OMBUDS OFFICE CHARTER
APPALACHIAN STATE UNIVERSITY

I. INTRODUCTION

The Appalachian State University Ombuds Office was established to provide students, faculty and staff members confidential, impartial, independent, and informal assistance for challenging problems, conflicts, or disputes. The Ombuds Office (hereinafter reference to the Ombuds Office includes the Ombudsperson or Ombuds) shall practice in keeping with the Code of Ethics and Standards of Practice of the International Ombudsman Association (IOA). In all proceedings, the Ombuds Office shall act with professionalism and integrity, shall foster respect for all members of the University, and shall promote procedural fairness in the issues addressed and in the content and administration of the University's policies, regulations, and rules.

II. PURPOSE AND SCOPE OF SERVICES

A. Purpose of the Program

The purposes of the Ombuds Program are to promote the highest standards of university governance; further the University’s commitment to the principles of equality of opportunity; complement existing University conflict resolution resources and compliance activities; provide a confidential and anonymous mechanism for people to seek guidance on problems and challenges, including how to report violations of the law; and encourage the community to use alternative dispute resolution methods to deal with disputes, improve work life, and foster a supportive atmosphere and healthy organizational culture.

B. Who Served

The Ombuds Office provides services to Appalachian State faculty, staff and students. Faculty are defined as University employees with a faculty appointment including any faculty member (full-time or part-time) with a faculty title and role, as defined in the University’s Faculty Handbook. Staff are defined as any non-faculty University employee, full or part-time. Students include all enrolled students, or those registered for classes.

C. Scope of Services

The Ombuds provides confidential, impartial, off-the-record problem solving and dispute resolution assistance to visitors at no cost. This assistance includes listening to concerns; brainstorming and assessing options; providing coaching; helping gather information about resources and referrals; facilitating difficult discussions; and conducting informal conflict resolution, as appropriate. The Ombuds does not provide legal advice, psychological counseling,
or advocacy, but instead seeks to inform visitors and empower them to handle their own concerns. The Ombuds provides regular feedback on trends and potential issues, based on non-identifying aggregate data, to the University Provost, and, as deemed appropriate by the Ombuds or the Provost, to other programs and offices to identify patterns of systemic problems on campus and forward suggestions when trends or issues generate concerns. The Ombuds gives input on policy and practices to reduce confusion; to address gaps or chronic misinterpretation; and to promote equity, inclusion, and institutional fairness. The Ombuds coordinates with other campus resources to provide a matrix of support for all individuals and constituencies on campus and serves as an information and communication resource for campus. The Ombuds works with Department Chairs, program heads, supervisors, managers and teams in a voluntary, informal, and impartial capacity on conflict management within the organization. The Ombuds assists faculty, staff and students to achieve their defined outcomes that are also consistent with the ideals and objectives of the University.

III. PROGRAM STANDARDS, PRINCIPLES, AND REPORTING STRUCTURE

The Ombuds Office adheres to the IOA Standards of Practice and Code of Ethics. These tenets establish that the Ombuds Office functions independently of the organization served, is confidential to the extent allowed by law, is impartial, and limits the scope of services to informal means of issue and dispute resolution. The IOA Standards and Code are minimum standards, and the Appalachian State Ombuds Office strives to operate with "best practices" and in a way that serves the interests of the University community. The Ombuds Office will establish protocols and practices consistent with the IOA Standards of Practice and Code of Ethics. The Ombuds shall be supported in membership of the IOA and may attend regular trainings.

A. Independence

The Ombuds Office is independent in structure, function and appearance to the highest degree possible. It shall operate independent of ordinary faculty and staff structures and shall exercise sole discretion over whether and how to act regarding individual matters or systemic concerns. The Ombuds shall be, in appearance and in actuality, free from interference and undue influence from anyone in the University. Although the Ombuds is an employee of the University, the Ombuds reports directly to the University Provost and is not aligned with any particular department or unit. The Ombuds has a limited management function in overseeing the staff of the Ombuds Program. Further, the University Chancellor and Board of Trustees will not retaliate against the Ombuds for performing the duties of the Ombuds Program within the accepted parameters of the International Ombudsman Association Code of Ethics, Standards of Practice, and other generally accepted business practices that are consistent with University policies and the Ombuds' position description.
The Ombuds Office will make regular reports, at least annually, to the Provost for administrative purposes. Such reports will include aggregate data describing the number, type of consultations, and categories of issues. The Ombuds will also inform the Provost, and other administrators or University offices (as appropriate and authorized by the Chancellor or Provost) of trends, issues, and concerns while maintaining the confidentiality of source material.

B. Confidentiality

Communications with the Ombuds Office are strictly confidential to the fullest extent of the law. The Ombuds Office will not confirm that communications with any visitor took place or disclose any confidential information without express permission of the faculty, staff or student and at the discretion of the Ombuds. Exceptions to confidentiality that allow disclosure include where there is an imminent risk of serious harm, or where otherwise required by law.

The Ombuds Office shall not participate in any formal University processes. The Ombuds, when acting in that capacity, is not a designated responsible employee as contemplated under Title IX. Further, the Ombuds, when acting in that capacity, is not a campus security authority as outlined in the Clery Act and the Violence Against Women Act (VAWA).

The Ombuds may disclose confidential information with a visitor's express permission as part of a plan to help informally resolve that visitor's concern, although the visitor cannot compel the Ombuds to participate in any process, informal or formal.

C. Impartiality and Neutrality

The Ombuds Office shall be impartial in all activities, and shall not take sides in any conflict, dispute or issue. The Ombuds will objectively consider the interests and concerns of all those involved in a conflict, dispute or issue with the aim of facilitating communication and provide assistance in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the University.

The Ombuds will avoid involvement in matters where there may be a conflict of interest. When a conflict of interest exists, the Ombuds will take all steps necessary to disclose and/or avoid the conflict.

D. Informality

The Ombuds is a completely voluntary, off-the-record resource that uses informal, non-escalating approaches to help individuals develop approaches to resolve their concern or conflict. The Ombuds Office shall be an informal problem solving resource and shall not formally investigate, mediate, arbitrate, adjudicate or in any other way participate in formal internal University processes or actions. Faculty, staff or students shall have the right to consult with the Ombuds Office without retaliation.
The Ombuds Office is not an agent of nor authorized to receive notice of any issue, complaint, grievance or claim on behalf of the university and use of the Ombuds Office does not extend any timelines or deadlines to file complaints or grievances.

IV. AUTHORITY AND LIMITS OF THE OMBUDS

A. The authority of the Ombuds Office derives from the University as manifest by the approval of the University Chancellor and Provost.

1. Discussions with ASU Community Members and Others. The Ombuds will provide faculty, staff, or students with an informal opportunity to discuss concerns, clarify, and articulate issues with a focus on identifying interests and goals. The Ombuds will help analyze and assess avenues for potential resolution and provide information about such avenues, including but not limited to information on University policies, regulations, rules, services, and resources that may be available to assist with the resolution of the concern. The Ombuds may make any suggestions the Ombuds deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Ombuds will have no actual authority to impose remedies or sanctions, or to enforce or change any policy, rule, or procedure.

2. Initiating informal inquiries. The Ombuds is authorized to contact senior officials in the University and make informal inquiries to help resolve concerns that may affect any member of the University community.

3. Access to information. The Ombuds may request access to information related to visitors' concerns, from files and offices of the University, and will respect the confidentiality of the information.

4. Ending involvement in matters. The Ombuds may withdraw from or decline to look into a matter if the Ombuds believes involvement would be inappropriate for any reason.

5. Access to legal counsel. On occasion, the Ombuds may require legal advice or representation in order to fulfill certain required functions. Under these circumstances, the Ombuds Office may seek legal counsel separate and independent from the University.

B. Limitations on the Authority of the Ombuds

1. Receiving notice for the University. Communication to the Ombuds does not constitute notice to the University. The Ombuds and the Ombuds Program staff are not authorized to accept notice of discrimination or reports of crimes, including 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. The Ombuds and the Ombuds Program staff have no authority to take action to redress prohibited discrimination, nor the duty to report it or any other misconduct pursuant to the University's reporting policy. Per University policy, the Ombuds and the Ombuds Program staff may, however, serve as confidential resources to provide information, advice, and assistance regarding the University's nondiscrimination grievance and complaint procedures and reporting policies.

2. *Putting the University on notice.* The Ombuds will assist visitors who would like to report concerns to offices of notice by providing them with information about reporting channels. With the express permission of the visitor, the Ombuds may convey notice to the appropriate authority on behalf of a visitor in appropriate situations. Additionally, and as appropriate, the Ombuds will encourage formal reporting and help refer individuals to the appropriate offices or the appropriate resources. In this way, the Ombuds can abide by the standards of Ombuds practice while supporting the overall reporting structure of the University.

3. *Formal processes and investigations.* The Ombuds will not conduct formal investigations of any kind. The Ombuds also will not participate voluntarily in the substance of any formal dispute processes, outside agency complaints, or lawsuits, either on behalf of a visitor or on behalf of the University. The Ombuds will not reach formal conclusions about the merits of a concern or endorse specific approaches or policy changes.

4. *Record keeping.* The Ombuds will not keep records for the University and will not create or maintain documents or records for the University about individual matters. The Ombuds Office will not keep records other than general utilization data for the University, and will not create or maintain documents or records that identify individual matters. Notes and any other materials related to a matter will be maintained in a secure and confidential manner, and will be destroyed once the Ombuds Office concludes involvement in a matter.

5. *Advocacy for parties.* The Ombuds will not act as a representative of or advocate for any party in a dispute; will not assume any partisan position; and will not take sides or share opinions as to the merits of decisions by University authorities, the outcomes of grievances, or the arbitration of claims.

6. *Adjudication.* The Ombuds will not have the authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

7. Complaints regarding the function of the ASU Ombuds Office shall by directed to the Office of the Provost.
V. NON-RETAIATION

Faculty, staff, and students have the right to visit the Ombuds without reprisal. Employees shall be granted reasonable time away from their work location to use the Ombuds Program. No one shall be compelled to seek permission to use the Ombuds Program; disclose that they wish to visit the Ombuds; or be forced to disclose the contents of their conversations with the Ombuds by any other University employee.

VI. SUMMARY OF KEY FUNCTIONS

What Ombuds Office Does
- Listen to concerns and questions as a neutral, confidential party
- Discuss challenges and help clarify the most important issues
- Suggest alternative solutions and resources and make referrals to appropriate University offices
- Discuss resolution strategies
- Explain policies and processes
- Facilitate difficult conversations as an impartial third party
- Offer coaching (e.g. help the visitor prepare for a difficult conversation)
- Assist in informal resolution of concerns regarding a variety of issues
- Initiate informal inquiry for the purpose of clarifying situations and factual details
- Facilitate outreach programing and prevention education, which empowers University community members towards successful conflict prevention, management, and resolution
- Provide the visitor with information about how a complaint may be made to the University
- Report trends; make recommendations for institutional improvement
- Use experience, knowledge, and judgment to assist

What Ombuds Does NOT Do
- Maintain records that identify visitors of the Ombuds office
- Accept formal complaints or notice for the University
- Render formal decisions
- Offer legal advice
- Alter policy or circumvent administrative procedures
- Offer psychological counseling
- Participate in any formal University grievance or hearing
- Testify in any judicial or administrative proceeding, unless required by law after reasonable efforts have been made to protect confidentiality
VII. EFFECT AND AMENDMENT TO CHARTER

This Charter is in effect as of the last-dated signature below and operates to define and support the work of the Appalachian State Ombuds Office. This Charter remains in effect unless revoked or amended in writing by the Chancellor and Provost, following consultation with Ombuds.

Approved by:

[Signature]
Provost & Executive Vice Chancellor
02/14/2018
Date

[Signature]
Chancellor
2/14/18
Date

Reviewed and agreed to by:

[Signature]
Appalachian State University Ombuds
3/1/18
Date

Endorsed by Faculty Senate

[Signature]
2/2/18
Date

Endorsed by Staff Senate

[Signature]
Jan. 30, 2018
Date

Endorsed by Student Government Association

[Signature]
Feb. 13, 2018
Date