

Charter of the University Ombuds Office

INTRODUCTION

The University of Massachusetts Amherst Ombuds position was established in 1969 as a revolving faculty appointment to provide informal dispute resolution services to University of Massachusetts students, faculty, and staff. In 2014 an Ad Hoc Committee of the Faculty Senate reviewed the position and recommended that the Ombuds should become a full-time professional staff position. The resulting Ombuds job description gives the Ombuds the task of adhering to the standards of the International Ombudsman Association for neutrality, confidentiality, informality, and independence. This Charter establishes the professional role, privileges, limitations, and responsibilities of the Ombuds Office.

MISSION

The Ombuds Office supports the University's mission and values of engagement, equity, inclusiveness, and integrity by providing confidential assistance for faculty, staff, and students to raise and resolve their University related concerns and conflicts. The Office fosters a campus culture in which differences can be resolved early and informally through respectful communication and fair process.

RESPONSIBILITIES

The Ombuds Office serves three critical functions on the University of Massachusetts campus. The Office assists faculty, students, and staff to prevent, identify, manage, and resolve campus-related conflicts and concerns. The Ombuds Office also works to increase conflict competence by providing workshops for the campus community about conflict and communication skills. Additionally, the Office plays an essential role in helping the University to gain insight into the campus climate and address concerns by providing data-driven information, observations, and recommendations about trends and systemic issues identified through its work.

SERVICES

Services of the Ombuds Office include the following:

Individual Problem Assistance

- Listening without judgment to concerns
- Collaboratively developing options for resolving issues
- Referring visitors to available services and resources on or off campus
- Providing explanation of University policies and procedures
- Exploring early intervention approaches
- Informing individuals about available channels for conflict resolution

Conflict Resolution Services

- Discussing problems and helping to surface the issues
- Facilitating communications between parties or groups in conflict
- Coaching in communication, de-escalation, and resolution skills
- Engaging in shuttle diplomacy between parties who may not want to meet face to face
- Mediating disputes
- Offering restorative conversations and practices

Campus Community Services

- Modeling fairness, equity, inclusion, and civility in carrying out duties
- Educating the community about conflict resolution through presentations and media
- Identifying observed trends or patterns of complaint
- Identifying where stated University goals or policies and actual practices differ
- Trend identification, climate information, and recommendations to University leadership

LIMITATIONS

The Ombuds is authorized only to provide informal assistance and is a supplement to, not a substitute for, established formal processes. The Ombuds may not give legal advice and is not a substitute for legal counsel. The Ombuds will hold all visitors' identities and communications in strictest confidence unless in the Ombuds' opinion failure to disclose such information is likely to create an imminent risk of serious harm or unless required by law to disclose.

No one can be compelled to consult with the Ombuds Office or participate in any of its services. The Ombuds Office cannot impose remedies, and does not have the authority to enforce, make exceptions to, or change any University policy, rule, or procedure. The responses and services of the Ombuds Office are tailored to the dynamics of the situation and the nature of the concerns and are determined solely by the Office. The Ombuds Office may decline or terminate services when it reasonably deems appropriate.

The Ombuds has no authority to bargain or negotiate with the University on behalf of any employee or with any employee or bargaining unit on behalf of the University; no interaction between the Ombuds Office and any visitor constitutes negotiating or bargaining within the meaning of any bargaining agreement. Rather, all communications with the Ombuds Office are for the sole purpose of informal discussion and working toward informal resolution of concerns outside of such formal processes. Consultation with the Ombuds Office is not a substitute for a union grievance process and does not stop, extend, or toll the statute of limitations or other time limits by which notice must be given, or any action taken for initiating a formal grievance under any collective bargaining agreement.

Receiving Notice for the University

The Ombuds Office is not authorized to receive or record complaints on behalf of the University of Massachusetts and the Ombuds is not designated by the University as an individual authorized to receive reports of any violations of University policy or the law. **THEREFORE, COMMUNICATIONS TO THE OMBUDS OFFICE REGARDING POSSIBLE VIOLATIONS**

OF UNIVERSITY POLICIES OR UNLAWFUL PRACTICES DO NOT CONSTITUTE NOTICE TO UNIVERSITY OF MASSACHUSETTS. This allows the Ombuds to preserve the confidential and impartial nature of the office. If an individual discloses information that might evidence a violation of University policy or unlawful activity, the Ombuds will provide information necessary to permit the individual to make an official report to the University and, if requested, will assist the individual in making such report.

THE IOA CODE OF ETHICS

The IOA Code of Ethics provides international standards for the operation of organizational Ombuds Offices. The standards of neutrality, confidentiality, informality and independence guide the University Ombuds Office practices.

Independence

The Ombuds Office is designed to be as independent of direct University control as possible. Its independence is achieved primarily through its reporting structure, confidentiality, and organizational recognition. The Ombuds reports directly to the Chancellor's Office but is not directed in its day-to-day operations. The Ombuds provides programmatic leadership and direction for the office and is responsible for designing, implementing, operating, and coordinating all aspects of the office. The Ombuds will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns.

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

Impartiality

The Ombuds Office is neutral in its approach to problems brought to its attention and their resolution. The Ombuds does not act as an advocate for any person or position, but rather promotes respectful, fair communication and processes; the Ombuds supports all members of the University community toward the resolution of their issues. The Ombuds will not be assigned any other roles and will not sit on committees or be involved in matters where there may be a real or perceived conflict of interest. The Ombuds may withdraw or refuse services in any matter if s/he believes involvement would be inappropriate for any reason, including but not limited to misuse of the Ombuds services, matters not brought in good faith, a conflict of interest, matters specified in existing contracts, or when insufficient, misleading, or inaccurate information is provided.

Confidentiality

All communications with the Ombuds Office are held in confidence to the maximum extent permitted by law. No visitor is required to provide identifying information unless they choose to do so. The Ombuds Office will not confirm

communicating with any individual or disclose any confidential information shared by a visitor unless required by law or if the Ombuds determines that there is an imminent risk of serious harm. If the visitor gives permission to share information and the Ombuds agrees to do so, that information may be shared to the extent of the permission. The confidentiality belongs to the Ombuds Office as well as the visitor.

The Ombuds Office may assert confidentiality as to its communications with visitors and others, and any such confidentiality cannot be waived. Thus, the Ombuds will not disclose communications or documents, testify, or attend or participate in formal proceedings with respect to confidential communications unless required to do so by law.

Informality

Only informal conflict resolution is addressed by the Ombuds Office. The Office does not have the authority to formally investigate, arbitrate, adjudicate or in any other way participate in any formal adjudicative or administrative process. Ombuds Office consultation or participation is not a required step in any grievance process or any complaint process within or outside of the University. Resolutions of conflicts reached through the Ombuds Office are based on the agreement of the parties and are not enforced by the Ombuds. The Ombuds Office does not create or maintain University documents or records about individual matters, but rather keeps only non-identifying statistical information.

INSTITUTIONAL RELATIONSHIP

Initiating Informal Inquiries

The Ombuds is entitled to initiate informal inquiries about any issue concerning the University and affecting any member of the University community. Therefore, the Ombuds may initiate informal inquiries into matters that come to the Ombuds' attention without having received a specific complaint from an affected member of the University community.

Access to Information

The Ombuds Office will have the right to request any information related to visitors' concerns from University offices and individuals. Campus offices and individuals who are contacted by the Ombuds are encouraged to cooperate, and as much as possible, to provide appropriate information as requested. The Ombuds will not request information that would require a department or individual to breach confidentiality. The University will promote and encourage cooperation with the Ombuds Office.

Confidential Communications

The University will respect the confidentiality of the Ombuds Office to the extent allowed by law. The University will limit its requests to the Ombuds to produce records, disclose visitor information or testify on the University's behalf in internal or external proceedings to the extent allowed by law.

Records

The Ombuds Office will keep records for the University consisting of aggregate anonymous statistical data about the use of the office and results achieved, and annual reports.

Annual Reporting

The Ombuds Office will produce an annual report comprising the aggregate data it has collected concerning the use of the office, the issues presented, and the resolutions achieved without any individually identifiable information. When appropriate, the Ombuds Office will work with campus partners to identify trends or patterns in its work, without disclosing visitors' identities or communications.

Retaliation

Neither the University nor any of its agents or employees will retaliate against individuals or groups for consulting with or using the services of the Ombuds Office.