

Objective: The position of Ombudsman for Graduate Medical Education (GME) was developed to promote a positive climate for residency and fellowship education. The Ombudsman will serve as an independent, impartial, informal, and confidential resource for residents and fellows with training-related concerns. The position of Ombudsman was created and is supported by the institution to ensure that residents can raise concerns without fear of retaliation or intimidation.

Background: The Accreditation Council for Graduate Medical Education (ACGME) in its common program requirement (CPR) VI., states that the Learning and Working Environment for Residency education must occur in the context of an environment that emphasizes a commitment to the well-being of the students, residents, faculty members, and all members of the health care team. Further ACGME CPR VI.A.2.a) requires that supervision of residents occurs in a setting that provides safe and effective care to patients; ensures each resident's development of the skills, knowledge, and attitudes required to enter the unsupervised practice of medicine; and establishes a foundation for continued professional growth.

The ACGME requires in CPR VI.B.6. that programs must provide a professional, respectful, and civil environment that is free from mistreatment, abuse, or coercion of students, residents, faculty, and staff. Programs, in partnership with their Sponsoring Institutions, should have a process for education of residents and faculty regarding unprofessional behavior and a confidential process for reporting, investigating, and addressing such concerns.

A need existed to have an official, impartial party who could act as a resource for residents with complaints or concerns regarding training-related issues. A Program's Director and Coordinator, while advocating for residents/fellows, must also consider what is best for the program. The GME Office Director and staff and GME Dean oftentimes must remain a neutral party regarding trainee complaints and concerns. The primary role of the GME Office and Dean is to ensure that policies and procedures are followed. Therefore, an Ombudsman can serve as a resource for residents and fellows by listening to issues, providing resources and advice, and by working alongside the GME Office and GME Dean to resolve conflicts.

Goals of the Ombudsman are to:

- Provide a safe and confidential opportunity for residents and fellows to be heard
- Assist in identifying options and providing resources to manage and resolve concerns
- Educate residents and fellows about policies and procedures regarding GME
- Refer individuals toward appropriate formal processes and resources
- Facilitate communication between conflicting parties (often in conjunction with the GME Office and GME Dean)
- Report to the GME Office and GME Dean regarding confidential recommendations regarding operations/systems/policies/processes that could implement change to improve the training environment
- Share feedback about trends and concerns that would be important for GME to be aware of

- Provide residents and fellows an advocate during any program, staff, or disciplinary action to ensure that the resident is being treated fairly and that policies and procedures are being adhered to

Procedures:

Appointment:

- The Ombudsman representative candidate(s) is selected by the Housestaff Council as a recognized faculty member that has demonstrated an interest in graduate medical education, is a positive role model for residents/fellows, and is an advocate for residents. An Ombudsman cannot be a Program Director or Department/Division Chair as it might create a conflict of interest.
- When an Ombudsman representative is being considered, the Housestaff Council member will approach the faculty to ensure their interest. Once this is affirmed, the Housestaff Council president will contact the DIO who will approach the candidate'(s)' Chair to ensure that the candidate(s), if appointed, would be provided with the protected time to serve in the role. Once affirmed, the Housestaff Council will select the Ombudsman candidate(s) to put forth for appointment consideration by the School of Medicine's Dean. The DIO will contact the Dean who will review and make the appointment. The DIO will contact the selected Ombudsman, the Chair, and Housestaff Council president of the appointment decision.
- An Ombudsman for non-surgical specialties who understands non-surgical specialties, department functions, and the role of residents and fellows in those specialties, and an Ombudsman for surgical specialties who understands surgical specialties, department functions, and the role of residents and fellows in those specialties will be appointed. The two Ombudsman cannot be a Program Director or Department Chair which might conflict with their role as a resident/fellow resource
- Annually, the Housestaff Council will review the performance of the Ombudsman and report to the DIO any concerns
- If no concerns voiced by the Housestaff Council, the Ombudsman will serve a term of 2 years, with an unlimited number of terms available
- The Ombudsman will be oriented to their role by the GME Office Director and GME Dean

Ombudsman Services:

- Residents and fellows may independently seek guidance with the Ombudsman on matters related to: academic issues, administrative policies and procedures, employment questions, disciplinary matters, interpersonal conflicts, harassment, discrimination, and/or work environment issues.
- The Ombudsman may: provide options for resolution of conflict, identify or clarify issues and next steps, share information and options, clarify policies and procedures, provide resources for referrals to formal channels for investigation, make referrals, share resources for support, and attend meetings (including disciplinary meetings) to ensure adherence to policies and procedures. As residents/fellows hold positions of lesser authority within organizations, the Ombudsman may serve as an advocate or resource. The goal is that the Ombudsman will provide residents/fellows a sense of empowerment and reduce stress, frustration, and any feelings of helplessness with work place issues. The Ombudsman remains neutral in all dealings.

- When individual residents/fellows meet with the Ombudsman:
 1. The Ombudsman will maintain the privacy of the identity of residents, fellows, and faculty, as well as the content of their conversations. Exceptions to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no reasonable option other than disclosure and/or in the setting of potential Title IX concerns. Whether this risk exists is a determination to be made by the Ombudsman.
 2. The GME Ombudsman **must** report any Title IX concerns to the University and the Assistant GME Dean/GME Dean
 3. With the resident's/fellow's permission, the Ombudsman may contact individuals within the institution whose help is necessary to resolve a problem.
 4. The Ombudsman does not keep records containing personal identifiable information.
 5. The Ombudsman does not testify in formal proceedings.

- The Graduate Medical Education Council (GMEC) will use the Ombudsman to meet with residents/fellows on a routine basis during the course of an academic year when GMEC has concerns about the learning environment of a program .
 1. In this circumstance, post-graduate year (PGY) peer selected representatives who serve as a voice for their PGY will meet together with the Ombudsman. The selection of these representatives and scheduling of these meetings is done independent of the program and Program Director.
 2. The Ombudsman will report concerns of these meetings to the Assistant Dean for GME.
 3. GMEC will review the results of these meetings during scheduled meetings.
 4. Depending on the issue(s) raised, the Assistant GME Dean/GME Dean may independently contact the Program Director and/or Chair to notify and require a plan to address and resolve the issue(s). Likewise, the GMEC may also require that the program implement a plan to resolve the issue(s).

- The Ombudsman would be free of any consequences from providing support and resources for a resident/fellow. It is not appropriate for other faculty or administrators to bully the Ombudsman. Such behavior will be reported to the GME Dean and School of Medicine Dean.

Ombudsman Services Not Provided:

- The Ombudsman has no authority to make decisions on behalf of a program, the GME Office or the institution.
- The Ombudsman will not perform formal investigations, offer opinions on administrative decisions, or participate in any formal grievance/complaint proceedings
- Notices to the Ombudsman does NOT constitute legal notice to the GME Office or University
- Ombudsman services are meant to supplement current grievance and complaint reporting and resolution mechanism, not replace them
- The Ombudsman keeps no official University/GME records

Contact the Ombudsman:

- Contact information will be available on the GME web page under the Ombudsman tab

- Contact the GME Director if questions

*Adapted from the School of Medicine and Biomedical Sciences, University at Buffalo, New York GME Ombudsman document

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