

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29409

MEMORANDUM
NUMBER 2-006

2 April 2019

THE CITADEL OMBUDSPERSONS

1. PURPOSE

This Memorandum describes the role of the ombudsperson at The Citadel and the methods by which cadets, students, faculty, and staff may utilize the ombudsperson process.

2. REFERENCE

The Ombudsman Association, Code of Ethics,
(<http://web.mit.edu/negotiation/toa/TOAcoe.html>)

The Ombudsman Association, Standards of Practice,
(<http://web.mit.edu/negotiation/toa/TOAsop.html>)

3. DEFINITIONS

- A. Office of Notice: A College office or official that has a duty by law to report reasonable suspicions of abuse.
- B. Ombudsperson: A college ombudsperson is a designated neutral or impartial dispute resolution practitioner whose main function is to provide confidential and informal assistance to constituents of the college community, to include students, parents of students, staff, faculty, and administrators. The ombudsperson office supplements, but does not replace, the college's existing resources for conflict resolution.

4. POLICY

- A. The ombudsperson role has a long and honorable tradition as a means of protecting against abuse, bias, and other improper treatment or unfairness. Serving as a designated neutral, the ombudsperson does not serve as an advocate for any individual or the College; however, he/she is an advocate for fairness, acts as a source of information and referral, and assists in resolving concerns and critical situations. In considering any instance or concern, the ombudsperson takes into account the rights of all parties who may be involved.

B. Organizational ombudspersons help organizations work for change. An organizational ombudsperson is a designated neutral to whom all members of The Citadel community may turn for information, education, and consultation.

C. Appointment.

An ombudspersons' initial appointment is for ten (10) years. After ten years, the ombudsperson may be re-appointed by the President, on the recommendation of the Provost, on a year to year basis.

D. Objectives.

1. The ombudsperson will attempt to:

- a. Foster values and decent behavior—fairness, equity, justice, equality of opportunity, and respect;
- b. Serve as a neutral and confidential source of informal resolution to receive complaints, answer inquiries, and informally address a wide range of harassment behaviors;
- c. Settle grievances;
- d. Be an agent for reconciliation;
- e. Act as an informal third party to resolve differences; and
- f. Be one who can follow-up and seek closure to each inquiry in a timely manner, in accordance with the desires and cooperation of the parties.

2. The ombudsperson cannot:

- a. Make decisions or enact policy;
- b. Take disciplinary actions nor administer punishment, penalties, or sanctions; and
- c. Force parties to resolve their differences or change behavior.

E. Purpose.

1. Informal resource. The Ombudsperson offers an alternative opportunity to resolve complaints, concerns or problems in a timely and private manner. Users of the office are provided a confidential place to explore options to make informed decisions. The Ombudsperson does not replace or substitute formal grievance, investigative or appeal processes made available by the college.

2. Independence. The Ombudsperson is an independent resource of the college. The Ombudsperson reports directly to the President, therefore, the Ombudsperson has access to all decision makers. The ombudsperson serves under Chief Compliance Officer for administrative and budgetary purposes only. The Ombudsperson's role and function is defined by the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics.
3. Impartiality. The Ombudsperson is neutral and does not represent the college or individual in matters brought to its attention. The Ombudsperson advocates for fairness and equity. When given permission, the Ombudsperson may assist in finding an informal resolution through mediation, shuttle diplomacy or by other means.
4. Confidentiality.
 - a. The ombudsperson is an independent entity within the organization to which faculty, staff, students, and parents of students may turn to discuss concerns on a strictly confidential basis. Visitors to the office can expect that what they say will be kept in confidence. The Ombudsperson will not disclose any information without a visitor's expressed permission. All communications with the ombudsperson are absolutely confidential except in cases where there is threat of serious harm and/or violations of federal or state criminal law.
 - b. Another source for confidential reporting is the Fraud, Waste, & Abuse and Compliance hotline: 855-280-8357 (toll free) or www.citadel.ethicspoint.com.
5. Notice.
 - a. The Ombudsperson does not serve as an office of notice or record for anything other than the Clery Act. Pursuant to the Clery Act, the Office of the Ombudsperson will report only statistical information to the Department of Public Safety. The office does not conduct formal investigations nor does it maintain or keep records. If the Ombudsperson deems it proper, he or she will refer visitors to the office most appropriate to his/her concern or complaint.
 - b. Providing information to the Office of the Ombudsperson does not suffice to put the College on official notice for a violation of law or policy. If the visitor wants to put the college on official notice for a policy or law violation, complaint or concern, he or she must contact his/her supervisor, manager or designated office of record for the college. In addition, the visitor is responsible for adhering to timelines or deadlines as stated per policy when filing formal grievances or appealing decisions.
 - c. The Office of the Ombudsperson will strongly assert any and all applicable privileges to resist participation in formal or legal proceedings. Use of the

office is voluntary. The Office of the Ombudsperson accepts matters with the understanding that the user of the office will not depose or subpoena the ombudsperson.

F. Structure.

1. The ombudsperson reports only to The President of The Citadel and does not operate within ordinary line and staff structures.
2. The Ombudspersons receive coaching, mentoring, general staff supervision and administrative support from the Office of Institutional Compliance.

G. Procedures.

1. Inquirers may contact any ombudsperson via the contact information at [Annex A](#).
2. Inquirers may have an advisor or support person present at any time.
3. No action will be taken without the inquirer's explicit consent.
4. Information provided by inquirers will be kept confidential (see exceptions in paragraph 4, sub-paragraph E4).
5. Inquirers will have an opportunity to formally evaluate the ombudsperson and the ombudsperson system to provide continuous feedback and improvement.
6. Reprisals, retribution, or retaliation against inquirers for speaking with the ombudsperson are strictly prohibited. This type of behavior and treatment against inquirers stifles effective communication, and may be illegal.
7. The ombudsperson does not replace existing college governance policies or its established internal appeals procedures.

H. Additional Resources.

In the event that an inquirer does not choose to utilize the ombudsperson services, other options include:

1. The direct approach (one-on-one communication);
2. Work the issue in the chain-of-command (student, cadet, faculty, or staff);
3. Cadet Human Affairs Teams (HATs), Teach, Advise, Coach (TAC) officers, religious officers, Commandant's Office staff;
4. The Citadel Chaplain and Religious Activities ministers and leaders;
5. The Citadel Counseling Center;

6. The Citadel Physician and Infirmary nursing staff;
7. The Citadel's Student Success Center staff;
8. The Affirmative Action/Equal Employment Opportunity (AA/EEO) Office;
9. Deans, Department Heads, and Supervisors;
10. Faculty Academic Advisors;
11. The Faculty Council;
12. The Staff Council;
13. The Director of Campus Advocacy, Response, and Education (CARE), Sexual Assault Response Coordinator;
14. The Citadel's Department of Public Safety;
15. The Citadel's Department of Human Resources; or
16. The Office of Institutional Compliance (OIC).

None of these complaint avenues supersedes one's right to formal due process under the law.

I. Citadel Policy Concerning Harassment.

The Citadel and the inquirer would like any unwanted behavior to immediately stop. The Citadel will absolutely not tolerate any form of unacceptable interpersonal behavior, workplace mistreatment, learning environment mistreatment, harassment in any form (including rape/sexual assault, date/acquaintance rape), peer harassment, hazing, fourth class violations, and/or discrimination.

5. COMPLIANCE

Non-compliance with this policy may result in disciplinary action.

6. NOTES

A. Dates of official enactment and amendments:

Approved by the Executive Assistant to the President on 2 April 2019.

Non-substantive changes includes removal of third ombudsperson due to sabbatical, rank and office title name changes, and alignment of the policy responsible office.

B. Responsible Department:

Office of Institutional Compliance

C. Responsible Official:

Chief Compliance Officer

D. Cross References:

[Citadel Policies](#)

7. RESCISSION

Memorandum 2-006 dated 22 April 2015, Memorandum 2-6 dated 27 July 2009 and 16 August 2010, and all previous versions, are rescinded.

8. REVIEW

Review this policy every two (2) years, or as needed.

FOR THE PRESIDENT:

OFFICIAL

//Signed, WLA, 2 April 2019//
WILLIAM A. LIND
Commander, USN, Retired
Executive Assistant to the President

Attachment:

[Annex A](#), Contact Information

[Annex B](#), History of the Office of the Ombudsperson

Annex A

Contact Information

Colonel Robert P. Pickering, Jr. and/or Major Shamus D. Gillen may be contacted twenty-four (24) hours a day, seven (7) days a week.

COL Pickering's phone numbers are (843) 953-5096 office; (843) 437-9645 cell; and (843) 552-6771 home; email robert.pickering@citadel.edu or ombud@citadel.edu; or visit Thompson Hall, room 135, from 2-5pm, Monday through Friday or by appointment.

Major Gillen's phone numbers are (843) 953-4830 office; (843) 743-9487 cell; (843) 478-0239 personal cell; email shamus.gillen@citadel.edu or ombud@citadel.edu; or visit Bond Hall Admissions Office, Room 120 from 8:30am-5:00pm, Monday through Friday or by appointment.

Annex B

History of the Office of the Ombudsperson

In August 1997, as part of the 1997-1998 Citadel Plan for Assimilation of Female Cadets, Colonel John S. Carter was appointed ombudsperson by Major General John S. Grinalds, President of The Citadel. In July 2002, Major General Grinalds also appointed Captain Robert Pickering, The Citadel's Multicultural Officer, as an ombudsperson to assist Colonel Carter. The Citadel's ombudspersons are trained by The International Ombudsman Association (IOA), and practice and adhere to IOA's Code of Ethics and Standards of Practice. Lieutenant Colonel Elizabeth N. Connor was appointed by Lieutenant General John W. Rosa, President of Citadel, in July 2010, to succeed the first appointed ombudsperson, Colonel Carter. Major Shamus D. Gillen was appointed by Lieutenant General John W. Rosa in May 2013. With Major Gillen on board, COL Pickering remains an ombudsperson to provide continuity of coverage for the campus and to mentor Major Gillen. LTC Connor stepped down as an Ombudsperson on 22 March 2019 due to a sabbatical.