SCOPE OF AUTHORITY & RESPONSIBILITY

I. INTRODUCTION

The Office of Ombuds Services was established to provide an accessible, confidential, neutral, independent and informal resource for expeditious resolution of student problems and conflicts to all members of the South Texas College community. All members of the South Texas College community including faculty, staff, and students, as well as any other person or persons, seeking the services offered by the Ombudsperson may be referred to herein as visitor(s). This agreement defines the privileges and responsibilities of the Office of Ombuds Services.

a. In accordance with the International Ombudsman Associations Standard of Practice Preamble:

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

II. PURPOSE AND SCOPE OF SERVICES

The Office of Ombuds Services will provide a neutral, confidential, informal and independent environment to the extent possible based on the laws and policies governing the office. The Office of Ombuds Services will be a place where members of the South Texas College community can seek guidance regarding student problems, issues, conflicts or concerns.

The Office of Ombuds Services will confidentially receive complaints, concerns and questions. The Office of Ombuds Services will explain policies and procedures, answer questions, and offer options to the visitor. The responses of the Office of Ombuds Services are based on individual situations and the visitor’s concerns. The Office of Ombuds Services will listen, make informal inquiries, review matters received, offer resolution options, make referrals, and mediate disputes independently and impartially. The Office of Ombuds Services will assist parties in reaching resolutions that are consistent with the ideals and objectives of South Texas College. The services provided by the Ombudsperson are designed to supplement, but do not replace, other more formal processes available to the South Texas College community. The Office of Ombuds Services will provide feedback to the South Texas College Executive Staff identifying any trends or issues without identifying any parties to those issues. In addition, the Office of Ombuds Services will make recommendations to the South Texas College Executive Staff for policy changes, needed training, or other procedures that may enhance the campus climate.
a. In accordance with the International Ombudsman Associations Standard of Practice section 2.6:

*The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.*

A. Resolution Services Provided

a. Mediation

A process used to resolve a dispute or controversy by having a natural party assist with dialogue between two parties in order to aid them in the settlement of their disagreement.

b. Group Facilitation

A process where an individual helps a group plan, and guides and manages a group event to ensure that the group's objectives are met effectively, with clear thinking, and full buy-in from all members of the group.

c. Conflict Coaching

Conflict coaching is the process of supporting individuals as they engage in, manage, and productively resolve conflict. The conflict coach works one-on-one with one of the parties experiencing the dispute.

d. Option Generation

A process used to explore all possible alternatives to resolve a dispute, both informal and formal measures implemented by the organization.

e. Referral Services

A process of connecting parties to both internal and external services that may be able to assist the individual with the resolution of their concerns.

f. Shuttle Diplomacy

A process or action of an outside party serving as an intermediary between parties to a dispute, without direct contact with each other.
III.  STANDARDS OF PRACTICE AND CODE OF ETHICS

The Office of Ombuds Services will practice the International Ombudsman Association ("IOA") Standards of Practice and Code of Ethics. These tenets require that the Office of Ombuds Services function independently of their organization, be confidential and neutral, and limit the scope of their services to informal means of dispute resolution. The Office of Ombuds Services will be truthful and act with integrity, will foster respect for all members of the South Texas College community and will promote procedural fairness in the content and administration of the South Texas College’s practices, processes, and policies and procedures. The Ombudsperson employed within the Office of Ombuds Services will be a member of the International Ombudsman Association and attend regular trainings and the annual IOA conference.

The Office of Ombuds Services will establish consistent procedures, which will be made available upon request. The Office of Ombuds Services will publicize the confidential, independent, neutral and informal nature of his/her services through a website, promotional materials, and a visible wall posting as well as provide a copy of the standards to each visitor.

A. Independence

The Office of Ombuds Services is independent in structure, function, and appearance to the highest degree possible within the organization. The Office of Ombuds Services will operate independent of ordinary line and staff structures. The Office of Ombuds Services will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns.

To fulfill its function, the Office of Ombuds Services will have a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development. The Director will have the authority to manage the budget and operations of the Office of Ombuds Services.

a. In accordance with the International Ombudsman Associations Standard of Practice section 1.3:

The Ombudsman exercises sole discretion over whether or how to act regarding an individual’s concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman’s direct observation.
B. Neutrality & Impartiality

The Office of Ombuds Services as a designated neutral, remains unaligned and impartial. The Office of Ombuds Services does not engage in any situation which could create a conflict of interest. When a conflict of interest exists, the Office of Ombuds Services will take all steps necessary to disclose, avoid the conflict and/or reassign to another member of the Office of Ombuds Services staff.

The Office of Ombuds Services will impartially consider the interests and concerns of all parties involved in a situation with the aim of facilitating communication, assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies and procedures of South Texas College.

b. In accordance with the International Ombudsman Associations Standard of Practice section 2.3:

The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.

C. Confidentiality

The Office of Ombuds Services holds all communications with those seeking assistance in strict confidence and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm. The Office of Ombuds Services may not be able to maintain the confidentiality of certain disclosures, including but not limited to, disclosures regarding public safety, harm to self or others, violations of law, discrimination, or sexual harassment.

c. In accordance with the International Ombudsman Associations Standard of Practice section 3.1:

The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality.

The Office of Ombuds Services will not participate in any formal process inside or outside South Texas College, unless compelled to do so by court order or applicable law.
a. In accordance with the International Ombudsman Associations Standard of Practice section 3.3:

_The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor’s contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so._

D. Informality

The Office of Ombuds Services will be a resource for informal dispute resolution only. The Office of Ombuds Services does not participate in any formal adjudicative or administrative procedure related to concerns brought to its attention.

The Office of Ombuds Services will not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Office of Ombuds Services will be voluntary and not a required step in any grievance process or South Texas College policy.

a. In accordance with the International Ombuds Associations Standard of Practice section 4.1:

_The Ombudsman 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 Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves._

b. In accordance with the International Ombuds Associations Standard of Practice section 4.2:

_The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate._

c. In accordance with the International Ombuds Associations Standard of Practice section 4.3:

_The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization._
d. In accordance with the International Ombuds Associations Standard of Practice section 4.4:

The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.

e. In accordance with the International Ombuds Associations Standard of Practice section 4.5:

The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.

E. Program Effectiveness & Evaluation

The Office of Ombuds Services will be evaluated annually. Information relevant to the effectiveness of the Office of Ombuds Services will include data relating to services offered and types of cases handled and department surveys by visitors of the Office.

F. Appointment, Removal, & Terms of Employment of the Ombudsperson

Standard South Texas College policy and procedure relating to the appointment of, removal of and other terms of employment and or termination will apply to the personnel working within, for, or on behalf of the Office of Ombuds Services; in accordance with Board policy Number 4911 and 4921.

IV. AUTHORITY AND LIMITS OF THE OFFICE OF OMBUDS SERVICES

The authority of the Office of Ombuds Services derives from the South Texas College administration as manifest by the endorsement of the Executive Staff of South Texas College.

A. Authority of the Office of Ombuds Services

1. Initiating Informal Inquiries

The Office of Ombuds Services will inquire informally about any issue concerning South Texas College and affecting a member of the South Texas College community. Therefore, the Office of Ombuds Services may initiate informal inquiries into matters that come to its attention without having received a specific complaint from an affected member of the South Texas College community.
2. Access to Information

The Office of Ombuds Services may request access to information related to visitors’ concerns, from files and offices of South Texas College, and will respect the confidentiality of that information. Requests by the Office of Ombuds Services for information will be handled with reasonable promptness by all South Texas College departments.

3. Ending Involvement in Matters

The Office of Ombuds Services may withdraw from or decline to look into a matter if it believes involvement would be inappropriate for any reason.

4. Discussions with Visitors

The Office of Ombuds Services has the responsibility to discuss options available to its visitors, including both informal and formal processes. The Office of Ombuds Services may make any recommendations it deems appropriate with regard to resolving problems, improving policies, rules or procedures. However, the Office of Ombuds Services will have no authority to impose remedies, sanctions, to enforce or change any policy, rule or procedure.

5. Access to Legal Counsel

The Office of Ombuds Services, through the Office of the Title IX Coordinator will have access to South Texas College legal counsel separate in the event it is asked for documents or testimony related to any litigation or other formal process arising out of Office of Ombuds Services activities.

B. Limitations on the Authority of the Office of Ombuds Services

1. Putting South Texas College on Notice

If a visitor would like to put South Texas College on notice regarding a specific situation, or wishes for information to be provided to South Texas College community, the Office of Ombuds Services will provide the visitor with information so that the visitor may do so himself/herself. In certain situations, including but not limited to situations that involve public safety, harm to self or others, violations of law, discrimination, or sexual harassment, the Office of Ombuds Services may have an ethical obligation to put South Texas College on notice in order to protect the safety of members of the South Texas College community. If, in the judgment of the Office of Ombuds Services, it determines that South Texas College should be provided formal notice of a concern or pattern of behavior, it will do so in writing to the extent practicable.
P.O. Box 9701
McAllen, Texas 78502-9701

OFFICE OF STUDENT RIGHTS AND
RESPONSIBILITIES

(a) In accordance with the International Ombuds Associations Standard of Practice section 1.3:

The Ombudsman exercises sole discretion over whether or how to act regarding an individual’s concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman’s direct observation.

(b) In accordance with the International Ombuds Associations Standard of Practice section 3.8:

Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of the organization and will not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

(c) In accordance with the International Ombuds Associations Standard of Practice section 4.6:

The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.

2. Receiving Notice for South Texas College

Communication to the Office of Ombuds Services will not constitute notice to South Texas College. This includes allegations that may be perceived to be violations of laws, regulations or policies and procedures, such as sexual harassment, issues covered by the Whistleblowers Act, Title IX, or incidents subject to reporting under the Clery Act. In accordance with Title IX, the Clery Act, and the International Ombuds Associations Standard of Practice, the Office of Ombuds Services will not be designated as a “Campus Security Authority” as defined in the Clery Act, to ensure that visitors are able to seek assistance in a confidential and private manner, nor is it required to report these allegations to South Texas College. In addition, if the visitor discloses such allegations and expresses a desire to make a formal report, the Office of Ombuds Services will refer the visitor to the appropriate South Texas College office(s) for administrative or formal grievance processes.

3. Formal Processes and Investigations

The Office of Ombuds Services will not conduct formal investigations of any kind. The Office of Ombuds Services will also not participate in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Office of Ombuds Services or on behalf of South Texas College unless compelled to do so by court order or applicable law.
a. In accordance with the International Ombuds Associations Standard of Practice section 4.3:

*The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.*

**Referrals to Formal Proceedings:**

- **Employees:**
  
  Reports involving a South Texas College employee will be referred to the Office of Human Resources for review in accordance with [South Texas College Board Policy 4216, Discrimination, Harassment, Retaliation, and Sexual Misconduct](#).

- **Non-Student, Non-Employee:**
  
  Reports involving an individual who is not a student or an employee of South Texas College will be referred to the South Texas College Police Department.

- **Student:**
  
  Reports involving an individual who is enrolled in a course, including dual enrollment and continuing education course, will be referred to the Office of Student Conduct.

4. **Record Keeping**

The Office of Ombuds Services will not keep records for South Texas College, and will not create or maintain documents or records for South Texas College about individual matters. Notes and any other materials related to a matter will be maintained in a secure location and manner, and will be set for destruction and destroyed based on its records retention schedule once the Office of Ombuds Services concludes its involvement in the matter.

The Office of Ombuds Services will destroy all records and/or remove all personal identifiable information once the Office has concluded its involvement in the matter, 60 days after it is documented that the case has been received by the appropriate receiving party, and/or once the annual report compiling statistical and trend data has been approved by senior management.

a. In accordance with the International Ombuds Associations Standard of Practice section 3.5:

*The ombudsman keeps no records containing identifying information on behalf of the organization.*
5. Reporting Patterns

The Office of Ombuds Services will keep records for statistical purposes, without identifying information in order to describe usage and identify trends. At least annually, the Office of Ombuds Services will submit a report to the President’s Administrative Staff summarizing the number and types of issues and resolutions addressed by the Office of Ombuds Services. This report will also make special note of problem areas evidenced by case trends.

   a. The Office of Ombuds Services will make annual presentations in various forms and formats to share unidentified statistical data with the South Texas College community.

   b. Additionally, the annual statistical report will be available on the Office of Ombuds Services web page.

6. Advocacy for Parties

The Office of Ombuds Services does not act as an advocate for any party in a dispute, nor will it represent management or visitors to the office.

7. Adjudication of Issues

The Office of Ombuds Services does not have authority to adjudicate, impose remedies, sanctions, enforce or change South Texas College policies and procedures or rules.

V. RETALIATION FOR USING THE OFFICE OF OMBUDS SERVICES

Visitors have the right to consult the Office of Ombuds Services without reprisal. The Office of Ombuds Services will consult with South Texas College to create policies or procedures to protect visitors from reprisals for using the services of the Office of Ombuds Services.

VI. CONFLICT OF INTEREST

In accordance with IOA Standards of Practice and the Texas Mediator Credentialing Association Standards of Practice and Code of Ethics, the Office of Ombuds Services will inform all parties of possible conflicts of interest, take reasonable steps to avoid conflicts of interest and provide options for members of the South Texas College community in instances where conflicts of interest exist.

   a. In accordance with the International Ombuds Associations Standard of Practice section 2.4:

   The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman.
VII. AMENDMENT/ REVOCATION OF THIS CHARTER

The charter may only be amended or revoked by the President of South Texas College in consultation with the Executive Staff and the Office of Ombuds Services. Further, the President of South Texas College, Executive Staff and The Office of Ombuds Services have discretion in determining when and if this charter is to be amended or revoked.

VIII. OTHER

a. The Office of Ombuds Services and other Ombudsperson, when asked to participate on boards, panels, committees, will participate only in the role of informal advisor or non-voting member.

b. Complaints regarding the Office of Ombuds Services or staff working in The Office of Ombuds Services will be handled in accordance with the approved complaint and/or grievances procedures of South Texas College.

IX. DOCUMENTS GOVERNING ETHICS, CONDUCT AND STANDARDS OF PRACTICE

A. International Ombudsman Association Standards of Practice

B. International Ombudsman Association Code of Ethics

C. South Texas College Board Policy 4911, Disciplinary Documentation Procedures for Non-Annual Employees and Non-Renewal of Annual Employees

D. South Texas College Board Policy 4921, Termination of Annual Employees During The Term of Their Letter of Appointment

E. South Texas College Board Policy 4209, The Whistle Blower Act

F. South Texas College Board Policy 4216, Discrimination, Harassment, Retaliation, and Sexual Misconduct

G. Clery Act
Agreed and accepted by:

______________________________  ____________________________
Dr. Shirley A Reed, Ed.D       Ms. Mary Elizondo, MBA
President                      Vice President for Finance & Administrative
South Texas College           Services, Title IX Coordinator

Date: ________________________  Date: ________________________

Ms. Wanda Garza               Ms. Mary Elizondo, MBA
Interim Vice President        Vice President for Finance & Administrative
Student Affairs &             Services, Title IX Coordinator
Enrollment Management

Date: ________________________  Date: ________________________

Dr. Anahid Petrosian, Ph.D    Dr. David Plummer, Ed.D
Interim Vice President for    Interim Vice President for Information Services,
Academic Affairs              Planning, Performance, and Strategic Initiatives
Assistant Vice President for  Assistant Vice President for Strategic Initiatives
Academic Affairs

Date: ________________________  Date: ________________________

Mr. Pablo Hernandez, Jr. LPC.S  ____________________________
Dean of Student Support       ____________________________
Services, Deputy Title IX     ____________________________
Coordinator

Date: ________________________  Date: ________________________