

## **Villanova University Ombuds Office Charter**

### **I. Introduction**

The Villanova University Ombuds Office (“Ombuds Office” or “Office”) was established in 2019 to help foster an environment of respect, honesty, fairness, and integrity, and to bolster a supportive working and learning climate at Villanova University for its faculty. In keeping with national norms, those who utilize the Ombuds Office are referred to as “visitors.” When a visitor seeks support, the Ombuds Office can listen, serve as a strategic thought partner, help plan or develop options to resolve conflict or to surface an issue, provide resources and information about University policies and systems, and otherwise assist with informal conflict resolution and problem solving. In every case, the Office provides support that is independent, confidential, impartial and informal. This Charter document defines the terms, conditions, and principles on which the Office of the Ombuds has been established and describes the privileges, responsibilities, and authority of the Villanova University Ombuds (“Ombuds”) and the Office of the Ombuds.

### **II. Purpose, Mission and Scope of Services**

The purpose and mission of the Ombuds Office is to enhance an ethical, supportive, and responsive culture for members of the Villanova University communities by providing confidential, impartial, independent, and informal conflict resolution services and problem-solving support. The Ombuds Office also elevates systemic trends or concerns to the attention of University leadership to improve the fairness and effectiveness of those programs at a systems level.

Day to day, the Ombuds fulfills this purpose and mission by confidentially receiving inquiries, concerns, or questions from faculty, and tailors the Office’s response based on the specific needs of each situation. As appropriate, the Ombuds will: listen, clarify issues, serve as a strategic thought-partner and conflict coach, make informal inquiries, gather additional information, provide referrals, or offer information on available resources, identify available pathways and options to address or raise concerns and facilitate difficult conversations or mediate conflicts directly.

### **III. Standards of Practice**

The Ombuds adheres to and has adopted the International Ombudsman Association Standards of Practice and Code of Ethics, and this Charter adopts and incorporates by reference the IOA Standards of Practice and Code of Ethics. The Ombuds will function independently of interference or direction from University administration. The Office will operate confidentially and impartially and limit the scope of its services to informal means of dispute resolution and problem-solving support. The Ombuds will be a member of IOA and will attend regular relevant trainings and the annual IOA conferences whenever possible.

The Ombuds will establish and follow consistent policies for the Office, which will be posted on the Ombuds Office website. The Ombuds will also publicize the key principles on which the program is

based, including the confidential, independent, impartial, and informal nature of the Office's services and will clearly explain each of these Standards of Practice to each visitor.

**A. Independence:** The Ombuds Office will be, and will endeavor to be perceived as, free from interference in the performance of their duties. The University will not attempt to direct or influence the substantive work of the Ombuds Office, including with whom the Ombuds meets and how they manage any given concern. The University will also not attempt to interfere with or control the substance of any recommendations for University change that the Ombuds might offer. The independence of the Ombuds Office is accomplished through: the University's recognition of it, a reporting structure in which the Ombuds reports to high-level leadership, freedom from direction or interference in the substance of its work, and by being distinct from all other organizational entities. The Ombuds thus holds no other position within the University and has sole discretion over how or whether to address visitors' concerns.

The Ombuds will have a specific allocated budget, which may be increased as needed for emergent expenses (See Sec. IV.A.5), adequate space and sufficient resources to fulfill their role and pursue continuing professional development. The Ombuds will have the authority to manage the budget and operations of the Office of the Ombuds and will report to the Office of the Provost for administrative and budgetary matters only.

**B. Impartiality:** The Ombuds will strive for impartiality and fairness in consideration of all visitors to the Office and the issues they raise. The Ombuds will operate with the aim of supporting all visitors and parties in the most effective way possible, and will facilitate communication and problem-solving in a way that does not take sides or favor a particular outcome.

The Ombuds will avoid involvement in any matter in which their private interests, real or perceived, may conflict with their ability to be truly impartial and independent in their role. To avoid such conflicts in the first place, the Ombuds will not serve as a voting member on University committees, will not participate in adjudication processes, and will not serve in a formal policy making capacity, except with regard to Ombuds Office policies. If a potential conflict of interest nonetheless exists, the Ombuds will take all steps necessary to disclose the potential conflict and/or remove the conflict. If it is not possible to sufficiently address a conflict of interest in a given case, the Ombuds will recuse themselves from involvement in it.

**C. Confidentiality:** Confidentiality is the defining feature of the Ombuds role. Communications with the Ombuds are confidential to the maximum extent permitted by law. The Ombuds will hold all communications in strict confidence and will not reveal-and must not be required to reveal-the identity of visitors to the Ombuds Office. The Ombuds will not reveal any information disclosed to them in confidence except in accordance with the IOA Standards of Practice, including not disclosing such information without a visitor's express permission and then only at the discretion of the Ombuds. The Ombuds may,

however, disclose otherwise confidential information if they determine what might be an imminent risk of serious physical harm. Because the Office of the Ombuds is a purely voluntary resource that no one is required to use, those who do so will be understood to have agreed to the terms, conditions, and principles upon which it was established and not call on the Ombuds to testify or produce documents relating to confidential communications in any legal, administrative, or other proceedings. The University has also agreed to respect the terms, conditions, and principles on which the Office was created and not call on the Ombuds to testify or produce documents relating to confidential communications in any legal, administrative, or other proceedings. The confidentiality of communications with the Ombuds may not be waived by others. The Ombuds Office will resist any attempts by visitors or third parties to compel disclosure of confidential communications or documents by invoking the terms, conditions, and principles of this Charter and by asserting a claim of confidentiality under any applicable rule or statute under which confidential communications may be protected, including where applicable, rules or statutes dealing with mediation and other methods of alternative dispute resolution.

The Ombuds will not keep written records or notes with identifying information on behalf of the organization. The Ombuds will maintain any and all case-related information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others and will have a consistent and standard practice for the regular destruction of such information. The Ombuds will prepare any data or reports to be shared with the University or otherwise made public in ways that protect visitor confidentiality. The Ombuds and the University will cooperate with each other to implement policies and practices to protect the confidentiality of visitor identities and Ombuds' confidential communications.

**D. Informality:** The Ombuds will be a resource for informal dispute resolution and problem-solving services only. The Ombuds will not participate in formal investigative or adjudicative procedures, whether internal or external. The Ombuds will, however, endeavor to provide visitors with information about relevant formal grievance or complaint processes to help educate them about their options. Use of the Ombuds Office will be voluntary and will not be a required step in any grievance process or University policy.

#### **IV. Authority and Limits of the Ombuds Role**

The authority of the Ombuds derives from the establishment of the Ombuds Office by the University administration and the enactment of this Charter.

**A. Ombuds Authority.** The University recognizes that the Ombuds has the independent authority to engage in the following actions as an integral part of their role:

**1. Have Discussions with Visitors and Others.** The Ombuds has the authority to discuss with visitors their concerns, available informal and formal pathways for resolution, options for next steps, relevant information, and resources, and so forth.

The Ombuds also has the authority to invite parties to engage in voluntary facilitated conversations and mediations as appropriate.

2. **Initiate Informal Inquiries.** The Ombuds is entitled to inquire informally about any issue concerning visitor or member of the communities served by the Ombuds. The Ombuds may therefore initiate informal inquiries into matters that come to the attention of the Office without having received a specific complaint from a directly affected member of the University community.
3. **Access Information.** The Ombuds may request access to University information related to visitors' concerns, and will respect and preserve the confidentiality of that information. The University asserts that its departments should respond to requests by the Ombuds for information with reasonable promptness.
4. **Decline/Withdraw from Participation in a Concern.** The Ombuds may withdraw from or decline to participate in a concern if they believe their involvement would be inappropriate for any reason.
5. **Access to Outside Legal Counsel.** On rare occasion, the Ombuds may require legal advice or representation in order to fulfill their required job functions. The University authorizes the Ombuds to retain outside legal counsel at the Ombuds' discretion, which will be managed through the Ombuds Office budget, if the Office is asked for documents or testimony related to any litigation or other formal process related to the Office's activities, or as otherwise necessary to protect the integrity of the Office's ability to function under the terms of this Charter.

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

1. **The Office of the Ombuds is Not Authorized to Receive Notice of Claims Against the University.** Communication to the Ombuds or the Ombuds Office does not constitute notice to the University. This includes allegations that may be perceived as violations of laws, regulations, or policies, including sexual harassment or incidents subject to reporting under the Clery Act or Title IX. Although visitors may discuss such issues with the Ombuds, the University has determined that Ombuds are not a "campus security authority" under the Clery Act because they do not have significant responsibility for campus or student activities nor are they a mandatory reporter under Title IX because they are not an official of the University and have no authority to institute any corrective action on behalf of the University. Important rights may be affected by when formal action is initiated and when an entity is informed of allegedly inappropriate or wrongful conduct, and while working with the Ombuds may address a problem or concern effectively, it may not protect the rights of the person contacting the Office of the Ombuds.

If a visitor to the Ombuds Office wants to put a concern “on the record,” wants to put the University on notice regarding a specific situation or wants to file a formal complaint or grievance with the University, the Ombuds will provide the visitor with appropriate information so that the visitor may do so themselves.

2. **No Participation in Formal Processes and Investigations.** The Ombuds has no authority to conduct formal investigations of any kind. The Ombuds will also not participate willingly in the substance of any formal dispute process, outside agency complaints or lawsuits, either on behalf of a visitor to the Ombuds Office or on behalf of the University.
3. **Organizational Record Keeping.** The Ombuds has no authority to keep records on behalf of the University and will not create or maintain permanent documents or records for the University about individual matters. Temporary notes and any other materials related to a given matter will be maintained in a secure location and manner, and will be destroyed once the Ombuds concludes its involvement in a matter. Any reports made and shared with the University or others will be sufficiently deidentified to protect the confidentiality of visitors to the Office and their confidential communications.
4. **Advocacy for Individual Parties or Entities.** The Ombuds has no authority to serve as an advocate, lawyer, representative, or counselor for any party in a dispute, nor will they represent University management or visitors to the Office. Rather, the Ombuds will advocate for fair processes, respectful treatment, and equitable policies at the University.
5. **Business and Policy Decisions; Adjudication of Issues.** The Ombuds has no authority to make business or policy decisions on behalf of the University. The Ombuds also has no authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

## V. Reporting

The Ombuds will issue annual reports to University stakeholders. Regular reports will include, at a minimum, information on program statistics and trends, systemic issues identified by the Office, and descriptions of outreach and educational activities. The Ombuds Office will publish its annual reports on its website.

## VI. Accountability and Evaluation

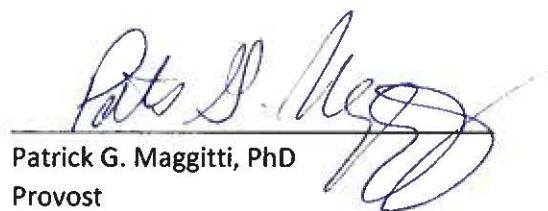
The work of the Ombuds will be evaluated annually by the Office of the Provost with input from Faculty Congress. The evaluation will include a self-assessment and data collected in anonymous visitor experience surveys.

## **VII. Retaliation for Using the Ombuds Office**

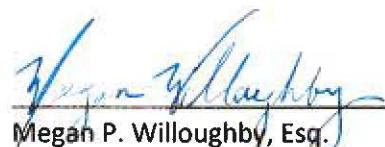
While it is acceptable to remind individuals that the Ombuds is an available resource, no one may be ordered or required to consult with the Ombuds, and no one shall be punished for not consulting with the Ombuds. Retaliation against any employee for consulting with the Ombuds or against the Ombuds for actions within the legitimate scope of the Ombuds' duties is prohibited. The Ombuds will work with the University to create policies to protect visitors from reprisals for using the Ombuds Office.

## **VIII. Amendment and Revocation**

This Charter may be amended only at the agreement of the Office of the Ombuds and the Office of the Provost. The Charter remains in effect unless revoked by the University President, after providing reasonable notice and engaging in consultation with the Office of the Ombuds, the Office of the Provost, and Faculty Congress.

  
Patrick G. Maggitti, PhD  
Provost

2/18/25  
Date

  
Megan P. Willoughby, Esq.  
Faculty Ombuds

1/31/25  
Date