

# Ombuds Charter

## I. Introduction

Curtis Institute of Music is committed to the just and fair treatment of students, faculty, and staff. Curtis Institute of Music established the Ombuds position effective October 2021 in an effort to improve the quality of “work-life” to all faculty staff and students.

## II. Mission & Purpose

**Mission:** The mission of the Ombuds is to help support and maintain a healthy organizational workplace environment where faculty, staff and students are comfortable and empowered to voice concerns and raise questions regarding the organization’s workplace environment without fear of reprisal.

**Purpose & Scope of Services:** First, the Ombuds will provide faculty, staff, and students with a confidential, impartial, independent, and informal resource to resolve organization related issues. The Ombuds is available for conflict resolution to any faculty, staff, and student at Curtis Institute of Music. The Ombuds will listen, make informal inquiries, offer options for conflict resolution and be an informal catalyst for positive change. Secondly, the Ombuds will review organizational policies and make recommendations for change and will promote discussion on organization-wide concerns. It is important to note that the Ombuds supplements but does not bypass the organization’s existing policies and procedures for conflict resolution. The Ombuds does not serve external constituents.

## III. Structure & Reporting

The Ombuds serves faculty, staff and students and administratively directly reports the

Provost. The Ombuds will have access to the President of Curtis Institute of Music as needed. With respect to complaint management and policy review, the Ombuds functions independently.

## **IV. Principles of Practice**

The Curtis Institute of Music Ombuds principles of practice are defined by four guiding principles:

### **A. Confidentiality**

1. In a concerted effort to create a safe place for all constituents to discuss complaints or concerns and to evaluate options, it is essential that confidentiality be given to those who use the Ombuds as a resource. Therefore, except as noted below, information provided to the Ombuds by an employee will not be provided to internal or external inquiries unless clear permission is given by the complainant. The Ombuds does not function as an agent or office of record. Speaking to the Ombuds does not constitute legal notice to the organization that a problem, concern or complaint exist. The Ombuds will refer complainants to the appropriate offices where notice can be given.
2. To the maximum extent permitted by law, the Ombuds shall protect confidential information, and others cannot waive this requirement. The ombuds and the Curtis Institute of Music shall take reasonable measures to safeguard the security of confidential information.
3. The exceptions to confidentiality are as follows:
  - Imminent risk of serious harm to self or others
  - Imminent risk to public safety
  - Title IX
  - Clery Act

### **B. Impartiality**

1. The Ombuds will strive to be fair and equitable with all parties involved in a conflict or dispute. Individual interests will be balanced with the consideration of the larger community.
2. The Ombuds will provide objective and non-biased assessments of complaints or inquiries regarding organizational policies and procedures.
3. The Ombuds does not take sides on any issue and acts as an informal neutral third-party.
4. The goal of the Ombuds is to facilitate communication in an effort to reach equity and fairness for all parties involved.

### **C. Independence**

1. To ensure objectivity and neutrality, the Ombuds functions outside of administrative structures, and reports directly to The Provost of Curtis Institute of Music.
2. The Ombuds has authority to manage future office staff and budget.

3. The Ombuds supplements but does not bypass the organization's existing policies and procedures for conflict resolution.
4. The Ombuds does not have the authority to change or bypass policies or procedures, but rather is independent to report trends and make recommendations for change to leadership.
5. The Ombuds has sole discretion over whether or how to engage regarding individual, group, or systemic concerns. Acting on their own initiative, an Ombuds may bring a concern to the attention of appropriate individuals.
6. The Ombuds has access to relevant individuals and information within the organization as permitted by law and as necessary to fulfill their informal role.

#### **D. Informality**

1. The Ombuds is an informal and off-the-record dispute resolution resource for all faculty and staff. It is a confidential option with no authority to accept legal notice on behalf of the organization, arbitrate or legally advocate for an individual or the organization.
2. The Ombuds maintains anonymous records, and formal records are not created nor dispersed to the organization. Aggregate data is collected for the sole purposes of identifying trends and annual reporting.
3. The Ombuds does not conduct formal investigations but may informally request data from other departments and may seek to meet and collaborate with others to obtain further information while trying to solve a problem or assess an organization policy.
4. Consistent with these standards, consulting with the Ombuds is completely voluntary. People who use the services of the Ombuds are understood to have agreed to abide by the principles under which the program was created and not call the Ombuds to testify or disclose confidential information in any formal, legal, or other matter.
5. The Ombuds 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 Ombuds, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombuds Office.

### **V. Authority & Limitations of the Ombuds**

1. The Ombuds has the authority to inquire into any complaint regarding management, policies, procedures, or the workplace environment. In the process of facilitating informal resolutions, for any faculty or staff, the Ombuds may request access to records and personnel records as allowed by law. The Ombuds status is as a Curtis Institute of Music employee with a "need to know" basis; therefore, such records shall be evaluated on a case-by-case basis,

consistent with the mission, purpose, and scope of services of this office, balanced against the privacy rights of the persons concerned, in accordance with law and organizational policy.

2. The Ombuds does not conduct formal investigations but may informally request data from other departments and request to speak to individuals while trying to solve a problem or assess a policy. This may occur with or without receiving a specific complaint from a Curtis Institute of Music employee. The Ombuds can direct employees to initiate formal complaints through existing and appropriate channels.

3. Limitations: While the Ombuds is entitled to inquire into any complaint regarding management, policies, procedures, or the workplace environment, the Ombuds operates within the organization's policies and procedures. Ombud's limitations include the following:

- a) The Ombuds cannot impose sanctions, change, or bypass any policy, rule, or procedure.
- b) The Ombuds cannot receive notice for Curtis Institute of Music.
- c) The Ombuds shall not conduct formal internal or external investigations on behalf of the organization or an individual.
- d) The Ombuds does not keep formal records for the organization and shall not maintain records about individual cases. Documents that are created during appointments, interviews and informal inquiries are regularly destroyed. While working on a case, all materials will be stored in a secure location and destroyed once the case is complete, unless related to the exceptions to confidentiality described above. The Ombuds will gather and aggregate data to determine trends and to provide reports.
- e) The Ombuds does not provide legal or psychological services. However, the Ombuds shall direct complainants to such services within the organization or to external providers, where appropriate.
- f) The Ombuds shall avoid any involvement in situations or cases where there might be a real or perceived conflict of interest.

#### **IV. Functions and Responsibilities**

The Ombuds serves faculty, staff, and students. The Ombuds may handle:

- 1. Help with questions or concerns about workplace environment
- 2. Help with conflict resolution, problem solving, reframing issues, and developing options and choosing an appropriate course of action
- 3. Questions about organization policies and procedures
- 4. Questions about faculty and staff rights and responsibilities
- 5. Help with ethical questions or issues in the workplace environment

6. Concerns or questions about procedural fairness or due process
7. Questions about organization and other relevant resources
8. Need for informal third-party neutral assistance
9. Help with institutional non-responsiveness
10. Training for conflict resolution, having difficult conversations and conflict competence, usually in conjunction with other internal or external organizations that provide said training

**NOTE:** This Charter may be periodically revised to reflect changes in the legal, regulatory or organization environments.