



MWI Guidance: ADA Accommodations, AI & Ombuds Confidentiality

Purpose:

To provide guidance to MWI ombuds on how to support ADA accommodations* without compromising the confidentiality and informality that define the ombuds role.

1. Ombuds conversations must remain off the record.

To uphold International Ombuds Association (IOA) Standards, ombuds cannot allow:

- Audio or video recording
- AI note-taking tools (e.g., Otter, Zoom AI Companion, Co-Pilot, etc.)
- Automated transcription tools that save text
- Any technology that captures, stores, or analyzes meeting content

These tools create records, which fundamentally alter the nature of ombuds practice.

These expectations apply regardless of whether the conversation occurs in person, by phone, or via virtual platforms provided by MWI or a client organization.

2. ADA accommodations are supported, but not all tools can be used.

Visitors may have a variety of accommodations that lead them to believe AI or recordings are the best or only option. Ombuds can support the accommodation while still protecting confidentiality. The ADA requires *effective* accommodation, not specific technologies. If a requested tool creates a record, ombuds must offer an alternative.

3. Ombuds authority to protect confidentiality

Ombuds are expected to intervene if the confidentiality of conversations is threatened, including when a visitor attempts to use recording devices, AI note-taking tools, or other prohibited technology.

Intervention includes, but is not limited to:

- Asking that the technology be turned off or removed
- Ending or pausing the conversation until the technology is removed
- Shifting to an alternative accommodation or mode of communication that does not create a record
- Declining to proceed if confidentiality cannot be maintained

Ombuds are not required to proceed with a conversation if confidentiality cannot be preserved.

4. What is allowed.

- Visitors may take their own personal notes.
- A human support person or notetaker may attend solely to support access, may not independently retain notes, and is expected to maintain confidentiality.
- Real-time captions or CART services are configured so that no transcript is saved, stored, or accessible after the session.**
- Slower pacing, visual aids, or other adjustments agreed upon.

These options provide accommodation without creating ombuds records.

5. How ombuds can explain this in real time.

“I’m committed to supporting your request for accommodation. Because ombuds conversations must remain confidential and off the record, we can’t use tools that record or save the discussion, including AI note-takers. You’re welcome to take personal notes, and we can explore alternatives like a human notetaker, real-time captions, or other adjustments that support access without creating a record.”

*If no accommodation is requested, the use of AI tools or recording devices should be declined as part of standard ombuds practice to protect confidentiality and uphold the International Ombuds Association Standards of Practice.

**CART is live human captioning that organizations schedule and pay for as an accessibility accommodation. Certified captioners adhere to strict confidentiality standards and provide secure, real-time text for participants who require it.