

Charter of the Office of the Ombudsperson at Michigan State University

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Preamble

Michigan State University has a long and exemplary history in protecting student rights and promoting student responsibilities. Established in 1967, the MSU Office of the Ombudsperson is the longest continuously operational Ombuds office at any university in the nation. The office is mandated by Article X of the *Student Rights and Responsibilities at Michigan State University (SRR)*. Originally titled, *Academic Freedom for Students at Michigan State University (AFR)*, the document was adopted by the Board of Trustees on March 16, 1967. The SRR asserts that the main function of the Ombudsperson is to “assist students in accomplishing the expeditious settlement of their problems.” Four sections in Article X offer some minimal guidance in how this goal is to be accomplished.

This Charter incorporates and elaborates on Article X and provides necessary details on the purpose, nature, and function of the office. The aim is to clarify expectations the University community has about the Office of the University Ombudsperson; what it is and what it is not. A secondary purpose of this charter is to formally connect the practice of the Ombudsperson to the *Code of Ethics* of the International Ombudsman Association (IOA), the field’s preeminent professional association. This Charter contains items taken from several sources: Article X of the SRR; the *Standards for the Establishment and Operation of Ombuds Offices* (ABA Standards), revised and published by the American Bar Association in 2004; the IOA *Code of Ethics* (COE); and the IOA *Standards of Practice* (SOP). The source of each item of this Charter is identified as appropriate.

Article 1. Purpose and Limitations

A. The Office of the Ombudsperson is established for the following purposes:

- a. The Ombudsperson shall establish simple, orderly procedures for receiving requests, complaints, and grievances of students. (SRR X.I.A)

- b. The Ombudsperson shall assist students in accomplishing the expeditious settlement of their problems and may advise a student that the student's request, complaint, or grievance lacks merit, or that the student should seek a remedy elsewhere in the University. The Ombudsperson may also assist the student in obtaining an informal settlement of the student's problem. (SRR X.I.B)
 - c. With the student's permission, the Ombudsperson may engage with faculty members, administrators, staff members, parents, and alumni to the degree that such engagement is relevant to the resolution of a student's problem.
 - d. To ensure the office's accountability, the Ombudsperson shall make periodic reports to the President regarding the operation of the Office of the Ombudsperson. (SRR X.IV)
 - e. The Ombudsperson identifies trends, issues, and concerns about policies and procedures without breaching confidentiality or anonymity and provides recommendations to the President for responsibly addressing them. (SOP 4.6)
- B. The Ombudsperson does not:
- a. make policy (ABA Standards, D.1)
 - b. participate in the formal grievance process (SOP 4.5)
 - c. compel any individual to implement the Ombudsperson's recommendations (ABA Standards D.3)
 - d. conduct conversations that constitute notice to the University (ABA Standards F.3)
 - e. act in a manner inconsistent with the Ethical Principles of the Ombuds's profession (SOP 4.7)
 - f. have jurisdiction in matters of faculty conflict with administrators or other faculty
 - g. have jurisdiction in matters covered by collective bargaining agreements. (ABA Standards D.6)

Article 2. Confidentiality, Independence, Impartiality, and Informality

The office of the Ombudsperson will operate with the following principles:

- A. The Ombudsperson shall respect the sensitive and confidential nature of the position and the privacy of all persons soliciting assistance from the Office of the Ombudsperson, thereby protecting them against retaliation. (SRR X. I.)
 - a. All communications with the Ombudsperson will be held in strict confidence to the full extent allowed by law. This includes information about research misconduct and drug/alcohol abuse. The University reporting protocols also allow the Ombudsperson to honor requests for confidentiality from an adult victim of sexual assault. (COE)

- b. The Ombudsperson 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. (COE)
 - c. The Ombudsperson may break confidence with the express permission (verbal or written) of the visitor. (COE)
- B. The Ombudsperson is independent in structure, function, and appearance to the highest degree possible within Michigan State University. (COE)
 - a. The Ombudsperson is not part of any organizational structure in the University. (SOP 1.1)
 - b. The Ombudsperson has sole discretion over whether and how to act to address an individual's concerns. (SOP 1.3)
- C. The Ombudsperson is neutral, impartial, and unaligned. (SOP 2.1)
 - a. The Ombudsperson strives for impartiality, fairness, and objectivity in the treatment of people and the consideration of issues. (SOP 2.2)
 - b. The Ombudsperson advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the University. (SOP 2.2)
 - c. The Ombudsperson does not engage in any situation which could create a conflict of interest. (COE)
- D. The Ombudsperson, as an informal resource, does not participate in any formal adjudicative or administrative procedures related to concerns brought to his/her attention. (SOP 4.5)
 - a. The Ombudsperson 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 Ombudsperson's discretion– engaging in informal third party intervention. (SOP 4.1)
 - b. Use of the Ombudsperson's office is voluntary and is not a required step in any grievance process. (SOP 4.4)

Article 3. Qualifications, Terms of Office, Removal from Office

- A. The Ombudsperson is appointed by the President and confirmed by the Board of Trustees. (SRR X.)
- B. The Ombudsperson must be a senior faculty member or executive manager and has the title of University Ombudsperson. (SRR X.)
- C. The position of the Ombudsperson is an annual appointment. The Ombudsperson is reviewed at intervals not to exceed five years, although earlier reviews may be conducted if necessary.

- D. The appointment to the position of University Ombudsperson may be discontinued by the President and Provost at any time.

Article 4. Standards of Practice and Code of Ethics (IOA)

- A. The Ombudsperson 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. (COE)
- B. The Ombudsperson acts in accordance with the International Ombudsman Association (IOA) Code of Ethics and Standards of Practice. (SOP 4.7)
- C. The Ombudsperson endeavors to be worthy of the trust placed in the Office of the University Ombudsperson. (SOP 4.8)