

Office Charter

Harvard University Ombudsman Office

The University Ombudsman Office was established in February 2003 by President Lawrence Summers to assist in supporting a climate of respect, accountability, honesty and integrity as described in the 2002 University Statement of Values. The Office provides informal, impartial, confidential and independent assistance to members of the community in managing or resolving issues affecting their work or academics. Services are available to all members of the Harvard University community: faculty, staff, students, fellows and retirees.

The Office is staffed by a professional Ombudsman who practices in accordance with the provisions of this Charter and with the International Ombudsman Association Code of Ethics and Standards of Practice (<http://www.ombudsassociation.org/about-us/mission-vision-and-values/ia-best-practices-standards-practice>).

Office Mission

The Office supports a culture that is ethical and civil, and in which mutual understanding can be reached and differences resolved through respectful dialogue and fair processes. The Office provides a confidential, neutral and impartial forum to help promote accountability and fair treatment.

Responsibilities

The Ombudsman performs a variety of functions in carrying out his/her duties and responsibilities. They include: providing a respectful, confidential place for individuals to discuss problems off the record, including helping them to clarify their issues, identify their goals and develop and consider a range of options; coaching visitors in written and verbal communications; explaining relevant University policies and practices; providing referrals to other offices/services; looking into problems by gathering data and the perspective of others; assisting in resolving interpersonal conflict; engaging in shuttle diplomacy; facilitating one-on-one and group conversations and other measures consistent with the mission of the Office. The Office also provides information to University leadership on general trends and patterns of complaints without breaching confidentiality so that problems may be prevented from escalating or recurring.

The Ombudsman may take any number of steps towards responsibly addressing concerns raised. However, the Office is authorized to provide *informal* assistance only, and is not authorized to accept notice of any claims against the University, to establish, change or set aside any Harvard rule or policy, or to override the decisions of any Harvard administrator.

While meeting with the Ombudsman, some visitors may give permission to take an action that would reveal their identity. Others however, may request that the Ombudsman not disclose information or take any action that might risk revealing their identity. Except in very limited circumstances – for example, where the Ombudsman determines that there is an imminent risk of serious harm, or as required by legal process - the Ombudsman will not disclose identifiable information or concerns raised in the course of a confidential conversation unless the visitor gives permission to do so. The majority of visitors choose to keep their visit confidential, and some visitors choose to remain anonymous.

Principles of Practice

As more fully described in the International Ombudsman Association Code of Ethics and Standards of Practice, there are four fundamental principles which define the practice of the University Ombudsman:

i. Confidentiality

- Strict confidentiality is essential to the Ombudsman function and helps create a safe place for visitors to voice concerns, evaluate issues and identify options.
- The Ombudsman does not disclose the identity of visitors to the office or the content of conversations unless, in the course of the confidential communications, permission has been given to do so.
- The Ombudsman may assert a confidentiality privilege, but any such privilege belongs to the Ombudsman office and cannot be waived by visitors to the office. Thus, even with the permission of the complainant, the Ombudsman will not disclose documents, or testify, attend or participate in formal proceedings with respect to confidential communications.
- A visitor's communications to the Ombudsman are considered confidential. The Ombudsman is not a substitute for any lawyer, representative or counselor. Thus, consistent with the International Ombudsman Code of Ethics and Standards of Practice, conversations with the Ombudsman do not constitute notice to the University of any claims a visitor may have. Moreover, such conversations do not toll or affect any time limits by which notice of claims must be provided to the University.
- Harvard University will make every effort to protect the confidentiality of the Office. The University will not ask the Ombudsman to testify on the University's behalf in internal or external proceedings with respect to confidential communications, and will cooperate with the Ombudsman in resisting efforts to compel the Ombudsman to disclose

confidential communications. There are limited exceptions to confidentiality: where the Ombudsman determines there is imminent risk of serious harm, and where the Ombudsman is required to provide information pursuant to court order or other legal process.

ii. Independence

- The Office functions independently and outside of existing administrative structure, but for administrative and budgetary purposes reports directly to the Executive Vice President and the Provost.
- The Ombudsman neither compels other offices to take specific actions nor receives compulsory orders about how to approach a particular issue.
- The Ombudsman is not authorized to establish, change or set aside any University rule or policy, nor is the Ombudsman authorized to override the decisions of the University or University officials.
- The Ombudsman has access to University officials and records as needed to carry out the functions of the Office except as otherwise restricted by law.

iii. Impartiality/Neutrality

- As a third-party neutral, the Ombudsman is an advocate for processes that are fair and equitable to all parties. The Ombudsman does not take sides on behalf of any individual, cause or dispute and will seek to address concerns raised by a visitor.

iv. Informality

- The Ombudsman provides informal assistance only.
- Permanent records of the Ombudsman Office include only anonymous, aggregate data. Formal records are not created, nor are personally identifiable documents preserved. Any informal notes are routinely destroyed.
- The Ombudsman is not authorized to accept legal notice of claims against the University. The Ombudsman can provide information about available formal channels so that individuals may make informed choices about which process is best for them to pursue.
- The Ombudsman complements but does not duplicate existing grievance procedures and compliance channels.
- The Ombudsman does not conduct formal investigations or participate in formal actions. The following are also *outside* the purview of the Office: adjudicating cases; acting as an advocate or witness in any case inside or outside the university; keeping case records for the University; assessing wrongdoing or innocence; determining sanctions; and making, changing or setting aside any rule, policy or administrative decision.

Included: Statement of Values issued in 2002

Harvard University Statement of Values

Harvard University aspires to provide education and scholarship of the highest quality — to advance the frontiers of knowledge and to prepare individuals for life, work, and leadership. Achieving these aims depends on the efforts of thousands of faculty, students, and staff across the University. Some of us make our contribution by engaging directly in teaching, learning, and research, others of us, by supporting and enabling those core activities in essential ways. Whatever our individual roles, and wherever we work within Harvard, we owe it to one another to uphold certain basic values of the community. These include:

- Respect for the rights, differences, and dignity of others
- Honesty and integrity in all dealings
- Conscientious pursuit of excellence in one's work
- Accountability for actions and conduct in the workplace

The more we embrace these values in our daily lives, the more we create and sustain an environment of trust, cooperation, lively inquiry, and mutual understanding — and advance a commitment to education and scholarship, which all of us share.

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