



**Charter Agreement
for the Faculty Ombuds Office**
Established 2008

This Charter defines the authority, responsibilities, limitations and procedures within the operations of the Coastal Carolina University Faculty Ombuds Office.

I. Introduction

- A. The Coastal Carolina University (CCU) Faculty Ombuds Office was first established jointly by the Faculty Senate and the University Provost in 2008 as an 18-month pilot to provide a neutral and informal channel of communication for independent, confidential conflict resolution assistance for all university faculty members to address any CCU work-related concerns. Based on ombuds' services, trends and the Values Statement of the University, the Faculty Ombuds makes recommendations for the general improvement of the university community while protecting the principles of fairness, equity and respect for all.

In 2012, the Faculty Ombuds position (hereafter referred to as Ombuds) became permanent as approved by the Faculty Senate and the Administration. This Charter Agreement defines the privileges, responsibilities and operating procedures of the Ombuds and the functions of the Ombuds Office.

II. Mission Statement

- A. The Ombuds Office provides dispute resolution services and serves as information and communication resource, an informal mediator and a source of recommendations for positive institutional change for the University. The Ombuds operates as an impartial, independent, informal and confidential resource available for any faculty member at CCU to help facilitate options for equitable and civil resolutions to work-related questions, issues, concerns and conflicts.

III. Purpose and Scope of Services

- A. The principal aim is to provide assistance and guidance to any faculty member who voluntarily seeks aid or information for resolving work-related concerns and problems and addressing questions and issues with a commitment to treating all constituents fairly and in a manner that contributes to an improved, overall working environment as expressed in the mission and goals of CCU.

- B. Ombuds services take into consideration the needs and perspectives of all parties in a dispute to facilitate an objective evaluation of the situation in the interest of fairness. The Ombuds does not advocate for any individual, but does advocate for equity and for respectful and collegial interactions.

The Ombuds office is an alternate and informal channel of communication. It is not part of formal management and does not make management decisions or decide policy or sanctions. It is not a “place of record” for employees to give the university notice of any claims against the university. The office does not conduct formal investigations and is not an advocate for either faculty or administration. Its principle interest is to help all parties have a fair process for surfacing and resolving work-related disputes. The Ombuds office supplements but does not replace existing formal channels, such as Human Resources, University Counsel, Compliance, Audit, or Campus Police. The Ombuds reports to the Provost and also has a reporting obligation to the Faculty Senate Executive Committee (Chair, Vice-Chair, and Secretary), as outlined in the creation of the position.

- C. Guided by the International Ombudsman Association’s Standards of Practice, http://www.ombudsassociation.org/sites/default/files/IOA_Standards_of_Practice_Oct09.pdf, the Ombuds receives complaints, concerns and questions from any faculty member and offers guidance to the extent possible based on the laws and policies governing the U.S., the State and the University. The Ombuds listens, offers resolution options, informs about university policies and procedures, mediates disputes or conflicts informally and independently, facilitates cooperation and consensus through negotiation and communication, offers team building and civility practices, and may offer referrals to other university units as may be needed.
- D. The Ombuds also serves as an information and communication resource on recommendations for institutional change to enhance a positive campus climate, providing feedback to the University when trends, patterns or policies and procedures of the University generate concerns or conflicts. The Ombuds adheres to the policies and procedures of the University and the laws of the State of SC.

IV. Responsibilities, Duties and Functions of the Ombuds

- A. The Ombuds will be a member of the International Ombudsman Association (IOA) and will attend its basic trainings and the annual IOA conferences. The Ombuds will establish its office policies and practices for ombuds services and will publicize the confidential, independent, impartial and informal natures of his/her services, and explain these ethical standards to each visitor.

B. The Ombuds will exercise judgment in seeking to facilitate the resolution of conflicts and will provide services tailored to the dynamics of the situation and visitors' concerns. The Ombuds will inform visitors about informal, formal and/or administrative options for managing and/or resolving conflicts, complaints and disputes. The Ombuds will listen, make informal inquiries or otherwise review matters received, offer resolution options, make referrals, and mediate disputes independently and impartially. These include the following:

1. General Information. Any faculty member can ask the Ombuds a question(s) in confidence relating to their work without fear of retaliation (See CCU Policy # HREO 159). The Ombuds will confirm the relevant policy, procedure or practice and/or may refer the visitor to another office or department for further information or services.
2. Individual Consultation. Any faculty member can request a confidential meeting with the Ombuds to talk about concerns, issues or problems affecting their work. The Ombuds will listen, help define and clarify issues, or re-frame issues, help to explore options and develop strategies for the visitors to employ for resolution to their concerns.
3. Shuttle Diplomacy. If requested by the faculty member and agreed upon by the other party, the Ombuds can serve as a go-between to delivery information in cases where either party does not want to (or cannot) meet in person. This can provide an opportunity for both sides to be "heard", communicate and negotiate through the Ombuds as middleman while maintaining confidentiality.
4. Group meeting facilitation. The Ombuds may serve as an impartial facilitator in group discussion of difficult issues in that he/she serves to encourage constructive dialogue, such as protecting participants and ideas from attack, allow all parties a reasonable time to contribute, discern interests of others and monitor discussion for progress towards collaborative options for solutions. The Ombuds agrees to assist only when all parties voluntarily agree to meet.
5. Dispute Resolution. Two or more parties who agree to meet for the purpose of clarifying and/or resolving differences may request the Ombuds to serve as a neutral facilitator to convene and assist in constructive and civil dialogue among the parties for viable resolution.

6. Modified mediation. If two or more persons agree to meet to settle their differences and devise a plan to move forward for reconciliation, then the Ombuds can serve as a mediator in these discussions. Unlike a formal mediator whose process would include a written binding contract of understanding between / among the parties, the Ombuds does not retain any written documents and does not include this step in the mediation process. (However parties may agree to create a document on their own and monitor its progress independent of the Ombuds.)
7. Instructional seminars. The Ombuds provides conflict management and related workshops, training and seminars for departments or members of the campus community when needed, based on trends or patterns or upon request.

V. Ombuds Standards of Practice and Code of Ethics

- A. The Ombuds is guided by the International Ombudsman Association's (IOA) standards, ethics code and best practices and will be an active member of the IOA. Seeking certification as a certified organizational ombudsman practitioner (CO-OP_R) through the IOA is recommended. The Ombuds will publicize the office's services and explain these ethical standards to each visitor.

1. Independence

The Ombuds will be, and will 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 Ombuds will operate independent of ordinary line and employee structures. The Ombuds will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns, consistent with university policies and state and federal laws when applicable.

To fulfill his/her functions, the Ombuds will have a specific allocated budget, adequate space, and sufficient resources to meet operational needs and pursue continuing professional development. The ombuds will have the authority to manage the budget and operations of the Ombuds Office. The ombuds will report to the office of the University Provost for administrative and budgetary matters and report on trends affecting the University climate to the Faculty Senate Executive Committee and the University Provost.

2. Confidentiality

The Ombuds holds all communication with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality. Neither the identities of the visitors to the office nor their conversations will be revealed by the Ombuds without the expressed permission of the visitor and at the discretion of the Ombuds. The Ombuds will not confirm communicating with any party or disclose any confidential information without the party's express permission and at the discretion of the Ombuds. The Ombuds may, however, disclose confidential information if [and] when there is an imminent risk of harm or danger to an individual or to the university, and there is no other mechanism for reporting and as consistent with university policies and state and federal laws when applicable.

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

3. Impartiality

The Ombuds will be impartial in his/her activities and will not take sides in any conflict, dispute or issue. The Ombuds 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 towards mutually acceptable agreements that are fair and equitable and consistent with the ideals and policies of the University.

The Ombuds will not assume additional positions in the University that may create role conflict or the appearance of such conflict that could undermine trust in the impartiality of the Office. Additional managerial positions would be especially problematic. (A conflict of interest occurs when the Ombuds's private interest, real or perceived, supersedes or competes with his/.her dedication to the neutral and independent role of the Ombuds.) When a conflict of interest exists, the Ombuds will take all steps necessary to disclose and/or avoid the conflict.

4. Informality

The Ombuds will be a resource for informal dispute resolution only. The ombuds will not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of

the Ombuds Office will be voluntary and not a required step in any grievance process or any University policy or procedure. (However, it may be cited as a recommended or suggested step prior to formal action.)

VI. Procedures and Operations

- A. The Ombuds reports to the University Provost and maintains confidentiality in all matters except those required by federal or state law or issues that involve imminent risk or danger to an individual(s) or the University.
- B. The Ombuds is granted access to organizational information in his/her pursuit of validating information. The Ombuds office retains no records of individual cases or issues, but does record aggregate, anonymous data to provide annual report information to the Provost and Faculty Senate Executive Committee.
- C. The preferred method of communication with the Ombuds office to better maintain confidentiality is by personal visit to the office which should be located in a neutral and inconspicuous location.
- D. Use of ombuds services is voluntary and never a required step. While it may be recommended to potential visitors, it must not be a mandatory step in any process or procedure.

VII. Authority of the Ombuds

- A. The authority of the Ombuds derives from the University Administration as manifest by the endorsement of the University Provost and from the Faculty Senate as manifest by the Faculty Senate Executive Committee.

1. Providing Services to Visitors

The Ombuds will listen to each visitor's concerns and questions and then try to tailor responses appropriate to the dynamics of each situation. These responses may include providing policy information or referral assistance, identifying and reframing the issues, helping a visitor develop options or communication strategies, provide conflict coaching, offer shuttle diplomacy (if the other party or parties are agreeable), making informal inquiries with the visitor's permission, facilitating communication or informally mediating a dispute. The Ombuds also will help visitors assess their different options, calculate potential risks as applicable and/or consider management of conflicts.

2. Initiating Informal Inquiries

The Ombuds may initiate informal inquiries to begin an understanding of all sides of a dispute affecting a faculty member or a systemic climate concern affecting University faculty in general. The Ombuds will be entitled to inquire informally about any issue concerning the University and affecting any faculty member of the University community.

3. Accessing Relevant Organizational 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 that information. University offices are encouraged to cooperate with these efforts by the Ombuds. Such research inquiries do not constitute a formal investigation by either the Ombuds Office or the University. Requests by the Ombuds Office for information should be handled with reasonable promptness by University departments.

4. Ending Involvement in Matters

The Ombuds may withdraw from or decline to look into a matter if he/she believes involvement would be inappropriate for any reason, including actual or potential conflicts of interest. The Ombuds retains the right to withdraw from or recuse himself/herself from any case based on his/her discretion.

5. Discussion with Visitors and Others

The Ombuds has the authority to discuss a range of options available to his/her visitors, including both informal and formal processes. The Ombuds may make any recommendations he/she 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.

B. Limitations on the Authority of the Ombuds

1. Receiving notice for the University

Communication with the Ombuds does not constitute notice to the University except as required by federal or state law.

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, then the Ombuds will provide the visitor with information so that he/she may

do so himself/herself. In certain situations which demonstrate a preponderance of evidence to support “imminent risk of harm”, including but not limited to those that involve public safety, harm to self or others, violation of law, discrimination or sexual harassment, the Ombuds may exercise an ethical obligation to put the university on notice in order to protect the safety of members of the university community.

3. Formal processes and investigations

The Ombuds will not conduct formal investigations of any kind. The Ombuds will also not participate in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Ombuds office or on behalf of the University unless compelled to do so by court order or applicable law. The Ombuds does not provide testimony in formal grievance or disciplinary procedures or litigation (except to explain the role of the Office). Further, the Ombuds does not assist individuals with an issue that is currently undergoing formal grievance procedures.

4. Record keeping

The Ombuds does not keep records for the university and will not create or maintain documents or records for the university about individual matters. Any notes or other materials related to a matter are not retained. The Ombuds retains aggregate data about Ombuds issues, type and length of assistance provided and visitors’ employment units in such a way so that individuals cannot be identified from the data. This data will be presented to both the Faculty Senate Chair and the Provost in the form of an annual report for information only. The report will be uploaded to the Ombuds website www.coastal.edu/ombuds with a link on the Faculty Senate webpage www.coastal.edu/facsenate

5. Advocacy for Parties

The Ombuds does not act as an advocate for any party in a dispute nor represent management or visitors to the office. The Ombuds advocates for fairness and equity.

6. Adjudication of Issues

The Ombuds does not have authority to adjudicate, impose remedies or sanctions or to enforce or change university policies, rules or procedures. However the Ombuds may recommend the creation of or revisions to policies through regular channels and the appropriate offices.

7. Other Administrative Duties

Whenever possible, the Ombuds should not take on additional administrative responsibilities (non-ombuds) within the institution. Such action increases the likelihood of partiality and conflict of interest. It will also limit the opportunity for certification through the International Ombudsman Association.

VIII. Protection from Retaliation for Using the Ombuds' Services

A. Any faculty member will have the right to consult the Ombuds without reprisal. The Ombuds will work with the University to create and to adhere to the policies protecting visitors from retaliation or from reprisals for using the services of the Ombuds Office. (See Policy # HREO 159)

IX. Appointment, terms of employment, evaluation, and removal of the Ombuds

A. Criteria for selection of the Ombuds include:

1. Tenured or previously tenured (emeritus) faculty member
2. A clear understanding of university policies and procedures, organizational structure and a strong familiarity with the *Faculty Manual*
3. Demonstrated discretion in confidential matters and a reputation for fairness
4. Earned respect of the administration and the confidence of the faculty
5. Willingness to abide by the IOA standards, ethics and best practices

B. Appointment and Terms

1. Terms of appointment vary based on the Faculty Senate Executive Committee's recommendation and the Provost's approval (Note: IOA Certification application criteria requires one year of full-time service as an practicing ombuds, among other requirements.)
2. Following internal advertising of the position, final candidates for the position give presentations to the Faculty Senate whose members vote for their recommended candidate. Considering the outcome of the Senate vote, the Provost makes the final decision regarding this appointment.

C. Annual evaluation will be based on the:

1. Annual online ombuds office evaluation survey conducted by the Office of Institutional Research, Assessment and Analysis,
2. Ombuds Annual Report,
3. Outcomes reported in Annual Assessment (Teal Online), and

4. Other relevant sources judged appropriate by the Provost.

X. Termination procedures

- A. Based on "cause" as outlined in the Faculty Manual, the process for removing the Ombuds in the position will begin after sufficient notice by the Provost and a vote of the Faculty Executive Committee of the Senate.
- B. In cases other than Reduction in Force, the termination of the position must include advance notification to the Faculty Senate and a vote of the Senators. The Provost will consider the voting outcome in making the final decision in consultation with the President.

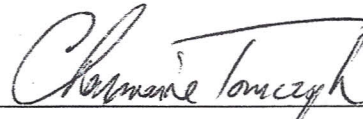
XI. Amendment / Revocation of Charter

- A. This Charter remains in effect until revoked by the Faculty Senate Executive Committee and the Provost. It may be amended only upon the agreement of the Ombuds, the Provost, and the Faculty Senate Executive Committee.

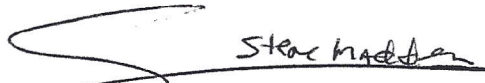
Agreed and Accepted by:



Dr. Ralph Byington, Interim, Provost
On Behalf of the Provost Office
Dated: 1/31/2014



Charmaine Tomczyk, Faculty Ombuds
On Behalf of the Faculty Ombuds Office
Dated: Jan. 31, 2014



Dr. Steven Madden, Chair
On Behalf of the Faculty Senate
Dated: JAN, 31, 2014



Dr. Timothy Meacham, University Counsel
On Behalf of Legal Counsel
Dated: January 31, 2014