

Dean's Faculty Advisory Council
University of Tennessee, College of Medicine

January 9, 2023

Call to Order

The meeting was called to order by the president-elect, Dr. Thad Wilson, at 12:05PM on January 9, 2023, in person and on the Zoom online platform.

Attendance

The following members were present:

Kevin Beier, MD, EM, Mark Bugnitz, MD, Charlie Busby, MD, Julio F. Cordero-Morales, PhD, Terry Cooper, PhD, Denis DiAngelo, PhD, Tina Dudley, MD, Ian Gray, MD, Chris Ledbetter, MD, Matthew Mihelic, MD, Erica Mitchell, MD, MEd SE, FACS, DFSVS, Haavi Morreim, JD, PhD, Lawrence Pfeffer, PhD, Reese Scroggs, PhD, Burt Sharp, MD, Claudette Shephard, MD, Laura Sprabery, MD, Thad Wilson, PhD, Nikki Zite, MD, Jillian McCarthy, Ph.D., CCC-SLP

The following guest(s) was (were) present:

Alicia Diaz-Thomas, MD

Approval of minutes

The minutes of the previous meeting were approved as written. Minutes had previously been distributed by electronic means.

Business

Dr. Wilson indicated that he would like to explore, with further information from the Dean's office, any information regarding the stand-off between Methodist LeBonheur and Blue Cross Blue Shield of Tennessee. His query concerns whether there is any option by which UTHSC might encourage a resolution that at least opens the use of LeBonheur to children. On behalf of the Dean's office, Dr. Diaz-Thomas indicated that negotiations are ongoing.

The second question Dr. Wilson posed concerns whether Baptist or other area hospitals may be planning to reduce "outside presence," such as UTHSC. Dr. Diaz-Thomas indicated that, if anything, Baptist has recently been increasing UTHSC's presence. Additionally, there is DFAC interest to explain further the relationship between UTHSC and the VA hospital.

The conversation then turned toward recent interest in potentially creating an ombuds office at UTHSC. Prior to the meeting, DFAC members had been invited to listen to recent Faculty Senate interview with Dr. Howard Gadlin, who was director of the ombuds office at the NIH for 20 years before retiring a few years ago, and currently is the consultant for the ombuds office at Harvard medical school, among other places. In the interview Dr. Gadlin provides very helpful descriptions of what ombuds are and how they function, and illustrated with a number of anecdotes from his own work as ombuds. It can be found at

https://tennesseehipaa.zoom.us/rec/share/Ehy3HLfNCRGqHCEX_zQ46AtWJCOTiQWpb5jxiXar8Z-9xWW_0E9K2eI7dHODIZLU.2NTERez5dvarrIej (minute 17:00 to min. 56).

Dr. Morreim then offered some preliminary remarks to clarify several different types of ombuds, given that a fair bit of confusion tends to surround the topic. She described 3 different kinds.

A **classical ombuds** is usually created by statute to investigate citizens' concerns or complaints regarding government processes; this sort of ombuds undertakes investigations, and often has subpoena power.

An **advocate ombuds** is tasked with advocating on behalf of identified individuals or groups; for instance, nursing homes in Tennessee must all have an ombuds whose job is to advocate on behalf of nursing home residents.

An **organizational ombuds** - - the kind under consideration for UTHSC - - has a very different function. This ombuds serves as a designated neutral within an organization, whose outreach is ordinarily to serve everyone in the organization, across the spectrum. In an academic medical center this would include staff, students, residents, fellows, faculty, and administration. The ombuds is to provide **impartial, confidential, informal, and independent** assistance to individuals through dispute resolution and problem-solving methods that include **conflict coaching, mediation, facilitation, and shuttle diplomacy**. The ombuds's independence is usually structured so that the ombuds is accountable exclusively to the top-most person in the organization - - hence at UTHSC, would report only to the chancellor.

It is the third type, the organizational ombuds, that is under discussion in the Faculty Senate.

Dr. Diaz-Thomas explained that initially, DFAC had hoped to chat with Dr. Melody Cunningham, who has recently been hired part-time as a response to the ACGME's temporary imposition of probation status. At this time Dr. Cunningham's position assists residents and fellows. Not precisely an ombuds, her role is a "navigator" available across all CoM campuses. Although the issues she addresses are those that begin with residents and/or fellows, the role can extend to whichever parties are relevant to the concerns brought to the table.

Dr. Jillian McCarthy, president of the Faculty Senate, indicated that UT Chattanooga has now advertised for an ombuds for that campus. She provided UTC's notice soliciting applications for that position (appended below), and also shared with DFAC her research indicating which of UTHSC's aspirational and peer institutions have their own ombuds.

Dr. Gray indicated that a UTK ombuds, Dr. Joan Rentsch, is available to the Graduate School of Medicine in Knoxville, and that it appears to be a very useful option for addressing various conflicts and issues (see <https://gsm.utmck.edu/news/2206/rentsch%20and%20railey.cfm>). One question to explore is whether a UTHSC ombuds would encompass outlying campuses, e.g. where a local ombuds is already available as at UTK, or how else to structure it.

It was moved and seconded that the DFAC encourage the College of Medicine and the Faculty Senate further explore the possibility of an organizational ombuds at UTHSC. DFAC support for the idea was unanimous.

Next Meeting

The next meeting of the committee will be held on February 6, 2023, at 12:00n CT / 1pm ET by Zoom and in person in room 502, 910 Madison building.

Adjournment

There being no further business, the meeting was adjourned at 12:45 PM.

Respectfully submitted,

E. Haavi Morreim, JD, PhD
Secretary

Ombudperson, Office of the Chancellor - 22000002P9

UTC OMBUDPERSON

**Office of the Chancellor
University of Tennessee at Chattanooga**

Ombud Position Description

The University Ombud provides impartial, informal, independent and confidential conflict resolution services to all UTC faculty and staff in accordance with the [Code of Ethics and Standards of Practice](#) established by the International Ombud Association (IOA). This full-time, non-tenure track staff position reports to the Chancellor of the University through the Chief of Staff.

The position uses exceptional judgment, knowledge of the institution and its constituencies, and advanced concepts in conflict resolution to handle ombud cases that may involve various levels of hierarchy and sensitive issues that have the potential for costly outcomes if not addressed. The ombud is neither an advocate for any individual nor the University, but rather is an advocate for fairness, who acts as a source of information and referral and aids in answering an individual's questions and assists in the resolution of concerns and critical situations.

The ombud listens and understands issues while remaining neutral with respect to the facts; assists in reframing issues and developing and helping individuals evaluate options; guides and coaches individuals to deal directly with other parties, including the use of formal resolution resources of the organization; facilitates informal resolution processes; and identifies new issues and opportunities for systemic change for the organization. The ombud does not replace the University's existing resources for formal conflict resolution. Ombud services help individuals to mitigate conflicts that can otherwise lead to a grievance, disciplinary action and/or disruption at the University.

The ombud is also responsible for ongoing education and communication on campus about ombud services and will design and implement outreach and training programs for the University community on topics relevant to the portfolio, with an interest in expanding campus awareness of the role and of engaging the campus community in risk identification and mitigation opportunities, as well as practical conflict avoidance, mitigation, and resolution skills.

Role of the Ombud

- To respond to and collaborate with individual faculty and/or staff members who are employed by the University and experiencing conflict with others or the institution in pursuit of an effective solution
- To counsel constituents in the navigation and utilization of existing conflict resolution resources
- To bring systemic concerns to the attention of institutional leadership for systemic resolution
- To operate in a manner that preserves the confidentiality of those seeking services
- To maintain a neutral/impartial position with respect to the concerns raised
- To work at an informal level of the organizational system (i.e., external, and apart from HR, OEI, general counsel, and other formal processes or units), generally independent of (autonomous from) other formal organizational structures
- To establish and maintain effective working relationships at all levels of administration, including collaboration with HR, OEI, general counsel, etc. to provide referrals and partner with them to develop and implement campus-wide initiatives
- To engage and inform the campus community in the work of the ombud
- To provide an appropriate measure of transparency to the ombud function

What the Ombud does NOT do:

- Participate in grievances
- Conduct investigations
- Render formal findings of fact
- Make binding decisions
- Establish, change, or override policies or administrative decisions
- Advocate or take sides
- Substitute for formal channels or established policies and procedures
- Provide formal mediation of legal interests
- Provide legal advice or serve as a substitute for anyone's lawyer, representative, or counselor
- Testify or produce documents in legal or other proceedings, unless required by law
- Testify or produce documents relating to confidential communication in any judicial or administrative proceeding, unless required by law
- Provide mental health counseling or treatment
- Serve as an agent of notice for claims against UTC because we are not an authorized notice channel
- Receive notice of claims against the University

Critical Skills and Characteristics

Integrity

The ombud should have a reputation for integrity and for dealing fairly, effectively and in a timely fashion with faculty and staff. The ombud function is grounded on the assurance of confidentiality to the extent to which the law allows. Therefore, the ombud must keep information confidential in accordance with the Code of Ethics and Standards of Practice of the International Ombud Association. An ombud should be a principled leader, willing to challenge every individual and unit in the organization to foster fair and just practices.

Organizational Knowledge and Capacity to Collaborate

The ombud must be knowledgeable about the University, its structure, culture, policies, and practices. The ombud must have an exceptional capacity to cultivate relationships and use those relationships collaboratively to identify and utilize institutional resources (including individuals, units, process, procedures, practices, and culture) and creatively identify and implement solutions.

Conflict Resolution Skills

An essential element of the ombud role is that of facilitating the resolution of conflict between parties. It is important that the ombud have a thorough understanding of what leads to conflict, the nature of conflict, and methods of resolution. The skills used to assist constituents to resolve their conflicts include:

- Helping people learn how to deal with the matter directly if they wish to do so
- Serving as a facilitator between the parties via “shuttle diplomacy”
- Informally bringing the parties together and serving as a facilitator approaching the conflict issue generically within the larger environment (especially when the visitor is afraid of retaliation)
- Influencing systems change which could obviate the individual problem

The effective ombud can help constituents determine which conflict resolution method would be appropriate for the specific situation.

Decision-Making/Strategic Thinking Skills

The ombud must be aware of how all decisions might impact the constituent, as well as other stakeholders and the University and, to the extent possible, act in such a way as to maximize the potential for optimal outcomes.

Communication and Problem-Solving Skills

The ombud must have outstanding communication skills and be able to communicate effectively with individuals at all levels of the organization. It is imperative that the ombud has excellent problem-solving skills and be able to gather information, analyze it and, as necessary, help the constituent develop appropriate options and actions. The ombud must be sensitive to dealing with individuals from a wide variety of backgrounds and cultures. The ombud must be open, objective, and must seek to understand issues from multiple perspectives. The ombud should be innovative in developing options that are responsive to differing needs.

Composure and Presentation Skills

The ombud should maintain a professional demeanor, should have strong presentation skills, and should be able to organize and communicate information to groups of varying size and statuses within the organization.

Reporting

The ombud is accountable to the Chancellor through the Chief of Staff. While maintaining confidentiality of communications with constituents, the ombud shall prepare a periodic report to the Chancellor, Provost, Faculty Senate, Employee Relations Committee, and Exempt Staff Council and make that report publicly accessible. Based on anonymous, aggregates data, this report will provide insight into case load, activity level, outreach initiatives, and impact and identify trends in case types. It will also identify patterns or particular areas of concern and may include recommendations for institutional improvement.

Experience and Qualifications

- An advanced degree from an accredited institution
- Knowledge of higher education, including the unique working environment of university faculty members
- Knowledge of International Ombud Association Ethical Code and Standards of Practice
- Ability to gain and maintain trust at all organizational levels
- Ability to engage in high level of consulting, problem-solving, and collaborative activities
- Experience working with people of diverse backgrounds, cultures, and status
- Excellent communication skills
- Excellent judgment and discretion
- Ability to create and deliver educational workshops tailored to unique constituent groups
- Experience in decision making and problem solving within a higher education environment (or equivalent public or private sector including shared governance models) is preferred
- Dispute resolution training, ombud experience, or a record of successful conflict resolution is preferred

Application Process

In addition to the online application, a resume, letter of interest, and reference list is required. Review of applications will begin February 15, 2023, and continue until an appointment is made.

Questions regarding the ombud position may be directed to Dr. Shewanee Howard-Baptiste, Search Committee Chair, at shewanee-howard@utc.edu.

The University of Tennessee Chattanooga is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA institution. All qualified applicants will receive equal consideration for employment and will not be discriminated against on the basis of race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or protected veteran status.

Adapted from the International Ombud Association: www.ombudsassociation.org