



CHARTER of the OFFICE of the UNIVERSITY OMBUDSPERSON

1. INTRODUCTION

The Central Michigan University President and Chief of Staff to the President jointly established the University Ombudsperson position in 2021. It was staffed beginning November 1, 2021, to provide a confidential, informal, impartial, and independent resource for students, staff, and faculty. Other affiliates, for example, alumni and parents may on occasion, seek guidance or otherwise engage the office when deemed appropriate to do so by the Ombudsperson. Those who seek the services of the University Ombudsperson are referred to throughout as *visitors*.

2. MISSION

The Central Michigan University Ombudsperson serves the institution in accordance with its core values of integrity, respect, compassion, inclusiveness, social responsibility, excellence, and innovation by welcoming students, staff, and faculty into a confidential space for discussion regarding university-related matters of concern. The Ombuds assists in opening avenues of communication for those in pursuit of resolution and in promoting fair and equitable treatment for all members of the CMU community.

3. FUNCTION

The University Ombudsperson (Ombuds) will provide services grounded in the ethical principles of confidentiality, informality, impartiality, and independence. The Ombuds will be available to Central Michigan University (CMU) students, faculty and staff who seek guidance regarding concerns, issues, conflicts, or problems that may arise: for students, in the pursuit of their learning, living, and co-curricular endeavors; for faculty and staff, in the enactment of their professional duties. The Ombuds is a facilitative resource who fosters a positive campus climate in accordance with associational standards and institutional objectives while maintaining the highest levels of professionalism and sound judgment.

The Ombuds will actively and without bias or judgment, listen to concerns and questions raised by visitors. The Ombuds will help clarify concerns, answer questions, explain policies, and explore resolution options. The Ombuds may ask questions, make informal inquiries, review information, consider options, suggest additional resources, and upon request may facilitate dialogue between disputants. The Ombuds will assist parties in reaching resolutions that maximize outcome objectives to the greatest practicable extent, and that are consistent with CMU strategic priorities, mission, vision, and values. Services provided by the Ombuds supplement, but do not replace, existing university processes. The Ombuds will serve as an upward feedback mechanism regarding trends, issues, and systemic matters in an anonymized fashion. In addition, the Ombuds may make recommendations regarding policy refinement, beneficial training, or other educational opportunities, resources, or implementations to enrich the campus community.

4. STANDARDS of PRACTICE and CODE of ETHICS

The Ombuds will adhere to the International Ombuds Association (IOA) [Standards of Practice](#) and [Code of Ethics](#), insofar as they do not conflict with existing university policies, federal law or Michigan law. These guidelines require that the Ombuds functions with confidentiality, informality, impartiality, and independence. The governing Code delineates core values that effectually formulate an oath by which to practice. The Ombuds will ***act with honesty and integrity; promote fairness and support fair process; remain non-judgmental, with empathy and respect for individual differences; promote dignity, diversity, equity, inclusion, and belonging; communicate accurate understanding through active listening; promote individual empowerment, self-determination, and collaborative problem-solving; and endeavor to be a trusted and respected informal resource.***

The Ombuds will be a member of the International Ombuds Association and will remain current in the profession through the association's educational and programmatic offerings. The Ombuds will inform visitors of and publicize the ethical standards of practice (confidentiality, informality, impartiality, and independence, as well as the voluntary nature of ombudsing services) as broadly as possible, including through informational materials, presentations, and in-person communications. The Ombuds will make visitors expressly aware of limits to confidentiality.

- 4.1. Confidentiality:** The Ombuds holds all communications with those seeking assistance in the highest degree of confidentiality allowed under Michigan law. As such, 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 Ombuds Office unless it either possesses the visitor's express consent to reveal this information; the disclosure is legally required of the Ombuds Office to the extent permitted by law; when there appears to be imminent risk of serious harm to the visitor or others (IOA); or when there is a potential violation of the CMU Sexual and Gender-Based Misconduct Policy. Whether such risk exists, or potential violation has occurred is a determination to be made by the Ombuds.

The Ombuds takes all reasonable steps to safeguard confidentiality, including the following: the Ombuds does not reveal, and must not be required to reveal, the identity of any individual visitor, nor does the Ombuds reveal information provided in confidence that could lead to the identification of a visitor, without that individual's express permission, given during informal discussions with the Ombuds. The Ombuds takes specific action related to an individual's issue only upon request or consent of the individual and only to the extent permitted, and even then, at the sole discretion of the Ombuds, unless such action can be taken in a way that safeguards the identity of the Ombuds' visitor. The Ombuds does not keep individually identifiable case files or records, but for basic and minimal notes used to guide active case work. Such notes are neither public record nor property of the visitor. The Ombuds maintains anonymous statistical data used to discern patterns and trends.

- 4.2. Informality:** The Ombuds, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to the Ombuds' attention.

The Ombuds will be a resource for informal and voluntary dispute resolution. The Ombuds is not a point of notice to or on behalf of the university. The Ombuds will not formally investigate, arbitrate, adjudicate, or in any other way participate in any internal or external formal process or action. Consultation with the Ombuds is not a required step in any complaint or grievance process, nor a provision of university policy, nor does it postpone any timelines for filing complaints or grievances. The Ombuds will not participate in any formal process inside or outside of the university, such as union grievances or lawsuits, unless compelled to do so by court order or applicable law. Visitors shall not request that the Ombuds participate in any legal or administrative proceeding including, but not limited to, depositions or testimony and shall keep confidential all dealings with the Ombuds unless compelled to do so by court order or applicable law. The Ombuds neither contacts nor communicates with visitors' attorneys and will have no involvement in matters once legal steps have been initiated.

- 4.3. Impartiality:** As a designated neutral, the Ombuds remains unaligned and impartial. The Ombuds does not engage in situations which could create a conflict of interest.

The Ombuds will be impartial in all activities and will not take sides in any conflict, dispute, or issue. The Ombuds will consider the interests and concerns of all involved parties with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair and equitable, and consistent with the mission and policies of the university. The Ombuds must disclose any potential conflict or perceived conflict of interest. The Ombuds will recuse themselves from serving when to do so may compromise the perception of their neutrality.

In the event of a recusal, when available, alternative resources will be recommended to an affected party. Standardly, Ombuds will not:

- Serve as a voting member on committees; or
- Serve in a policy making capacity but may be a valuable informational resource for policy makers and reviewers; or
- Participate in adjudication processes.

4.4. Independence: The Ombuds is independent in structure, function, and appearance to the highest degree possible within the organization.

The Ombuds will be, and appear to be, free from interference in the performance of Ombuds' duties. This independence will be achieved primarily through organizational recognition, reporting structure, and neutrality in comportment and conduct. The Ombuds will exercise discretion over whether and how to act regarding individual matters or systemic concerns. The Ombuds will advise on trends or issue patterns inimical to a positive, inclusive campus climate. In order to fulfill its functions, the Ombuds will be allocated space, budget, and resources sufficient to meet operating needs, including continued professional development. A reporting line is established for these administrative purposes. The Ombuds reports to the Chief of Staff to the President.

5. OMBUDS OPERATIONS, AUTHORITY and LIMITATIONS

Annual Reporting: The Ombuds will produce an annual report, utilizing anonymized caseload data from the previous fiscal year. The annual report will standardly include data pertaining to the use of the office by visitor constituent type; visitors' presenting issues, concerns, and conflict types; service provision; and whether resolution was achieved. Emergent patterns or trends may also be identified, as may any policy or process as a candidate for review. Occasional systemic observations or periodic analysis may be shared with appropriate leadership when real-time communication is warranted.

Initiating Informal Inquiries: The Ombuds may inquire informally about any issue regarding the university, irrespective of how or by whom the issue is brought to the Ombuds' attention.

Access to Information: The Ombuds may request access to information related to visitors' concerns and questions, from files and offices of the university, and will respect the confidentiality of that information. The Ombuds will not access information protected as personal or private by law or agreement except with the express written consent of the person(s) to whom that information pertains.

Ending Involvement in Matters: The Ombuds may withdraw from or decline to assist with a matter if/when the Ombuds believes that involvement would present a conflict or be otherwise inappropriate.

Discussions with Visitors: The Ombuds will discuss a range of options available to visitors, including both informal and formal processes. The Ombuds may make recommendations for resolving concerns and disputes or improving policies, rules, and procedures. However, the Ombuds holds no authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

Access to Legal Counsel: The Ombuds may require legal advice or representation to fulfill the functions and duties attendant to the office. The Ombuds will be provided with legal counsel by the university should documents or testimony be requested, related to any litigation or other formal legal process arising out of the Ombuds' activities.

Notice to the University: Communication to the Ombuds shall not constitute legal notice to the university. If a visitor seeks to put the university on notice regarding a specific situation, the Ombuds will assist the visitor by providing the information necessary to do so, such as existing reporting channels. If appropriate, the Ombuds may directly aid the visitor in conveying notice to the designated

official and in accessing additional resources. In instances of imminent risk of harm or suspected violation of the university Sexual and Gender-Based Misconduct Policy (communications not privileged with confidentiality), the visitor will be encouraged and supported in making the formal report of their own accord but clearly apprised of the Ombuds' obligation to notify the university, when such obligation exists. If the Ombuds determines notice to the university is due, it will be made in writing to the greatest practicable extent, and it will be made in a timely fashion.

Formal Processes and Investigations: The Ombuds will not conduct formal investigations of any kind. Nor will the Ombuds participate in the substance of any formal dispute processes, outside agency complaints or lawsuits, on behalf of a visitor or on behalf of the university, unless compelled to do so by court order or applicable law.

Collective Bargaining Agreements: The Ombuds may not inquire into the application or interpretation of a collective bargaining agreement (CBA) or into the alleged violation of the duty of fair representation against a certified union. This means that while the Ombuds may provide services to union members, those services may not address issues covered in the CBA. In those cases, the Ombuds will advise the employee of the applicable CBA and to their union representative.

Record Keeping: The Ombuds will not keep identifying records for the university and will neither create nor retain documents or records for the university. Notes and other materials related to a visitor's matter will be maintained in a secure location and manner and destroyed once the involvement with the Office of the Ombuds concludes.

Advocacy for Parties: The Ombuds will not act as an advocate for any party in a dispute.

Adjudication of Issues: The Ombuds does not and will not have authority to adjudicate, impose remedies or sanctions, or to enforce or change university policies or rules.

6. NON-RETALIATION

Students, staff, and faculty have the right to visit with the Ombuds without reprisal, explanation, or interference. No one need disclose their intent or wish to visit with the Ombuds, nor shall they be compelled to seek permission from a supervisor to do so. No one shall be required to discuss or divulge the reason(s) for visiting the Ombuds or the particulars of their conversation.

7. APPROVAL and AMENDMENT of the CHARTER

This charter may be amended at the agreement of the University Ombudsperson, the Chief of Staff to the President, and the University President. This charter is approved by Dr. Davies, President of Central Michigan University and becomes effective as of the date indicated below his signature line.

Robert O. Davies, Ph.D., President:

Date of Signature: ~~Drafted April 2022; Finalized March 2023~~

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ADDENDUM

¹ The Charter of the Central Michigan University Office of the University Ombudsperson was developed in accordance with the following International Ombuds Association guiding documents:

- Best Practices: Ombudsman Office Charters
- Code of Ethics and Standards of Practice

Charters accessible via university websites for similarly situated institutions (public peers) and offices (serving faculty, staff, and students) were also reviewed.

ADDENDUM

HISTORY of the CENTRAL MICHIGAN UNIVERSITY STUDENT OMBUDSMAN POSITION

The Student Ombudsman position at Central Michigan University was created by President Leonard E. Plachta in September 1992. Its purpose is to assist students in the timely settlement of their problems. This will be accomplished by listening, investigating, explaining, advising and referring. The Ombudsman cannot reverse decisions but can approach problems by generating discussion, employing persuasion, and making recommendations.

I will operate the Ombudsman Office as a service to all students on an impartial basis. I will see walk-ins to the extent that I can and will also schedule appointments. Students will be greeted by clerical staff and asked to complete a simple form stating the reason for their visit. Each student will be treated with respect and is assured that all matters will be handled confidentially. My goal is to find a satisfactory solution in all cases. "A satisfactory solution" is one that is acceptable, perhaps with reservation or compromise, to all parties involved.

This position will also benefit CMU by helping to identify areas where the University may need to look at policy, procedure or standard operating practice. After a period of operation, a summary of cases brought to the Ombudsman will be prepared and presented to the President for this purpose. Students who have no specific problem but have suggestions for improving "student life" are encouraged to call, write or visit the Ombudsman.

--- Prepared by Janet Wagester, inaugural Student Ombudsmanⁱ

The CMU community is grateful for the dedicated and able service provided by the following individuals as the Student Ombudsperson for the duration of the Office, from its 1992 inception through to its October 2021 end:

1. 1992-1994 Janet Wagester
2. 1994-1995 Marion Bradley
3. 1995-2008 Susan Rademacher
4. 2008-2013 Jon Humiston
5. 2013-2016 Brad Kloha
6. 2016 Jason Bentley, Interim
7. 2016 Jeff Hyames, Interim
8. 2016 Kyle Pybus, Interim
9. 2016-2021 Erica Peters
10. 2021 Ann Krzyzaniak, Interim
11. 2021 Kyle Pybus-Jerome, Interim

ⁱ From its 1992 inception, the administrative reporting line for the Student Ombuds (inclusive of title variations over the years) was within the Office of the President. A 2013 restructuring resulted in its move to Enrollment and Student Services until 2020, at which time, it returned to the Office of the President.