

Office of the Ombuds

I. Introduction

The Office of the Ombuds at Northern Virginia Community College (hereafter referred to as “the College”) was established in 2021 to provide an independent, confidential, impartial and informal resource to resolve issues by providing the workforce with the resources needed to identify and address concerns informally and proactively and to help foster an environment aligned with the College’s mission and core values as defined below.

Mission:

Northern Virginia Community College provides equitable access to affordable and exceptional higher education and workforce programs, transforming the lives of our students and advancing opportunity in our community.

Core Values:

- **Care** is demonstrated at NOVA through a culture of compassion where success and well-being are prioritized in our commitment to developing authentic relationships and providing resources to foster a supportive and thriving community.
- **Excellence** is demonstrated at NOVA through our high quality and cutting-edge programs; innovative, talented, and experienced faculty and staff; and strong and effective relationships with employer and university partners—all to ensure our students are ready for graduation, transfer, and high-demand careers.
- **Inclusion** is demonstrated at NOVA through our intentional commitment to welcoming, supporting and engaging diverse people and perspectives so that a sense of belonging is cultivated throughout our college community.
- **Integrity** is demonstrated at NOVA through adherence to principles and actions that foster accountability, honesty and trustworthiness; commitment to truth and fairness is ensured by ethical, equitable and professional behavior and prioritizing the needs of students and the community we serve.
- **Respect** is demonstrated at NOVA through treating each other with courtesy and dignity, acknowledging and valuing differing ideas and perspectives, affirming the uniqueness of every individual and being mindful of personal boundaries.

Visitors to the Office of the Ombuds’ may include students, faculty, staff and other College stakeholders, including but not limited to, alumni, family members, applicants and others who seek the ombuds’ assistance or who the ombud contacts to research and resolve an issue.

When a visitor contacts the Office of the Ombuds, the Ombudsperson can listen, provide information or resources, help the visitor understand their options and assist them in finding a solution. In each case, the Ombudsperson provides consultation that is independent, impartial, confidential and informal. The Office of the Ombuds is expected to elevate systemic concerns and bring them to the attention of College leadership without breaching confidentiality.

This Charter reaffirms the purpose for which the Office of the Ombuds was established; defines the terms, conditions and principles on which the Office of the Ombuds was created; and describes the responsibilities and authority of the Office of the Ombuds. This Charter is based on the fundamental principles of the [International Ombuds Association \(IOA\)](#) Code of Ethics and the Standards of Practice.

II. Purpose of the Program and Standards of Practice

The purpose of the Office of the Ombuds is to provide an accessible College resource that empowers people to proactively address their concerns and conflicts in a positive, constructive way. The Ombud provides assistance in an impartial, independent, informal and confidential manner.

The Office of the Ombuds utilizes three interdependent approaches: 1) contacting and/or assisting visitors toward the resolution of concerns on a confidential and informal basis; 2) supporting alternative dispute resolution practices leading to an integrated conflict management plan; and 3) elevating systemic trends, patterns or concerns, without breaching confidentiality, to the attention of College leadership to improve fairness and effectiveness of programs and administration at a system level.

The [IOA Code of Ethics](#) articulates the core values essential to the work of the Office of the Ombuds and the fundamental principles of independence, impartiality, informality and confidentiality that are essential to effective organizational ombuds work. Accordingly, the Office of the Ombuds functions with:

1. Independence. The Office of the Ombuds is independent in structure, function, appearance and decision-making and operates without interference or direction from the College's administration. In addition, the Office of the Ombuds is not affiliated with any compliance function, and any guidance provided is not binding. The Office of the Ombuds has two Ombudspersons who are full-time employees of the College.

Moreover, the College will not retaliate against the Ombudsperson for performing the duties of an Ombuds within the accepted parameters of the International Ombuds Association Code of Ethics, Standards of Practice or other accepted business practices to the extent these are consistent with College/VCCS/DHRM policies and the Ombudsperson's position description.

Each Ombudsperson will be a member of the International Ombuds Association during their employment in the role and will be thoroughly familiar with the [IOA Code of Ethics and Standards of Practice](#), as well as sound principles of visitor advisement and individual and organizational conflict resolution.

2. Neutrality and Impartiality. The Ombudsperson is a designated neutral party who collaborates impartially with visitors and has no personal stake in the outcome of any dispute. The Ombudsperson represents the College's commitment to fairness and functions to help individuals understand each other and seek mutually agreeable solutions. As such, the Ombudsperson does not take sides and does not judge, discipline or reward anyone. The Ombudsperson does not impose any specific solution or assume responsibility for resolving concerns directly, but rather offers potential solutions and resources in an informal way to help achieve resolution. To avoid a potential conflict of interest, the Ombudsperson will not serve as a voting member within the College community.

3. Confidentiality. The Office of the Ombuds is the most confidential resource for students and employees at NOVA, but there are specific exceptions, which include threat of imminent harm to self or others and abuse or neglect of a minor. The Ombudsperson is not designated as a “Responsible Employee” as defined in [Va Code § 23.1-806](#), nor as defined in the College’s Sexual Misconduct policy, and does not have authority to act or redress allegations of sexual violence nor a duty to report such to the Title IX Coordinator.

Furthermore, the Ombudsperson is not designated as a Campus Security Authority for purposes of reporting requirements under the Clery Act. Confiding such issues to the Ombudsperson does not constitute formal or official notice to the College and will not necessarily trigger any additional action. However, confidentiality rests with the Office of the Ombuds and may be waived at its sole discretion should it be deemed necessary under this Charter or applicable law and for Clery Act compliance.

The privacy of those who use the Office of the Ombuds is of the utmost importance to the Ombudsperson – including the person’s identities, the concerns they raise and the content of their communications. These details will not be disclosed without the person’s permission unless an exception for mandatory reporting purposes is applicable. The Office of the Ombuds is a purely voluntary resource and it is not required. As such, those who do utilize the Office of the Ombuds will be understood to have agreed to the terms, conditions and principles upon which the Office of the Ombuds is established and will not call on the Ombudsperson to testify or produce documents relating to their confidential communications in any legal, administrative or other proceedings, unless expressly ordered by an appropriate judicial authority or otherwise required by law.

The Ombudsperson may disclose confidential information only with a visitor’s express permission as part of a plan to help informally resolve the issue or concern, although the person using the service cannot compel the Ombudsperson to participate in any process, informal or formal. The right to preserve confidentiality is held by the Office of the Ombuds and cannot be waived by others.

4. Informality. Visitors may be referred to the Office of the Ombuds, but are not required to make use of the services. Communications with the Ombudsperson are voluntary and off the record. They are not a part of, nor a substitute for, a formal investigation or adjudication afforded under the NOVA, VCCS or DHRM policies. The Ombudsperson cannot intervene formally in any situation, impose a specific outcome, or approach, create or implement any policies or procedures for the College. The Ombudsperson is an informal channel and not appropriate for putting the College on official notice about any matter. Control of both the problem and the solution are retained by the visitor.

III. Responsibilities, Role, and Scope of Services

The Office of the Ombuds serves as an informal, confidential, neutral and independent resource for the NOVA community, where visitors can voluntarily seek guidance in exploring options to help them resolve disputes or concerns without fear of reprisal or loss of privacy.

The Ombudsperson’s role is to:

- Offer a safe and confidential space where visitors may bring individual and group concerns.
- Actively listen to visitors’ concerns.

- Provide an impartial perspective to help identify and evaluate options that may resolve problems or concerns.
- Provide referrals and helpful information on resources available within the College.
- Share information regarding policies, procedures, services, and programs.
- Collect data, while ensuring anonymity and confidentiality, to conduct data analysis on emerging trends and patterns.
- Maintain active membership in IOA and adhere to the Core Values and Fundamental Principles articulated in the IOA Code of Ethics and Standards of Practice.
- Keep professionally current through relevant continuing education and training.

The range of services available through the Office of the Ombuds includes, but is not limited to, individual consultation, conflict management coaching, facilitated discussion, shuttle diplomacy and conflict management training.

IV. Operational Relationship to the College

The authority of the Office of the Ombuds derives from College Administration and endorsed by the College President who signed this Charter. The Office of the Ombuds will have a budget, adequate space and sufficient resources to fulfill its role and pursue continuing professional development. The Office of the Ombuds will have authority to manage its budget and operations and will report to the Associate Vice President of Human Resources for administrative and budgetary matters only.

The Office of the Ombuds has access to information related to visitors' concerns from files and offices of the College and will respect the confidentiality of the information or limitations imposed by compliance with other laws; statutes or NOVA, VCCS or DHRM policy. If necessary, the Ombudsperson will acquire visitor consent for access to certain records.

The Office of the Ombuds will publicize this Charter and the four key principles on which the program is based on the Office of the Ombuds website, including description of the confidential, independent, impartial and informal nature of the services offered and will clearly explain each of these fundamental principles and standards of practice to each person who engages with the Office of the Ombuds.

V. Authority and Limitations of the Ombudsperson

Authority of the Ombudsperson. The authority of the Ombudsperson derives from the establishment of the Office of the Ombuds by College administration and the enactment of this Charter. The Ombudsperson acts as a trusted navigator for visitors seeking guidance, information, insight and options to manage an issue or concern.

Initiating Informal Inquiries. The Ombudsperson is authorized to contact any employee of the College and make informal inquiries to help resolve concerns that may affect another member of the College community.

Ending Involvement in Matters. The Ombudsperson may withdraw from or decline to explore a matter if the Ombudsperson believes involvement would be inappropriate for any reason.

Discussions with Visitors and Others. The Ombudsperson has the authority to discuss a range of options available to visitors, including both formal and informal processes. The Ombudsperson may

make any suggestions they deem appropriate about resolving problems or improving policies, rules or procedures; however, the Ombudsperson will have no actual authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

Access to Legal Counsel. On occasion, the Ombudsperson may require legal advice or representation to fulfill certain required functions (such as third-party requests for documents or testimony in situations in which the Ombudsperson has been involved). In such cases, the Ombudsperson may contact the Office of System Counsel (OSC) for advice and/or assistance. The OSC will advise if or when it is unable to render legal advice or assistance for a particular matter when doing so would not be in the best interests of the College or the VCCS.

Receiving Notice for the College. Communication to the Ombudsperson does not constitute formal or informal notice to the College. The Ombudsperson is not authorized to accept on behalf of the College notice of discrimination or reports of crimes, including allegations that may be perceived to be violations of laws, regulation or policies, including but not limited to sexual harassment, discrimination, issues covered by whistleblower policies or laws or incidents subject to reporting under the Clery Act. The Ombudsperson will only take additional action to re-direct the complaints as required by law or College/VCCS/DHRM policies if such information is received. The Ombudsperson has no authority to take action to redress prohibited discrimination, nor the duty to report it or any other misconduct pursuant to the College's reporting policy. The Ombudsperson may, however, serve as a confidential resource to provide information regarding the College's nondiscrimination, grievance and complaint procedures and reporting policies as well as other forms of resources the College may offer based on the needs of the visitor.

Putting the College on Notice. The Ombudsperson will assist visitors who would like to report concerns to offices of notice by providing them with information about internal reporting methods. With the express permission of the visitor, the Ombudsperson may convey notice to the appropriate authority on behalf of a visitor in appropriate situations. Additionally, and as appropriate, the Ombudsperson will encourage formal reporting and help refer individuals to the appropriate offices or resources. In this way, the Ombudsperson can abide by the IOA Standards of Practice while supporting the overall reporting structure of the College.

In certain situations, including but not limited to situations that involve public safety, harm to self or others, or child abuse the Ombudsperson may have an ethical and legal obligation to put the College on notice to protect the safety of members of the College community or meet legal compliance. In those circumstances, the Ombudsperson will do so in writing to the extent practical.

Formal Processes and Investigations. The Ombudsperson will not conduct formal investigations of any kind. Neither will the Ombudsperson participate willingly in the substance of any formal dispute processes, outside agency complaints or lawsuits on behalf of a visitor; and will only do so on behalf of the College when required as part of the Ombudsperson's employment obligations. The Ombudsperson will not reach formal conclusions about the merits of a concern or endorse specific approaches or policy changes.

Advocacy for Parties. The Ombudsperson will not function as a representative of or advocate for any party in a dispute; will not assume any partisan position and will not take sides or share opinions as to the merits of decisions by College authorities, the outcomes of grievances or the arbitration of claims. The Ombudsperson does not provide legal advice to any visitor.

Adjudication. The Ombudsperson will not have the authority to adjudicate, impose remedies or sanctions or enforce or change College policies or rules.

VI. Records, Reports, and Confidential Information

- The Office of the Ombuds complies with the Virginia Public Records Act (VPRA), Code of Virginia § 41.1- 76, which governs the creation, maintenance and disposition of public records.
- The Ombudsperson does not maintain, create, generate or preserve copies of records containing personally identifying information as defined in Va. Code § 18.2- 186.3, aside from working notes in active cases, as necessary, to help the Ombudsperson follow up on commitments to visitors.
- All working notes with personally identifying information are destroyed immediately upon closure of the case or when no longer administratively useful, whichever occurs first.
- The Office of the Ombuds will submit an annual report to the College President and the Associate Vice President for Human Resources. The Office of the Ombuds may maintain and/or create de-identified aggregated data records that tracks usage patterns and trends but will not share this data if doing so might compromise a visitor's identity.

VII. Interference with the Use of the Ombuds Office and Retaliation

The Office of the Ombuds is intended to be a confidential resource, and it is not appropriate for College or departmental administration or others to inquire about an individual's use of the office or any communication that may have taken place there. Users have the right to visit the Office of the Ombuds without fear of retaliation or reprisal. Visitors will not be required to seek permission to use the Ombuds Service, disclose that they wish to visit the Ombudsperson or to disclose the contents of their conversations with the Ombudsperson by any other College employee.

VIII. Amendment of Charter

This Program Charter will remain in effect unless revoked by the College President. Such revocation will be provided in writing to the Office of the Ombuds. Any revision to this Charter will be jointly agreed to in writing by the College President and the Ombudsperson(s) and will be appended to this document.

IX. Approval and Effective Date

This Charter is approved and enacted by Dr. Anne M. Kress, President of Northern Virginia Community College, this **01st** day of **December 2023** and becomes effective as of this date.

[1] The International Ombuds Association use the term "ombudsman" to refer to both the men and women who perform the role because the term is of Scandinavian origin and refers to an office and function rather than an individual of a particular gender. Nonetheless, Northern Virginia Community College, along with other organizations, chooses to utilize the term "ombudsperson" to avoid any implication of sexism in the use of the term.

Approved by:



Anne M. Kress, President