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### I. Introduction

The University of Virginia Ombuds Office was established in 1998 to provide an independent, impartial, informal, and confidential resource for current faculty, staff, and students (“individuals”) to help foster an environment of respect, honesty, fairness, integrity, and compassion as well as to bolster a supportive working and learning climate at the University of Virginia (University). This Charter reaffirms the purpose for which the University Ombuds Office (Ombuds Office) is established, defines the terms, conditions, and principles on which the Ombuds Office is created, and describes the privileges, responsibilities, and authority of the University Ombuds. This Charter is based on the fundamental principles of the International Ombuds Association (IOA) Standards of Practice and Code of Ethics.

### II. Purpose, Mission, and Standards of Practice

The purpose of the Ombuds Office is to provide a transformative and engaging University resource that helps empower individuals to proactively address their conflict and concerns in a positive, constructive method while assisting them in an impartial, independent, informal, and confidential manner.

The Ombuds Office carries out this mission by way of three complementary approaches: (1) receiving and assisting individuals toward the resolution of concerns on a confidential and informal basis; 2) supporting alternative dispute resolution services that advance the goal of an integrated conflict management system; and 3) elevating systemic trends, patterns or concerns, without breaching confidentiality, to the attention of the University's leadership to improve the fairness and effectiveness of its programs and administration at a systems level.

The IOA Code of Ethics articulates the core values essential to the work of a University Ombuds and the fundamental principles of independence, impartiality, informality, and confidentiality that are the essential foundation for effective organizational ombuds work. Accordingly, the Ombuds Office functions with:

1. **Independence**: The University Ombuds is independent in structure, function, appearance, and decision-making, and operates without interference or direction from University administration. The Ombuds Office is not affiliated with any compliance function, and any guidance provided is not binding. The Ombuds Office budget and operations are managed by the University Ombuds. The University Ombuds holds no other position within the University and has sole discretion over how or whether to address an individual's concerns. The University will not attempt to direct or influence the substantive work of the Ombuds Office as it provides ombuds services to individuals, including determining with whom the University Ombuds meets and how the University Ombuds manages any given concern. Although the University is not obligated to accept any of the options in ombuds consultations, the University also will not attempt to interfere with or control the substance of any options the University Ombuds might offer individuals.

2. Impartiality: The University Ombuds is a designated neutral and impartial resource who does not take sides or serve as an advocate for any individual or entity. The University Ombuds avoids conflicts of interests and conduct that could be perceived as a conflict of interest. To avoid such conflicts, the University 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 regarding Ombuds Office policies.
3. Informality: Use of the Ombuds Office is voluntary and will not be a required step in any grievance process or University policy. The University Ombuds does not participate in any evaluative, disciplinary, grievance, legal, or administrative proceedings related to concerns brought to the University Ombuds' attention. The University Ombuds is not authorized to make business and policy decisions or conduct formal investigations on behalf of the University. The University Ombuds is a confidential employee as defined in [Policy HRM-040](#) and cannot serve as an agent of the University for purposes of receiving notice of claims against the organization, nor is authorized to be a formal reporting channel for the University on matters brought to the University Ombuds' attention except when specifically and expressly mandated by law.
4. Confidentiality: The identity of those individuals seeking assistance from the University Ombuds and all communications with them are confidential to the maximum extent permitted by law. The University Ombuds may, at their sole discretion, disclose confidential information when the individual seeking assistance gives permission to do so, when a threat of serious physical harm to the individual or towards others exists, or as necessary to defend against a formal complaint of professional misconduct.

The Ombuds Office is a purely voluntary resource that an individual is not required to use. As such, individuals who do utilize the Ombuds Office will be understood to have agreed to the terms, conditions, and principles upon which the Ombuds Office is established and will not call on the University Ombuds to testify or produce documents relating to confidential communications in any legal, administrative, or other proceedings. The University also has agreed to respect the terms, conditions, and principles on which the Ombuds Office is created with regard to the University Ombuds testifying or voluntarily producing documents relating to confidential communications in any legal, administrative, or other proceedings.

The confidentiality of communications with the University Ombuds cannot be waived by others. The Ombuds Office will resist any attempts by individuals or third parties to compel disclosure of confidential communications or documents by invoking the terms, conditions, and principles 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 University Ombuds will not maintain notes or documents with identifying information. The University Ombuds will keep any temporary administrative case-related information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others and will have a consistent and standard practice for the regular destruction of case-related documents in compliance with the University Records Management policies and applicable retention schedules established under state law. The University Ombuds will prepare any data or reports to be shared with the University or otherwise made public in ways that protect individual confidentiality. The University Ombuds will implement policies and practices to protect the confidentiality of individual identities and University Ombuds' confidential communications.

### **III. Responsibilities, Role, and Services Offered**

The Ombuds Office is responsible for providing a respectful, confidential place where individuals can voluntarily seek guidance in exploring options to help them resolve their disputes or concerns through a confidential, impartial, informal, and independent resource without fear of retaliation or loss of privacy.

The University Ombuds role is to:

- Listen carefully to concerns of current faculty, staff, and students.
- Help identify and evaluate options that may resolve problems or concerns.
- Provide referrals and helpful information on resources within the University.
- Open avenues of communication and, while protecting confidentiality, make informal inquiries to gather relevant information.
- Serve as a neutral party and offer informal intervention upon request.
- Operate outside of ordinary line and staff structures.
- Practice informally, with no management decision-making power and without accepting "notice" for the University.
- Identify and track problem areas facing current faculty, staff, and students and recommend changes, as needed.
- Provide options to whistleblowers or members of the University with ethics concerns.
- Provide coaching, mediation, shuttle diplomacy, and facilitated dialogues upon request and with voluntary participation of all involved.
- Keep confidentiality to the extent permitted by law. The only exception to this confidentiality parameter is when a threat of serious physical harm to the individual or towards others exists and the University Ombuds can see no responsible option other than breaking confidence.
- Maintain active membership in IOA and adhere to the Core Values and Fundamental Principles articulated in the IOA Code of Ethics and Standards of Practice.

The range of services available through the Ombuds Office includes, but is not limited to, individual consultation, conflict management coaching, mediation, shuttle diplomacy, facilitated management training, and emotional intelligence coaching.

Pursuant to [Policy EXT-001](#), the University Ombuds also is the designated Dispute Resolution Coordinator for the University and will review applicable University policies, procedures and regulations to determine whether to amend any of the foregoing as may be appropriate to authorize and encourage the use of voluntary dispute resolution proceedings in accordance with these fundamental principles. As such, the University Ombuds will establish and follow consistent policies for the Ombuds Office, which will be posted on the Ombuds Office website.

#### **IV. Operational Relationship to the University**

The authority of the Ombuds Office derives from the University administration as manifested by the endorsement of the University President on this Charter. The Ombuds Office will have a specific allocated budget, adequate space, and sufficient resources to fulfill its role and pursue continuing professional development. The University Ombuds will have the authority to manage the budget and operations of the Ombuds Office and will report to the Associate Vice President for The Office for Equal Opportunity and Civil Rights (EOCR) for administrative and budgetary matters only.

The Ombuds Office has access to certain employee information and will be provided other relevant information within the organization as necessary to fulfill their informal role and as permitted by law.

The Ombuds Office will publicize this Charter and the four key principles on which the program is based on the Ombuds Office website, including the confidential, independent, impartial, and informal nature of the services offered and will clearly explain each of these fundamental principles and standards of practice to each individual who engages with the Ombuds Office.

## V. Authority and Limits of the University Ombuds

The authority of the University Ombuds derives from the establishment of the Ombuds Office by the University administration and the enactment of this Charter. The University Ombuds acts as a trusted navigator for individuals seeking guidance, information, insight, and potential options to overcome an existing issue or concern.

The University Ombuds **does**:

- Listen to questions and concerns of current faculty, staff, and students.
- Help identify and evaluate options for current faculty, staff, and student concerns.
- Offer an impartial perspective.
- Facilitate difficult conversations as an impartial third-party.
- Help constructively address a problem through coaching, shuttle diplomacy, or mediation.
- Make referrals to appropriate resources.
- Recommend constructive change in University policy and procedures.
- Make informal inquiries to gather relevant information.
- Access legal counsel in circumstances when the University Ombuds may require legal advice or representation in order to fulfill their required job functions. The University Ombuds will engage the Office of University Counsel to determine whether advice or representation is appropriate through that office or whether appointment of outside counsel is appropriate or necessary.

The University Ombuds **does not**:

- Provide legal advice.
- Offer psychological counseling.
- Make decisions, render judgments, or change/overtake University decisions on issues.
- Compel or order anyone to take any specific action.
- Conduct formal investigations.
- Participate in formal or adjudicative processes, including lawsuits or grievances.
- Serve as a witness in an administrative or legal proceeding unless otherwise compelled by law.
- Represent a party, take sides or advocate for either party or for the University in a dispute.
- Accept notice on behalf of the University, including allegations that may be perceived as violations of laws, regulations, or policies, such as sexual harassment or incidents subject to reporting under the Sexual Misconduct Policy (including Title IX), or the Clery Act.
- Share confidential facts or disclose identities of individuals engaging services without permission.
- Replace or supersede existing channels for grievances, complaints, or appeals.
- Engage in any situation that could create a conflict of interest.
- Guarantee a resolution.

## VI. Records, Reports, and Confidential Information

The University Ombuds does not maintain records containing confidential information after a matter is resolved or otherwise concluded.

- The Ombuds Office may maintain non-identified data related to the general categories of individuals who seek assistance from the Ombuds Office. This data may be used for general purposes such as annual reports, identification of trends, or areas of concern.
- Notes taken as a temporary memory aid to support informal work with an individual to address open matters will be kept in the sole possession of the University Ombuds and will be kept in a secure manner and location until destroyed in compliance with the [University Records Management Policy](#) (IRM-017).
- The Ombuds Office has a consistent practice for the timely destruction of confidential information.

The University Ombuds may provide non-confidential information about the Ombuds Office in any appropriate forum, including but not limited to annual reports.

## **VII. Interference with Use of the Ombuds Office and Retaliation**

The Ombuds Office is intended to be a confidential resource and it is not appropriate for University administration or others to inquire about an individual's use of the Ombuds Office or any communication that may have taken place there. Furthermore, discouraging or preventing eligible individuals from using the Ombuds Office is inappropriate. The University provides the Ombuds Office as a resource for early and informal management of conflicts and surfacing of issues.

While the University supports and encourages use of the Ombuds Office, an individual's use of the Ombuds Office always must be completely voluntary. It is acceptable to remind individuals that the Ombuds Office is available as an option or a resource, but no one may be ordered or required to engage the Ombuds Office, nor may an individual be subject to adverse action for failing or refusing to engage the Ombuds Office.

All individuals served by the Ombuds Office shall have the right to consult the University Ombuds without fear of retaliation or reprisal. Retaliation against anyone for consulting with the Ombuds Office or against the University Ombuds for actions within the legitimate scope of their duties as described in the Charter is prohibited.

## **VIII. Amendment of Charter**

This Charter only may be amended by the University President.

## **IX. Approval and Effective Date**

This Charter is approved and enacted by James E. Ryan, President of the University of Virginia, this 29th day of June 2023 and becomes effective as of this date.

A handwritten signature in blue ink that reads "James E. Ryan". The signature is written in a cursive, flowing style.

James E. Ryan, President, University of Virginia