

CHARTER AGREEMENT
for the
EASTERN KENTUCKY UNIVERSITY OMBUD OFFICE

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I. Introduction

The Eastern Kentucky University Office of the Ombud was established in 2017 to provide confidential, neutral, independent, and informal dispute resolution assistance to the ECU community. This agreement defines the privileges and responsibilities of the University Ombud.

II. Purpose and Scope of Services

The Ombud will provide informal dispute resolution services to ECU faculty and staff. The Ombud Office will be a place where members of the University community can seek guidance regarding disputes or concerns at no cost at any stage unless a formal grievance has been filed pursuant to Faculty Grievance Policy 4.7.4 or Staff Grievance Policy and Procedures 8.3.1.

The Ombud will confidentially (except as required by law) receive complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader systemic problems. The response of the Ombud is tailored to the dynamics of the situation and the employee's concerns. The Ombud will listen, make informal inquiries or otherwise review matters received, offer resolution options, make referrals, and mediate disputes independently and impartially. The Ombud will assist employees in reaching resolutions that are consistent with the ideals and objectives of the University. Services of the Ombud supplement, but do not replace, other more formal processes available to the University community.

In addition, the Ombud will serve as an information and communication resource, consultant, mediator, dispute resolution expert, and catalyst for institutional change for the University. The Ombud also will provide feedback to the University when trends, patterns, policies, or procedures of the University generate concerns or conflicts.

III. Standards of Practice and Code of Ethics

The Ombud will act in accordance with the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics. These tenets require that the Ombud function independently of their organization, be confidential and neutral, and limit the scope of services to informal means of dispute resolution. The IOA Standards and Code are minimum standards, and the ECU Ombud will strive to implement "best practices" and to act in a way that serves the interests of the University. The University shall pay for the Ombud's annual membership in the IOA. The Ombud shall pursue Certified Organizational Ombudsman Practitioner (CO-OP) status, and the University shall pay all associated costs. To the extent possible, the Ombud will attend regular trainings and the annual IOA conference.

The Ombud will establish consistent procedures and practices for the Office of the Ombud which will be made available on the ECU website. The Ombud will also publicize the confidential, independent, neutral, and informal nature of services and explain these ethical standards to each person making inquiries or requesting services.

A. Independence

The Ombud will be, and appear to be, free from interference in the performance of her/his duties. This independence is effected primarily through organizational recognition, reporting structure, and neutrality. The Ombud will operate independent of ordinary University line and staff structures. The Ombud will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns.

To fulfill her/his functions, the Ombud will be provided with adequate work space and a specific allocated budget sufficient for meeting operating needs and pursuing continuing professional development. The Ombud will have the authority to manage the budget and operations of the Office of the Ombud. The Ombud will report to the University President for administrative and budgetary matters only.

B. Reporting Responsibilities

To fulfill responsibilities to Eastern Kentucky University, the Ombud will provide accurate and timely data-driven reports, which will be specific in nature as outlined by this Charter. These detailed reports will be supported by trend analysis based upon data obtained through the Office of the Ombud.

1. Trend Reporting Protocols

- The reports will include, but are not be limited to, numbers of visitors, calls, and/or other communications. Re-visits should be reported separately.
- The reports will show trends for visits, with specific and unique information in a format chosen by the Ombud. These reports will provide data that would allow the University to solve problems or make changes to foster a collegial work environment.
- All reports by the Ombud must maintain confidentiality.

2. Frequency of Reports

The Ombud will provide written reports to the audiences and entities specified below:

- Eastern Kentucky University Board of Regents - Quarterly Report
- Eastern Kentucky University President - Monthly Report
- Eastern Kentucky University Faculty Senate - Quarterly Report
- Eastern Kentucky University Staff Council - Quarterly Report
- Any specialized reports requested through the Office of the Ombud may be prepared at the Ombud's discretion.

C. Confidentiality

The Ombud will not confirm communicating with any party or disclose any confidential information without the party's express permission and at the discretion of the Ombud, except as required in Section IV.B.1. Confidentiality will be respected even if the non-disclosure may prevent resolution of the problem. The Ombud shall disclose confidential information when required by law or applicable policy.

D. Neutrality

The Ombud will be neutral in his/her activities, and will not take sides in any conflict, dispute, or issue. The Ombud will impartially consider the interests and concerns of all employees involved in a situation with the aim of facilitating communication and assisting the employees in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the University.

The Ombud will avoid involvement in matters where there may be a conflict of interest. A conflict of interest occurs when the Ombud's private interests, real or perceived, supersede or compete with her/his dedication to the neutral and independent role of the Ombud. When a conflict of interest exists, the Ombud will take all steps necessary to disclose and/or avoid the conflict, and shall withdraw from the matter.

E. Informality

The EKU Ombud is a resource for informal dispute resolution only. Conflict resolution facilitated by the Ombud does not constitute official University action.

IV. Authority and Limits of the Ombud

The Ombud works under the authority of and reports directly to the University President.

A. Authority of the Ombud

1. Initiating Informal Inquiries

The EKU Ombud will be entitled to inquire informally about any issue concerning the University and affecting any member of the University community, except students.

2. Access to Information

The Ombud may request access to information related to employees' concerns. Departments or offices shall respond within the time frame agreed upon by the Ombud and the University department or office involved. University departments or offices involved in ongoing litigation or conducting formal personnel, audit, or compliance investigations may withhold the requested information.

3. Ending Involvement in Matters

The Ombud may withdraw from or decline to look into a matter if he/she believes involvement would be inappropriate for any reason.

4. Discussions with Employees and Others

The Ombud has the authority to discuss a range of options available to the employee, including both informal and formal processes. The Ombud may make any recommendations he/she deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Ombud will have no actual authority to adjudicate, to impose remedies or sanctions, or to enforce or change any policy, rule, or procedure.

5. Access to Legal Counsel

On occasion, the Ombud may require legal advice or representation in order to fulfill his/her required functions. The Ombud will be provided with legal counsel in the event she/he is subpoenaed to testify or produce documents related to the work of the office. In the event of a conflict of interest in the University Counsel office, the Ombud shall have access to outside counsel at University expense and subject to University procurement requirements.

B. Limitations on the Authority of the Ombud

1. Receiving Notice for the University

Communication with the Ombud will not constitute notice to the University. If the employee discloses allegations and expresses a desire to make a formal report, the Ombud shall assist the employee in referring the matter to the appropriate EKU office(s) for administrative or formal grievance processes. In some instances, state or federal laws or regulations may require the Ombud to report information to appropriate authorities. Examples include incidents involving minors, imminent threats of harm to self or others, or criminal activity.

2. Putting the University on Notice (Informing the University)

If the employee wants to inform the University about a situation, the Ombud shall direct the employee to the appropriate office or department. In extremely rare situations when there is a credible risk to public health or safety, the Ombud--at his or her sole discretion--may determine there is an ethical obligation to put the University on notice. This will take place only when there is no other responsible option. If the Ombud decides to put the University on notice, she/he will do so in writing to the extent practicable.

The Ombud shall inform University employees of their mandatory reporting obligations as dictated by University policies.

3. Formal Processes and Investigations

The Ombud will not conduct formal investigations of any kind. To the extent permitted by law, the Ombud will not participate in the substance of any formal dispute processes, administrative hearings,

outside agency complaints, or litigation, either on behalf of an employee or on behalf of the University. This does not preclude the Ombud from making informal inquiries.

4. Record Keeping

The Ombud will not generate records for the University about individual matters.

5. Advocacy

The Ombud will serve as a source of information and will not act as an advocate for any party.

VI. Retaliation

Faculty and staff have the right to consult the Ombud without reprisal. The Ombud will collaborate with the University to create policies that protect faculty and staff who utilize the Office of the Ombud.

VII. Amendments

Amendments to the EKU Ombud Charter can be proposed and ratified by a committee comprised of the following five EKU personnel:

- President
- Provost
- Chair of Faculty Senate
- Chair of Staff Council
- Director of Human Resources

Agreed to and accepted by:

President and University Professor

Dated: