



MOUNT ALLISON STUDENTS' UNION

**JUDICIAL & APPELLATE PROCEDURE**

OPERATING PROCEDURE XII

SEPTEMBER 2016



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## PREAMBLE & DEFINITIONS

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### PURPOSE

The MASU has established, within its structure, regulatory bodies with the purpose of enforcing the governing documents of the MASU with respect to various operations of and affiliated with the MASU—including, primarily, those bodies charged with the oversight of Elections and matters of Human Resources. To this extent, the need for a judicial arm of our organization, responsible for the independent and even-handed review of regulatory conduct, is evident. This Operating Procedure will establish a judicial framework, by which the Constitution, Bylaws, and Procedures of this organization may be interpreted fairly and applied across all operations of the MASU.

This procedure and framework seeks to outline the processes by which members of the MASU may seek fair review of the conduct of the organization. Above all, this procedure seeks to enshrine values of independence, accessibility and comprehensibility, outlining the resources available to those wishing to engage with the MASU in this regard.

In addition to establishing the terms of reference for the the judicial interpretation of the the MASU's operations, this Operating Procedure shall also establish processes by which members of the Mount Allison community may seek assistance in interpreting and mediating disputes with parties external to the MASU.

### DEFINITIONS

In this procedure,

**“Case”** — shall refer to any appeal or any other proceeding before the Appellate Board.

**“Council” and “SAC”** — shall refer to the Students' Administrative Council defined in Law II of the Bylaws.

**“Formal Grievance”** — shall refer to any written letter of grievance, including any letter of complaint against the MASU or an Officer thereof, an individual has submitted to the ombudsperson.

**“Claimant”** — shall refer to the person or group who initiated the formal grievance or appeal.

**“Respondent”** — shall refer to the person or group against whom the formal grievance was filed in the matter before the Appellate Board.

**“University”** — shall refer to Mount Allison University.

**“University Student Governance”** — shall refer to the legislative policies and practices relating to disciplinary matters that are non-academic, residence-related, and academic, as outlined in Section 4000 of the Policies of Mount Allison University, and the appendices thereof.



## JUDICIAL OFFICE MANDATES & COMPOSITION

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### PURPOSE

To administer the functions set out in this Operating Procedure, the following offices shall be established. Whereas distinct jurisdictions of these offices may be obscure, the powers and responsibilities of the presiding officers will be outlined with clarity for the sake of accessibility—as will the structure of the judicial arm of the MASU within the organization as a whole.

Furthermore, emphasis is placed on their neutrality and non-partisanship of these offices with regards to their professional responsibilities. Though these offices operate under the banner of the MASU, they operate independent of the rest of the MASU's operations: the following officers shall not represent the MASU or its Council, and shall not aim to uphold the interests of the latter—only of the organization as a whole though the accountability that they provide.

### THE OFFICE OF THE OMBUDSPERSON

1. The Office of the Ombudsperson shall be a neutral Office of the MASU, responsible for acting as a source of information and referral for individuals seeking guidance regarding their rights and responsibilities and how to best make use of MASU resources, Policies, Procedures, practices, and rules;
2. The Office of the Ombudsperson shall be available as a point of contact for all individuals who are aggrieved with the conduct of the MASU, or who wish to make use of the judicial resources available to them, outlined herein;
3. The Office of the Ombudsperson may also serve as a point of contact for individuals who are aggrieved or concerned about an issue concerning any aspect of Student Life or the University when other avenues or means of addressing the concern are exhausted, unavailable, or for good reason unacceptable;
  - a. "Other avenues or means of addressing the concern" shall refer to any form of petition, request for assistance, or complaint made to the staff, Executive and/or Representative Officers of the MASU, or to any body of the University;
4. In conjunction with the Appellant Office, the Office of the Ombudsperson shall act independently to administer all complaints and appeals tendered to the Office of the Ombudsperson relating to the governance or operations of the MASU;
5. The Office of the Ombudsperson shall be overseen by the Ombudsperson of the MASU, who shall:
  - a. Serve a term of office from the first day of May to the thirtieth day of the following April;
  - b. Provide impartial and confidential consultation to all individuals who are aggrieved or concerned about an issue concerning any aspect concerning any aspect of the MASU when other avenues to address the concern are exhausted, unavailable, or for good reason unacceptable;
  - c. Act as a liaison between individuals or groups in disputes in which Council or the MASU is involved, serving as a communicator, informal facilitator, or impartial mediator, as appropriate;



## JUDICIAL OFFICE MANDATES & COMPOSITION

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- d. Strive to make available to the Mount Allison community all information relating to the role and services of the Judicial Offices of the MASU, outlined in this Operating Procedure;
- e. Using the most expeditious means possible, refer inquiries to appropriate bodies, offices, and resources;
- f. Ensure that accurate records pertaining to the work of the Ombudsperson and MASU University Advocate are kept securely within the MASU Office, including Letters of Appeal and records of informal mediation. The Ombudsperson shall also receive and keep as record all documents of the MASUAO;
- g. Submit a final report to Council.

### THE MASU APPEALS OFFICE (MASUAO)

1. The MASUAO shall be a neutral and independent Office of the MASU, responsible for the administration, adjudication, and oversight of the appellate process outlined in this document;
  - a. The terms of the neutrality and independence of this Office shall be outlined in Section 5 of this Operating Procedure;
2. The Appeals Office shall be mandated with the interpretation of the Constitution, Bylaws, Operating Procedures, and all other judicial matters;
  - a. Due process of judicial proceedings requires of the MASUAO and its Appellate Board to be even-handed in their investigations, hearings, and deliberations;
  - b. The MASUAO follows the principles of fairness and good conscience in its proceedings;
3. The MASUAO shall consist of four (4) members, who shall serve on the Appellate Board in addition to the MASU Ombudsperson. Together, these five (5) Officers shall be referred to as Appellate Board members.
4. The four (4) MASUAO members shall elect among themselves an Appellate Chair and a recording secretary, according to the procedure outlined in Section 7 of this Operating Procedure, whose responsibilities are as follows:
  - a. A MASUAO member-at-large shall:
    - i. Serve a term from the first day of May to the thirtieth day of the following April;
    - ii. Not serve as a voting or non-voting member of Council, and/or in any capacity as an Officer of the MASU;
    - iii. As a standing member of the Appellate Board, convene at the call of the Appellate Chair to adjudicate all disputes tendered to the Board according to the procedure outlined in this document;
    - iv. Respect the terms of reference pertaining to conflicts of interest, impartiality, and confidentiality outlined in Section 5 of this document.
  - b. The Appellate Chair shall:
    - i. Serve a term from the first day of May to the thirtieth day of the following April;
    - ii. Be nominated to serve as the Appellate Chair from among the appointed MASUAO members-at-large. This nomination process shall occur at the first



## JUDICIAL OFFICE MANDATES & COMPOSITION

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- meeting of the Appellate Board according to an informal consensus-based deliberation;
- iii. Be in regular consultation with the Ombudsperson to ensure that, when appropriate, Cases are adjudicated according to best practices. To this extent, all appeals and grievances requiring formal adjudication shall be resolved by the Appellate Board;
  - iv. Ensure that all standing members of the MASUAO respect the terms of reference pertaining to conflicts of interest, impartiality, and confidentiality outlined in Section 5 of this document.
  - v. Call and chair all meetings of the Appellant Board;
  - vi. Assume the responsibility for conducting meetings of the Appellant Board in accordance with the Operating Procedure. The Appellate Chair shall also prepare all Letters of Findings;
  - vii. Ensure that accurate records of all MASUAO proceedings are filed with the Office of the Ombudsperson, in addition to official reports, formal Letters of Findings, and year-end reports;
  - viii. Submit a final report to Council.
- c. The Appellate Board recording secretary shall be named at the first meeting of the Appellate Board from among the members-at-large, and shall assume the following duties, in addition to the duties of a member-at-large:
- i. Record all proceedings of the Appellate Board, including but not limited hearings and deliberations, as accurately as possible;
  - ii. Circulate such records to members of Appellate Board for approval in a timely matter.



## JURISDICTION

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### JURISDICTION OF THE OFFICE OF THE OMBUDSPERSON

1. The Office of the Ombudsperson has the authority to administer and refer all formal and informal grievances tendered thereto. To this extent, the Ombudsperson may dismiss as frivolous or vexatious any complaint where there is adequate grounds to do so;
2. By filing a formal grievance with the Office of the Ombudsperson, the Claimant agrees to submit the dispute to the Office of the Ombudsperson and the MASUAO, and agrees to be bound by the judgment of the Appellate board;
  - a. The Ombudsperson shall use the most expeditious means available to decide whether the complaint shall be addressed:
    - i. Should the Claimant wish to initiate an appeals process, the Ombudsperson shall determine, in conjunction with the Appellate Chair, whether the Appellate Board has jurisdiction to hear the action brought forward;
  - b. The Ombudsperson shall notify the Claimant within forty-eight (48) hours of the status of the grievance or appeal:
    - i. In the event that the Ombudsperson deems the action brought forward by the Claimant frivolous, vexatious, of inconsequential merit, or otherwise outside the jurisdiction of the MASUAO or the Office of the Ombudsperson, the Ombudsperson shall explain such findings in writing;
3. The Office of the Ombudsperson shall refer appeals and grievances requiring formal adjudication to the Appellate Chair. In conjunction with the Appellate Chair, the Ombudsperson shall determine the best avenues by which formal disputes may be resolved;
4. Beyond those authorities outlined in the preceding clauses, the Office of the Ombudsperson has no jurisdiction pertaining to the fines, disciplinary actions, or decisions rendered by MASU, its Officers, and its Committees;

### JURISDICTION OF THE MASU APPEALS OFFICE

1. The MASU Appeals Office and its Appellate Board have the authority to adjudicate all matters referred to the Board by the Office of the Ombudsperson, Council, or the Bylaws:
  - a. In deciding on sanctions or awards for any Party in a case of appeal, the Appellate Board shall be limited to any such sanctions or awards that were available to the initial decision-making body, regardless of whether the initial decision-making body decided to enact such sanctions or awards;
  - b. In the event that a decision of Council is formally disputed, the Appellate Board shall not have authority to overturn the decision. In such instances, the appeal shall be received and adjudicated according to any other appeal:
    - i. The resulting Letter of Finding containing the recommendation of the Appellate Board shall be presented to Council by the Ombudsperson, where
    - ii. A recommendation to overturn the initial decision be voted on in Council;



## JURISDICTION

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- iii. The majority of votes necessary to overturn the initial motion shall be identical to the majority needed to carry the initial motion, dependent on the nature of the motion.





## APPELLATE BOARD TERMS

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### TEMPORARY REMOVAL & DISMISSAL OF APPELLATE BOARD MEMBERS

1. A member of the Appellate Board may be permanently dismissed from office for impropriety, violation of the provisions of the Constitution, Bylaws, or procedures of the MASU, delinquency of duties, or other misconduct by a motion adopted by the SAC by a two-thirds (2/3) majority vote;
  - a. A member of the Appellate Board against whom a motion for dismissal is made shall be notified by the Chair of Council at least forty-eight (48) hours in advance of the time and place of the meeting of Council wherein the motion will be made;
  - b. In the event of a Appellate Board Member's removal from office, the hiring process for the vacated position shall reopen at the discretion at the Appellate Chair;
2. Those Appellate Board members who have conflicts of interest in regards to the Case may be temporarily removed from office temporarily at the discretion of the Appellate Chair, following the declaration of such conflicts of interest.

### QUORUM & ATTENDANCE

1. Quorum of the Appellate Board is met with four (4) of the five (5) members;
2. If Quorum is not reached on the date of any meeting of the Appellate Board, the Appellate Board shall not have the authority to make decisions in the capacity outlined in Section 4 of this Operating Procedure.
3. In the event that an Appellate Board member is absent after the commencement but after the end of any Appellate Board proceedings, or unavailable for any number of proceedings, the remaining members may decide that:
  - a. The proceedings be recessed until all parties and members are able to reconvene, or
  - b. If Quorum is still met, the proceedings be allowed to continue with the available Appellate Board members.

### CONFIDENTIALITY

1. All parties and individuals invited to speak at Appellate Board proceedings who wish to remain anonymous may tender a request in writing to the Ombudsperson or Appellate Chair, with the reasons for such a request;
  - a. "Anonymity" here refers to any individual involved with the proceedings but who go unnamed in the records thereof;
2. The Appellate Chair shall grant anonymity at their discretion. The Appellate Board may be called to discuss such requests;
3. All Appellate Board proceedings discussing personal matters, including those proceedings interpreting a decision of the Human Resource Committee, or where anonymity of an



## APPELLATE BOARD TERMS

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individual has been granted shall be closed to the public and press. Otherwise, proceedings shall be open to all MASU members;

- a. Appellate Board members are required to respect the confidentiality of proceedings closed to the public and press under such terms outlined in the above clauses;

### CONFLICTS OF INTEREST

1. All Appellate Board members are expected to disclose conflicts of interest, a definition of which is available in Operating Procedure X, Section 12 at the commencement of any Appellate Board proceeding. Such conflicts of interest shall go on the record of such proceedings;
2. As long as conflicts of interest are fully disclosed, the Appellate Board member may participate fully in the proceedings. However, if the member in question feels that it is appropriate, they may excuse themselves entirely;
  - a. At the discretion of the Appellate Chair, the voting rights of the member in question may have their voting rights waived for the proceedings.

### RECORD-KEEPING OF APPELLATE BOARD PROCEEDINGS

1. Throughout the proceedings of any Case before the Appellate Board, records shall be kept by the recording secretary. Such records shall include the findings of the Appellate Board
2. Such records shall be filed with Office of the Ombudsperson, who, upon request, shall make available such records to any member of the MASU.

### IMPARTIALITY & INDEPENDENCE

1. The Officers of the MASUAO and the Office of the Ombudsperson shall not be partial to any party or organization in any professional capacity;
2. No member of the Appellate Board may serve the MASU as an employee or Officer other than in their capacity as an Officer of the MASUAO;
3. The Officers of the MASUAO and the Office of the Ombudsperson may not serve as an executive of a club or society, and/or as an employee of the press or the University.



## APPELLATE BOARD PROCEDURE

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### COMMENCING PROCEDURE

1. Should the Ombudsperson determine that a formal grievance put forward by the Claimant requires adjudication, or that an appeal has merit, the Ombudsperson shall refer the grievance to the Appellate Chair. The Appellate Chair shall then determine whether the Appellate Board has jurisdiction to adjudicate on the dispute brought forward.
2. The Appellate Chair shall then either:
  - a. Refer the failed application to the Ombudsperson, who shall inform the Claimant of the status of the application, as outlined in Section 4 of this Operating Procedure, Jurisdiction of the Office of the Ombudsperson; or
  - b. Inform the Claimant that the dispute submitted thereby shall be adjudicated by the Appellate Board. Following the success of an application, the Appellate Chair shall initiate the following procedure:

### ADJUDICATION PROCEDURE

1. Upon notifying the Claimant of the success of their application, the Appellate Chair shall inform the Respondent of the existence of a pending Case made against them:
  - a. The Appellate Chair shall provide the Respondent with the basis of the case, and shall solicit from the Respondent a written submission prior to a meeting of the Appellate Board:
    - i. The Respondent may make a submission within three (3) days following the invitation of the Appellate Chair;
    - ii. The Appellate Chair shall also inform the Respondent of the procedures outlined in this document, including the right of the Respondent to request anonymity;
  - b. The Appellate Chair shall circulate the grievance or appeal put forward by the Claimant, as well as any submissions by the Respondent, to all members of the Appellate Board;
  - c. At the discretion of the Appellate Chair, the materials outlined in the above clause shall also be circulated to the President of the MASU.
2. The Appellate Chair shall determine the time and place of a meeting of the Appellate Board based on the availability of Appellate Board members, the Claimant, and the Respondent. Such a meeting shall take place no later than seventeen (17) days after, but no earlier than three (3) days before the receipt of the formal grievance or appeal by the Appellate Chair:
  - a. The Appellate Chair shall invite the Claimant and Respondent to any proceedings of the Case in question;
  - b. Should the Appellate Chair deem it useful, the Appellate Chair may also call a preliminary meeting of the Board to discuss, informally, non-contentious facts of the dispute, explanation of hearing procedure, or scheduling matters;
3. The meeting of the Appellate Board to adjudicate on the Case in question shall occur in accordance with the following procedure:

## APPELLATE BOARD PROCEDURE

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- a. Meetings shall be open to the public except in the instances outlined in Section 5, Confidentiality, of this Operating Procedure;
- b. Proceedings shall be recorded by the Appellate Board's recording secretary, according to Section 5, Record-Keeping of Appellate Board Proceedings, of this Operating Procedure;
- c. The Appellate Chair shall introduce the members of the Appellate Board, and shall outline the rules and procedure of the meeting;
- d. The Appellate Chair shall outline the Case in question, including both the formal grievance put forward by the Claimant, and any submission by the Respondent;
- e. Any invitee of the Appellate Board may tender evidence by whatever means they determine useful;
  - i. The Claimant and Respondent may present and question additional parties;
  - ii. Discussions initiated before the Appellate Board shall be mediated by the Appellate Chair;
- f. Following a discussion inclusive of the Claimant and Respondent, the Appellate Board shall close proceedings to the public and press, and shall deliberate on the Case in question:
  - i. Reasoned judgments of the Appellate Board shall be respectful of the Appellate Board's jurisdiction, as outlined in Section 4 of this document;
  - ii. Reasoned judgments shall be recorded in writing, and shall be summarized in a Letter of Finding. This Letter of Finding shall be provided to the affected parties and the public within one (1) week of the Appellate Board meeting.

### ELECTIONS DISPUTES

1. Due to the timeliness of Elections disputes, the Appellate Chair may suspend the adjudication timeline outlined above in favor of a more expedient process;
2. The Appellate Board shall be prepared to convene expedited meetings within twenty-four (24) hours of the receipt of a formal grievance or appeal by the Appellate Chair.



## MASUAO APPOINTMENTS

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### PURPOSE

Due to the nature of the MASUAO, the appointment procedure for Officers of the MASUAO shall proceed according to the process below, somewhat independent of the hiring process for non-judicial positions of the MASU.

### MASUAO APPOINTMENT PROCEDURE

1. The Members-at-Large of Appellate Board shall be appointed by the Appointment Chair following the hiring procedure outlined in Operating Procedure X.
  - a. A meeting of the MASUAO shall be called by the Appointment Chair in a timely manner following the appointment of the Board members, with the intent of orienting the members of the Appellate Board to the following process;
    - i. The four (4) Members-at-Large of the MASUAO shall, at this first meeting, elect among themselves the Appellate Chair and the recording secretary;
    - ii. The aforementioned internal nomination process shall proceed informally at a closed, private meeting of the MASUAO. The Appointment Chair shall not be present for the portion of the meeting where these deliberations are to take place;
    - iii. The selection of the Appellate Chair and the recording secretary shall be made known to the MASU Office Administrator and the Ombudsperson in a timely manner following the aforementioned first meeting of the MASUAO.
2. Should the Appellate Chair or recording secretary be unavailable to fulfill their duties for whatever reason, a then-standing Member-at-Large of the MASUAO shall be selected by the remaining Members-at-Large to fill the vacated Appellate Chair or recording secretary position.
3. In instances where a position of the MASUAO is vacated for any reason, including in the instance where a standing Member-at-Large steps in as the Appellate Chair or recording secretary, interim Member-at-Large appointments may be made by the Appointment Chair as outlined above. Such appointments shall take place at the discretion of the then-standing Officers of the MASUAO.



## THE MASU UNIVERSITY OMBUDSPERSON

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### PURPOSE

Whereas Mount Allison University does not feature an Ombudsperson's Office within its operational or administrative structure, the following section shall establish the Office of the MASU University Ombudsperson as an informal means of conflict resolution. Such conflicts may arise in areas including but not limited to: perceptions of fairness related to the application of policies, evaluation criteria, money and other kinds of limited resources, priorities, appropriate uses of power, interpretations of rules, cultural differences, values, attitudes, and perceived insensitivity.

This Operating Procedure recognizes the necessity of this position to be authorized and acknowledged by the University such that its function may be successfully carried out.

This Section draws heavily on the resources provided by the International Ombudsman Association (IOA), especially the document *Nuts and Bolts: Establishing and Operating a College or University Ombuds Office*, available through the IOA's website.

### THE OFFICE OF THE MASU UNIVERSITY OMBUDSPERSON

1. The Office of the MASU University Ombudsperson is an independent, impartial Office of the MASU, and shall be overseen by the MASU University Ombudsperson (MASU UO). The MASU UO shall act as a resource for members of the Mount Allison community by assisting with the resolution of complaints by means of informal processes. The MASU UO shall:
  - a. Serve a term of office from the first day of May to the thirtieth day of the following April;
  - b. Communicate with disputants and the appropriate parties of any conciliatory process as to the role of the MASU UO for the purpose of establishing a mutual understanding of the responsibilities and limitations;
    - i. This shall involve the communication of the MASU UO's terms of reference, outlined herein, as well as the communication of the organizational structure, policies, procedures, and available resources pertaining to the University;
  - c. Take efforts to understand and respond to the needs of all parties involved in a dispute;
    - i. This shall involve active listening and asking strategic questions that move the dispute towards resolution, such as those related to interpretations of fair outcomes, perceived misconducts, and how the parties' wish to engage with the MASU UO or or formal processes;
  - d. Serve as a designated neutral party, an advocate for fairness, and a referent and resource for individuals seeking guidance with regards to University resources, policies, procedures, practices, and rules;



## THE MASU UNIVERSITY OMBUDSPERSON

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- e. Empower disputants with resources to help inform how their grievances are resolved through additional informal, formal or official channels. This shall involve:
  - i. Making disputants aware of all official and unofficial channels by which the conflict in question may be resolved, clarifying the interests and desires of the disputant, and ensuring that the disputant is aware that it is their responsibility to make decisions;
  - ii. The provision of information to individuals willing to make use of any such formal or official channels, including information on applicable policies, procedures, practices, and rules of the University in pursuing their objectives;
  - iii. Making appropriate referrals of disputants to other areas of the University or the MASU, including, where appropriate, to staff and Executive Officers of the MASU;
  - iv. Clarifying to disputants what additional steps are available beyond the Office of the MASU UO, including how the disputant is responsible for taking such actions;
- f. Advise and, when appropriate, assist individuals on the preparation of appeals, petitions, or replies to applications before governing committees and boards of the University;
- g. Act as a liaison between current students or groups in disputes related to University Student Governance Proceedings, serving as a communicator, informal facilitator, or impartial mediator, as appropriate;
- h. Promote and inform the Mount Allison community of the role and services of the MASU University Ombudsperson;
- i. Shall submit a final report to Council.

### JURISDICTION, AUTHORITY, AND ACCOUNTABILITY

1. The Office of the MASU UO shall be an independent, impartial, confidential, and informal body of the MASU, and shall abide by the requirements of such qualities, as outlined immediately below:
  - a. In the interest of independence:
    - i. The MASU UO is unaffiliated with any other organizational entities, and holds no other positions that might compromise the independence of the position;
    - ii. The MASU UO exercises sole discretion in carrying out the professional responsibilities of the position, outlined herein;
  - b. In the interest of impartiality:
    - i. The MASU UO is neutral, impartial, and unaligned, and strives towards the objective treatment of people and the consideration of issues;
    - ii. The MASU UO has a responsibility to consider the legitimate concerns and interests of all individuals affected by any matter under consideration;
    - iii. The MASU UO shall serve no additional roles within the MASU or the University that would compromise their independence;
  - c. In the interest of confidentiality:



## THE MASU UNIVERSITY OMBUDSPERSON

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- i. The MASU UO holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality.
    - ii. The MASU UO does not reveal, and must not be required to reveal, the identity of any individual in correspondence, nor does the MASU UO reveal information provided in confidence that could lead to the identification of any individual contacting the Office of the MASU UO, without that individual's express permission;
    - iii. The MASU UO takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, provided such action can be taken in a way that safeguards the identity of the individual contacting the MASU UO;
    - iv. The MASU UO does not testify in any formal process regarding a visitor's contact with the MASU UO or confidential information communicated to the MASU UO, even if given permission or requested to do so;
    - v. The Ombudsman prepares any data and/or reports in a manner that protects confidentiality;
  - d. In the interest of informality:
    - i. The MASU UO 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 MASU UO discretion—engaging in informal third-party intervention. When possible, the MASU UO helps people develop new ways to solve problems themselves;
    - ii. The MASU UO, as an informal and off-the-record resource, pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate;
    - iii. The MASU UO does not make binding decisions, mandate policies, or formally adjudicate issues for, or advocate on behalf of the organization;
    - iv. The MASU UO supplements, but does not replace, any formal channels;
    - v. The MASU UO does not participate in any formal investigative or adjudicative procedures. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.
2. The Office of the MASU UO shall not implicate itself in any decision-making process, include at any level of governance of the University, the MASU, or other external bodies;
  - a. The MASU UO shall be precluded from making motions, submitting materials to, or directly participating in any meeting of a formal or official body of the University or the MASU, including but not limited to Council, Senate, the Board of Regents, and Faculty Council;
  - b. The above clause notwithstanding, the MASU UO may assist involved parties in engaging with official or formal processes by providing information related to such processes, as well as any public, non-confidential information, so long as such assistance does not constitute a breach of impartiality;
  - c. The Office of the MASU UO does not have any authority to make decision on behalf of the MASU, the University, or of any other external organization;





## THE MASU UNIVERSITY OMBUDSPERSON

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3. The Office of the MASU UO, as an impartial and independent body, has the authority to assist a disputant with the resolution of any grievance related to the governance and conduct of any aspect of the University;
  - a. As per the below sub-clause, the MASU UO shall keep record of any grievance presented to the Office of the MASU UO, though MASU UO shall have the authority to dismiss complaints that they deem are frivolous or vexatious;
  
4. The MASU UO shall keep record of any actions performed in a professional capacity, including but not limited to:
  - a. The receipt of grievances, complaints, or visitors to the Office of the MASU UO;
  - b. Any correspondences between the MASU UO and other parties, as well as, when provided and where appropriate, between the parties directly;
  - c. Any meeting with parties involved in a dispute;
  - d. The above sub-clauses notwithstanding, the Office of the MASU UO shall not keep any official records on behalf of any body of the University, the MASU, or other involved parties:
    - i. The provision or use of records must adhere to the requirements of confidentiality provided above;
    - ii. Records kept within the Office of the MASU UO shall be used only by that Office to better assist individuals in decision-making, and shall not be used directly in any formal process;
    - iii. The above sub-clauses do not preclude the MASU UO from presenting information, data, or research to parties involved in a dispute, so long that these data are not obtained as confidential information;
  - e. The MASU UO shall be held accountable to the Office of the Ombudsperson, which shall involve itself in any instance where the MASU UO has breached its terms of reference, outlined in this document;
    - i. In such instances, the Office of the Ombudsperson may in the capacity of a Supervising Officer to the MASU UO, as per Operating Procedure X, including by presenting professional misconduct to the HR Committee, where appropriate;
    - ii. This accountability relationship between the MASU UO and the Ombudsperson will be primarily administrative, rather than supervisory;
    - iii. The MASU UO shall be subject to the Human Resources terms of reference outlined in Sections 8–12 of Operating Procedure X;
  - f. As per the terms of reference of the MASU UO outlined in the above sub-section, this position shall submit a final report to Council. Again, this accountability relationship is primarily administrative:
    - i. It shall be incumbent upon the MASU UO to demonstrate to the MASU and its Executive Officers how the Office of the MASU UO is fulfilling its mission, including by providing reports and communicating regularly with the Executive Officers;



## THE MASU UNIVERSITY OMBUDSPERSON

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### MASU UO APPOINTMENT PROCEDURE

1. The MASU UO shall be appointed by the Appointment Chair following the hiring procedure outlined in Operating Procedure X.