

CHARTER - Office of the Ombudsperson (Conflict Advisor) for:
[Organization Name Here]
DRAFT

1. Introduction

The services of a Resologics Ombudsperson have been established at [Organization Name Here] on [Start Date Here] to provide independent conflict resolution and awareness assistance to the organization. In the spirit of this important function, this charter agreement defines the responsibilities and privileges of the office and its practitioner(s).

The Ombudsperson may commonly be referred to as any of the following in this charter: Ombudsperson; Ombudsman; Ombuds; Those seeking assistance from the Ombudsperson may be referred to as visitors and/or inquirers in this charter.

2. Purpose and Scope of Services

The office of the Ombudsperson will provide informal dispute resolution services, and long-term conflict management planning assistance to [ORGANIZATION NAME HERE] staff, board members, volunteer members, project volunteers, employees, and other supporters involved in the functioning of the organization. The office will be a place where the above-mentioned members of the organization can seek guidance at no cost and at any time. [ORGANIZATION NAME HERE] strongly recognizes the need for these services and believes that the strength of the organization will be enhanced, and the organization will have better results with these services in place.

Ombuds Services

The primary role of the Ombudsperson is (1) to work with all of the members of the organization to promote and support a safe, inclusive, innovative, fair, productive, and resilient environment (2) to work with individuals and groups in the organization to explore and assist them in determining options to help resolve conflicts, problematic issues or concerns at the earliest possible stage, and (3) to bring systemic concerns to the attention of the appropriate official for resolution.

The Ombuds will confidentially receive complaints, concerns or questions about conflicts and disputes. The response of the Ombudsman is tailored to the dynamics of the situation and the visitor's concerns. The Ombudsman will listen, make informal inquiries or otherwise review matters received, offer resolution options, make referrals, and mediate disputes independently and impartially. The Ombudsperson services supplement, but do not replace, other formal dispute resolution processes that may be available to the visitors through the organization.

In addition, the Ombuds will serve as an information and communication resource, consultant, conflict coach, mediator, dispute resolution expert and source of recommendations for institutional change for the organization. The Ombudsperson will also provide feedback to the organization when trends, patterns, policies or procedures of the organization generate concerns or conflicts.

Standards of Practice and Code of Ethics

The Ombudsperson provides services to the organization using the International Ombudsman Association (IOA) Standards of Practice <http://www.ombudsassociation.org> and Code of Ethics and will at all times refer to these standards as its operating guidelines under this charter agreement. The IOA Standards and Code are minimum standards, and the Ombudsperson will strive to operate to “best practices” and in a way that serves the interests of the organization and its members. Those two IOA reference documents are a substantial part of this charter agreement.

Four Operating Guidelines

- Independence - The Ombudsman is independent in structure, function, and appearance to the highest degree possible.
- Confidentiality - The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to the Ombudsman to be imminent risk of physical harm.
- Neutrality and Impartiality - The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation that could create a conflict of interest.
- Informality - The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

Formal Services Not Provided

The Ombudsperson will not provide Arbitration, Litigation or Mental Health services but will instead recommend practitioners should the need arise. In some cases the services normally provided by the Office of the Ombudsperson may also be outsourced in order to avoid any conflicts of interest. These outsider services may be at an extra pre-approved and TBD cost to the organization.

Team assessment and coaching services are not included in this charter, but may be provided as an additional service should the need arise.

3. Authority and Limits

The Ombudsperson and the embedded practitioners have a broad mandate to look into problems and issues to assist in their informal resolution. In the exercise of their duties, they are independent of any group or official of [ORGANIZATION NAME HERE]. The Ombudsperson shall have direct access to the CEO/President as needed for the performance of his or her duties.

Authority of the Ombudsperson

Initiating Informal Inquiries

The Ombudsperson will be entitled to inquire informally about any issue concerning the organization and affecting any member of the organization community. Therefore, the Ombudsperson may act on

his or her own initiative to address issues within the Ombudsperson's prescribed jurisdiction.

Access to Information

The Ombudsperson shall have direct access to information related to visitors' concerns, from files and offices of the organization, and will respect the confidentiality of that information.

Ending Involvement in Matters

The Ombudsperson may withdraw from or decline to look into a matter if he/she believes involvement would be inappropriate for any reason.

Discussions with Visitors and Others

The Ombudsperson has the authority to discuss a range of options available to his/her visitors, including both informal and formal processes. The Ombudsperson may make any recommendations he/she deems appropriate with regard to resolving problems or improving policies, rules or procedures.

Limitations on the Authority of the Ombudsperson

Formal Processes and Investigations

The Ombudsperson will not conduct formal investigations of any kind. The Ombudsperson will also not participate in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Ombudsperson or on behalf of the organization.

Record Keeping

The Ombudsperson will not keep records for the organization, and will not create or maintain documents or records for the organization about individual matters. Notes and any other materials related to a matter will be maintained in a secure location and manner, and will be destroyed once the Ombudsperson concludes her/his involvement in a matter. Data will be kept for trend reporting but will not be kept in a way that identifies individual matters or in any way breaks confidentiality.

Advocacy for Parties

The Ombudsperson will not act as an advocate for any party in a dispute, nor will he/she represent management or visitors to the office.

Adjudication of Issues

The Ombudsperson will not have authority to adjudicate, impose remedies or sanctions, or to enforce or change Organization policies or rules.

Receiving Notice for the Organization

Communication to the Ombudsperson will not constitute notice to the organization. This includes allegations that may be perceived to be violations of laws, regulations or policies, such as sexual harassment or issues covered by whistleblower policy. Although the Ombudsperson may receive such allegations, he/she is not an "organization authority" nor is he/she required to report or act on these

allegations to the organization. In addition, if the visitor discloses such allegations and expresses a desire to make a formal report, the Ombudsperson will refer the visitor to the appropriate office(s) for administrative or formal grievance processes.

Putting the Organization on Notice

If a visitor would like to put the organization on notice regarding a specific situation, or wishes for information to be provided to the organization, the Ombudsperson will provide the visitor with information so that the visitor may do so herself/himself.

4. Access to the Ombudsperson and Retaliation For Using The Ombudsperson

All organization members will have the right to consult the Ombudsperson without reprisal. Should it become necessary, the Ombudsperson will work with the organization to create policies to protect visitors from reprisals for using the Ombudsperson.

5. Details of Informing, Contacting, and Office Visits

- The Ombudsperson will provide convenient, fast, and readily available ways for visitors to communicate with the Ombudsperson(s). Those methods will include by phone, video conference, on-line contact form(s), and person to person / face to face access at a local office and/or at a TBD space at the organization offices. Every effort will be made to maintain confidentiality and access for everyone.
- Resologics will develop and maintain initiatives that inform and encourage potential visitors to seek out the service through both existing organizational channels and new Resologics methods like brochures, informational meetings, informal introductions, etc...

6. Collecting Data and Reporting

The Ombudsperson will collect data as he/she performs services. The Ombudsperson prepares any data and/or reports in a manner that protects confidentiality for everyone in the organization. In general, reporting is meant to help the organization see a broad picture of how people are interacting and to make obvious any areas that need attention. Typical reporting categories include; number of visitors; types of issues coming to the ombudsman; frequency and categorizing of issues; potential underlying causes for systemic problems; recommended actions; etc...

- The office reports trends (while maintaining confidentiality) to the CEO/President at least once per year.
- Throughout the year the office may provide periodic trend reports to the CEO/President in order to provide prevention opportunities.
- The Ombudsperson will promptly inform the relevant formal channels when they reasonably believe that there is an imminent risk of serious harm to someone or to the organization.

7. Ombuds Team

- [ORGANIZATION NAME HERE] and Resologics believe that the organization will be served best by having an Office of the Ombudsperson with a TBD number of practitioners. (default is 1 and TBD pending size of organization)
- The core skills required to be an Ombuds for this office are outlined below and in detail in the

Resologics Ombuds Position Description document.

- The Ombudsperson Lead practitioner will be responsible for maintaining the ongoing and sustainable operations of the office.
- The Ombudsman shall operate within existing [ORGANIZATION NAME HERE] Regulations and Procedures, Rules and provisions.
- In case of incapacity of the incumbent Resologics Ombudsman, Resologics in consultation with the CEO/President may appoint a replacement up to the end of the term/mandate.

8. Qualifications, Skills and Experience of the Ombudsperson

The Ombuds shall have:

- Qualifications appropriate to the role of Ombudsman, including demonstrated participation in professional development instruction
- At least 3 years experience of providing mediation services or assisting in the resolution of work and team related issues, preferably with management or dispute resolution experience
- Excellent communication skills with individuals at all levels
- Knowledge of and experience in a corporate and/or multi-cultural environment
- Excellent report writing skills in English
- A demonstrated ability to inspire confidence and trust
- The highest level of integrity and impartiality
- A demonstrated ability to provide balanced guidance and reasonable judgment
- The ability to work closely with and consider the viewpoints of individuals at all levels of seniority, culture and background

9. Budget

Resologics includes all expenses in the yearly fee to the organization.

This Charter remains in effect unless revoked. It may be revoked only by the Board of [ORGANIZATION NAME HERE]. It may be amended only at the agreement of the Ombudsperson/Resologics and the CEO/President of [ORGANIZATION NAME HERE].

Resologics Organizational Lead Ombudsperson

CEO/President, [Organization Name Here]



INTERNATIONAL
OMBUDSMAN
ASSOCIATION

IOA CODE OF ETHICS

PREAMBLE

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.

The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

ETHICAL PRINCIPLES

INDEPENDENCE

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

NEUTRALITY AND IMPARTIALITY

The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

CONFIDENTIALITY

The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

INFORMALITY

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.



IOA STANDARDS OF PRACTICE

PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics. Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

STANDARDS OF PRACTICE

INDEPENDENCE

- 1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.
- 1.2 The Ombudsman holds no other position within the organization which might compromise independence.
- 1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.
- 1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.
- 1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

NEUTRALITY AND IMPARTIALITY

- 2.1 The Ombudsman is neutral, impartial, and unaligned.
- 2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.
- 2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.
- 2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.
- 2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.
- 2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

CONFIDENTIALITY

3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.

3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.

3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.

3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.

3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.

3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.

3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.

3.8 Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

INFORMALITY AND OTHER STANDARDS

4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.

4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.

4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.

4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.

4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.

4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.

4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.