

# CHARTER



## OMBUDS OFFICE

Harvard Medical School • Harvard Dental School • Harvard T.H. Chan School of Public Health

The HMS/HSDM/HSPH Ombuds Office (Office) was established in 1991 with the support of the HMS Joint Committee on the Status of Women to foster the understanding and tolerance of differences through education in order to prevent harassment and discrimination. It 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 faculty, staff, students and trainees of Harvard Medical School (HMS), Harvard School of Dental Medicine (HSDM) and Harvard T.H. Chan School of Public Health (HSPH) and to Harvard appointees of their affiliate institutions.

The Ombuds Office is staffed by a professional Ombudsperson (Ombuds) who practices in accordance with the provisions of this Charter and the [International Ombuds Association Code of Ethics and Standards of Practice](#).

### Office Mission

The Ombuds 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. To this end, the Office provides a confidential, impartial and informal forum to help promote fair treatment and accountability.

### Responsibilities

The Ombuds performs a variety of functions in carrying out his/her duties and responsibilities. They include: providing a respectful and confidential place within the Medical Area 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 HMS/HSDM/HSPH and other relevant Harvard University policies and procedures; providing referrals to other offices/services; looking into problems by gathering data and the perspectives of others; 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 HMS/HSDM/HSPH leadership on general trends and patterns of complaints without breaching confidentiality so that problems may be prevented from escalating or recurring.

The Ombuds 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 HMS/HSDM/HSPH--except as written in current HMS/HSDM/HSPH policy--to establish, change or set aside any Harvard rule or policy, nor to override the decisions of any Harvard administrator.

HMS/HSDM/HSPH OMBUDS OFFICE 

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While meeting with the Ombuds, some visitors may give permission to take an action that would reveal their identity. Others, however, may request that the Ombuds not disclose information or take any action that might risk revealing their identity. Except in very limited circumstances—for example, where the Ombuds determines that there is an imminent risk of serious harm or as required by legal process—the Ombuds 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; some visitors 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 ombuds practice at Harvard's Medical School, School of Dental Medicine and T.H. Chan School of Public Health. The Ombuds Office is a purely voluntary resource. No one is required to use it, but those who do will be understood to agree to not call the Ombuds to testify with respect to confidential communications.

#### i. Confidentiality.

- Strict confidentiality is essential to the Ombuds function and helps create a safe place for visitors to voice concerns, evaluate issues, and identify options.
- The Ombuds 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 Ombuds may assert a confidentiality privilege but any such privilege belongs to the Ombuds office and cannot be waived by visitors to the office. Thus, even with the permission of the complainant, the Ombuds will not disclose documents, or testify, attend, or participate in formal proceedings with respect to confidential communications.
- A visitor's communications to the Ombuds are considered confidential. The Ombuds is not a substitute for any lawyer, representative or counselor. Thus, consistent with the International Ombuds Association Code of Ethics and Standards of Practice, conversations with the Ombuds do not constitute notice to the University (and HMS/HSDM/HSPH or any of its affiliates) of any claims a visitor may have. Moreover, such conversations do not toll or extend any time limits by which notice of claims must be provided to the University (and HMS/HSDM/HSPH).
- Harvard University (and HMS/HSDM/HSPH) will make every effort to protect the confidentiality of the Office. The University will not ask the Ombuds to testify on the University's behalf in internal or external proceedings with respect to confidential communications, and will cooperate with the Ombuds in resisting efforts to compel the Ombuds to disclose confidential communications.
- There are limited exceptions to confidentiality—where the Ombuds determines there is an imminent risk of serious harm and where the Ombuds is required to provide information pursuant to court order or other legal process.

ii. Independence.

- The Office functions independently and outside of existing administrative structures but for administrative and budgetary purposes reports directly to the HMS Executive Dean for Administration and more generally to the Deans of Harvard Medical School, School of Dental Medicine and School of Public Health.
- The Ombuds neither compels other offices to take specific action nor receives compulsory orders about how to approach a particular issue.
- The Ombuds is not authorized to establish, change, or set aside any University, HMS, HSDM or HSPH rule or policy, nor is the Ombuds authorized to override the decisions of University, HMS, HSDM or HSPH officials.
- The Ombuds has access to Harvard 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 Ombuds is an advocate for processes that are fair and equitable to all parties. The Ombuds 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 Ombuds provides informal assistance only.
- Permanent records of the Ombuds Office include only anonymous, aggregate data. Formal records are not created, nor are personally identifiable documents preserved. Any informal notes are routinely destroyed.
- The Ombuds is not authorized to accept legal notice of claims against HMS/HSDM/HSPH--except as written in current HMS/HSDM/HSPH policy--or to make decisions on behalf of the University. The Ombuds can provide information about available formal channels so that individuals may make informed choices about which process is best for them to pursue.
- The Ombuds Office complements but does not duplicate existing grievance procedures and compliance channels.
- The Ombuds 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.

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