



**GRAND VALLEY
STATE UNIVERSITY[®]**
OFFICE OF THE OMBUDS

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Grand Valley State University
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I. Introduction

A Taskforce recommendation to University Academic Senate Executive Committee in favor of an ombuds position was made in 2014. A student ombuds position was created in 2015. Continued discussion and support for an employee ombuds position was identified in the climate study data. In 2020, President Philomena V. Mantella announced the implementation of an employee ombuds position as part of the 15-point plan for racial equity (2020). The Employee Ombuds Office was established in February 2021 to provide an accessible, confidential, neutral, independent and informal resource for resolution and management of problems and conflicts to all faculty and staff at Grand Valley State University. The ombuds office adheres to the [standards of practice](#) and [code of ethics](#) outlined by the International Ombudsmen Association.

II. Purpose and Mission

The employee ombuds will provide a neutral, confidential, informal and independent environment within the parameters of the laws and policies governing the university. The Employee Ombuds Office is a place where faculty and staff can seek guidance regarding conflicts, concerns and systemic issues. The employee ombuds should bring to the attention of the appropriate office those policies, programs, procedures or practices that may be problematic for the organization or which negatively affect individual's health, safety or rights. The employee ombuds shall be truthful and act with integrity, shall foster respect for all members of the university community, and shall promote procedural fairness in the content and administration of University policies, practices, and processes.

The Student Ombuds Office strives to promote fairness and foster a positive campus environment by assisting students with conflict resolution and problem-solving related to their university working, learning, or living experiences.

III. Responsibilities and Duties

An ombuds is defined as: "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" ([International Ombuds Association](#)). The primary duties of an ombuds are (1) to work with individuals and groups in an organization to explore and assist them in determining options to help resolve conflicts, problematic issues or concerns, and (2) to bring systemic concerns to the attention of the organization for resolution. An ombuds operates in a manner to preserve the confidentiality of those seeking services, maintains a neutral/impartial position with respect to the concerns raised, works at an informal level of the organizational system, and is independent of formal organizational structures.

Activities and functions most frequently undertaken by an employee ombuds include, but are not limited to:

- Listens and understands issues while remaining neutral with respect to the facts. The employee ombuds doesn't listen to judge or to decide who is right or wrong. The employee ombuds listens to understand the issue from the perspective of the individual. This is a critical step in developing options for resolution.
- Assists in reframing issues and developing and helping individuals evaluate options. This helps individuals identify the interests of various parties to the issues and helps focus efforts on potential options to meet those interests.
- Guides or coaches individuals to deal directly with other parties, including the use of formal resolution resources of the organization. An employee ombuds often seeks to help individuals improve their skill and their confidence in giving voice to their concerns directly.
- Refers individuals to appropriate resolution resources. An employee ombuds may refer individuals to one or more formal organizational resources that can potentially resolve the issue.
- Assists in surfacing issues to formal resolution channels. When an individual is unable or unwilling to surface a concern directly, the employee ombuds can assist by helping give voice to the concern and /or creating an awareness of the issue among appropriate decision-makers in the organization.
- Facilitates informal resolution processes. An employee ombuds may help to resolve issues between parties through various types of informal mediation.
- Identifies new issues and opportunities for systemic change for the organization. The unique positioning of the employee ombuds serves to provide unfiltered information that can produce insight to issues and resolutions. The employee ombuds is a source of detection and early warning of new issues and a source of suggestions of systemic change to improve existing processes.

This position supplements, but does not replace, the university's existing resources for conflict resolution. Serving as a designated neutral, the employee 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. The employee ombuds does not have the power to make any decisions as to ultimate resolution, nor does the employee ombuds have the power to reverse any decision made or actions taken by the regularly constituted university authorities.

The employee ombuds does not:

- Advocate for individuals/take sides
- Create or maintain records for the organization
- Provide legal advice
- Participate in formal investigation or play any role in a formal issue resolution
- Serve in any other organizational role that would compromise neutrality of the role
- Receive notice for the organization
- Share personally identifiable information without permission

- Make binding decisions or mandate policies
- Conduct formal investigations or write formal investigative reports
- Keep confidential any imminent risk of serious harm or danger as required by law

IV. Student Ombuds Responsibilities

The student ombuds is authorized by the university to help manage risks and assist students at all levels of the organization with navigating complex relationships, policies and work environments – while working to promote civility, fairness and justice for the communities they serve. The student ombuds is designated as a neutral person at the university who students can meet with privately to help facilitate the informal resolution of their concerns.

The primary duties of the student ombuds are (1) to work with individuals and groups in an organization to explore and assist them in determining options to help resolve conflicts, problematic issues or concerns, and (2) to bring systemic concerns to the attention of the organization for resolution. The student ombuds operates in a manner to preserve the privacy of those seeking services, maintains a neutral/impartial position with respect to the concerns raised, works at an informal level of the organizational system, and is independent of formal organizational structures.

Student ombuds DOES:

- Listen impartially and provide unbiased feedback
- Provide a confidential place to discuss complaints/consider options
- Refer students to appropriate campus services and resources
- Assist with problem-solving to minimize the escalation of conflict
- Assist students in conflict to develop mutually acceptable outcomes
- Encourage and empower students and to find their own solutions to problems and concerns
- Coach students on how to have difficult conversations (non-defensive conversations)
- Explain university policies/procedures
- Observe any trends and share them with university administration
- Recommend changes to policies and procedures based on trends

Student ombuds DOES NOT:

- Advocate for individuals/take sides
- Offer psychological counseling
- Keep records identifying individuals who meet with the student ombuds
- Serve as an office of notice for filing a Title IX Complaint
- Provide legal advice
- Share personally identifiable information without permission
- Make decisions (or change any decisions made by others)
- Keep confidential any imminent risk of serious harm or danger as required by law
- Conduct formal investigations or write formal investigative reports
- Change policies or academic and administrative decisions

V. Standards of Practice and Code of Ethics

The employee and student ombuds shall be truthful and act with integrity, shall foster respect for all members of the university and shall promote procedural fairness in the content and administration of the university's practices, processes and policies. The ombuds shall be members of the International Ombuds Association and attend trainings to develop conflict management and ombuds skills. The ombuds shall publicize the confidential, independent, neutral and informal nature of their services through a website, promotional materials, and postings as well as communicate their standards to each visitor. The ombuds shall also publicize any limits to the confidentiality of the office.

To the extent permissible by law, the ombuds shall practice the International Ombuds Association ("IOA") Standards of Practice and Code of Ethics. These tenets require that the ombuds shall function independently of their organization, be confidential and neutral, and limit the scope of their services to informal means of dispute resolution.

a. Independence of the Employee Ombuds Office

The employee ombuds is independent in structure, function and appearance to the highest degree possible within the University. The employee ombuds shall operate independent of ordinary line and staff reporting structures and reports only to the President. To the extent permitted by law, the employee ombuds has access to all University officials and records as needed to carry out the functions of the office. The employee ombuds will exercise sole discretion of whether and how to act regarding individual matters or systemic concerns. The ombuds may also initiate action on a concern identified through the ombuds direct observation.

To ensure the office's accountability, the employee ombuds shall make periodic reports to the President regarding the operation of the Office of the Employee Ombuds. The employee ombuds identifies trends, issues, and concerns about policies and procedures without breaching confidentiality or anonymity and provides recommendations to the President for responsibly addressing them.

The office of the ombuds must be provided with sufficient resources to operate an independent and effective program. These resources include, adequate and secure space, equipment, staffing, staff development, administrative and budget support, and the production and distribution of informational materials.

b. Independence of the Student Ombuds Office

The student ombuds is independent in structure, function and appearance to the highest degree within the Division of Student Affairs. The student ombuds shall operate independent of ordinary line and staff reporting structures and reports only to the vice provost-dean of students. To fulfill its functions, the office shall have adequate and secure space and

administrative and budget support. The student ombuds will exercise sole discretion of whether and how to act regarding individual matters or systemic concerns.

To ensure the office's accountability, the student ombuds shall make periodic reports to the vice provost-dean of students regarding the operation of the Office of the Student Ombuds. The student ombuds identifies trends, issues and concerns about policies and procedures without breaching privacy or anonymity and provides recommendations to the vice provost-dean of students for responsibly addressing them.

c. Neutrality and Impartiality of the Employee Ombuds Office

The Employee/Student Ombuds Offices are neutral, impartial, and unaligned. The ombuds strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The ombuds advocates for fair and equitable administered processes and does not advocate on behalf of any individual within the organization. The ombuds shall not take sides in any conflict, dispute or issue. The ombuds offices shall consider the interests and concerns of all visitors impartially with the aim of facilitating communication and supporting fair and equitable process. The ombuds shall avoid involvement in matters where there may be a conflict of interest. (A conflict of interest occurs when the ombuds' private interests, real or perceived, supersede or compete their dedication to the neutral and independent role of the ombuds.) The ombuds should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue. When a conflict of interest exists, the ombuds shall take all steps necessary to disclose and/or refer the visitor to another resource. The ombuds helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best option.

d. Confidentiality of the Employee Ombuds Office

The employee ombuds holds all communication with those seeking assistance in strict confidence to the extent feasible and lawful and takes all reasonable steps to safeguard confidentiality. The employee ombuds does not disclose the identity of visitors to the office or the content of conversations unless permission has been given (verbal or written) by the visitor to do so. If the ombuds pursues an issue systematically (e.g. provides feedback on trends, issues, policies, and practices) the ombuds does so in a way that safeguards the identity of individuals. The ombuds prepares data and/or reports in a manner that protect confidentiality.

The employee ombuds office does not share its records. Communications between the employee ombuds and others are considered confidential. The confidentiality belongs to the Employee Ombuds and the Student Ombuds Office, rather than to any party to an issue.

The employee Ombuds office does not share its records and all communications with the employee Ombud's will be held in strict confidence to the full extent of the law.

Communications between the employee Ombuds and others are considered confidential. Visitors cannot waive the confidentiality as the confidentiality belongs to the Employee

Ombuds and the Student Ombuds Office, rather than to any party to an issue. This includes information about research misconduct and drug/alcohol abuse. The university reporting protocols also allow the employee ombuds to honor requests for confidentiality from an adult victim of sexual assault. The employee ombuds may break confidence where action is required to prevent serious harm. This is typically limited to situations where there is imminent risk of suicide, homicide, child abuse, or other similar situations.

Speaking with an employee ombuds does not constitute legal notice to the university of any problem, concern, or complaint. The ombuds 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 as a place to receive notice on behalf of the organization. However, the ombuds may refer individuals to the appropriate place where formal notice can be made. Visitors must pursue alternative complaint avenues if they wish to obligate the university to respond in any way. The ombuds keeps no records containing identifying information on behalf of the organization. The ombuds 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 standard practice for destruction of such information. The employee ombuds has no duty or responsibility to report incidents to any person or authority, other than described above. The Ombuds does not testify in any formal process inside the organization and resists testifying in any formal process outside the organization regarding a visitor's contact with the Ombuds or confidential information communicated to the ombuds, even if given permission or requested to do so.

e. Privacy of the Student Ombuds Office

The student ombuds holds all communication with those seeking assistance private to the extent feasible and lawful and takes all reasonable steps to safeguard privacy. The student ombuds does not disclose the identity of visitors to the office or the content of conversations unless permission has been given by the visitor to do so.

The Student Ombuds Office does not share its records with the university. Communications between the student ombuds and others are considered private. All communications with the student ombuds will be held in strict confidence to the full extent allowed by law. This includes information about research misconduct and drug/alcohol abuse. The student ombuds cannot keep private where action is required to prevent harm to self or others or involves sexual assault.

Speaking with the student ombuds does not constitute legal notice to the University of any problem, concern, or complaint. Visitors must pursue alternative complaint avenues if they wish to obligate the university to respond in any way. The student ombuds has no duty or responsibility to report incidents to any person or authority, other than described above.

f. Informality of Employee and Student Ombuds Office

The ombuds 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 the ombuds discretion- engaging in informal third-party intervention. When possible, the ombuds helps people develop new ways to solve problems themselves. The ombuds as an informal off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate. The ombuds does not make binding decisions, mandate policies, or formally adjudicate issues for the organization. Use of the office will be voluntary and not a required step in any grievance process or university policy.

The Employee and Student Ombuds Office, as an informal resource, does not investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. The ombuds shall be a resource for informal dispute resolution and conflict management only. The ombuds have sole discretion over whether and how to act to address an individual's concerns. When a formal investigation is requested, the ombuds refers to appropriate resources. The ombuds identifies trends, issues, and concerns about policies and procedures, including future issues and concerns, without breaking confidentiality or anonymity, and provides recommendations for reasonably addressing them.

VI. Authority of Employee and Student Ombuds Offices

The Ombuds Offices have the authority to contact senior officers and all other members of the University community, to gather information in the course of looking into a problem, to mediate disputes, to bring concerns to the attention of those in authority, and informally to attempt to expedite and resolve administrative processes.

Initiating Informal Inquiries: The ombuds shall 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 their attention without having received a specific complaint from an affected member of the university community, although the participation of others on campus is entirely voluntary. The offices will be entitled to inquire informally about any issue concerning the university, exercising sole discretion over whether or how to act regarding individual concerns or trends.

Access to Information: The employee ombuds may request access to information related to visitors' concerns, from files and offices of the university and shall respect the confidentiality of that information. If other departments voluntarily choose to respond to ombuds requests for information, such responses should be handled with reasonable promptness.

Ending Involvement in Matters: The ombuds may withdraw from or decline to look into a matter if they believe involvement would be inappropriate for any reason.

Discussions with Visitors and Others: The ombuds have the authority to discuss a range of options available to their visitors, including both informal and formal processes. The ombuds may make any recommendations they deem appropriate with regard to resolving problems or improving policies, rules or procedures. However, the ombuds shall have no authority to impose remedies or sanctions, require certain processes be triggered or utilized or enforce or change any policy, rule or procedure.

VII. Limits of the Ombuds Offices

Employee Ombuds Receiving Notice for the University: Communication to the employee ombuds shall not constitute notice to the university. This includes 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. Although the employee ombuds may receive such allegations, they are not a “campus security authority” as defined in the Clery Act, nor are they required to report these allegations to the University. In addition, if the visitor discloses such allegations and expresses a desire to make a formal report, the employee ombuds shall refer the visitor to the appropriate University office(s) for investigation, response, remediation, support or administrative or formal grievance processes.

Student Ombuds Receiving Notice for the University: Communication to the student ombuds shall not constitute notice to the university. The student ombuds is required to report incidents pertaining to harm to self and others as well as incidents pertaining to sexual assault. If the visitor discloses such allegations and expresses a desire to make a formal report, the student ombuds shall refer the visitor to the appropriate university office(s) for investigation, response, remediation, support or administrative or formal grievance processes.

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 ombuds shall provide the visitor with information so that the visitor may do so themselves. In certain situations, including but not limited to situations that involve public safety, harm to self or others, or child abuse, an ombuds may have an ethical obligation to put the university on notice in order to protect the safety of members of the university community. If the ombuds decides to put the university on notice, they shall do so in writing to the extent practicable.

Formal Processes and Investigations: The office will not conduct formal investigations of any kind. It will not willingly participate in the substance of any internal or external dispute process, outside agency complaints or lawsuits, either on behalf of a visitor to the office or on behalf of the University.

Collective Bargaining Agreements: The Employee Ombuds Office shall not address any issues arising under a collective bargaining agreement (“CBA”). The employee ombuds will advise all union members to consult their union representative to confirm an understanding of their rights and any deadlines that may apply in vindicating those rights. The employee ombuds may

not inquire (informally or otherwise) into the application or interpretation of a CBA, or into the alleged violation of rights conferred on union members by the CBA or public employee collective bargaining law. The employee ombuds may otherwise provide services to union members.

Record Keeping: The employee and student ombuds shall not keep records for the university, and shall not create or hold documents or personally identifying records for the university about individual matters. The offices sets their own record-keeping practices and will create and maintain records in the manner and for the duration that they see fit. The Employee and Student Ombuds Offices may maintain statistical data to assist in reporting trends and giving feedback, but only in a manner that reveals no information that could be used to identify individual visitors to each Office.

Advocacy for parties: The employee ombuds will remain neutral and impartial. The Employee Ombuds Office will not act as an advocate for any party in a dispute; the office will not represent the university or visitors to the office.

The student ombuds will remain neutral and impartial, and does not advocate for individuals, groups or entities, but rather for the principles of fairness and equity.

VIII. Retaliation for using the Employee or Student Ombuds Offices

As an independent office, faculty and staff have a right to seek out the services and support offered. If an employee experiences retaliation for utilizing the office they should follow-up with their employee ombuds officer immediately.

The Student Ombuds Office is an independent office, students have a right to seek out the services and support offered. If a student experiences retaliation for utilizing the office, they should follow up with the student ombuds officer immediately.

IX. Appointment, Renewal, and Evaluation of Employee and Student Ombuds Offices

The employee ombuds is appointed by the president. The employee ombuds should be removed only for neglect of duty or misconduct, and only by means of a fair process and procedure. The student ombuds is appointed by the vice provost-dean of students. The student ombuds should be removed only for neglect of duty or misconduct and only by means of a fair process and procedure.