NEIU | NORTHEASTERN ILLINOIS UNIVERSITY

University Policy

Volume G1: Governance	**G1.13 University Ombuds**	**Responsible Office:** Office of the President
	Effective Date: 11/11/2019 **Last Revised:** **Date of Next Review:** 11/01/2024	**Responsible Officer:** Ombuds

POLICY STATEMENT

Northeastern Illinois University (the "University") supports the open and respectful expression of ideas and differences in thoughts, experiences, and opinions, as well as the community value of providing a place that is characterized by civility, fostering humanity and engagement, and creating a sense of community through inclusion, mutual respect, and empowerment. To that end, the University established the Ombuds Office as a confidential, informal, impartial, and independent resource for students, faculty, and staff who have a workplace concern, issue, or conflict.

PURPOSE OF THE POLICY

The purpose of this policy is to define the standards of practice, privileges, responsibilities, and limitations on the authority of the Ombuds and the Ombuds Office.

WHO IS AFFECTED BY THIS POLICY

Northeastern Illinois University students, faculty, and staff.

DEFINITIONS

Confidential: not disclosed to others within or outside of the University, except when there is imminent risk of serious harm to a person or property or is compelled by a court.

Confidential Information: detailed information related to the situation about which a visitor wishes to speak to the Ombuds office.

Formal Process: a process established by the University, and state and federal law to address a variety of issues. Examples include (but are not limited to) compliance, complaint and grievance, discipline, equal opportunity (including complaints of harassment or discrimination), and reporting of fraud, waste, and abuse.

Independent: not subject to another's authority or jurisdiction; autonomous; separate and apart from academic and administrative units, and outside any formal process.

Informal: outside any formal process.

Neutral/Impartial: not aligned with or supporting any side in a controversy.

Ombuds: a designated impartial person who informally and confidentially assists people in dealing with workplace concerns or issues.

Visitor: anyone who contacts the Ombuds seeking assistance with a workplace concern.

PURPOSE OF THE OMBUDS OFFICE

The Ombuds Office is a confidential, informal, impartial, and independent resource for Northeastern students, faculty, and staff who want to discuss and/or address a concern, issue, or conflict. The Ombuds can help individuals and groups address workplace issues, conflict, academic concerns, policy questions, and more. The Ombuds Office can be used as a first step, last resort, or at any point along the way. As a designated impartial party, the Ombuds is not an advocate for any individual or for the University, but rather acts as an advocate for fairness and healthy campus conflict resolution. In order to encourage healthy conflict resolution, the Ombuds may conduct trainings related to conflict management for the University and work with University stakeholders to identify, raise, and help address ongoing or widespread institutional concerns that may produce or exacerbate conflict, and may threaten institutional values, health, and functioning.

Principles of Practice
The Ombuds Office follows the standards of practice and ethical principles set forth by the International Ombudsman Association (IOA) as articulated in the IOA Standards of Practice and the IOA Code of Ethics. These tenets require that the Ombuds function independently of their organization, be confidential and neutral, and limit the scope of their services to informal means of dispute resolution. The Ombuds will be a member of IOA and will keep up-to-date with professional developments by participating in Ombuds continuing education and conferences. The Ombuds will establish consistent policies and practices for the Ombuds Office that will be made available upon request. The Ombuds will also publicize the confidential, informal, neutral, and independent nature of the Ombuds services, and explain these ethical standards to each visitor.

The Ombuds Office adheres to the four standards of Confidentiality, Informality, Neutrality/Impartiality, and Independence.

1. **Confidentiality**
   The Ombuds asserts that the Ombuds holds a privilege of confidentiality with respect to the identity of visitors and their issues. The Ombuds will not confirm or deny communicating with any party, the identity of any visitor, or the substance of confidential communications without both the visitor's express permission and the Ombuds' agreement that such disclosure is an appropriate option.

   Moreover, even with permission of the visitor, the Ombuds will not willingly disclose documents, or testify at, attend, or participate in formal proceedings inside or outside of the University. The only exceptions to this pledge of confidentiality are where the Ombuds determines there is an imminent risk of serious harm, suspects child abuse or neglect, or is compelled by a court. In addition, to the extent that the work of the Ombuds involves mediation and other alternative dispute resolution techniques in which disclosure of confidential communications is not appropriate, the Ombuds will assert the protection of any applicable mediation statutes or rules to preserve the confidentiality of its communications with visitors and other participants.

   The University will make every effort to protect the confidentiality of the Ombuds Office communications. The University will not ask the Ombuds to testify on the University's behalf in internal or external proceedings and will take appropriate steps to protect the Ombuds from subpoena by others. Those who access the Ombuds Office also share the responsibility to protect confidentiality and will not request or compel the Ombuds to reveal any confidential communications or to participate in any internal or external formal process.

2. **Informality**
   The Ombuds will be an informal resource only. Regardless of permission, the Ombuds will not formally investigate, arbitrate, adjudicate, serve as a witness, or in any other way participate in any internal or external formal process or action. Use of the Ombuds Office will be voluntary and not a required step in any grievance process or University policy.

3. **Neutrality/Impartiality**
The Ombuds is a designated impartial person and will not take sides in any conflict, dispute, or issue. The 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 University will not request or compel the Ombuds or staff of the Ombuds Office to take any action in opposition to the policies set forth in this document.

4. **Independence**
The Ombuds will be, and appear to be, free from interference in the performance of the Ombuds duties. This independence is assured primarily through organizational recognition, reporting structure, and neutrality. The Ombuds will operate independent of ordinary line and staff reporting structures. The Ombuds will exercise sole discretion on how to act regarding individual matters or systemic concerns. To fulfill the functions of the Ombuds Office, the Ombuds will have a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development. The Ombuds will have the authority to manage the budget and operations of the Ombuds Office. The Ombuds will report to the University President for administrative and budgetary matters only.

REGULATIONS

Authority and Limits of the Ombuds

1. AUTHORITY OF THE OMBUDS

1.1 INITIATING INFORMAL INQUIRIES
The Ombuds will be entitled to inquire informally about any issue concerning the University and affecting any member of the University community, but must not divulge the identity of the visitor without the visitor's consent. The Ombuds may initiate informal inquiries into matters that come to the attention of the Ombuds without having received a specific complaint from an affected member of the University community.

1.2 ACCESS TO INFORMATION
The Ombuds 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 for student information by the Ombuds are in furtherance of a legitimate educational purpose in accordance with the Family Educational Rights and Privacy Act ("FERPA"). University departments should handle requests by the Ombuds for information with reasonable promptness.

1.3 DECLINING OR ENDING INVOLVEMENT IN MATTERS
The Ombuds may withdraw from or decline to look into a matter if the Ombuds believes involvement would be inappropriate for any reason.

1.4 DISCUSSION WITH VISITORS AND OTHERS
The Ombuds' major function is to provide confidential and informal assistance to visitors by listening to concerns non-judgmentally, clarifying issues, providing information and referrals, developing options for resolution, coaching visitors on how to help themselves, and if all parties agree, facilitating informal, non-binding mediation. The Ombuds has the authority to discuss a range of options available to visitors of the Ombuds Office, including both informal and formal processes.

1.5 REPORTING AND RECOMMENDATIONS
The Ombuds can report trends and patterns that generate concerns or conflicts to appropriate University representatives. The Ombuds may also make any recommendations the Ombuds deems appropriate with regard to resolving problems, improving policies, rules or procedures, or for institutional improvement and change as long as the Ombuds does not breach confidentiality and anonymity of visitors.

1.6 Training

In order to encourage constructive conflict resolution, the Ombuds may conduct trainings related to conflict management for the University community.

2. LIMITATIONS ON THE AUTHORITY OF THE OMBUDS

2.1 Receiving Notice for the University

Communication to the Ombuds Office or the Ombuds does not constitute notice to the University of any legal or administrative claim a visitor may have, since the purpose of the Ombuds Office is to provide a confidential and informal forum where different options may be considered.

The Ombuds and the Ombuds Office are not authorized to accept notice of discrimination or report of crimes, including allegations that may be perceived to be violations of laws, regulations, or policies, including but not limited to sexual harassment, discrimination, issues covered by whistleblower policies or laws, or incidents subject to reporting under the Clery Act. The Ombuds and the Ombuds Office have no authority to take action to redress prohibited discrimination, or any duty to report it or any other misconduct pursuant to the University's reporting policy.

In addition, if a visitor discloses such allegations and expresses a desire to make a formal report, the Ombuds will refer the visitor to the appropriate University office(s) for investigation, response, remediation, support, or administrative or formal grievance processes. Any such communication with the Ombuds does not toll or extend any time limits by which notice of claims must be provided to the University.

2.2 Formal Processes and Investigations

Services of the Ombuds supplement, but do not replace, other more formal processes available to the University community. The Ombuds will not conduct formal investigations of any kind. The Ombuds will also not participate in the substance of any formal dispute processes, outside agency complaints, or lawsuits, either on behalf of a visitor to the Ombuds or on behalf of the University unless compelled to do so by court order.

2.3 Collective Bargaining Agreements

The Ombuds Office will not address any issues arising under a collective bargaining agreement ("CBA") unless allowed by specific language in the CBA or otherwise subsequently agreed to by both the union and the University. The Ombuds will advise all union members to consult their union representative to confirm an understanding of their rights. The Ombuds may work with union members regarding all other issues not covered by the CBA, such as communication issues with co-workers.

2.4 Record Keeping

The Ombuds will not keep records for the University, and will not create or hold documents or personally identifying 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 at the conclusion of the matter if not before. The University will make no effort to obtain records from the Ombuds or Ombuds Office.

2.5 Advocacy for Parties

The Ombuds will not act as an advocate for any party in a dispute, nor will the Ombuds represent the administration or visitors to the office. The Ombuds can act as an advocate for fairness and healthy campus conflict resolution.

2.6 Adjudication of Issues

The Ombuds will have no authority to make any decisions regarding a visitor's concern, impose remedies or sanctions, or to enforce or change any University policies, rules, or procedures.

2.7 Legal Advice or Psychological Counseling

The Ombuds cannot provide legal advice or psychological counseling but can make appropriate referrals for professional assistance.

Protection from Retaliation for Using the Ombuds Office

Employees shall be granted reasonable time away from their work location to visit the Ombuds Office. No one shall be compelled to disclose that they wish to visit the Ombuds office or seek permission to use the Ombuds office. The University is committed to protecting anyone who visits the Ombuds from reprisal or retaliation by others in the University community.

PROCEDURES

Meetings with the Ombuds are by appointment only and can take place in the Ombuds Office, at any of the University's locations, off campus at a nearby location, or by telephone. An appointment may be scheduled via email or voicemail, but please avoid including any confidential information, as privacy cannot be ensured.

AUTHOR REFERENCE

University Ombuds Policy, California State University, Chico
University Ombuds Policy, University of North Texas
Dictionary.com – independent, neutral

HISTORY

Policy drafted 09/27/2016
Policy effective 11/11/2019

RELATED POLICIES AND OTHER INFORMATIONAL MATERIAL

International Ombudsman Association – Standards of Practice
International Ombudsman Association – Code of Ethics
International Ombudsman Association – Best Practices: A Supplement to IOA's Standards of Practice

CONTACT INFORMATION

Please direct questions or concerns about this policy to:

Contact	Phone	Email
Ombuds	*(773) 442-4527*	*ombuds@neiu.edu*

DISCLAIMER

The University reserves the right to modify or amend sections of this policy at any time at its sole discretion. This policy remains in effect until such time as the Responsible Officer calls for review. Requests for exception to any portion of this policy, but not to the policy statement, must be presented in writing to the Responsible Officer.