

Brock University Students Union Inc.

Terms of Reference

The Office of the Student Ombudsperson

Structure of the Office:

The Office of the Student Ombudsperson (herein known as The Office) was established as part-time voluntary position in 1992 and eventually grew into a permanent full-time role by 1996. The Student Ombudsperson serves the entire undergraduate and graduate student body at Brock University. The Student Ombudsperson is hired by a panel of stakeholders comprising of: immediate supervisor (General Manager), member of Brock University Student Union executive (BUSU); member of Graduate Student Association executive (GSA); HR Manager; member of Brock University Students Administrative Council (BUSAC), Member of the Board of Directors (BOD). The Office is tri-funded with BUSU contributing 70% ; GSA contributing 20% and Brock University contributing 10% of the Office costs.

Ombuds Advisory Committee:

An Ombuds Advisory Committee (OAC) supports the Ombudsperson in practice and ethic and comprises representatives from each stakeholder group: Member of BUSU executive; Member of GSA executive; BUSU General Manager; VP Student Services at Brock University; Undergraduate Associate Dean; Graduate Dean; and Director of Graduate Studies. The OAC has three main functions:

- 1) To be a sounding board and advisor to the Ombudsperson in regard to such matters as the Annual Report, its distribution, the promotion of the office, hiring and firing of staff working within the purview of the Ombuds Office, professional development plans, short and long term planning, additional duties, and so on;
- 2) To review the Ombudsperson's annual work plan goals; and
- 3) To advise the funding partners regarding the Ombuds service as it pertains to each area of interest: undergraduate students, graduate students and the University at large.

Mandate:

The mandate of the Office is twofold in nature. First, the Office is to provide an independent, impartial and confidential process through which members of the University community may pursue the just, fair and equitable resolution of any university-related concern. Secondly, the Office is to make recommendations, where appropriate, for changes in University policies and procedures and to promote discussion on institution-wide concerns. The principle role of the Office is to provide an impartial mechanism for the review of all decisions and actions in respect of the administration of the University.

Standards of Practice and Code of Ethics:

The Student Ombudsperson abides by five essential principles scaffolding the function and operation of the service:

- a) Confidentiality:
- b) Informality
- c) Neutrality and Impartiality
- d) Independence
- e) Commitment to Fairness

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

- The Ombudsperson holds all communication with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: the Ombudsperson does not reveal, and must not be required to reveal, the identity of an individual contacting the Office, nor does the Ombudspersons reveal information provided in confidence that could lead to the identification of any individual, without that individual's expressed permission.
- The Ombudsperson prepares data and reports in a manner that protects confidentiality.
- The Ombuds Office is not an office of record: advising the Ombuds Office of a situation is not a substitute for advising the appropriate authority.
- The Ombudsperson shall meet with persons or groups on a confidential basis and shall not intervene without their express written or e-mail consent.
- The Ombudsperson shall maintain suitable records of inquiries and cases. The files of the office shall be for the exclusive use of the Ombudsperson and members of the staff of the office and shall not be released to anyone else for any purpose.

INFORMALITY: The Ombudsperson, as an informal resource, does not participate in any formal adjudicative or administrative proceeding related to concerns brought to her attention.

- The Ombudsperson 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 the Ombudsperson discretion – engaging in informal third-party intervention. When possible, the Ombudsperson helps people develop new ways to solve problems themselves.
- The Ombudsperson does not make binding decisions or mandate policies.
- The Ombudsperson is and off-the-record resource looks into procedural irregularities and broader systemic problems when appropriate.

NEUTRALITY & IMPARTIALITY: The Ombudsperson, as a designated neutral, remains unaligned and impartial. The Ombudsperson does not engage in any situation could create a conflict of interest.

- The Ombudsperson strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues.
- The Ombudsperson advocates for fair and equitable administered process and does not advocate on behalf of any individual.
- The Ombudsperson serves no additional roles within the organization which would compromise neutrality.

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

- The Ombuds Office shall be independent of all existing administrative structures of the University.
- The Office of the Ombudsperson shall function independently of all decision-making structures of the University.
- The Office of the Ombudsperson shall be independent of all existing university and student administrative structures.
- The Ombudsperson shall carry out the responsibilities of the Office independently of all student, staff, faculty, and administrative bodies within the University.
- The Ombudsperson reports directly to the General Manager within BUSU and receives support from the OAC.

COMMITMENT TO FAIRNESS:

It shall be the special concern of the Ombudsperson that:

- Decisions affecting individual students are made with reasonable promptness; and that
- Procedures used to make decisions about students are fair and the criteria upon which they are based appropriate;
- The rights and responsibilities of members of the University community are adequately defined and publicized;
- Any gaps and inadequacies in existing University policies and procedures that affect the ability of individuals to function as members of the University community or which might jeopardize their human rights or natural justice be brought to the attention of the proper authority;
- Procedures used to reach decisions are adequate and that the criteria and rules on which the decisions in question are based are appropriate and adequately publicized;
- Procedures and policies used to reach decisions affecting students are adequate and consistently applied and that criteria and rules on which the decisions in questions are based are appropriate.

Jurisdiction:

- The Ombudsperson has access to any and all University and Student Union records, reports or documents other than those, which cannot be released for reasons of confidentiality.
- The Ombudsperson may decline any case where it is judged their participation to be inappropriate, a conflict or interest and may withdraw from any case if continued involvement seems ill-advised or vexatious.
- The Ombudspersons may help to resolve problems informally and may inquire into any University-related concerns or complaints. As well, they may inquire into the application of any policy, rule or procedure of the University.
- The Ombudsperson shall not intervene if a matter is currently pending in a legal forum.
- The Ombudsperson shall refuse to intervene if the person or group seeking the Ombuds intervention has not exhausted local remedies or existing avenues and recourses or has neglected to do so in due time.
- Where there may be another University office for the resolution of complaints or the provision of information, the Ombuds Officer shall direct enquiries to such offices and emphasize their responsibility for initiating the appropriate actions and for returning to the Ombuds Officer if not satisfied with the outcome.
- The Ombudsperson will not inquire into issues where there is an alternate remedy, unless such remedy has not been appropriately applied.

Reports and Findings:

- The Ombudsperson retains records for 12 months in a secure office. This data is shredded upon academic calendar year end (August, or the end of summer term).
- The Ombudsperson produces a bi-annual and annual report detailing the case typology and frequency of undergraduate and graduate cases. No identifying information is used or released. Data is inputting into a software system by which student names are codified and disassociated from any hardcopy records.
- These reports are presented to BUSU and GSA respectively and can be published online or distributed to appropriate administrators on campus (e.g., student services, academic faculties, and student bodies).

Policies and Procedures Governing the Ombudsperson:

- The Ombudsperson adheres to the International Ombudsman Association's Standards of Practice and Code of Ethics:
http://www.ombudsassociation.org/sites/default/files/IOA_Standards_of_Practice_Oct09.pdf
- The Ombudsperson adheres to: The Respectful Work and Learning Environment Policy <http://brocku.ca/human-rights/policies-procedures>, Freedom of Information and

Protection of Privacy Act (FIPPA) <http://www.brocku.ca/university-secretariat/freedom-information-protection-privacy>, and the Conflict of Interest Policy on campus http://brocku.ca/webfm_send/23045

- The Ombudsperson adheres to internal BUSU HR policies and procedures.
- The Ombudsperson must recuse herself from actual or perceived conflicts of interest and thus, will not serve as a voting member on University or Student Union committees; will not serve in any policy making capacity and will not participate in any adjudicative proceedings on campus.
- The Ombudsperson reports directly to the General Manager at BUSU who in turn, evaluates performance on an annual basis. The Ombudsperson is a permanent full-time staff member within BUSU.
- The Ombudsperson manages the Student Supervisor of the Student Justice Centre, a part-time student position which administers programming, events and campaigns related to student social justice issues
- The Ombudsperson also manages an Ombuds Intern who is paid an honorarium and works to support the Ombudsperson via education and awareness of the student service on campus; research and preparing data and reports.
- The Terms of Reference is guided by the OAC and approved by the highest authority within BUSU: The Board of Directors (BOD) comprised of student representatives and elected student officials. Changes to the Terms of Reference must be approved by the BOD.
- Complaints about the Ombuds Service are sent directly to the direct supervisor, GM, who in turn intakes the complaint separately and if preferred, anonymously via a direct email sent to her person only.