

# Oakland School of the Arts (OSA) Ombuds Office Charter

Enacted July 2023

## Introduction

The OSA Ombuds Office opened in 2023 as a contract position to support members of the Oakland School of the Arts community. Throughout its tenure, the Office has provided *confidential, informal, neutral, and independent* assistance to people who are facing conflicts or concerns affecting their work, life, or education at OSA. This community includes students, parents, alumni, faculty and staff and the general public that engages with OSA.

The Office is staffed by a professional, contract Ombuds who practices in accordance with the provisions of this charter as well as the International Ombuds Association's ("IOA") Code of Ethics and Standards of Practice. The Office operates under the OSA Executive Director and works with the Executive Director or their designee, or the Board President, depending on the nature of the conflicts of interest reported.

## Mission & Vision

The mission of the Office is to help build and support a creative, compassionate and equitable working, learning, and living environment for the diverse members of the OSA community. The Office strives to supplement rather than replace existing formal channels of communication (e.g., Human Resources or Compliance). The Office's work is informed by many of the same core values that guide the school's operations, including; shared purpose, collaboration, service orientation, and creative problem-solving.

## Functions of Office

In pursuit of its mission, the Ombuds Office assists in recognizing, preventing, and managing concerns or conflicts. Functions include, but are not limited to:

- Listening to reported concerns and helping to clarify underlying interests and needs
- Providing Visitors with information and exploring options for resolving conflict or surfacing issues of concern
- Identifying resources within and outside of the school to share with Visitors to address their areas of concern
- Facilitating conversations between members of the school community to resolve issues, as appropriate and agreed upon by all involved parties
- Coaching and providing conflict analysis to OSA administration
- Collecting data on emerging trends and patterns while safeguarding Visitor anonymity and confidentiality
- Training on conflict management topics for students, family and staff
- Utilizing data to create bi-annual reports, including proposing recommendations for systemic and organizational change
- Providing feedback to the school's senior administration on relevant issues while protecting the anonymity of Visitors and the confidentiality of communications with them
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## Standards of Practice

- *Informality*
  - The Ombuds Office functions on an informal and off-the-record basis. As an informal office, the Office does not have authority to make decisions or policy, arbitrate, judge, discipline or reward in any formal investigation or formal process within the school. The office is not beholden to a prescribed sequence of steps and is not required to participate in formal school processes or practices. If a Visitor wishes to engage in a formal procedure, such as filing a grievance or putting the school “on notice”, the Office may inform the Visitor about the range of options for doing so.
  - The Office has no authority to make, change, overrule, or set aside school decisions or policy.
- *Neutrality*
  - The Office is neutral and unaligned by design. The Office is not an advocate for or representative of any party to a dispute, conflict, or issue; it does not take sides. Instead, the office *advocates for fair process*. It considers the rights and interests of all parties involved with the goal of facilitating mutually agreeable resolutions that are fair, equitable, and in keeping with school policies and the law.
  - The Office will avoid involvement in matters where there may be a conflict of interest. In the event that the school Ombuds becomes aware of a personal or private stake, real or perceived, in the outcome of a matter, the Office will disclose the potential conflict of interest to all parties who are involved in the matter. The Ombuds will take all steps to manage or avoid the conflict, and if the conflict of interest cannot be avoided, the Contract Ombuds will recuse themselves and communicate this to all involved parties.
- *Independence*
  - The Office is independent from school operations in structure, function, and appearance to the highest degree possible. As such, the Office operates under the Executive Director in a manner that is independent of ordinary staff management structures. This independence means that the Office exercises sole discretion regarding referrals or information provided for any given inquiry.
  - To fulfill its functions, the Office is provided with an hourly wage and appropriate space to meet operating needs, as well as resources to pursue continuing professional development. Appropriate space includes that which is:
    - physically separate and apart from senior administrator offices;
    - situated in a discrete campus location with minimal sound transfer to adjacent spaces;
    - Easily accessed by campus security in case of emergency;
    - Equipped to support online access for Visitors.
- *Confidentiality*
  - The Office and the School assert that the identity of Visitors and their communications with the school ombuds office are confidential pursuant to the terms of this charter. Because the Office is an optional resource for Visitors

established on the basis of the principles of informality, neutrality, independence, and confidentiality described in this charter, those using the services provided by the office will be understood to have agreed to abide by these principles and this charter and not call the Contract Ombuds or anyone from the Office to testify or produce documents relating to confidential communications in any legal, administrative or other proceeding. The School has also agreed to not call the Contract Ombuds or anyone from the Office to testify or produce documents relating to confidential communications in any such proceedings.

- The Office holds the identity and all communications with Visitors in strict confidence unless:
  - The Visitor gives permission to disclosure and the Contract Ombuds determines, in their sole discretion, that it is appropriate to do so;
  - The Contract Ombuds reasonably determines that there is an imminent risk of serious harm;
  - There has been a report of child abuse; or,
  - The Contract Ombuds is expressly required by law to make disclosure regarding the information they have received.
  - The School has also agreed to cooperate with the Office in defending against efforts to compel the Office to disclose otherwise confidential communications.

### **Authority of the Office**

#### **Discretion to Act or Not to Do So**

The Office has authority and discretion in how it handles and manages issues that are brought to the Office, including full discretion to discuss a range of options – both formal and informal – that are available to each Visitor to address their concern(s).

Absent receipt of a specific complaint/concern from a visitor, the Office may initiate inquiries concerning matters when it believes such matters warrant attention, based on direct observation and/or experience.

The Office may decline to inquire into a matter or may withdraw from a matter if it believes involvement is inappropriate for any reason, including belief that the matter was not raised in good faith or where the matter appears to be a means to facilitate misuse of the Office. In such cases, the Office will provide notice to the Visitor and others involved in the matter, as appropriate.

### **Access to Information**

The Office may request information from appropriate school officials for the purpose of facilitating a particular situation and/or for analyzing information to make systemic recommendations for positive change. All such officials shall, subject to OSA policies and protocols, as well as state and federal law, share such information as may be appropriate with reasonable promptness. The Office will maintain the confidentiality of any information disclosed

to it by school officials, unless the school official who provided the information specifically authorizes such disclosure.

### **Access to Legal Counsel**

From time to time, the Office may require legal or other professional advice to fulfill its required functions. In such instances where legal counsel may be required the issue will be referred to the OSA board president.

### **Limitations on the Authority of the Office**

The Office is not authorized to receive or accept notice of any claims against the school including, but not limited to; allegations of a crime, research misconduct, sexual misconduct, discrimination, or harassment. Additionally, the Ombuds is not, and is not a substitute for, anyone's lawyer, representative, or counselor. While working with the Ombuds may help a Visitor address their concerns effectively, a Visitor may wish to consult with a lawyer or other appropriate resources to obtain guidance on further actions to notify the school of a formal complaint or a claim. Further, the use of the Office does not toll (extend) statutory deadlines with respect to filing a complaint or grievance, whether internal or external. The Office will consistently and regularly publicize, and verbally inform individual Visitors, that it is not authorized to receive or accept notice of complaint or claim on behalf of the school.

### **Providing Notice**

If a Visitor to the Office seeks to put the school on notice regarding a specific matter or allegation or wants the school to be apprised of this information, the Office will provide the Visitor with the appropriate process information and/or referral to the appropriate school administrators, so that they may do so directly.

### **Record Keeping**

The office maintains only anonymous, aggregate data. Formal records are not created, nor are personally identifiable documents preserved. Informal notes may be temporarily created only insofar as they are necessary for case management and are disposed of at the conclusion of a concern which is determined in writing by the Visitor.

### **Collective Bargaining Agreements**

The Office will refer issues arising under the current Collective Bargaining Agreement(s) ("CBA"s) to the relevant union and administrative contacts.

### **No Retaliation for Using the Office**

All members of the served OSA community have the right to voluntarily consult, engage in a facilitated conversation, or cooperate with the Office, without concern for actual or threatened retaliation. Any retaliation for exercising this right will not be tolerated.

**Amendment/Revocation of Charter**

This charter remains in effect unless revoked. It may be amended only by the written agreement of the Contract Ombuds and the Executive Director, provided that changes will not alter or affect the confidentiality of previous communications between Visitors and the Ombuds Office.