

Bridgewater State University Ombuds Office Charter

September 12, 2024

Introduction

The Bridgewater State University (BSU)* Ombuds Office was established in 2024, to provide faculty and librarians a confidential and safe space to ask questions, express concerns, and create informal options to solve university-related problems that fall outside the Collective Bargaining Agreement between the Department of Higher Education and the Massachusetts State College Association (MSCA). Ombuds practice within the code of ethics established by the International Ombudsman Association ([IOA Ombuds Code of Ethics](#)), which includes providing a confidential and impartial space, independent of the university, where faculty and librarians can seek informal resolutions to their concerns. This Charter establishes the professional role, privileges, limitations, and responsibilities of the Ombuds Office.

Mission

The mission of the BSU Ombuds Office is to foster a campus culture characterized by respectful communication, fair practices, and mutual understanding. The Ombuds Office supports BSU's mission, specifically the establishment of an inclusive community dedicated to the lifelong success of all students and the focus on the continuous improvement of its people. The Ombuds Office also aligns with BSU's strategic plan by providing opportunities for personal and professional growth for faculty and librarians and it facilitates BSU's values of diversity, inclusion, and equity for all. The aim of the BSU Ombuds Office is to foster an ethical and civil campus culture in which differences can be resolved early and informally through respectful dialogue and fair process.

Responsibilities

The Ombuds Office serves multiple important functions on the BSU campus. The Ombuds Office assists all current faculty, librarians, and part-time faculty by providing an alternative way to identify, manage, and resolve university related conflicts and concerns. When visitors seek support, the Ombuds Office can listen, serve as a strategic thought partner, help develop options for difficult conversations, provide resources and information about university policies and systems, and assist with informal conflict resolution and problem solving. The concerns addressed by the ombuds involve issues that do not arise under the current MSCA Collective Bargaining Agreement. The ombuds' webpage includes guidance for MSCA members on topics to bring to the MSCA first, given their role in advocacy and the timeline for grievances.

The Ombuds Office also works to increase conflict competence and prevent conflict escalation by providing workshops about productive communication, difficult conversations, and conflict resolution. Additionally, the Ombuds Office plays a critical role in helping BSU to gain insight into campus climate and concerns by sharing anonymized, aggregated, and non-confidential data and information regarding visitors' concerns and trends. Recommendations intended to address trends or systemic issues identified through the work of the Ombuds Office are also shared with University leaders.

Services

The Ombuds Office provides the following services:

Individual Problem Assistance

- Listen without judgment in a confidential space where problems can be explored
- Collaborate to develop options for informally resolving concerns
- Inform and refer visitors to available services and resources on or off campus

- Provide explanations of University policies and procedures
- Explore early intervention approaches to conflict
- Empower individuals to find their own solutions to problems, when appropriate

Conflict Resolution Services

- Discuss problems and help to surface issues and interests
- Facilitate communication between parties or among groups in conflict
- Provide coaching in communication, de-escalation, and resolution skills
- Engage in shuttle diplomacy between parties who may not want to meet face to face
- Mediate disputes
- Alert individuals or groups of available formal channels for conflict resolution
- Offer restorative conversations and practices

Campus Community Services

- Model fairness, dignity, equity, inclusion, and belonging in carrying out duties
- Educate the community about conflict resolution through workshops and media
- Identify observed trends or patterns of complaint
- Identify where stated University goals or policies and actual practices differ
- Share trends, climate information, and recommendations with University leadership, protecting the anonymity of visitors and the confidentiality of communication with the Ombuds Office

Limitations

The Ombuds Office is authorized only to provide informal assistance and is a supplement to, not a substitute for, established formal processes, such as those available through the Office of Equal Opportunity and the MSCA grievance process. The ombuds cannot give legal advice, cannot adjudicate for parties, and is not a substitute for legal counsel.

The Ombuds Office has no authority to represent, advocate, bargain, or negotiate with BSU on behalf of any visitor nor with any visitor on behalf of BSU. No interaction between the Ombuds Office and any visitor constitutes negotiation or bargaining with the purpose of reaching a formal 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 formal processes. Consultation with the Ombuds Office does not stop, extend, or delay time limits on any formal action or proceeding, whether internal or external.

Consultation with and participation in any of the Ombuds Office services is completely voluntary and may not be required by anyone at BSU. The Ombuds Office cannot enforce solutions, and does not have the authority to enforce, make exceptions to, or change any University decision, policy, rule, or procedure. The Ombuds Office is also not an agent of BSU with authority to institute corrective measures on behalf of BSU. The Ombuds Office responses and services are determined solely by the Ombuds Office and are specific to the nature of a situation and the concerns presented. The Ombuds Office may decline or terminate services if it regards such action reasonably appropriate.

Receiving Notice for the University

The Ombuds Office is not authorized to receive or accept notice of any claims against the University. Communication with the Ombuds Office does not constitute notice to the University about the existence of any matter, including but not limited to alleged misconduct, violations of law, regulations, or policies such as sexual harassment, discrimination, issues covered by whistleblower policy, or incidents subject

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to reporting under the Clery Act, Title IX, the Violence Against Women Act, or Title VII. Although visitors to the Ombuds Office may make such allegations, the Ombuds Office is not a “campus security authority” as defined by the Clery Act or a “responsible employee” under Title IX, nor is it required to report these allegations to the University. **THEREFORE, COMMUNICATION WITH THE OMBUDS OFFICE REGARDING POSSIBLE VIOLATIONS OF UNIVERSITY POLICIES OR UNLAWFUL PRACTICES DOES NOT CONSTITUTE NOTICE TO BRIDGEWATER STATE UNIVERSITY.** The Ombuds Office is not authorized to receive or record complaints on behalf of Bridgewater State 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. Any such information shared with the Ombuds Office is not shared with the University. 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, and the individual wishes to put the University on notice, then 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 their own such report.

Standards of Practice

The Ombuds practices within The International Ombuds Association Code of Ethics (IOA Code of Ethics) and Standards of Practice (IOA Standards of Practice).

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, if the Ombuds determines that there is an imminent risk of serious harm, there has been a report of child abuse, or as necessary to defend against a formal complaint of professional misconduct by the ombuds. 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 granted. 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.

Impartiality

The Ombuds Office is impartial in its approach to problems brought to its attention and their resolution and it does not advocate for any person or position. The Ombuds promotes respectful, fair communication and equitable processes consistent with the mission and policies of the University and supports all current University faculty and librarians in the resolution of their concerns. The Ombuds will not be assigned any other roles or positions at the University, will not serve in a policy making capacity, or be involved in matters where there may be a real or perceived conflict of interest. A conflict of interest occurs when the Ombuds’ personal or private interests, real or perceived, are at odds with the Ombuds’ duties and obligations to the University, including the Ombuds ethical code to be impartial. The Ombuds may withdraw or refuse services in any matter if the belief is that 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.

Informality

Only informal conflict resolution is addressed by the Ombuds Office. The Ombuds is not authorized to participate in any evaluative, disciplinary, legal, or administrative proceedings related to the concerns brought to the Ombuds attention. The Ombuds is not authorized to make business and policy decisions or conduct or participate in formal investigations on behalf of the University. 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. Only non-identifying statistical information is kept.

Independence

The Ombuds Office is designated to be independent and free from direct University oversight or control. This independence is achieved primarily through its reporting structure, confidentiality, and organizational recognition. The Ombuds reports directly to the President and is not directed by the President's Office to be part of its day-to-day operations. The ombuds provides programmatic leadership and direction for the Ombuds 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 President regarding administrative matters only.

Institutional Relationship

Initiating Informal Inquiries

The Ombuds is entitled to initiate informal inquiries to gather information about any issue concerning the University and affecting any member of the University community. Therefore, the Ombuds may initiate informal inquiries into matters or trends 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 may request access to University information related to visitors' concerns to the extent permitted by law and applicable university policies and will respect and preserve the confidentiality of that information. The University asserts that its departments shall promptly respond to requests by the ombuds for information unless it believes that such disclosure is prohibited, in which case the ombuds may seek a resolution of this dispute through the Office of the President or the Chief of Staff.

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.

On rare occasion, the ombuds may require legal advice or representation to fulfill its required functions, including in the event of requests or demands for documents or testimony related to any litigation or other formal process associated with Ombuds Office activities. In such an event, the ombuds will notify the University's Counsel and seek the University Counsel's permission to retain representation separate and independent from the University.



Records

The Ombuds Office will keep records for the University consisting of aggregate anonymous statistical data about the use of the office, visitor satisfaction, and outreach activities.

Annual Reporting

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

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.

Terms of Employment/Evaluation/Complaints

Ombuds shall be selected on criteria including training, experience, and credentials. All Ombuds shall be members of the International Ombuds Association during employment with the Ombuds Office and thoroughly familiar with the IOA Standards of Practice and Code of Ethics, as well as sound principles of individual and organizational conflict resolution. All Ombuds must be CO-OP® certified within one year of eligibility.

Ombuds Office personnel are University staff and subject to the university's employment policies and processes. The work of the Ombuds will be evaluated annually by the President. The evaluation will include a self-assessment and data collected in anonymous visitor experience surveys.

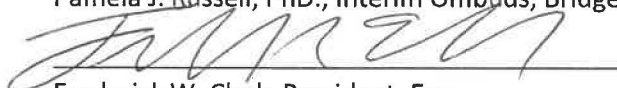
Complaints about the Ombuds Office should be directed to the President who may remove the Ombuds from office for failure to perform the duties of the office or violation of the code of ethics or standards of professional conduct outlined in this Charter.

Charter Amendment and Revocation

This Charter may be amended only at the agreement of the Ombuds and President. The Charter remains in effect unless revoked by the President.

Approval and Effective Date

This Charter is approved by Fredrick W. Clark, Jr, Esq., President, Bridgewater State University, and Pamela J. Russell, PhD., Interim Ombuds, Bridgewater State University.



Frederick W. Clark, President, Esq.
Bridgewater State University



Pamela J. Russell, PhD.
Bridgewater State University

On this 12th day of September 2024, this Charter becomes effective.

*Throughout this document Bridgewater State University is referred to as BSU or the university. This document pertains only to Bridgewater State University.