



Channel Islands  
CALIFORNIA STATE UNIVERSITY

# University Ombuds Office Charter and Operating Procedures

## 1. Introduction

In May 2019, the University President of California State University Channel Islands established an ombuds office to serve faculty, staff, management personnel, student employees and, when appropriate, others designated by the Chief of Staff as eligible for services. People served by the Ombuds Office are those who contact, visit, inquire with, seek guidance from, consult with, or engage with the Ombuds Office for the purposes of voluntarily seeking information or receiving guidance, conflict management or resource referral services, and are referred to collectively as “visitors.”

The ombuds office at CSUCI will be designated the “University Ombuds Office” or “Ombuds Office.” The University Ombuds Officer and staff employed in the Ombuds Office will be designated the “University Ombuds.” Terms such as “ombudsman,” “ombudsperson,” “ombud,” “ombuds officer” and “ombuds” may be used interchangeably and are not intended to reflect gender or identity preference for the University Ombuds.

## 2. Purpose and Scope

The University Ombuds listens without partiality, judgment or record-keeping, explores concerns outside formal processes, seeks and shares information about policies and procedures, assists visitors in connecting with appropriate resources and processes (internal and external), and discusses options for dispute resolution, conflict management,<sup>1</sup> and orderly and responsible systems change, within the parameters of the laws and policies governing the University. The University Ombuds may also assist in developing conflict management skills and processes at the individual and organizational level. The Ombuds Office fosters respect for all members of the University and promotes equity and fairness in the content and administration of the University's practices, processes and policies.

The Ombuds Office works to facilitate communication and assist parties in reaching mutually acceptable resolutions that are consistent with the mission of the University. It is the intent of the University that the Ombuds Office be a safe resource for all visitors and potential visitors. The Ombuds Office complements and supports, and does not supplant or supersede, formal or established channels for dispute resolution, including but not limited to actions pursuant to United States Code Title IX and associated regulations, grievances under applicable Collective Bargaining Agreements, and other formal processes of review and

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<sup>1</sup> For purposes of this Charter, “dispute resolution” refers to settling disagreements through negotiation, mediation, adjudication or other means. “Conflict management” refers to establishing systems to prevent, channel, resolve and/or mitigate the impact of disputes.

adjudication. The Ombuds Office does not have the power to make decisions on behalf of the University or to reverse decisions made or actions taken by regularly constituted California State University authorities. The Ombuds Office does not provide legal advice or psychological counseling.

### **3. Operations**

The Ombuds Office shall be established at a location conducive to and supportive of confidential communications, independence, and visitor and potential visitor trust. The Ombuds Office operating budget shall be maintained by the Office of the President and managed to the greatest extent possible by the University Ombuds with support from office staff. The University Ombuds shall be given access to locations on campus conducive to meeting with visitors in circumstances respectful of privacy and protective of the anonymity of visitors. The University Ombuds shall be evaluated in a manner supportive of the Standards discussed in Part 4 and upon criteria agreed upon by the University Ombuds and Chief of Staff.

It is the intent of the University that the University Ombuds be an International Ombudsman Association (IOA) Certified Organizational Ombuds Practitioner (CO-OP®) or a Candidate for CO-OP® certification (see <https://www.ombudsassociation.org/about-the-co-op-credential>) if reasonably practicable and permissible under applicable California State University Executive Orders. The University Ombuds will be designated as management (MPP) personnel for administrative and pay purposes and will not be a member of any collective bargaining unit. Recognizing the unique responsibility of the University Ombuds to address conflict at all levels and to serve as an advocate for fair and equitable processes even when the substance of the conflict may be controversial and unpopular, CSUCI is committed to the highest standards of transparency regarding the employment of members of the Ombuds Office and for those who work with the Ombuds Office. No individual or organization may take adverse action against an individual or group for visiting, contacting, recommending or working with the Ombuds Office, or against the University Ombuds for contacting or working with any individual or organization in good faith.

The Ombuds Office shall produce and publicly release an annual report, which may include some or all of the following: observed barriers to equity and fairness, relevant demographic patterns, categories of assistance provided, scope of issues, referral sources, alternative paths to resolution considered by visitors, and such other non-confidential information as may be relevant or requested regarding the maintenance of a fair, inclusive and equitable campus environment. The Ombuds Office will take steps to ensure statistical data included in the report will not identify individual visitors and confidential matters discussed, including avoiding cross-tabulated data and demographic reporting where numbers are small. The University Ombuds may engage in other forms of outreach, education and committee membership in an advisory capacity supportive of these goals as well.

### **4. Standards**

To the extent permissible by law and CSU policy, the Ombuds Office adheres to the Standards of Practice and the Code of Ethics of the IOA, which include the principles of confidentiality, independence, impartiality/neutrality and informality, incorporated here by reference, and available at the IOA website: <https://www.ombudsassociation.org/standards-of-practice-code-of-ethics-3>.

The IOA Standards and Code are considered minimum standards, and the Ombuds Office strives to operate in accordance with best practices in a way that serves the best interests of CSUCI. In order to remain knowledgeable about best practices in dispute resolution and conflict management and to enhance the

visibility of the CSUCI Ombuds Office, the University Ombuds may volunteer with various professional associations, and attend conferences and educational institutions promoting ombuds professionalism.

The Ombuds Office shall publicize the independent, confidential, impartial, informal, and voluntary nature of services provided by the Office as widely as possible, including where possible through online means (a University-sponsored website, social media, and articles), educational materials, presentations, and in-person communications. The Ombuds Office shall also make visitors and potential visitors aware of any limits to confidentiality but shall not be required to create or maintain any records regarding such advice (although the University may do so for all employees so long as records are not tied to use of Ombuds Office services).

## **4.1. Independence**

In order to enhance and protect the independence of the Ombuds Office, the University Ombuds will report to the President through the Chief of Staff, except in cases where confidentiality requires contact with the President directly or in cases where the President requests assistance from the University Ombuds directly. However, the University Ombuds is not authorized to act as an agent on behalf of the President or any other CSUCI entity. The University Ombuds does not represent CSUCI Administration, any Division or any organization or party at CSUCI. The Ombuds Office may report patterns, trends and systemic concerns at the discretion of the University Ombuds but may not be compelled to provide confidential information.

The University Ombuds may serve as a non-voting member of campus committees and organizations but should not exercise authority over any University outcome or appear to do so. The University Ombuds may decline involvement in any matter, including committee or organizational involvement, in accordance with the purposes of this Charter and the Standards referenced above.

In the event of a conflict of interest in the performance of Ombuds Office duties, the University Ombuds may seek representation from outside counsel at CSU or University expense after consulting the President's Office and General Counsel for the CSU.

## **4.2. Confidentiality**

It is the intent of the University that the Ombuds Office provide confidential and anonymous services for all visitors to the greatest extent possible under federal and state law, and applicable CSU Executive Orders. The Ombuds Office shall not disclose or be required to disclose any information provided in confidence, except to address an imminent risk to public safety, to report observed or suspected child abuse and neglect as required by CSU Executive Order 1083 (revised July 21, 2017), or to report incidents of sex discrimination, sexual harassment, sexual misconduct, dating or domestic violence and stalking as required by EO 1095 (revised June 23, 2015), 1096 (revised March 29, 2019) or 1097 (revised March 29, 2019). It is *not* the intent of the University that communications with the University Ombuds be treated as legally privileged unless authorized by California or federal law.

In accordance with EOs 1095, 1096, and 1097, members of the CSUCI community are encouraged to report incidents of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence and Stalking cases to the Title IX Coordinator, DHR Administrator, campus police, or other administration and faculty officers. When involved, the Ombuds Office will strive to facilitate reporting of such incidents by visitors directly and allow visitors to maintain control to the greatest extent possible.

The Ombuds Office shall maintain no records that include visitor-identifying information but may keep aggregate information revealing patterns or trends. CSUCI as an institution may keep individual

acknowledgments of the limits of confidentiality in the Ombuds Office so long as those records are not tied to actual use of University Ombuds services or contact with the Ombuds Office. Notes, if any, taken by the University Ombuds as part of a confidential discussion will not be considered public records and will be routinely destroyed when no longer needed in the sole discretion of the Ombuds Office. The University will not seek the identity of visitors and will defend the Ombuds Office from attempts to compel testimony or to create records regarding individual visitors.

### **4.3. Impartiality/Neutrality**

The University Ombuds considers the interests and concerns of all parties with the aim of impartially facilitating communication and assisting parties in reaching mutually acceptable solutions, agreements or working relationships that are fair and equitable, consistent with the mission and policies of the University. The Ombuds Office does not favor any individual, department or division in a conflict or dispute, or in the development or implementation of policy by the University or any organization. The University Ombuds does not have authority or power to adjudicate disputes, impose remedies, or enforce agreements. However, the University Ombuds may make recommendations regarding fair and equitable processes for dispute resolution and conflict management.

The University Ombuds will avoid involvement in matters where there may be a conflict of interest or the reasonable appearance of a conflict of interest. When a conflict of interest arises, the Ombuds will take steps to disclose the conflict without violating confidentiality and may refer the visitor to another resource. In the event the University Ombuds refers a matter to another entity, the Ombuds Office may provide notice regarding the referral but is not required to do so.

### **4.4. Informality**

The Ombuds Office is a resource for informal dispute resolution and conflict management. Use of the Ombuds Office is voluntary. Working with the Ombuds Office is not a required step in any grievance or other dispute resolution process. The University Ombuds shall not investigate, arbitrate, adjudicate or perform a role in any formal process or action, including any grievance procedure established by a collective bargaining agreement. The Ombuds Office respects the autonomy and independence of visitors to manage their own workplace outcomes to the greatest extent possible.

Because the University Ombuds has no authority to direct or require University action in any matter, the Ombuds Office can listen without judgment, maintain confidentiality in accordance with Section 4.2, and explore options for informal action without initiating formal processes. As an informal resource, the University Ombuds can also receive, identify and raise issues to campus leaders without agenda or bias. Individuals or organizations seeking to put the University on notice of any matter are encouraged to use means other than contacting the Ombuds Office.

In fulfillment of the purposes for establishing the CSUCI Ombuds Office, the University Ombuds may contact or work with any individual or organization at CSUCI, with visitor consent where appropriate. The University Ombuds is authorized to make informal inquiries into any matter covered by an employment relationship, even without a visitor requesting the information, except as may be limited by a collective bargaining agreement. The University Ombuds may not be required to disclose the purpose for the inquiry to the extent that doing so may reveal a visitor's identity.

## 5. Amendment/Revocation of the Charter

This charter may be amended only at the agreement of the University Ombuds and the President. It remains in effect unless revoked by the President, following notice to the Executive Committee of the Academic Senate, the Staff Council, and Collective Bargaining Unit representatives, or their successor organizations.

A handwritten signature in black ink, appearing to read 'E. Beck', with a stylized flourish at the end.

**Erika D. Beck, Ph.D.**  
**President**

**Date: April 20, 2020**