



Harvard Ombuds Office Charter

The HMS/HSDM/HSPH Ombuds Office was established in 1991 with the support of the HMS Joint Committee on the Status of Women and the HMS Dean's Office to foster the understanding and tolerance of differences through education in order to prevent harassment and discrimination.

The University Ombuds Office was established in February 2003 by then-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 Harvard Ombuds Office (HOO) was formed in 2021 as a merger of these independent and collaborating offices. Still located in Longwood and Cambridge (with its tagline One Office With Two Locations), HOO provides informal, impartial, confidential and independent assistance to members of the community in managing or resolving issues affecting their work or academics. A discussion with an Ombuds can help a visitor voice concerns, clarify goals and consider options so that they can make their own best decisions about next steps in addressing their concerns. *Any issue affecting one's work or studies may be brought to an Ombuds.*

The HOO is staffed by four professional Ombuds who practice in accordance with the provisions of this Charter and the [International Ombuds Association Code of Ethics and Standards of Practice](#). The office is also supported by two program administrators.

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, informal and independent forum to help promote fair treatment and accountability.

Responsibilities

The Ombuds performs a variety of functions in carrying out his/her/their duties and responsibilities. They include: providing a respectful and 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 Harvard policies and procedures; providing referrals to other offices/services; gathering relevant unattributable data and perspectives of others; assisting in managing/resolving 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 Harvard leaders about general trends and patterns of concern without breaching confidentiality so that they may consider options for addressing these concerns.

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 the University to establish, change or set aside any University rule or policy, nor to override the decisions of any Harvard administrator.

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 and even then at the sole discretion of the Ombuds. Most visitors choose to keep their visit confidential; additionally some visitors remain anonymous during their engagement with the Office. 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. Additionally, Harvard designates HOO as a Confidential Resource under Title IX.

Principles of Practice

As more fully described in the International Ombuds Association Code of Ethics and Standards of Practice, there are four fundamental principles which define ombuds practice at Harvard. They are Independence, Impartiality, Informality and Confidentiality.

Approved by Alan Garber, Provost and Meredith Weenick, Executive Vice President
on behalf of Harvard University

August 2023

STANDARDS OF PRACTICE

PREAMBLE

The Standards of Practice are based upon the fundamental principles and core values stated in the International Ombuds Association (IOA) Code of Ethics. These principles are independence, impartiality, informality, and confidentiality. They describe the essential elements and requirements for operating a sound ombuds program. The core values emphasize the professional qualities underlying ombuds work. The principles and core values guide the Ombuds¹ in fulfilling responsibilities such as assisting individuals at all levels of the organization; resolving conflict; facilitating communication; and assisting the organization by surfacing issues, and through feedback on emerging or systemic concerns. These can be applied in different settings and jurisdictions. In combination with the core values embedded in the Code of Ethics, these Standards of Practice form the foundation necessary for the unique and valuable role of an Ombuds in the sponsoring organization.

1. GENERAL PRACTICE STANDARDS

- 1.1 The Ombuds is an independent, impartial, informal, and confidential resource for an organization. Compliance with these Standards of Practice is essential for any Ombuds program.
- 1.2 The Ombuds assists people through voluntary consultation and provides information, guidance, and assistance in developing options to address their concerns. When possible, the Ombuds facilitates outcomes that build trust, enhance relationships, and improve communication within the organization.
- 1.3 The Ombuds assists the organization by identifying procedural irregularities and systemic problems. This may include identifying emerging trends, policy gaps, and patterns of problematic behavior in ways that do not disclose confidential communications or information. The Ombuds may provide general recommendations to the organization for addressing these concerns.
- 1.4 Each Ombuds program shall have a charter, terms of reference, or a detailed program description approved by executive leadership of the organization that complies with the provisions of the IOA Code of Ethics and Standards of Practice and that articulates the basis on which the Ombuds operates.
- 1.5 The Ombuds keeps professionally current through relevant continuing education, and provides opportunities for Ombuds' staff professional development.

2. INDEPENDENCE

- 2.1 The Ombuds is independent in appearance, purpose, practice, and decision-making. The Ombuds operates independently of line and staff reporting structures and without influence from other functions or entities within the organization.
- 2.2 The Ombuds program reports to the highest authority possible within the organization. In executing the Ombuds' roles and responsibilities, the Ombuds does not report programmatically to any function that affects, or is perceived as affecting, the Ombuds' independence.
- 2.3 The Ombuds holds no other position that compromises, or could be reasonably perceived as compromising, the Ombuds' independence. If the Ombuds has non-ombuds duties, those duties must not interfere with their ombuds duties. The Ombuds must clearly communicate when they are and are not acting as the Ombuds.
- 2.4 The Ombuds has the authority to select Ombuds program staff and to manage the Ombuds program budget and operations without undue external influence or limitations. However, the Ombuds has no formal policy-making, enforcement, or disciplinary role except internally within the Ombuds program.
- 2.5 The Ombuds has sole discretion over whether or how to engage regarding individual, group, or systemic concerns. Acting on their own initiative, an Ombuds may bring a concern to the attention of appropriate individuals.
- 2.6 The Ombuds has access to relevant individuals and information within the organization as necessary to fulfill their informal role and as permitted by law.

¹ The term "Ombuds" includes all applicable nomenclature in use for an organizational ombudsperson.

3. IMPARTIALITY

- 3.1 The Ombuds functions as an impartial, neutral, and unbiased resource.
- 3.2 The Ombuds has no personal interest in, and incurs no gain or loss from, the outcome of a matter. The Ombuds declines involvement when the Ombuds determines that they may have a real or perceived conflict of interest.
- 3.3 The Ombuds fairly and objectively considers issues and people who may be affected. The Ombuds promotes equitably administered processes but does not advocate on behalf of anyone.
- 3.4 The Ombuds facilitates communication, dialogue, and collaborative problem-solving and helps identify a range of reasonable options to surface or resolve issues or concerns.

4. INFORMALITY

- 4.1 The Ombuds is an informal and off-the-record resource. The Ombuds does not make business or policy decisions, adjudicate issues, participate in disciplinary or grievance processes, or conduct formal investigations for the organization.
- 4.2 Consultation with the Ombuds is not a required step in any formal disciplinary process or grievance policy.
- 4.3 The Ombuds takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then, at the sole discretion of the Ombuds, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombuds Office.
- 4.4 Consistent with these standards, consulting with the Ombuds is completely voluntary. People who use the services of the Ombuds are understood to have agreed to abide by the terms, conditions, and principles under which the program was created and not call the Ombuds to testify or disclose confidential information in any formal, legal, or other matter.
- 4.5 The Ombuds is not an agent of the organization authorized to receive notice of claims, complaints, or grievances against the organization unless specifically and expressly required by law. The Ombuds may refer individuals to the appropriate place where formal notice of claims can be made.
- 4.6 The Ombuds creates no permanent records containing confidential information. The Ombuds has a consistent practice for the timely destruction of confidential information.

5. CONFIDENTIALITY

- 5.1 The identity of those seeking assistance from the Ombuds, as well as communications and information specifically relating to them is confidential information.
- 5.2 To the maximum extent permitted by law, the Ombuds shall protect confidential information, and others cannot waive this requirement. The Ombuds and the organization that established the program shall take reasonable measures to safeguard the security of confidential information.
- 5.3 Except as provided in these standards, the Ombuds does not disclose confidential information in any matter within the organization.
- 5.4 The Ombuds shall oppose disclosing confidential information in any formal, administrative, or legal matter external to the organization, unless an appropriate judicial or regulatory authority determines that disclosure is necessary to prevent a manifest injustice or that disclosure is required because the interests served by disclosure clearly outweigh the interests served by ombuds confidentiality.
- 5.5 The Ombuds may disclose confidential information as necessary if the Ombuds determines that the failure to do so could result in imminent risk of serious harm.
- 5.6 The Ombuds may disclose confidential information about a specific matter to the extent the Ombuds determines it is necessary to defend themselves against a formal complaint of professional misconduct.
- 5.7 Confidential information relating to an individual may be disclosed with their permission to assist with informal resolution of a concern but at the sole discretion of the Ombuds.
- 5.8 The Ombuds may provide non-confidential information about the ombuds program in any appropriate forum. The Ombuds shares data, trends, or reports in a manner that protects confidential information.

Adopted 17 March 2022 by the Board of Directors of the International Ombuds Association. Effective 17 March, 2022.

