

Appendix II

CORNELL UNIVERSITY
COLLEGE OF ARTS AND SCIENCES
GOLDWIN SMITH HALL
ITHACA, N.Y. 14850

Office of the Dean

26 August 1969

MEMORANDUM

To: Provost Dale Corson

From: Alfred E. Kahn, Dean

Subject: A Proposal for Constituting an Office of University Ombudsman

1. There shall be established for the Cornell University community an Ombudsman, whose office shall be independent of all existing administrative structures of the University and have the following functions:

- a. To investigate, at the request of members of the community or upon his own motion, any grievances that may arise against the University or against anyone in the University exercising authority;
- b. To bring his findings and recommendations to the attention of those in authority by the most expeditious means possible, and to the community at large to the extent this seems to him appropriate;
- c. To serve as a general information center about all situations and University procedures concerning which grievances may arise -- specifically, to advise members of the community about where to turn and what procedures to follow in order to pursue whatever business or complaint they may have;
- d. To encourage, participate in and, if necessary, direct during emergencies such additional and special information and "rumor clinic" services as he believes appropriate and within the resources and competence of his office;
- e. To encourage and assist in the establishment of counterparts of his office within the major constituent elements of the University.

2. It shall be the special concern of the Ombudsman that:

- a. Decisions affecting members of the community are made with reasonable promptness;

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- b. That all members of the community receive "due process." It would be his responsibility to satisfy himself not only about the adequacy of the procedures adopted to reach decisions, but also about the appropriateness of the criteria and rules on the basis of which decisions of the type in question are reached;
 - c. Any gaps and inadequacies in existing University procedures be discovered and brought to the attention of those in authority and, if necessary, of the entire community. It would not be his function to devise the new rules and machineries, but to make recommendations and to press, through publicity to the extent that seemed necessary, for their formulation and improvement;
 - d. All reasonable requests for information pertinent to the functions and purposes of his office be honored. He would be expected actively to look for the answers to all such inquiries and provide them to the inquiring parties and, where it seemed desirable, to the community at large.
3. The Ombudsman shall have such access to such official files and information as he feels is required to fulfill his functions. Any requests for information from him must receive the highest priority from every member of the community. He should also have efficient means for communicating with the University community whenever he sees fit.
4. While the Ombudsman is authorized to function in the widest possible context and with a minimum of constraints,
 - a. he can, of course, exercise no powers that are beyond the legal authority of the University, although he may make recommendations concerning the authority of the University or of its constituent parts;
 - b. he does not himself make University policy or replace established legislative or judicial procedures, although he may investigate any and all of these, raise questions about them, and make such recommendations as he feels proper for their improvement and efficient functioning;
 - c. while he may have access to personal and personnel records, he must respect their confidentiality unless he has written permission from the affected parties for releasing the information;
 - d. while he has wide latitude in making public his findings and recommendations, he must respect the requests of complainants that their anonymity be preserved.

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5. Operations of his office:

- a. He shall keep suitable records of complaints, findings and recommendations; and, subject to the limitations above, these shall be available for periodic inspection by members of the community and at all times by the appointing authority.
- b. While he may make exceptions at his discretion with respect to matters of major importance, he and his office will normally function in terms of first come, first served.
- c. He shall make an annual report to the University community and such special reports as may be requested by the appointing authority.

6. The first Ombudsman shall be appointed by the Executive Committee of the Board of Trustees, subject to such advisory procedures as it shall devise, for an initial trial period of one year. After that initial period, appointments to the position shall be for not less than three years and shall be made by whatever body most closely corresponds at that time to a University legislature. His only official accountability will be to that legislature, but his access to all University sources of authority will be unrestricted.

7. His office should consist, at a minimum, of the Ombudsman himself, a general office manager or executive assistant, and a student or panel of students, one of whom would always be available. His budget would be determined by the Executive Committee of the Board of Trustees and funds set aside in a special account which will be subject to the normal University financial and audit procedures.

8. The foregoing principles shall be subject to revision by whatever legislative body eventually emerges for the University.