

Charter of the University of Massachusetts Boston Ombuds Office

INTRODUCTION

The University of Massachusetts Boston established the Ombuds Office in 2023 to support the mission, values, and culture of the campus. The Ombuds provides members of the campus community - students, faculty, and staff - with an accessible resource for assistance with University-related problems, conflicts, or concerns. The Ombudsperson adheres to the Code of Ethics and Standards of Practice of the International Ombudsman Association (IOA). These ethics and standards include independence, impartiality, informality, and confidentiality. This Charter establishes the professional role, privileges, limitations, and responsibilities of the Ombudsperson and the Ombuds Office.

PURPOSE

The Ombuds Office supports the University's mission, values, culture, and operations by providing confidential and informal assistance to faculty, staff, and students in raising and resolving their University-related conflicts and concerns. The Ombuds supplements, but does not replace, the University's existing resources for conflict resolution. The Office fosters a campus culture that is ethical, equitable, responsive, and caring and in which differences can be resolved through respectful communication and fair process. By identifying barriers and inconsistencies, the Ombuds is able to suggest opportunities for increasing values alignment and operational excellence.

RESPONSIBILITIES

The Ombuds Office serves two critical functions on the University of Massachusetts Boston campus. First, the Office assists faculty, staff, and students in the constructive prevention, management, and resolution of campus-related conflicts and concerns. Second, the Office plays an essential role in helping the University gain insight into the campus climate and functioning and address concerns by providing data-driven information, observations, and general recommendations relating to trends and systemic issues identified through its work.

SERVICES

Services of the Ombuds Office include the following:

Individual Problem Assistance

- Listening confidentially and impartially to concerns
- Assisting individuals in identifying personal interests and goals
- Exploring various early intervention approaches
- Collaboratively developing a range of options for resolving issues
- Identifying and describing University policies and procedures

- Referring visitors to available services and resources
- Informing individuals about additional channels for conflict resolution

Conflict Resolution Services

- Discussing problems and helping to surface the issues
- Facilitating communication 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
- Providing informal mediation or facilitated conversations
- Offering restorative conversations and practices

Campus Community Services

- Educating the community about the Ombuds role, ethics, and standards
- Educating the community about conflict resolution through presentations and resources
- Identifying observed trends, areas of concern, or patterns of complaint
- Identifying where stated University goals or policies and actual practices differ
- Providing institutional feedback and recommendations to University leadership
- Modeling fairness, equity, inclusion, and civility in carrying out duties

LIMITATIONS

The Ombuds is authorized only to provide informal assistance and is a supplement to, not a substitute for, established formal processes. The Ombuds does not provide legal advice, representation, or mental health counseling - and is not a substitute for professional services in these domains. 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.

STANDARDS OF PRACTICE

The Ombuds aspires to the Code of Ethics and Standards of Practice of the IOA as a neutral party to promote fair practices and foster integrity and timeliness in the administration of University policies and practices that may affect faculty, staff, and students. The IOA's tenets require that ombuds function independently of their organization, be confidential and impartial, and limit the scope of their services to informal means of dispute resolution.

Independence

The Ombuds Office is designed to be free from direct University oversight or control. This independence is achieved primarily through reporting structure, neutrality, and organizational recognition. The Ombudsperson reports to the Office of the Chancellor but the Chancellor neither directs or controls the day-to-day activities of the Ombuds Office, and the Ombuds does not share with the Chancellor or any other University official communications made in confidence to the Ombuds Office. The University Ombudsperson 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 University will provide the Office with 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 is neutral in their approach and activities and does not act as an advocate for any party to a dispute or visitor to the Office. The Ombudsperson is "multipartial" in considering the interests and concerns of all persons involved in a situation with the aim of facilitating respectful communication and assisting others in reaching mutually acceptable agreements. The Ombuds promotes processes that are fair and equitable, and consistent with the mission and policies of the University.

The Ombuds will not be assigned other roles, including assignment to university committees, that would compromise neutrality. The Ombuds will take all necessary steps to avoid involvement in matters where there may be a real or perceived conflict of interest. For the purposes of this charter, a conflict of interest occurs when the Ombuds' personal or private interests, real or perceived, are at odds with their duties and obligations to the University, including their role as an impartial and independent ombudsperson. The Ombuds may withdraw services or decline to look into a matter if they believe involvement would be

inappropriate for any reason, including, but not limited to, requests for misuse of ombuds services, matters not brought in good faith, a conflict of interest, matters specified in existing contracts, or when insufficient information is provided.

Confidentiality

The Ombuds holds all communications with those seeking assistance in strict confidence to the extent permitted by law. Visitors may consult with the Ombuds anonymously and are not required to provide identifying information in order to seek services. Typically, the Ombuds will not confirm communicating with any individual who has sought the services of the Ombuds Office or disclose any confidential information shared with the Ombuds Office without that individual's express permission. The Ombudsperson may, however, disclose confidential information without consent when, in the judgment of the Ombudsperson, there is an imminent risk of serious harm. The Ombudsperson may disclose confidential information as necessary if required by law or to defend themselves against a formal complaint of professional misconduct. The Ombudsperson does not participate in any formal process, whether internal or external to the University, even if given permission by the individual who consulted with the Ombuds.

Informality

The Ombuds is an informal and off-the-record conflict resolution resource. The Ombuds does not make business or policy decisions, adjudicate issues, participate in disciplinary or grievance processes, or conduct formal investigations for the organization. Ombuds Office consultation or participation is always voluntary and is not a required step in any grievance or complaint process. Resolutions of conflicts reached through the Ombuds Office are based on the agreement of the parties and are not enforced by the Ombuds. Those who use the services of the Ombuds Office are understood to have agreed to abide by the principles and limitations under which the Ombuds practices.

INSTITUTIONAL RELATIONSHIP

Reporting

The Ombudsperson reports directly to the Chancellor of the University of Massachusetts Boston and operates independently of the influence and authority of other campus reporting structures.

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 concerns from University offices and individuals. Campus offices and individuals who are contacted by the Ombuds are encouraged to cooperate and provide appropriate information as requested. The Ombuds will not request information that would require a department or individual to breach confidentiality and inquiries received from the Ombuds Office are to be handled with the utmost discretion. The University leadership will promote and encourage cooperation with the Ombuds Office.

Access to Legal Counsel

From time to time, the Ombuds may request legal advice or representation, including advice on how to respond to requests for documents or testimony. In such cases, the Ombuds will consult with the University's Office of General Counsel. If the Ombuds and General Counsel agree that the interests of the Ombuds differ from, or cannot be protected by, internal or external counsel for the University, the Ombuds will be provided with legal counsel separate and independent from the University.

Confidential Communications

The University will respect and protect the confidentiality of the Ombuds Office to the extent allowed by law. The University will make every effort to preserve the confidentiality of the Office and 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.

Receiving Notice for the University

As a confidential, independent, and informal resource, the Ombuds is not a "Campus Security Authority" under the Clery Act, nor a "Responsible Employee" under Title IX. The Ombuds Office is not authorized to receive or record complaints on behalf of the University 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.

Records

Because it is a confidential resource, the Ombuds Office does not create or maintain University documents or records about individual matters, but rather keeps only non-identifying statistical information. This information will consist of aggregate anonymous statistical data about the use of the Office, concerns raised, and services provided 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, or for declining to do so.

TERM

This charter remains in effect unless revoked. It may be amended only at the agreement of the Ombudsperson and Chancellor.

Approved February 16, 2024