

California Polytechnic State University, San Luis Obispo
Charter for the Student Ombuds Services Office
Office of Ombuds Services

I. INTRODUCTION

The Student Ombuds Services office at Cal Poly San Luis Obispo was reinstated in February 2010 to provide an accessible, confidential, impartial, independent and informal resource for all Cal Poly University students. This agreement defines the privileges and responsibilities of the Student Ombuds Services office, which is located within the Office of Ombuds Services.

II. PURPOSE AND SCOPE OF SERVICES

The Student Ombuds Services office will provide a confidential, impartial, independent, and informal environment to the extent possible based on the laws and policies governing the office. The Student Ombuds Services office will be a place where Cal Poly students can seek guidance regarding concerns, issues, conflicts, or problems. The office will not provide a service to university employees except in their role as students (if applicable), nor will it address employee disputes.

The Director of Ombuds Services and the Associate Ombuds, who constitute the Student Ombuds Services staff, will independently and confidentially listen to concerns and questions that are *both* university- and student-related. The staff will help visitors¹ to clarify concerns, answer questions, explain policies, and explore resolution options. The staff will listen, ask questions, make informal inquiries, review information, consider options, make referrals, and mediate disputes (if requested by both parties) independently and impartially. The staff will assist parties in reaching resolutions that are consistent with the mission and values of California Polytechnic State University, San Luis Obispo.

¹ Visitors are here defined as those who bring relevant concerns and questions to the staff's attention.

The Student Ombuds Services office will be one campus resource that addresses conflict resolution informally; it will not replace the existing formal university processes. The Director of Ombuds Services will provide feedback to the University President regarding trends or issues without identifying any individuals associated with those issues. In addition, the Director of Ombuds Services will make recommendations to the University President for policy changes, needed training, or other procedures that may enhance the campus climate.

III. STANDARDS OF PRACTICE AND CODE OF ETHICS

The Student Ombuds Services staff will adhere to the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics. These guidelines require that the staff function independently of their organization, be confidential and impartial, and address all issues informally. The staff will be truthful and act with integrity, will foster respect for all members of the university, and will promote procedural fairness in the content and administration of the university's practices, processes, and policies as they apply to students. The staff will be members of the International Ombudsman Association and, as appropriate, attend regular trainings.

The Student Ombuds Services staff will establish consistent procedures which will be made available upon request. The staff will publicize the independent, confidential, impartial, and informal nature of the services campus-wide through a website, promotional materials, and electronic medium. All visitors will be given a clarifying handout about the Student Ombuds Services office explaining the four guiding principles: independence, confidentiality, impartiality, and informality.

A. Independence

The Director of Ombuds Services and Associate Ombuds will be, and appear to be, free from interference in the performance of their duties. This independence will be achieved primarily through organizational recognition, reporting structure, and impartiality. The

Student Ombuds Services staff will operate independent of ordinary lines and staff structures. The staff will exercise discretion over whether and how to act regarding individual matters or systemic concerns.

To fulfill Ombuds functions, the Student Ombuds Services staff will have a specific allocated budget, space, and resources to meet operating needs and pursue continuing professional development. The Director of Ombuds Services will have the authority to manage the budget and operations of the Student Ombuds Services office. The Director of Ombuds Services will report to the University Provost for administrative and budgetary matters, and to the University President for reporting trends and issues affecting the university climate. The Associate Ombuds will report to the Director of Ombuds Services.

B. Confidentiality

The Student Ombuds Services staff will maintain confidentiality of communications to the extent feasible and as permitted by law. In order to protect the safety of the entire university community, the staff may breach confidentiality only under extraordinary circumstances, such as when they believe there is a threat to public safety or a threat of harm to self or others. The staff will not participate in any formal process inside or outside the university, unless compelled to do so by court order or applicable law.

C. Impartiality / Neutrality

The Student Ombuds Services staff will be impartial in their activities, and will not take sides in any conflict, dispute, or issue. The staff 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 mutually acceptable agreements that are fair and equitable, and consistent with the mission and policies of the university. The staff will not engage in matters that may be or are a conflict of interest. When a conflict of interest exists, the staff will take all steps necessary to disclose and/or avoid the conflict.

D. Informality

The Student Ombuds Services staff will be a resource for informal dispute resolution only. The staff will not formally investigate, arbitrate, adjudicate, or in any other way participate in any internal or external formal process or action. Use of Student Ombuds Services is voluntary and not a required step in any grievance process or as a provision of university policy.

IV. AUTHORITY AND LIMITS OF THE OMBUDS

The authority of the Director of Ombuds Services and Associate Ombuds derives from the university administration as manifested by the endorsement of the University President.

A. Authority of the Student Ombuds Services Staff

1. Initiating Informal Inquiries

The Student Ombuds Services staff may inquire informally about any student-related issue regarding the university, irrespective of how or by whom the issue is brought to the staff's attention.

2. Access to Information

The Student Ombuds Services staff may request access to information related to visitors' concerns and questions, from files and offices of the university, and will respect the confidentiality of that information. Requests by the staff for information should be handled with reasonable promptness by university departments.

3. Ending Involvement in Matters

The Student Ombuds Services staff may withdraw from or decline to look into a matter if they believe that the involvement would be inappropriate for any reason.

4. Discussions with Visitors and Others

The Student Ombuds Services staff will discuss a range of options available to visitors, including both informal and formal processes. The staff may make any recommendations they deem appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the staff will have no 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

Receipt of a communication by the Student Ombuds Services staff will not constitute Notice to the university. This includes allegations that may be perceived to be violations of laws, regulations or policies, such as sexual harassment, issues covered by whistleblower policy, or incidents subject to reporting under the Clery Act. Although the staff may be informed of such allegations, they are not a “campus security authority” as defined in the Clery Act, nor are they required to report these allegations to the university. If a visitor discloses such allegations and expresses a desire to make a formal complaint, the staff will refer the visitor to the appropriate university office(s) for formal grievance or other administrative processes.

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, the Student Ombuds Services

staff will provide the visitor with information so that the visitor may do so himself/herself. In extraordinary situations only, notably situations involving threats to public safety or threats of harm to self or others, the staff may have an ethical obligation to put the university on Notice in order to protect the safety of members of the university community. If the staff decide to put the university on Notice, they will do so in writing to the extent practicable.

3. Formal Processes and Investigations

The Student Ombuds Services staff will not conduct formal investigations of any kind. Nor will the staff participate in the substance of any formal dispute processes, outside agency complaints or lawsuits, on behalf of a visitor to the Student Ombuds Services office, or on behalf of the university, unless compelled to do so by court order or applicable law.

4. Student Employees

The Student Ombuds Services staff cannot address employment related disputes involving student employees represented by Unit 11. Those individuals will be referred to their collective bargaining agreement and/or their collective bargaining representative.

5. Collective Bargaining Agreements

The Student Ombuds Services staff may not inquire (informally or otherwise) into the application or interpretation of a collective bargaining agreement, or into the alleged violation of the duty of fair representation against a certified union.

6. Record Keeping

The Student Ombuds Services staff will not keep records for the university, and will not create or maintain documents or records for the university about individual cases. Notes

and any other materials related to a case will be maintained in a secure location and manner, and will be destroyed once the staff conclude their involvement in the case.

7. Advocacy for Parties

The Student Ombuds Services staff will not act as an advocate for any party in a dispute, nor will they represent management or visitors to the office.


8. Adjudication of Issues

The Student Ombuds Services staff will not have authority to adjudicate, impose remedies or sanctions, or to enforce or change university policies or rules.

V. RETALIATION FOR USING THE OMBUDS OFFICE

Undergraduate and graduate students will have the right to consult the Student Ombuds Services staff without reprisal. The staff will work with the university to create policies to protect visitors from reprisals for using the services of the office.

Approved



Warren J. Baker, President

7/30/2010

Date