EXECUTIVE COMMITTEE

13-14 BEC 15
March 25, 2014

TO: The Academic Senate
FROM: The Executive Committee
SUBJECT: 13-14 BEC 15: Update of Ten Point Plan: Creating a Campus Culture Free from Harassment
PURPOSE: Information to the Academic Senate

BACKGROUND INFORMATION:
Since presenting the ten-point plan to the Executive Committee (February 18), the Senate (February 25), and FDEC (February 27), Senators Calvo and Barrett have shared the plan with Student Affairs Leadership Council (March 4 with Stan Hebert, Diana Balgas, Lori Erdman, and others) and the Academic Affairs Leadership Team (March 10 with Deans Leung, Rountree, and Agrawal; Associate Provost Dobb; AVPs Sue Opp, Stephanie Couch, and Brian Cook; and Budget Director Audrey Katzman).

At the request of the Provost, Calvo and Barrett focused on points #3 Create a new position of ombudsperson and #4 Establish a Center for Restorative Justice. We have attached our six-page document “Research on Ombuds and Restorative Justice in University Settings,” The International Ombudsman Association Standard of Practice, a list of all the CSU campuses with Ombuds positions, and the Charter for University Ombuds at CSU San Marcos. Almost all University Ombuds services adopt the standards of the Ombudsman Association, which outline the neutrality, impartiality, and confidentiality of the ombuds position.

We shared this material with Provost Houpis, FDEC Chair Kim Geron, and Diversity Officer Dianne Rush Woods at our meeting on April 8. Our next meeting is scheduled for April 24. At this meeting, we will discuss a strategic vision for building a caring and respectful campus community, free of harassment, bullying, and discrimination.
Some Research on Ombuds and Restorative Justice in University Settings

Submitted by Eileen Barrett and Luz Calvo

I. Ombuds

We think the Ombuds positions at Stanford, Oregon State, and Cal State San Marcos are all excellent models to consider for CSUEB. At these universities, the Ombuds serves the entire campus community: students, staff, and faculty. Key elements of these three campus’s ombuds’ office are outlined below. We think it is instructive to study how the Ombuds offices at these universities frame their role and how they encourage individuals

We also want to direct your attention to this compelling “core values” statement from the Cornell Ombuds: “Consistent with Cornell University’s core values of being a caring and diverse community, the Ombudsman fosters a culture of respect, inclusion, ethical behavior and fair process.” We hope that our ombuds would also follow a similar core value.

The website for the Cornell Ombuds designates the following, widely recognized, “best practices”:

The Ombuds should operate according to the International Ombudsman Association (IOA) Code of Ethics and Standards of Practice as follows:

**Independence:** The Ombuds Office “shall be independent of all existing administrative structures of the University...” The Ombuds is independent in structure, function, and appearance to the highest degree possible within the university. The office is ultimately accountable for its operation to the community.

**Neutrality and Impartiality:** The Ombuds, as a designated neutral, remains unaligned and impartial. The Ombuds strives to promote procedural fairness in the content and administration of a university’s practices, processes, and policies. The Ombuds does not engage in any situation that could create a conflict of interest.

**Confidentiality:** The Ombuds holds the identity and all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so, except as required by law, or where, in the judgment of the Ombuds, there appears to be imminent risk of serious harm.

**Informality:** The Ombuds, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention. As
an informal resource, the Ombuds is not authorized to accept notice (formal complaints) for the university. Moreover, because the Ombuds holds all communications with those seeking assistance in strict confidence, subject to the limited exceptions detailed above, the Ombuds will not forward information received in confidence.

The Ombudsman Office publicizes the Ethical Principles (Independence, Neutrality, Confidentiality, and Informality) and explains these principles to each visitor.

These best practices are evident in the Ombuds offices of Stanford, Oregon, and CSUSM.

We also think that the Ombuds at Cal State East Bay will need to be a person who has significant experience dealing with diversity in all its complexity, including issues related to urban youth of color, international students, international faculty, GLBTQ populations, undocumented populations, and disability related issues.

A. Stanford

Website: https://www.stanford.edu/dept/ombuds/about_us.html

Description: The Ombuds is an impartial dispute resolver who strives to see that faculty, staff and students at the university are treated fairly and equitably. Any Stanford faculty, student or staff can seek the advice of the Ombuds Office. The Ombuds is impartial, neutral, and confidential. The rights and interests of all parties to disputes are considered, with the aim to achieving fair outcomes.

"No person should be treated like this. I need to figure out what to do."

"I'm caught in an administrative snafu. No one seems to be able to fix it."

"What happened to me is unfair. No one listened to my point of view."

The Ombuds Office provides services that can help you resolve and cope more effectively with tough situations that may arise in your academic or workplace environment. The Ombuds:

- Hears and discusses your concerns, and identifies options for resolving problems
- Helps you to open productive avenues of communication
- Serves as a neutral mediator to solve problems and resolve conflict, striving for fairness, equitable solutions and adherence to university policies
• Provides information about University policies and may refer you to other university services and programs such as formal grievance or complaint procedures

Consistent with the neutrality of the Ombuds and the confidential nature of the process, communications to the Ombuds do not put the University on notice of the content of the communication.

**History:** The Stanford University Ombuds Office was officially established in 1970, and was one of the first offices of its kind among academic institutions in America. From its inception, the office was designed to be a neutral, confidential, informal channel for resolving conflicts within the university.

**Current Ombuds:** David Rasch, PhD has been the University Ombuds at Stanford since 2004. He is a psychologist and prior to serving as Ombuds he was Director of the Stanford Help Center, a counseling service for faculty and staff, where he worked since 1985. Dr. Rasch has consulted, written and lectured on a variety of issues related to organizational and interpersonal dynamics within academic institutions. He is a member of the International Ombudsman Association and has also been a lecturer on writing productivity in Stanford's Continuing Studies Program.

**B. Oregon State**

**Website:** [http://oregonstate.edu/ombuds/](http://oregonstate.edu/ombuds/)

**Description:** The University Ombuds Office promotes a civil and inclusive campus community by providing informal, impartial, and confidential* conflict management services to all members of the university community.

The Ombuds assists with individual concerns through service and education, and serves as a change agent to address group conflict and systemic concerns. It is the goal of the Ombuds to foster a culture of healthy, safe and open dialogue, and facilitate cooperative problem resolution.

If you contact this office to address a specific conflict, the Ombuds will listen to your concerns, value diverse perspectives, help you explore options for resolution, provide facilitation or mediation services when appropriate, and remain impartial to all parties involved. The University Ombuds Office provides a safe place to share your concerns.

*Confidentiality cannot be promised in matters relating to threats to public safety, child abuse, if there is imminent risk of serious harm, or if compelled by a court of law.
Speaking with an Ombuds does not constitute legal notice to the University of any problem, concern or complaint. You must pursue alternative complaint avenues if you wish to obligate the University to respond in any way. The Ombuds has no duty or responsibility to report incidents to any person or authority, other than as described above.

**Current Ombuds:** Sue Theiss, MA, is the University Ombuds. She served as a volunteer Ombudsperson at the University of Arizona for eight years while employed as the Department Administrator for Family and Community Medicine. She co-chaired Arizona’s Ombuds program before becoming the University of Arkansas’ first Ombudsperson, where she served for over nine years. She holds degrees in Business Administration and Communication, is a professional mediator, and serves as a mentor for the International Ombuds Association. Sue has served as Oregon State University's Ombuds since the office's inception in February 2012.

**C. CSUSM**

Website: http://www.csusm.edu/ombuds/index.html

**Overview:** The Office of University Ombuds is here to help current CSUSM faculty, staff and enrolled students resolve University-related conflicts, disputes or complaints on an informal basis.

Our services supplement, but do not replace, other administrative processes at the University.

The Office of University Ombuds helps CSUSM faculty, staff and students develop options, explore solutions and understand policy where appropriate. We also provide referrals.

The office is confidential, neutral, informal and independent. If you are unsure if we can help, please contact us.

Examples of topics you can discuss with us

- Communication issues
- Conflicts with fellow colleagues, faculty members or students
- What resources or options may be available to you
- Cultural misunderstandings
- Appropriate ways to frame and discuss issues
- Incivility
- Unprofessional conduct
- Ways to make or seek an apology
- And more …
Current Ombuds (Note: They have two and both are interim positions)

Position #1: Interim Ombuds for Faculty and Staff

Fritz Kreisler serves as Interim Ombuds for CSUSM’s faculty and staff. He was educated at UC Davis, where he earned his BS and PhD in Psychology. He has been a clinical psychologist for more than 30 years. Since 1985 he’s worked in university counseling centers in this role, helping students with stress, anxiety, depression, relationship problems, and personal growth. For seven years he directed the Counseling Center at Susquehanna University in Pennsylvania and was also Associate Dean of Students there for the final two of those years. He’s been at Cal State San Marcos since 1992 and currently serves as the Lead Psychologist in our Student Health & Counseling Services department. Fritz has frequently been the Counselor Faculty representative in the Academic Senate and has served on the Faculty Affairs Committee. He has also served as the President and as the Faculty Rights Officer of the CSUSM chapter of the California Faculty Association.

Position #2: Interim Ombuds for Faculty and Students

Kara Kornher serves as Interim Ombuds for faculty, staff and students. She obtained her B.A. in Psychology from the College of William and Mary in Virginia, and her Psy.D. in Clinical Psychology from the School of Professional Psychology at Wright State University in Ohio. She has been a licensed psychologist since 1996, completing internships at UCSD and Central State University in Ohio, prior to taking a counselor faculty position at CSUSM in November, 1996. She is the Psychologist and Learning Disabilities Specialist with Disabled Student Services and serves as Student Health and Counseling Services’ primary testing supervisor in addition to providing clinical supervision for interns. She has served as the SSP-AR representative for the academic senate and participated in numerous search committees and peer review committees for other counselor-faculty members and also a member of the LGBTQA Faculty Staff Association. Her diverse professional experience prior to coming to Cal State San Marcos includes working in a correctional facility, a community mental health clinic, a crisis center, the Los Angeles County Sheriff’s Department, and Scripps Hospital’s psychiatric evaluation and triage team.

Other Resources to consider:

- Cal State San Marcos Charter for the Office of the University Ombuds
  [https://www.csusm.edu/ombuds/ombudscharter.pdf](https://www.csusm.edu/ombuds/ombudscharter.pdf)
- Ombudsman Association Standards of Practice
II. Center for Restorative Justice

We propose that the ombuds person at Cal State East Bay be the director of the new Center for Restorative Justice (CRJ). As we mention above, many campuses, including Cal State San Marcos, have offices of the university ombuds that provide a confidential, neutral, and independent place with appropriate expertise for conflict resolution. These offices are open to all members of the campus community and follow the Code of Ethics and Standards of Practice of the International Ombudsman Association (IOA). We propose combining the traditional ombuds office with the principles and practices of restorative justice.

Restorative justice emphasizes resolving conflicts, healing and empowering those who have been harmed, enhancing understanding across differences, and restoring genuine community and justice. Most CRJs on university and college campuses are located within offices of student affairs and focus on student conduct. These RJ practices involve a paradigm shift from discipline and punishment to repairing harm, earning trust, and building community; they have been used effectively in K-12 settings, as described in this New York Times article about the Oakland public schools, as well as in criminal courts.

We envision a CRJ that would work creatively to resolve conflicts; emphasize our commitment to an environment free from harassment and discrimination; and promote diversity, equity, inclusion, and social justice on campus. Indeed the CRJ would have the potential to create opportunities for high impact learning, student research, and engagement with our communities and to support ongoing interdisciplinary research in the areas of restorative justice. We believe that investment in this CRJ would improve the retention and graduation rates of all our students, enhance our ability to recruit and retain faculty, staff, and administrators of color, and connect to the work being done on restorative justice within our regional, national, and international communities.
The Center for Restorative Justice at CSU East Bay would be unique in providing a space for working to mediate, resolve, and heal conflicts among all members of the university—faculty, staff, administrators, and students. We envision the center as having a central, convenient location near the library and student unions. It would provide a confidential meeting space in a welcoming environment. It would have trained facilitators with knowledge, expertise, and understanding of the issues related to urban youth of color, international students, international faculty, GLBTQ populations, undocumented populations, and disability related issues.

The University of Colorado, Boulder, has been an earlier adopter of RSJ practices within student affairs. See this helpful overview and excerpt from the article: “Making Things Right: Restorative Justice Comes to Campus.” by Bill Warters, with Tom Sebok (Ombus at UC Boulder) and Andrea Goldblum (Director of Judicial Affairs) from UC-Boulder. Conflict Management in Higher Education Report. Vol. 1: No. 1. http://www.campus-adr.org/cmher/reportarticles/Edition1_1/Restorative1_1.html

Conflict on campus takes many forms. Sometimes it involves behaviors that are in clear violation of university or community norms. These acts, whether purposeful or inadvertent, often require a response from individuals empowered to enforce community norms.

Unfortunately, campus conflict resolution practitioners have found traditional systems of justice (e.g. criminal, disciplinary, grievance) to be, at times, cumbersome, ineffective, and even revictimizing for some participants. There is a need for creative options to traditional justice systems, options which are flexible enough to allow positive productive responses to a variety of offenses or violations and which also meet the unique needs of the University community. A small but growing number of campus programs believe that Community Group Conferencing, utilizing the principles of "Restorative Justice" is such an option.

UC Boulder’s Center for Restorative Justice  (Within the office of student affairs) http://www.colorado.edu/studentaffairs/studentconduct/adr/rjp.html

Among liberal arts institutions, Skidmore College is an excellent model of restorative justice as a focus within student affairs. Their website describes these four practices:

**Restorative Justice Conferences** are the facilitated dialogue between offender and harmed parties. Trained facilitators guide the dialogue and the parties decide steps to repair harm.

**Restorative Justice Circles** borrow practices from indigenous traditions, using a "talking piece." Circles are used for a variety of purposes beyond offender/harmed party dialogue and decision making. Often they are used for discussion of difficult issues, particularly in Residential Life.

**Restorative Justice Boards** use a "model code" conduct board structure with standing board members that may be drawn from faculty, staff, and students. But they focus on RJ principles of identifying and repairing harm and rebuilding trust. Harmed parties are invited, but are not needed for the board to proceed.

**Restorative Justice Administrative Hearings** incorporate RJ practice into one-on-one administrative hearings to manage caseloads. The emphasis is placed on identifying what harm was caused by the offense and how the student can repair it. But it can also include inviting harmed parties to participate in the hearing, essentially transforming the hearing into a RJ conference. http://www.skidmore.edu/campusrj/

The Skidmore web site is a clearinghouse for publications, training resources, and information about other campuses and their work in the area of restorative justice. One valuable resource Restorative Justice on the College Campus includes thirty-three articles that cover restorative practices, campus issues addressed, and restorative responses—alcohol, community accountability, academic integrity, fraternity and sorority culture, college athletics, hate crimes, biased harassment, hate speech, crime and sexual victimization, and sexual assault. Restorative Justice on the College Campus: Promoting Student Growth and Responsibility, and Reawakening the Spirit of Campus Community, edited by David R. Karp
(Skidmore) and Thom Allena (University of New Mexico, Taos), Springfield, Illionois: Charles C Thomas Publisher, 2004.

Our own Oakland community has been a leader in the field. Please see the excerpt and information from the RJ site, Community Connections: Restorative Justice for Oakland Youth. http://rjoyoakland.org/about/

Disparately impacting youth of color, punitive school discipline and juvenile justice policies activate tragic cycles of youth violence, incarceration, and wasted lives. Founded in 2005, RJOY works to interrupt these cycles by promoting institutional shifts toward restorative approaches that actively engage families, communities, and systems to repair harm and prevent re-offending. RJOY focuses on reducing racial disparities and public costs associated with high rates of incarceration, suspension, and expulsion. We provide education, training, and technical assistance and collaboratively launch demonstration programs with our school, community, juvenile justice, and research partners.

The Center for Restorative Justice at Simon Frazier University, http://www.sfu.ca/crj/about.html, and its website provide an excellent model of a degree-granting program that is engaged in community and academic research.

The Centre for Restorative Justice is a resource and research centre dedicated to promoting the values and principles of restorative justice through education, research, and dialogue with academics, practitioners and community. In partnership with individuals, the community and justice agencies. The Centre was founded in 2002 by faculty members in the Simon Fraser University School of Criminology.
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.
- 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.
- The Ombudsman does not testify in any formal process outside 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.
- 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.
- The Ombudsman keeps no records containing identifying information on behalf of the organization.
- 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.
- The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.
- 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.
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.
I. INTRODUCTION

The Office of University Ombuds at California State University San Marcos was created to provide an accessible, confidential, impartial, independent and informal resource for faculty, staff and students at California State University San Marcos. Subject to the limitations described below, this agreement defines the duties and responsibilities of the Office of the University Ombuds.

II. PURPOSE AND SCOPE OF SERVICES

The Office of University Ombuds will provide a confidential, impartial, independent, and informal environment to the extent possible based on the laws and policies governing the office. The Office of University Ombuds will be a place where California State University San Marcos faculty, staff and students can seek guidance regarding concerns, issues, conflicts or problems.

The University Ombuds and the Ombuds for Staff and Students, who constitute the Office of University Ombuds, will independently and confidentially listen to concerns and questions that are raised by visitors. The University Ombuds and the Ombuds for Staff and Students will help visitors\(^\text{1}\) clarify concerns, answer questions, explain policies, and explore resolution options. The University Ombuds and the Ombuds for Staff and Students will listen, ask questions, make informal inquiries, review information, consider options, make referrals, and mediate disputes (if requested by all parties) independently and impartially. The University Ombuds and Ombuds for Staff and Students will assist

\(^{1}\) Visitors are here defined as those faculty, staff and students who bring concerns and questions to the Office of University Ombuds’ attention.
parties in reaching resolutions that are consistent with the mission and values of California State University San Marcos.

Services provided by the Office of University Ombuds supplement, but do not replace, existing university processes. The University Ombuds will provide feedback to the University President regarding trends or issues without identifying any individuals associated with those issues. In addition, the University Ombuds may make recommendations to the University President for policy changes, needed training, or other procedures that may enhance the campus climate.

III. STANDARDS OF PRACTICE AND CODE OF ETHICS

The Office of University Ombuds will adhere to the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics, to the extent they do not conflict with existing University policies or California laws. These guidelines require that the Office of University Ombuds function independently, be confidential and impartial, and address issues informally. The Office of University Ombuds will be truthful and act with integrity, will foster respect for all members of the University, and will promote procedural fairness in the content and administration of the University’s practices, processes, and policies. The Office of University Ombuds will be a member of the International Ombudsman Association and, as appropriate, its members will attend training.

The Office of University Ombuds will establish consistent procedures which will be made available upon request. The Office of University Ombuds will publicize the nature of its services campus-wide through a website and promotional materials. All visitors will be given a brochure about the Office of University Ombuds that explains its services.

A. Independence
The University Ombuds and the Ombuds for Staff and Students will be free from interference in the performance of their duties. This independence will be achieved primarily through organizational recognition, reporting structure, and impartiality. The Office of University Ombuds will operate independent of ordinary reporting lines and staff structures. The University Ombuds will exercise discretion over whether and how to act regarding individual matters or systemic concerns.

In order to carry out its functions, the Office of University Ombuds will have a specific allocated budget, space, and resources to meet operating needs and pursue continuing professional development. The University Ombuds will have the authority to manage the budget and operations of the Office of University Ombuds. The University Ombuds will report only to the University President regarding administrative and budgetary matters, and will advise the University President about trends and issues affecting the university climate. The Ombuds for Staff and Students will report to the University Ombuds.

B. Confidentiality

The Office of University Ombuds shall endeavor to maintain the confidentiality of communications to the extent allowed by law. In order to protect the safety of members of the University community, the Office of University Ombuds may not be able to maintain the confidentiality of certain disclosures, including but not limited to, disclosures regarding public safety, harm to self or others, violations of law, discrimination, or sexual harassment.

C. Impartiality / Neutrality

The Office of University Ombuds will be impartial in its activities, and will not take sides in any conflict, dispute, or issue. The Office of University Ombuds 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 Office of University Ombuds will not engage in matters that may be or are a conflict of interest. When a conflict of interest exists, the Office of University Ombuds will take all steps necessary to disclose and/or avoid the conflict. (A conflict of interest may arise where a visitor reports (1) information that involves the safety of members of the University community or (2) certain disclosures, including but not limited to, public safety, harm to self or others, violations of law, discrimination, or sexual harassment.)

D. Informality

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

The Office of University Ombuds will not participate in any formal process inside or outside the University, such as union grievances or lawsuits, unless compelled to do so by court order or applicable law. Communication with the Office of University Ombuds is not a step in any grievance process nor does it postpone any timelines for filing complaints or grievances. If a formal process is already in progress, the services of the Office of University Ombuds are not available. Those seeking the services of the Office of University Ombuds shall not request that the Office of University Ombuds participate in any legal or administrative proceeding including, but not limited to, depositions or testimony and shall maintain the confidentiality of all dealings with the Office of University Ombuds unless compelled to do so by court order or applicable law. The Office of University Ombuds does not contact or communicate with attorneys or have any other involvement in the matter once legal steps have been initiated.

IV. AUTHORITY AND LIMITS OF THE OMBUDS
The authority of the Office of University Ombuds derives from the University administration as manifested by the endorsement of the University President.

A. Authority of the Office of University Ombuds

1. Initiating Informal Inquiries

The Office of University Ombuds may inquire informally about any issue regarding the University, irrespective of how or by whom the issue is brought to the Office of University Ombuds attention.

Access to Information

The Office of University 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. Where necessary, the Office of University Ombuds will obtain authorization from the visitor to access that information. The Office of University 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. Requests by the Office of University Ombuds for information should be handled with reasonable promptness by University departments.

Ending Involvement in Matters

The Office of University Ombuds may withdraw from or decline to assist with a matter if it believes that the involvement would be inappropriate for any reason.

2. Discussions with Visitors
The Office of University Ombuds will discuss a range of options available to visitors, including both informal and formal processes. The Office of University Ombuds may make any recommendations it deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Office of University Ombuds will have no authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

3. **Access to Legal Counsel**

The Office of University Ombuds may require legal advice or representation in order to fulfill its functions. The Office of University Ombuds will be provided with legal counsel by the University in the event it is asked for documents or testimony related to any litigation or other formal legal process arising out of the Office of University Ombuds' activities.

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

1. **Receiving Notice for the University**

Communication to the Office of University Ombuds shall not constitute legal notice to the University. This includes information and disclosures involving perceived violations of law, regulations or policies, such as sexual harassment, discrimination, retaliation, issues covered by whistleblower laws or policies, or incidents subject to reporting under the Clery Act. Although the Office of University Ombuds may receive such information, it is not a “campus security authority” as defined in the Clery Act, nor is it required to report these allegations to the University. If a visitor discloses such allegations and expresses a desire to make a formal complaint, the Office of University Ombuds will refer the visitor to the appropriate University office(s) for formal complaint, grievance or other administrative 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 Office of University Ombuds will provide the visitor with information so that the visitor may do so himself/herself. In certain situations, including but not limited to situations involving threats to public safety, threats of harm to self or others, violations of law, discrimination or sexual harassment, the Office of University Ombuds may have a legal obligation to notify the University, and may do so. If the Office of University Ombuds decides to provide notice to the University, it will do so in writing to the extent practicable.

3. **Formal Processes and Investigations**

The Office of University Ombuds will not conduct formal investigations of any kind. Nor will the Office of University 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.

4. **Collective Bargaining Agreements**

The Office of University Ombuds may not inquire (informally or otherwise) 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 Office of University Ombuds may provide services to union members, those services may not address issues that are covered in the CBA. In those cases, the Office of University Ombuds will refer the employee to the applicable CBA and to their union representative.

5. **Record Keeping**

The Office of University Ombuds will not keep records for the University, and will not create or maintain documents or records for the University about any 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 Office of University Ombuds concludes its involvement in the matter.

6. Advocacy for Parties

The Office of University Ombuds will not act as an advocate for any party in a dispute.

7. Adjudication of Issues

The Office of University Ombuds will not have authority to adjudicate, impose remedies or sanctions, or to enforce or change university policies or rules.

V. RETALIATION FOR USING THE SERVICES OF THE OFFICE OF UNIVERSITY OMBUDS

Visitors will have the right to consult with the Office of University Ombuds without reprisal. The Office of University Ombuds will work with the University to create policies to protect visitors from reprisals for using the services of the office.

Approved

Karen S. Haynes, President

Date
California State University (Cal State): Bakersfield (students)

California State University: Humboldt (all campus)

California State University: Long Beach (all campus)

California State University: Pomona (all campus)

California State University: San Bernardino (all campus)

California State University: San Diego (students)

California State University: San Jose (students)

California State University: San Luis Obispo (students)