

College of William and Mary

Ombuds Office Terms of Reference

Purpose

The mission of the College of William and Mary Ombuds Office is to ensure that employees have access to a resource for informally addressing work place concerns in a fair and equitable manner. The Ombuds Office carries out this mission by way of two complementary approaches: (1) receiving and assisting individuals toward the resolution of concerns on a confidential and informal basis; and 2) supporting procedures that advance the goal of a fair conflict management system.

The Ombuds Office is an independent, neutral, confidential and informal resource where University employees can obtain assistance in resolving conflicts or problems. The College of William & Mary supports the Ombuds Office and acknowledges it as a key organizational resource for its workforce.

Standards of Practice

Services Provided:

The Ombuds Office provides a place where members of the William & Mary workforce voluntarily seek guidance or assistance in resolving disputes or concerns through a confidential, neutral, informal, and independent resource without fear of retaliation or loss of privacy.

Services of the Ombuds Office do not replace formal grievance procedures at the University; however, when those procedures have not been utilized or have not been successful, the Ombuds Office attempts to facilitate communication and participation in reaching mutually acceptable, fair and equitable resolutions that are consistent with the ideals and objectives of the University.

The range of services available through the Ombuds Office includes but is not limited to:

Individual Consultation: Upon request for a meeting, the Ombuds listens to the concerns of visitors, helps to bring an understanding of the issues, looks for information applicable to the situation, including university policies and procedures or other resource materials, and assists visitors with solutions.

Coaching and Training: The Ombuds helps visitors to develop skills for better handling conflict and managing interpersonal relations through individual coaching, group training, or referral to appropriate services.

Facilitation and Process Consulting: The Ombuds supports individuals and groups in the design and implementation of collaborative decision-making processes with structure, clear steps and ground rules.

Mediation: The Ombuds recommends mediation services as appropriate to help parties negotiate an agreeable solution to a conflict.

Relationship with the University

The Ombuds Office is an informal third party that is supported by the Provost's Office. The Ombuds Office is not affiliated with any compliance function of the University and therefore does not serve as an agent of notice for the institution. The services of the Ombuds Office supplement rather than replace formal resources for grievances such as those of the Office of Human Resources, Office of Equal Opportunity, Legal Affairs, or other compliance units. The Ombuds Office maintains active contact with these units while keeping the confidentiality of visitors. The Ombuds Office also offers consultative services to assist in improving existing, or developing new policies and practices when appropriate.

The Ombuds Office works independently and can contact any level of the organization deemed to be appropriate in the management of cases. The Ombuds Office also has access to those records appropriate for managing cases, subject to privacy legislation. All interactions with the Ombuds Office are voluntary. The College prohibits retaliation against any employee for using the services provided by the Ombuds Office.

The Ombuds Office provides the College with trending information about systemic issues detrimental to employee satisfaction. In this role, the Ombuds Office may make recommendations on individual cases in order to effect positive change and share best practices with the College's administrative leadership to help prevent recurrence of issues.

Annual reports shall be produced and presented to the Provost and made available to the University community. Such reports will not disclose any information that would breach the confidentiality of any individual. Instead, the reports will provide an overview of the issues raised with and demographic profile of visitors seeking services from the Ombuds. The University shall use the reports as it deems appropriate.

Professional Membership

The University Ombuds is a member of *The International Ombudsman Association* ("IOA") and adheres to its *Code of Ethics and Standards of Practice*¹. The IOA *Code and Standards* delineate minimum standards; and the Ombuds Office operates according to these "best practices" in a way that serves the best interests of the William & Mary community. The Ombuds Office shall take appropriate steps to make the tenets of best practices of the Ombuds profession available to the University community, including:

- ***Independence***
- ***Informality***
- ***Neutrality***
- ***Confidentiality***

¹ Attached as Appendices A and B respectively.



INTERNATIONAL
OMBUDSMAN
ASSOCIATION

IOA CODE OF ETHICS

PREAMBLE

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

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

The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

ETHICAL PRINCIPLES

INDEPENDENCE

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

NEUTRALITY AND IMPARTIALITY

The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

CONFIDENTIALITY

The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

INFORMALITY

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.



INTERNATIONAL
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IOA STANDARDS OF PRACTICE

PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

STANDARDS OF PRACTICE

INDEPENDENCE

- 1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.
- 1.2 The Ombudsman holds no other position within the organization which might compromise independence.
- 1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.
- 1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.
- 1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

NEUTRALITY AND IMPARTIALITY

- 2.1 The Ombudsman is neutral, impartial, and unaligned.
- 2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.
- 2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.
- 2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.
- 2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.
- 2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

CONFIDENTIALITY

- 3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following:
The Ombudsman does not disclose confidential communications unless given permission to do so in the course of informal discussions with the Ombudsman, and even then at the sole discretion of the Ombudsman; the Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.
- 3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.
- 3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization, even if given permission or requested to do so.
- 3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.
- 3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.
- 3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.
- 3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.
- 3.8 Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

INFORMALITY AND OTHER STANDARDS

- 4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.
- 4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.
- 4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.
- 4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.
- 4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.
- 4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.
- 4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
- 4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.