CHARTER for the USF System Ombuds Office

Preamble

The University of South Florida (USF) has established an Organizational Ombuds Office (Ombuds Office) effective January 4, 2016. The Ombuds Office was created to provide an independent, impartial, informal and confidential professional resource to the faculty, staff and administrators across the USF System. The Ombuds Office aligns with USF’s Strategic Mission and Values and fosters employee engagement and value.

The Ombuds Office offers an independent, neutral, informal, and confidential means to address workplace and employee concerns and issues. It is a safe place to seek guidance on all types of issues, including reporting misconduct, with protection from retaliation in accord with established University Regulations and Policies.

The Ombuds Office will further the University’s continuous efforts to achieve the highest standards of corporate governance and ethical behavior by providing and maintaining a confidential means for employees to raise or discuss concerns and issues without fear of retaliation.

The Ombuds Office observes the International Ombudsman Association’s (IOA’s) Code of Ethics (COE) and Standards of Practice (SOP).

1.0 Ratifying Framework

1.1 Through this Charter, USF establishes its Organizational Ombudsman Program officially named the USF System Ombuds Office.

1.2 The Ombuds Office is available to all full-time and part-time time continuing employees (faculty, staff and administrators) of the USF System.

1.3 This Charter sets forth the 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 consistent with the IOA’s COE and SOP.

1.5 USF has designed the Ombuds Office to conform to the IOA’s COE and SOP.

2.0 Code of Ethics & Standards of Practice

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:
• Employee engagement;
• Employee retention;
• Collegial and civil dialogue;
• Relationship and reputation preservation;
• Employee responsibility by supporting self-identification and personal action on issues;
• Leadership awareness of issues and trends while preserving confidentiality;
• 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 replace, existing channels (e.g. Human Resources, Diversity Inclusion & Equal Opportunity, Audit & Compliance, and 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, for example, assault or child abuse.

3.3 Employees are encouraged to access the Ombuds Office to raise and discuss questions, concerns, suggestions or issues.

3.4 Accessing the Ombuds Office, prior to usage of formal processes, will allow persons to safely consider the broadest range of information, options, and possibilities available.

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
- Safe Confidant
- Feedback Provider
- Informal Mediator
- Fairness Booster
- Communication Aid
- Policy Resource
- Active Listener
- Career Coach
- Referral Office
- Process Improver

3.6 As a means of continuous improvement, the Ombuds Office may 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 leadership of 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, negotiation 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: Address issues promptly, fairly and at the appropriate level; Improve communication and conflict management skills; Maintain a transparent and communicative corporate culture; Preserve relationships and reputations; and 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. The Ombuds Office works independently of regular administration. However, the Ombuds does have the support and access to the highest level of the organization and reports to the President.
4.2 **Neutrality**
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 does not endeavor to work or advocate on behalf of employees, USF administration 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 dealings with all USF employees. Working only for fair and equitable process, the Ombuds Office does not advocate for anyone. All are encouraged to safely use and trust the Ombuds Office knowing that as an impartial process, it has no vested interest in the outcome of any issue or concern. The Ombuds Office is interested in fairness and transparency and advocates for only those interests.

4.3 **Informality**
The Ombuds Office supplements all related, formal channels to raise appropriate issues. The Ombuds Office does not formally investigate issues, create policy, compel action, make management decisions, and does not adjudicate or arbitrate claims.

The Ombuds Office is not authorized to receive "notice" of claims against USF. 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 the USF. The acceptance of formal notice or claims 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 office, including Human Resources, Diversity Inclusion & Equal Opportunity, University Audit & Compliance or others.

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 a supervisor or employee against another employee for contacting the Ombuds Office nor will it tolerate retaliation against the Ombuds.

Anyone who believes they were 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 are maintained in confidence. Those who contact the Ombuds Office may do so with the assurance of strict confidentiality.

The Ombuds Office and the IOA SOP assert that its confidential communications are privileged, with any such privilege held by the Ombuds Office rather than the person who contacts the office. 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.

The Ombuds Office may report trends using aggregated data to protect the confidentiality of employees and its operations. The Ombuds Office shall not disclose to any person, including employees 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 or respondent, 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 people or property including, for example, assault or child abuse.

Contacting or using the Ombuds Office is voluntary and without prejudice; no one may be compelled or required to do so. Those choosing to work with the Ombuds Office agree to abide by its terms of service including the IOA's COE and SOP. Those 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 conditioned upon callers, visitors, respondents and/or users of Ombuds services doing so freely and willingly with knowledge that the Ombuds Office maintains confidentiality and further it is mutually understood that the callers, visitors, respondents and/or users will not request, call upon, compel or seek to require the Ombuds or Ombuds Office to testify or provide documents concerning confidential communications or otherwise compel participation in any civil
action or formal proceeding including litigation, deposition, arbitration, mediation or other formal conflict resolution processes. Working with the Ombuds Office implies complete understanding and voluntary acceptance of these terms of service. Any questions regarding these terms should be discussed with the Ombuds before using Ombuds services.

To the extent allowed by law, 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. Employees 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 to promptly address issues.

5.2 The Ombuds Office personnel will also be responsible for:

- Promoting awareness and accessibility of the Ombuds Office
- Informing employees of the Ombuds Office role, responsibilities and limitations
- Supporting positive organizational change
- Collecting and sharing, as appropriate, insights, trends and suggestions
- Coordinating Ombuds Office outreach activities
- Develop appropriate mentoring and training opportunities
- Maintaining fluency with all relevant USF Regulations and Policies

6.0 Procedures and Operation

6.1 The Ombuds Office services shall be publicized within USF, including appropriate team meetings and externally through website posting and other appropriate communication channels.

6.2 Any employee may schedule an in-person or phone meeting with an Ombuds. A mutually acceptable appointment may be scheduled at a reasonable time during or outside of an employee’s routine work hours by contacting the Ombuds Office:

- By phone at (813) 974-7777
- By e-mail at OMB@usf.edu
- In person at 103 CGS (3rd Floor Patel Building)

6.3 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 workplace situation or concern allows for a greater range of possible options and choices.

6.4 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' questions is common in these informal and strictly confidential exchanges.

6.5 The options and choices presented will be broadly based. After meeting with an Ombuds, the visitor/caller will decide what happens. 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 all reasonable and fair options, with particular emphasis on helping the visitor/caller help themselves whenever possible.

6.6 Some callers/visitors may choose to directly communicate with an Ombuds once. 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 respondents in the discussion. Just as a caller/visitor is responsible to do all they can reasonably do to help themselves, the caller/visitor will also determine when they wish to take no further action.
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 The Ombuds 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 notice or claim.

7.2 The Ombuds may consider and address matters that come to their attention, without a specific complaint from an affected employee. As appropriate, an Ombuds may inquire informally about any employment issue.

7.3 USF authorizes the Ombuds Office to discuss with a caller/visitor or respondent all possible options available regarding a workplace issue or concern, including all resources USF makes available.

7.4 Situations under review by a formal process are likely inappropriate for the Ombuds Office, unless the initiated issue has to do with access to the formal process or function itself.

7.5 An Ombuds may make any recommendations to manage problems or improve procedures or policies. The Ombuds has no authority to impose remedies or sanctions or to enforce or change any University decision, Regulation, Policy or procedure. An Ombuds has no authority to compel or require an employee to take action.

7.6 In the event of such situations where it becomes apparent that the: 1) employee is not contacting the Ombuds Office in good faith, or 2) employee is not abiding by the Ombuds Office terms of service, an Ombuds may, at his/her sole discretion, discontinue providing service, at anytime.

7.7 If an Ombuds determines that there is an imminent risk to health, safety or serious harm to person or property including, for example, assault or child abuse, he/she may take action without further consent.

7.8 The Ombuds Office personnel shall not:

- Request a department, employee, or individual to breach a visitor’s/caller’s or respondent’s confidentiality;
- Accept notice against USF or any employee;
- Participate in or conduct formal investigations;
- Make or set aside any USF Regulation or Policy;
- Provide legal advice or serve as a substitute for anyone’s lawyer, representative or counselor;
- Advocate or adjudicate for any employee or USF;
- Disclose confidential communications without authorization 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 IOA COE or SOP.

8.3 To avoid even the appearance of conflicts of interest the following shall be upheld:

- USF will not request or compel any Ombuds Office personnel to take any action in opposition to the IOA’s COE or SOP;
• 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;
• USF commits to providing separate and distinct outside counsel for the Ombuds Office upon request;
• 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 procedures; and
• 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 remains in effect unless directly and specifically revoked by USF.

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USF System Ombuds Officer

Dr. Judy L. Genshaft  
President, USF System

Approved as to form and legality  
USF General Counsel

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