



UNIVERSITY OF THE BAHAMAS' OFFICE OF THE OMBUDSMAN OFFICE CHARTER

PURPOSE

The University of the Bahamas' Office of the Ombudsman was established in August 2019 and Ms. Marisa Mason-Smith was selected as the first Ombudsman. The Office's mandate is to provide informal dispute resolution processes in which the Ombudsperson advocates for fairness, justice, respect for differences, and reasonable and timely solutions to students and all of the University's stakeholders. The Office of the Ombudsperson also functions as an alert mechanism for policy and systemic change at the University through **CONFIDENTIAL, IMPARTIAL, INDEPENDENT AND NEUTRAL** services that enhance, not replace, other formal administrative processes at the University.

The University of the Bahamas' Office of the Ombudsman Office shall accept inquiries and queries from clients and functions as a third party who handles difficult conversations. We are an independent office who serves as an information and communication resource, consultant and catalyst for institutional improvement and change.

REPORTING

The Office of the Ombudsman(OO) provides reports to the Board of Trustees for administrative and budgetary purposes only. To fulfill its function, OO shall have a specific allocated budget, adequate and sufficient resources to meet operating needs and pursue continuing requisite professional development.

On an ongoing basis OO will provide guidance to leaders within the University as it relates to the kinds of issues and trends the Office encounters and explain the relevance of such information.

STANDARDS

OO operates in accordance with the International Ombudsman Association Code of Ethics and Standards of Practice as specified in 2008 which mandates the Office to function in an informal basis only. Therefore, the University of the Bahamas' OO shall operate in accordance with best practices and to serve the mission of the University.

INDEPENDENCE

Independence is essential to the effective functioning of OO and is free from intrusion in the genuine performance of its duties. To ensure objectivity, OO shall function independently from administrative authorities. No confidential information should be disclosed regarding matters discussed in OO with anyone in the organization, including the person to whom OO reports.

CONFIDENTIALITY

OO will not release information provided in confidence, unless the client grants permission to have it released, OO sees it necessary to do so or the Ombudsman determines there is pending risk or serious harm. OO shall neither willingly participate as a witness with respect to any confidential communications nor participate in any formal and informal processes inside or outside the University except under court order.

IMPARTIALITY

OO shall not take sides in any conflict, dispute or issue.

INFORMALITY

OO shall be a resource for informal services and shall not investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. OO does not keep records nor create or maintain documents about individual inquiries for the University. Notes, if any, taken during the course of working with a visitor, shall be destroyed regularly and when matters conclude.

AUTHORITY AND LIMITS OF THE OFFICE OF THE OMBUDSMAN

A. Authority of the Office of the Ombudsman

OO is entitled to inquire about any issue concerning the University, which affects any member of the University community and shall respect the confidentiality of that information. OO shall have access to records and personnel at The University of the Bahamas for the purpose of facilitating case management. If OO believes there is an imminent risk or series harm, confidentiality should be broken.

OO can act on its own discretion and initiate inquiries concerning matters without receiving a complaint from any of the University's stakeholders. OO may decline to inquire into a matter or may withdraw from a case if the Ombudsman believes involvement is inappropriate for any reason, including matters not brought in good faith, or which appear to be misuses of the Ombudsman's function. OO has the authority to discuss a range of options available to a client, including both formal and informal processes. OO may require legal or other professional advice, from time to time, in order to fulfill their required functions. OO shall be provided legal counsel independent from the University in the event of a conflict of interest arises between OO and the administration of the University.

B. Limitations on the Authority of The Office of the Ombudsman

1. *Receiving Notice for The University*

Communication to OO shall not constitute notice to the University. This includes allegations that may be perceived to be violations of laws, regulations or policies such as sexual harassment. OO does not function as part of the administration of the University, so even if the Ombudsman becomes aware of such allegations, the Ombudsman is not required to report to the University.

If a client of OO would like to put the University on notice regarding a specific situation or desires that certain information be provided to the University, the Ombudsman can provide the information for that person so they can begin that process themselves.

2. *Collective Bargaining Agreements*

OO shall not address any issues arising under a collective bargaining agreement ("CBA"), unless allowed by specific language in the CBA. This means while the OO may provide

services to union members, none of which should be services covered in the CBA, including but not limited to issues such as grievable claims of termination of employment or formal discipline. In those cases, the Ombudsman shall refer the employee to the CBA and it his or her union representative. OO may work with union members regarding all other issues not covered by contracts.

3. *Formal Processes and Investigations*

No kind formal investigations should be conducted by OO. OO cannot participate in any formal dispute processes or lawsuits, either on behalf of a client of OO or on behalf of the University. OO provides an informal and alternate form of communication for concerns in the University. Clients can be assured that all discussions are confidential and no information will be revealed unless circumstances warrant disclosure as stated in Section A under Authority and Limited of the Office of The Ombudsman.