



CHARTER OF THE OMBUDS OFFICE

May 4, 2009

Charter of the Ombuds Office

M. D. Anderson Cancer Center

Preamble

The University of Texas M. D. Anderson Ombuds Office (“Ombuds Office”) was established in 2006 as the result of the consolidation of the Faculty Ombuds Office, which was initiated in 2000 by President John Mendelsohn upon the advice of the Faculty Peer and Grievance Review Committee, and the Nurse Ombuds Program, which was created in 2003.

The Ombuds Office is an independent, impartial, informal, and confidential channel for communication for all faculty, staff, and trainees at M. D. Anderson. It is designed to be an off-the-record and alternate mechanism that supplements, rather than replaces, existing formal channels of communication, such as Human Resources, Institutional Compliance or speaking directly with one’s supervisor.

The Ombuds Office helps M. D. Anderson comply with the highest standards of corporate governance and ethical behavior and applicable laws and regulations by providing faculty, staff, and trainees with a confidential and anonymous means to discuss workplace concerns and a safe place to seek guidance on how to report misconduct without fear of retaliation. It provides a place for alternative dispute resolution that includes mediation and other techniques to facilitate the resolution of workplace disputes. It is intended to assist in meeting the Joint Commission’s Leadership Standard LD.02.04.01, requiring hospitals to manage conflict between leadership groups to protect the quality and safety of care. And finally, it helps the Institution consider policies, practices, emerging trends and issues where systemic change may be appropriate.

Standards of Practice

The Ombuds Office was designed to comply with the Code of Ethics and Standards of Practice of the International Ombuds Association (“IOA”). All Ombuds and staff employed by the Ombuds Office are required to adhere to these standards, available at <http://www.ombudsassociation.org/standards>, which include independence, impartiality, informality and confidentiality:

Independence

The Ombuds Office is functionally independent, reporting directly to the President of M. D. Anderson. It is not part of the Institution’s management. It is intended to be, in fact and in appearances, free from interference in the performance of its duties. It was designed in this way to provide employees with

an alternative place to confidentially discuss workplace conflicts or concerns outside of formal channels without fear of retaliation.

Impartiality

The Ombuds Office does not advocate either for management or for employees. Rather, it seeks to provide assistance to foster a fair and timely resolution of workplace issues.

Informality --- Not an “Office of Record”

The Ombuds Office is an informal and voluntary resource. It does not make management decisions or policy, does not adjudicate or arbitrate claims, and does not conduct formal investigations. As such, it has no authority to receive “notice” of claims against M. D. Anderson. Contacting the Ombuds Office is not the same as reporting an issue to the Institution and does not place M. D. Anderson on notice of any claim. If an individual would like to put the Institution on notice of an issue, the Ombuds Office can discuss various formal options that are available, but notice to M. D. Anderson may not be made through the Ombuds Office. The Ombuds Office functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options and with permission, engaging in informal third party intervention. The Ombuds does not make binding decisions, policies or formally adjudicate issues for the organization. The Ombuds Office supplements, but does not replace, any of the formal channels available to all employees and when possible, Ombuds help employees to develop new ways to solve problems themselves. The use of the Ombuds office is voluntary and is not a required step in any grievance policy. The Ombuds office does not participate in any formal investigative or adjudicative procedures, and when an investigation is requested, the Ombuds will refer employees and trainees to appropriate offices and individuals in other M. D. Anderson Departments.

All employees, trainees and fellows are able to use the Office at their convenience and level of comfort. Appointments are provided during the working day, at lunch time, and after hours to match the need of Ombuds visitors¹.

¹ Employees, trainees and fellows who use the Ombuds Office are called “visitors” to denote the non-representational and neutral role of the Office.

Confidentiality

M. D. Anderson has created the Ombuds Office as a purely voluntary resource for all employees, trainees and fellows with the understanding that communications with the Ombuds Office will be treated confidentially. Confidentiality is critical to the effectiveness of the Ombuds Office and is supported by its independence, impartiality, and informality. Visitors who use the Ombuds Office do so with the understanding that they also agree to be bound by these confidentiality provisions and principles of independence, impartiality, and informality upon which the Ombuds Office is based. Employees, trainees and fellows may contact the Ombuds Office anonymously if they prefer. The Ombuds Office does not confirm communicating with any visitor or party.

Operationally, confidentiality means that the Ombuds Office will not disclose the identity of a visitor or the substance of confidential communications unless:

- In the course of a confidential discussion with a visitor the Ombuds Office receives permission from a visitor to make a disclosure, or
- The Ombuds Office determines that there is imminent risk of serious harm to life or institutional property.
- Disclosure is compelled or required by law.

The Ombuds Office holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality.

The Ombuds Office does not keep permanent records of confidential information. Any notes taken are routinely destroyed at the conclusion of a discussion or inquiry. Information regarding contact with visitors is entered into the Ombuds' data system in a way that de-identifies individuals and protects the identity and confidentiality of the Ombuds Office visitor.

Permanent records kept by the Ombuds office include only non confidential and statistical information. While providing confidentiality of communications with a visitor, the Ombuds office may provide information about issues brought to the Ombuds Office to help the Institution to identify trends and systemic issues.

The Ombuds Office identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.

Responsibilities and Duties of the Ombuds Office

Awareness and Accessibility

The Ombuds Office:

- Informs all employees the role of the Ombuds Office.
- Makes the Ombuds Office easily accessible to all employees.
- Provides information and options to employees who seek guidance on how to use appropriate channels to report illegal, unethical or criminal behavior.
- Permits employees to contact it confidentially or anonymously through the use of a toll-free number and other methods.

Issue Identification and Resolution

The Ombuds Office:

- Assists employees and management in early identification, surfacing and resolution of work-related issues.
- Provides employees with confidential and anonymous guidance on how to report or resolve work-related problems without fear of retaliation.
- Promptly reports to an appropriate formal channel any matter that the Ombuds Office determines creates an imminent threat of serious harm to individuals or to M. D. Anderson property.
- Assists visitors by listening, conflict coaching, generation of options, mediation, facilitation and other appropriate forms of resolution.
- Provides both individuals and groups with a venue for informal conflict management, including services to clarify communications, dialogue, self-reflection and renewal. The purpose of these services is to help employees reflect and communicate more effectively, and they include alternate approaches such as acknowledgement of responsibility, conciliation of differences and development of new levels of mutual understanding and accountability.
- Adheres to the Code of Ethics and Standards of Practice of the International Ombudsman's Association with respect to, independence impartiality, informality and, confidentiality.

Issue Prevention and Change Advocacy

The Ombuds Office, without disclosing confidential communications, may:

- Discuss issue trends, statistical analyses, and general demographic information on issues presented to the Ombuds Office with senior management and such other formal channels as Legal Services, Institutional Compliance, Internal Audit, and Human Resources.
- Consider and present possible Institutional changes to prevent systemic issues or the recurrence of issues.

Conflict Coaching

- The Ombuds Office is available to provide coaching to employees on the issues they bring to the Office. This includes seeking information, understanding the perspectives of the other people who may be involved, and developing strategies for resolving conflict. Ombuds do not coach employees on career or psychological issues. The Ombuds help develop new options, proposals or recommendations in the interest of positive conflict resolution.

Information Gathering

- In performing its services the Ombuds Office may seek information from management or employees at various levels. Such informal, off-the-record inquiries, which may include interviews, are for the sole purpose of understanding all sides of a dispute and do not constitute an investigation on behalf of the Institution.
- Interviews provide an opportunity to obtain diverse perspectives and create a better mutual understanding of issues and the generation of options. The Ombuds Office conducts interviews with individuals only on a voluntary basis. The interviews are in keeping with the **International Ombudsman Association Standards of Practice**. They are treated as “off-the-record,” “informal” and “confidential,” and are used to resolve the situation in a way that results in the best outcomes for all. The results are neither reported nor used for any management decision.
- Management decisions are not made by the Office of the Ombuds, whose sole purpose in such discussions is conflict management and resolution.

Taking the Issue Forward

- The Ombuds Office may “take an issue forward,” with the permission of the visitor, up the chain of command, in order to provide his/her management options that may not have been discussed, or to discuss alternative solutions. The Office of the Ombuds has no authority to make management decisions.

Training

The Ombuds Office is a resource that can provide training in civility and conflict resolution and management when requested by a specific department or unit. In addition, it is available to make outreach presentations and lunch-hour brown bag sessions about the Ombuds Office on the Houston Campus, Science Park in Smithville and the Keeling Campus near Bastrop in order to provide access and information about the office.

Training programs in conflict resolution for faculty, including video-production, conflict resolution and educational programs in mentoring for faculty is conducted under the sponsorship and oversight of the Associate Vice President for Faculty Development.

Training in conflict resolution for managers or employees and New Employee Orientation is conducted under the sponsorship and oversight of the Director of Employee Development in Human Resources.

Limits to the Role of the Ombuds Office

Because of the structure and role of the Ombuds Office, it does **not**:

- Conduct formal investigations.
- Advocate for any party, and is not a substitute for anyone’s lawyer or counselor.
- Make administrative or policy decisions.
- Testify, disclose documents, provide information, or share any communications with or from the Ombuds Office in any formal disciplinary process.

- Serve as a place to give the Institution notice of claims against it since the Ombuds Office does not have authority to receive such notice of claims.

Reporting Responsibilities

The Ombuds Office shall, while maintaining confidentiality, make reports to the President and senior management on an annual basis (or with such frequency as required) which include:

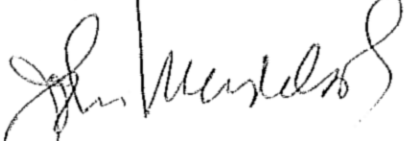
- The types, number, trends and impact of issues brought to the Ombuds Office.
- The demographic profile of the employees using the Ombuds Office.
- The types of changes resulting from issues surfaced and prevention opportunities.
- Information on the effectiveness of the Ombuds Office.

Mutual and Institutional Responsibilities

By its creation of the Ombuds Office, M. D. Anderson has tried to provide all employees with an effective mechanism and tool for early, constructive and non-adversarial approaches to resolve differences and to provide guidance to those who may need assistance on their options for reporting issues to the Institution. The leadership of M. D. Anderson, including its divisional and departmental leaders, managers and supervisors are committed to support the Ombuds Office.

The success of the Ombuds Office also depends on the support and commitment of employees and visitors who use the Office. Employees who use the Ombuds Office do so with the understanding that they agree to abide by the features and operations of the Ombuds Office described in this Charter.

M. D. Anderson Cancer Center



John Mendelsohn, M.D.
President

M. D. Anderson Ombuds Office



Anu Rao, Ph.D.
Director

Date _____

3/14/09