

Cornell University Guidelines for the Office of University Ombudsman

Proposed by the University Assembly, 13 April 2013; accepted by President David Skorton, 7 June 2013.

History

The Cornell Office of the University Ombudsman enjoys a long history at Cornell University. In 1969, Professor Alfred E. Kahn, Dean of the College of Arts and Sciences, chaired a committee regarding the role of an Ombudsman. At the conclusion of the committee's work, Dean Kahn advocated for the University to constitute an Ombudsman office.

On August 26, 1969 Dean Kahn issued a memorandum to then Provost Dale Corson outlining the scope and prerogatives of the Ombudsman Office. Shortly thereafter, as President, Dale Corson used this memorandum to constitute the office. In 1969 President Corson appointed Professor Alice Cook as Cornell's first Ombudsman and she served until 1971. The August 26, 1969 Kahn memorandum constituting the Ombudsman Office is attached as Appendix I.

The original Kahn memorandum of August 26, 1969 states that the principles (related to constituting the office) "shall be subject to revision by whatever legislative body eventually emerges from the University." In 1971, the University's legislative body was the Senate, which issued the "Cornell University Senate Guidelines for the Office of University Ombudsman," on April 22, 1971. The April 22, 1971 Guidelines, modeled after the original Kahn memorandum, are attached as Appendix II.

Presently, the "legislative body" is the University Assembly (UA), a governing body composed of faculty, staff, and students. The University Assembly charter references the role of University Ombudsman. Aside from the reference to the changes in the legislative body (currently the UA), the language of the 1971 Guidelines has remained virtually unchanged for over forty years.

To clarify the best practices as they currently apply to the Ombudsman profession, on April 13, 2013 the University Assembly passed Resolution 15, A Resolution to Adopt the Cornell University Guidelines for the Office of the University Ombudsman contained herein. On June 7, 2013 President David Skorton accepted University Assembly Resolution 15.

Appointment of Ombudsman

The University Assembly Charter, Article 3.2.1, adopted April 13, 2011, addresses the appointment of the Ombudsman (and other positions) as follows:

The Assembly must approve each appointment or reappointment by the President of the University to the following offices: the Judicial Administrator, the University Ombudsman, and the Judicial Codes Counselor. In the event of a vacancy in any of these positions, the President or a designee will appoint a search committee to which the Assembly may appoint a representative. Incumbent occupants of each office may serve any number of consecutive terms; however, no single term may exceed two years in duration.

Jurisdiction

The Office of the University Ombudsman† is available to all students, faculty and staff affiliated with all units of Cornell University, excluding the Weill Cornell Medical College.

Purpose and Services Offered

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.

The Ombudsman Office offers a safe place where community members may discuss problems or issues. The Ombudsman listens to visitor concerns, facilitates constructive dialogue, and assists in evaluating available options. As described in the Ethical Principles, the Ombudsman treats all inquiries as confidential.

Another Ombudsman function is "To serve as a general information center... 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."‡

The Ombudsman provides information on University policies and practices, provides information on how to make the University aware of a particular problem, and refers the visitor to the proper authority to resolve the situation.

It is of special concern that, "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."‡

While maintaining confidentiality, the Ombudsman provides the University with early warning of new issues. The Ombudsman alerts the appropriate administrator (or other person in authority) when a systemic issue or trend occurs to improve existing processes.

The Ombudsman should be concerned that "Decisions affecting members of the community are made with reasonable promptness."‡ He shall also be concerned, "That all members of the community receive due process."‡

The Ombudsman shall be satisfied “not only about the adequacy of 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.”‡

The Ombudsman serves as an advocate for fairness and equity at Cornell.

Ethical Principles

The Ombudsman Office operates according to the International Ombudsman Association (IOA) Code of Ethics and Standards of Practice as follows:

Independence

The Ombudsman Office “shall be independent of all existing administrative structures of the University...”‡

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within Cornell. The office is ultimately accountable for its operation to the community.

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. 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.

The Ombudsman Office publicizes the Ethical Principles (Independence, Neutrality, Confidentiality, and Informality) and explains these principles to each visitor.

Access to Information

The 1969 Kahn memorandum supports the Ombudsman's access to University information.

If the Ombudsman believes he/she needs access to official University information to fulfill his/her functions he/she may request such information from appropriate University officials. All such officials shall, subject to University policies and protocols, and state and federal law, share such information as may be appropriate.

Any requests for information will honor the tenet of confidentiality.

Ombudsman Authority

The Ombudsman can "...exercise no powers that are beyond the legal authority of the University..."‡

The Ombudsman "does not himself make University policy or replace established legislative or judicial procedures..."‡

The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the University. The Ombudsman does not participate in any formal investigative or adjudicative procedures. When a formal investigation is requested, the Ombudsman refers visitors to the appropriate office or individual. The Ombudsman does not provide legal advice. The Ombudsman is not authorized to speak on behalf of the University.

Informal Ombudsman services supplement, but do not replace, formal processes available to the University community.

Budget

To fulfill the Ombudsman Office function, the office shall have a budget that contains sufficient resources to meet operating needs and to adequately serve the community, including sufficient staff and continuing professional development.

The Ombudsman shall have the sole authority to manage the budget, operations of the office, including the hiring of all Ombudsman Office staff.

Confidentiality of Communications

The confidentiality of Ombudsman Office communications is honored at all levels of the University. Accordingly, there is an expectation that the Ombudsman will normally not be asked to testify on the University's behalf in internal and/or external proceedings.

Receiving Notice for Cornell University

All visitor communications are “off the record” and do not constitute a formal report. The Ombudsman shall not accept formal complaints for Cornell University. If a visitor wants to be “on the record” about a situation, the Ombudsman provides information on how the visitor can make the University aware of a particular problem.

No Retaliation for Using Ombudsman Office

All students, faculty and staff have the right to freely use the services of the Ombudsman Office. Retaliation for exercising this right shall not be tolerated.

Records

The Ombudsman shall not keep records for itself or for the University. For purposes of the Annual report, the Ombudsman may keep non-identifiable data such as the number of yearly visitors and the broad problem areas for which Ombudsman services are sought.

Any written or electronic notes related to visitors are destroyed at regular intervals. Because of confidentiality concerns, the Ombudsman discourages visitors from communicating confidential information electronically.

Annual Report

The Ombudsman “shall make an Annual report to the University community...”‡

The Annual report communicates non-identifiable data and overall trends.

The Annual report is presented annually to the University Assembly and to others as requested.

June, 2013

† Aside from the University Ombudsman appointment, references to the Ombudsman equally apply to all Ombudsman staff including the Assistant and Associate Ombudsman.

‡ As stated in the Kahn memorandum of August 26, 1969

[Appendix I - 1969 Kahn memorandum](#)

[Appendix II - 1971 Guidelines](#)