OFFICE OF THE OMBUDSPERSON (PRINCIPLES and PRACTICES)
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Introduction and Mission

This document defines and clarifies the highest standards and best practices in the Ombudsperson profession, as they apply within the context of the University of Miami Miller School of Medicine
(“UMMSM”) and its Ombudsperson Office. This document is consistent with the International Ombudsman Association (“IOA”) Standards of Practice and Code of Ethics and is not a statement of University or UMMSM policy or of the Faculty Manual.

The intent of this document is to: (1) educate the UMMSM faculty about the role of the Ombudsperson Office; (2) proactively assist the Ombudsperson Office to operate in a manner consistent with IOA professional standards, code of ethics, and best practices; (3) discourage activities and actions which do not comply with best practices.

The mission of the UMMSM Ombudsperson Office is to ensure that all members of the UMMSM faculty receive fair and equitable treatment. The Ombudsperson Office carries out its mission by way of two complementary approaches: (1) receiving and attempting to resolve individual grievances on a confidential, informal basis; and 2) supporting procedures that advance the goal of a fair conflict management system.

One purpose of the Ombudsperson Office is to act as “an ear to the people” so every voice at the UMMSM can be heard and receive impartial attention without fear of retaliation and loss of privacy. In doing so, the Ombudsperson Office serves as an independent, confidential, neutral and informal resource to the UMMSM faculty.

The term “Ombudsperson” carries with it certain professional and legal responsibilities, and therefore offices using this term should follow the longstanding professional tenets outlined in this document; and the UMMSM should discourage the use of the title “Ombudsperson” for those programs which choose not to operate consistently with IOA professional standards.

I. Purpose and Scope of the UMMSM Ombudsperson Office

An Ombudsperson at the UMMSM serves as a designated neutral and operates independently of ordinary line and staff structures. The Ombudsperson Office should not be affiliated with any compliance function of the University. The Ombudsperson Office shall provide informal dispute resolution, coaching, consultation, and referral services to the faculty of the UMMSM. The Ombudsperson Office shall be a place where members of the UMMSM faculty can seek guidance regarding the addressing or resolution of disputes or concerns through a resource which is confidential, neutral, informal, and independent.

Services of the Ombudsperson Office do not replace other grievance processes at the University; however, when those procedures have not been utilized or have not been successful, the Ombudsperson Office works to facilitate communication and assist parties in reaching mutually acceptable, fair and equitable resolutions that are consistent with the ideals and objectives of the UMMSM. The Ombudsperson Office shall also report general trends and provide feedback throughout the University, and suggest systemic change when appropriate without disclosing confidential communications and information.
The Ombudsperson Office shall confidentially receive complaints, concerns or inquiries about alleged acts, omissions, improprieties, and/or broader systemic problems. In response, an Ombudsperson will listen, make informal inquiries or otherwise review matters received, offer options, make referrals, and facilitate communication independently and impartially.

II. Standards of Practice and Code of Ethics

The Ombudsperson Office acts in accordance with the IOA Standards of Practice and Code of Ethics. These tenets require that the Ombudsperson Office shall function independently within the structure of the organization, shall be confidential and neutral, and shall limit the scope of their services to informal means of dispute resolution. The IOA Standards and Code delineate minimum standards, and the Ombudsperson Office shall always strive to operate to “best practices” and to manage the Ombudsperson Office in a way that serves the best interests of the UMMSM community. The Ombudsperson Office shall take appropriate steps to make this document and the tenets of best practices of the Ombudsperson profession available to the UMMSM faculty.

A. Independence

The Ombudsperson Office shall be, and shall appear to be, free from interference in the legitimate performance of its duties. This independence is achieved primarily through organizational recognition, reporting structure, and neutrality. To ensure objectivity, the Ombudsperson Office shall operate independently of ordinary line and staff structures. An Ombudsperson will not disclose confidential information about matters discussed in the Ombudsperson Office with anyone in the organization, including the person to whom the Ombudsperson Office reports, except as clearly delineated in Section III. B. The Ombudsperson Office should report administratively to the UMMSM Dean and the Medical Faculty Council (see “VI. Office Structure”). In all cases, the Ombudsperson Office shall have unobstructed access to the UMMSM Dean and the Provost of the University.

B. Confidentiality

The Ombudsperson Office shall not disclose or be required to disclose any information provided in confidence, unless given permission to do so by the visitor. An exception to maintaining any such confidentiality would include if the UMMSM Ombudsperson had a reasonable concern regarding an imminent risk about possible violence or physical harm or where disclosure is required by laws, regulations, and/or statues that require the University to investigate issues if informed. The Ombudsperson Office shall not confirm communicating with any party or parties, or disclose any confidential information without the party’s or parties’ express permission provided in the course of discussions with the Ombudsperson Office, and at the discretion of the Ombudsperson Office. The Ombudsperson shall not participate as a witness with respect to any confidential communication, nor shall he/she participate in any formal process inside or outside of the UMMSM, unless compelled to do so by judicial subpoena or court order. The
Ombudsperson Office considers communication with the Ombudsperson Office to be privileged. The privilege belongs to the Ombudsperson and the Ombudsperson Office, rather than to any party in an issue. The Ombudsperson Office considers that others cannot waive this privilege.

C. Neutrality

The Ombudsperson is a designated neutral, operating independently in the structure of the UMMSM. The Ombudsperson shall not take sides in any conflict, dispute or issue. The Ombudsperson advocates for fair and equitably administered processes and not on behalf of a specific individual. The Ombudsperson is neutral, impartial, and unaligned. The Ombudsperson should not serve in any additional role, including participation on committees within the University, which would compromise the neutrality of the Ombudsperson. The Ombudsperson Office should not report to nor be affiliated with any compliance function of the UMMSM or the University.

D. Informality

The Ombudsperson Office shall be a resource for informal dispute resolution. The Ombudsperson Office shall not conduct formal investigations of any kind. The Ombudsperson shall also not participate in formal dispute processes or outside agency complaints or lawsuits, either on behalf of a visitor to the Ombudsperson Office or on

III. Authority and Limits of the Ombudsperson Office

Specific areas of authority and limitations on the authority of the Ombudsperson Office include those listed below:

A. Authority of the Ombudsperson Office

The authority and role of the Ombudsperson Office as well as qualifications for Ombudsperson staff derives from the Medical Faculty Council and shall be incorporated into the bylaws of the Medical Faculty Council.

B. Limitations on Authority of the Ombudsperson Office

1. Formal Processes and Investigations

The Ombudsperson Office shall not conduct formal investigations of any kind. The Ombudsperson shall also not participate in formal dispute processes or outside agency complaints or lawsuits, either on behalf of a visitor to the Ombudsperson Office or on
behalf of the UMMSM or the University, subject to compliance with a judicial subpoena or court order. Because confidentiality and informality are critically important to the Ombudsperson Office, all communications with the Ombudsperson are made with the understanding that communication is confidential, off-the-record, and that no one from the Ombudsperson Office will be called to testify as a witness in any formal or legal proceeding to reveal confidential communications, unless compelled by judicial subpoena or court order. The Ombudsperson Office provides an alternate channel for dispute resolution, and all use of Ombudsperson services shall be voluntary.

2. Record Keeping and Electronic Communication

The Ombudsperson Office does not keep records for the UMMSM or for the University, and shall not create or maintain documents or records for the UMMSM or for the University about individual cases. All materials related to a case should be maintained in a secure location and manner. The Ombudsperson may maintain non-confidential statistical UMMSM data to assist the Ombudsperson in reporting trends and providing feedback to the UMMSM Dean and Medical Faculty Council.

Due to confidentiality concerns, the UMMSM Ombudsperson Office discourages the use of e-mail to communicate with visitors. If anyone wishes to communicate with the Ombudsperson via e-mail, confidentiality cannot be guaranteed.

3. Advocacy for Parties

The Ombudsperson shall not act as an advocate for any party in a dispute, nor shall it represent administration or visitors to the Ombudsperson Office.

4. Adjudication of Issues

The Ombudsperson Office shall not have authority to adjudicate, impose remedies or sanctions, or to enforce or change policies or rules.

5. Conflict of Interest

The Ombudsperson shall avoid involvement in cases where there may be a conflict of interest. A conflict of interest occurs when the Ombudsperson’s private or professional interests, real or perceived, supersede or conflict with his or her dedication to the impartial and independent nature of the role of the Ombudsperson. When a real or perceived conflict exists, the Ombudsperson should take all steps necessary to disclose and/or avoid the conflict.

IV. Organization for Conflict Resolution
UMMSM Ombudsperson

Appointment. The UMMSM Ombudsperson shall be appointed by the UMMSM Dean in a process agreed to jointly with the Medical Faculty Council.

Ombudsperson’s Office. Faculty will be represented in the staffing of the Ombudsperson Office through a full or part time appointment of a faculty member to the position of Ombudsperson. Salary support will be negotiated between the UMMSM Dean and department chair.

Term of Office. A faculty member serving as the Ombudsperson shall serve a three-year term. The Ombudsperson shall be eligible for reappointment.

Qualifications. The Ombudsperson shall possess a comprehensive knowledge of the UMMSM and University organization and procedures and a post-baccalaureate degree. He or she shall, at the time of initial appointment, have completed at least ten years of service at the UMMSM.

V. Procedures for Conflict Resolution

Informal Means of Dispute Resolution

General. The collegial atmosphere of the UMMSM and University communities is best served through informal compromise resolution of disputes. Thus, before pursuing formal grievance procedures, a grievant should ordinarily attempt to resolve the matter informally through direct or indirect consultation with the other party or through discussions with supervisory personnel.

Ombudsperson. The Ombudsperson shall be available (a) to receive and attempt to resolve individual grievances of members of the UMMSM faculty; and (b) to recommend procedural changes within the UMMSM or the University in response to experience acquired in investigating individual cases.

Powers. The Ombudsperson shall have access to all administrative officials of the UMMSM and University and, in accordance with law, to all UMMSM and University records, including those of faculty members. He or she shall not have authority to take disciplinary action, reverse decisions, or circumvent existing UMMSM or University rules and procedures. He or she shall supplement, not replace, other means, where they exist, for redress of grievances. All proceedings in individual cases shall be held confidential by the Ombudsperson unless otherwise authorized by the complainant.

Reports. The Ombudsperson shall at least annually make reports to the UMMSM Dean and to the Medical School Faculty Council.
The Ombudsperson shall be entitled to inquire about any issue concerning the UMMSM or University which affects any member of the UMMSM faculty, and shall respect the confidentiality of that information. The UMMSM Ombudsperson shall have access to all records and personnel of the UMMSM and the University, for the purpose of performing his/her duties unless such records are privileged under Florida or federal law. The Ombudsperson has the authority to break confidence if the Ombudsperson believes there is an imminent risk about possible violence or physical harm or where disclosure is required by law.

The Ombudsperson may, without having received a specific complaint from a member of the UMMSM faculty, inquire about matters which he/she believes warrant attention.

The Ombudsperson Office may decline to inquire into a matter or may withdraw its services from a visitor if the Ombudsperson believes involvement is inappropriate for any reason, including, but not limited to, matters not brought in good faith, a conflict of interest, or matters which appear to be a misuse of the Ombudsperson function.

The Ombudsperson has the authority to discuss a range of options available to the visitor, including both informal and formal procedures.

VI. Retaliation for Using the Ombudsperson Office

All members of the constituencies served by the Ombudsperson Office shall have the right to consult with the Ombudsperson without reprisal. The Ombudsperson Office should work with the UMMSM to create policies to protect visitors from reprisals.

VII. Office Structure

Because of the independent nature of the Ombudsperson Office, and in congruence with IOA Standards of Practice, 2.3.,

“The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization,”

The Ombudsperson Office shall report to the UMMSM Dean and to the Medical Faculty Council for administrative and budgetary purposes only.

IX. Procedures for Revisions and Amendment of this Document
This document reflects current best practices in the Ombudsperson profession. It may be revised as needed by the UMMSM Ombudsperson Office, in consultation with the Office of the UMMSM Dean and the Medical Faculty Council.