Office of the Vice President for Student Life

TO: Thomas Lehker
   University Student Ombudsperson

FROM: E. Royster Harper
       Vice President for Student Life

RE: University of Michigan Office of the Ombuds

I. INTRODUCTION

The Ombuds Office is a place where student questions, complaints and concerns about the functioning of the University can be discussed confidentially in a safe environment. The Office offers informal dispute resolution services, provides resources and referrals, and helps students consider options available to them. The Office operates independently as a supplement to existing administrative and formal dispute resolution processes and has no formal decision-making authority. The Office is not an advocate for either side in a dispute. Instead, the Ombuds Office is an impartial advocate for fair and consistent treatment. The Ombuds Office also believes that disputes and conflicts can often be "gifts to help the University understand how it can change and improve. Thus, The Office promotes positive organizational change by facilitating improvements in University policies, procedures, services and systems to better serve students. The University recognizes that the Ombuds Office serves an important role and public interest as a mechanism for amicable, prompt and economical dispute resolution that may in many instances be preferable to formal grievance procedures and other proceedings. The Office reports for administrative and budgetary purpose to the Vice-President for Student Life. This document defines the privileges and responsibilities of the Office of the Ombudsman.

II. STANDARDS OF PRACTICE AND CODE OF ETHICS

The Ombuds shall practice the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics. These require that the Ombuds shall function independently of their organization, observe confidentiality and neutrality, and limit the scope of their services to informal means of dispute resolution. The Ombuds shall be truthful and act with integrity, shall foster respect for all members of the University, and shall promote fairness in the content and administration of the University’s practices, processes and policies.
A. Independence

The ombudsman is independent in structure, function and appearance to the highest degree possible within the University. The Ombudsman will exercise sole discretion of whether and how to act regarding individual matters or systemic concerns. To the extent permitted by law, the Ombuds has access to all University officials and records as needed to carry out the functions of the Office. To fulfill its functions, the Office shall have adequate and secure space and administrative and budget support.

B. Neutrality and Impartiality

The Ombuds Office shall not take sides in any conflict, dispute or issue. The Ombuds Office shall consider the interests and concerns of all visitors impartially with the aim of facilitating communication and supporting fair and equitable process. The Ombuds serves no additional roles within the University that would compromise neutrality, and shall avoid involvement in matters where there may be conflict of interest.

C. Confidentiality

The Ombuds holds all communication with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality. The 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 Office does not generally share its records with the University. Communications between the Ombudsman and others are considered privileged. The privilege belongs to the Ombudsman and the Ombuds Office, rather than to any party to an issue. The only exception to this pledge of confidentiality is when the Ombudsman determines that there is an imminent risk of serious harm.

D. Informality

The Ombudsman, as an informal resource, does not investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Office will be voluntary and not a required step in any grievance process or University policy. The Office is not an office of notice to the University. As set forth more fully below, the Ombuds neither acts as agent for, nor accepts notice on behalf of, the University, but may refer individuals to the appropriate place where formal notice can be made.
III. AUTHORITY OF THE OMBUDS OFFICE

A. Initiating Informal Inquiries

The Office 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. The Office may initiate informal inquiries into matters that come to its attention without having received a specific complaint.

B. Access to Information

The Office may request access to information related to visitors’ concerns from files and offices of the University. Any University personnel contacted by the Office with request for information are expected to cooperate and provide information as requested with reasonable promptness to the extent permitted by law.

C. Ending Involvement in Matters

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

D. Discussions with Visitors and Others

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

IV. LIMITS OF THE OMBUDS OFFICE

A. Receiving Notice for the University

Communication to the Office will not constitute notice to the University about existence of any problem including but not limited to alleged violations of law, regulations, or policies such as sexual harassment, issues covered by whistleblower policy or incidents subject to reporting under the Clery Act or Title IX. Although visitors to the Office may make such allegations, the Office is not a “campus security authority” as defined by the Clery Act or a “responsible authority” under Title IX, nor is it required to report these allegations to the University.
B. Putting the University on Notice

If a user of the Ombuds Office would like to put the University on notice regarding a specific situation, or desires that certain information be provided to the University, the Ombuds will provide that person with information so that the person may do so himself or herself.

C. 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.

D. Record Keeping

The Office will not keep records for the University and will not create or maintain documents or records for the University about individual matters. The Office sets its own record-keeping practices and will create and maintain records in the manner and for the duration that it sees fit. The Ombuds 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 the Office.

E. Advocacy for Parties

The Office will remain neutral and impartial. The 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.

F. Adjudication of Issues

The Office does not have the authority to adjudicate, to impose remedies or sanctions, to compel others to impose remedies, or to enforce or change University policies or rules.

V. RETALIATION FOR USING THE OFFICE OF THE OMBUDS

The University and its agents will not retaliate against individuals for consulting with the Office. The Ombudsman shall have a set and renewable term, or should be removed only for neglect of duty or misconduct, and only by means of a fair process and procedure.