

# SCOPE OF AUTHORITY & RESPONSIBILITY

## I. INTRODUCTION

The Office of the Ombudsperson 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 Office of the Ombudsperson may be referred to herein as visitor(s). This agreement defines the privileges and responsibilities of the Office of the Ombudsperson.

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

The Office of the Ombudsperson shall confidentially receive complaints, concerns and questions. The Office of the Ombudsperson shall explain policies and procedures, answer questions, and offer options to the visitor. The responses of the Office of the Ombudsperson are based on individual situations and the visitor's concerns. The Office of the Ombudsperson will listen, make informal inquiries, review matters received, offer resolution options, make referrals, and mediate disputes independently and impartially. The Office of the Ombudsperson will assist parties in reaching resolutions that are consistent with the ideals and objectives of South Texas College. The services of the Office of the Ombudsperson are designed to supplement, but do not replace, other more formal processes available to the South Texas College community. The Office of the Ombudsperson shall 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 the Ombudsperson shall 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 neutral 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.

g. Consultations

A process where a party to a dispute is able to get feedback about policies and procedures, potential next steps and services that are available.

### **III. STANDARDS OF PRACTICE AND CODE OF ETHICS**

The Office of the Ombudsperson shall practice the International Ombudsman Association (“IOA”) Standards of Practice and Code of Ethics. These tenets require that the Office of the Ombudsperson 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 the Ombudsperson shall be truthful and act with integrity, shall foster respect for all members of the South Texas College community and shall promote procedural fairness in the content and administration of the South Texas College’s practices, processes, and policies and procedures. The Office of the Ombudsperson shall be a member of the International Ombudsman Association and attend regular trainings and the annual IOA conference.

The Office of the Ombudsperson shall establish consistent procedures, which shall be made available upon request. The Office of the Ombudsperson shall 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 the Ombudsperson is independent in structure, function, and appearance to the highest degree possible within the organization. The Office of the Ombudsperson shall operate independent of ordinary line and staff structures. The Office of the Ombudsperson shall exercise sole discretion over whether and how to act regarding individual matters or systemic concerns.

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

- 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’ direct observation.*

## **B. Neutrality & Impartiality**

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

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

The Office of the Ombudsperson shall 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 the Ombudsperson shall 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.*

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- 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 the Ombudsperson shall be evaluated annually. Information relevant to the effectiveness of the Office of the Ombudsperson will include data relating to services offered and types of cases handled and department surveys by visitors of the center.

### **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 shall apply to the personnel working within, for, or on behalf of the Office of the Ombudsperson; in accordance with Board policy Number [4911](#) and [4921](#).

## **IV. AUTHORITY AND LIMITS OF THE OFFICE OF THE OMBUDSPERSON**

The authority of the Office of the Ombudsperson derives from the South Texas College administration as manifest by the endorsement of the President South Texas College.

### **A. Authority of the Office of the Ombudsperson**

#### **1. Initiating Informal Inquiries**

The Office of the Ombudsperson shall be entitled to inquire informally about any issue concerning South Texas College and affecting a member of the South Texas College community. Therefore, the Office of the Ombudsperson 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.

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**2. Access to Information**

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

**3. Ending Involvement in Matters**

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

**5. Access to Legal Counsel**

The Office of the Ombudsperson shall be provided 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 Conflict Resolution Center/Office of the Ombudsperson activities.

**B. Limitations on the Authority of the Office of the Ombudsperson****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 the Ombudsperson shall 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 the Ombudsperson 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 the Office of the Ombudsperson decides to put South Texas College on notice, it shall do so in writing to the extent practicable.



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- 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 shall 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 the Ombudsperson shall 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 [whistleblower policy](#), or incidents subject to reporting under the Clery Act. The Office of the Ombudsperson is not a "campus security authority" as defined in the Clery Act, 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 the Ombudsperson shall 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 the Ombudsperson shall not conduct formal investigations of any kind. The Office of the Ombudsperson shall 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 the Ombudsperson 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 shall 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 shall 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, shall be referred to the Office of Student Conduct.

#### 4. Record Keeping

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

The Office of the Ombudsperson shall 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.*

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**5. Reporting Patterns**

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

- a. The Office of the Ombudsperson shall 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 shall be available on the Office of the Ombudsperson web page.

**6. Advocacy for Parties**

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

**7. Adjudication of Issues**

The Office of the Ombudsperson shall 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 THE OMBUDSPERSON**

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

**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 the Ombudsperson shall 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 the Ombudsperson. Further, the President of South Texas College, Executive Staff and The Office of the Ombudsperson have discretion in determining when and if this charter is to be amended or revoked.

## **VIII. OTHER**

- a. The Office of the Ombudsperson and other Ombudsperson, when asked to participate on boards, panels, committees, shall participate only in the role of informal advisor or non-voting member.
- b. Complaints regarding the Office of the Ombudsperson or staff working in The Office of the Ombudsperson shall 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](#)