

Wichita State University Faculty Ombuds Program Charter

I. INTRODUCTION

The Wichita State University Faculty 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. In keeping with national industry norms, members of faculty and instructional staff who utilize the services of the Ombuds Program will be referred to as “visitors” throughout this Charter. 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 standards, responsibilities and authority of the Ombuds members and the Ombuds Program.

II. PURPOSE, MISSION AND SCOPE OF SERVICES

The purpose and mission of the Ombuds Program is to assist the University 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 visitors or the institution, the Ombuds Program may identify and elevate systemic trends or concerns to the attention of University 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 visitors 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.

III. STANDARDS OF PRACTICE

The Ombuds Program adheres to and has 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 Ombuds 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 that 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 visitors, 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 offered by the Ombuds, the University will also not attempt to interfere with or control the substance of any options the Ombuds might offer visitors. In the provision of its services, however, the Ombuds Program remains subject to generally applicable University policies, including those prohibiting discrimination harassment, retaliation, 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 Provost, or their designee, for administrative and budgetary matters only.

The Ombuds Program is largely independent of existing administrative structures, although the Program and the Ombuds must otherwise adhere to University policy. The Ombuds should be able to carry out their services independent from control, limitation, or interference by University leadership (President, Vice President, Deans, and Chairs). 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 manner 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 the 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 proceeding. The University has also agreed to respect the terms, conditions, and principles on which the Ombuds Program was created. The Ombuds Program shall produce non-confidential records and documents that it keeps in the administration of the Ombuds Program 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 University leadership), 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 University's technology system, with access allowed only to Ombuds. 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.

IV. AUTHORITY AND LIMITS OF THE OMBUDS ROLE

A. Ombuds Authority

The authority of the Ombuds derives from the establishment of the Ombuds Program by the University administration and the enactment of this Charter. 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, resources, and so forth. The Ombuds also have the authority to invite parties to engage in voluntary facilitated conversations as appropriate.
2. Initiate Informal Inquiries. The Ombuds are entitled to inquire informally about any issue concerning visitors served by the Ombuds. The Ombuds may therefore initiate informal inquiries into matters that come to the attention of the Program 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 Legal Counsel. On rare occasion, the Ombuds may require legal advice or representation in order to fulfill their required job functions.
6. Legal Counsel. The Office of General Counsel may provide the Ombuds Program with access to the Office of the General Counsel in situations or on issues that do not implicate the Ombuds' independence or confidentiality. If the need arises, the Ombuds may require independent

legal advice or representation. In such a case, the University will provide, where appropriate, outside independent legal counsel if the Ombuds Program is asked for documents or testimony related to any litigation or other formal process related to the Ombuds Program's activities, or as otherwise necessary to protect the integrity of the Program's ability to function under the terms of this Charter.

B. Limitations on the Authority of the Ombuds

1. Notice of Claims Against the University. 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. Ombuds and the Ombuds Program are not mandatory reporters 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. 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 University leadership), 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 Program. 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.

V. REPORTING

The Ombuds Program may issue annual reports. Regular reports may include, at a minimum, information on the Ombuds Program statistics and trends, systemic issues identified by the Program, 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. The Ombuds Program shall ensure that any reports issued shall not reveal any confidential information, including any information that would lead to identifying a visitor, in accordance with the standards for confidentiality set forth in this Charter.

VI. OMBUDS' QUALIFICATIONS

Ombuds shall be selected on criteria including training, experience, credentials, and significant knowledge of University structure and operations. All Ombuds shall be members of the IOA 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.

VII. ACCOUNTABILITY AND EVALUATION

Ombuds Program personnel are University employees and subject to the University's employment policies and processes. Complaints about the Ombuds Program should be directed to the Provost, for violation of the standards of professional conduct outlined in this Charter.

VIII. RETALIATION FOR USING THE OMBUDS PROGRAM

Visitors 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.

IX. AMENDMENT AND REVOCATION

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

X. APPROVAL AND EFFECTIVE DATE

This Charter is approved on this ___ day of _____, 2024, by the Provost.

Provost