

# **Pacific University Ombuds Charter**

## **1. Introduction**

This Charter defines the terms, conditions, and principles on which the ombuds resource is established and operates and describes the privileges, responsibilities, and authority of the ombuds team ("Ombuds"). The creation of the resource ("Ombuds Resource" or "Office") reflects Pacific University's ongoing commitment to open communication, support for all employees at Pacific University ("University"), and fostering a culture of respect, honesty, fairness, integrity, and responsiveness. The Ombuds report directly to the President and operates independently of other administrative units of the University.

## **2. Purpose**

The Ombuds are available to all employees of the University to voluntarily seek confidential, independent, impartial information, facilitation, and strategies to address challenges they encounter in their work at Pacific University. In keeping with national norms, those who utilize the Office are referred to as "visitors." The Ombuds' services do not replace formal channels for reporting or administrative processes, or obligations. Rather, they provide an impartial, confidential, and informal approach to empowering employees to resolve such challenges in a manner that best suits their own needs and goals.

The Office is a no-barrier resource, influencer, and catalyst for institutional changes in policies, procedures, and goals that affect the experience of any and all employees. The Ombuds help reinforce the culture of respect and responsiveness of the University and those actors accountable for upholding the tenets of such a culture. The Ombuds help identify conditions for outcomes that enhance communication, relationships, and foster trust among all participants.

## **3. Responsibilities/Duties/Functions of the Ombuds Resource**

- Provide independent, impartial, informal, and confidential assistance to Pacific University staff and faculty dealing with difficult and complex issues
- Meet with individuals and groups to address concerns, to help them clarify issues, and develop a range of possible options to resolve problems and facilitate discussion intended to identify the best outcomes
- Follow/apply the University's Code of Conduct, Conflict of Interest, and other relevant policies and procedures.
- Facilitate group meetings, act as an intermediary among stakeholders, or negotiate to facilitate communication among parties for conflict resolution
- Identify and contextualize any systemic issues and share those with the President of the University without breaching the confidentiality of the identity of visitors or their communications with the Ombuds
- Design and conduct training programs for the campus community in dispute/conflict resolution, negotiation skills and theory, civility, and related topics
- Serve as a resource for the University in formulating or modifying policies and procedures, by raising issues that might arise as a result of a gap between the stated

- goals of the University and actual practice
- Encourage administrative practices to maximize the University's ability to meet the needs of all members of the campus community in accordance with Pacific University Diversity, Equity, and Inclusion standards
- Consult and collaborate with other stakeholders who provide services and resources across the University; develop networks and community
- Participate in professional continuing education opportunities and relevant professional organizations
- Perform other duties consistent with this Charter as assigned.

#### **4. Standards of Practice/Code of Ethics**

The Ombuds adhere to and operate using the Standards of Practice and Ethics of the International Ombuds Association (IOA). [IOA Standards of Practice & Code of Ethics](#) The four pillars of practice are that the Ombuds must act as an independent, impartial, informal, and confidential resource.

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 establish and follow consistent policies for the Ombuds Resource, which will be posted on the Office's website. The Ombuds will also publicize the key pillars of practice or principles on which the program is based and operates, 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.

- **Independent:** The Ombuds Resource is not part of the administration of Pacific University. The Ombuds act free from influence or expectation from other organizational entities or functions. They must be clear about their role and the limits of their authority, and they must be unimpeded in their decision as to when or how they choose to engage regarding systemic, group-level, or individual concerns. They are expected to use best practices in their choice to bring any concerns to the attention of relevant institutional actors. The Ombuds may obtain access to relevant information within the institution as is necessary to engage informally with those seeking their services and as permitted by legal standards.
- **Impartial:** The Ombuds will strive for impartiality and fairness in consideration of all visitors to the Office and the issues they raise. 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. Accordingly, the Ombuds do not serve as voting members on University committees, are not tenured, and do not serve in any policy-making capacity. The Ombuds must consistently provide neutral and unbiased resources, problem identification, and collaborative problem-solving. As such, they work to provide a wide range of reasonable and achievable options to resolve concerns, address systemic problems, and empower employees to address such challenges.
- **Informal:** The Ombuds provide informal assistance to its visitors. They have no authority to receive notice of formal complaints or grievances against the University or its agents, conduct formal investigations, or make business or policy decisions for the University. They will not participate in formal adjudicative processes, outside agency complaints, and lawsuits. Instead, the Ombuds provide visitors with an opportunity to informally take action themselves to resolve their issues or to collaborate to accomplish mutually acceptable outcomes. The Ombuds and the Office do not create or maintain business records for any party utilizing their services and shall

not create or maintain documents or records for the University about individual cases. As an informal resource, the Office is always a voluntary option. Use of the Ombuds is not a required step in any formal process available at the University.

- **Confidential:** Confidentiality is the defining feature of the Ombuds Resource. Communications with the Ombuds are confidential to the maximum extent permitted by law. The Ombuds will hold all communications in strict confidence and will not reveal - and must not be required to reveal - the identity of visitors to the Office. No employee at any level of the University may compel the Ombuds to disclose confidential information.

The Ombuds will not reveal any information disclosed to them in confidence except as permitted by the IOA Standards of Practice, including not disclosing such information without a visitor's express permission and then only at the discretion of the Ombuds. The Ombuds may, however, disclose otherwise confidential information if they determine there is an imminent risk of serious physical harm or as otherwise permitted by the IOA Standards of Practice.

The University fully supports the confidentiality of the Ombuds Resource. It encourages parties to come forward confidentially, share their concerns, and attempt early and collaborative resolution instead of resorting to prolonged appeals or litigation. In order to achieve a mutually acceptable outcome, the opportunity for a frank and confidential discussion of issues, options, and possible outcomes is necessary.

Because the Ombuds are a purely voluntary resource that no one is required to use, those who do so will be understood to have agreed to abide by the terms, conditions, and principles upon which the Office was established and on which it operates and not call on the Ombuds to testify or produce documents relating to confidential communications in any legal, administrative, or other proceedings. The University has also agreed to abide by the terms, conditions, and principles on which the Office was created and not call the Ombuds to testify or produce documents relating to confidential communications in any legal, administrative, or other proceedings.

The confidentiality of communications with the Ombuds may not be waived by others. The Ombuds will resist any attempts by visitors or third parties to compel disclosure of confidential communications or documents by invoking the terms, conditions, and principles of this Charter and the IOA Standards of Practice, 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 and the University will cooperate with each other to implement policies and practices to protect the confidentiality of visitor identities and Ombuds' confidential communications. The University will notify the Ombuds of any subpoena or request for the production of documents served on the University seeking disclosure of Ombuds' confidential communications and cooperate with Ombuds to take all reasonable steps to resist such attempts to compel disclosure of Ombuds' confidential communications or documents, including filing a motion for protective order or taking other legal action to resist such attempts.

The Ombuds will maintain any case-related information (e.g., notes, emails, voicemails, appointments) in a secure location and manner, protected from inspection by others, 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 University leadership in ways that protect visitor identity and confidentiality.

## **5. Discussions Facilitated by the Ombuds**

Ombuds use several tools when working with visitors, including offering them the option to participate in a facilitated discussion. A facilitated discussion is an informal and voluntary process where the Ombuds offers to assist the visitor and the person of concern (another employee or a manager, etc.,) with an opportunity to speak with one another about the concern in a private setting.

The Ombuds have no authority to impose an outcome, mandate participation in the process, or determine an outcome. Should both the visitor and a person of concern elect to participate in a facilitated discussion, they should expect the following:

- 1) The Ombuds will remain a neutral facilitator of the process. The Ombuds' role is to assist the parties to identify their interests and develop options for resolution that the parties may determine solely in the end by agreement.
- 2) The Ombuds will not represent or advocate for any side. The Ombuds is an advocate for a fair process and will conduct themselves accordingly as they facilitate the discussion.
- 3) Participants in a facilitated discussion cannot create new policies, rights and/or privileges by agreement.
- 4) Any written agreements that would benefit from the oversight by a third party (e.g., leadership or HR), will be provided to the third party, with the knowledge and consent of the parties, to monitor compliance. The Ombuds will not monitor or enforce the terms of any agreement.
- 5) In alignment with their commitment to confidentiality, the Ombuds will not reveal the contents of the facilitated discussion to anyone unless a participant shares information that the Ombuds determines represents an imminent threat of serious harm or as authorized by the IOA's Standard of Practice.
- 6) Facilitated discussions are voluntary for all parties including the Ombuds. Should a facilitated discussion end without resolution, all other options remain for the visitor including continuing to work with the Ombuds, reaching out to HR, or pursuing formal options for resolution.
- 7) Unlike a traditional mediation, the participants and the Ombuds do not sign an Agreement to Participate / Confidentiality Agreement for each facilitated discussion and instead will be bound to the principles and terms and conditions of confidentiality, informality, independence, and impartiality contained in this Charter.

## **6. Authority and Limitations on Authority of the Ombuds Role**

The authority of the Ombuds Resource derives from the establishment of the Ombuds Office by the University administration and the endorsement of this Charter by the University's President.

**A. Ombuds Authority.** The University recognizes that the Ombuds has 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 visitor or member of the communities 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 relevant University information related to visitors' concerns and will respect and preserve the confidentiality of that information as permitted by legal standards. The University's departments are expected to respond with reasonable promptness to such requests from the Ombuds.
- 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 occasions, the Ombuds may require legal advice or representation in order to fulfill their required job functions. The University will provide the Ombuds with outside legal counsel at the Ombuds' request if the Office is asked for documents or testimony related to any litigation or other formal process related to the Office's activities and if representation by the University's counsel would be a conflict of interest, or as otherwise necessary to protect the integrity of the Office's ability to function under the terms of this Charter.

**B. Limitations on the Authority of the Ombuds**

- 1) The Ombuds Resource is Not Authorized to Receive Notice of Claims or Grievances Against the University.** Communication about claims or grievances against the University or its agents made to the Ombuds or the Office does not constitute notice of these claims or grievances to the University. This includes allegations that may be perceived as violations of laws, regulations, or policies, including 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 do not have 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 and because they have been designated as "confidential employees" by the University. Important rights may be affected by when formal action is initiated and when an entity is informed of allegedly inappropriate or wrongful conduct, and while working with the Ombuds may address a problem

or concern effectively, it may not protect the rights of the person contacting the Ombuds Resource.

If a visitor to the Office wants to put a concern “on the record,” wants to put the University on notice regarding a specific situation, or wants 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 have no authority to conduct formal investigations of any kind. The Ombuds will also not participate in any adjudicative or formal dispute process, outside agency complaints or lawsuits, either on behalf of a visitor to the Office or on behalf of the University.
- 3) Organizational Record Keeping.** The Ombuds have no authority to keep business 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 its involvement in a matter. Any reports made and shared with the University or others will be sufficiently deidentified to protect the confidentiality of visitors to the Office and their confidential communications.
- 4) Advocacy for Individual Parties or Entities.** The Ombuds have no authority to serve as an advocate, lawyer, representative, or counselor for any party in a dispute, nor will they represent University administration or visitors to the Office. Rather, the Ombuds will advocate for fair processes, respectful treatment, and equitable policies.
- 5) Business and Policy Decisions; Adjudication of Issues.** The Ombuds have no authority to make or change business or policy decisions on behalf of the University. The Ombuds also has no authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

## **7. Reporting**

The Ombuds report directly to the President and prepares reports of aggregated, informal data on usage, emerging concerns, opportunities for system-wide revisions or education, and any national, regional, or similar institution trends. The Ombuds will have the authority to communicate with the Board of Trustees as the Ombuds determines is necessary.

## **8. Evaluation Procedures for the Ombuds and any additional Ombuds staff members**

The Ombuds Office is uniquely positioned in the University as it must be both accountable as well as independent, informal, and confidential. This requires a commitment to best practices in evaluation suitable to that unique position. These may include:

- a. Evaluation Surveys
- b. Workshop Evaluations
- c. Annual Reports

- d. Informal discussions with the President (per the reporting structure)
- e. Reports of discussions with stakeholders
- f. Reports of discussions with peer institutions, national conference reports, or evidence from relevant empirical sources and studies
- g. Timely and confidential collation of usage reports and emerging concerns
- h. Effective plans and strategies for the resolution and referral for resolution of conflicts and concerns presented during consultations.

## **9. Retaliation for using the Ombuds Resource**

Because the Office is intended to be a confidential resource, it is not appropriate for administration, faculty, or staff to inquire about an individual's use of the Office or any communication that may have taken place with an Ombuds. It is acceptable to remind individuals that the Ombuds is an available resource, but no one may be ordered or required to consult with the Ombuds, and no one shall be disciplined for not consulting with the Ombuds because an individual's use of the Office must always be completely voluntary. Retaliation against anyone for consulting with the Ombuds or for not consulting with the Ombuds, or against the ombuds for actions within the scope of the Ombuds' duties is prohibited.

## **10. Amendment/Revocation of Charter**

This Charter shall remain in effect unless otherwise revoked by the President of the University and such revocation shall be provided in writing to the Ombuds or upon the expiration of the contractual agreement for the delivery of outsourced organizational ombuds services. Any revision to the Charter shall be jointly agreed to in writing by both the President of the University and the Ombuds Provider and shall be appended to this document.

Pacific University

Jennifer Coyle  
Jennifer Coyle (Jul 31, 2025 12:15:17 PDT)

Name: Jennifer Coyle

Title: President

Date: 07/31/2025

*Duly Authorized*

Pacific University Ombuds Provider - MWI

Chuck Doran

Name: Chuck Doran

Title: Executive Director

Date: 07/30/2025

*Duly Authorized*

# Pacific University Ombuds Charter

Final Audit Report

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