

## Description of the Role of the DESI Collaboration Ombuds

### **Ombuds Purpose and Training**

As established by section 11 of the Bylaws, the DESI Collaboration has two Ombuds who are appointed by the Institutional Board upon recommendation by the Spokespeople. The role of the Ombuds is to provide *informal*, nonjudgmental, impartial, and independent advice and mediation to DESI Collaboration members for the purposes of dispute resolution. The Ombuds are expected to respond to concerns that are brought to their attention by DESI collaboration members. If the matter cannot be resolved informally through the Ombuds process, the individual should discuss other remedies within their own institution. In addition to offering informal guidance to individuals, the Ombuds will provide annual reports to the Institutional Board summarizing the number and flavor of issues addressed during the year. The Ombuds will maintain anonymity for collaboration members in these reports, providing only the information that is sufficient to inform the Institutional Board of systemic problems and Ombuds workload.

In most cases, communications with an Ombuds do not constitute formal notice to the DESI Collaboration or the individual's institute. Discretion in conversations with the Ombuds is expected but confidentiality cannot be guaranteed. Examples where exceptions to confidentiality arise include situations when the Ombuds is concerned by an imminent risk of serious harm, or if the Ombuds is required by law in the applicable jurisdiction to report credible evidence of fraud, waste, or abuse concerning the use of government funds. The Ombuds is also obligated to report allegations of sexual misconduct or discrimination against members of their own institutions, as required by Title IX in the United States. Similar mandatory reporting requirements exist in other countries, such as the "Equality Act 2010" and "Protection from Harassment Act 1997" in the United Kingdom.

Each Ombuds is strongly encouraged to meet with their institutional Title IX office, or equivalent, to understand reporting requirements associated with their DESI role. The DESI project office will also provide Ombuds training through the following course:

<https://www.ombudsassociation.org/foundations-courses>

Participation in this course is strongly encouraged.

### **The DESI Ombuds**

There are two DESI Collaboration Ombuds to provide choice for those seeking advice and to increase the likelihood that at least one Ombuds is available at Collaboration meetings. The Ombuds are available to DESI Collaboration members who are experiencing conflicts or disputes as part of their DESI activities. The Ombuds will work together with the members who consult with them to identify options for managing and resolving disputes and conflicts. This includes providing advice and support, referring individuals to appropriate resources, organizing informal mediation, and ensuring that the DESI Collaboration Spokespersons are made aware of any systemic issues in the Collaboration. The nomination and approval of the Ombuds is specified in the DESI Collaboration By-laws.

The DESI Collaboration has chosen to adopt the role and function of the Ombuds as expressed in the section below adapted from the International Ombudsman Association description at <https://www.ombudsassociation.org/Resources/FrequentlyAskedQuestions/>.

### **The Organizational Ombudsperson—Role and Function**

The primary duties of the DESI Ombuds are (1) to work with individuals and groups to explore and assist them in determining options to help resolve conflicts, problematic issues or concerns; and (2) to bring systemic concerns to the attention of the organization for resolution.

The Ombuds allows discretion for those seeking services to the extent possible, maintains a neutral/impartial position with respect to the concerns raised, and works at an informal level within DESI. Successfully fulfilling that primary function in a manner consistent with the International Ombudsman Association Standards of Practice requires a number of activities on the part of the Ombuds while precluding others.

Activities and functions most frequently undertaken by an Ombuds include, but are not limited to:

- Listens and understands issues while remaining neutral with respect to the facts. The Ombuds does not listen to judge or to decide who is right or wrong. Instead, the Ombuds listens to understand the issue from the perspective of the individual. This is a critical step in developing options for resolution.
- Assists in reframing issues and developing and helping individuals evaluate options. This helps individuals identify the interests of various parties to the issues and helps focus efforts on potential options to meet those interests.
- Guides or coaches individuals to deal directly with other parties, including the use of formal resolution resources. An Ombuds often seeks to help individuals improve their skill and their confidence in giving voice to their concerns directly.
- Refers individuals to appropriate resolution resources. An Ombuds may refer individuals to one or more formal resources that can potentially resolve the issue.
- Assists in guiding issues to formal resolution channels. When an individual is unable or unwilling to surface a concern directly, the Ombuds can assist by helping give voice to the concern and/or creating an awareness of the issue among appropriate decision makers.
- Facilitates informal resolution processes. An Ombuds may help to resolve issues between parties through various types of informal mediation.
- Identifies new issues and opportunities for systemic change within DESI. The Ombuds serves to provide unfiltered information that can produce insight to issues and resolutions. The Ombuds is a source of detection and early warning of new issues and a source of suggestions of systemic change to improve existing processes.

Because of the informal, nonjudgmental, impartial, and independent positioning of an Ombuds in an organization, they typically do not undertake the following roles or activities:

- Participate in formal investigations or play any role in a formal issue resolution process
- Serve in any other organizational role that would compromise the neutrality of the Ombuds role. DESI enlists two Ombuds to offer collaboration members an alternative in case that one Ombuds is conflicted.
- Receive notice for DESI
- Make binding decisions or mandate policies
- Create or maintain records or reports for DESI
- Provide representation or legal advice