

## **Ombuds Office Charter for Wake Forest University's Reynolda Campus**

This charter is based on the Code of Ethics and Standards of Practice developed by the [International Ombuds Association](#) (2020).

### **I. INTRODUCTION**

The Ombuds Office at Wake Forest University will be established in Spring 2021. Its purpose is to provide an informal, confidential, neutral, and independent resource to assist in the resolution of issues and conflicts for all faculty and staff.

### **II. PURPOSE AND SCOPE OF SERVICES**

The Ombuds Office will provide an informal, neutral, and confidential environment for resolution of conflicts, disputes, or issues to all faculty and staff—both full and part-time—of the Wake Forest University Reynolda Campus. The Office will be a place where members of the faculty and staff can seek information and guidance regarding any work-related concerns at no cost and at any stage in the resolution process. The University Ombuds will be a member in good standing of the International Ombuds Association (IOA) and will carry out all services consistent with the standards, code of ethics, and best practices of the IOA with regard to neutrality and impartiality, independence, confidentiality, and informality.

The Office may receive complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader problems. The response of the Office will be tailored to the dynamics of the situation and the faculty or staff member's concerns (including the nature of the resolution the faculty or staff member is seeking). The Ombuds will listen, make informal inquiries to facilitate resolution, or otherwise review matters received, offer options for resolution, make referrals, and mediate disputes independently and impartially. The Ombuds will not function as an arbitrator; where the Ombuds thinks an investigation is appropriate, the Ombuds may request another office as appropriate conduct an investigation. Services of this Office supplement, but do not replace, other processes (formal and informal) available to faculty and staff. In addition, the Ombuds will serve as an information and communication resource, consultant, mediator, dispute resolution practitioner, and source of recommendations for institutional change for the Reynolda Campus. The Ombuds will provide feedback to the Provost's Office (and, as necessary, other senior leadership at Wake Forest) when trends, patterns, policies, or procedures of the University generate concerns or conflicts.

### **III. STANDARDS OF PRACTICE AND CODE OF ETHICS**

#### **A. Independence**

The Ombuds shall be, and appear to be, free from interference in the performance of their duties. The University guarantees this independence through organizational recognition, reporting structure, and neutrality. The Ombuds shall operate within the scope of their authority independent of ordinary reporting lines and staff structures. They shall exercise sole discretion over whether and how to act regarding individual matters or systemic concerns. The Ombuds will be provided reasonable access to University personnel and records in order to gather information needed to follow up with a faculty or staff member seeking their assistance.

To fulfill their functions, the Ombuds will be provided sufficient resources to meet operating needs and pursue continuing professional development. The Ombuds shall report to the Provost for administrative and budgetary matters and trends affecting the university climate. At no time are the Ombuds permitted to share information identifying an individual using the Ombuds' services with the Provost or other University administrators, unless permission is provided by the said individual or the Ombuds is otherwise compelled to do so by court order or applicable law.

The Ombuds will not hold any administrative positions within the University that could, in any way, be perceived as a conflict of interest with the mission of the Office of the Ombuds.

## **B. Confidentiality**

All contacts, conversations, and information exchanged with the Ombuds are confidential and will not be disclosed without the consent of the parties involved and the Ombuds. Confidentiality can only be waived in the above-noted circumstances. The Ombuds also may disclose confidential information when, per IOA standards, "there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman." An Ombuds shall not participate in any formal process inside or outside the University, unless compelled to do so by court order or applicable law. In accordance with the Standards of Practice and Code of Ethics of the IOA, the Ombuds will be considered a confidential resource and not a "responsible employee" under Title IX or a "campus security authority" under the Clery Act.

## **C. Neutrality**

The Ombuds will not take sides in any conflict, dispute, or issue nor represent or advocate on behalf of any party. Rather, the Ombuds' role is to consider the facts, rights, interests, and safety of all parties involved in a search for a fair and mutually acceptable resolution to a problem. The Ombuds will seek to achieve a resolution that is fair and consistent with the mission and policies of Wake Forest University.

An Ombuds shall avoid involvement in matters where there may be a conflict of interest. A conflict of interest occurs when an Ombuds' private interests, real or

perceived, supersede or compete with their dedication to their neutral and independent role. When a conflict of interest exists, the Ombuds shall take all steps necessary to disclose to the faculty/staff member involved, and/or avoid the conflict.

#### **D. Informality**

The Ombuds shall be a resource for informal dispute resolution only. All consultations are conducted “off the record” and do not constitute notice to the University. Persons wishing to establish “notice” to the University should contact an administrator or administrative office, or they should initiate a formal proceeding in accordance with the applicable University policy. The Ombuds will provide information on who to contact and how to use administrative or grievance procedures for persons wanting to establish a formal record or who want formal consideration of their complaint. Individuals using the services of the Ombuds retain their rights to all formal procedures ordinarily available to them.

The Ombuds shall not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Ombuds shall be voluntary and not a required step in any grievance process or University policy.

The Ombuds will not retain individual records for subsequent formal proceedings, nor will they serve as a witness or offer testimony in any formal proceeding, unless required by law.

### **IV. AUTHORITY AND LIMITS OF THE OMBUDS**

#### **A. Authority of the Office**

##### **1. Initiating Informal Inquiries**

The Ombuds is entitled to inquire informally about any issue concerning the Reynolda Campus of Wake Forest University that directly affects a faculty or staff member. The Ombuds may initiate informal inquiries into matters that come to their attention, in accordance with IOA Standards of Practice.

##### **2. Access to Information**

The Ombuds may request access to information maintained by Wake Forest University and related to a faculty or staff member's concerns, to the extent permitted by law. The purpose of the access is to provide a context for understanding the concerns raised by the faculty or staff member. Consistent with applicable policies and constraints, Reynolda Campus personnel contacted by the Ombuds with requests for information should respond confidentially and with reasonable promptness to the requests for information. The Ombuds will

have access, as determined in consultation with the Provost, to senior administrators of Wake Forest University. The Ombuds will not breach confidentiality nor will they ask a department or individual to do so. The Ombuds may share such information with the requestor only if the University personnel who provided the information specifically authorizes such disclosure.

### 3. Access to Legal Counsel

On occasion, the Ombuds Office may need legal advice in order to fulfill required functions. Under these circumstances, and with notice to the Provost, the Ombuds Office may seek legal counsel separate and independent from the University.

### 4. Ending Involvement in Matters

The Ombuds may discontinue providing service and disassociate from a matter at any time. In such a case, the Ombuds will provide notice to the faculty or staff member and all others involved in the matter, and will provide a clear recommendation to the faculty or staff member as to the next steps the person can choose to follow.

### 5. Discussions with Faculty/Staff Members

The Ombuds have the authority to discuss a range of options available to a faculty or staff member requesting consultation, including both informal and formal processes. The Ombuds may make any recommendations they deem appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Office has no authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

## **B. Limitations on the Authority of the Office**

### 1. Receiving Notice for the University

Communication to the Office of the Ombuds will not constitute notice to Wake Forest University about the existence of a problem including, but not limited to, alleged violations of laws, regulations, or policies such as sexual harassment, issues covered by whistleblower laws, or policy or incidents subject to reporting under the Clery Act.

### 2. Putting the University on Notice

If a faculty or staff member expresses a desire to make a formal report, the Ombuds shall refer them to the appropriate office(s) for formal administrative or

grievance processes, or the Ombuds will assist them in disclosing the allegation to the appropriate office(s).

### 3. Formal Processes and Investigations

The Ombuds shall not conduct formal investigations of any kind. They will not participate in the substance of any internal or external formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Office of the Ombuds or on behalf of the University, unless compelled to do so by court order or applicable law.

### 4. Record Keeping

The Ombuds Office will not create or maintain documents or records for the University about individual matters. Notes and any other materials related to a matter will be maintained in a secure location and manner and will be destroyed when the Ombuds deems appropriate, unless there is a legal requirement to retain the documents (e.g., under a litigation hold).

### 5. Advocacy for Parties

The Ombuds will remain neutral and impartial. The Ombuds shall not act as an advocate for any party in a dispute; the Ombuds will not represent any faculty or staff member visiting the Ombuds Office, nor the administration, management or any university department, school or college.

### 6. Adjudication of Issues

The Ombuds does not have the authority to arbitrate, to adjudicate, to impose remedies or sanctions, to compel others to impose remedies, or to enforce or change University policies or rules.

### 7. Evaluation and Reporting

Evaluation of the activities of the Ombuds Office by the Provost will occur periodically on the basis of information from results of an anonymous feedback survey distributed to visitors to the Office by the Ombuds and returned to the Provost's Office. The Ombuds Office will provide the Provost with an annual report and statement of goals for the coming year. The annual report will be based on anonymous, aggregate data, summarizing and analyzing use of the Ombuds resource (including the nature of concerns raised, policies involved, faculty/staff usage, nature of assistance provided, etc.), general trends in employee relations, problems/gaps in policies and practices, and recommended actions to ameliorate or

manage these issues. Confidentiality of individuals who utilize the services of the Ombuds Office will be scrupulously maintained. The Ombuds Office will maintain records of the number of faculty and staff who use the services of the Office as well as types of consultations. The Provost will share this report with the Senate Executive Committee and Staff Advisory Council Executive Committee.

#### V. RETALIATION FOR USING THE OFFICE OF THE OMBUDS

The University and its agents will not retaliate against any individual for consulting with the Ombuds Office.

#### VI. APPOINTMENT AND COMPENSATION OF THE OMBUDS

The Provost, in consultation with the University Senate Executive Committee and Staff Advisory Council Executive Committee, will appoint the Ombuds. The Provost's Office will issue a call for nominations and self-nominations for both internal and external candidates. The Provost will forward a list of acceptable candidates to the Senate Executive Committee and Staff Advisory Council Executive Committee; the latter two committees will rank the candidates in order of preference.

The Ombuds' term will be for three years, and is renewable. Renewal of an Ombuds' term will follow a review conducted by the Provost in consultation with the University Senate Executive Committee and Staff Advisory Council Executive Committee.

The Ombuds positions are part-time. For any internal Ombuds, their workload in their department or school of appointment will be reduced in proportion to time dedicated to the Ombuds' position.

#### VII. REMOVAL FROM OFFICE

The Ombuds may be removed from their position before the end of the term of office at the discretion of the Provost, in consultation with the University Senate Executive Committee and Staff Advisory Council Executive Committee. If removal does occur and the Ombuds is otherwise an employee of Wake Forest University, the Provost will work with the Ombud's department or school to determine a return-to-service plan, if appropriate.