

MIT OMBUDS OFFICE

Terms of Reference

The MIT Ombuds Office is an independent, neutral, and confidential resource for all members of the MIT community. It is an alternate and informal channel of communication. The Office is available to assist faculty, staff of every kind, students and post docs to address any MIT-related concern, except for matters covered by a union-MIT contract or special by-laws.

MIT Ombuds listen to people and offer information about Institute policies and procedures. They help people who seek a confidential channel for discussing or addressing an issue of concern without fear of retribution. The Ombuds Office helps to promote ethical conduct and values; to alleviate disruption caused by disputes; and to identify policies, practices, or issues where a systems change may be appropriate. The Office provides a place for people to seek guidance on how to report actual or potential violations of the Institute's legal obligations, and, if they wish it, to do so anonymously.

The Ombuds Office reports to the President in a manner that is independent of ordinary line and staff structures. Ombuds work informally—they have no power to make, change, or set aside administrative decisions or MIT policy. MIT Ombuds do not conduct formal investigations. Ombuds are designated as neutrals; they do not serve as anyone's lawyer, advocate or representative, nor do they provide protection of legal rights. Their purpose is to seek a fair process for expressing concerns and resolving disputes that may arise in the MIT community. The Ombuds Office is not a place to give notice to MIT of any claims; in instances where notification to MIT would be necessary to resolve a problem or preserve rights, people must use other channels. (The MIT Ombuds can help to identify proper communication channels that do "receive notice" for MIT and that can conduct formal investigations.)

To function effectively, the MIT Ombuds and their staff must maintain the confidentiality of communications with those who use the office. Communications with the MIT Ombuds and their staff are therefore considered confidential and privileged. Accordingly, they will not answer questions about people with whom they may have spoken, or disclose an individual's name or specific issue, with anyone outside of the Ombuds Office, unless, during the course of their discussions with a visitor, they are given permission to do so for the purpose of informal conflict resolution, and if the Ombuds also agrees to attempt informal resolution. The only exception to this pledge of confidentiality is where the Ombuds determines that there is an imminent risk of serious harm. The Ombuds Office does not keep permanent records of confidential communications. Permanent records kept by the Office include only statistical information for analyzing and reporting trends and recommendations to the Institute. All other records are regularly destroyed.

MIT Ombuds do not conduct formal investigations, adjudicate, arbitrate, or serve as witnesses in any administrative or legal proceedings either at the Institute or elsewhere. As a matter of policy, MIT does not call MIT Ombuds to disclose confidential communications or to serve as witnesses. Since the Office is made available to all members of the MIT community as a purely voluntary and "alternate" channel for confidential communication, it is not appropriate for anyone to seek to compel the Ombuds or their staff to disclose confidential communications. Accordingly, people who use the program will be considered to have agreed to abide by these principles and not to seek to compel the Ombuds or their staff to testify with respect to confidential communications.

MIT Ombuds are members of the International Ombudsman Association and adhere to its Code of Ethics and Standards of Practice, which are available on the Ombuds Office website at <http://web.mit.edu/ombud/> and at <http://www.ombudsassociation.org/about-us/code-ethics> and <http://www.ombudsassociation.org/about-us/mission-vision-and-values/ia-best-practices-standards-practice>.

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Revised 7/11

The MIT Ombuds Terms of Reference have been revised to make more clear the understanding that communications with the Ombuds Office are confidential and that it is not appropriate for Ombuds to be called as witnesses in any proceeding to testify about confidential communications.