

Policy Name: Student and Housestaff Ombuds at RBHS

Approval Authority: RBHS Chancellor

Originally Issued: 05/09/02

Revisions: 11/22/11, 04/17/13

1. **Who Should Read This Policy**

All Rutgers University faculty, staff, and students within Robert Wood Johnson Medical School, School of Health Related Professions, Rutgers School of Dental Medicine, New Jersey Medical School, Graduate School of Biomedical Sciences, School of Public Health, and School of Nursing (former UMDNJ School of Nursing).

2. **Related Documents (refer to policies.rutgers.edu for additional information)**

3. **The Policy**

DEFINITIONS

- A. **Student & Housestaff Ombuds** are appointed by the Dean of each RBHS school as outlined in section 1. Student & Housestaff Ombuds' responsibilities are typically a collateral function assigned to a faculty or staff member, and focuses on providing Ombuds services to their school's students and housestaff.
- B. **Ombuds** refers to the schools' Student & Housestaff Ombuds.
- C. A **visitor** is a student or member of the housestaff who voluntarily communicates with their school's Student and Housestaff Ombuds, in order to express a concern, seek guidance, or impart information.
- D. A **third party** is a member of the University community who is contacted by an Ombuds, in order to obtain information, or for the purpose of addressing a visitor's concern.
- E. **Notice** is a formal communication of a University-related issue or concern by a visitor or a third party to Rutgers through established formal channels.

POLICY

- A. Each RBHS Dean shall designate an individual at his/her School as an Ombuds to serve as a resource for students and housestaff, and to guide them in the evaluation

of options for resolving University- related concerns. Student & Housestaff Ombuds will be independent of the offices and individuals who have notice, compliance, regulatory, enforcement, adjudicatory and disciplinary functions with respect to students and housestaff. The Student & Housestaff Ombuds will have the ability to approach any individual within the School or University administration to facilitate problem resolution.

- B. The Student & Housestaff Ombuds will have a set term, which may be renewed by the Dean at the end of each term, and may be removed during any term only for good cause.
- C. The RBHS Vice Chancellor for Academic Affairs is responsible for setting the minimum training and certification standards for all Student & Housestaff Ombuds.
- D. Confidentiality
 - i. Except as noted in Sections VI.D.3. and VI.D.5., Ombuds hold all communications with those seeking assistance in strict confidence, and do not disclose confidential communications unless given express permission to do so by the visitor.
 - ii. The University does not consider communications made to Student & Housestaff Ombuds, to be notice to the University or any of its Schools and component business units. Ombuds neither act as agents for their School or the University, nor do they accept notice on its behalf. However, Ombuds may refer visitors to the appropriate place where formal notice can be made.
 - iii. Ombuds will disclose confidential information when there appears to be an imminent risk of serious harm to either an individual, property, or to the University, where there is no other reasonable option. Except in emergent situations, when disclosure is contemplated, Student & Housestaff Ombuds should first notify the RBHS Vice Chancellor for Academic Affairs for his/her concurrence. Except under emergent circumstances, the determination of whether this risk exists is to be made only by the RBHS Vice Chancellor for Academic Affairs at his/her discretion. Student & Housestaff Ombuds will also disclose confidential information when required to do so by law, after first receiving concurrence from the RBHS Vice Chancellor for Academic Affairs. Visitors will be advised prior to disclosures being made under this section. Any such disclosures will be made in a manner and to the extent possible, of protecting the identity of the visitor. To prevent individuals from divulging information with an incomplete understanding of this possibility, the limitations on the confidentiality of communications to the Ombuds shall be clearly written, published, distributed and explained to students and housestaff before any consultation with an Ombuds.
 - iv. When third parties are contacted by an Ombuds, in order to obtain information or in furtherance of addressing a concern from an originating visitor, these communications too, will be kept confidential.
 - v. Ombuds will not testify at any formal process within the University, and shall resist testifying in any formal process outside of the University. Confidential communications may be disclosed if a Student & Housestaff Ombuds is mandated to do so through court order or subpoena, and after first notifying the RBHS Vice Chancellor for Academic Affairs. In such instances, the University will vigorously seek to limit the scope of the disclosure.
 - vi. Student & Housestaff Ombuds may maintain and provide their Dean, and

senior management with demographic, statistical and trending data, so long as visitors' confidentiality is not compromised. Ombuds may identify trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provide recommendations for responsibly addressing them. The RBHS Vice Chancellor for Academic Affairs will ensure consistency in data collection, and that the data collected adheres to the Ombuds' standards of practice. Written records or reports about specific individuals or cases will not be maintained.

- vii. The decision to waive confidentiality, under Sections VI.D.3. and VI.D.5., belongs solely to the RBHS Vice Chancellor for Academic Affairs, rather than to any party at issue. Requests for Student & Housestaff Ombuds to waive confidentiality must be forwarded to the RBHS Vice Chancellor for Academic Affairs for concurrence. By taking advantage of the services offered by an Ombuds, visitors implicitly agree to also be bound by these rules of confidentiality.
- viii. Communications made under this subsection between Student & Housestaff Ombuds and the RBHS Vice Chancellor for Academic Affairs, relating to specific visitors or concerns, are not considered a disclosure of confidential information under this policy.
- ix. Members of the University community may not inquire about confidential communications made to or by an Ombuds.

b. Neutrality/Impartiality

- i. Ombuds are designated neutrals, and thus remain unaligned and impartial, and should not engage in any situation which could create or give the appearance of a conflict of interest.
 - 1. If a specific concern brought to a Student & Housestaff Ombuds relates to an individual who is in a supervisory/subordinate "chain of command" position, or is a member of the same department, the Student & Housestaff Ombuds must refer the visitor to the RBHS Vice Chancellor for Academic Affairs for a referral to another Student and Housestaff Ombuds who is not in a supervisory/subordinate "chain of command" position.
 - 2. If a specific concern brought to a Student & Housestaff Ombuds relates to an individual with whom the Student & Housestaff Ombuds shares a professional or personal relationship and which may impact, or appear to impact, on the Student & Housestaff Ombuds neutrality, then that visitor should be referred to the school's alternate Student and Housestaff Ombuds, if one has been appointed, or to the Student and Housestaff Ombuds of another school. The RBHS Vice Chancellor for Academic Affairs may be of help in making this referral.
- ii. Ombuds advocate for fair and equitably administered processes, and do not advocate on behalf of any individual, the School or University.
- iii. Ombuds have a responsibility to consider the legitimate concerns and interests of all the individuals affected by the matter under consideration, helping to develop a range of responsible options to resolve problems and facilitate discussion to identify the best option. They may provide students and housestaff with information on resources available within and outside of

the University, clarify policies and procedures, and serve as a neutral informal conflict resolution office. Ombuds will not advocate for the exercise of a particular option. That decision remains solely with the individuals involved.

- iv. Ombuds may bring to management's attention those policies and procedures that are inherently unfair, or are applied in an unfair manner, or may be failing to accomplish what was intended. Ombuds may suggest (but not mandate or implement) corrective action.

c. Individual's Responsibility to Report

This policy does not diminish an individual's responsibility to report illegal or wrongful conduct under the University or School's Code of Conduct/Honor Code, or as specified under University policies, such as: Student Rights, Responsibilities & Disciplinary Procedures.

d. Protection Against Retaliation

The University strictly prohibits retaliation against any member of the University community, including students and housestaff, because they have communicated with an Ombuds. All allegations of retaliation should be reported to the Ethics & Compliance Helpline.

E. EXHIBIT

What Ombuds Offices DO; What Ombuds Offices DO NOT DO

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Adapted from information provided by the International Ombudsmans Association

What Ombuds Offices DO:

- Listen and discuss questions, concerns, and complaints
- Help evaluate various options to address concerns
- Answer questions or help find others who can
- Explain University policies and procedures
- Facilitate communication between people
- Advise individuals about steps to resolve problems informally
- Advise individuals about formal and administrative options
- Mediate disputes to seek "win-win" resolution of problems
- Make appropriate referrals when informal options do not work
- Point out patterns of problems/complaints to administrators
- Suggest to administrators changes to policies and procedures

What Ombuds Offices DO NOT DO:

- Participate in formal grievance processes
- Serves as an "agent of notice" for the School or University
- Make administrative decisions for administrators
- Reverse administrative decisions or findings
- Conduct formal investigations
- Determine "guilt" or "innocence" of those accused of wrong-doing
- Assign sanctions to individuals
- Maintain permanent records, notes, or reports identifiable to specific visitors