December 1, 2014

University of California, Davis
CHARTER OF THE OFFICE OF THE OMBUDS

I. Introduction

The Office of the Ombuds (“Ombuds Office”) of the University of California, Davis (“UC Davis”) was established on June 3, 2013 to provide confidential, independent, informal and impartial conflict resolution services to faculty, staff and postdoctoral scholars. On March 1, 2014, Ombuds Office services were extended to include students. This Charter Agreement sets forth the privileges and responsibilities of the Ombuds Office.

II. Purpose and Scope of Services

The Ombuds Office is a confidential, impartial, informal and independent resource for dispute resolution services to any member of the UC Davis campus community with a University-related issue or conflict. The Ombuds Office is a place where UC Davis community members can seek guidance regarding disputes or concerns at no cost and at any stage in the resolution process. The Ombuds Office is an alternative to formal channels of dispute resolution.

The Ombuds Office confidentially receives complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader systemic problems. The response of the Office is tailored to the dynamics of the situation and the visitor’s concerns. The Ombuds listens, make informal inquiries or otherwise reviews matters received, offers resolution options, coaches, make referrals, and facilitates two-party and group discussions independently and impartially. Services of the Ombuds Office supplement, but do not replace, other processes (formal or informal) of dispute resolution available to the UC Davis community. The goal of the Ombuds Office is to help people help themselves to the greatest extent possible.

In addition, the Ombuds Office serves as an information and communication resource, consultant, dispute resolution expert, and source of recommendations for institutional change for the University. The Ombuds Office provides feedback to the University when trends, patterns, policies, or procedures generate concerns or conflicts.

III. Code of Ethics and Standards of Practice

The Ombuds Office shall adhere to the International Ombudsman Association’s (IOA) Code of Ethics and Standards of Practice, available for review in the Ombuds Office and online at www.ombudsassociation.org/about-us/code-ethics.

Based on the traditions and values of Ombudsman practice, the IOA Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombuds role and to maintain the integrity of the Ombuds profession.
The IOA Code of Ethics states:

_The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations’ practices, processes, and policies._

**ETHICAL PRINCIPLES**

**INDEPENDENCE**
The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

**NEUTRALITY AND IMPARTIALITY**
The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

**CONFIDENTIALITY**
The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

**INFORMALITY**
The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

The IOA Code and Standards delineate minimum standards, and the Ombuds Office shall strive to operate to “best practices” as delineated in the IOA Best Practices and in the “Declaration of Best Practices for University of California Ombuds Offices,” which are available for review at ombuds.ucdavis.edu/standardsofpractice.html.

IV. Reporting

The Ombuds Office functions reports to the Office of the Chancellor for administrative and budgetary purposes only and functions independently with respect to case handling and issue management. The Office of the Chancellor supports the independence of the Ombuds Office.

IV. Authority and Limits of the Ombuds Office

A. Authority of the Ombuds Office
1. Initiating Informal Inquiries
   The Ombuds Office may inquire informally about any issue concerning UC Davis and members of the UC Davis community. The Ombuds Office may initiate informal inquiries into matters that come to its attention without having received a specific complaint from an affected member of the University community.

2. Access to Information
   If the Ombuds Office makes a request for information contained in the files and offices of the University, the request shall be honored with reasonable promptness so long as such records would be otherwise disclosable under open records and other confidentiality laws or policies. The Ombuds Office will respect the confidentiality of the information.

3. Ending Involvement in Matters
   The Ombuds Office may decline to look into or withdraw from a matter if the Ombuds Office believes involvement would be inappropriate for any reason.

4. Discussions with Visitors and Others
   The Ombuds Office has the authority to discuss a range of options available to its visitors, including both informal and formal processes. The Ombuds Office may make any recommendations it deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Ombuds Office has no actual authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

5. Access to Legal Counsel
   On occasion, the Office may require legal advice or representation in order to fulfill its required functions. The Office may be provided with separate legal counsel upon the determination of the General Counsel that there exists a conflict of interest between the Ombuds Office and UC Davis on any issue.

B. Limitations on the Authority of the Ombuds Office

1. Receiving Notice for the University
   Communication to the Ombuds Office will not constitute notice to the University about the existence of a problem. Such communication may include but is not limited to alleged 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 Ombuds Office may receive such allegations, it is not a “campus security authority” as defined in the Clery Act, nor is it required to report these allegations to the University. In addition, if the visitor discloses such allegations and expresses a desire to make a formal report, the Office will refer the visitor to the appropriate office(s) for administrative or formal grievance processes.
2. Formal Processes and Investigations
The Ombuds Office will not conduct formal investigations of any kind. It will 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 legally compelled to do so.

3. Collective Bargaining Agreements
The Ombuds Office 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. The Ombuds Office may work with represented employees on matters not covered by the collective bargaining agreement.

4. Record Keeping
The Ombuds Office will not keep records for the University, and 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 once the Ombuds Office concludes its involvement in a matter.

5. Advocacy for Parties
The Ombuds Office will not act as an advocate for any party in a dispute, nor will it represent management or visitors to the office.

6. Adjudication of Issues
The Ombuds Office will not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

IV. Retaliation

It is a violation of University policy to retaliate against any UC Davis employee for using or seeking to use the services of the Ombuds Office.

Linda P. B. Katehi
UC Davis Chancellor
Dated: 12-17-14

Susan Kee-Young Park
UC Davis Ombuds/Director
Dated: 12/17/14