

The University of Tennessee, Knoxville

Office of Ombuds Services Charter

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THE UNIVERSITY OF
TENNESSEE
KNOXVILLE

OFFICE OF OMBUDS SERVICES

Introduction

The University of Tennessee, Knoxville, Office of Ombuds Services was established on May 1, 2019. The Office serves as an independent, impartial, informal, and confidential resource for faculty, staff, and graduate students at the Knoxville campus. The Office was established by the University of Tennessee, Knoxville, Chancellor to provide the university community with an informal and internal channel of conflict resolution. The Office is staffed by Ombuds professionals who practice in a manner consistent with the Code of Ethics and Standard of Practice established by the International Ombuds Association (IOA).

Fundamental Principles

The Office of Ombuds Services adheres to the following fundamental principles, as outlined in the [International Ombuds Association's Code of Ethics](#):

- Independence - The Ombuds is independent in structure, function, appearance, and decision-making. The Ombuds reports to the highest possible level within the organization and does not report to a function or entity that could affect, or be perceived as affecting, the Ombuds' independence. At UT, the Office reports directly to the Chancellor.
- Impartiality - The Ombuds is a designated neutral and impartial resource who does not take sides or serve as an advocate for any person or entity. The Ombuds avoids conflicts of interest and conduct that could be perceived as a conflict of interest.
- Informality - The Ombuds does not participate in any evaluative, disciplinary, legal, or administrative proceedings related to concerns brought to the Ombuds' attention. The Ombuds is not authorized to make business and policy decisions or conduct formal investigations on behalf of the organization. The Ombuds is not an agent of the organization for purposes of receiving notice of claims against the organization and is not authorized to be a formal reporting channel for the organization on matters brought to the Ombuds' attention except when specifically and expressly mandated by law.
- Confidentiality - Confidentiality is the defining characteristic of Ombuds practice. The identity of those seeking assistance from the Ombuds and all communications with them are confidential to the maximum extent permitted by law. The Ombuds may, at their sole discretion, disclose confidential information when the person seeking assistance gives permission to do so; when failure to do so might result in an imminent risk of serious harm; or as necessary to defend against a formal complaint of professional misconduct.

Purpose

The Office will serve as a no-barrier resource when seeking information and insight from a consultant who is independent, impartial, informal, and confidential. The Ombuds will help visitors make empowered decisions related to organizational concerns, challenges, barriers, disputes, and conflicts that stand in the way of reaching their full potential. The Ombuds will help visitors identify, examine, and reflect on their experiences relative to university policies and procedures, which may include reviewing and considering options for navigating the specific situation. When appropriate, the Ombuds will provide training, educational activities, and coaching to individuals and organizational units that are facing challenges. The Ombuds also serves as a catalyst for constructive organizational change by identifying and reporting emerging trends and issues and providing feedback to university officials.

Responsibilities

The Office of Ombuds Services is responsible for:

- Providing a confidential and safe space for visitors to share, discuss, and reflect on their experiences
- Providing consulting and coaching services to assist visitors engaging in individual as well as organizational problem solving
- Serving as a source of information for visitors informing them of formal organizational resources that may include policies and procedures as well as employee and student support Offices
- Facilitating informal conflict resolution
- Engaging in discussions about policies, procedures, and specific visitor situations that can help facilitate informal conflict resolution
- Engaging in outreach that raises awareness of the Office
- Engaging in educational programming that normalizes conflict as an opportunity for growth and innovation
- Publishing an annual report containing feedback about our services, aggregate data about those we served, information about our internal operations, themes from visitor experiences, and recommendations for improving the campus community

Standards of Practice

The Office adheres to the [International Ombuds Association's Standards of Practice](#), outlined below:

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.

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.

Authority and Limits

The Office supplements, but does not replace, existing formal processes available. Consultation with the Office of Ombuds Services does not alter any other pending or ongoing university process, such as an investigation or employment action. The Office does not have the authority to change or overrule any university policy or administrative decision. The Office has no authority to institute corrective measures on behalf of the university or to receive notice of any claims against the university.

Reporting

While the Office is independent, it reports to the Chancellor and prepares a report that is submitted every fiscal year. The report will include information related to (a) the number of visitors served, (b) services provided to visitors, (c) any recommended change, and (d) any other matters that the Office deems necessary or advisable to support employees, graduate students, and university governance. The annual report shall not disclose any information that the ombuds is required to keep confidential in accordance with the IOA Code of Ethics and Standards of Practice.

Conflict of Interest

When a perceived or real conflict of interest exists, the ombuds will take appropriate actions to disclose and avoid the conflict.

In circumstances that may present a conflict of interest between the Office of Ombuds Services staff and the University, the Office may request the provision of external legal counsel.

Evaluation

The Office and University Ombudsperson job performance is evaluated by the University of Tennessee, Knoxville, Chancellor. All other ombuds staff are evaluated by the University Ombudsperson.

Concerns about ombuds staff may be directed to the University Ombudsperson and Director of Ombuds Services. For concerns regarding the University Ombudsperson specifically, contact the Chancellor.