

# Ombuds External Review

## Summary Report

### Background

In 2019, the Associate Chancellor conducted interviews with stakeholders and performed a review of the Office of the Chancellor and existing compliance units. The review revealed that many units, including the Office of Diversity, Equity and Inclusion (ODEI), Title IX, the Chancellor's Office, Colleges, Housing and Education Services (CHES), and Risk and Safety Services all provided some form of support for problem and/or complaint resolution. The result was that community members did not always know where to go to have issues addressed, often finding themselves seeking help in many locations. This assessment led to the creation of [the office of Equity and Equal Protection](#) in 2020.

UC Santa Cruz closed its Ombuds Office in 2012 in response to budget reductions. The Campus Conflict Resolution Services (CCRS) was established in 2009 and still exists today. In January 2014, UC President Napolitano's response to the Moreno report requires that each UC Campus have an Ombudsperson. President Napolitano's letter requires that:

"Every campus should have an official who serves as an ombudsperson, responsible on his or her own or through other staff for providing confidential advice about perceived acts of discrimination, bias, and harassment involving faculty, students, and staff from all parts of the campus."

The Campus Conflict Resolution Services office currently fulfills this requirement for UC Santa Cruz.

### External Review Team Process

On January 26 and 27, an external review team (ERT) met with a wide range of stakeholders to learn more about the campus experience over the past ten years without an official Ombuds office. (List of Stakeholders Interviewed, Appendix I).

The members of the external review team are:

- Caroline Adams, MFA, JD, CO-OP Director and Campus Ombuds at UC Santa Barbara;
- Judith Bruner, JD, Chief Ethics and Compliance Officer at UC San Diego who previously served as the Campus Ombudsperson at UC San Diego
- Callale Concon, M.Ed, CO-OP - Inaugural Ombudsperson for the UC Office of the President who previously served as the Campus Ombudsperson at UC Merced.

The 16 current paths to address conflict and concerns include: Academic Personnel, Academic Senate Committee on Faculty Welfare, Academic Senate Committee on Privilege and Tenure,

Campus Conflict Resolution Services Office (CCRS), CARE, Office of Diversity, Equity and Inclusion, Equity and Equal Protection, Graduate Division, Graduate Student Association, Hate/Bias-Incident Reporting, Human Resources, Privilege and Tenure Grievance Advisors, Restorative Justice Office, Staff Advisory Board, Student Advocacy Office and Student Affairs and Success.

## Current Needs Expressed in Interviews

Stakeholder interviews revealed themes regarding current campus needs related to problem and conflict resolution. The themes (in no particular order) were:

- Appreciation of Climate, Diversity, & Inclusion in Conflict Resolution
- Policy Expertise and Resource Navigation
- Confidential Problem Solving
- Systemic Perspective and Feedback to Administration

## Recommendations to Address Needs

The ERT recommends the re-establishment of an Ombuds Office. The Ombuds office should function as a confidential, impartial, informal, and independent resource for dispute engagement. It would offer services for any member of the UC Santa Cruz (UCSC) community in dialogue, and problem-solving, to help facilitate fair and equitable treatment for the members of the UCSC community. The Ombuds would not have authority to impose any specific sanction or remedy. The scope of the Ombuds work should be delineated as much as possible to avoid duplication of work or conflicting approaches.

## Office of the Ombuds

The role and scope of responsibilities of Office of the Ombuds would include:

- Dispute resolution and resource referrals
- Informal Inquiry and raising awareness
- Proactive Education and Outreach
- Campus Dispute Resolution Resource Collaboration
- Standards of Practice and Ethical Principles

## Recommendations for establishing an Office of the Ombuds

- Prior to establishing the Ombuds Office, it is essential that the stakeholders and complementary service providers be supportive. Any lingering questions or concerns, as well as suggestions, should be brought forth and addressed.
- The Ombuds should be founded with a Charter that outlines the authority, limits, and scope of the office, and delineates how the Standards of Practice interact with the infrastructure of the campus.
- Looking at other similarly sized UC campuses for comparison, the ERT recommends a staff of multiple ombuds, a minimum of 2 FTE. In addition to creating capacity to fulfill the

numbers of visitors, having multiple staff would allow for a diversity in demographics and also a broader experience and knowledge base among staff members.

- Upon the creation of the Ombuds Office, the CCRS Office should be closed. One of the ombuds positions might be filled by existing CCRS staff.
- The Ombuds should report to the highest level practicable. The ERT suggests the office report to the Chancellor or EVC. The Ombuds could also meet regularly with the Chancellor's Chief of Staff who could keep the Chancellor readily informed on topics discussed with the Ombuds. Reporting should be for budgetary purposes only, and information shared should only include trends and generally available data.
- To further ensure the success of re-establishing an Ombuds Office, the ERT recommended that the campus should:
  - assess the effectiveness of the Ombuds through an annual report, periodic campus surveys, a peer review and/or an advisory committee.
  - ensure the Office of the Ombuds has a specific allocated budget and sufficient resources to meet operating needs and pursue continuing professional development.
  - position the Office of Ombuds in a central location that is easy to access, but not affiliated with other administrative offices (e.g. not in Kerr Hall or situated between compliance offices). Safety of the staff should also be considered.
  - create positive publicity campaigns about the office from a variety of sources - not just from the Ombuds - to ensure its ongoing support.

# Appendices

## Appendix I: Stakeholders Interviewed

### **Office of the Chancellor**

Chancellor Cynthia Larive  
Anna Finn, Associate Chancellor and Chief of Staff

### **Campus Conflict Resolution Services**

Nancy Heischman, Director of Conflict Resolution Services

### **Office of Diversity, Equity and Inclusion**

Judith Estrada, Executive Director and CDO  
NormaAlica Pino, Education Specialist & Program Coordinator

### **Equity and Equal Protection**

Isabel Dees, AVC, Equity and Equal Protection and Chief Ethics and Compliance Officer (CECO)  
Jared Jorde, Associate Director of the Equity & Equal Protection Office  
Conra Frasier, Associate Director for Equal Employment Opportunity  
Rosa Garcia, Associate Director, Interim ADA Officer

### **Restorative Justice Program**

Vicky Duval, UCSC Restorative Justice Program Coordinator  
Cliff Golz, Acting Assistant Dean of Students, Conduct and Community Standards

### **Division of Student Affairs and Success leadership team**

Robert Antonino, Business and Information Systems Director, Student Health Center  
Dani Barker, Special Adviser to the Vice Chancellor  
Jennifer Baszile, Interim Vice Chancellor for Student Affairs and Success  
Gary Dunn, Interim Asst. Vice Chancellor Student Health and Wellness  
Charis Herzon, Director of HSI Initiatives  
Denise Ilarina, Director of Finance  
Aaron Jones, Director of Educational Opportunity Programs  
Nancy Kim, Executive Director, Resource Centers  
Elizabeth Miller, Medical Director, Student Health Center  
Garrett Naiman, Associate Vice Chancellor and Dean of Students  
Adina Negi, Director, Finance and Resource Management (Student Development and Engagement)  
Peter Reed, Student Success Project and Policy Strategist  
Gwendelyn Rivera, Director of Equity Assessment and Evaluation  
Lucy Rojas, Assistant Vice Chancellor and Chief of Staff  
Lezlie Ward, Executive Assistant to iVC Baszile  
Emily White, Executive Director of Career Success  
Tammy Wood, Senior Analyst, Student Health Services

### **Student Conduct (Division of Student Affairs and Success [DSAS] and Colleges, Housing and Education Services [CHES])**

Garrett Naiman, AVC and Dean of Students (DSAS)  
Lucy Rojas, AVC and Chief of Staff (DSAS)  
Brian Arao, Associate Dean of Students and Chief of Staff (DSAS)  
Sue Matthews, AVC Colleges, Housing and Educational Services (CHES)  
Alex Belisario, Executive Director, College Student Life (CHES)  
Ross Maxwell, Associate Director, Student Conduct (CHES)

### **Academic Personnel (APO) and Staff Human Resources (SHW)**

Steve Stein, Associate Vice Chancellor and CHRO, SHR  
Jen Schiffner, Director of Employee Labor Relations, SHR

Herbie Lee, Vice Provost for Academic Affairs  
Grace McClintock, Assistant Vice Provost, Academic Personnel  
Danny Gray, Director, Academic Employee Relations

**Campus Counsel**

Lorena Peñaloza, Chief Campus Counsel  
Eréndira Rubin, Senior Campus Counsel  
Jessica Espinoza, Senior Campus Counsel  
Chancellor's Cabinet (not attending other meetings)

**Chancellor's Cabinet**

Peter Biehl, Vice Provost and Dean, Graduate Division  
Adrian Brasoveanu, Associate Provost  
PK Agarwal, Dean, University Extension  
Byron Walker, interim Vice Chancellor, Information Technology,  
Kimberly Register, Associate Vice Chancellor, Budget Analysis and Planning  
Mark Davis, Vice Chancellor, University Relations  
Richard Hughey, Vice Provost and Dean, Undergraduate Education

**Academic Senate Committees on Faculty Welfare and Privilege and Tenure**

Julie Guthman, Professor, Social Sciences  
Sean Keilen, Professor, Literature  
Matthew Mednick, Executive Director, Academic Senate

**Academic Senate Executive Committee**

- David Brundage, Professor, History, Chair, Academic Senate
- Kate Jones, Associate Professor, History
- Gina Dent, Associate Professor, Feminist Studies
- Grant McGuire, Associate Professor, Linguistics
- Kirsten Silva Gruesz, Professor, Literature
- Kimberly Lau, Professor, Literature
- Lissa Caldwell, Professor, Anthropology
- Matthew Mednick, Executive Director, Academic Senate
- Nico Orlandi, Professor, Philosophy
- Jarmila Pittermann, Associate Professor, Ecology and Evolutionary Biology
- Stefano Profumo, Professor, Physics
- Susan Strome, Distinguished Professor, Molecular, Cell, and Developmental Biology

**Graduate Students**

Anonymous

**Staff Advisory Board**

Nathan McCall, Chair, Manager, HR Business Information Services  
Katie Ritchey, Chair-elect, Collection Maintenance Supervisor  
Aaron Jones, Past Chair  
Mirjam Kuusik, Treasurer  
Al Covington, Treasurer-elect, Associate Director for Black Student Success  
Sara Dolan, Secretary, Instructional Design Supervisor, UNEX  
Derek DeMarco, Department Manager  
Jimmy Gaffney, Department Manager  
Evin Knight, Director of Operations, Institute for Social Transformation  
Travis Barker, Assistant Dean of Students, Strategic Initiatives and Policy Analysis  
Ryan Ervin, Sr. Custodial Supervisor  
Jessica Bulleri, Wellness Coordinator

## Appendix II: What Would an Ombuds Do?

There are different types of ombuds who practice in different ways. The UC system Ombuds are “Organizational Ombuds,” “a designated neutral who is appointed or employed by an organization to facilitate the informal resolution of concerns of employees, managers, students and, sometimes, external clients of the organization.”<sup>2</sup> An ombuds is:

- INDEPENDENT of formal channels and other offices and services. The ombuds reports to the highest authority practicable in the organization.
- IMPARTIAL. An ombuds does not take sides and instead works to develop options to address or surface concerns that support empowerment and fair process --both for those seeking assistance, others involved in the issue, *and* for the organization.
- CONFIDENTIAL. An ombuds will protect identities and information, unless the ombuds determines there is an imminent threat of serious harm.
- INFORMAL. Speaking with an ombuds is always off-the-record.

### OMBUDS DO:

- Listen and understand issues while remaining neutral with respect to the facts
- Assist individuals to develop and evaluate options
- Coach individuals to deal directly with other parties
- Refer individuals to appropriate reporting and resolution resources
- Facilitate informal resolution processes such as mediation
- Identify issues and opportunities for systemic change

### OMBUDS DON'T:

- Receive complaints on behalf of the organization
- Conduct investigations
- Judge or decide who is right or wrong
- Make management decisions or policy
- Advocate or take sides
- Act as witnesses

For example, an ombuds may:

- Coach someone in how to talk to a coworker, peer, professor, or supervisor
- Help someone understand policy
- Discuss how to report sexual harassment, misconduct, or other policy violations

An ombuds will not:

- Tell HR, an advisor, or supervisor that someone came to talk to them
- Require a change in a grade or evaluation
- Declare that a policy has been violated or discipline someone
- Report allegations of violations of laws or policies, even sexual harassment, improper government activities, or crimes.

For more information about the UC Ombuds or organizational ombuds in general, see [UC Declaration of Best Practices for University of California Ombuds Offices](#) [International Ombuds Association](#)

<sup>1</sup> Adapted from “*What is an Organizational Ombuds?*” and “*The Modern Ombuds Brochure*” at <https://www.ombudsassociation.org/what-is-an-ombuds-> Wesley, Margo, *The Compleat Ombuds: A Spectrum of Resolution Services*, CPER Journal No. 166 (June 2004)

## Appendix III: Current Paths to Address Conflict and Concerns

	<u>Students</u>	<u>Staff</u>	<u>Faculty</u>	<u>Formal</u>	<u>Informal</u>	<u>Training</u>	<u>Mediation</u>	<u>Confidential</u>
<b>Campus Conflict Resolution</b>	X	X	X		X	X	X	X
<b>Restorative Justice</b>	X: UG				X	X	X	
<b>Equity &amp; Equal Protection</b>	X	X	X	X				
<b>Diversity Equity &amp; Inclusion</b>	X	X	X		X	X		
<b>Student Affairs &amp; Success /Conduct</b>	X			X	X			
<b>Academic Personnel</b>			X	X		X		
<b>Human Resources</b>		X		X		X		
<b>Faculty Welfare</b>			X					
<b>Privilege and Tenure</b>			X	X				
<b>Graduate Division</b>	X: GR			X		X		
<b>Graduate Student Association</b>	X: GR				X			
<b>Staff Advisory Board</b>		X			X			
<b>Employee Assistance Program</b>		X	X					X
<b>CARE</b>	X	X	X	X	X	X		X

Appendix IV Declaration of Best Practices for University of California  
Office of the Ombuds



**DECLARATION OF BEST PRACTICES FOR  
UNIVERSITY OF CALIFORNIA OMBUDS OFFICES  
(Updated April 2017)**

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## I. Introduction and Background

This document defines and clarifies a common set of standards and best practices in the Ombuds profession as they apply within the context of the University of California (“UC”) and its various Ombuds Offices. This document is consistent with the International Ombudsman Association (“IOA”) Standards of Practice. The original version of this document resulted from more than a year of dialogue and collaboration that incorporated the collected wisdom of leading Ombuds in the profession and attorneys who represented Ombuds offices nationwide. In 2017, the UC Ombuds reviewed and revised this document.<sup>1</sup>

Each Ombuds Office serves as a resource that provides confidential, neutral, informal and independent dispute resolution and mediation services to its community.<sup>2</sup> This document applies to all Ombuds Offices in the UC system. The terms “Ombuds” and “Ombuds Offices” may be used interchangeably and include professional staff, sometimes called “Ombuds,” “Ombudsperson,” or “Ombudsman,” as well as any support staff.

The intent of this document is: (1) to articulate the common set of professional practices, principles and standards shared by all the UC Ombuds; (2) to educate the University community about the role of the Ombuds Office; (3) to proactively encourage all Ombuds Offices to operate in a manner consistent with professional standards, codes of ethics, and best practices; and (4) to encourage the campus community to use the term “Ombuds” to refer only to those offices within the UC System which subscribe to the longstanding professional tenets outlined in this document.

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<sup>1</sup> The original version of this document, written November 6, 2006, was the result of collaboration and input from representatives from all UC Ombuds offices in existence at the time: UC Berkeley; UC Irvine; UC Los Angeles; UC Riverside; UC San Diego; UC Santa Barbara; UC Santa Cruz; Los Alamos National Laboratory; and Lawrence Livermore National Laboratory. The second version of this document, revised and endorsed in April 2017, is the result of collaboration and input from representatives of all the current UC Ombuds Offices: UC Berkeley; UC Davis; UC Irvine; UC Los Angeles; UC Merced; UC Riverside; UC San Diego; UC San Francisco; and UC Santa Barbara. A list of websites for each of these Offices is attached at Appendix A.

<sup>2</sup> In accordance with the California Mediation Act (California Evidence Code Sections, 1115-1128), UC Ombuds are neutrals who meet the definition of mediators and whose communications with visitors are for the purpose of initiating, considering, or reconvening a mediation or retaining the Ombuds, and thus assert the mediator’s privilege for all communications with visitors. Additionally, UC Ombuds assert that all communications with their offices are made with the expectation of confidentiality and are therefore entitled to a privilege under the California State Constitution. By providing visitors with a confidential reporting mechanism, Ombuds Offices also assist the University in meeting the important public objectives set forth in the Federal Sentencing Guidelines and the Sarbanes-Oxley Act.

## **II. Purpose and Scope of the Ombuds Offices**

The Ombuds Offices at the University of California campuses<sup>3</sup> provide informal dispute resolution and mediation services to faculty, academic personnel, administrators, staff, students, and others with university-related concerns. The Ombuds Office is a place where members of the University of California community can seek guidance to address or resolve disputes or concerns through a resource that is confidential, informal, independent, and neutral and impartial. The specific scope of each Ombuds Office is defined in its local charter, job descriptions, and/or Ombuds Office procedures.

The Ombuds Office confidentially receives complaints, concerns, or inquiries about alleged acts, omissions, improprieties, and/or broader systemic problems. As appropriate, Ombuds listen, make informal inquiries or otherwise review matters received, offer options, make referrals, and facilitate resolutions independently and impartially. In addition, each Ombuds Office serves as an information and communication resource, consultant, dispute resolution expert, and catalyst for institutional change for its location.

Services of the Ombuds Offices do not replace other processes at the University. The Ombuds Offices work to facilitate communication and assist parties in reaching mutually acceptable, fair, and equitable resolutions that are consistent with the mission and ideals of the University. Ombuds Offices also report general trends and provide feedback throughout the organization, and advocate systemic change when appropriate without disclosing confidential communications.

## **III. Standards of Practice and Code of Ethics**

The Ombuds Offices adhere to the International Ombudsman Association (“IOA”) Standards of Practice and Code of Ethics.<sup>4</sup> These tenets require that Ombuds Offices function independently of the organization, are confidential as well as neutral and impartial, and limit the scope of their services to informal means of dispute resolution. The IOA Standards and Code delineate minimum standards, and the UC Ombuds Offices strive to operate to “best practices” and to manage the Ombuds Offices in a way that serves the best interests of the University of California and the communities they serve. Each office takes appropriate steps to make this

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<sup>3</sup> Campuses include the medical centers at Davis, Irvine, Los Angeles, San Diego, and San Francisco.

<sup>4</sup> The IOA Standards of Practice and Code of Ethics are attached at Appendix B.

Declaration of Best Practices and the tenets of best practices of the Ombuds profession available to the University community.

A. Independence

The Ombuds Offices are and appear to be, free from interference in the legitimate performance of their duties. This independence is achieved primarily through organizational recognition, reporting structure, and neutrality and impartiality. To ensure objectivity, the Ombuds Offices should operate independently of administrative authorities. This includes not disclosing confidential information about matters discussed in the Ombuds Offices with anyone in their organization, including the person to whom the Ombuds Offices report, except as clearly delineated in Section III.B. The Ombuds Offices should report administratively to the highest office at each location. In all cases, the Ombuds Offices should have access to their Chancellor.

B. Confidentiality

The Ombuds Offices do not disclose nor should they be required to disclose any information provided in confidence, except to address an imminent risk of serious harm. The Ombuds Offices assert that there is a privilege with respect to the identity of visitors<sup>5</sup> and their issues. The Ombuds Offices do not confirm communicating with any party or parties, or disclose any confidential information without the party's or parties' express permission provided in the course of discussions with the Ombuds Office, and at the discretion of the Ombuds Office. By using the Ombuds Office, the visitor agrees that any communications with the Ombuds are confidential and that he or she will not call the Ombuds as a witness in legal or other formal proceedings with respect to confidential communications. The Ombuds Offices object to participation in any process inside or outside the University in which they would be compelled to disclose confidential communications.

C. Neutrality and Impartiality

The Ombuds Offices consider the interests and concerns of all parties involved in a situation impartially and look for opportunities to facilitate communication and assist the parties in reaching mutually acceptable agreements. The Ombuds Offices may advocate for fair and

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<sup>5</sup> Ombuds refer to the individuals they assist as "visitors" instead of "clients," as a reference to clients may connote that the Ombuds is serving as an advocate instead of a neutral.

equitably administered processes. However, the Ombuds Offices do not advocate for any individual, group, or entity in any conflict or dispute.

D. Informality

The Ombuds Offices are a resource for informal dispute resolution. Ombuds Offices do not investigate, arbitrate, adjudicate, or in any other way participate in any internal or external formal process or action. The Ombuds Offices do not keep records related to their cases for the University and do not create or maintain documents or records for the University about individual cases.

**IV. Authority and Limits of the Ombuds Offices**

Specific areas of authority and limitations on the authority of the Ombuds Offices are delineated in their local charters, job descriptions, and/or Ombuds Office procedures, including those listed below:

A. Authority of the Ombuds Offices

The authority of the Ombuds Offices derives from the administration at the individual locations in which the program is located and should come from the Chancellor.

The Ombuds Offices are entitled to inquire about any issue concerning the University that affects any member of the University community. Ombuds have access to all campus records and personnel for the purpose of fulfilling their duties. The Ombuds Offices have the authority to break confidence if the Ombuds believes there is an imminent risk of serious harm.

The Ombuds Offices may, without having received a specific complaint from a member of the University community, inquire about matters which the Ombuds Offices believe warrant attention.

The Ombuds Offices may decline to inquire into a matter or may withdraw from a case if the Ombuds believes involvement is inappropriate for any reason, including matters not brought in good faith, or which appear to be a misuse of the Ombuds function.

The Ombuds Offices have the authority to discuss a range of options available to the visitor, including both informal and formal processes.

The Ombuds Offices may require legal or other professional advice from time to time in order to fulfill their required functions. The Ombuds Offices should be provided legal counsel

independent from the University in the event they are asked for documents or testimony related to any litigation or other formal process, or when any other conflict of interest arises between the Ombuds Office and the administration or the University.

Ombuds may elect to serve on system-wide and campus committees, task forces or working groups. Ombuds have the discretion to participate in an advisory or non-voting capacity, or to decline participation altogether. When determining their participation in such groups, Ombuds strive to avoid any actual or perceived conflicts of interest, recognizing that someone may later object to the actions or work product of the group and seek out the impartial assistance of the Ombuds. Ombuds do not participate as decision makers in developing University policies or processes.

## B. Limitations on the Authority of the Ombuds Offices

### 1. Receiving Notice for the University

Ombuds and Ombuds Offices are not officials of the University. They do not have the authority or the duty to take action or respond to particular issues on behalf of the institution, nor are they authorized to receive notice on behalf of the University. The Ombuds Offices publicize their non-notice role to the University community. This includes notice of allegations that may be perceived to be violations of laws, regulations or policies, including, but not limited to, sexual violence and sexual harassment, issues covered by the Whistleblower policy, or incidents subject to reporting under the Clery Act. Because the Ombuds does not function as an official of the University, even if the Ombuds becomes aware of such allegations, the Ombuds is not required to report them to the University. 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 Ombuds will provide the visitor with information so that the visitor may do so himself/herself.

### 2. Collective Bargaining Agreements

The Ombuds Offices do not address any issues arising under a collective bargaining agreement (“CBA”), unless allowed by specific language in the CBA or by ad hoc agreement. Ombuds nevertheless retain the authority to decline to be involved in any individual case. This means that while the Ombuds Offices may provide services to union members, those services do not include addressing issues that are covered in the CBA, including, but not limited to, issues such as grievable claims for termination of employment or formal discipline. In those cases, the Ombuds Offices refer these employees to the CBAs and their union representatives.

Ombuds do not represent employees or serve as advocates. The Ombuds Offices may work with union members regarding all issues not covered by the contracts, such as communication or workstyle issues.

### 3. Formal Processes and Investigations

The Ombuds Offices do not conduct formal investigations. They object to participation in formal dispute processes or outside agency complaints or lawsuits, either on behalf of a visitor to the Ombuds Office or on behalf of the University. Because the expectation of confidentiality from visitors and the campus community is critically important to the viability of Ombuds Offices, Ombuds object to requests or directives to testify as a witness or to produce documents to reveal confidential communications in any formal or legal proceeding. The Ombuds Offices provide an alternate channel for informal dispute resolution and all use of Ombuds services is voluntary.

### 4. Record Keeping

The Ombuds Offices do not create or maintain documents or records for the University about individual cases. Notes, if any, taken during the course of working on a case should be routinely destroyed at regular intervals to be specified in the local charter and/or Ombuds Office procedures. All materials related to a case are maintained in a secure location and manner, and are destroyed once the case is concluded. The Ombuds may maintain anonymous statistical data to assist the Ombuds in reporting trends and giving feedback.

### 5. Advocacy for Parties

The Ombuds Offices do not act as an advocate for any party in a dispute, nor do they represent management or visitors to their office.

### 6. Adjudication of Issues

The Ombuds Offices do not have authority to adjudicate, impose remedies or sanctions, or to enforce or change policies or rules.

### 7. Conflict of Interest

Ombuds should avoid involvement in cases where there may be a conflict of interest. A conflict of interest occurs when an Ombuds' private interests, real or perceived, supersede or compete with his or her dedication to the impartial and independent nature of the role of the

ombuds. When an Ombuds becomes aware of a real or perceived conflict, the Ombuds should take steps necessary to disclose and/or avoid the conflict.

#### **V. Retaliation for Using the Ombuds Office**

All members of the constituencies served by the Ombuds Offices should have the right to consult the Ombuds Office without reprisal. Ombuds work with their institutions to protect visitors from reprisals.

#### **VI. Ombuds Office Structure**

The Ombuds Offices should report to their supervisors for administrative and budgetary purposes only. Each Ombuds Office, in consultation with its location, should determine appropriate mechanisms for accountability. To fulfill their functions, the Ombuds Offices should each have a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development.

#### **VII. Revisions of this Document**

This document reflects current best practices in the Ombuds profession. It may be revised as needed by the UC Ombuds Offices.



## Appendix A

### University of California Ombuds Offices Websites

UC Berkeley

Staff

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## **Appendix B**

# **IOA STANDARDS OF PRACTICE**

## **PREAMBLE**

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

## **STANDARDS OF PRACTICE**

### **INDEPENDENCE**

- 1.1** The Ombudsman Office and the Ombudsman are independent from other organizational entities.
- 1.2** The Ombudsman holds no other position within the organization which might compromise independence.
- 1.3** The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.
- 1.4** The Ombudsman has access to all information and all individuals in the organization, as permitted by law.
- 1.5** The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

### **NEUTRALITY AND IMPARTIALITY**

- 2.1** The Ombudsman is neutral, impartial, and unaligned.
- 2.2** The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.
- 2.3** The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.
- 2.4** The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the

organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.

**2.5** The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

**2.6** The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

## **CONFIDENTIALITY**

**3.1** The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.

**3.2** Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.

**3.3** The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.

**3.4** If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.

**3.5** The Ombudsman keeps no records containing identifying information on behalf of the organization.

**3.6** The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.

**3.7** The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.

**3.8** Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

## INFORMALITY AND OTHER STANDARDS

**4.1** The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.

**4.2** The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

**4.3** The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.

**4.4** The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.

**4.5** The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.

**4.6** The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.

**4.7** The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.

**4.8** The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.

Revised October 2009

# IOA CODE OF ETHICS

## PREAMBLE

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.

The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

## ETHICAL PRINCIPLES

### INDEPENDENCE

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

### NEUTRALITY AND IMPARTIALITY

The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

### CONFIDENTIALITY

The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

### INFORMALITY

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

Revised January 2007

## Appendix V: Publicizing the Complaint Resolution Offices

Suggestions for publicity about conflict resolution and the Ombuds Office include, but are not be limited to:

### **Social Media**

Feature the Ombuds Office on the Twitter and Instagram accounts of other resource offices.

### **Websites**

A prominent and navigable part of the UCSC web site under several searchable headings or buttons, such as:

1. Ombuds Office
2. Dispute Resolution
3. Problem Solving
4. Conflict Resolution Services
5. Current Students
6. Academics
7. Working at UCSC
8. Academic Senate
9. Affirmative Action
10. Executive Vice Chancellor
11. Harassment
12. Where do I go to if I have a problem?
13. Mediation
14. Assisted Negotiation
15. Complaints

### **Live Programs**

1. Integration into new chair, faculty and staff orientation programs.
2. Integration into new student orientation programs.

### **Publications**

1. Integration into student handbooks.
2. Provide a write-up in campus newspapers

### **Posters**

1. In departmental offices and lounges, bulletin boards in student lounges in

the residence halls, and in other select areas.