

CHARTER AGREEMENT

for the

CLAREMONT GRADUATE UNIVERSITY OMBUDS OFFICE

I. INTRODUCTION

The Claremont Graduate University Ombuds Office was established in 2006 to provide confidential, neutral, independent and informal dispute resolution assistance to the CGU community. This agreement defines the privileges and responsibilities of the University Ombudsperson.

II. PURPOSE AND SCOPE OF SERVICES

The Ombudsperson will provide informal dispute resolution services to CGU faculty, staff and students. The Ombuds Office will be 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.

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

In addition, the Ombudsperson will serve as an information and communication resource, consultant, mediator, dispute resolution expert and catalyst for institutional change for the University. The Ombudsperson 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 Ombudsperson will practice to the International Ombudsman Association ("IOA") Standards of Practice and Code of Ethics. These tenets require that ombudspersons function independently of their organization, be confidential and neutral, and limit the scope of their services to informal means of dispute resolution. The IOA Standards and Code are minimum standards, and the CGU Ombudsperson will strive to

operate to “best practices” and in a way that serves the interests of the University. The Ombudsperson will be a member of IOA, and will attend regular trainings and the annual IOA conferences.

The Ombudsperson will establish consistent policies and practices for the Ombudsperson which will be made available upon request. The Ombudsperson will also publicize the confidential, independent, neutral and informal nature of his/her services, and explain these ethical standards to each visitor.

A. Independence

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

To fulfill his/her functions, the Ombudsperson will have a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development. The Ombudsperson will have the authority to manage the budget and operations of the Ombuds Office. The Ombudsperson will report to the office of the University president for administrative and budgetary matters only.

B. Confidentiality

The Ombudsperson will not confirm communicating with any party or disclose any confidential information without the party’s express permission and at the discretion of the Ombudsperson. Confidentiality will be respected even if disclosure may prevent resolution of a problem. The Ombudsperson may, however, disclose confidential information if [and] when there is an imminent risk of physical harm and no other mechanism for reporting.

The Ombudsperson will assert that he/she holds a privilege with respect to the identity of visitors and their issues. Therefore, the Ombudsperson will not participate in any formal process inside or outside the University, even if given permission by the visitor after initiating formal processes.

C. Neutrality

The Ombudsperson will be neutral in his/her activities, and will not take sides in any conflict, dispute or issue. The Ombudsperson will impartially consider the interests and concerns of all parties involved in a situation 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 Ombudsperson will avoid involvement in matters where there may be a conflict of interest. (A conflict of interest occurs when the Ombudsperson’s private

interests, real or perceived, supersede or compete with his/her dedication to the neutral and independent role of the Ombudsperson.) When a conflict of interest exists, the Ombudsperson will take all steps necessary to disclose and/or avoid the conflict.

D. Informality

The Ombudsperson will be a resource for informal dispute resolution only. The Ombudsperson will not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Ombudsperson will be voluntary and not a required step in any grievance process or University policy.

IV. AUTHORITY AND LIMITS OF THE OMBUDSPERSON

The authority of the Ombudsperson derives from the University administration as manifest by the endorsement of the University president.

A. Authority of the Ombudsperson

1. Initiating Informal Inquiries

The Ombudsperson will be entitled to inquire informally about any issue concerning the University and affecting any member of the University community. Therefore, the Ombudsperson may initiate informal inquiries into matters that come to his/her attention without having received a specific complaint from an affected member of the University community.

2. Access to Information

The Ombudsperson may request access to information related to visitors' concerns, from files and offices of the University, and will respect the confidentiality of that information. Requests by the Ombudsperson for information should be handled with reasonable promptness by University departments.

3. Ending Involvement in Matters

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

4. Discussions with Visitors and Others

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

5. Access to Legal Counsel

On occasion, the Ombudsperson may require legal advice or representation in order to fulfill his/her required functions. The Ombudsperson will be provided with legal counsel separate and independent from the University in the event he/she is asked for documents or testimony related to any litigation or other formal process arising out of ombuds activities.

B. Limitations on the Authority of the Ombudsperson

1. Receiving Notice for the University

Communication to the Ombudsperson will not constitute notice to the University. This includes allegations that may be perceived to be violations of laws, regulations or policies, such as sexual harassment, issues covered by whistleblower policy, or incidents subject to reporting under the Clery Act. Although the Ombudsperson may receive such allegations, he/she is not a “campus security authority” as defined in the Clery Act, nor is he/she required to report these allegations to the University. In addition, if the visitor discloses such allegations and expresses a desire to make a formal report, the Ombudsperson will refer the visitor to the appropriate CGU office(s) for administrative or formal grievance processes.

2. Putting the University on Notice

If a visitor would like to put the University on notice regarding a specific situation, or wishes for information to be provided to the University, the Ombudsperson will provide the visitor with information so that the visitor may do so himself/herself. In extremely rare situations an Ombuds may have an ethical obligation to put the University on notice. This will take place only when there is no other responsible option. If the Ombudsperson decides to put the University on notice, it will do so in writing to the extent practicable.

3. Formal Processes and Investigations

The Ombudsperson will not conduct formal investigations of any kind. The Ombudsperson will also not participate willingly in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Ombudsperson or on behalf of the University.

4. Collective Bargaining Agreements

The Ombudsperson may not inquire (informally or otherwise) into the application or interpretation of a collective bargaining agreement, or into the alleged violation of the duty of fair representation against a certified union.

5. Record Keeping

The Ombudsperson will not keep records for the University, and will not create or maintain documents or records for the University about individual matters. Notes and any other materials related to a matter will be maintained in a secure location and

manner, and will be destroyed once the Ombudsperson concludes its involvement in a matter.

6. Advocacy for Parties

The Ombudsperson will not act as an advocate for any party in a dispute, nor will he/she represent management or visitors to the office.

7. Adjudication of Issues

The Ombudsperson will not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

V. RETALIATION FOR USING THE OMBUDS OFFICE

Faculty, staff and students will have the right to consult the Ombudsperson without reprisal. The Ombudsperson will work with the University to create policies to protect visitors from reprisals for using the Ombudsperson.

Agreed and accepted by:

/S/
Robert Klitgaard
President and University Professor

Dated: August 29, 2006

/S/
Thomas A. Kosakowski
University Ombudsperson

Dated: August 29, 2006