

## Wichita State University Ombuds Program Charter [Adapted from the Charter of the University of Colorado, Boulder]

### INTRODUCTION

The Wichita State University Ombuds program (“Ombuds Program”) was established to help foster an environment of respect, honesty, fairness, and integrity, to bolster a supportive working and learning climate at Wichita State University (“University”) for faculty and instructional staff (“constituents”). In keeping with national industry norms, those who utilize the services of the Ombuds program are referred to as “visitors.” When a visitor seeks support, Ombuds members can listen, serve as a strategic thought partner, help plan or develop options for difficult conversations or surface an issue, provide resources and information about university policies and systems, and assist with informal conflict resolution and problem solving. In every case, the Ombuds program provides support that is independent, confidential, impartial, and informal. This Charter document defines the terms, conditions, and principles on which the Ombuds program has been established and describes the privileges, responsibilities, and authority of the Ombuds members and the Ombuds program.

### PURPOSE, MISSION AND SCOPE OF SERVICES

The purpose and mission of the Ombuds Program is to assist the Wichita State campus in seeking the highest standard of University governance while furthering the University’s commitment to the principles of equal opportunity. In addition, the Ombuds Program strives to promote an ethical, supportive, and responsive culture for members of the University by providing confidential, impartial, and informal conflict resolution services and problem-solving support that is independent in its ombuds role. The Ombuds Program holds autonomy to determine when and how ombuds perform all ombuds services including, and not limited to, consultations, raising concerns, asking questions, making inquiries, coaching, informal conflict resolution, etc.

While Ombuds do not advocate for individuals or the institution, the Ombuds Program may identify and elevate systemic trends or concerns to the attention of leadership consistent with the principles of confidentiality described herein to improve the fairness and effectiveness of those programs. Day to day, the Ombuds fulfill this purpose and mission by confidentially receiving inquiries, concerns, or questions from constituents and tailors the Ombuds Program’s response based on the specific needs of each situation. As appropriate, the Ombuds will: listen, clarify issues, serve as a strategic thought-partner and conflict coach, make informal inquiries, gather additional information, provide referrals, offer information on available resources, identify available pathways and options to address or raise concerns, assist with difficult conversations or engage in conflicts resolution, and provide feedback to the university about campus trends and concerns.

### STANDARDS OF PRACTICE

The Ombuds adhere to and have adopted the International Ombuds Association (IOA) Standards of Practice and Ethical Principles, and this Charter adopts and incorporates by reference the IOA Standards of Practice and Code of Ethics. The Ombuds will function

independently of interference or direction from university administration in its ombuds services. The Ombuds Program will operate confidentially and impartially and limit the scope of its services to informal means of dispute resolution and problem-solving support. Ombuds will be members of IOA and will attend regular relevant trainings and conferences whenever possible. The Ombuds will establish and follow consistent policies for the Ombuds Program, which will be posted on the Ombuds Program website. The Ombuds will also publicize the key principles on which the program is based, including the confidential, independent, impartial, and informal nature of the Ombuds Program's services and will clearly explain each of these Standards of Practice to each visitor.

A. Independence:

The Ombuds Program will be, and will take care to ensure it is perceived to be, free from interference in the performance of its ombuds services. The University will not attempt to direct or influence the substantive work of the Ombuds Program as it provides ombuds services to constituents, including determining with whom the Ombuds meet and directing how Ombuds manage any given concern. Although the University is not obligated to accept any of the options in ombuds consultations, the University will also not attempt to interfere with or control the substance of any options the Ombuds might offer others. In the provision of its services, however, the Ombuds Program remains subject to generally applicable university policies, including those prohibiting discrimination and harassment, fiscal misconduct, and other standards of conduct. Working within the University's budgeting protocols in coordination with the Provost's Office, the Ombuds Program will have a specific allocated budget to fulfill its role and pursue continuing professional development. The Ombuds will have the authority to manage the budget and operations of the Ombuds Program and will report to the President, Provost, or University designee that has equal or greater status in the University administrative hierarchy for administrative and budgetary matters only.

The Ombuds should be able to function independently from control, limitation, or interference imposed by any official in the entity. The Ombuds should be protected from retaliation (such as elimination of the office or the Ombudsperson, or reduction of the Ombuds budget or other resources) by any person who may be the subject of a complaint or inquiry.

B. Impartiality:

The Ombuds will strive for impartiality and fairness in consideration of all visitors and the issues they raise. The Ombuds will operate with the aim of supporting all visitors and parties in the most effective way possible and will facilitate communication and problem-solving in a way that does not take sides or favor a particular outcome. The Ombuds will avoid involvement in any matter in which their private interests, real or perceived, may conflict with their ability to be truly impartial and independent in their role. If a potential conflict of interest nonetheless exists, the Ombuds will take all steps necessary to disclose the potential conflict and

remove the conflict. If it is not possible to sufficiently address a conflict of interest in a given case, the Ombuds will recuse themselves from involvement in it.

C. Confidentiality:

The Ombuds Program exists within Wichita State University, a public entity, and will provide its services consistently with the highest degree of confidentiality allowed under Kansas law. As such, the Ombuds will hold all communications in strict confidence and will not reveal - and must not be required to reveal - the identity of visitors to the Ombuds Program unless it either possesses the visitor's consent to reveal this information or the disclosure is legally required of the Ombuds Program to the extent permitted by law. The Ombuds will not willingly reveal any information disclosed to them in confidence except in accordance with the IOA Standards of Practice, including not disclosing such information without a visitor's express permission, and then only at the discretion of the Ombuds. For the purpose of this charter, the identities of visitors and the information that visitors disclose in confidence to the Ombuds shall be referred to as "confidential information." The Ombuds may, however, disclose otherwise confidential information if they determine what might be an imminent risk of serious physical harm. Because the Ombuds Program is a purely voluntary resource that no one is required to use, it will as a precursor to providing any service, advise visitors of this confidentiality policy and request that the visitors agree not to call on the Ombuds to testify or produce documents relating to confidential communications in any legal, administrative, or other proceedings. The University has also agreed to respect the terms, conditions, and principles on which the Ombuds Program was created. Unless required by law, the University has agreed not to call on the Ombuds to testify or produce documents relating to confidential information in any legal, administrative, or other proceedings. The Ombuds Program shall produce non-confidential records and documents that it keeps in the administration of its office in accordance with applicable university policies and applicable laws. The Ombuds Program will resist any attempts by visitors or third parties to compel disclosure of confidential information by asserting a claim of confidentiality under any applicable rule or statute under which confidential communications may be protected. The Ombuds will not maintain records containing identifying information. If the ombuds takes notes during a visitor consultation, they shall be stored in a secure location and manner, protected from inspection by others (including management), and destroyed in the regular course of business unless the Ombuds Program becomes subject to a legally binding requirement to maintain such records. The Ombuds Program record-keeping system for confidential information will be independent of the organization's technology system, with access allowed only to Ombuds Program personnel. Non-confidential information shall be stored and otherwise maintained in accordance with applicable university policies. The Ombuds will prepare any data or reports to be shared with the University or otherwise made public in ways that protect visitor confidentiality.

D. Informality:

The Ombuds will be a resource for informal dispute resolution and problem-solving services only. Unless required by law, the Ombuds will not willingly participate in formal investigative or adjudicative procedures, whether internal or external. The Ombuds will, however, endeavor to provide visitors with information about relevant formal grievance or complaint processes to help educate them about their options. Use of the Ombuds Program will be voluntary and will not be a required step in any grievance process or University policy.

#### AUTHORITY AND LIMITS OF THE OMBUDS ROLE

The authority of the Ombuds derives from the establishment of the Ombuds Program by the University administration and the enactment of this Charter.

##### A. Ombuds Authority.

The University recognizes that the Ombuds has the independent authority to engage in the following actions as an integral part of their role:

1. **Have Discussions with Visitors and Others.** The Ombuds has the authority to discuss with visitors their concerns, available informal and formal pathways for resolution, options for next steps, relevant information, and resources, and so forth. The Ombuds also has the authority to invite parties to engage in voluntary facilitated conversations as appropriate.
2. **Initiate Informal Inquiries.** The Ombuds is entitled to inquire informally about any issue concerning visitor or member of the communities served by the Ombuds. The Ombuds may therefore initiate informal inquiries into matters that come to the attention of the office without having received a specific complaint from a directly affected member of the University community.
3. **Access To Information.** The Ombuds may request access to University information related to visitors' concerns to the extent permitted by law and applicable university policies and will respect and preserve the confidentiality of that information. The University asserts that its departments shall promptly respond to requests by the Ombuds for information unless it believes that such disclosure is prohibited, in which case the Ombuds may seek a resolution of this dispute through the Office of the Provost.
4. **Decline/Withdraw from Participation in a Concern.** The Ombuds may withdraw from or decline to participate in a concern if they believe their involvement would be inappropriate for any reason.
5. **Access to Outside Legal Counsel.** On rare occasion, the Ombuds may require legal advice or representation in order to fulfill their required job functions. In such an event, the Ombuds will notify the Office of General Counsel and seek the University Counsel's permission to retain such representation.

## B. Limitations on the Authority of the Ombuds

1. The Office of the Ombuds is Not Authorized to Receive Notice of Claims Against the University. Communication to the Ombuds or the Ombuds Program does not constitute notice to the University. This includes allegations that may be perceived as violations of laws, regulations, or policies, such as sexual harassment or incidents subject to reporting under the Clery Act or Title IX. Although visitors may discuss such issues with the Ombuds, the University has determined that Ombuds are not a “campus security authority” under the Clery Act because they have neither significant responsibility for campus or student activities nor a mandatory reporter under Title IX because they are not an official of the University and have no authority to institute any corrective action on behalf of the University. If a visitor to the Ombuds Program wants to put a concern “on the record,” wants to put the University on notice regarding a specific situation or wants to file a formal complaint or grievance with the University, the Ombuds will advise the visitor that it is not an appropriate party to receive such information and shall provide the visitor with appropriate information so that the visitor may do so themselves.

2. No Participation in Formal Processes and Investigations. The Ombuds has no authority to conduct formal investigations of any kind. Unless required by law, the Ombuds will not willingly participate in formal investigative or adjudicative procedures, whether internal or external.

3. Organizational Record Keeping. The Ombuds will not maintain records containing identifying information. If the ombuds takes notes during a visitor consultation, they shall be stored in a secure location and manner, protected from inspection by others (including management), and destroyed in the regular course of business unless the Ombuds Program becomes subject to a legally binding requirement to maintain such records. The Ombuds Program record-keeping system for confidential information will be independent of the organization’s technology system, with access allowed only to Ombuds Program personnel. Non-confidential information shall be stored and otherwise maintained in accordance with applicable university policies. The Ombuds will prepare any data or reports to be shared with the University or otherwise made public in ways that protect visitor confidentiality.

4. Advocacy for Individual Parties or Entities. The Ombuds has no authority to serve as an advocate, lawyer, representative, or counselor for any party in a dispute, nor will they represent University management or visitors to the Office. Rather, the Ombuds will advocate for fair processes, respectful treatment, and equitable policies in the University.

5. Business and Policy Decisions; Adjudication of Issues. The Ombuds has no authority to make business or policy decisions on behalf of the University. The Ombuds also has no authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

#### REPORTING

The Ombuds Program may issue annual reports. Regular reports may include, at a minimum, information on program statistics and trends, systemic issues identified by the Office, and descriptions of outreach and educational activities. The Ombuds Program will publish any annual reports issued on its website. The Ombuds Program may also prepare additional periodic reports as appropriate.

#### OMBUDS' QUALIFICATIONS

Ombuds shall be selected on criteria including training, experience, and credentials. All Ombuds shall be members of the International Ombuds Association while serving in the Ombuds Program and thoroughly familiar with the IOA Standards of Practice and Code of Ethics, as well as sound principles of individual and organizational conflict resolution.

#### ACCOUNTABILITY AND EVALUATION

Ombuds Program personnel are University employees and subject to the university's employment policies and processes. The work of the Ombuds will be evaluated annually by the Provost. Complaints about the Ombuds Program should be directed to the President or Provost, for violation of the standards of professional conduct outlined in this Charter.

#### RETALIATION FOR USING THE OMBUDS PROGRAM

Constituents have the right to visit the Ombuds without reprisal. Employees may utilize reasonable time away, consistent with workplace expectations and needs, from their work location to visit with the Ombuds. If an employee is required to be granted approval from a supervisor to be away from their work location, they may say they are seeking consultation from a confidential university resource. No one shall be compelled to use the Ombuds Program, compelled to seek permission to use the Ombuds Program, compelled to disclose that they wish to visit the Ombuds, or be forced to disclose the contents of their conversations with the Ombuds by any other individual.

#### AMENDMENT AND REVOCATION

This Charter may be amended only at the agreement of the Ombuds and Provost. The Charter remains in effect unless revoked by the President and Provost, and Faculty Senate.

#### APPROVAL AND EFFECTIVE DATE

This Charter is approved by  
Richard Muma, President of Wichita State University  
Shirley Lefever, Provost and Executive Vice President of Wichita State University