



## **Stony Brook University Ombuds Office Charter**

### **I. Purpose**

The Stony Brook University Ombuds Office was originally established in 1966 by President John Toll on the recommendation of the university faculty. The office's mandate was "to informally investigate problems not adequately resolved by regular procedures and channels." In 1988 the Ombudsman function was re-established by President John H. Marburger, initially focusing on operations and facility issues, with an emphasis on improving service delivery and community relations. In 1989 President Marburger convened the Committee on University Ombudsman to assist in further defining the position. The University Ombudsman position was revised and expanded in 1989 to "not only provide assistance to individuals who encounter problems working through the bureaucracy, but also to energize the problem solving capabilities of campus systems overall and to facilitate communication amongst campus constituencies".

The Ombuds Office is available to assist all members of the Stony Brook University community; faculty, students, staff and other community members who seek guidance in addressing the range of issues that can occur in the university community. The Stony Brook University Ombuds Office provides confidential, impartial, independent services that supplement, but do not replace, other formal administrative processes at the institution. The Ombuds Office works to facilitate communication and assist inquirers in developing strategies and options that address concerns or challenges in productive and positive ways. The Ombuds Office also provides upward feedback and may report on general trends of issues throughout the organization. The Ombudsman advocates for positive systems change when appropriate and without disclosing confidential communications.

The Stony Brook University Ombuds Office shall confidentially receive visitor concerns and inquiries within the Office's defined jurisdiction. In response, the Ombuds Office staff will listen, may suggest and assist in developing a range of options, and make referrals. When requested by visitors, and as deemed appropriate, Ombuds Office staff may participate as a third party to informally facilitate difficult communications. All actions shall be conducted impartially and independently. In addition, the Ombuds Office staff shall serve as an information and communication resource, consultant, and catalyst for institutional improvement and change.

## **II. Reporting**

The Ombuds Office functions independently with respect to issue handling and management, and reports to the President for administrative and budgetary purposes only. To fulfill its functions, the Ombuds Office shall have a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing requisite professional development.

On an ongoing basis the Ombuds Office will provide feedback, while maintaining confidentiality, to the President and other leadership team members throughout Stony Brook University to inform them of the kinds of issues and trends the Ombuds Office may be hearing about and to explain the relevance of such information, and provide guidance to those leaders.

## **III. Standards**

The Ombuds Office operates in accordance with the International Ombudsman Association Code of Ethics and Standards of Practice as specified in 2008. These tenants require ombuds offices to function independently of the organization, to be impartial and confidential, and to function on an informal basis only. The IOA Standards of Practice and Code of Ethics delineate minimum standards, and the Stony Brook University Ombuds Office shall strive to operate in accordance with "best practices" and to serve the mission of the University.

### **A. Independence**

Independence is essential to the effective functioning of the Ombuds Office. The Ombuds Office shall be, and shall appear to be, free from interference in the legitimate performance of its duties. This independence is achieved primarily through reporting structure, neutrality and organizational recognition and respect for the independent role of the Ombuds Office. To ensure objectivity, the Ombuds Office shall function independent from administrative authorities. This includes not disclosing confidential information about matters discussed in the Ombuds Office with anyone in the organization, including the person to whom the Ombuds Office reports, except as delineated in Section III.B.

### **B. Confidentiality**

The Ombuds Office shall not disclose information provided in confidence, unless in the course of discussions with a visitor, the visitor requests it and the ombudsperson determines it to be an appropriate option, or the ombudsperson asks for and receives permission to make a disclosure, or the ombudsperson determines there is an imminent risk of serious harm. The

Ombuds Office asserts that there is a privilege of confidentiality with respect to the identity of visitors and their issues, subject only to a court order. The Ombuds Office shall not confirm communicating with any party or parties. The Ombuds Office shall neither willingly participate as witnesses with respect to any confidential communications, nor participate in any formal process inside or outside the University except under court order.

#### C. Impartiality

The Ombuds Office shall not take sides in any conflict, dispute or issue. The Ombuds Office shall consider the interests and concerns of all visitors impartially with the aim of facilitating communication and advancing fair and equitable process.

#### D. Informality

The Ombuds Office shall be a resource for informal services. The Ombuds Office shall not investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. The Ombuds Office does not keep records for the institution, and shall not create or maintain documents or records for the University about individual inquiries. Notes, if any, taken during the course of working with a visitor, shall be routinely destroyed at regular intervals and at the conclusion of a matter.

### **IV. Authority and Limits of the Ombuds Office**

#### A. Authority of the Ombuds Office

The Ombuds Office shall be 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. The Ombuds Office is authorized to informally address issues which fall under federal, state and local labor and employment laws, rule and regulations. The Ombuds Office shall have access to records and personnel at Stony Brook University for the purpose of facilitating case management. The Ombuds Office has the authority to break confidentiality if the ombudsperson believes there is an imminent risk of serious harm.

The Ombuds Office may, without having received specific complaint from a member of the campus community, act on its own discretion, and initiate inquiries concerning matters the Ombuds Office believe warrant such treatment. The Ombuds Office may decline to inquire into a matter or may withdraw from a case if the Ombudsperson believes involvement is inappropriate for any reason, including matters not brought in good faith, or which appear to be misuses of the Ombuds function. The Ombuds Office has the authority to discuss a range of options available to an inquirer, including both formal and informal processes. The Ombuds Office may require legal or

other professional advice, from time to time, in order to fulfill their required functions. The Ombuds Office shall be provided legal counsel independent from the University in the event a conflict of interest arises between the Ombuds Office and the administration of the University.

## B. Limitations on the Authority of the Ombuds Office

### 1. Receiving Notice for the University

Communication to the Ombuds Office shall not constitute notice to the University. The Ombuds Office shall publicize its non-notice role. This includes allegations that may be perceived to be violations of laws, regulations or policies such as sexual harassment. Because the Ombuds Office does not function as part of the administration of the University, even if the Ombudsperson becomes aware of such allegations, the Ombudsperson is not required to report it to the institution.

If a user of the Ombuds Office would like to put the University on notice regarding a specific situation, or desires that certain information be provided to the University, the Ombudsperson will provide that person with information so that the person may do so him or herself.

### 2. Collective Bargaining Agreements

The Ombuds Office shall not address any issues arising under a collective bargaining agreement ("CBA"), unless allowed by specific language in the CBA. This means while the Ombuds Office may provide services to union members, those services may not include addressing issues that are 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 ombudsperson shall refer the employee to the CBA and to his or her union representative. The Ombuds Office may work with union members regarding all other issues not covered by contracts.

### 3. Formal Processes and Investigations

The Ombuds Office shall not conduct formal investigations of any kind. The Ombuds Offices staff shall not participate in formal dispute processes or outside agency complaints or lawsuits, either on behalf of a user of the Ombuds Office or on behalf of the University. The Ombuds Office provides an informal and alternate communication channel for concerns in the campus community, and all use of ombuds services must be voluntary. Because confidentiality, independence, impartiality and informality are critically important to the Ombuds Office, all communications with the Office are made with the understanding that they are confidential, off the record, and that no one from the office will be called to testify as a witness in a formal or legal proceeding to reveal confidential communications.

References:

IOA Standards of Practice

<http://www.ombudsassociation.org/standards>

IOA Code of Ethics

<http://www.ombudsassociation.org/ethics>

ABA Standards for the Establishment and Operation of Ombuds Offices

<http://www.abanet.org/adminlaw/ombuds>

IOA Guidance for Best Practices and Commentary on the ABA Standards for the Establishment and Operation of Ombuds Offices, revised March 14, 2006

<http://www.ombudsassociation.org/GuidanceOnABAStandards>

Accepted and adopted by:

  
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Shirley Strum Kenny  
President

Date: 2/14/09