

Ombuds Office: Terms of Reference and Charter

Introduction:

The Ombuds Office was established in 2019 with the support of Winthrop University faculty, staff, and the Offices of the President and Provost. The Ombuds Office serves as an independent, confidential, neutral, and informal resource for any faculty, staff, or administration member of Winthrop University to seek assistance in identifying available options, facilitating productive communication, and bringing forth concerns about university policy or procedures. The Ombuds Office is designed to be free from direct university oversight or control. Thus, while the Ombuds derives its authority from and reports to the Office of the President, the services of the Ombuds Office are neither directed nor controlled by the President.

As an independent, confidential, neutral, and informal resource, the Ombuds has no institutional authority to change any rules, overturn any decisions, or even force issues to be addressed by others. The Ombuds is neutral in his/her activities and does not act as an advocate for any participant in a dispute or visitor to the office. The Ombuds impartially considers the interests and concerns of all persons involved in a situation with the aim of facilitating communication and assisting others in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of Winthrop University.

Services of the Ombuds Office include but are not limited to:

- Listening impartially to concerns and providing a confidential place to collaboratively explore solutions
- Developing options for informal approaches to resolving problems or concerns
- Pointing employees toward available services and resources and obtaining applicable information, including university policies
- Exploring early problem-solving approaches as a way to avoid escalation of conflicts and empowering individuals to find their own solutions to problems
- Coaching and training individuals and departments on communication and interpersonal relationship skills in the workplace
- Facilitating communication between parties during conflict
- Serving as a facilitator for group problem-solving and consensus development
- Assisting groups in the design and implementation of collaborative decision-making processes
- Mediating and advising individual to pursue mediation by an outside confidential process as an informal conflict resolution process
- Alerting individuals or groups to available formal channels for conflict resolution
- Identifying observed trends or problems
- Providing feedback relating to changes in policies or procedures
- Educating and informing the campus community about conflict resolution through presentations and office literature
- Modeling fairness, equity, inclusion, and civility in carrying out duties

Services the Ombuds cannot offer include, but are not limited to:

- Make changes to policies
- Offer arbitration
- Provide exceptions to policies or procedures
- Serve as notice to Winthrop University
- Formally investigate any issue
- Compel anyone to take part in the services of the Ombuds
- Participate in any formal internal or external process (e.g. lawsuits, grievances) unless required by law
- Take sides in any matter
- Provide legal advice on any matter
- Provide mental health counseling

Because of the confidential and informal nature of the office, no records are to be maintained by the Ombuds Office for itself or for the University with personal identifying information, other than the intake acknowledgment form. Thus, the Ombuds Office is not a place to go “on the record”; however, the Ombuds can assist in directing visitors to the appropriate mechanisms for going “on the record.” The Ombuds holds all communications with those seeking assistance in strict confidence to the extent permitted by law. Because of confidentiality concerns, the Ombuds discourages visitors from communicating confidential information electronically. Digital communications should be limited to arrangements in scheduling an in-person meeting. The Ombuds Office does not participate in any formal process, whether internal or external to the university, unless required by law.

The Ombuds Office is expected to adhere to the standards outlined by the current International Ombuds Association (IOA) Standards of Practice and Code of Ethics. In addition, the Ombuds Office is expected to adhere to the best practices outlined in the applicable supplement to the IOA’s Standards of Practice.

Limitations of Use:

The Ombuds Office does not receive or record complaints on behalf of Winthrop 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. **THEREFORE, COMMUNICATIONS TO THE OMBUDS OFFICE REGARDING POSSIBLE VIOLATIONS OF UNIVERSITY POLICIES OR UNLAWFUL PRACTICES DO NOT CONSTITUTE NOTICE TO WINTHROP UNIVERSITY.**

Any such information shared with the Ombuds Office is not shared with the University, except for generalities described below in the annual report. 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 identify for the individual where or to whom to make an official report to the University.

Purpose and Scope of Services:

The Ombuds provides informal dispute resolution services to Winthrop faculty, staff, and administration. The Ombuds Office is a place where these constituents can seek guidance regarding workplace problems or concerns at no cost and without fear of retaliation.

Consultation with the Ombuds is entirely voluntary and may not be compelled by the University or an employee. The Ombuds Office receives questions and concerns about individual situations or broader systemic issues and keeps them confidential. The Ombuds will listen, make informal inquiries, offer resolution options, make referrals, and informally mediate disputes independently and impartially. The Ombuds will assist individuals in reaching resolutions that are consistent with stated ideals, objectives, and policies of Winthrop University.

The Ombuds Office supplements, but does not replace, other more formal processes available to university employees. The Ombuds serves as an information and communication resource. The Ombuds can also serve as a catalyst for institutional change for the University through reporting of trends and identifying opportunities to enhance policies and procedures. The Ombuds has no authority to impose remedies or sanctions, nor does the Ombuds have the authority to enforce, make exceptions to, or change any Winthrop University policy, rule, or procedure.

Appointment of the Ombuds:

The President of Winthrop University, or the President's designee, is responsible for the appointment of an Ombuds to a three-year term. The Ombuds Advisory Committee assists the President in this task. The committee will consist of five voting members: Chair of Faculty Conference and Chair of Staff Conference who are ex-officio, one voting member of administration appointed by the President, one member elected from the Faculty Conference at large, and one member elected from the Staff Conference at large. Possible responsibilities the President can assign the committee include: assisting in the development of the Ombuds job description, reviewing applications to the position, and recommending to the President at most three candidates who meet the minimum established qualifications.

In reviewing applications, the committee should look for the following characteristics in candidates for the position of Ombuds: listening skills, oral/written communication skills, sensitivity to issues, an understanding of appropriate use of power, clear understanding of university policy and procedures, willingness to abide by IOA standards, and so on. The final selection will be made by the President or the President's designee.

The President will work with the Ombuds to ensure reasonable release or reassigned time to permit the Ombuds to be effective in carrying out duties. While the Ombuds position is expected to take up no less than 25% of a faculty/staff member's time, ongoing assessment of the utilization of the Ombuds Office by the President may identify the need to increase that position to full time or even add additional Ombuds or additional support staff. The annual report produced by the Ombuds Office can be used as one metric by which the President can assess the Ombuds Office needs.

Ombuds Advisory Committee:

The Ombuds Advisory Committee meets at least once per semester. The committee consists of

five voting members: Chair of Faculty Conference and Chair of Staff Conference who are ex-officio, one voting member of administration appointed by the President, one member elected from the Faculty Conference at large, and one member elected from the Staff Conference at large.

The terms for appointed or elected members to this committee are for two years and will be staggered so that, in odd years, terms of one of the administration members as well as the staff member elected at large will expire and, in even years, terms of the other administration member and faculty member elected at large will expire.

In addition to assisting the President in Ombuds searches, this committee will serve as one resource for the Ombuds to consult regarding university, faculty, and staff policies, practices, and trends. Similarly, the committee can also advise the Ombuds on trends they are seeing on behalf of faculty, staff, and administration. The Ombuds, at their discretion, can use this information to inform their current work or organize workshops to address relevant issues proactively.

Should concerns about the performance of the Ombuds arise, the Ombuds Advisory Committee can review the concerns and notify the President of them. Should it be necessary to remove the Ombuds prior to the end of the Ombuds's term, the President will seek the advice of the Ombuds Advisory Committee and consider the committee's opinion as a factor in any decision regarding removal. The President makes the decision regarding removal.

Training:

The Ombuds will maintain a Certified Organizational Ombuds Practitioner Certification. As the IOA requires experience practicing IOA standards before this certification can be granted, the President, at his/her discretion, may allow the Ombuds to operate as they pursue this certification in a timely manner. The Ombuds should attend the annual IOA conference to support the continuing education of the Ombuds. The Ombuds should not take on or hold any additional administrative roles not related to their position as an Ombuds.

Additionally, due to the confidential and sensitive nature of issues that visitors bring to the office, any support staff or students used in the office will receive adequate training from the Ombuds to ensure interactions are handled in conformity with the IOA's Standards of Practice.

Annual Report:

The Ombuds will produce a yearly written report with general information and statistics about usage of the Ombuds, without jeopardizing the confidentiality of any individual or the Ombuds Office. The report will only include data that come from a population of a sufficient size and that will, in the judgment of the Ombuds, prevent re-identification of individuals from the report. An example report would contain: number of faculty/staff using the office, number of complaints assisted with, complaint trends, concerns, impacted area from the Ombuds Office's work over the last year, and any recommendations the Ombuds has. This report will be delivered annually to the Office of the President, Staff Conference, and Faculty Conference.

The Ombuds Office is guided by the [IOA Standard of Practice](#) and the [IOA Code of Ethics](#).