

CHARTER of the COLUMBIA UNIVERSITY OMBUDS OFFICE

I. Introduction

The Columbia University Ombuds Office was established in 1991 upon the recommendation of the President and the Provost to foster a collaborative environment for surfacing concerns and resolving conflicts within the Columbia University community.

II. Purpose

The Ombuds Office helps to promote civility, mutual respect and ethical conduct, and to identify ways to prevent disruptive conflict by alerting the administration to policy issues and recommending changes in University practices. The Ombuds Office is designed to be an accessible entry-point for individuals at all levels of the University to bring concerns about misunderstandings, incivility or possible wrongdoing; it is intended to be a safe and open place to discuss issues without fear of retaliation. The Ombuds Office fills a need for those whose complaints do not fall within the scope of any existing policies, procedures, or jurisdictions – providing a resource for people with unusual or “grey area” concerns, or whose conflicts could not be resolved by other University processes.

III. Scope of Services

The Ombuds Officers are designated neutrals who are available to provide independent, confidential, neutral and informal problem solving and conflict resolution assistance to all faculty, staff and students of the University.

The Ombuds Office is a place where members of the University community can seek guidance regarding disputes or concerns at no cost and at any stage in the resolution process, as a first step or a last resort. The Ombuds Office is a resource for information about University structure, policies, procedures, and practices; it confidentially receives concerns or complaints about allegations and perceptions of interpersonal conflicts, improprieties or unfairness, or broader systemic problems. The Ombuds Officers listen, provide information and referrals, and offer a flexible range of options for resolving a problem. The Ombuds Office supplements but does not replace the existing resources for conflict resolution and fair practice at Columbia University.

IV. Standards of Practice and Code of Ethics

The practice of the Columbia University Ombuds Office adheres to the Code of Ethics and Standards of Practice of the International Ombudsman Association (IOA,

<http://www.ombudsassociation.org/>). These principles require that the Ombuds Officers function independently of the organization, observe confidentiality and neutrality, and limit the scope of their services to informal means of dispute resolution. Columbia University expects its Ombuds Officers to be members of IOA and to keep up to date with professional developments by participating in IOA continuing education and other programs. The Ombuds Office is responsible for explaining its standards of practice to all people using the services of the Ombuds Office, and for making these publicly available.

INDEPENDENCE

The Ombuds Office will be, and appear to be, free from interference in the performance of its duties. This independence is assured primarily through organizational recognition, reporting structure, and neutrality. The Ombuds Office is directly responsible to the President of the University, who has responsibility for the appointment and removal of the University Ombuds Officer.

To fulfill its functions, the Ombuds Office is given sufficient budget and appropriate space to meet operating needs and pursue continuing professional development. The University Ombuds Officer has the authority to manage the budget and operations of the Ombuds Office, and the discretion to function independently. The Ombuds Office staffing will be sufficient to meet the needs of those who seek the services of the office. The Ombuds Office will be assigned space that is appropriate to the office's independence and neutrality (in a location separate from senior decision-makers), confidentiality (in a location that is discrete and off-the-beaten-track, and with sufficient sound-proofing and means of securing information), as well as safety (with access to campus security if necessary in emergency).

CONFIDENTIALITY

Communication with the Ombuds Office is confidential and off-the-record. The Ombuds Office does not create or maintain records for the University with individually identifiable information. The Ombuds Officers do not confirm or deny the identity of someone who contacts the office and do not discuss a visitor's concerns in any individually identifying way without the visitor's permission.

Communication to the Ombuds Officers does not constitute notice to the University.

This includes allegations that may be perceived to be violations of laws, regulations or policies. The Ombuds Officers will give information about the appropriate Columbia University office(s) for formal reporting or grievance procedures to individuals reporting a belief of inconsistencies with policies, rules, regulations or law. The goal of the Ombuds Office is to surface concerns that would benefit from investigation or remedy by appropriate administrators while at the same time protecting individual confidentiality.

The only exception to confidentiality occurs when the Ombuds Officers believe that disclosure is necessary to prevent imminent risk of serious harm to self or others, and in the judgment of the Ombuds Officer there is no other reasonable option. If such an

exception to confidentiality is made, the Ombuds Officers endeavor to limit the exception as much as possible and return to the normal confidentiality principles as soon as possible.

The protection of confidentiality is supported in a number of ways. The Ombuds Office makes the confidentiality policy widely known through publications, website, and presentations. Every visitor to the office receives a copy of the brochure; every contact with an inquirer begins with a statement from the Ombuds Officer that explains the principles of confidentiality, neutrality, and informality. The “implied contract” of confidentiality is expressed on the website and in the brochure as a “Nondisclosure Agreement.”

The University has agreed not to call the Ombuds Officers, in their role as such, to testify or participate in any formal procedure of grievance or investigation within the University. On occasion, the Ombuds Officer(s) may require legal advice or representation in order to fulfill his or her required functions. The University will provide separate and independent legal counsel, and has also committed to asserting a confidentiality privilege for the Ombuds Office.

IMPARTIALITY

As designated neutrals, the Ombuds Officers advocate for fair process, do not take sides, and consider the rights and interests of all parties including the University. They do not “represent” or advocate for any one party.

The Ombuds Officers have no personal or private stake in the outcome of any situation in which they are involved. They must disclose any potential conflict of interest to all parties in a conflict resolution process, and recuse themselves when any conflict or perceived conflict of interest would compromise their neutrality or perceived neutrality.

INFORMALITY

Regardless of permission, the Ombuds Officers do not participate in any formal process; they do not make decisions and do not formally investigate, arbitrate, judge, discipline or reward any member of the University community. They have no power to make, change, overrule or set aside administrative decisions or University policy.

V. Authority and Limits of the Ombuds Officers

Ombuds Officers have the authority to contact senior officers and all other members of the University community, to gather information in the course of looking into a problem, to mediate or negotiate settlements to disputes, to bring concerns to the attention of those in authority, and informally to attempt to expedite and resolve administrative processes.

The Ombuds Officers do not provide services that substitute for any procedures covered by a collective bargaining agreement, and do not look into any allegations or complaints of inadequate representation of employees by their designated union representatives.

However, Ombuds Officers have a responsibility – while protecting the confidentiality of individuals – to provide upward feedback to the administration about trends and make recommendations for constructive change in areas in need of improvement.

All members of the University community have the right to consult with the Ombuds Officers. Retaliation for exercising that right will not be tolerated.

Additional information about the Ombuds Office is available on the website, www.columbia.edu/cu/ombuds.