record, informal resource for conversation, consultation, conflict management, and dispute resolution. The Ombuds may facilitate conversations in order to address a conflict or dispute between parties, if all parties agree to the Ombuds acting in this role. Communications with the Ombuds are always voluntary.

The Ombuds' services are not a substitute for any other process internal or external to the University, and the Ombuds' services do not in any way restrict a Visitor's use of any other such processes (i.e., making a complaint to a University or governmental official or participating in any University, judicial, or administrative proceeding).

### Independence

Autonomy is essential to establishing trust; the Ombuds Office can be successful only if members of the Carolina community believe the Ombuds means what the Ombuds says about confidentiality, impartiality, and informality. University leadership respects and honors the independence of the Ombuds Office and the importance of the principles outlined in the Charter, including but not limited to the confidential nature of its engagements with Visitors.

Among other things, the Ombuds' autonomy and independence is reflected by the following:

(i) The Director of the University Ombuds Office reports directly and solely to the Chancellor and is responsible for all office operations, staff supervision, and financial decisions within the Ombuds Office;

(ii) The Ombuds Office is independent of all other administrative structures and has no additional administrative responsibilities or supervisory roles outside of its office;

(iii) The Ombuds Office has no significant responsibility for student or campus activities;

(iv) The Ombuds Office retains discretion over whether and how to act regarding individual matters or systemic concerns, consistent with all applicable laws and University policies that are not otherwise inconsistent with its designation as a resource for supporting informed decision-making and constructive interactions amongst the campus community;

(v) As a confidential resource to assist visitors, the Ombuds Office does not create or maintain permanent records on behalf of the University or pertaining to University business.

### **III. Limitation on Ombuds Role, Services, and Authority**

Consistent with fundamental ethical principles of ombuds practice, there are certain roles, services, or authorities that the Ombuds Office does not, and will not, perform, provide, or possess.

### No Independent Authority

The Ombuds does not have the authority to establish, enforce, change, or set aside any University policy, procedure, or administrative action. The Ombuds does not engage in formal investigations or processes of any kind on behalf of a Visitor or on behalf of the University. The Ombuds does not formally investigate any claim, adjudicate, provide legal advice, or dictate remedial steps, sanctions, or corrective action on behalf of the University.

### Relationship to Other University Processes

The Ombuds does not participate in any evaluative or adjudicative University process, including when requested or authorized by any Visitor or any other party that is subject to, or related to, such process (e.g., a performance evaluation, grievance process) unless required by law, subpoena, or order from a court of competent jurisdiction or under one of the exceptions to confidentiality referenced above.

The Ombuds Office does not replace any University formal process or other opportunity for dealing with campus concerns.

### Not an Office of Notice

**The Ombuds Office is not an agent of notice for the University; informing the Ombuds of a situation does not constitute a formal report to the University regarding alleged wrongdoing. If a Visitor wants to make a formal report and put the University on notice, the Ombuds will inform the Visitor how to accomplish this.** In very rare cases, when an exception to confidentiality applies, the Ombuds may take steps to put the University on notice.

The Ombuds Office talks about this non-notice role with individuals seeking assistance and publishes this information in all of its outreach and marketing materials.

Conversations with the Ombuds do not suspend or extend any time limits by which notice of claims must be provided to the University.

## **IV. Ombuds Office Practices**

### Record Keeping and Periodic Reports

Any notes or other materials, in either physical or digital formats, will be maintained in a secure physical and/or digital environment.

The Ombuds Office may provide broad, de-identified information, such as utilization data and related insights. This information may be included in annual or other reports and shall be presented in a manner that protects confidential information and comports with generally accepted organizational ombuds information sharing practices.

### Responsiveness and Accessibility

The Ombuds will respond in a reasonably timely and professional manner to all Visitors, and the Ombuds will use best efforts to be available to meet at times that fit a Visitor's schedule.

### Ending Involvement

The Ombuds is authorized to decide whether and how to work with any Visitor and to discontinue discussions if the Ombuds concludes that the Ombuds' involvement in the matter would be inappropriate or futile.

### Retaliation Prohibited

All members of the campus community have the right to consult the Ombuds. Retaliation for communicating with the Ombuds is prohibited, and any such retaliation may be grounds for disciplinary action.

### Legal Representation

The Ombuds may retain independent legal advice and representation from the North Carolina Department of Justice consistent with applicable state law.

### Revision and Repeal

The Ombuds Office reports to the Chancellor, and the contents of this Charter may be revised or repealed only by action of the Chancellor.

### References:

International Ombuds Association Code of Ethics and Standards of Practice  
<https://www.ombudsassociation.org/standards-of-practice-code-of-ethics>