



Office of the Dean

## San Antonio Uniformed Services Health Education Consortium San Antonio, Texas

23 January 2012

### SAUSHEC OMBUDSMAN CHARTER

1. **Preamble:** The position of Ombudsman has been established to make available the services of an impartial, independent, and neutral person to assist in addressing graduate medical education (GME) or graduate allied health education (GAHE) related problems of San Antonio Uniformed Services Health Education Consortium (SAUSHEC) members. The Accreditation Council for Graduate Medical Education (ACGME) Institutional Requirements dictates the need for a SAUSHEC process by which individual trainees can address concerns in a confidential and protected manner. The primary goal of the Ombudsman Program is to provide a voluntary and confidential means for conflict resolution in a manner that contributes to an improvement in the overall training environment within SAUSHEC. In doing so, all Ombudsmen will follow the Standards of Practice and Ethical Principles of the International Ombudsman Association, while adhering to the SAUSHEC's conditions of due process.

2. **Appointment:** In order to best meet the needs of current SAUSHEC members, the goal of the Ombudsmen selection process is to maintain a diverse group of members with respect to military branch, gender, ethnicity, and medical specialty. Ombudsmen must be active duty military faculty members involved in GME or GAHE training. In order to avoid potential conflicts of interest, Program Directors and Associate Program Directors will not be eligible for the position. Ombudsmen positions will be posted based on the needs identified by the Chief Ombudsman and the SAUSHEC Dean. Applications will be received on a voluntary basis and will include a personal statement, updated curriculum vita, and letter of recommendation. Current Ombudsmen will review the applications and recommend to the Dean the individual with the strongest portfolio. The Dean will provide the final review and appointment. Upon selection, the Dean's Office will provide funding for the new Ombudsman to receive training via the International Ombudsman Association Basic 101 Course. Only courses offered within the Continental United States will be funded.

### 3. **Authority of the Ombudsman:**

a. In exercising his or her duties, the Ombudsman will be independent of any single office, department, bureau, or organization within SAUSHEC. The Chief Ombudsman will report directly to the Dean.

b. On matters pertaining to duty execution, the Ombudsman will have direct access to faculty members, contractual employees, the Dean's Office, and the JAG. All personnel directly working with SAUSHEC are expected to cooperate with the Ombudsman and to make available all information pertinent to matters he or she is reviewing. In accordance with the Standards of Practice and Ethical Principles of the International Ombudsman Association, all information will be confidential and "off-the-record".

c. The Ombudsman shall have access to all records relevant to exercise his or her duties to the extent permissible by law. In the event of a dispute regarding access to records, the matter will be referred to the Dean.

#### **4. Confidentiality:**

a. The Ombudsman will keep all dealings with persons who seek his or her services strictly confidential, except to the extent that the person seeking assistance consents to disclosure for the purpose of the performance of the duties specified below in paragraph 5. However, the Ombudsman may, at his or her sole discretion, break confidentiality if the physical safety of any person is threatened.

b. All information and records compiled by the Ombudsman shall be for the use of the Ombudsman and for no other purpose than the functions of the Office of the Ombudsman. Ombudsmen are discouraged from maintaining written records. Any reports or records required to fulfill the ombudsman duties will be prepared in a manner that will preserve the right to confidentiality of the person who brought matters to the attention of, or provided information to, the Ombudsman. Details of specific cases may be disclosed only with the concurrence of such persons or when directly ordered by a judge.

#### **5. Duties of the Ombudsman:**

a. The Ombudsman shall review those problems voluntarily brought forth by SAUSHEC members. The Ombudsman's review of a problem and contacts with persons who are involved may take place at any stage in the resolution process. With the primary objective of resolving these problems, the Ombudsman will exercise judgment in seeking to facilitate the resolution of conflicts, using mediation and conciliation or other appropriate means. For a problem that cannot be resolved by mutual agreement, the Ombudsman may present recommendations for the resolution of the problem to those with authority to implement those recommendations, including the Dean. The Ombudsman will not formally investigate misconduct and will not serve as an "office of notice".

b. The Chief Ombudsman shall issue an annual report to the Dean's Office specifying the number and general nature of all problems brought forth to the program. The extent to which the problems were or were not resolved will be included in the report, along with the reason for the lack of resolution when the situation arises. The report will be available to all SAUSHEC members upon request. The Chief Ombudsman will present an annual update at the Graduate Medical Education Committee (GMEC) and Allied Health Education Committee (AHEC) meeting, and more frequently upon the Dean's request.

c. In order to remain current on SAUSHEC policies, to have a thorough understanding of SAUSHEC resources, and to be in a position to provide the most up to date information/feedback to SAUSHEC members seeking Ombudsman assistance, the Chief Ombudsman (or, in the event of his/her absence, a designated Ombudsman) will attend the monthly GMEC and AHEC meeting as a non-voting member.

d. In carrying out its mission, the Ombudsman Office is **not** authorized to:

- 1) Make, change, or set aside a SAUSHEC law, policy, or administrative decision
- 2) Make binding decisions or determine rights
- 3) Share confidential information with SAUSHEC members and administrators unless, in the Ombudsman's professional judgment, there is an imminent risk of serious harm or permission to do so has been granted by the visitor seeking the Office of the Ombudsman
- 4) Compel anyone to implement recommendations of an Ombudsman
- 5) Conduct investigations that substitute for administrative or judicial proceedings
- 6) Provide legal advice
- 7) Receive official notice for SAUSHEC
- 8) Determine "guilt" or "innocence" of anyone accused of wrong-doing
- 9) Sanction individuals outside the Office of the Ombudsman
- 10) Provide testimony in formal grievance or disciplinary procedures or litigation except to explain the role of the Office of the Ombudsman and to provide publicly available information (unless otherwise ordered to do so by a judge)
- 11) Maintain formal written case records identifying users of the Office of the Ombudsman
- 12) Assist individuals with an issue that is currently pending in a formal forum
- 13) Assist individuals lacking a SAUSHEC affiliation
- 14) Waive the Ombudsman Privilege

## 6. Access to the Ombudsman

a. Current and former SAUSHEC members including residents, fellows, faculty, and contractual employees shall have access to the services of the Ombudsman. The Office of the Dean will provide opportunities to inform all SAUSHEC members of the role and functions of the Ombudsman Program.

b. Persons having access to the Ombudsman are not required to have pursued other avenues for the resolution of their problems, such as contacting supervisors, before bringing a matter to the attention of the Ombudsman.

c. If a person who has raised a matter with the Ombudsman decides to initiate a formal grievance or pursue litigation, the Ombudsman may provide advice on the procedures prior to the filing of the grievance or the making of the legal suit. However, the Ombudsman shall thereafter refrain from assisting the grievant in the process or in furthering the matter legally, except to the extent that, in the Ombudsman's judgment, he or she may be able to assist in mediating the settlement of the case. The Ombudsman may not be called as a witness or otherwise be required to provide documentation in such proceedings or in any other administrative or judicial proceeding unless otherwise ordered by a judge.