

# **2024 Public Description of Work for Action Collaborative on Preventing Sexual Harassment in Higher Education**

## **The International Ombuds Association Guidance and Resources for Designating Ombuds as Confidential Employees**

### **Relevant Rubric Area(s):**

1. Remediation: Increased or Enhanced Confidential Resources and Support Services
2. Response: Improved Policies (that describe options for reporting/handling experiences of harassment); Providing anonymous and non-mandatory reporting resources and tools

### **Description of Work:**

The Department of Education has recognized that organizational ombuds may be designated as confidential employees under the recently released Title IX regulations. While the new Title IX regulations explicitly identify organizational ombuds as eligible for confidential employee status, it is not an automatic designation. A properly structured and designated ombuds office is able to fully support its campus community by providing those most in need with a confidential space to talk through their experiences, explore their options, and make decisions that honor their agency. For institutions with an existing ombuds role, or those considering creating one, they must take deliberate steps to properly structure the function to meet the confidentiality requirements. In April 2023 IOA produced [guidance](#) and a [resource](#) to help institutions ensure their organizational ombuds role is appropriately set up to take advantage of this evolution in the Department of Education's regulations. The resource is "An Overview of Ombuds Confidentiality," which serves as a primer to assist general counsel, program designers and ombuds as they set up and maintain an organizational ombuds role. The resource provides a brief discussion of the reasons that confidentiality is an essential element of the ombuds service model. It then discusses the history and rationale supporting protecting confidentiality for the ombuds as an independent, impartial, and confidential resource that works outside of formal reporting and dispute resolution systems to assist organizations and their constituents to safely surface concerns and to resolve them informally. And on [April 19, 2024 IOA published a blog post](#) describing how the new Department of Education Title IX Regulations allow Organizational Ombuds to be designated as confidential employees.

**Website for further information:** Blog Post: [New Title IX Regulations Note that Organizational Ombuds May be Classified as Confidential Employees](#)

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