

Chapter 42. University Ombudsperson

42.1 Policy

The OIST Graduate University (“the University”) has established an Ombuds Office and appointed a University Ombudsperson to ensure that all employees and students have a safe environment in which to voice questions and concerns and to provide constructive alternatives to the existing channels by which employees and students can assert their rights and interests and seek resolution of problems and conflicts.

The Ombuds Office welcomes all employees and students as visitors to the Office ("Visitors"). The Office provides confidential, neutral, independent and informal assistance to Visitors who have concerns arising from their work or studies at the University. The University Ombudsperson adheres to [the Code of Ethics, Standards of Practice](#), and [Best Practices of the International Ombudsman Association](#), relevant Japanese laws, and the University Policies, Rules and Procedures in all matters. All policies, rules and procedures in this chapter are based on these codes and standards, which are fully supported by the University. Information for users of the Ombudsperson services is available at the Ombuds Office website <LINK>.

42.2 General Considerations

42.2.1 The Ombudsperson provides support for people who want to develop options for addressing a particular concern.

42.2.2 The Ombudsperson supplements, but does not replace, any formal channels.

42.2.3 Use of the Ombudsperson is voluntary, and is not a required step in any grievance process of the University or related University procedure.

42.2.4 Communications with the Ombudsperson are confidential and privileged, to the extent permitted by relevant law.

42.2.5 An Associate Ombudsperson may be appointed by the President to serve Visitors whom the Ombudsperson cannot serve as Ombudsperson due to actual or perceived conflicts of interest.

42.2.6 An Assistant Ombudsperson may be appointed by the Ombudsperson to assist the Ombudsperson. The Ombudsperson may delegate duties to the Assistant Ombudsperson.

42.2.7 All policies, rules and procedures that apply to the Ombudsperson devolve to the Associate, or Assistant Ombudsperson when they perform the duties of the Ombudsperson.

42.3 Rules

42.3.1 Independence

The Ombuds Office and the Ombudsperson are independent of other University entities in structure, function and appearance to the highest degree possible within the University.

42.3.1.1 Ideally, the Ombudsperson holds no other position within the University which might compromise independence. If possible, the Ombudsperson holds only one position in the University. If the Ombudsperson holds another position within the University, the different roles are to be kept as separate and distinct as possible. The Ombudsperson provides Ombudsperson services in a location that is different from the location in which the Ombudsperson, in any other role, works, teaches, counsels, etc., to clarify the distinctions between roles and to assure confidentiality.

42.3.1.2 If possible, staff of the Ombuds Office are separate and distinct from university support staff in any other role. If a staff member simultaneously holds another position within the University, the different roles are to be kept as separate and distinct as possible. The Ombuds Office staff may provide Ombuds services only in the Ombuds Office, to maintain the distinctions between roles and to ensure confidentiality of the work of the Ombuds Office.

42.3.1.3 The Ombudsperson exercises sole discretion over whether or how to act regarding a Visitor's concern, a trend, or concerns of multiple Visitors over time.

42.3.1.4 The Ombudsperson may initiate action on a concern identified through the Ombudsperson's direct observation.

42.3.1.5 The Ombudsperson has access to all information and all individuals in the University, to the extent permitted by law. If the Ombudsperson considers that University information is needed to fulfil Ombudsperson functions, the Ombudsperson may request access to information related to Visitors' concerns and questions, from files and offices of the University. The University, subject to relevant Japanese laws, and the University Policies, Rules and Procedures, will share such information as may be appropriate. The Ombudsperson will respect the confidentiality of that information. Where necessary, the Ombudsperson will obtain authorization from the Visitor to access that information. The Ombudsperson will not access information protected as personal or private

by law or agreement except with the express written consent of the person(s) to whom that information pertains. Requests by the Ombudsperson for information should be handled with reasonable promptness by University officials and offices.

42.3.1.6 The Ombudsperson has authority to select Ombuds Office staff and manage Ombuds Office budget and operations.

42.3.2 Neutrality and Impartiality

The Ombuds Office and the Ombudsperson act in a neutral, impartial, and unaligned way.

42.3.2.1 The Ombudsperson strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsperson advocates for fair and equitably administered processes but does not advocate on behalf of any individual within the University

42.3.2.2

The Ombudsperson operates independently of ordinary line and staff structures and has direct access to the University Board of Governors.

42.3.2.3 The Ombudsperson does not report to nor is structurally affiliated with any compliance function of the University.

42.3.2.4 The Ombudsperson serves in no additional role with the University that could compromise the Ombudsperson's neutrality. The Ombudsperson is not aligned with any formal or informal associations within the University in a way that might create actual or perceived conflicts of interest for the Ombudsperson. The Ombudsperson must have no personal interest or stake in, and incur no gain or loss from, the outcome of any matter brought to the Ombuds Office. In the event such a matter arises, the Ombudsperson must request the President to make an appointment as provided for in 42.2.5.

42.3.2.5 The Ombudsperson cannot be a member of the University executive or governing boards, promotion or tenure committees, examination or admission committees, or search committees other than those for staff of the Ombuds office.

42.3.2.6 The Ombudsperson, as a neutral party, does not engage in any situation that could create a conflict of interest. The Ombudsperson must not provide Ombudsperson services to people whom the Ombudsperson serves, manages, reports to, teaches, advises, or evaluates, in order to avoid partiality or perceptions of conflict of interest. The Ombudsperson must ensure that alternatives are provided for people whom the Ombudsperson cannot serve as Ombudsperson due to actual or perceived conflicts of interest.

42.3.2.7 The Ombudsperson does not make binding decisions, mandate policies, or formally adjudicate issues for the University.

42.3.2.8 The Ombudsperson does not participate in any formal investigative procedures. Visitors requesting formal investigation are referred to the appropriate offices or person for assistance.

42.3.3 Confidentiality

The Ombudsperson holds in strict confidence all communications with and information relating to Visitors seeking assistance and takes all reasonable steps to safeguard confidentiality, including the following:

42.3.3.1 Protection of identity

The Ombudsperson does not reveal, and cannot be required to reveal, the identity of any Visitor contacting the Ombuds Office. The Ombudsperson does not reveal information provided in confidence that could lead to the identification of any Visitor contacting the Ombuds Office, without that Visitor's express permission.

42.3.3.2 Reports

If the Ombudsperson examines an issue systemically (e.g., provides feedback on trends, issues, policies and practices), the Ombudsperson does so in a way that safeguards the identity of Visitors and others identified in the course of specific matters. The Ombuds Office and Ombudsperson prepare any data and reports in a manner that protects confidentiality.

42.3.3.3 Permission for disclosure

The Ombudsperson takes specific action related to a Visitor's issue only with the Visitor's express permission and only to the extent permitted by the Visitor, and even then at the sole discretion of the Ombudsperson, unless such action can be taken in a way that safeguards the identity of the Visitor. The only exception to this confidential treatment is when the Ombudsperson judges that there is risk of imminent serious harm to a person or persons or where there is no other reasonable option.

42.3.3.4 Privilege of communications

Communications between the Ombudsperson and others (made while the Ombudsperson is serving in that capacity) are considered privileged, to the extent permitted by law. The privilege belongs to the Ombudsperson and the Ombuds Office, rather than to any party to an issue. Others cannot waive this privilege. The Ombudsperson does not testify in any formal process inside the University and resists testifying in any formal process outside of the University regarding a Visitor's contact with the Ombudsperson or confidential information communicated to the Ombudsperson, even if given permission or requested to do so.

Accordingly, the Ombudsperson and Ombuds Office staff will not answer questions about people with whom they may have spoken in the course of their duties at the Ombuds Office or disclose to anyone outside of the Ombuds Office a Visitor's name or specific issue. The only exception to the foregoing is when the Visitor gives the Ombudsperson express permission to share specific information for the purpose of informal conflict resolution that the Ombudsperson has agreed to attempt. No representative of the University is permitted to request or require the Ombudsperson or staff of the Ombuds Office to disclose confidential communications or to serve as witnesses.

42.3.3.5 Destruction of records

The Ombudsperson keeps no records containing identifying information on behalf of the University. The Ombuds Office does not keep permanent records of confidential communications. The only permanent records kept by the Office are those containing statistical information for analysing trends in order to make recommendations to the University. All other records are regularly destroyed. While matters are pending, the Ombudsperson maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management).

42.3.4 Informality and Other Standards

The Ombudsperson, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to their attention.

42.3.4.1 The Ombuds Office is available to all employees and students of the University as a purely voluntary and alternate channel for confidential communication. The Ombudsperson supplements, but does not replace, other formal or informal channels.

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

42.3.4.3 Communications made to the Ombudsperson are not disclosed to the University in any form or manner. The Ombudsperson neither acts as agent for, nor accepts notice on behalf of, the University and shall not serve in a position or role that is designated by the University as a place to receive notice on behalf of the University.

42.3.4.4 If a person wishes to make a complaint, put the University on notice, or make the University formally aware of a problem, the Ombudsperson provides information on how to do so, but cannot be directly involved in those processes.

42.3.5 The Ombuds Office

The University supports the Ombuds Office by providing sufficient resources to operate an independent and effective program. These resources include adequate space, equipment, staffing, staff development, and the production and distribution of informational materials.

42.3.5.1 Location

The Ombuds Office is situated in an appropriate location to protect the privacy of Visitors.

42.3.5.2 Record Keeping Systems and Database

The Ombuds Office recordkeeping system is independent of the University's Information Technology system, with access allowed only to Ombuds Office personnel.

42.3.5.3 Security of Information

The Ombuds Office is physically secure to protect private information and records. The Ombudsperson takes all reasonable steps to protect the confidentiality of any temporary notes or documents, such as locking file drawers and offices, and exercising extreme vigilance if any notes are carried from one place to another. Information that could identify Visitors is regularly purged following closure of matters. Records that may indicate with whom the Ombuds Office has communicated are available only to the Ombuds Office staff.

42.3.5.4 Outside Legal Counsel

The University provides the Ombudsperson with access to outside legal counsel at the Ombudsperson's discretion. The purpose of outside legal counsel is to enhance the Ombudsperson's ability to practice according to the policies, rules and procedures of this Chapter. The Ombudsperson should consider how outside counsel may assist in a variety of situations, including how best to handle any request for information made of the Ombudsperson, or when the Ombudsperson could benefit from consultation with outside counsel regarding how best to establish and operate the office so as to ensure the integrity of function. The expense of outside counsel is covered by the University and included in the overall budget for the Ombuds Office. The Ombudsperson is not required to inform the University when communicating with or accessing outside counsel. Documentation required for procurement of outside counsel shall not contain any information that violates the confidentiality requirements of this Chapter. The President has oversight of the total budget for outside legal counsel, but must not unreasonably withhold funds needed to engage outside legal counsel pursuant to this section.

42.4 Responsibilities

In administrative matters concerning the Ombuds Office the Ombudsperson reports to the President. Because the Ombudsperson does not make binding decisions, mandate policies, or formally adjudicate issues for the University, communication with the President is essential when there are matters requiring action by the University. All communication with the President must comply with the requirements for confidentiality, neutrality, and independence detailed in this Chapter. In the case where there is a concern raised about the President, or where the President has an actual or perceived conflict of interest regarding a case requiring action by the University, the Ombudsperson exercises discretion over whether or how to act. If the Ombudsperson is satisfied that the matter is substantive and warrants the attention of the Board of Governors, the Ombudsperson may communicate directly with the Chair of the Board of Governors concerning the matter.

42.4.1 The Ombudsperson endeavours to be worthy of the trust placed in them. The Ombudsperson has a responsibility to consider the legitimate concerns and interests of Visitors and any others affected by the matter under consideration.

42.4.2 The Ombudsperson listens to the concerns of Visitors and offers information about University policies and procedures. The Ombudsperson helps Visitors by offering a confidential channel for discussing or addressing an issue of concern without fear of retribution. The Ombudsperson helps Visitors examine options for resolving concerns. The Ombudsperson helps to promote ethical conduct and values; to alleviate disruption caused by disputes; and to identify policies, practices, or issues where a systems change may be appropriate.

42.4.3 The Ombudsperson explains the nature and role of confidentiality to the Visitor, who should understand that the Ombudsperson claims the privilege for the office and that it is not the Visitor's privilege to waive. Whenever possible, this information should be communicated prior to discussing the concerns brought by the Visitor.

42.4.4 As a condition for accepting and benefiting from the Ombuds Office services, Visitors have the obligation to support the Ombudsperson's claim of privilege and not to attempt to breach this claim.

42.4.5 The University pledges not to attempt to breach the claim of privilege. University management or staff representatives are not permitted to seek to compel the Ombudsperson or staff of the Ombuds Office to disclose confidential communications.

42.4.6 The Ombuds Office provides a place for people to seek guidance on how to report actual or potential violations of the Institute’s legal obligations. The Ombudsperson helps Visitors explore and assess an appropriate range of options, from the very informal to the most formal. Formal options may include ways to put management on notice of an issue, referrals to rights-based elements of the organization’s conflict resolution system, or the provision of information about the possibility of seeking external resources or assistance. The Ombudsperson never provides legal advice.

42.4.7 When the Ombudsperson works with a Visitor to address issues that may involve formal alternatives (under laws, policies, or rules), the Ombudsperson makes clear to the Visitor that an informal approach does not automatically exclude the Visitor’s later participation in more formal options, but that the Visitor should keep in mind possible time limits and their potential impact on the Visitor’s formal options.

42.4.8 The Ombudsperson works with the University to encourage it to provide its constituents with a variety of effective formal and informal options for surfacing and resolving concerns. All options should be well established and clearly and regularly communicated to the entire organization. As a Visitor may wish to consult with additional resources and services, the Ombuds Office should describe resources that might be appropriate to the Visitor’s presenting circumstances.

42.4.9 The Ombudsperson makes an annual report to the President and the Board of Governors summarizing activities, problem areas identified, budget implementation state, and recommendations for systemic changes. All such reporting is structured in a manner that protects the identity of individuals and cannot serve to place the University on notice regarding any specific situation.

42.4.10 The Ombudsperson brings to the attention of the appropriate office those policies, programs, procedures or practices that may be problematic for the University or that may negatively affect people’s health, safety or rights.

42.4.11 The Ombudsperson and Ombuds Office staff keep professionally current by pursuing continuing education. The Ombudsperson provides opportunities for Ombuds Office staff to pursue professional training.

42.5 Procedures

42.5.1 Visiting the Ombuds Office

Any employee or student with a concern may visit the Ombuds Office during open hours.

42.5.2 Appointments with the Ombudsperson

Meetings with the Ombudsperson are by appointment. Appointments with the Ombudsperson can be made by sending a request by email to [Link] or by

telephoning the Ombuds Office during open hours at [Link]. In order to preserve the confidentiality of visits to the Ombuds Office, the Ombudsperson or Ombuds Office staff who have any other role at the University may not be called upon in their Ombuds Office role while physically present at any location outside the Ombuds Office. Conducting Ombuds Office business in other offices, laboratories, corridors, cafeteria, etc. is not permitted.

42.5.3 Contacting the Ombudsperson or Ombuds Office

In order to preserve the confidentiality of all communications with the Ombudsperson, all correspondence concerning the Ombudsperson must be sent to [Link]. Emails to the Ombudsperson's OIST or personal email account will be returned unread and permanently deleted from the recipient's computer.

42.5.4 Appointment of the Ombudsperson

The President appoints the Ombudsperson. The Board of Governors endorses the appointment. The term of appointment is decided by the President and is renewable.

42.5.5 Removal of the Ombudsperson

Other than at the end of term of appointment, the Ombudsperson is removable only for neglect of duty, misconduct, or medical incapacity, and only by means of a fair process and procedure. Complaints about the Ombudsperson will be handled by the President, who will establish appropriate procedures.

42.5.6 Appointment of the Staff of the Ombuds Office

Appointments of staff of the Ombuds Office are made at the discretion of the Ombudsperson.

42.6 Forms

There are no forms.

42.7 Contacts

42.7.1 Policy Owner

President

42.7.2 Other Contacts

Ombudsperson. [Link]

Ombuds Office. [Link]

42.8 Definitions

The terms Ombudsperson, Ombudsman, Ombud, Ombuds may be used interchangeably. "Ombudsperson" is preferred as the gender-neutral term listed in the United Nations Glossary of Terms.

42.9 Appendices

[International Ombudsman Association Code of Ethics](#)

[International Ombudsman Association Standards of Practice](#)

[Best Practices of the International Ombudsman Association](#)

Supplementary Provisions

This Chapter shall come into effect as from June 1, 2019.