

Cornell University
Office of the University Ombudsman
50th Annual Report (July 1, 2018 to June 30, 2019)

Office Overview

The Office of the University Ombudsman offers a safe place where Cornell students, faculty and staff can speak confidentially about an issue or a conflict and obtain guidance. We offer a unique setting where community members can talk about academic and workplace concerns in an open and candid manner without fear of reprisal. The office is available to all students, faculty and staff affiliated with all units of Cornell University, excluding Weill Cornell Medicine.

Community members visit the Office of the Ombudsman for a variety of reasons. A few examples of issues for which a visitor may seek ombudsman services include: conflicts with colleagues or supervisors, conflicts with an advisor, concerns about job status, or an ethics inquiry.

We provide problem-solving services to visitors in a number of ways:

- Provide a welcoming environment to listen to visitor concerns
- Assist the visitor in evaluating available options
- Provide information on University policies and practices
- Provide information on how to make the University aware of a particular problem
- Refer the visitor to the proper authority to resolve the situation
- Facilitate constructive dialogue
- Coach the visitor for difficult conversations

Tenets

We adhere to the International Ombudsman Association (IOA) Code of Ethics and Standards of Practice, as follows:

Independence

The Ombudsman Office is independent in structure, function and appearance to the highest degree possible within the organization.

Neutrality and Impartiality

The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman strives to promote procedural fairness in the content and administration of Cornell's practices, processes and policies. The Ombudsman does not engage in any situation that could create a conflict of interest.

Confidentiality

The Ombudsman holds the identity and all communications with those seeking assistance in strict confidence and does not disclose confidential communications unless given permission to do so, except as required by law, or where, in the judgment of the Ombudsman, there appears to be imminent risk of serious harm.

Informality

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention. As an informal resource, the Ombudsman is not authorized to accept notice (formal complaints) for Cornell University. Moreover, because the Ombudsman holds all communications with those seeking

assistance in strict confidence, subject to the limited exceptions detailed above, the Ombudsman will not forward information received in confidence.

History of the Office

The Office of the University Ombudsman was established in 1969. At that time, an ad hoc committee, chaired by Arts and Sciences Dean Alfred Kahn, recommended the establishment of the Ombudsman Office to President Corson. The proposed function of the office was to provide an independent venue where community members may come to discuss problems or issues within the University. Rather than taking a side on an issue, the Ombudsman's role is to advocate for fairness and equity.

The original Guidelines for the Office of the University Ombudsman, functioning as our Charter, were largely adopted from the 1969 Kahn report and remained in place through 2013. While the heart of the original Guidelines is largely unchanged, in 2013 the Ombudsman Office updated this historical document to make it consistent with our practice of operating according to the International Ombudsman Association (IOA) Code of Ethics and Standards of Practice. The Guidelines are available on the [Ombudsman Office website](#).

Personnel

Since 2008, Linda Falkson has served as a Cornell Ombudsman. She is a Certified Organizational Ombudsman Practitioner (CO-OP®) and she serves in the role of Director of the Ombudsman Office.

Since July 2011, Charles (Charlie) Walcott, Professor Emeritus, has served in the role of University Ombudsman. The University Ombudsman is a part-time position historically held by a senior faculty member.

In 2014, Helen Lang joined the office in the role of Ombudsman Office Coordinator. Helen retired in 2019.

In June 2019, Tracey Brant joined the office through Cornell's experiential development opportunity program.

Biographical sketches may be found on our website.

Outreach and Engagement

We recognize that the name "ombudsman" is not intuitive and fails to suggest our role. In a concerted effort to make sure that community members facing conflict know about ombudsman services, we have significantly increased outreach efforts over the past several years. Our goal is to meet with visitors for problem solving before a situation has escalated into an entrenched conflict or dispute that is difficult to manage and for which few options exist.

Ongoing forms of outreach include: distribution of an informational brochure; posters distributed in campus libraries, academic buildings and residence halls; periodically sending informational emails; "ads" on public display screens; and promotional giveaways. Information about our services also appeared in several campus newsletters.

We also participate in campus resource fairs and similar events for students, faculty and staff. This year faculty/staff resource fairs included: Staff Development Day and the Open Enrollment BeneFair. Student resource fairs included the Johnson School Orientation Information Fair, the Residential Programs Student Staff Resource Fair, the Law School Orientation University and Community Resource Fair, the Graduate School Orientation Fair and the Pre-freshman Summer Program (PSP) Resource Fair.

Additional outreach included an article in the [Cornell Sun](#) and presentations to many constituents including: New Supervisor Orientation, Women in ADR Series at ILR Scheinman Institute, Visitor Relations Student Guides, ILR Conflict Resolution Club, Cornell Health Counseling and Psychological Services (CAPS) staff, a professional development symposium for students, and a presentation for summer research students. We also provided Conflict Resolution Programming for faculty and department chairs.

Additionally, we met with staff from a range of offices, partnered in various community events, facilitated meetings and participated in community forums and committees. (Because we are neutrals, we do not serve on committees that involve policy making.) Committee work this past year included: the Soup & Hope speaker series, the Coalition on Sexual Violence Prevention, the Community Support Team, the Alliance for Diversity and Inclusion, the Inclusive Excellence Summit, the ROTC Faculty Committee, the Financial Policies Committee, the Faculty Senate, and an Ad hoc conflict resolution group. Finally, we partnered with the ILR Scheinman Institute to offer mediation to community members.

Employee Representatives

While the Ombudsman Office does not participate in grievance procedures or other formal processes, Cornell HR Policy 6.11.4, Staff Complaint and Grievance Procedure, states that the Office of the University Ombudsman will assist staff in obtaining representation, or, in other words, in obtaining an employee representative (employee rep). The employee rep is someone who supports the employee during the grievance process. To accomplish this objective, the Ombudsman Office maintains a list of Cornell staff members who serve as employee representatives. The Ombudsman Office provides yearly training to the employee reps and connects staff to an available employee rep when needed.

The employee reps represent Cornell's genuine commitment to ensure that employees utilizing the grievance process are supported throughout the stages of the grievance. We commend the employee reps for volunteering their time to assist fellow employees.

Ombudsman Office Visitor Data

The Guidelines for the Office of the University Ombudsman (our Charter) state that the Ombudsman Office provides an annual report to the community. As an informal and confidential resource, we do not keep visitor records. However, in an effort to report on our work, we communicate non-identifiable data and overall trends to the community. In addition, we appear before the University Assembly to make a report and to answer questions.

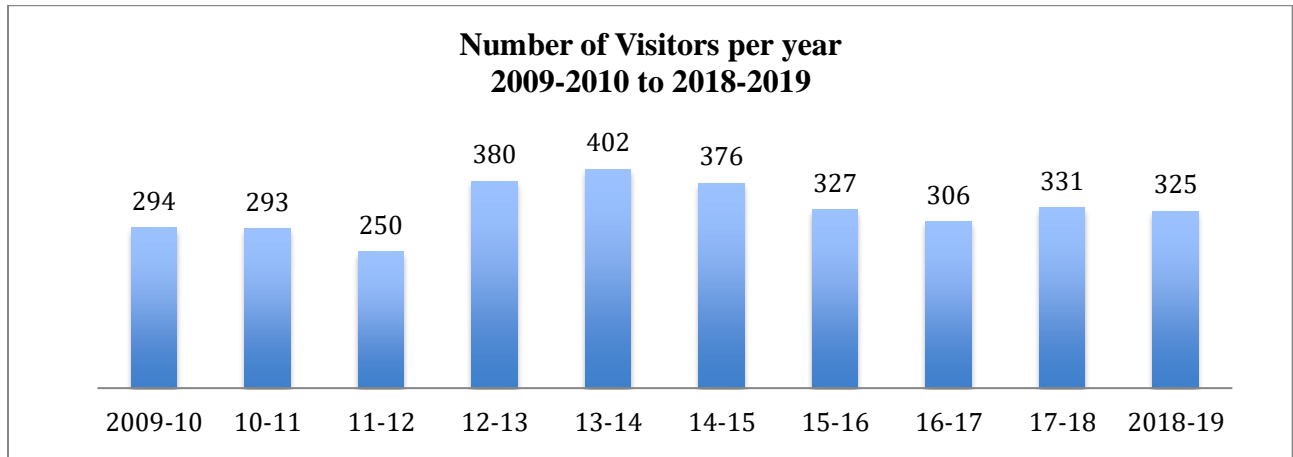
We track the following:

- Number of Visitors
- Constituency (of the visitor)
- Problem Areas (the reason why the visitor seeks ombudsman services)

Number of Visitors

A visitor is considered an individual who meets with the Ombudsman regarding one or more Problem Areas. The visitor may have additional follow-up meetings with the Ombudsman but the meetings are still tallied as one visitor. However, if the same visitor meets with the Ombudsman on a different occasion regarding a new Problem Area, then he/she would be considered a new visitor. For example, a student (visitor) might meet with the Ombudsman several times in January regarding a financial aid issue and come back again in May to meet about a grading/graduation issue. The January meetings would collectively be counted as one visit (as the focus of the January meetings was the same topic) and

the May meeting would be counted as one separate visit (as the focus of the May meetings were different than the January meetings.)



The total number of visitors in 2018-2019 was 325. Over the past ten years the number of visitors per year has ranged from 250 to 402. This year’s total of 325 visitors was very close to the 10-year average of 328 visitors per year.

A number of factors relate to a visitor’s decision whether to seek ombudsman services. The intensity of the conflict, the readiness of the community member to consider working on the problem and the knowledge that the Ombudsman Office is approachable are all part of the equation. Many times, it is a personal referral that is helpful in guiding a visitor to the Office.

These bare statistics give no sense of the complexity and nuanced nature of the issues and the amount of time devoted to each visitor. While some visitors have quite straightforward issues and can be helped through a single visit, others require multiple visits and a substantial amount of work between sessions. Significantly, both Ombudsman report anecdotally that overall visitor issues during the past several years are increasingly more complex, serious and time consuming.

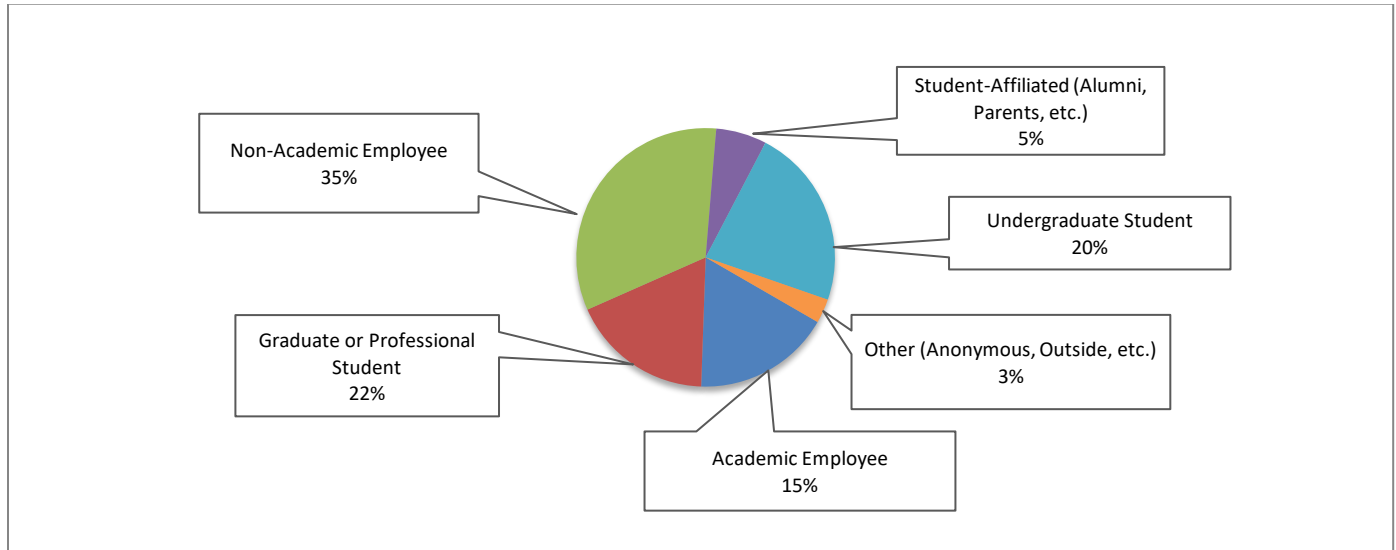
Constituency

The visitors to the Ombudsman Office represent the following constituency groups:

Total Constituency in 2018-2019

Visitors by constituency group	2018-2019
Academic Employee:	48
Professors (Assistant, Associate, Full)	(23)
Other Faculty (e.g. Research Associate, Sr. Lecturer, etc.)	(25)
Graduate or Professional Student	72
Non-Academic Employee	115
Student-Affiliated (Alumni, Parents, etc.)	17
Undergraduate Student	65
Other (Anonymous, Outside, etc.)	8
TOTAL	325

Constituency for 2018-2019



Total Constituency per year 2009-2010 to 2018-2019

Constituency	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Academic Employee	48	58	59	62	70	82	67	48	57	48
Graduate or Professional Student	28	30	47	55	68	56	59	56	59	72
Non-Academic Employee	112	82	71	145	130	129	81	104	109	115
Student-Affiliated	24	22	16	16	29	25	14	17	21	17
Undergraduate Student	71	76	43	80	92	67	89	70	75	65
Other	11	25	14	22	13	17	17	11	10	8
TOTAL	294	293	250	380	402	376	327	306	331	325

This past year was similar in overall visitor numbers to recent years. Non-academic staff were the largest constituency group, as they have been almost every year. Because numbers have varied greatly from year to year, constituency trends over the past ten years are not clear. Nevertheless, it seems that the numbers of visitors in the Graduate or Professional Student category have been gradually increasing, and 2019 was the 10-year high point for this constituency.

Problem Areas

Visitors meet with the Ombudsman about problems, concerns or conflicts. We refer to the various issues (the reason why the visitor seeks ombudsman services) as the “Problem Area.” All Problem Areas represent the visitors subjective concern. Each visitor’s issue is nuanced and unique, best summarized into seven broad areas:

Problem Areas in 2018-2019

Problem Areas by visitor	2018-2019
Academic Actions	86
Administrative Actions	2
Business and Services	28
Employment	144
Human Rights	10
Interpersonal Disputes/Issues	30
Values and Ethics	74

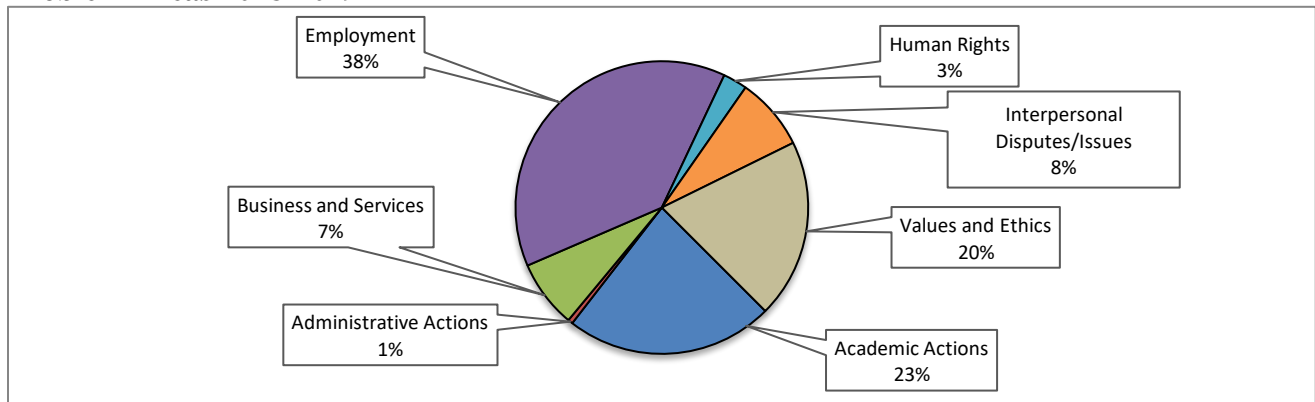
Each of the Problem Areas is represented by multiple subcategories that more specifically describe the visitor’s issue. Academic Actions includes subcategories such as advising, grading and graduate committee issues. Administrative Actions includes subcategories such as access to files, fees, holds and registration. Business and Services includes subcategories such as facilities, financial aid and transportation. Employment includes subcategories such as discipline, supervision and tenure. Human Rights contains the subcategories of perceived discrimination and perceived sexual harassment. Finally, Values and Ethics includes subcategories such as an ethics inquiry, a conflict of interest or academic misconduct. Please note that some unusual or unique concerns fail to precisely fit into a particular Problem Area.

We provide data below on problem areas for the past nine years, as opposed to the ten years of data we provide for the number of visitors and constituency. This is because in 2010-2011 we significantly revamped the Problem Area categories by adding the category Values and Ethics as well as significantly editing the Problem Area subcategories.

Problem Areas over nine-year span

Problem Areas	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Academic Actions	59	50	87	106	72	93	89	86	86
Administrative Actions	34	8	5	9	6	4	3	0	2
Business and Services	60	46	48	50	57	40	27	41	28
Employment	170	84	174	170	178	109	127	169	144
Human Rights	12	14	13	11	6	13	12	20	10
Interpersonal Disputes	22	12	30	40	28	35	18	30	30
Values and Ethics	54	77	94	95	124	128	97	100	74
TOTAL:	411	291	451	481	471	422	373	446	374

Problem Areas 2018-2019



The three largest problem areas this past year were Employment (38%), Academic Actions (23%), and Values and Ethics (20%). Combined, at 82%, these three areas represent the vast majority of visitor issues. Issues in these categories cover a wide range of complex and serious matters including, for example: equity of treatment, bullying, safety concerns, performance appraisal, retaliation, advising, grading, graduate committee actions, tenure, academic misconduct, ethics issues, use of authority, the judicial system, accommodations, etc.

Resolution of these issues is the difference between, for example, a student being able to obtain a degree or not, Cornell retaining institutional talent or preventing the University from a lawsuit. The Ombudsman office is uniquely positioned to decrease institutional exposure by providing a safe space for a visitor to share their concerns without fear of retaliation, learn about policies and protocols, and talk through options so a visitor is positioned to successfully resolve their issue, concern or problem.

Adding to the complexity of visitor concerns, many visitors present multiple and intertwined issues. This is why we report 374 Problem Areas by 325 visitors. Indeed, Problem Areas, such as Employment and Values and Ethics, are often interrelated. For example, a visitor meeting could involve both a supervisor conflict (Employment Problem Area) and ethics concerns (Values and Ethics Problem Area).

Ombudsman Role as “Insider Outsider” and Change Agent

The Ombudsman office is a “zero barrier” office. In other words, for a community member to book a meeting with an Ombudsman, the individual may call, stop by or email and no advance information regarding the identity of the visitor or the nature of the issue needs to be provided. In fact, at no time do we need to know the identity of the visitor.

During a meeting, it may become clear that an individual could benefit from a referral to the proper authority to resolve the situation. For a variety of reasons, on occasion, an individual may need assistance in gaining access to a person in a high rank. For instance, in attempting to gain access to a person in a position of authority, those reserving time for the appointment may understandably ask for the identity of the individual or other information. Further, it may be challenging to gain access in a reasonable period of time. As a trusted “insider outsider,” the Ombudsman can be an intermediary to assist in such situations without revealing the person’s identity. The Ombudsman is independent (independent of Cornell in structure, function and appearance) yet works for the University. (In part, the Ombudsman is effective because of being an insider.) The Ombudsman is uniquely situated to be helpful in these situations.

In addition to assisting individual visitors, as an advocate for fairness, we seek to be helpful to the institution. While maintaining confidentiality, the Ombudsman alerts the appropriate administrator when a trend or systemic issue occurs. We do this by discreetly approaching the relevant party or the person in a position of authority. We provide that person with limited trend information in a non-identifying manner.

While confidentiality limits our ability to provide certain information or great detail about the issues, we believe our input is uniquely helpful. Indeed, we appreciate the responsiveness with which those in authority hear our feedback and promote positive change.

When we report on trends, the Ombudsman is not pointing out that someone acted inappropriately. Rather, the Ombudsman Office conveys an area of concern to ensure that the institution operates in the optimal way. Indeed, it is a sign of strength that the institution recognizes that it is not perfect and that there is a process available to voice concerns and seek improvements.

Looking Forward

This is the 50th Annual Report from the Ombudsman Office. Our office was established in 1969, a time of much institutional change, including the birth of our office. We were established as a confidential resource for all community members to feel safe to discuss problems or issues. Our Guidelines describe our function as follows:

Consistent with Cornell University's core values of being a caring and diverse community, the Ombudsman fosters a culture of respect, inclusion, ethical behavior and fair process.

As we look to the future, our University is becoming more diverse and globalized, and these Guidelines are as relevant now as ever. We anticipate an even more exciting environment with a plethora of communication styles, ideas and creativity. Along with all the positive aspects of increased diversity, we are aware of the potential for miscommunication, misunderstanding and conflict and we continue to reach out to all members of the community to inform them about our services should they need them now or in the future.

Along with all of the positive benefits of enhanced opportunities, we also see the challenges of a University that is changing geographically. We offer services to all units of Cornell across New York state and beyond, with the exception of Weill Cornell Medicine, and we continue to explore how to best to utilize our existing resources to serve the expanding Cornell Tech campus.

In Gratitude

We are enormously grateful for the continued support provided by the University Assembly for our challenging and rewarding work. Likewise, we are immensely appreciative for the support from the Office of the President.

Lastly, we thank the Cornell community members who have entrusted us to confidentially meet with them to manage and resolve conflict. It is a privilege to be part of the University's network of caring services.

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