

CHARTER AGREEMENT

NORTH CAROLINA STATE UNIVERSITY FACULTY OMBUDS OFFICE

I. INTRODUCTION

The North Carolina State University Faculty Ombuds Office is established January 1, 2015, to provide its faculty members with a confidential, independent, and informal resource for discussion of workplace questions, issues, concerns, conflicts, or disputes. The Faculty Ombuds Office (hereinafter reference to the Faculty Ombuds Office includes the Faculty Ombuds) shall also be impartial in assisting the NC State faculty community. The Faculty Ombuds Office shall practice in keeping with the Code of Ethics and Standards of Practice of the International Ombudsman Association (IOA). In all proceedings, the Faculty Ombuds Office shall act with professionalism and integrity, shall foster respect for all members of the University, and shall promote procedural fairness in the issues addressed and in the content and administration of the University's policies, regulations, and rules.

II. PURPOSE AND SCOPE OF SERVICES

The Faculty Ombuds Office provides services to NC State faculty defined as University employees with a faculty appointment including any faculty member (full-time or part-time) with a primary faculty title and role. It does not include graduate assistants, post doctoral scholars, or other University employees whose primary job is non-faculty EPA or SPA, but who may also teach an occasional course. The Faculty Ombuds Office provides faculty members with information on University policies, regulations, and rules and assists with issue identification and conflict resolution.

The Faculty Ombuds listens, makes informal inquiries or otherwise reviews matters received, provides assistance, issue or conflict coaching, and makes referrals to appropriate University offices or administrators. The Faculty Ombuds assists faculty members to achieve their defined outcomes that are also consistent with the ideals and objectives of the University. Services of the Faculty Ombuds Office supplement and complement, but do not replace other procedures available to the University faculty community.

While maintaining the confidentiality of sources, the Faculty Ombuds Office shall provide feedback to the Chancellor, Provost, and to other administrators or University offices (as appropriate and authorized by the Chancellor or Provost), when trends, patterns, or issues are identified and/or when policies, regulations or rules of the University generate concerns.

The Faculty Ombuds is not an employee nor agent of NC State and both the Faculty Ombuds Office and Faculty Ombuds are not authorized to receive notice for NC State. Contacting the Faculty Ombuds Office or the Faculty Ombuds is not considered by NC State or the Faculty Ombuds Office as notice to NC State of any issue, complaint, grievance or claim. When a faculty member wishes to make a formal complaint to NC State, the Faculty Ombuds Office can provide information and/or referrals to the appropriate University office or administrator.

The Faculty Ombuds has no authority or capacity to render decisions, alter policy, offer legal advice, provide formal mediation services, or engage in psychological counseling. Faculty members are not required to use the Faculty Ombuds Office and do so voluntarily.

III. STANDARDS OF PRACTICE AND CODE OF ETHICS

The Faculty Ombuds Office practices to the IOA Standards of Practice and Code of Ethics. These tenets establish that the Faculty Ombuds Office function independently of the organization served, is confidential to the extent allowed by law, is impartial, and limits the scope of services to informal means of issue and dispute resolution. The IOA Standards and Code are minimum standards, and the NC State Faculty Ombuds Office strives to operate to “best practices” and in a way that serves the interests of the Faculty and University. The Faculty Ombuds Office will establish protocols and practices consistent with the IOA Standards of Practice and Code of Ethics. The Faculty Ombuds will be a member of the IOA and attend regular trainings.

A. Independence

The Faculty Ombuds Office is independent in structure, function and appearance to the highest degree possible. It shall operate independent of ordinary line and staff structures and shall exercise sole discretion over whether and how to act regarding individual

matters or systemic concerns. The Faculty Ombuds is an independent contractor and not a University employee.

The Faculty Ombuds Office will make regular reports, at least annually, to the Chancellor and Provost for administrative purposes. Such reports will include aggregate data describing the number, type of consultations, and categories of issues. The Faculty Ombuds will also inform the Chancellor, Provost, and other administrators or University offices (as appropriate and authorized by the Chancellor or Provost) of trends, issues, and concerns while maintaining the confidentiality of source material.

B. Confidentiality

Communications with the Faculty Ombuds Office are confidential to the fullest extent of the law. Further, since the Faculty Ombuds is an independent contractor, not a university employee, the NC Public Records Act does not apply to records created or received by the Faculty Ombuds Office. However, records sent by the Faculty Ombuds Office to university employees may constitute public records, unless an exception applies such as the Personnel Records Act. The Faculty Ombuds Office will not confirm that communications with any faculty member took place or disclose any confidential information without express permission of the faculty member and at the discretion of the Faculty Ombuds. Exceptions to confidentiality that allow disclosure include where there is an imminent risk of serious harm, where abuse and neglect are suspected, and where otherwise required by law.

The Faculty Ombuds Office shall not participate in any formal University processes. The Faculty Ombuds is not a designated responsible employee as contemplated under Title IX. Further, the Faculty Ombuds Office is not a campus security authority as outlined in the Clery Act and the Violence Against Women Act (VAWA).

C. Impartiality

The Faculty Ombuds Office shall be impartial in all activities, and shall not take sides in any conflict, dispute or issue. The Faculty Ombuds will objectively consider the interests and concerns of all those involved in a conflict, dispute or issue with the aim of facilitating communication and assistance in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the University.

The Faculty Ombuds will avoid involvement in matters where there may be a conflict of interest. A conflict of interest occurs when the Faculty Ombuds' private interests, real or perceived, supersede or compete with dedication to the neutral and independent role of the Faculty Ombuds. When a conflict of interest exists, the Faculty Ombuds will take all steps necessary to disclose and/or avoid the conflict.

D. Informality

The Faculty Ombuds Office shall be an informal issue or dispute resolution resource and shall not formally investigate, mediate, arbitrate, adjudicate or in any other way participate in formal internal University processes or actions. Use of the Faculty Ombuds Office will be voluntary and is not a required step in any grievance process or University policy. Faculty members shall have the right to consult with the Faculty Ombuds Office without retaliation.

The Faculty Ombuds Office is not an agent of nor authorized to receive notice of any issue, complaint, grievance or claim on behalf of the university and use of the Faculty Ombuds Office does not extend any timelines or deadlines to file complaints or grievances.

IV. AUTHORITY AND LIMITS OF THE FACULTY OMBUDS

The authority of the Faculty Ombuds Office derives from the University as manifest by the endorsement of the University Chancellor and Provost.

A. Authority of the Faculty Ombuds Office

1. Discussions with Faculty Members and Others

The Faculty Ombuds will provide faculty members with an informal opportunity to discuss concerns, clarify, and articulate issues with a focus on identifying interests and goals. The Faculty Ombuds will help analyze and assess avenues for potential resolution and provide information about such avenues, including but not limited to information on University policies, regulations, rules, services, and resources that may be available to assist with the resolution of the concern. These resources may include, but are not

limited to, the Faculty and Staff Assistance Program (FASAP), Employee Relations, Mediation Services, the formal faculty Grievance Process, and the Office of Institutional Equity and Diversity, among others.

The Faculty Ombuds may also make informal inquiries concerning matters, issues, and concerns brought to the attention of the Faculty Ombuds Office.

The Faculty Ombuds may also withdraw from or decline to assist with a matter if believed involvement would be inappropriate for any reason.

2. Access to Information

The Faculty Ombuds Office may request information related to faculty member concerns from the University with consent of the individual faculty member and will maintain the confidentiality of any such information. The purpose for this access is to enable the Faculty Ombuds to better understand situations and provide assistance.

3. Access to Legal Counsel

On occasion, the Faculty Ombuds Office may need legal advice or representation in order to fulfill required functions. Under these circumstances, the Faculty Ombuds Office may seek legal counsel separate and independent from the University.

B. Limitations on the Authority of the Faculty Ombuds

1. Formal Processes and Investigations

The Faculty Ombuds Office shall not participate in any University grievance or review process, nor serve as an advocate on behalf of any faculty member, nor act as mediator or arbitrator in any matter, nor offer legal advice or provide psychological counseling, nor impose sanctions or remedies, nor enforce or modify policies, regulations or rules, nor testify, serve as a witness or participate in any administrative, grievance, review or judicial hearing unless required to do so by law. Additionally, the Faculty Ombuds Office shall not conduct investigations of any kind.

2. Receiving Notice for and Placing Notice on the University

The Faculty Ombuds is not an employee nor agent of NC State and both the Faculty Ombuds Office and Faculty Ombuds are not authorized to receive notice for NC State. Contacting the Faculty Ombuds Office is not considered by NC State or the Faculty Ombuds Office as notice to NC State of any issue, complaint, grievance or claim. If a faculty member decides to place the University on notice regarding a specific situation or wants to make a complaint, the Faculty Ombuds Office will provide the faculty member with information and/or referral to the appropriate University office(s) or administrators so that he or she may do so directly.

Additionally, if a faculty member decides to place the University on notice concerning any issue, misconduct, crime, grievance or claim, including allegations of research misconduct, misuse of state property, discrimination (including harassment and retaliation) and sexual assault, the faculty member should report to the proper authorities or University offices that are established to investigate and resolve such situations. The Faculty Ombuds Office can provide the faculty member with the reporting information and/or make a referral as noted above.

Further, the Faculty Ombuds Office shall not participate in any complaint processes or investigations and is not a designated responsible employee as contemplated under Title IX, nor a campus security authority as outlined in the Clery Act and the Violence Against Women Act (VAWA).

3. Record Keeping

The Faculty Ombuds is an independent contractor, not an employee, and is not subject to the NC Public Records Act. The Faculty Ombuds Office will not keep records other than general utilization data for the University, and will not create or maintain documents or records that identify individual matters. Notes and any other materials related to a matter will be maintained in a secure and confidential manner, and will be destroyed once the Faculty Ombuds Office concludes involvement in a matter. Administrative records, such as the annual report, will be retained for one year.

V. EFFECT AND AMENDMENT TO CHARTER AGREEMENT

This Charter is in effect as of January 1, 2015 and operates to define and support the work of the NC State Faculty Ombuds Office. This Charter remains in effect unless revoked by NC State. It may be amended only in writing by agreement of the Chancellor, Provost, and Faculty Ombuds.

Agreed and accepted by:

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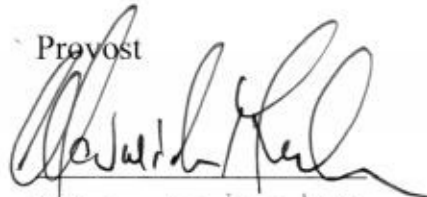
Chancellor



Dated: 10/20/15

/S/

Provost



Dated: 10/20/15

/S/

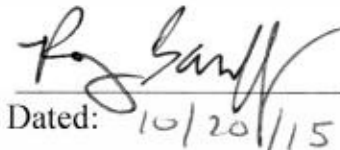
Faculty Senate



Dated: 10/20/15

/S/

Faculty Ombuds



Dated: 10/20/15