University of Rochester Ombuds Charter

I. Introduction

Building on over four decades of support for the ombuds resource, the University of Rochester ("University") reaffirms its commitment to the University of Rochester Ombuds Office ("Office") and establishes this Charter. This Charter defines the terms, conditions, and principles on which the Office is established at the University, as well as the privileges, responsibilities, and authority of the Office, the University Ombuds, Ombuds, and the University in relation to one another. Throughout this document, the term "Ombuds" refers to all Office staff members, while "University Ombuds" refers to the head of the Office specifically.

The Office provides independent, impartial, confidential, and informal ombuds assistance to all members of the University community, including faculty, staff, and students at all the University's schools, divisions, and departments. In keeping with established norms, individuals who seek Ombuds assistance are referred to as "visitors".

II. Purpose, Mission, and Responsibilities of the Office

The purpose and mission of the Office is to promote a fair, ethical, supportive, responsive, and conflict-competent culture for the University and the University community by providing conflict resolution services and problem-solving support related to the University's systems, processes, and climate, as well as individuals' experiences with or within the University.

The Office is a voluntary resource operating as an alternative and additional option to formal channels as well as an option when no formal process is available, and it assists visitors in managing, surfacing, or resolving issues affecting their work, academics, research, or any other University-related issues. The Office also elevates systemic trends or concerns to the attention of University leadership to effect high-level improvement.

The Office fulfills this purpose and mission by confidentially receiving inquiries, concerns, or questions from visitors and tailoring its response based on the specific needs of each unique situation.

As appropriate, Ombuds can listen, clarify issues, provide impartial perspective, facilitate one-on-one and group conversations, serve as strategic thought partners and coaches, help visitors consider and develop options, gather and provide available resources and information on University policies, procedures, and systems, and otherwise assist with informal conflict resolution, problem solving, and helping visitors make their own best decisions for their next steps.

III. Standards of Practice

The Office and Ombuds adhere to the Standards of Practice and the Code of Ethics of the International Ombuds Association ("IOA"), upon which this Charter is based. This Charter adopts and incorporates by reference the IOA Standards of Practice and Code of Ethics, as these documents may be amended from time to time; provided however, the applicable and New York and federal law as well as the Bylaws of the University of Rochester shall take precedent whenever they conflict with this Charter.

The Office will publicize the key principles on which the program is based, including the independent, impartial, confidential, and informal nature of the Office's services, and will clearly explain to each visitor how these standards operate in practice. The Office will also establish policies and procedures that uphold these standards and bring transparency to the Office's practices. The four key principles of the Office are as follows:

A. Independence: The Office is independent in structure, function, and appearance to the highest degree possible and operates without influence from others throughout the University. The University Ombuds reports directly to the Provost and not through any other University department, unit, function, or entity outside this office that affects, or is perceived as affecting, the Office's independence. The Office may receive administrative support or assistance from other University offices as needed on non-confidential matters, but Ombuds will hold no other positions or collateral duties within the University or its associated entities.

While anyone may request that the Office work on particular issues or inquiries, the Office may exercise discretion over whether or how to pursue or engage on an issue, including whether to bring concerns to the attention of an official or officials, and shall have decision-making authority on its own substantive work within the boundaries of applicable law and the Bylaws of the University of Rochester.. The University shall provide the Office with an allocated budget, appropriately discreet space, and sufficient resources within the budgetary discretion of the Provost to support a highly qualified staff, fulfill its role, and allow employees to pursue continuing professional development. The University Ombuds has the authority to manage the budget and operations of the Office and reports to the Provost for administrative and budgetary matters. Other than for the role of University Ombuds, selection and supervision of all Ombuds, while subject to applicable University hiring policies, resides within the Ombuds Office.

B. Impartiality: Ombuds do not advocate for the position of any individual or group of individuals, including the University itself or its leadership at any level. Rather, Ombuds will gather all available relevant information, objectively examine all sides of an issue through a

multipartial lens, and advocate for fairness in interpersonal relationships and University practices, systems, processes, and policies. This may include facilitating communication and problem solving and/or making non-binding suggestions on how an individual or systemic matter might be addressed by the parties and decision-makers involved.

Ombuds maintain the sole authority, subject to the below confidentiality provisions, applicable law, and the Bylaws of the University of Rochester, to determine what shareable substantive information they choose to provide to visitors and any other parties involved in an ombuds issue.

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

C. Confidentiality: Confidentiality is the defining feature of the Ombuds role. Ombuds hold all communications in strict confidence and do not reveal—and must not be required to reveal—the identity of visitors to the Office. These confidentiality provisions extend to all parties that communicate with Ombuds, irrespective of whether they were the initiating visitor or otherwise initiated first contact on an issue with the Office. Ombuds do 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 Ombuds, or as required by law.

The University officially designates the Office as a confidential resource, and therefore the Office and Ombuds do not report confidential information to law enforcement or University officials without that visitor's permission, except in circumstances where they believe there may be an imminent risk of serious physical harm; or where disclosure is required by law.

Because the Office is a voluntary resource that no one is required to use, those who use the services of the Office are understood to have agreed to the terms, conditions, and principles upon which the Office was established, including an agreement not to call on Ombuds to testify or produce documents relating to confidential communications in any legal, administrative, or other proceeding. The University also agrees to respect the terms, conditions, and principles on which the Office was created and not call on Ombuds to

testify or produce documents relating to confidential communications in any legal, administrative, or other proceeding, except when required by law. To ensure this understanding, the terms, conditions, and principles surrounding ombuds confidentiality and the use of the Office will be publicized by the Office on its website, outreach materials, and in other contexts where the role of the Office is discussed.

The confidentiality of communications with the Office may not be waived by others, except as required by applicable law. The Office resists any attempts by visitors or third parties to compel disclosure of confidential communications, documents, or information 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 information may be protected, including, where applicable, rules or statutes dealing with mediation and other methods of alternative dispute resolution.

Similarly, the Ombuds office will not disclose to a visitor information confidential under the University Policy of Confidentiality (Policy 108), unless consent for that disclosure is provided by a University official authorized to approve disclosure of the information by the Provost or the President. Ombuds will direct individuals seeking Policy 108-covered information about themselves to the appropriate channels for requesting such information.

The Office does not keep permanent written records or notes containing identifying information, nor does it maintain records on behalf of the University.

To promote and protect the Office's safety and confidentiality, the University will ensure that Ombuds are housed in discreet, secure office space, with access to Ombuds' space limited solely to Ombuds, and that Ombuds are supported by appropriate support personnel, such as facilities and environmental staff; provided, however, all information technology and other systems shall be subject to maintenance by IT. Any other access to facilities and equipment must be specifically authorized by the Provost of the University.

The Office maintains any inquiry-related information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others, and will have consistent and standard practices for the regular destruction of such information. The Office will prepare any data or reports to be shared with the University or otherwise made public in a manner that protects visitor confidentiality.

As necessary, the Office and the University will cooperate with each other to implement further policies and practices to protect the confidentiality of visitor identities and the Ombuds' confidential communications.

D. Informality: The Office will be an off-the-record resource for informal dispute resolution and problem-solving services only. The Office holds no decision-making or appellate

authority over any University policy or administration, and does not conduct any formal adjudication, administrative procedure, or formal investigation of concerns brought to its attention. Recommendations and suggestions made by the Office need not be implemented.

The Office does not replace investigations, grievances, appeals, or other formal processes provided through the University, and never serves as a required step in any University process. Except with regard to complaints about the conduct and professionalism of Ombuds and/or the Office itself, Ombuds and the Office do not testify or otherwise participate in internal formal investigative or adjudicative processes and do not willingly testify or otherwise participate in external formal investigative or adjudicative processes and shall resist doing so to the fullest extent of the law. The Office does not provide services on substantive issues that are the subject of ongoing formal processes, but will endeavor to provide visitors with information about relevant formal processes when appropriate to help educate them about their options.

Use of the Office is wholly voluntary and will not be a required step in any grievance process or University policy. The University will strive to ensure that employees and managers understand that participation in the Ombuds resource is voluntary, should never be directed or mandated as a job responsibility, and that non-participation will not be penalized.

IV. Authority, Limits, and Responsibilities of the Ombuds Role

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

A. Ombuds Authority. The University recognizes that Ombuds have the independent authority, subject to applicable law and the Bylaws of the University of Rochester, to engage in the following actions as an integral part of their role:

1. Interact with Visitors and Others. Ombuds have the authority to undertake a variety of actions in carrying out their duties and responsibilities. With visitors, such actions include providing a respectful and confidential place for individuals to discuss issues and concerns off the record, including helping them to clarify their issues, identify their goals, and develop and consider a range of options; coaching with respect to written and verbal communications; explaining relevant University policies and procedures; providing referrals to other offices and services; assisting in managing and resolving conflict; engaging in shuttle diplomacy; facilitating one-on-one and group conversations; and other measures consistent with the mission of the Office. Ombuds also have the authority to work with visitors who wish to remain confidential during their engagement with the Office.

Ombuds will also meet regularly with University leadership to serve as an early feedback and information resource, highlight any systemic challenges and concerns, provide analysis and perspective, and make recommendations for systemic change.

2. Initiate Informal Inquiries. Subject to applicable law and the Bylaws of the University of Rochester, Ombuds may informally inquire on any issue concerning a visitor or stakeholder served by the Office if the matter comes to the attention of Ombuds, with notice to the Provost. The University encourages cooperation with these inquiries by all University personnel. The University Ombuds shall keep the Provost regularly informed of the issues that are the subject of the Office's informal inquiries, but Ombuds will maintain confidentiality while conducting these inquiries in the same manner as they do for visitor assistance.

3. Access to Information. The Office may request and shall have access to data and information from University entities relevant to its work, pursuant to applicable state and federal laws surrounding confidentiality and privilege. All information received by Ombuds under this provision is subject to the confidentiality requirements defined in this Charter and governing ombuds professional practice. The University asserts that its departments should respond to Ombuds' requests for information with reasonable promptness. Should a unit refuse to provide information to the Ombuds, the Ombuds may petition the Provost for a directive to provide the requested information, with the Provost applying a "reasonable basis for the request of the information" standard in coming to their decision.

4. Decline/Withdraw from Participation in a Concern. Ombuds may withdraw from or decline to participate in a concern if they believe their involvement would be inappropriate for any reason.

B. Access to Outside Legal Counsel. On rare occasions, the Ombuds may require independent legal advice or representation to fulfill their required job functions. The University will allow the Ombuds the opportunity to petition the President or, if the President is conflicted, the Board of Trustees for approval to obtain outside legal counsel when necessary to protect the integrity of the Office's ability to function under the terms of this Charter or where representation by the University's Office of Counsel might create a conflict of interest given the independent role of the Ombuds.

C. Limitations on the Ombuds' Authority

1. The Office is Not Authorized to Receive Notice of Claims Against the University. The Ombuds Office and the Ombuds are not officials of the University. Communication with Ombuds or the 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, Title IX, or other reporting requirements. Although visitors may discuss such issues with Ombuds, the Office is not a "campus security authority" under the Clery Act because Ombuds do not have significant responsibility for student or campus activities. The Office and Ombuds have no authority to institute any corrective action on behalf of the University. Ombuds, as confidential resources, are neither mandatory reporters under Title IX nor responsible employees under University policies regarding prohibited discrimination, harassment, and related misconduct.

Ombuds do not provide legal advice and are not, nor are they a substitute for, anyone's lawyer, union or other representative, or counselor. While working with Ombuds may help visitors address their concerns effectively, visitors may wish to consult with a lawyer or other appropriate resources to obtain guidance on whether any legal rights may be involved. Use of the Office does not extend internal or external timelines or deadlines with respect to filing a complaint or grievance. There is no attorney-client privilege between an Ombuds and any visitor and the Ombuds confidentiality will be subject to applicable state and federal laws.

If a visitor to the Office wants to put a concern "on the record," to put the University on notice regarding a specific situation, or to file a formal complaint or grievance with the University, Ombuds will provide the visitor with information about available avenues for the visitor to do so themselves, if applicable.

Outside of matters concerning the management and administration of the Office itself and/or Ombuds, communications between Ombuds and University officials on substantive matters, whether raised by visitors or others, remain subject to the Office's confidentiality provisions and do not constitute notice to the University.

2. No Participation in Formal Processes and Investigations. The Ombuds may perform informal inquiries pursuant to Section IV (A) (2) of this Charter, however, it has no authority to conduct formal investigations of any kind. Ombuds also will not participate willingly in the substance of any formal dispute resolution process, collective bargaining process, outside agency complaints, or lawsuits, on behalf of a visitor to the Office, the University, or any other party, except in defense against complaints about the conduct and professionalism of Ombuds and/or the Office itself.

3. No Record Keeping. Outside of records related to the Office itself, Ombuds have no authority to keep records on behalf of the University and will not create or maintain permanent documents or records for the University. Temporary notes and any other materials related to ombuds matters will be maintained in a secure location and manner

and will be destroyed once Ombuds concludes their involvement. Any reports made and shared with the University or others will be sufficiently de-identified to protect the confidentiality of visitors to the Office and their communications.

4. No Formal Advocacy for Individual Visitors or Entities. Ombuds do not and have no authority to serve as advocates, lawyers, representatives, witnesses, or counselors for any party in a dispute, nor will they represent University leadership, visitors to the Office, or the position of any party. Rather, Ombuds will consider the rights and interests of all parties and promote respectful treatment and fair, equitably-administered systems and processes in the course of their work.

5. No Adjudication or Decision-Making Authority. Ombuds have no authority to make business or policy decisions or interpretations on behalf of the University. Ombuds also have no authority to adjudicate, impose remedies or sanctions, serve as an appellate authority, or enforce or change University policies or rules.

V. Retaliation for Using the Office

Retaliation against someone for consulting with the Office is prohibited and is considered misconduct subject to discipline. Members of the University community are free to use the services of the Office and attempt to resolve concerns informally and in good faith without dissuasion or fear of retaliation. No University employee or official shall compel a member of the University community to seek permission to use the Office, disclose that they wish to meet or have met with Ombuds, or be forced to disclose the contents of their conversations with Ombuds, unless compelled by applicable federal or state law.

VI. Periodic Reports

The University Ombuds will issue annual, data-driven reports to the President and Provost, which will provide broad, de-identified information about the program and its usage and trends in a manner that protects confidential information and is consistent with generally accepted organizational ombuds practices.

VII, **Amendment**

Amendments to this Charter may be made by following the Process provided by the Policy on Policy Making to include approval by the President, after receiving input from and engaging in consultation with the Ombuds.

Sarah C. Mangelsdorf, President — Date: 08/12/2026

Nicole S. Sampson, Provost — Date: 8/12/2026

Paul Sotoudeh, University Ombuds — Date: 8/12/2026