Omubuds Office
Guidelines

MISSION

The Indiana University School of Medicine Ombuds Office serves as a neutral, informal and confidential resource to facilitate fair, equitable, and prompt resolution of concerns expressed by Indiana University School of Medicine faculty and learners as detailed in this document.

I. INTRODUCTION

The Indiana University School of Medicine Ombuds Office is established to complement other dispute resolution offices and activities of the school. The Indiana University School of Medicine Ombuds Office provides an informal and confidential mechanism for amicable, prompt, and economical dispute resolution, which may in many instances be preferable to formal grievance procedures or other proceedings. It offers a mechanism to resolve disputes, identify systemic problems or concerns, and provides a resource for faculty and learners (i.e. medical students, graduate students, house staff, and fellows) who may seek guidance on how to report possible violations of University policy.

This document outlines the responsibilities of the Indiana University School of Medicine Ombuds [Ombuds] and the Indiana University School of Medicine Ombuds Office [Office].

II. PURPOSE AND SCOPE OF SERVICES

This Office will provide an informal, neutral and confidential environment for resolution of disputes to Indiana University School of Medicine faculty and learners with concerns related to their roles. The Office will be a place where these members of the Indiana University School of Medicine can seek information and guidance regarding concerns, conflicts, or disputes at no
cost and at any stage in the resolution process to the extent possible based on laws and the policies governing the Office. The scope of the Office is limited to addressing matters directly involving University faculty and learners.

The Office will confidentially (to the extent permitted by applicable University policy and law) receive complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader problems. The response of the Office is tailored to the dynamics of the situation and the visitor’s concerns. The Ombuds will listen, make informal inquiries to facilitate resolution, or otherwise review matters received, offer options for resolution, make referrals, and mediate disputes independently and impartially. The Ombuds will not function as a fact-finder or arbitrator; where the Ombuds thinks a formal investigation is appropriate, the Ombuds will refer the matter to another office as appropriate to conduct an investigation. Services of the Office supplement, but do not replace, other available processes (formal and informal). In addition, the Ombuds will serve as an information and communication resource, consultant, mediator, dispute resolution practitioner, and source of recommendations for institutional change for the Indiana University School of Medicine. The Ombuds will provide feedback to the Indiana University School of Medicine administration when trends, patterns, policies, or procedures of the Indiana University School of Medicine generate concerns or conflicts.

III. STANDARDS OF PRACTICE

As permitted by applicable University policy and law, the Office shall exercise its functions independently, be confidential and impartial, and limit the scope of services to informal means of dispute resolution. The office will strive to operate using best practices in a way that serves the interests of the University community.

The Office will publicize the confidential, independent, neutral, and informal nature of its services through a website, promotional materials, and will explain the ethical standards referenced above to each visitor to the Office.

A. Independence

The independence of the Office is effective primarily through University recognition of the Office, reporting structure, and neutrality. Consistent with the role of the Ombuds described in this document, the Ombuds shall exercise discretion regarding whether to become involved in a matter and what steps to undertake regarding individual matters or systemic concerns. In doing so, the Ombuds will report to and periodically interface the Indiana
University School of Medicine Executive Vice Dean to ensure that its operations are consistent with University requirements, including reporting and referring matters to other University offices as required by policy/law (e.g., harassment, discrimination, Title IX, Clery Act).

To fulfill its functions, the Office shall have adequate and secure space and administrative support. The budget for the Ombuds will be sponsored and managed by the Indiana University School of Medicine Dean’s Office.

B. Confidentiality

Unless required by University policy, law or court order, the Office will not confirm communicating with any visitor to the Office or disclose any confidential information. The Office will, however, disclose confidential information if and when there is, as judged by the Ombuds, an imminent risk of physical harm to any person or if required to do so per the Indiana University Sexual Misconduct Policy.

The Office will not participate in any formal process inside or outside the University (such as a grievance procedure or an action in a court of law), even if given permission by a visitor who has initiated a formal process, unless compelled to do so by university policy, law or court order.

C. Neutrality

The Office will be neutral in its activities and will not take sides in any conflict, dispute, or issue. The Ombuds will impartially consider the interests and concerns of all parties involved in a situation, with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with University policies and the law.

The Office will avoid involvement in matters where there may be a conflict of interest. When a conflict of interest exists, or appears to exist, the Ombuds will disclose the conflict to the visitor and to any other members of the Indiana University School of Medicine community who are involved in the matter (e.g., department chair, dean). The Ombuds will take all steps necessary to manage or avoid the conflict and if the conflict cannot be managed or avoided, the Ombuds will notify the visitor and any other involved parties that the Ombuds cannot assist in the particular matter. When a conflict of interest does occur, the Indiana University School of Medicine Executive Vice Dean or designee may appoint a substitute to assist with particular issue that constitutes a conflict.
D. Informality

The Office shall be a resource for informal dispute resolution only. The Office will not formally investigate, arbitrate, adjudicate, or in any other way participate in any internal or external formal process or action. The Office does not give legal advice. Use of the Office is voluntary and not a required step in any grievance process or University policy. No one is required to meet with the Ombuds.

IV. AUTHORITY AND LIMITS OF THE INDIANA UNIVERSITY SCHOOL OF MEDICINE OMBUDS OFFICE

A. Authority of the Office

1. Initiating Informal Inquiries

The Ombuds is entitled to inquire informally about any issue concerning the Indiana University School of Medicine that affects an Indiana University School of Medicine faculty member or learner. The Ombuds may initiate informal inquiries into matters that come to its attention without having received a specific complaint from an affected member of the University faculty. If a more serious investigation is necessary, the Ombuds may refer the matter to the appropriate university resource and/or ask the Indiana University School of Medicine Executive Vice Dean’s Office to undertake and investigation.

2. Access to Information

The Ombuds may request access to information related to a visitor’s concerns from files and offices of the Indiana University School of Medicine. The purpose of the access is to provide a context for understanding the concerns raised by the visitor. Consistent with applicable policies within applicable constraints, Indiana University School of Medicine personnel contacted by the Office with requests for information should respond with reasonable promptness to the requests for information. The Office will have access, as appropriate, to the highest levels of the Indiana University School of Medicine.
3. Ending Involvement in Matters

The Ombuds may discontinue providing service and disassociate from a matter at any time. In such a case, the Ombuds will provide notice to the visitor and all others involved in the matter.

4. Discussions with Visitors and Others

The Ombuds has the authority to discuss a range of options available to a visitor, including both informal and formal processes. The Office may make any recommendations it deems appropriate with regard to resolving problems or improving policies, rules, procedures. However, the Office has not authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

B. Limitations on the Authority of the Office

1. Putting the University on Notice

If a visitor discloses allegations that would constitute notice to the Indiana University School of Medicine, the Office shall refer the visitor to the appropriate office(s) for formal administrative or grievance processes, or the Office will assist the visitor to disclose the allegation to the appropriate office(s).

2. Formal Processes and Investigations

The Office shall not conduct formal investigations of any kind. It will not participate in the substance of any internal or external formal dispute processes, outside agency complaints or lawsuits, on behalf of a visitor of the Office or on behalf of the Indiana University School of Medicine, unless compelled to do so by policy, law or court order.

3. Record Keeping

The Office will not create or maintain formal records for the Indiana University School of Medicine about individual matters. Notes and any other materials related to a matter will be maintained in a secure location and manner and will be destroyed when the Ombuds deems it appropriate to do so, unless otherwise required to retain the
documents (e.g., pending Indiana Access to Public Records Act request, litigation hold) pursuant to policy or law.

4. **Advocacy for Parties**

   The Office will remain neutral and impartial. The Ombuds shall not act as an advocate for any party in a dispute; the Ombuds will not represent administration, management or visitors to the Office.

5. **Adjudication of Issues**

   The Ombuds does not have the authority to adjudicate, to impose remedies or sanctions, to compel others to impose remedies, or to enforce or change Indiana University School of Medicine policies or rules.

6. **Evaluation and Reporting**

   Evaluation of the activities of the Ombuds Office by the Indiana University School of Medicine Executive Vice Dean will occur periodically. Information provided by the Indiana University School of Medicine Executive Vice Dean will consist of a de-identified, aggregate information about case volume, visitor information, and the general categories of issues brought to the Ombuds.

V. **APPOINTMENT AND COMPENSATION OF THE OMBUDS**

   The Ombuds will be appointed by and serves at the discretion of the Indiana University School of Medicine Executive Vice Dean.

   The Ombuds position is a part-time position. The Indiana University School of Medicine Dean will provide compensation and will negotiate the terms of the compensation with the prospective Ombuds.

History:
1. First draft August 12, 2016
2. Updated March 9, 2017