

Cornell University
Office of the University Ombudsman
47th Annual Report (July 1, 2015 to June 30, 2016)

The Role of the Office of the University Ombudsman

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 the Weill Cornell Medical College.

As part of Cornell's caring community, we are committed to assisting community members when they are most in need. Our efforts are geared toward managing conflict, thereby improving the student life experience and the work environment.

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 refer to the individuals we assist as “visitors” instead of “clients,” as a reference to clients connotes an advisory relationship, instead of a neutral one. We assist visitors in several 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
- While maintaining confidentiality, alert the appropriate administrator when a systemic issue occurs

At the most basic level, the Ombudsman offers a sounding board. Sometimes the visitor is most in need of respectful and active listening to address his or her concern.

Visitors are often concerned that a response to a problem will feel like too much or too little. Whatever the presenting issue, the Ombudsman meeting is tailored to the particular concerns of the visitor. In the Office of the Ombudsman, the visitor controls the process.

Sometimes a visitor needs help identifying appropriate language to engage in a constructive conversation to resolve his or her issue, particularly when the visitor wants to avoid loss of a relationship. The Ombudsman coaches the visitor for a difficult conversation.

Sometimes a visitor is overwhelmed and needs a safe and neutral "starting point" to find out what office can address his or her concerns and to discuss fears of retaliation. The Ombudsman refers the visitor to other office(s) and/or to the appropriate authority to resolve a situation.

The Ombudsman can also help the visitor clarify his or her goals and identify the available options. Sometimes a visitor needs a safe and neutral place to “think out loud” and to thoughtfully weigh his or her options.

On a larger scale, the Office of the Ombudsman also serves the community as a supplement to formal complaint processes. Having strong formal conflict management systems in place, such as the Audit Office and Human Resources, coupled with the informal mechanism provided by the Ombudsman Office, provides community members with options to address their concerns. While formal compliance offices are necessary, reports to these offices can automatically trigger a record and an investigation. Fearing retaliation, visitors are often initially reluctant to utilize such services. As a confidential resource, the Ombudsman explains these options to visitors, as well as related policies and procedures, thereby serving as a conduit to help visitors feel safe in employing such services. The Ombudsman thereby safeguards constructive reporting.

Tenets

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

Independence

The Ombudsman 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

The President appoints the University Ombudsman with the concurrence of the University Assembly (UA). This is described in the Cornell University Guidelines for the Office of the University Ombudsman (Guidelines) and the UA Charter. Since 1969, the University Ombudsman has been a part-time position held by a senior faculty member. The office is also staffed with other Ombudsman. At the time this report is being written, the office includes Charlie Walcott, University Ombudsman and Professor Emeritus, Linda Falkson, Director, Ombudsman Office and Helen Lang, Ombudsman Office Coordinator.

In July 2011, Charles (Charlie) Walcott was named the University's twelfth Ombudsman. Charlie was re-appointed in July 2013 and again in 2015. He received his bachelor's degree from Harvard University and his Ph.D. from Cornell University. He served on the faculty of Harvard University, Tufts University and the State University of New York at Stony Brook before coming to Cornell in 1981 as a full professor and Director of the Cornell Lab of Ornithology. Charlie was named the Lab's first Louis Agassiz Fuertes Director in 1992. He left that position in 1995 to resume teaching and research and went on to lead the Division of Biological Sciences (1998-99) and the Department of Neurobiology and Behavior (1999-2001) before serving for three years as Associate Dean and Secretary of the University Faculty. He also served as Dean of the University Faculty (2003-08) and the Chair of the University Assembly (Fall 2009 - Spring 2011), and currently serves as an emeritus faculty member. Charlie is an expert on the territorial vocalizations of birds and animal navigation. Since his appointment as Ombudsman, Charlie has been an active member of the International Ombudsman Association (IOA).

In April 2008, Linda Falkson was appointed to the Ombudsman Office. She currently serves as Director, Ombudsman Office. Linda has been a Certified Organizational Ombudsman Practitioner[®] since 2012. Linda received a Bachelor of Science from Cornell University and a Juris Doctor from the State University of New York at Buffalo. Before her employment at Cornell, she engaged in general legal practice, including criminal defense and prosecution. Prior to receiving her appointment in the Ombudsman Office, she served as Cornell's Associate Judicial Administrator and then as Deputy Judicial Administrator for ten years. In this capacity, she adjudicated alleged Code of Conduct violations, and she collaborated with community partners regarding the living and learning environment for students. She recently updated a chapter co-authored with Elizabeth Baldizan, Ed.D. and Mary Beth Grant, JD as follows:

Navigating a Complaint of Sexual Assault through a Campus Disciplinary Process for the second edition of *Campus Sexual Assault Response Teams: Program Development and Operational Management* (2016)

Since joining the Cornell Ombudsman Office in 2008, Linda has been an active member of the International Ombudsman Association (IOA). She currently co-chairs the IOA ad hoc Title IX task force.

Linda further serves the Cornell community in several other capacities. Linda is a member of the Soup and Hope committee, a program of the Cornell United Religious Work. The program seeks to help community members sustain hope in times of change and challenge. Each spring in Cornell's beautiful Sage chapel six members of the community share their stories of hope and courage with the Cornell community. Linda serves on the Community Support Team, providing support to community members

who have experienced a sudden loss or other crisis. Linda also serves as an ex officio member of the Council on Sexual Violence Protection.

In July 2014, Helen Lang was hired to fill the newly created position of Ombudsman Office Coordinator. Her role ranges from being the initial contact for booking appointments to website maintenance to outreach endeavors. Helen has a long association with the University having received her master's degree from Cornell in 1986 in Natural Resources with a concentration in Policy & Planning. She has previously worked in the Legal Aid Clinic of Cornell Law School, and most recently worked in student services at Tompkins Cortland Community College. Helen also has a background in conflict resolution and volunteered for many years as a mediator at Ithaca's Community Dispute Resolution Center. She has a particular interest in diversity and communication issues.

The Ombudsman Office staff work in a collaborative manner to address the needs of our community members. The diversity of Ombudsman staff backgrounds affords the opportunity to address the large range of visitor concerns.

Outreach

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, and distributing promotional giveaways. In fall of 2015 we also began advertising our services on viewscreen "bulletin boards" located throughout campus. Information about our services also appeared in several campus newsletters.

In spring of 2016 Helen completely re-designed our website. We feel it has a more modern, tranquil and elegant appearance and offers improved visibility and search efficiency. It's mobile friendly and fully compliant with accessibility software.

We are available to give presentations to groups about the services we provide, and this year we delivered several presentations as part of the New Supervisor Orientation program.

We also participate in campus resource fairs 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, New Student Check-In, the Graduate School Orientation Fair, and the Pre-freshman Summer Program (PSP) Resource Fair.

To further communicate ombudsman services at Cornell, we meet with staff from a range of offices, partner in community events and participate in community forums.

Professional Development

Cornell Ombudsman serve as active members of their professional association, the International Ombudsman Association (IOA). This includes our involvement with professional publications and presentations, as well as committee work. As resources permit, we attend IOA conferences and trainings to keep abreast of the ombudsman field and topics related to our work as organizational

ombudsman. In spring, 2016 Linda attended the 11th Annual IOA Conference in Seattle, Washington, and Charlie attended meetings of the East Coast Ombudsman Group (ECOG).

Linda co-chairs the IOA Title IX ad hoc committee charged with providing a best practices framework for the organizational ombudsman that recognizes current Title IX requirements and allows the ombudsman to work in accordance with the IOA Standards of Practice. She helped to lead a session at the conference on this topic.

All staff regularly attend a variety of training opportunities offered by Cornell University. This year we attended programming offered by the Inclusive Excellence Academy, the Administrative Academy and the Towards New Destinations program.

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 publicizes this volunteer opportunity to community members, 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 insure 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 Assemblies to make a report and to answer questions.

We track the following:

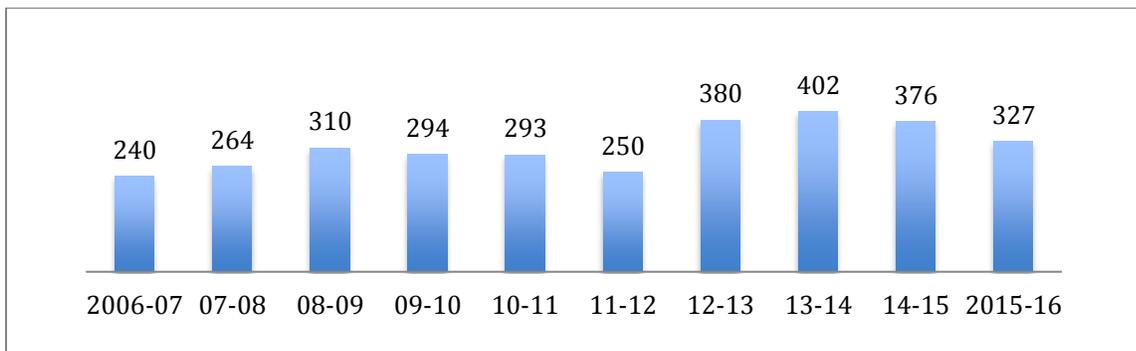
- Number of Visitors
- Constituency (of the visitor)
- Problem Areas (the reason why the visitor seeks ombudsman services)

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 be counted as one visitor and the May meeting would be counted as one visitor.

The total number of visitors in 2015-2016 was 327.

Total Visitors per year from 2006-2007 to 2015-2016:



Over the past ten years the number of visitors per year has ranged from 240 to 402. This year’s total of 327 visitors was a little above the 10-year average of 314 visitors per year.

These bare statistics give no sense of the complexity and the 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 with a single visit, many require multiple visits and a substantial amount of work between sessions. With the increase in the number of visitors we have not seen an increase in the fraction of simple cases. The range and complexity of issues is much the same as it has always been.

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 a positive “word of mouth” referral is helpful.

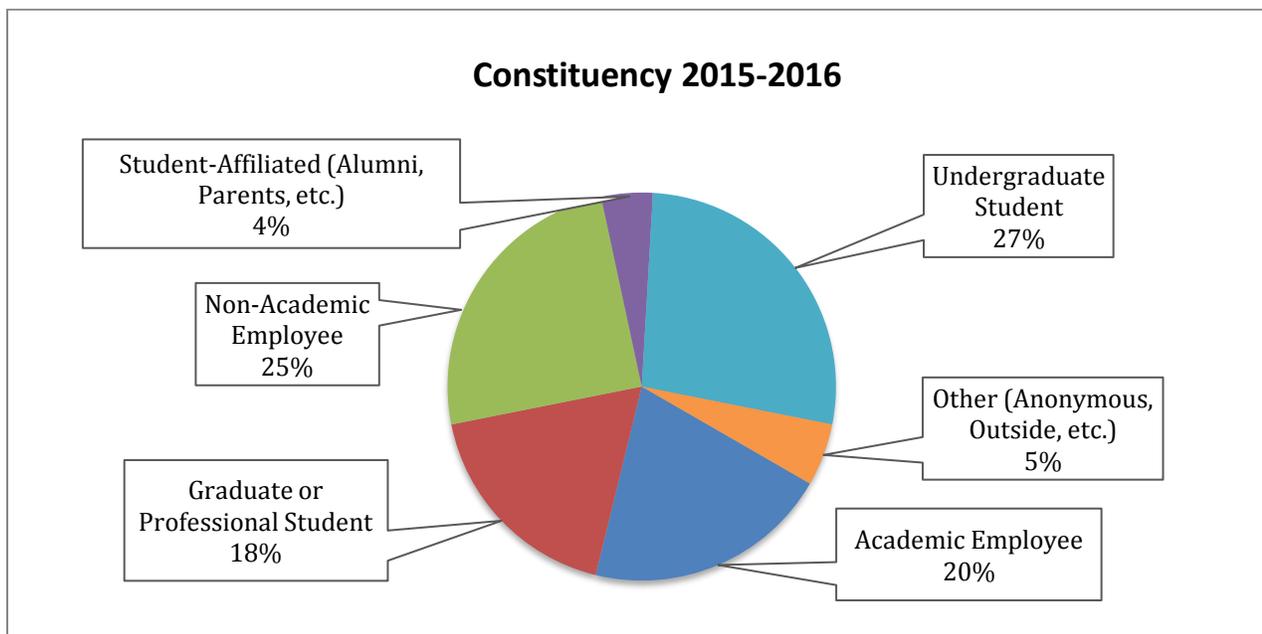
Constituency

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

- Academic Employee
- Graduate or Professional Student
- Non-Academic Employee
- Student-Affiliated (Alumni, Parents, etc.)
- Undergraduate Student
- Other (Anonymous, Outside, etc.)

Total Constituency in 2015-2016:

Constituency	2015-2016
Academic Employee:	67
Professors (Assistant, Associate, Full)	(33)
Other Faculty (e.g. Research Associate, Sr. Lecturer, etc.)	(34)
Graduate or Professional Student	59
Non-Academic Employee	81
Student-Affiliated (Alumni, Parents, etc.)	14
Undergraduate Student	89
Other (Anonymous, Outside, etc.)	17
TOTAL	327



Total Constituency per year 2006-2007 to 2015-2016:

Constituency	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
Academic Employee	39	32	43	48	58	59	62	70	82	67
Graduate or Professional Student	26	31	32	28	30	47	55	68	56	59
Non-Academic Employee	75	80	98	112	82	71	145	130	129	81
Student-Affiliated	25	30	31	24	22	16	16	29	25	14
Undergraduate Student	63	67	95	71	76	43	80	92	67	89
Other	12	24	11	11	25	14	22	13	17	17
TOTAL	240	264	310	294	293	250	380	402	376	327

This past year we saw an increase in the number of undergraduate students visiting the office and a decrease in the number of non-academic employees. Undergraduates surpassed non-academic staff as the largest constituency group.

Trends over the past ten years are not as clear because numbers have sometimes varied greatly from year to year. Nevertheless, it seems that the number of visitors in the academic employee and graduate and professional student categories have been increasing.

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 issues brought to the attention of the Ombudsman by the visitor. As an informal resource, the Ombudsman does not conduct investigations, participate in formal adjudicative processes or otherwise verify the issues. While the Problem Area represents the subjective view of the visitor, it is nonetheless

an area of concern for him or her. Visitors meet with the Ombudsman about the following seven broad Problem Areas:

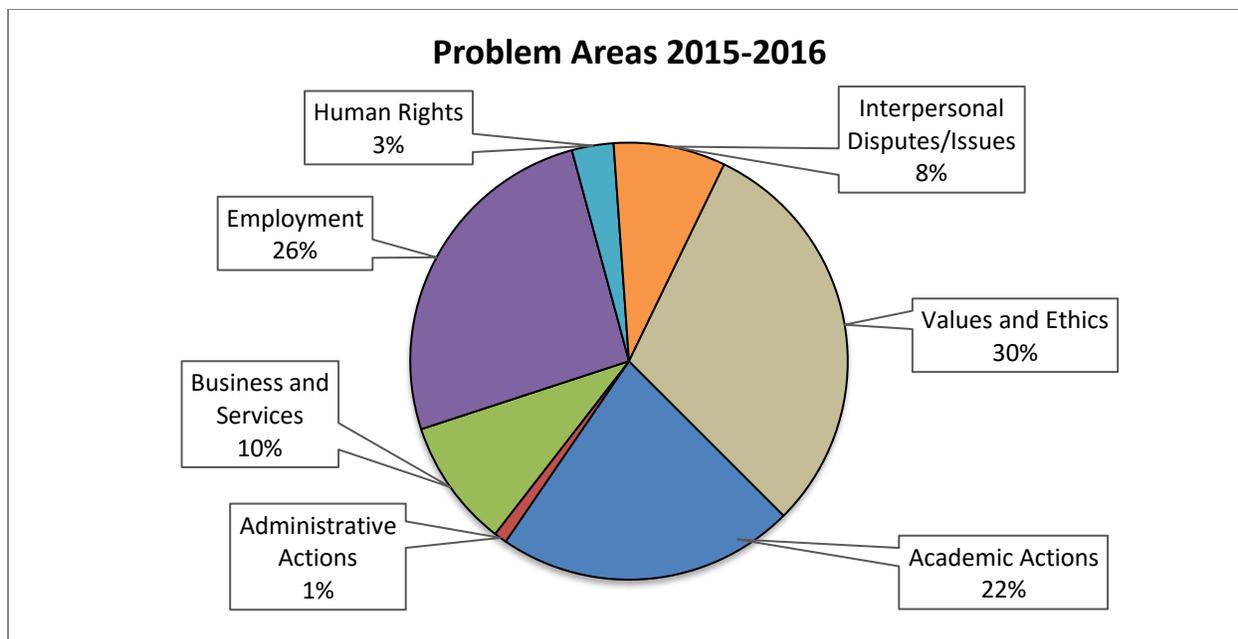
- Academic Actions
- Administrative Actions
- Business and Services
- Employment
- Human Rights
- Interpersonal Disputes
- Values and Ethics

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 visitor problems are varied and some unusual or unique concerns fail to precisely fit into a particular Problem Area.

We provide data below on Problem Areas for the past six years, as opposed to the ten years of data we provide for 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 in 2015-2016:

Problem Areas	2015-2016
Academic Actions	93
Administrative Actions	4
Business and Services	40
Employment	109
Human Rights	13
Interpersonal Disputes/Issues	35
Values and Ethics	128



Problem areas over six-year span:

Problem Areas	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
Academic Actions	59	50	87	106	72	93
Administrative Actions	34	8	5	9	6	4
Business and Services	60	46	48	50	57	40
Employment	170	84	174	170	178	109
Human Rights	12	14	13	11	6	13
Interpersonal Disputes	22	12	30	40	28	35
Values and Ethics	54	77	94	95	124	128
TOTAL:	411	291	451	481	471	422

The largest number of visitor issues this past year, representing 30% of the visitor issues, was for the Values and Ethics Problem Area. Over the past six years we have seen a steady increase in the number of issues brought to us in the Values and Ethics area. This does not necessarily mean that there are more problems occurring in this area. The University has been vigilant over the past several years in publicizing information to community members about University and national policies and regulations, which creates a climate supportive of reporting ethical issues. We believe this trend, at least in part, reflects greater knowledge about policies. As discussed earlier, the Ombudsman Office offers a safe place to discuss options thereby safeguarding constructive reporting.

The second largest number of visitor issues was for the Employment Problem Area, representing 26% of visitor issues. This area continues to be one of the largest areas of concern and is not surprising given that such a large percentage of our visitors are employee constituents.

When examining trends in Problem Areas, it is important to recognize that many visitors present multiple issues. This is why we report 422 problem areas by 327 visitors. Indeed, Problem Areas, such as Employment and Values and Ethics, are often interrelated.

Ombudsman Role as Change Agent

The Ombudsman Office reports on trends and areas of concern throughout the year. 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 helpful. Indeed, we appreciate the responsiveness with which those in authority hear our feedback and promote positive change. Some limited examples of improvements based on upward feedback from this past year include the following: routinely listing the Ombudsman Office as a resource in disciplinary letters for non-academic staff, considerations in the promotion policy in the Cornell College of Business, updated language in policy 6.4 (Prohibited Discrimination, Protected-Status Harassment, Sexual Harassment, and Sexual Assault and Violence), and several other matters where we have provided upward feedback to the senior administration or other person in a position of authority.

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

As we look to the future, we envision a University that is becoming more diverse and globalized. 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. Given this reality, we continue to reach out to all members of the community, and to inform them about our services, should they need them now or in the future.

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. Finally, 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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