

CHARTER FOR THE GRINNELL COLLEGE OMBUDS OFFICE

Established 2013

1. INTRODUCTION

The Grinnell College Ombuds Office (“Ombuds Office”) was established in February 2013 to provide an independent, impartial and confidential resource through which members of the Grinnell College (“College”) community may pursue the just, fair and equitable resolution of any college-related concern. As an alternate and informal channel of communication, the Ombuds Office is available to the College community to address concerns without fear of retribution, and to manage their own conflicts early, informally, and at the lowest level possible without the need to pursue more formal grievance processes or litigation. The Ombuds Office may make recommendations, where appropriate, for changes in College policies and procedures and to promote discussion on institution-wide concerns. Through its mission, the Ombuds Office helps further the College’s strategic objectives within a culture that is ethical and civil, and in which differences can be resolved and mutual understanding achieved through respectful dialogue and fair process.

This Charter defines the authority and responsibilities underlying the operation of the Ombuds Office.

2. FUNCTIONS AND RESPONSIBILITIES OF THE OMBUDS OFFICE

The Ombuds Office is responsible for doing the following:

- Provide Ombuds services to staff, students, faculty and administrators
- Develop and maintain efficient administrative procedures for the effective operation of the Ombuds Office
- Conduct outreach and education to the campus community about Ombuds Office services, and effective conflict management and resolution

- Inform College leadership about trends or systemic problems in a manner that protects the confidentiality of communications with inquirers
- Assist inquirers in obtaining and clarifying relevant information regarding College policies and procedure
- When appropriate, provide referrals or options involving other resources such as Human Resources, the Employee Assistance Program, Student Health and Counseling Services, and the Office of Campus Safety and Security
- The Ombuds Office daily practice is guided by the Ombuds Office Policy and Procedure Manual, available on the Ombuds web page

3. STANDARDS OF PRACTICE AND CODE OF ETHICS

The Ombuds Office has established practices and procedures regarding its operation, and it practices consistent with the Code of Ethics and the Standards of Practice of the International Ombuds Association.¹ Accordingly, there are four fundamental principles that define the Ombuds practice at the College:

A. Independence

The Ombuds Office is independent of existing administrative structures and reports directly to the President of the College for administrative and budgetary purposes.

The Ombuds neither compels other offices to take specific action nor receives compulsory orders about how to approach a particular issue.

The Ombuds Office complements, but does not replace the College’s existing resources for formal conflict resolution procedures and compliance channels.

The Ombuds has no authority to establish, change, or set aside any College rule or policy, nor may the Ombuds override the decisions of College officials. The Ombuds has access to all College officials and records as needed to carry out the functions of the Office.

The Ombuds takes all steps to avoid conflicts of interest, whether actual or

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/>

perceived.

B. Impartiality/Neutrality

The Ombuds Office provides objective assessments of concerns brought to the Ombuds office.

As a third-party neutral, the Ombuds is an advocate for equity, fair process, and the fair administration of process. The Ombuds does not, however, take sides or advocate on behalf of any individual, cause, or dispute.

The Ombuds takes into consideration the rights of all parties, as well as the welfare of the College and College community

C. Informality

The Ombuds Office provides informal, off-the record assistance only.

The Office does not conduct formal investigations or participate in formal adjudicative processes, outside agency complaints or lawsuits; act as an advocate or witness in any case inside or outside the College; keep case records for the College; assess wrongdoing or innocence; determine sanctions; or make, change, or set aside any rule, policy, or administrative decision.

Informal notes may be temporarily created only insofar as they are necessary for case management but formal records are not created, nor are personally identifiable documents preserved. Any notes created are routinely destroyed once a matter is closed. Permanent records of the Ombuds Office include only non confidential aggregate data.

The Ombuds has no authority to accept legal notice or make decisions on behalf of the College. For those wishing to go on record, the Ombuds may suggest referrals, or provide options concerning appropriate formal channels so that individuals may make informed choices about which process is best for them to pursue. The Ombuds may request data from and explore a concern with College officials.

D. Confidentiality

Strict confidentiality is essential to the Ombuds function and helps create a safe place for individuals to voice concerns, evaluate issues, and identify options. The College created the Ombuds Office with the understanding that information shared with the Ombuds will be held in the strictest confidence. It is a purely voluntary resource, but those who do use it do so with the understanding that they will abide by the principles on which the Ombuds Office was established, including not calling the Ombuds to testify or serve as a witness in any grievance process or formal, judicial, or administrative hearing. Unless required by applicable laws, the Ombuds will not disclose the identity of individuals communicating with the Ombuds Office or the content of confidential conversations unless permission has been given to do so in the course of the conversations.

If in the course of confidential communication with the Ombuds, and the Ombuds agrees to do so, the Ombuds may disclose information to other offices or individuals whose help may be useful or necessary to explore or resolve a problem. As provided in the IOA Standards of Practice, the Ombuds may assert a privilege to protect confidential communication, but any such privilege belongs to the Ombuds Office and cannot be waived by visitors to the Ombuds Office. Because the Ombuds program is based on the principles of independence, neutrality, informality and confidentiality, the Ombuds does not testify or serve as a witness with respect to confidential communications in any grievance process or any formal judicial or administrative hearings. Thus, even with the permission of the complainant, the Ombuds will not disclose documents, or testify, attend, or participate in formal proceedings.

The Ombuds is not authorized to receive notice of claims against the College. An individual's confidential communications with the Ombuds is strictly "off-the-record" and does not constitute notice to the College of any claims an individual may have. Moreover, such conversations do not toll or extend any time limits by which notice of claims must be provided to the College.

The College will seek to protect the confidentiality of the Ombuds Office. The College will not ask the Ombuds to testify on behalf of the College in internal or external proceedings, and will take appropriate steps to protect the Ombuds from

subpoena by others. The only exception to confidentiality is where the Ombuds determines there is an imminent risk of serious harm or a requirement under law that compels disclosure.

<http://www.ombudsassociation.org/standards/>

<http://www.ombudsassociation.org/code-ethics>

<http://www.ombudsassociation.org>

4. AUTHORITY/LIMITATIONS OF THE OMBUDS OFFICE

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

A. Authority of the Ombuds Office

1) Providing Services to Visitors:

The Ombuds will listen to each individual'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 the individual develop options or a communication strategy, conflict coaching, shuttle diplomacy, making informal inquiries (with permission of the individual), 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 College values early and informal conflict resolution. To pursue this goal, the Ombuds Office may, on occasion, need to make inquiries or seek assistance in order to gain an understanding of all sides of a dispute. The Ombuds Office may, without having received a specific complaint from a member of the College community, act on its own discretion, and initiate inquiries concerning matters the Ombuds believes

warrant such inquiry, and shall for this purpose, have access to records and personnel at the College to the extent permitted by applicable law. (Any inquiry made by the Ombuds does not constitute a formal investigation by either the Ombuds Office or the College.)

3) Addressing Perceived Systemic Trends

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

4) Ending Involvement in Matters

The Ombuds Office may decline to inquire into a matter or may withdraw from a matter if the Ombuds believes involvement is inappropriate for any reason, including matters not brought in good faith, or which appear to be misuses of the Ombuds function. The Ombuds Office has the authority to discuss a range of options available to the individual, including both informal and formal processes.

5). Access To Legal Counsel

In order to enhance the quality and function of the Ombuds Office, subject to the approval of the President, and as necessary and appropriate, the Ombuds Office shall be provided with legal counsel separate and independent from the College.

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 serve as a witness with respect to confidential information in any grievance process, or any administrative or judicial proceedings either at the College or elsewhere. As a matter of policy, the College will seek to not compel the College Ombuds to disclose confidential communications or to serve as a witness.

- 2) The Ombuds Office is made available to the College community as a purely voluntary and “alternate” channel for confidential communication. As a result, it is not appropriate for anyone to seek to compel the Ombuds Office to disclose confidential communications. Accordingly, individuals who use the Ombuds Office will be considered to have agreed to abide by these principles and not to seek to compel the Ombuds to testify with respect to confidential communications.
- 3) The Ombuds may not make decisions on behalf of the College, its administrators, managers, or the Board of Trustees. The Ombuds Office is not authorized to unilaterally change management decisions or College policies or procedures. The Ombuds Office is not authorized to make any statements or commitments that bind the College or the College Board of Trustees, financially, contractually, or otherwise. Neither the Ombuds Office, nor the College, nor the College Board of Trustees 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 right of the College to enforce any policy or any agreement to which the College is a party.
- 4) While the Ombuds Office can provide individuals with information and assistance in conflict management, individuals are solely responsible for deciding what action they wish to take and for managing their own conflicts.
- 5) Not a Recipient of “Notice”
The Ombuds is not authorized to receive notice of claims against the College. Communications to the Ombuds Office shall not constitute notice to the College. This includes 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. Although the Ombuds may receive such allegations, the Ombuds does not fall under the category of “reporting authority” as defined by the Clery Act, nor is the Ombuds required to report these allegations to the College. In addition, if an

individual discloses such allegations and expresses a desire to make a formal report, the Ombuds shall refer the individual to the appropriate College office for support, investigation, response, remediation, administrative or formal grievance processes.

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

6) Collective Bargaining Agreements

The Ombuds Office shall not address any issues arising under a collective bargaining agreement. (“CBA”). The Ombuds will advise all union members to consult their union representative to confirm an understanding of their rights and any deadlines that may apply in vindicating those rights. The Ombuds may not inquire (informally or otherwise) into the application or interpretation of a CBA, or into the alleged violation of rights conferred on union members by the CBA or public employee collective bargaining law. The Ombuds may otherwise provide services to union members.

7) The Ombuds Office shall not provide legal advice to the constituents.

8) 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 the College or its Board of Trustees. See also Section 3. B. of this Charter: “Neutrality and Impartiality.”

5. RECORD KEEPING

Because it is a confidential resource, the Ombuds Office does not keep permanent records of confidential information in 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 matters are kept in the sole possession of the Ombuds who makes them, will be maintained in a secure manner and location, and will be routinely destroyed as soon as is practicable.

The terms of this Charter found in Section 3. D “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 such as annual reports. The College’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).

6. PROTECTION FROM RETALIATION

The College supports efforts to manage and resolve conflicts informally, so as to preserve collegial and effective working relationships, maintain a vibrant College 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 staff, students or faculty from using the Ombuds Office is inappropriate because it is contrary to the College’s intent of providing the office as a resource for early and informal management and resolution of conflicts.

The College is committed to protecting staff, faculty and students who visit the Ombuds Office from reprisal or retaliation by others in the College community.

7. PROCEDURE FOR REVOCATION OR REVISION OF THIS DOCUMENT

This Charter remains in effect unless it is revoked by the College President, and such revocation shall be provided in writing to the Ombuds Officer. Any revision to this Charter shall be subject to the approval of the College President after conferring with the Ombuds Office.

Signed this 4th day of December, 2014.

Signed this 4th day of December, 2014.

Raynard Kington

Chinyere Ukabiala

Raynard Kington
President, Grinnell College

Chinyere Ukabiala
Ombuds

The College Ombuds is a member of the International Ombudsman Association and adheres to its Code of Ethics and Standards of Practice, which are available on the Ombuds Office website at:

www.grinnell.edu/offices/ombuds and
International Ombudsman Association
Code of Ethics
Standards of Practice

References:

1. The International Ombudsman Association
2. Iowa State University