

# Charter

## Introduction

UNLV President Keith E. Whitfield re-established the UNLV Ombuds Office in June 2021 to provide an impartial, independent, informal, and confidential conflict resolution resource for the university community, including faculty, staff, and students, to hear concerns or questions, provide assistance and guidance in addressing these concerns, to provide workshops, seminars, and other programs that educate the university community about conflict resolution, to identify systemic issues that are causing or have the potential to cause conflict, and to make recommendations for how to best address these issues.

## Scope and Responsibilities

The Ombuds Office is available to all members of the UNLV community, including full-time and part-time employees, including classified staff, administrative faculty, academic faculty, executive administrative faculty, and graduate, professional, and undergraduate students.

The Ombuds Office serves as a neutral and off-the-record confidential channel of communication, subject to the narrow exemption described below, that supplements, rather than replaces, existing formal channels of communication and/or grievance or complaint procedures such as Employee Relations, Office of Equal Employment and Title IX, the Faculty Senate's grievance process, and the University Administration. It is intended to help identify, without breaking confidentiality, policies, practices, and emerging trends where systemic change may be appropriate.

The work of the Ombuds Office is conducted in such a way that all members of the University community are treated in a respectful, dignified, equitable, and just manner.

Acting as a neutral party that can provide confidential and informal conflict resolution assistance, the Ombuds Office discharges four primary responsibilities:

### Listening

The Ombuds Office is a space where visitors can confidentially speak to an independent, neutral party about their concerns.

### Education

The Ombuds Office promotes a more equitable campus by disseminating information about student and employee rights and responsibilities, raising awareness of options for redress of issues, teaching techniques for resolving conflicts, and providing guidance about the dispute resolution process. This includes one-on-one consultations, group workshops, and facilitated group discussions.

## Mediation

The Ombuds Office hosts a voluntary mediation program that provides for confidential, neutral, and informal conflict resolution for UNLV employees and students. Mediation does not alter the authority of managers and supervisors to address and manage issues in the workplace. It can, however, supplement, rather than limit or replace, established grievance or complaint procedures.

## Change Advocacy

The Ombuds provides periodic upward feedback to the University administration on issues observed in specific units and/or university-wide, advocating for positive system change when appropriate, without disclosing facts or information that could identify any individual who sought assistance from the Ombuds Office.

## **Structure**

The Ombuds, appointed by and reporting to the President, adheres to the Code of Ethics and Standards of Practice of the International Ombuds Association (IOA), serving as a member of that organization and maintaining all appropriate licensures and certifications.

The Ombuds Advisory Panel (Panel), drawn from constituent groups across campus and representing the entire UNLV community, meets periodically to discuss trends in campus climate and to advise the Ombuds. The Advisory Panel, which is composed of employee and student volunteers, is chaired by one of its members, who will be elected on an annual basis by the Panel. The Panel advises the Ombuds on the general direction of the office, and is not apprised of the details of individual matters. Under no circumstances does the Ombuds share confidential information with the Panel.

Campus mediators are UNLV employees who, having completed extensive training and under the auspices of the Ombuds Office and supervision of the Ombuds, conduct facilitate mediation sessions. Campus mediators pledge to uphold the confidentiality of all communications and discussions with all parties in any dispute before them.

Practitioner mediators are advanced Boyd School of Law students who have completed training as mediators, and may receive credit towards pro bono hours or credit hours in exchange for their participation as mediators. Practitioner mediators pledge to uphold the confidentiality of all communications and discussions with all parties in any dispute before them.

Participation in mediation is voluntary, and all agreements are reached with the consent of all parties in mediation. The Ombuds Office does not maintain or enforce agreements made by parties to a mediation.

Visitors are defined as employees and students who contact the office to speak with the Ombuds and/or other office staff, whether in person, over the phone, over email, or via video chat.

## **Operations**

The Office does not create or maintain documents or records for the University about individual cases. Notes, if any, taken during a consultation or mediation session are routinely destroyed at regular intervals and at the conclusion of a matter.

The Office may maintain anonymous statistical data to assist in reporting trends and to track usage of the office.

The Office avoids involvement in cases where there may be a conflict of interest. A conflict of interest occurs when the Office or an Ombuds' private interests, real or perceived, supersede or compete with their dedication to the impartial and independent nature of the role of the ombuds. When the Office or Ombuds becomes aware of a real or perceived conflict, the Office or Ombuds will take steps necessary to disclose and/or avoid the conflict.

All members of the constituencies served by the Office have the right to consult the Office without reprisal. The University and its agents will not retaliate against individuals for consulting with the Office, or against those working on behalf of the Office.

## **Authority and Limits to Authority**

The Ombuds Office has the authority to contact members of the UNLV community, to gather non-confidential information about specific issues, to provide voluntary, informal mediation services, to support the negotiation of informal resolutions, and to bring to campus leadership concerns and recommendations for systemic change.

The Ombuds is not authorized to eliminate, establish, or modify any NSHE and/or UNLV policy or portion of UNLV's governing documents. The Ombuds and those working under the authority of the Ombuds Office do not have the authority to receive notice of legal claims against UNLV.

The Ombuds has no authority to make administrative decisions, conduct investigations, or the authority to change disciplinary actions or performance evaluation ratings.

The Ombuds Office does not alter the authority of managers and supervisors to address and manage issues in the workplace or any approved policies and procedures.

The Ombuds Office is not authorized to receive notice of claims against the university. Because the Office and the Ombuds do not function as officials of the University, even if the Ombuds Office becomes aware of such allegations, they are not required to report them to the University. If a visitor wishes to make a formal claim against or file a report with the university, the Ombuds Office will refer the visitor to appropriate office(s) where such claims or reports may be filed.

The Ombuds Office has no authority to serve as a "campus security authority" under the Clery Act since the Ombuds Office does not have significant responsibility for student or campus activities. The Ombuds is not an officer of the university who is authorized to institute corrective measures on behalf of the university under Title IX and its accompanying regulations.

Important rights may be affected when formal action is initiated by the University when it is informed of allegedly inappropriate or wrongful conduct. Working with the Ombuds may address a visitor's problem or concern effectively but may not protect the rights of the visitor.

The Ombuds and those working under the auspices of the Ombuds Office, including mediators, are not, and are not a substitute for, anyone's lawyer, representative or counselor. A visitor may wish to consult with a lawyer or other appropriate resource with respect to those rights.

The Ombuds Office has no authority to make business or policy decisions for the University or to conduct formal investigations of any kind.

The Ombuds Office may withdraw from a matter or decline to look into a matter if the Ombuds determines that their involvement may not be appropriate for any reason, including a conflict of interest.

## **Standards of Practice**

The Ombuds Office adheres to the International Ombuds Association's (IOA) [Code of Ethics](#) and [Standards of Practice](#). In brief, the Ombuds and all those acting in service of the office, including office staff and volunteer mediators, "shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies."

Following IOA principles, the Ombuds Office embraces four key standards of practice:

### Independence

The Ombuds and the Ombuds Office are independent in structure, function, and appearance to the highest degree possible, and fully autonomous in their operations. For administrative and budgetary purposes, the Ombuds reports directly to the President. The Office operates independently of administrative authorities. This includes not disclosing confidential information about matters discussed in the Office with anyone in the University, including the person to whom the Office reports.

### Informality

The Ombuds Office provides a voluntary informal, off-the-record channel for visitor concerns, which may include listening, providing information about potential courses of action, and providing informal facilitative mediation services. The Ombuds does not make binding decisions, conduct formal investigations, determine wrongdoing, or adjudicate any matters, but may suggest referrals for those who wish to pursue those actions.

### Neutrality

The Ombuds remains neutral, impartial, and unaligned, advocating for the equitable administration of processes across campus. The Ombuds and the Ombuds Office serve all UNLV employees and students, without preference to or advocacy for any individual or group.

### Confidentiality

The Office and the University assert that the identity of those who visit the office and their communications with the Ombuds are confidential pursuant to the terms embodied in this

Charter under which the program was established and any other applicable law or legal basis. Visitors may also contact the Ombuds Office anonymously.

It is the intent of the Office and the University that all communications with the Ombuds, Ombuds Office staff, and those acting in a volunteer capacity will be held in strict confidence to the extent allowed by law. Specifically:

The Ombuds and all those acting under the authority of the office do not reveal the identity of any individual who has contacted the Office, nor can they reveal any information provided in confidence without that individual's express permission.

UNLV has agreed that it will not call upon or attempt to have the Ombuds disclose confidential communications or to testify or produce documents relating to confidential communications in any administrative or legal proceeding and will support the Ombuds' efforts to resist the disclosure of confidential information, to the extent allowed by law and/or a court of competent jurisdiction.

Those who choose to voluntarily utilize the program will also be understood to have agreed to abide by these principles and not call the Ombuds to testify or produce documents relating to confidential communications in any legal, administrative, or other proceeding.

As the Ombuds Office strives to keep all communications confidential to the extent permitted by law, any information disclosed in those communications do not constitute notice to UNLV of any potential claims.

Consistent with the International Ombuds Association Code of Ethics and Standards of Practice, the only exceptions to this confidentiality principle are: (a) when, during the course of communications with the Ombuds, a visitor gives the Ombuds permission to make a disclosure and the Ombuds agrees it is appropriate to do so, (b) when the Ombuds has a reasonable basis to determine that there is an imminent threat of serious harm, or (c) as necessary to defend against a formal complaint of professional misconduct.

Approved:



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Keith E. Whitfield, President

8/19/22

Date

*Adopted July 2021, revised August 2022.*