

Effective Date: November 1, 2018

Retired:

Revised:

Approved by: Office of the President



Subject: Office of the Ombuds Policy

PURPOSE:

To provide an understanding of the role and method of operation of the College's Office of the Ombuds.

Scope of Service: Meharry Medical College ("College") is committed to providing the faculty, employees and students with an outlet for informally raising and addressing work or academic concerns in a confidential, independent and neutral environment. This method does not replace any formal complaint procedures established by the College.

DEFINITIONS:

Ombuds: A neutral and independent party.

Imminent Risk of Harm: Anything that poses an immediate threat, or danger of harm to one's person, another person, or the school.

PROCEDURE:

The Ombuds performs a variety of functions in carrying out his/her duties and responsibilities.

They include:

- Providing a respectful and confidential place to discuss problems in an informal and confidential manner;
- Coaching visitors in written and verbal communications;
- Explaining relevant Meharry Medical College policies and procedures;
- Providing referrals to other offices/services;
- Looking into problems by gathering data and the perspectives of others;
- Engaging in shuttle diplomacy;
- Providing information to leadership on general trends and patterns of complaints without breaching confidentiality so that problems may be prevented from escalating or recurring.

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The Ombuds may take any number of steps towards responsibly addressing concerns raised. However, the Office is authorized to provide *informal* assistance only.

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 Meharry Medical College. The Ombuds Office is a purely voluntary resource

Confidentiality

- **Matters that fall under Title IX will remain confidential**
- **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 Meharry Medical College 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 College.**
- **Meharry Medical College will make every effort to protect the confidentiality of the Office. The College will not ask the Ombuds to testify on the College'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.**

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Independence

- The Office functions independently and outside of existing administrative structures but for administrative and budgetary purposes reports directly to the President of Meharry Medical College.
- 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 rule or policy of the College, nor is the Ombuds authorized to override the decisions of the College or its officials.
- The Ombuds has access to Meharry Medical College's officials and records as needed to carry out the functions of the Office, except as otherwise restricted by law.

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.

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 Meharry Medical College, except as written in current policy, or to make decisions on behalf of the College. 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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EXHIBITS:

The International Ombuds Association Code of Ethics and Standard of Practice