



FLORIDA ATLANTIC UNIVERSITY OFFICE OF THE UNIVERSITY OMBUDS

Charter for the Office of the Ombuds

I. INTRODUCTION

The Ombuds Office at Florida Atlantic University was established in 1990 to provide an additional avenue for the resolution of individual concerns within the University. The office acts as a confidential, neutral, informal, and independent resource to the University community. Title XLVIII (K-20 Education Code) and Florida Statute 1006.51 require each university to establish and maintain a student ombuds. Additionally, Florida Board of Governors Regulation 6.011 provides guidance on the role of the student ombuds.

II. PURPOSE AND SCOPE OF SERVICES

We are listening. The Ombuds works toward resolving problems, not as an advocate for individuals or the University but as a neutral party. The FAU Ombuds office is available to all members of the University community and provides assistance and guidance in addressing concerns related to the University. The FAU Ombuds Office offers informal, confidential, neutral, and independent services that supplement but do not replace other formal administrative processes at the University. The Ombuds Office confidentially listens to your concerns or questions. Your visit to the Ombuds is confidential except when disclosure is required by law when there is a concern about danger to you, others, or property, or in cases of child abuse or Title IX matters. The Ombuds staff listens, clarifies policies, identifies appropriate university channels, makes referrals, and assists by developing a range of voluntary options for the concerned party.

The Ombuds Office serves as an information and communication resource. This document defines the privileges and responsibilities of the Ombuds Office at FAU.

III. STANDARDS OF PRACTICE AND CODE OF ETHICS

FAU Ombuds Office operates by the IOA Standards of Practice and IOA Code of Ethics adopted by the International Ombudsman Association (IOA) in 2022). These principles require that the Ombuds Office functions independently of the organization, is confidential and impartial, and works only in an informal manner. The IOA Standards of Practice and Code of Ethics define minimum standards, and the FAU Ombuds Office will strive to operate according to “best

practices” and to serve the mission of the University.

The Ombuds Officer will be a member of IOA and will attend regular training and conferences whenever possible. The Ombuds Office will also publicize the confidential, independent, impartial, and informal nature of the office and will strive to explain these ethical standards to each visitor.

A. INDEPENDENCE

The Ombuds Office shall be, and appear to be, free from interference in the legitimate performance of its duties. This independence is achieved by neutrality, reporting structure, and organizational understanding and respect for the role of the Ombuds Office. To facilitate objectivity, the Ombuds Office shall function independently from administrative authorities. The officer shall exercise sole discretion over whether and how to act regarding individual matters or systemic concerns.

To fulfill its functions, the Ombuds Office shall have a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue professional development. The Ombuds shall have the authority to manage the budget and operations of the office. For administrative and budgetary matters, the Ombuds Office shall report to the Vice President of Administrative Affairs.

B. CONFIDENTIALITY

The Ombuds Office shall not disclose information provided in confidence unless the visitor requests it and the Ombuds Office determines under the IOA Standards of Practice and Code of Ethics that it is an appropriate option, the Ombuds asks for and receives permission for disclosure, the disclosure is required by law, or the Ombuds determines that there is an imminent risk of serious harm. To the maximum extent permitted by law, the Ombuds shall protect confidential information with respect to the identity of visitors and their issues, and others cannot waive this requirement. 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 will impartially consider the interests and concerns of all parties involved in a situation with the goal 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 shall avoid involvement in matters where there may be a conflict of interest. (A conflict of interest occurs when the Ombuds’ private interests, real or perceived, supersede or compete with their dedication to the neutral and independent role of the Ombuds.) When a conflict

of interest exists, the Ombuds Office shall take all steps necessary to disclose and/or to avoid the conflict.

D. INFORMALITY

The Ombuds Office serves as 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 without a court order to do so. Use of the Ombuds Office is voluntary and is not a required step in any grievance process or university policy.

IV. AUTHORITY AND LIMITS OF THE OMBUDS OFFICE

A. Authority of the Ombuds Office

1. Informal inquiries

The Ombuds Office is entitled to inquire informally about any issue concerning the University and affecting any member of the University community. This applies to matters that come to the attention of the Ombuds Office without having received any specific complaint.

2. Access to information

The Ombuds Office shall have access to records and personnel at FAU for assisting visitors with their concerns. The Ombuds Office will respect the confidentiality of such information and break confidentiality only if the office believes there is an imminent risk of serious harm to you, others, or property, or in cases of child abuse or Title IX matters. Requests by the Ombuds Office for information should be handled with reasonable promptness by university departments.

3. Ending Involvement in Matters

The Ombuds Office may withdraw from or decline to look into a matter if it believes that involvement would be inappropriate for any reason.

4. Discussion with Visitors and Others

The Ombuds Office has the authority to discuss a range of voluntary options with visitors, including both informal and formal processes. The office may make recommendations deemed appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Ombuds Office does not have actual authority to impose remedies or sanctions, or to enforce or change any policy, rule, or

procedure.

5. Access to Legal Counsel

The Ombuds Office may require legal advice or representation to fulfill its required functions. The Ombuds Office shall be provided with legal assistance for matters within the course and scope of its responsibilities at the University.

B. Limitations on the Authority of the Ombuds Office

1. Receiving Notice for the University

Communication with the Ombuds Office is not the same as reporting an issue to the University and does not constitute notice to the University. 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 notice or accept any notice, regardless of the form transmitted, of any formal complaint, charge, grievance, lawsuit, or other such adversarial claim or matter.

The acceptance of formal claims/issues against the University is a function fulfilled by multiple formal channels. If the visitor would like to put the University on notice or the visitor expresses a desire to make a formal report, the Ombuds Office will refer the visitor to the appropriate FAU office for administrative or formal grievance processes. If the Ombuds determines there is an imminent risk to health, safety, or serious harm to a person or property, or that disclosure is required by law, they may take action without further consent.

2. Formal Processes and Investigations

The Ombuds Office shall not conduct formal investigations of any kind. The Ombuds Office staff shall not participate willingly in any formal dispute process or outside agency complaints or lawsuits, either on behalf of a visitor or on behalf of the University.

3. Collective Bargaining Agreements

The Ombuds Office may not apply or interpret a collective bargaining agreement, or otherwise opine on the alleged violation of the duty of fair representation against a certified union.

4. Record Keeping

The Ombuds Office will not create or maintain documents or records for the University about individual matters. Notes and other materials related to a matter will

be maintained in a secure location and manner, and they will be destroyed once the office concludes its involvement in the matter.

5. *Advocacy for Parties*

The Ombuds Office shall not act as an advocate for any party in a dispute or represent management or visitors to the office. The Ombuds Office serves as a neutral entity on the campus and does not take sides in a dispute.


6. *Adjudication of Issues*

The Ombuds Office shall not have the authority to adjudicate, impose sanctions, or enforce or change university policies or rules.

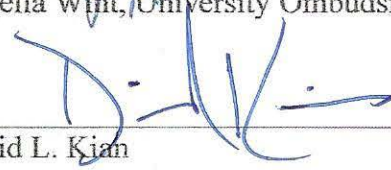
V. RETALIATION FOR USING THE OMBUDS OFFICE

Faculty, staff, and students shall have the right to consult the Ombuds Office without reprisal. The Ombuds Office shall work with the University to create or enforce policies to protect visitors from reprisals for using the services of the Ombuds Office.

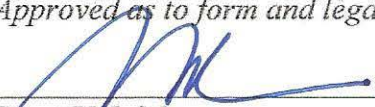
Accepted and adopted by:



Angella Wint, University Ombudsman



David L. Kjan
General Counsel
Approved as to form and legality



Stacy Volnick
President

Established: 4/3/2024