

CHARTER AGREEMENT

THE OFFICE OF THE OMBUDS

Peralta Community College District

The Office of the Ombuds at Peralta Community College District (PCCD) is established as of July 1, 2026, to provide confidential, neutral, informal, and independent dispute resolution and mediation services to members of the PCCD community, predicated on the principles of fairness, equity, and respect. The structure and practice of the office is built on independence, impartiality, and confidentiality.

In the spirit of these important functions, this Charter Agreement, signed by Chancellor Gilkerson and the inaugural Ombuds Lu, defines the privileges and responsibilities of the Ombuds and the Office of the Ombuds.

I. PURPOSE AND SCOPE OF SERVICES

The Office of the Ombuds (or the Ombuds Office) provides informal dispute resolution services to PCCD faculty, staff, students, and anyone with a PCCD-related concern. The Ombuds Office is where members of the PCCD community can seek guidance regarding disputes or concerns, and engage in dialogue and problem-solving, at no cost and at any stage in the resolution process. The Ombuds Office is an alternative to formal channels of dispute engagement and resolution.

The Ombuds Office confidentially receives complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader systemic problems. The response of the Ombuds Office is tailored to the dynamics of the situation and the visitor's concerns. The Ombuds listens, makes informal inquiries or otherwise reviews matters received, offers resolution options, makes referrals, facilitates two-party and group discussions (if all parties agree), and mediates disputes independently and impartially. Services of the Ombuds Office supplement, but do not replace, other processes (formal or informal) of dispute engagement and resolution available to the PCCD community. The goal of the Ombuds Office is to help people help themselves to the greatest extent possible.

In addition, the Ombuds Office serves as an information and communication resource, consultant, mediator, dispute resolution expert, and source of recommendations for broader institutional change for PCCD. The Ombuds provides feedback to PCCD leadership when trends, patterns, policies, or procedures generate concerns or conflicts.

II. STANDARDS OF PRACTICE AND CODE OF ETHICS

The Ombuds and Office of the Ombuds shall adhere to the International Ombudsman Association's (IOA) Standards of Practice and Code of Ethics available for review in the

Office of the Ombuds and online at IOA Standards of Practice & Code of Ethics (ombudsassociation.org). This Charter adopts and incorporates by reference to the IOA Standards of Practice, IOA Code of Ethics, and IOA Best Practices. The Ombuds Office functions independently of other organizations, is confidential and impartial, and limits the scope of services to informal means of dispute resolution. The Ombuds is a member of IOA and will attend IOA conferences and trainings as they are available and allowed for in the annual budget. The IOA Standards, Code, and Best Practices are minimum standards, and the Ombuds Office strives to operate in accordance with best practices in a way that serves the interests of the PCCD community.

Based on the traditions and values of Ombuds practice, the IOA Standards of Practice and Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombuds role and to maintain the integrity of the Ombuds profession.

The IOA Code of Ethics:

The Ombudsperson shall be truthful and act with integrity, shall foster respect for all members of the organization they serve, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

ETHICAL PRINCIPLES

INDEPENDENCE

The Ombuds Office will be, and appear to be, free from interference in the performance of its duties. This independence is affected primarily through organizational recognition, reporting structure, and neutrality. The Ombuds Office will operate independent of ordinary line and staff structures. The Ombuds will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns.

To fulfill its functions, the Ombuds Office will have a specific allocated budget, adequate and confidential space, and sufficient resources to meet operating needs and pursue continuing professional development. The Ombuds will have the authority to manage the budget and operations of the Ombuds Office and will report to the Chancellor's Office regarding administrative and budgetary matters only.

NEUTRALITY AND IMPARTIALITY

The Ombuds, as a designated neutral, remains unaligned and impartial. The Ombuds will impartially consider the interests and concerns of all parties involved in a situation with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the PCCD. The Ombuds Office will avoid involvement in matters 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 their dedication to the neutral and

independent role of the Ombuds Office.) When a conflict of interest exists, the Ombuds will take all steps necessary to disclose and/or avoid the conflict.

CONFIDENTIALITY

The Ombuds Office holds all communications with those seeking assistance in strict confidence and does not disclose and should not be required to disclose confidential communications. The Ombuds Office does not confirm communicating with any party or parties or discloses any confidential information without the party's or parties' express permission provided in the course of discussions with the Ombuds Office, and at the discretion of the Ombuds Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm to self or others. The Ombuds Office will assert that it holds a privilege with respect to the identity of visitors and their issues. Therefore, the Ombuds Office will not participate in any formal process inside or outside of PCCD, even if given permission by a visitor who has initiated a formal process.

INFORMALITY

The Ombuds, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to the Ombud's attention. The Ombuds Office will not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Ombuds Office will be voluntary and not a required step in any grievance process or PCCD policy.

III. REPORTING

The Ombuds Office reports to the Chancellor for administrative and budgetary purposes only and functions independently with respect to case handling and issue management. The Chancellor's Office supports the independence of the Ombuds Office.

IV. AUTHORITY AND LIMITS OF THE OFFICE OF THE OMBUDS

The authority of the Ombuds Office derives from the PCCD administration as manifest by the endorsement of the PCCD Chancellor.

A. Authority of the Office of the Ombuds

1. Initiating Informal Inquiries

The Ombuds Office may inquire informally about any issue concerning PCCD and members of the PCCD community. The Ombuds Office may initiate informal inquiries into matters that come to its attention without having received a specific complaint from an affected member of the PCCD community.

2. Access to Information

If the Ombuds Office makes a request for information contained in the files and offices of PCCD, the request shall be honored with reasonable promptness so long as such records would be otherwise disclosable under open and other confidentiality laws or policies. The Ombuds will respect the confidentiality of the information.

3. Ending Involvement in Matters

The Ombuds Office may decline to look into or withdraw from a matter if the Ombuds Office believes involvement would be inappropriate for any reason, at any time.

4. Discussions with Visitors and Others

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

5. Access to Legal Counsel

On occasion, the Ombuds Office may require legal advice or representation in order to fulfill its required functions. The Ombuds Office may be provided with separate legal counsel upon the determination of PCCD's legal counsel that there exists a conflict of interest between the Ombuds Office and PCCD on any issue.

6. Serving on PCCD Committees

The Ombuds may elect to serve on PCCD committees, task forces or working groups. The Ombuds has the discretion to participate in an advisory or non-voting capacity, or to decline participation altogether. When determining their participation in groups, the Ombuds strives to avoid any actual or perceived conflicts of interest, recognizing someone may later object to the actions or work product of the group and seek out the assistance of the Ombuds. The Ombuds does not participate as decision makers in developing PCCD policies or processes.

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

1. Receiving Notice for PCCD

Communication to the Ombuds Office will not constitute notice to PCCD about the existence of a problem. Such communication may include, but is not limited to, alleged violations of laws, regulations, or policies, such as sexual harassment, issues covered by whistleblower policy, or incidents subject to reporting under the Clery Act. Although the Ombuds

Office may receive such allegations, it is not a "campus security authority" as defined in the Clery Act, nor is it required to report these allegations to PCCD. In addition, if the visitor discloses such allegations and expresses a desire to make a formal report, the Ombuds Office will refer the visitor to the appropriate office(s) for administrative or formal grievance processes.

2. Putting PCCD on Notice

If visitor(s) would like to put PCCD on notice regarding a specific situation, or wish information to be provided to PCCD, the Ombuds Office will provide the visitor(s) with information so that the visitor may do so themselves.

3. Formal Processes and Investigations

The Ombuds Office will not conduct formal investigations of any kind. It will not participate willingly in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Ombuds Office or on behalf of PCCD.

4. Collective Bargaining Agreements

The Ombuds Office may not inquire (informally or otherwise) into the application or interpretation of a collective bargaining agreement, or into the alleged violation of the duty of fair representation against a certified union. The Ombuds Office may work with represented employees on matters not covered by the collective bargaining agreement.

5. Record Keeping

The Ombuds Office will not keep records for PCCD and will not create or maintain documents or records for PCCD about individual matters. Notes and any other materials related to a matter will be maintained in a secure location and manner and will be destroyed once the Ombuds Office concludes its involvement in a matter.

6. Advocacy for Parties

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

7. Adjudication of Issues

The Ombuds Office will not have authority to adjudicate, impose remedies or sanctions, or enforce or change PCCD policies or rules.

V. NON-RETALIATION AND NO WAIVER OF RIGHTS

PCCD and its agents shall not retaliate against any individual for consulting with the Ombuds Office. All members of the constituencies served by the Ombuds Office shall have the right to consult the Ombuds Office without fear of retaliation or reprisal.

Conversely, because consultation with the Ombuds is wholly voluntary and not a required step in any process, formal or informal, internal or external, PCCD and its agents shall not retaliate against any individual for declining to consult the Ombuds Office.

An individual's decision to consult, or not consult, the Ombuds Office does not extend, toll, or otherwise affect any filing deadline, and does not waive any right the individual may have under PCCD policy, applicable collective bargaining agreement, or law.



Kohya Lu
Organizational Ombuds

Dated: August 6, 2026



Dr. Tammie Gilkerson
Chancellor

Dated: August 6, 2026