



Clemson University Ombuds Office Charter

I. Introduction

The Clemson University Ombuds Office (“Ombuds Office” or “Office”) was established in January 1998 to help foster an environment of respect, honesty, fairness, and integrity, and to bolster a supportive working and learning climate at Clemson University. Originally, the Clemson University Ombuds Office served only faculty members. In 2000, the Ombuds Office expanded to serve graduate students and post docs; in 2005, the Office expanded to serve undergraduate students; in 2006, the Office expanded to serve non-faculty staff.

In keeping with national norms, those who utilize the Ombuds Office are referred to as “visitors.” When a visitor seeks support, the Ombuds Office can listen, serve as a strategic thought partner and conflict coach, help plan or develop options for difficult conversations or to 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 Office provides support that is independent, confidential, impartial, and informal.

This Charter document defines the terms, conditions, and principles on which the Ombuds Office has been established and describes the privileges, responsibilities, and authority of the Clemson University Ombuds (“Ombuds”) and the Ombuds Office.

II. Purpose, Mission and Scope of Services

The purpose and mission of the Ombuds Office is to enhance an ethical, supportive, and responsive culture for members of the Clemson University community by providing confidential, impartial, independent, and informal conflict resolution services and problem-solving support. The Ombuds Office also elevates systemic trends or concerns to the attention of leadership to improve workplace culture and equitable treatment of employees at a systems level.

Day to day, the Ombuds fulfills this purpose and mission by confidentially receiving inquiries, concerns, or questions from the Clemson University community, and tailoring the Office’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, and facilitate difficult conversations or mediate conflicts directly.

III. Standards of Practice

The Ombuds has adopted and adheres to the International Ombuds Association Standards of Practice and Code of Ethics, and this Charter adopts and incorporates by reference the [IOA Standards of Practice](#) and [Code of Ethics](#). The Ombuds will be a member of IOA and will attend regular relevant

trainings and the annual IOA conferences whenever possible. The Ombuds will function independently of interference or direction from University administration. The Office will operate confidentially and impartially and limit the scope of its services to informal means of dispute resolution and problem-solving support.

The Ombuds will publicize the key principles on which the program is based, including the confidential, independent, impartial, and informal nature of the Office's services and will clearly explain each of these Standards of Practice to each visitor.

- A. Independence:** The Ombuds Office will be, and will take care to ensure it is perceived to be, free from interference in the performance of their duties. The University will not attempt to direct or influence the substantive work of the Ombuds Office, including with whom the Ombuds meets and how they manage any given concern, unless doing so is necessary to preserve the reasonable functioning of the Ombuds Office, or to ensure compliance with applicable laws and policies. The independence of the Ombuds Office is effected through: the University's recognition of it, a reporting structure in which the Ombuds reports to senior leadership, freedom from direction or interference in the substance of its work, and by being distinct from all other organizational entities. The Ombuds thus holds no other position within Clemson University and has professional discretion over how or whether to address visitors' concerns.

The Ombuds will have a specific allocated budget, adequate space, and sufficient resources to fulfill their role and pursue continuing professional development. The Ombuds will have the authority to manage the budget and operations of the Ombuds Office and will report to the Office of the Provost for administrative and budgetary matters.

- B. Impartiality:** The Ombuds will strive for impartiality and fairness in consideration of all visitors to the Office 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 way 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. To avoid such conflicts in the first place, the Ombuds will not serve as a voting member on University committees, will not participate in adjudication processes, and will not serve in a formal policy making capacity, except with regard to Ombuds Office policies. If, nonetheless, a potential conflict of interest exists, the Ombuds will take all steps necessary to disclose the potential conflict and/or 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 will hold all communications in strict confidence and will not reveal—and must never be required to reveal—the identity of visitors to the Ombuds Office, unless required to do so by law. The Ombuds will not 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, unless required to do so by law. The Ombuds may, however, disclose otherwise confidential information if they determine what might be an imminent risk of serious harm, criminal activity, or a risk of material loss to the university that would have such an impact on the university's finances or its ability to operate that the university would be obligated to disclose the loss in its annual financial statements. Because the Ombuds Office is a purely voluntary resource that no one is required to use, those who do so will be understood to have agreed to the terms, conditions, and principles upon which it was established and will not call on the Ombuds to testify or produce documents relating to confidential communications in any legal, administrative, or other proceedings, unless required to do so by law. The University has also agreed to respect the terms, conditions, and principles on which the Office was created and not call on the Ombuds to testify or produce documents relating to confidential communications in any legal, administrative, or other proceedings, unless required to do so by law. This confidentiality relating to the identity of visitors and confidential communications is held by the Ombuds and cannot be waived by others. The Ombuds Office will resist any attempts by visitors or third parties to compel disclosure of confidential communications or documents by invoking the terms and conditions of this Charter and by asserting a claim of confidentiality under any applicable rule or statute under which confidential communications may be protected, including where applicable, rules or statutes dealing with mediation and other methods of alternative dispute resolution.

The Ombuds will not keep written or electronic records or notes with identifying information on behalf of the University. The Ombuds will maintain any and all case-related information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, and will have a consistent and standard practice for the regular destruction of such information. 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. The Ombuds will not 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 Office 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

The authority of the Ombuds derives from the establishment of the Ombuds Office by the University administration and the enactment of this Charter.

A. Ombuds Authority. 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, and resources, and so forth. The Ombuds also has the authority to invite parties to engage in voluntary facilitated conversations and mediations as appropriate.
- 2. Initiate Informal Inquiries.** The Ombuds is entitled to inquire informally about any issue concerning a visitor or member of the community served by the Ombuds. The Ombuds may therefore initiate informal inquiries into matters that come to the attention of the Office without having received a specific complaint from a directly affected member of the University community.
- 3. Access Information.** The Ombuds may request access to University information related to visitors' concerns, and will respect and preserve the confidentiality of that information. The University asserts that its departments should respond with reasonable promptness to requests by the Ombuds for information, though the University may withhold records in order to comply with confidentiality laws and policies.
- 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 Outside Legal Counsel.** On rare occasion, the Ombuds may require legal advice or representation in order to fulfill their required job functions. The University may provide the Ombuds with outside legal counsel at the Ombuds' request if the Ombuds Office is asked for documents or testimony related to any litigation or other formal process related to the Ombuds Office's activities, or as otherwise necessary to protect the integrity of the Ombuds Office's ability to function under the terms of this Charter. The University agrees to consult outside counsel in such a situation to determine if a potential conflict requires the appointment of separate legal counsel.

B. Limitations on the Authority of the Ombuds

- 1. The Ombuds Office is Not Authorized to Receive Notice of Claims Against the University.** Communication to the Ombuds or the Ombuds Office 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 nor are

they a mandatory reporter 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. Important rights may be affected when formal action is initiated and when the University is informed of allegedly inappropriate or wrongful conduct. While working with the Ombuds may address a problem or concern effectively, it may not protect the rights of the person contacting the Ombuds Office in the same way a formal process does.

If a visitor to the Ombuds Office wants to put a concern “on the record,” to put the University on notice regarding a specific situation, or to file a formal complaint or grievance with the University, the Ombuds will provide the visitor with appropriate information so that the visitor may do so themselves.

- 2. No Participation in Formal Processes and Investigations.** The Ombuds has no authority to conduct formal investigations of any kind. The Ombuds will also not participate willingly in the substance of any formal dispute process, outside agency complaints or lawsuits, either on behalf of a visitor to the Ombuds Office or on behalf of the University, unless required to do so by law.
- 3. No Organizational Record Keeping.** The Ombuds has no authority to keep records on behalf of the University and will not create or maintain permanent documents or records for the University about individual matters. Temporary notes and any other materials related to a given matter will be maintained in a secure location and manner, and will be destroyed once the Ombuds concludes their involvement in a matter. To protect the confidentiality of visitors to the Ombuds Office, no personally identifiable information or data will be included in reports made or shared with the University or others.
- 4. No 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 leadership or visitors to the Office. Rather, the Ombuds will advocate for fair processes, respectful treatment, and equitable policies.
- 5. No Business and Policy Decisions; No 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, to impose remedies or sanctions, or to enforce or change University policies or rules.

V. Reporting

The Ombuds will submit annual reports to the Office of the Provost. The Ombuds Office may also prepare additional periodic reports as appropriate.

VI. Accountability and Evaluation

The work of the Ombuds will be evaluated annually by the Provost.

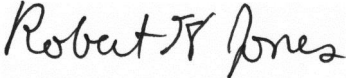
Complaints about the Ombuds Office should be directed to the Office of the Provost. Failure of the Ombuds to perform the duties of the Ombuds or comply with the standards of professional conduct outlined in this Charter will be addressed by the Provost.

VII. Retaliation for Using the Ombuds Office

All visitors to the Ombuds Office have the right to consult with the Ombuds without fear of retaliation or reprisal. Retaliation against any visitor for consulting with the Ombuds Office or against the Ombuds for actions within the scope of their duties, as described in this Charter, is prohibited. Visitors experiencing retaliation can report their concerns to the Office of University Compliance, the Office of Internal Audit, or the Ethics/Safety Hotline.

VIII. Amendment and Revocation

This Charter may be amended only at the agreement of the Ombuds Office and the Provost. The Charter remains in effect unless, after providing reasonable notice and engaging in consultation with the Provost, the Staff Senate, and the Faculty Senate, it is revoked by the University President.

Approved by: 

Date: September 29, 2022