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Chapter: Personnel

Modification No. 002

Subject: **College Ombuds**

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- I. Montgomery College is committed to providing ombuds services to the College community.
- II. The purpose of the Office of the Ombuds is to assist the College community in managing conflict constructively and to support positive change. Constructively managing conflict stimulates teamwork, promotes, excellence, and enhances engagement.
- III. Ombuds services will be provided in accordance with the International Ombudsman Association's Code of Ethics.
- IV. This Policy prohibits actual or threatened retaliation, as defined in College Policy 39003- Protection Against Retaliation, by anyone in the College community against an individual because the individual utilizes the Ombuds services, including but not limited to, meetings with the Ombuds, or engaging in a facilitated conversation. This policy also prohibits retaliation against a person who cooperates with the Office of the Ombuds.
- V. The president is authorized to develop and post procedures to implement this policy

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Board Approval: February 22, 2015; June 25, 2018

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I. Ombuds Purpose

The goal of the ombuds is to assist the College community in managing conflict constructively and to support positive change. Constructively managing conflict, stimulates teamwork, promotes excellence, and enhances engagement.

II. Definitions

- A. "Ombuds" refers to any individual appointed by the President to provide ombuds services or support such provision of services within the Office of the Ombuds.
- B. "Visitor" refers to any employee, student, or member of the community who utilizes the services of the ombuds.

III. Ombuds Ethical Standards

- A. The ombuds will be truthful, act with integrity, foster respect for all members of the community served, and promote procedural fairness within the College.
- B. The ombuds will operate in accordance with the International Ombudsman Association's Code of Ethics and Standards of Practice, acting as a confidential, impartial, informal, and independent resource for members of the College community.
- C. The ombuds functions independently and is not affiliated with any compliance function of the College. Therefore, the ombuds does not serve as an agent of notice for the College.
- D. The ombuds is independent and communication with the ombuds is confidential. This includes allegations that may be perceived to be violations of laws, regulations, or policies, including sexual misconduct. The ombuds is designated a confidential resource per 31000-Sexual Misconduct, and will normally keep private the individual's identity and any other information concerning the alleged incident of sexual misconduct and is not required to notify the Title IX Coordinator.
- E. The ombuds may unilaterally violate confidentiality if the ombuds believes there is an imminent risk of serious harm.
- F. The ombuds will avoid involvement in cases where there may be a conflict of interest. A conflict of interest occurs when the ombuds' private interests, real or perceived, supersede or compete with his or her dedication to the impartial and independent nature of the role of the ombuds. When a real or perceived conflict exists, the ombuds should take all steps necessary to disclose and/or to avoid the conflict.

IV. Ombuds Functions

The functions of the ombuds include but are not limited to:

- A. Providing a safe and confidential forum to surface individual, group and systemic problems;
- B. Listening and helping to clarify visitor concerns;
- C. Assisting in the identification of underlying issues and concerns;
- D. Providing information and exploring possible options available to visitors;
- E. Where voluntarily agreed by all involved parties, facilitating discussions to resolve issues, if appropriate;
- F. Where voluntarily agreed by all involved parties, conducting mediations, subject to a written mediation agreement;
- G. Providing a voluntary, confidential forum where whistleblowers may raise concerns;
- H. Collecting data on emerging trends and patterns in the College;
- I. Evaluating and analyzing trending information and making recommendations for systemic change;
- J. Providing feedback to the College's senior administration, protecting the anonymity of the ombuds' visitors;
- K. Publishing an annual report that will be made available to the College community.

V. Reporting Structure

The ombuds will operate independently with respect to issue handling and management. The ombuds will report to the Office of the President for administrative and budgetary purposes only.

VI. Authority and Limitations

- A. The ombuds is authorized to discuss options available to visitors, including both informal and formal processes.
- B. The services of the ombuds supplement rather than replace formal resources and processes administered by other College units, including the offices of Human Resources Strategic Talent Management and Compliance.
- C. The ombuds will have access to confidential records and data, including any information collected or generated by another office of the College, for the purpose of facilitating resolution of a particular situation and for analyzing information in order to make recommendations for systemic change.
- D. The ombuds may decline to inquire into a matter or may withdraw from a case if the ombuds believes involvement is inappropriate for any reason, including a matter not brought in good faith or which appears to be a misuse of the ombuds function.
- E. The ombuds may require legal or other professional advice in order to fulfill its required functions. The ombuds will be provided legal counsel independent of the Office of the General Counsel in the event a conflict of interest arises between the ombuds and the College administration.
- F. The ombuds will publicize its non-notice role to the College and clearly articulate that communication to the ombuds does not constitute notice to the College.

- G. The ombuds will not address any issues arising under a collective bargaining agreement, unless allowed by specific language in the collective bargaining agreement. This means that while the ombuds may discuss options available to a visitor, the ombuds recognizes the union is the appropriate party to assist bargaining unit members in determining the interpretation and/or with appropriate enforcement of the collective bargaining agreement, and will provide information to the visitor to assist the visitor in contacting the appropriate union representative.
  
- H. The ombuds will not conduct formal investigations of any kind. The ombuds will not participate in formal dispute processes or outside agency complaints or lawsuits, either on behalf of any visitor or on behalf of the College. Because confidentiality and informality are critically important to the ombuds, all communications with the ombuds are made with the understanding that they are confidential, off-the-record exploration of options to resolve dispute, and that the ombuds may not be called to testify as a witness in any formal or legal proceeding and may not be compelled to reveal confidential communications.
  
- I. The ombuds does not have authority to adjudicate, impose remedies or sanctions, or to enforce or change policies or procedures.

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Administrative Approval: March 7, 2016