

ULFA Bylaws Article 9.4 describes the process by which the Ombuds Officer is elected. Scott Allen, Dept. of Psychology, was elected as ULFA's first Ombuds Officer at the April 18, 2011 Annual General Meeting for a two-year term.

Appendix B – Terms of Reference: Ombuds Officer

Principles

1. The Ombuds Officer shall carry out the responsibilities of the Office independent of all other bodies within the Association, and shall assess and investigate all complaints with impartiality.
2. In the course of inquiry or investigation and in bringing recommendations forward, the Ombuds Officer shall seek to ensure that principles of natural justice and procedural fairness are observed.
3. The rights and responsibilities of a member under the law shall be observed.
4. Informality shall be the prevailing atmosphere of communication by/with the Ombuds Officer, unless or until formal communications or procedures are deemed to be necessary.

Confidentiality

1. The Ombuds Officer shall maintain confidentiality with respect to persons and information in any matter under review, however, the Ombuds Officer may disclose information in order to establish grounds for conclusions or recommendations, provided the identity of member individual(s) is not disclosed without their permission.
2. The Ombuds Officer shall not be compelled to give evidence pertaining to any matter which may be disclosed or discovered in the carrying out of the Officer's responsibilities.
3. The Ombuds Officer shall not be required to maintain confidentiality in matters which involve the alleged commission of a crime or where there is an identifiable risk of physical harm or abuse.

Jurisdiction

1. At the request of a statutory member, the Ombuds Officer shall investigate any complaint that may arise between that member and any individual or individuals serving on the Executive Committee.
2. All matters submitted to the Ombuds Officer by an individual member or a group of members must be presented by the individual(s) involved, and no third party shall have the right to request an investigation by the Ombuds Officer on another member's behalf.
3. The Ombuds Officer shall have the right of inquiry into the application of any policy, bylaw or procedure of the Association. This right of inquiry shall not extend to work in progress by any of the Association's standing committees, in particular, the Ombuds Officer shall not intervene in a grievance in progress or in negotiations with the Board.
4. The Ombuds Officer shall not intervene if a matter is currently pending in a legal forum. In the event that, at the outset of an investigation, one or more of the parties

involved have retained legal counsel, the Ombuds Officer may only intervene if all parties and their legal representatives consent.

5. The Ombuds Officer shall have the right to refuse or discontinue work on any complaint which the Ombuds Officer is of the opinion is not worthy of investigation or is frivolous, vexatious, not brought in good faith, or an abuse of the Ombuds Officer's role.

6. If the Ombuds Officer refuses to take up a case or withdraws from a case, the Officer shall, upon request by the member, provide a written statement of the reason(s) therefore.

Access to Information

1. In order to fulfill the function of the office, the Ombuds Officer shall have access to those Association files, records and information which can be shown to be relevant to the case under examination.

2. The Association shall direct its officers, employees, and committees to render all possible assistance to the Ombuds Officer in the performance of the duties of that office.

Operating Protocol

1. The Office will normally function on a first come, first served basis, though the Ombuds Officer shall have discretion to make exceptions. Cases will be undertaken as promptly as possible.

2. An investigation by the Ombuds Officer will be undertaken at the Ombuds Officer's discretion. Normally, the Ombuds Officer will investigate only if the person or persons affected agree that the matter should be investigated.

3. If all parties consent, the Ombuds Officer may undertake mediation of a conflict or dispute.

4. In situations in which members elect to act on their own behalf, the Ombuds Officer shall act as a third party who shall attempt to provide all possible assistance.

5. The Ombuds Officer shall serve as a repository of information regarding appropriate methods in the pursuit of conflict resolution. In order to effect this service, the Ombuds Officer shall have available or shall make every effort to obtain expeditiously, such materials as may be necessary to inform members with respect to policy, procedure, member rights and available services.

6. The Ombuds Officer shall be entitled to attend meetings of the Executive Committee or any of the Association's committees as a non-voting member.

7. From time to time, in order to fulfill the mandate of the Office, the Ombuds Officer may need to seek external advice by way of legal or managerial consultation.

8. The Ombuds Officer may, without receiving an official complaint from the Association membership, identify and investigate any inadequacies in existing Association procedures and policies that might jeopardize the rights of the members of the Association.

9. In the event that a period of one month should elapse without contact between the Ombuds Officer and the member, after all reasonable attempts have been made by the

Ombuds Officer to contact the member, the member's case may be considered withdrawn.

10. Although authorized to function in the widest possible context and with a minimum of constraint, the Ombuds Officer shall not exercise authority beyond the jurisdiction and authority of the Association and its bylaws, nor shall the Officer exercise a judicial function, or make binding decisions in any case.

Reporting

1. An investigation by the Ombuds Officer shall normally culminate in a written, confidential report. A draft report will be provided to each party for comment. A final report will typically contain a summary or description of the information gathered in the course of the investigation, an analysis of the information and its relevance to the claims of the parties together with the Ombuds Officer's conclusions and recommendations.
2. The report shall not disclose any information without the agreement of the party (parties) providing it. If a party is unwilling to have information included in the report or shared with other parties, the Ombuds Officer shall have the right to terminate the investigation without making any findings or recommendations.
3. The Ombuds Officer may recommend the reconsideration of existing bylaws and policies in light of current conditions, anomalies or inequities, and may propose changes.
4. The Ombuds Officer shall make an annual report to the membership at a general meeting and may make special reports to Executive Committee from time to time.
5. The Ombuds Officer shall maintain suitable records of complaints, findings and recommendations, all of which shall be accessible only to the Ombuds Officer. Such files shall be destroyed according to a retention schedule determined in accordance with provincial legislation or the University's Record Management Program.

Conflict of Interest/Loss of Trust

1. A conflict of interest shall be deemed to have arisen when the Ombuds Officer's private interests supersede or compete with necessary dedication to impartiality. When a conflict of interest appears to exist, the Ombuds Officer shall inform the President.
2. In the case of such conflict of interest, another member of the Association may be requested by Executive Committee to assume temporarily the role of Ombuds Officer, under these same terms of reference, to serve for an individual case.
3. If a member considers that an Ombuds Officer has committed a procedural or substantive violation of these terms of reference, with respect to any matter to which the member has been a party, a written complaint detailing the alleged violation may be made to the President, who shall investigate the complaint and inform the member of the results of the investigation.
4. By a majority vote at a general meeting, the Ombuds Officer may be recalled for dishonesty or gross misconduct, or for failing or refusing to carry out the duties of office. Notice of the motion to recall, together with a rationale, shall be provided to the Ombuds

Officer at least two (2) weeks prior to the meeting at which the motion is to be considered.

Operating Costs

1. Costs of operating the Office of the Ombuds Officer shall be borne by the Association upon a request to the Executive Officer. Reasonable costs might include, but shall not be limited to photocopying, office supplies, postage, access to a telephone and a confidential meeting room, administrative support, and consultation services as may be appropriate.