

## **USF OMBUDS OFFICE CHARTER**

### **PREAMBLE**

The University of South Florida (USF) established an Organizational Ombuds Office (“USF Ombuds Office”) effective January 4, 2016. The USF Ombuds Office provides an independent, impartial, informal and confidential professional resource serving all faculty, staff and administrators employed within the USF community.

The USF Ombuds Office aligns with [USF's Strategic Mission, Vision, and Values](#) and fosters employee engagement by confidentially receiving complaints, concerns or questions and facilitating the resolution of workplace conflicts. The USF Ombuds Office furthers the University's continuous efforts to achieve the highest standards of excellence and ethical behavior by providing and maintaining a safe place to discuss all types of issues, including misconduct, and discuss them in confidence with protection from retaliation in accord with established USF Regulations and Policies.

The USF Ombuds Office will observe the [International Ombudsman Association \(IOA\) Code of Ethics \(COE\) and Standards of Practice \(SOP\)](#).

### **1.0 RATIFYING FRAMEWORK**

- 1.1 Through this Charter, USF established and maintains its Organizational Ombudsman Program officially named the USF Ombuds Office (hereinafter “Ombuds Office”).
- 1.2 The Ombuds Office is available to all full-time and part-time time continuing employees (faculty, staff and administrators) present in all USF operational locations.
- 1.3 This Charter sets forth the USF Ombuds Office's overall structure, practices, responsibilities and limitations, as well as expectations and limitations for all employees regarding their relationship to and use of the Ombuds Office.
- 1.4 Each element of the Ombuds Office's purpose, structure and operation, shall follow the IOA's defining characteristics — independence, neutrality, informality, and confidentiality and will adhere to the IOA COE and SOP.
- 1.5 USF has designed the Ombuds Office to conform to the IOA COE and SOP.

### **2.0 STANDARDS OF PRACTICE & CODE OF ETHICS**

- 2.1 The IOA has defined the tenets of organizational Ombuds programs and the Ombuds Office shall have the responsibility to fully understand, function by, and uphold the COE and SOP.
- 2.2 The primary goal is to provide a safe means to raise concerns and suggestions and help address issues.
- 2.3 A primary indicator of goal achievement will be the frequency of appropriate Ombuds Office usage. Anticipated outcomes resulting from the Ombuds Office may include:
  - 2.3.1 Employee engagement
  - 2.3.2 Employee retention

- 2.3.3 Collegial and civil dialogue
- 2.3.4 Relationship and reputation preservation
- 2.3.5 Employee responsibility—supporting self-identification and personal action on issues
- 2.3.6 Leadership awareness of issues and trends while preserving confidentiality
- 2.3.7 Adherence to applicable laws, regulations, policies and university values

### 3.0 MANDATE, PURPOSE & STRUCTURE

- 3.1 As an additional means of communication and organizational self-correction, the Ombuds Office supplements, but does not replace, existing related channels (e.g. Human Resources, Faculty Affairs, DIEO, University Audit, Compliance & Ethics, General Counsel, et al.)
- 3.2 As an independent, neutral, informal and confidential resource, an Ombuds may provide guidance to those seeking to report misconduct through other channels. However, because of its confidentiality, an Ombuds cannot bring forward any identifying information, without the explicit permission from that person, except in a situation when the Ombuds determines that there is an imminent risk to health, safety or serious harm to person or property including assault, child abuse or Title IX violations.
- 3.3 Employees and Visitors/Callers are encouraged to access the Ombuds Office to raise and discuss questions, concerns, suggestions and issues.
- 3.4 Accessing the Ombuds Office, prior to usage of formal processes, will allow individuals to safely consider the broadest range of information, options, and possibilities available to resolve concerns.
- 3.5 Those working with an Ombuds may request ongoing guidance, which could include coaching, looking into situations or facilitation. To fulfill these purposes, the Ombuds role may include:
  - Facilitator
  - Resolution Generator
  - Confidant
  - Feedback Provider
  - Informal Mediator
  - Resource Channel
  - Communication Bridge
  - Process Expert
  - Active Listener
  - Career Coach
  - Referral Office
  - Process Improver
- 3.6 As a means of continuous improvement, the Ombuds Office shall recommend potential changes to practices, systems and policies in order to minimize or prevent issues from expanding, becoming significant, or recurring. As appropriate, while protecting the confidentiality of communications, the Ombuds Office will inform USF managers and leaders of patterns, trends or insights identified to enable the University to act in a timely or proactive manner.
- 3.7 The Ombuds Office will assist employees with communication and conflict management. These actions support employees and the University in maintaining an ethical, compliant, safe, productive and engaged workplace.
- 3.8 Through the Ombuds Office, employees and USF will have guidance and support to:
  - 3.8.1 Address issues promptly, fairly and at the appropriate level
  - 3.8.2 Improve communication and conflict management skills
  - 3.8.3 Foster a transparent and communicative corporate culture
  - 3.8.4 Preserve and strengthen relationships and reputations
  - 3.8.5 Promote an engaged and positive organization

### 4.0 FUNDAMENTAL TENETS OF THE OMBUDS OFFICE

The Ombuds Office is unlike any other function in the University. This Charter establishes the unique requirements for it to perform effectively.

#### 4.1 ***Independence***

The Ombuds Office was intentionally designed to function independently of existing USF processes and structures and operates independently of regular administrative authorities. However, the Ombuds does have the support and access to the highest level of the organization and reports to the President. The Ombudsman will exercise sole discretion of whether and how to act regarding individual matters or systemic concerns. To fulfill its functions, the Office shall have appropriate space and budget support.

#### 4.2 ***Neutrality***

The Office will be neutral in its activities, and will not take sides in any conflict, dispute, or issue. The Ombuds will impartially consider the interests and concerns of all parties involved in a situation with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the University. The Ombuds Office operates as an alternate channel to provide the confidential, safe discussion and facilitation of communications and self-correction throughout USF. The Ombuds Office fosters fair and equitable processes and does not endeavor to work or advocate on behalf of employees, leaders, management or any third party.

The Ombuds Office's independence and neutrality are central to its operational success and protection of communications. The Ombuds Office works to be impartial, fair and objective in all dealings with all USF employees. All are encouraged to voluntarily use and trust the Ombuds Office as an impartial resources with no stake in the outcome of any issue or discussion.

#### 4.3 ***Informality***

The Ombuds Office supplements all related, formal channels to raise issues. The Ombuds Office does not conduct formal investigations, create policy, compel action, or make management decisions. The Ombuds Office does not adjudicate or arbitrate claims.

Contacting the Ombuds Office is not the same as reporting an issue to the University and does not give or impute notice of issues to USF. The acceptance of formal claims/issues against USF is a function fulfilled by multiple formal channels. The Ombuds Office can and will refer those wishing to place USF on notice to the appropriate place, including Human Resources, Faculty Affairs, DCEO, University Audit, Compliance & Ethics, or other channels.

Just as the University does not tolerate retaliation against any employee for making good faith reports of actual or suspected violations or concerns, USF will not tolerate any retaliation by any supervisor or employee against another employee for contacting the Ombuds Office nor will it tolerate retaliation against the Ombuds.

Anyone who believes they have been retaliated against for accessing or using the Ombuds Office may contact the Ombuds directly.

#### 4.4 ***Confidentiality***

The effective functioning of the Ombuds Office requires that inquiries, communications and activities be kept confidential. Those who contact the Ombuds Office may do so with the assurance of strict confidentiality.

The Ombuds Office asserts that its confidential communications shall be privileged and exempt from disclosure. The Ombuds will not keep permanent records of specific, confidential communications. At the same time, the Ombuds Office acts in compliance with applicable public records requirements.

Aggregate data are the only permanent records of confidential communications maintained, with the sole purpose for the Ombuds Office to report on usage and trends. The Ombuds Office shall refuse access to any and all information maintained by the Ombuds Office. The Ombuds Office or Ombuds shall not disclose to any person, including supervisors, management, leadership or external parties,

the names or identifying information of those who interface with the Ombuds Office. Only with the explicit, advance permission of the respective Visitor/Caller, may an Ombuds disclose identifying information. The only exception to this is if an Ombuds determines that there is an imminent risk to health, safety or serious harm to person or property including assault or Title IX violations.

Contacting or using the Ombuds Office is voluntary and without prejudice and no one may be compelled or required to do so. Those choosing to work with the Ombuds Office agree to abide by the terms of this Charter and the IOA COE and SOP and agree to not call an Ombuds to testify in any formal or legal proceeding with respect to any confidential ombuds services or communication(s). Working with the Ombuds Office also implies understanding and acceptance of these conditions.

Those employees, and any other individuals who access the Ombuds Office, share in the responsibility to preserve, maintain and protect confidentiality and anonymity. **The services provided by the Ombuds Office are entirely voluntary and Visitors/Callers and/or users of Ombuds services do so freely and willingly with knowledge that the Ombuds Office maintains confidentiality. Further, it is mutually understood that the Ombuds Office Visitors/Callers and/or users will not request, call upon, compel or seek to require the Ombuds or Ombuds Office to testify or otherwise participate in any civil action or formal proceeding including litigation, deposition, arbitration, formal mediation or any other formal conflict resolution processes.**

USF also agrees and commits to not seek, request, or compel Ombuds Office personnel to disclose any information that would breach any confidentiality or to participate in any internal or external formal process.

Visitors/Callers may contact the Ombuds Office anonymously. Use of anonymity may, however, present certain limitations on the Ombuds Office's ability to be of assistance.

## 5.0 DUTIES AND RESPONSIBILITIES

- 5.1 It is the Ombuds Office's primary duty to provide a confidential mechanism for USF employees to safely raise concerns and to promptly address issues.
- 5.2 The Ombuds Office personnel will also be responsible for:
  - 5.2.1 *Promoting Awareness and Accessibility of the Ombuds Office* — Informing employees of the Ombuds Office and its role, responsibilities and limitations.
  - 5.2.2 *Supporting Positive Organizational Change* — Collecting and sharing, as appropriate, insights, trends and suggestions.
  - 5.2.3 *Preparing to Succeed* — Exploring and adopting skills and processes to fulfill Ombuds practice through practical experience and appropriate professional continuing education; and maintaining fluency with all relevant USF regulations and policies.

## 6.0 PROCEDURES AND OPERATION

- 6.1 The nature of the Ombuds Office services, as independent, neutral, informal and confidential, shall be publicized internally within USF, including appropriate team meetings and externally through website posting and other appropriate communication channels.
- 6.2 Interacting with the Ombuds Office — Initiating contact

Any employee may schedule an in-person or phone meeting with an Ombuds. The mutually acceptable time may be scheduled at a reasonable time during or outside of an employee's routine work hours.
- 6.3 Contact the Ombuds Office:
  - By phone at (813) 974-7777
  - By e-mail at [OMB@usf.edu](mailto:OMB@usf.edu)
  - In person at CGS 304 (Center for Global Solutions Building, 3<sup>rd</sup> floor)

#### 6.4 Interacting with the Ombuds Office — Working together

Those meeting with an Ombuds will have the opportunity to describe and discuss their situation(s). Contacting an Ombuds earlier in the life cycle of a given situation or concern allows for a greater range of possible options and choices.

6.5 An Ombuds focuses on listening to and understanding concerns. If the Visitor/Caller wants to continue, the Ombuds will discuss the situation. A discussion facilitated by the Ombuds is common in these informal and strictly confidential exchanges.

6.6 The options and choices presented will be broadly based. From meeting with an Ombuds, the Visitor/Caller will decide which, if any, course to follow. The Visitor/Caller controls the prioritization and selection of options and is responsible for his/her choices. The Ombuds is not responsible for the choice(s) made, but will assist in thoughtful consideration. The Ombuds will present and support reasonable and fair options, with particular emphasis on helping the Visitor/Caller to help themselves whenever possible.

#### 6.7 Interacting with the Ombuds Office — Later stages

Some Visitors/Callers may choose to directly communicate with an Ombuds once, while others may arrange for additional discussions with an Ombuds. These discussions may involve a review of actions taken, an exchange of additional information, the consideration of adjustments or changes, or an invitation to involve others in the discussion as appropriate. Just as a Visitor/Caller is responsible to do all they can to help themselves, the Visitor/Caller also determines when they wish to take no further action.

#### 6.8 Other Ombuds Office Offerings

The Ombuds Office will serve as a conduit for upward feedback, providing leadership with possible early identification of trending issues or developments.

### 7.0 JURISDICTION, AUTHORITY & LIMITS

#### 7.1 Authority of the Ombuds Office

7.1.1 **Initiating Informal Inquiries:** The Office will be entitled to inquire informally about any issue concerning the University and affecting any member of the University community. Therefore, the Office may initiate informal inquiries into matters that come to its attention without having received a specific complaint from an affected member of the University community.

7.1.2 **Access to Information:** The Office may request access to information related to Visitor/ Caller concerns from files and offices of the University. Campus individuals who are contacted by the Office with requests for information are expected to cooperate and, as much as possible, to provide appropriate information as requested. The Office will not request a department or individual to breach confidentiality. University departments are expected to respond with reasonable promptness to requests made by the Office.

7.1.3 **Ending Involvement in Matters:** The Office may discontinue providing service and disassociate from a matter at any time.

7.1.4 **Discussions with Visitors and Others:** The Office has the authority to discuss a range of options available to its Visitors, including both informal and formal processes. The Office may make any recommendations it deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Office will have no actual authority to impose remedies or sanctions or to enforce or change any policy, regulation or procedure.

7.1.5 **Access to Legal Counsel:** On occasion, the Office may require legal advice or representation in order to fulfill its required functions. The Office may be provided with legal counsel separate and independent from the University when reasonable including in the event of requests or demands for documents or testimony related to any litigation or other formal process directly relating to Ombuds Office activities.

- 7.2 **The Ombuds Office is not authorized to receive notice on behalf of the University.** This means that neither the Ombuds, nor any employee acting on behalf of the Ombuds Office, is authorized to receive or accept any notice, regardless of form transmitted, of any formal complaint, charge, grievance, lawsuit or other such adversarial claim or matter.
- 7.3 The Ombuds may consider and address matters that come to their attention, without a specific complaint from an affected Visitor/Caller. As appropriate, an Ombuds may inquire informally about any issue that affects a Visitor/Caller.
- 7.4 USF authorizes the Ombuds Office to discuss with Visitor/Caller all possible options available regarding an issue or concern, including the various resources that USF makes available.
- 7.5 Situations under review by a formal process are likely inappropriate for the Ombuds Office, unless the initiated issue has to do with the performance of the formal process or function itself.
- 7.6 An Ombuds may make any recommendations to manage concerns or improve procedures or policies. However, the Ombuds will have no authority to impose or enforce remedies, sanctions or decisions. Ombuds will have no authority to compel or require a Visitor/Caller to take action.
- 7.7 In the event of such situations where it becomes apparent that: 1) the Visitor/Caller is not contacting the Ombuds Office in good faith, or 2) the Visitor/Caller is not abiding by the Ombuds Office tenets, an Ombuds may, at his/her sole discretion, discontinue providing service and may disassociate from any situation at any time.
- 7.8 If an Ombuds determines that there is an imminent risk to health, safety or serious harm to people or property including assault, child abuse and Title IX allegations, he/she may take action without Visitor/Caller or respondent consent.
- 7.9 The Ombuds Office personnel shall not:
- 7.9.1 Request that a department, employee, or individual breach a Visitor's/Caller's confidentiality
  - 7.9.2 Accept notice against the University or its personnel
  - 7.9.3 Participate in or conduct formal investigations
  - 7.9.4 Make or set aside any USF regulation or policy
  - 7.9.5 Provide legal advice
  - 7.9.6 Advocate or adjudicate for any employee or USF
  - 7.9.7 Disclose confidential communications without permission or appear in any formal proceeding inside or outside of the University

## **8.0 CONFLICTS OF INTEREST**

- 8.1 The Ombuds Office must actively avoid even the appearance of a conflict of interest.
- 8.2 A conflict of interest will be considered to arise when personal or outside interests and circumstances limit the ability of the Ombuds Office to perform their work objectively under the COE or SOP.
- 8.3 To avoid even the appearance of conflicts of interest the following shall be upheld:
- 8.3.1 USF will not request or compel any Ombuds Office personnel to take any action in opposition to the IOA COE or SOP.
  - 8.3.2 The Ombuds Office shall not be assigned or assume other duties or responsibilities that would contradict the role and responsibilities as defined in the IOA COE or SOP.
  - 8.3.3 No member of the Ombuds Office shall serve on a management or policy committee as a voting member. They may, however, attend such meetings as an ex-officio or in an independent role in order to provide insight and gain understanding regarding University activities, regulations, policies and information.

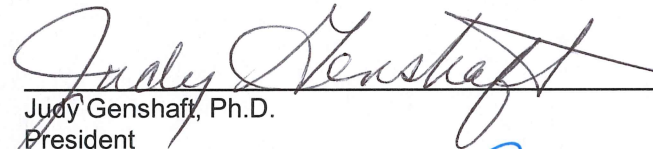
- 8.3.4 USF commits to providing separate and distinct outside counsel for the Ombuds Office upon reasonable request.
- 8.3.5 Ombuds Office personnel shall not take personal advantage of any opportunities they learn of or resources afforded to them through their role.

**9.0 FUNCTIONAL RELATIONSHIPS**


The Ombuds Office shall report to the President on a regular and ongoing basis. Every employee of the University shall have access to the Ombuds Office.

**10.0 APPLICATION OF THE CHARTER**

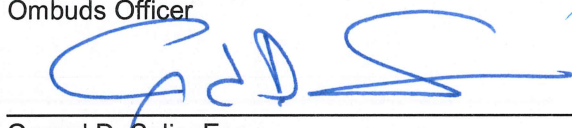
Any act by employees or agents in violation of this Charter, including retaliation against those contacting the Ombuds Office is beyond the scope of such person's authority and in conflict with USF's regulations and policies. As such, it is not an act by or on behalf of USF and therefore may result in disciplinary action up to and including termination. This Charter shall remain in effect unless expressly and specifically revoked by USF.

  
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Judy Genshaft, Ph.D.  
President

3/21/2019  
Date

  
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Steven D. Prevaux, CO-OP®  
Ombuds Officer

3/21/2019  
Date

  
\_\_\_\_\_  
Gerard D. Solis, Esq.  
General Counsel

3/21/2019  
Date

Established: 2016-01-04  
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2019-03-21