

Cornell University University Assembly

Cornell University's University Assembly
Agenda of the November 1st, 2022 Meeting
4:45 PM – 6:15 PM
401 Physical Sciences Building | Zoom

- I. Call to Order
 - a. Roll Call
 - b. Land Acknowledgment of the Gayogoho:nq (Cayuga Nation)
 - c. Call for Late Additions to the Agenda
- II. Approval of the Minutes
 - a. [Minutes of October 18, 2022](#)
- III. Open Forum
 - a. Feedback/discussion on work-life balance and post-COVID expectations (Beth Milles)
- IV. Business of the Day
 - a. Reminder: questions for President Pollack due by November 8th to dc932@cornell.edu
 - b. [UA Resolution 1: Updating the Charter of the Office of the University Ombuds](#)
 - i. [Updated Charter](#)
 - ii. [Summary of changes to the Ombuds Office Charter](#)
 - c. Vote: Should we make the November 29th meeting Zoom only to accommodate a request from our speaker:
 - i. Laura Santacrose, the Associate Director of the Skorton Center who would like to engage the assemblies for input on an upcoming Mental Health Review.
 1. If possible, it would be preferable for **the session to take place via Zoom and have everyone be able to participate via zoom** - this would allow everyone to have access to the chat feature to participate and for us to be able to capture people's thoughts, suggestions, and ideas. We have found that hybrid sessions (with some people in-person and others online) are not conducive to this process
 - d. Motion: the Codes and Judicial Committee would like the following: "The University Assembly requests that Richard Bensel and Keir Weyble meet with President Pollack to discuss the letter in which she rejected UA Resolution # 6 last spring."
 - i. The President's letter and UA Resolution # 6 can be found at: [\(25\) October 31, 2022 | Powered by Box](#)

ii. For reference, the Current Description of the Codes and Judicial Committee in University Assembly By-Laws states:

1. Section 4.1: Codes and Judicial Committee

By delegation from the Assembly, the Committee will review any proposed motion related to:

Campus Code of Conduct; and

Recruitment and appointment of members to the University Hearing and Review Boards.

The Committee may propose, review, and amend resolutions as it deems appropriate. The Committee must approve resolutions referred for its consideration before they can be advanced to the Assembly for a vote and for debate. The Judicial Administrator and Judicial Codes Counselor serve as non-voting, ex-officio members of the Committee.

V. Assembly Reports

- a. Student Assembly
- b. Graduate and Professional Student Assembly
- c. Employee Assembly
- d. Faculty Senate

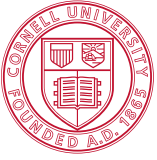
VI. Committee Reports

- a. Executive Committee
- b. Codes and Judicial Committee
- c. Campus Welfare Committee
- d. Campus Committee on Infrastructure, Technology, and the Environment

VII. Liaison Reports

VIII. Adjournment

If you are in need of special accommodations in order to fully participate, please contact Student Disability Services at (607) 254-4545 or the Office of the Assemblies at (607) 255-3715 or assembly@cornell.edu prior to the meeting.



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Cornell University Assembly

Minutes of the October 18, 2022 Meeting

4:45 PM – 6:00 PM

Room 401, Physical Sciences Building | Zoom

I. Call to Order

- a. Chair D. Cady called the meeting to order at 4:50pm in Room 401 of the Physical Sciences Building.
- b. *Members Present:* G. Akkan, M. Benda, R. Bensel, D. Cady, K. Cram, G. Dong, A. Haenlin-Mott, P. Hanley, M. Heeney, I. Hewson, D. Hiner, Y. Hua, A. Juan, M. McEntee, B. Milles, J. Sun, V. Valencia
- c. *Members Absent:* O. Akujuo, E. DeRosa (represented by C. Specht), D. Howell
- d. *Also Present:* E. Kalweit, K. Gabel, C. Lederman, T. Chen, C. Specht (representing E. DeRosa), B. Lewenstein

II. Land Acknowledgement of the Gayogohono (Cayuga Nation)

- a. D. Cady stated the UA's acknowledgment of the Cayuga Nation.

III. Call for Late Additions to the Agenda

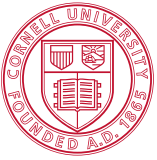
- a. D. Cady asked the Assembly if there were any late additions to the agenda. No additions were provided.

IV. Approval of the September 20, 2022, Minutes

- a. D. Cady asked the Assembly if there were any changes that should be made to the minutes.
- b. R. Bensel moved to approve the minutes; A. Juan seconded. The motion was passed by unanimous consent.

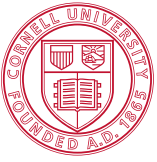
V. Open Forum

- a. Ombuds Office presentation by Bruce Lewenstein
 - i. B. Lewenstein provided a presentation to the Assembly on the Ombuds Office. His remarks included an introduction to his position as University Ombuds and to the position of Linda Falkson, Associate University Ombuds and Director of the Ombuds Office. He also shared his and L. Falkson's background and experience for their positions.
 - ii. B. Lewenstein informed the Assembly of the Ombuds Office's key principles of confidentiality, independence, informality, and impartiality. He also provided information on the Ombuds Office in its association with the



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- International Ombuds Association, and how the principle of the Ombuds Office, founded in the 1960s, outlive the establishment of the I.O.A.
- iii. B. Lewenstein stated that the Ombuds Office can help with ethical issues or concerns; job reclassification, reappointment, and review; workplace climate and culture; supervisory and advising relationships; harassment or bullying; unfair treatment; and interpersonal issues. He also stated that in these ways, the Ombuds Office can encourage faculty, employee, and student retention.
 - iv. B. Lewenstein stated that the Ombuds Office provides information to visitors on University policy and how to make the University aware of an issue. He also stated that the Office discusses visitors' options in addressing their issue.
 - v. B. Lewenstein stated that the Ombuds Office has the typical steady flow of visitors and is updating their charter to reflect rewording. He stated they are also seeking to increase outreach and encourage institutional feedback. He also stated that the Ombuds Office will request an endorsement from the University Assembly on their new charter.
 - vi. R. Bensel asked about the most difficult cases of the Ombuds Office and whether some are irresolvable. B. Lewenstein stated that the most difficult cases for the Office are those involving a deep fundamental disagreement between individuals, such as between a student and an advisor. He also stated that while some cases are irresolvable, the Office ensures that they are at least ensuring that individuals feel the process has been fair.
 - vii. D. Cady asked how the University Assembly could support the Ombuds Office. B. Lewenstein stated that letting constituents know about the presence of the Ombuds Office across campus, as well as other Assemblies and organizations on campus. He stated that more details on the Ombuds Office can be found at ombuds.cornell.edu.
 - viii. C. Lederman asked what the role of the other party in the process described by B. Lewenstein. B. Lewenstein stated that the office primarily works with the visitor and will coach them to speak with whomever is applicable to their situation and may get in contact with the other party as necessary.
- b. Committee Appointments
- i. D. Hiner stated that a faculty member reached out to him asking about the possibility of their membership on the Campus Committee on Infrastructure, Technology, and the Environment and asked what the procedure was for securing their appointment to the Committee.
 - ii. D. Cady stated that it is the discretion of the chairs of the Assemblies to determine membership on the committees. He also stated that since there



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are vacancies on the University Assembly committees, so long as there is no conflict with the head of the Assembly.

- iii. D. Cady stated that there was an email sent out to all Assembly leadership notifying them of committee membership vacancies.

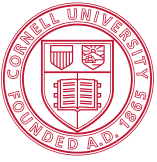
VI. Business of the Day

- a. D. Cady stated that President Pollack will attend the November 15th meeting (?) and that questions for President Pollack are due by November 8th to dc932@cornell.edu or ua@cornell.edu.
 - i. E. Kalweit stated that he will send information to the Assembly about whether the President will be bringing a visitor.
 - ii. B. Milles asked if the President's visit was annual. D. Cady responded that the President's visit occurs once a semester.
- b. Vote: Should we make the November 15th meeting Zoom-only to accommodate a request from our speaker?
 - i. D. Cady stated that Laura Santacrose, the Associate Director of the Skorton Center, would like to engage the Assemblies for input on an upcoming Mental Health Review. He also stated that the Mental Health Review is initiating a follow-up effort from their initial Review in 2020.
 1. Note from L. Santacrose: "If possible, it would be preferable for the session to take place via Zoom and have everyone be able to participate via Zoom – this would allow everyone to have access to the chat feature to participate and for us to be able to capture people's thoughts, suggestions, and ideas. We have found that hybrid sessions (with some people in-person and others online) are not conducive to this process."
 - ii. E. Kalweit stated that the meeting coincides with President Pollack's visit on November 15th.
 - iii. P. Hanley asked whether the meeting could take place fully in-person. D. Cady stated that his understanding was that some members
 - iv. A. Juan asked whether L. Santacrose would be willing to change the date of her visit.
 - v. B. Milles stated that it is an important opportunity to meet with President Pollack in person.
 - vi. A. Hanelin-Mott also stated that an in-person meeting with President Pollack should be the priority. R. Bensel seconded A. Hanelin-Mott's remarks and asked for an explanation of the rationale for a fully Zoom meeting.



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- vii. D. Cady stated that he suspected that a hybrid Zoom meeting poses some issues to an open discussion.
- viii. D. Hiner stated that as mental health is an important discussion topic, having a hybrid option is important to allow everyone to participate. He also stated that the
- ix. A. Juan suggested to amend the vote asked whether the date could be changed and if not, whether a hybrid option is possible.
- x. C. Specht stated that it is important to ensure a hybrid option and that it would be best to follow the practices of encouraging in-person participation with a hybrid option.
- xi. A. Haenlin-Mott stated that she is not against a hybrid option, but rather the visit's cooccurrence with the President's visit, which should take place in-person.
- xii. D. Cady proposed two votes, one on changing the date of the visit of L. Santacrose and another on proposing the hybrid model to L. Santacrose again.
- xiii. C. Specht stated that the cooccurrence with President Pollack's visit may gain traction and that an increased body of people when having the conversation could be beneficial. She also expressed her support of a hybrid option.
- xiv. A. Juan opposed having the meeting on the same day due to the time constraint of the meeting. M. Benda seconded A. Juan's remarks, stating that President Pollack's remarks could take away from the mental health discussion.
- xv. D. Cady moved his two proposals to a vote
 - 1. Vote 1: who is in favor of changing the date of the visit?
 - a. In a vote of 17-0-1, the Assembly moved to request a change of date of the meeting for the visit.
 - 2. Vote 2: who is in favor of proposing a hybrid option to L. Santacrose?
 - a. In a vote of 14-3-1, the Assembly moved to propose a hybrid option to L. Santacrose.
- c. Vote: Should the UA host a Campus Forum on Campus Safety/Emergency Response presentation by Dave Honan, AVP for Public Safety, and Dan Maas, Associate Director of Emergency Management and Business Continuity?
 - i. D. Cady stated that the University Assembly can hold a forum with a simple majority vote and suggested that the Campus Welfare Committee oversee the planning of the forum.



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- ii. A. Juan stated that as the chair of the Campus Welfare Committee, it is a good idea to spread information about campus safety and emergency response to the community.
- iii. D. Cady stated that the details of the forum would be at the discretion of a Resolution.
- iv. B. Milles stated that there is a lot of misinformation about what campus community members should do for emergency response and supported the Forum.
- v. D. Cady moved the proposal to a vote
 - 1. In a vote of 16-1-1, the motion to host a Campus Forum on Campus Safety/Emergency Response presentation by Dave Honan, AVP for Public Safety, and Dan Maas, Associate Director of Emergency Management and Business Continuity passed.

VII. Assembly Reports

- a. Student Assembly
 - i. V. Valencia stated that the Student Assembly has a new University Assembly representative, G. Dong. She also stated that the Assembly has filled its committee appointments and that the Assembly welcomed four new freshmen representatives and one transfer representative. She also stated that the Assembly passed a resolution condemning antisemitism.
- b. Graduate and Professional Student Assembly
 - i. P. Hanley introduced M. Heeney, the new University Assembly representative from the Graduate and Professional School Assembly. He also stated that the Assembly met last night, which included a discussion on fostering, and that the Assembly also hosted a weekend retreat since the University Assembly's last meeting.
- c. Employee Assembly
 - i. A. Haenlin-Mott stated that the Employee Assembly met last week, and that Gordon Burger attended the meeting to discuss insurance options for employees. She also stated that a Priorities Poll was sent out and is currently being promoted, despite the cooccurrence with Human Resources's survey sent to employees.
- d. Faculty Senate
 - i. C. Specht stated that the Faculty Senate met on October 12 and reached a quorum at the meeting. She also stated that there is now a cross-Cornell major in data science led by the Statistics and Data Science department, that the Senate passed a message of appreciation for those who provided help



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over the pandemic, and that there will be a forum on October 26th on academic communication. She also stated President Pollack will attend one of their meetings and that Student Disability Services. She also stated that David Honan presented on public safety to the Senate, that they received an update from the Committee for Academic Freedom and Professional Status, and that there was a presentation from Senator Ken Burman on a motion to reactivate Research Scientist titles.

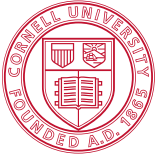
1. Motion to extend
 - a. M. Heeney motioned to extend the meeting by five minutes, B. Milles seconded.

VIII. Committee Reports

- a. Executive Committee
 - i. D. Cady stated that the Committee met with B. Lewenstein to prepare him for his presentation at this meeting.
- b. Codes and Judicial Committee
 - i. R. Bensel stated that the Committee now has five members and that they are interested in gaining members. B. Milles stated that other Assemblies will follow up about ensuring the Committee gains members.
- c. Campus Welfare Committee
 - i. A. Juan stated the Committee met for the first time last week and that the Committee is missing a Graduate and Professional School representative and a non-elected constituent representative.
- d. Campus Committee on Infrastructure, Technology, and the Environment
 - i. D. Hiner stated that the Committee met on October 5th and that the meeting included a robust discussion around transportation, technology, and sustainability.
 1. Motion to extend
 - a. M. Heeney motioned to extend the meeting by two minutes, A. Juan seconded.
 - ii. He stated that the Committee focused on improving parking for those who drive to campus and incentivizing electric vehicles with charging stations. He also discussed earth-source heating, which has been a success this year.

IX. Liaison Reports

- a. J. Sun stated that the Sustainability Operations Committee on September 26th in which the Committee found an increase in reusable dining containers and that the



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Committee hopes to work on a Campus Sustainability guide, including work with Cornell Dining and analysis of recycling bin placement.

X. Adjournment

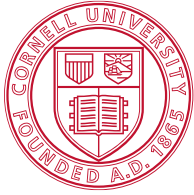
- a. R. Bensel motioned to adjourn the meeting, D. Hiner seconded.

This meeting was adjourned at 6:10pm.

Respectfully Submitted,

PJ Brown

Clerk of the Assembly



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U.A. Resolution # 1
Updating the Charter of the Office of the University
Ombuds

10/25/2022

1 **Sponsored by: Duncan Cady, Chair of the University Assembly; Debra Howell, Executive**
2 **Vice Chair of the University Assembly; Bruce Lewenstein, University Ombuds**
3

4 **Abstract: The University Ombuds Office is a confidential, independent, impartial, and**
5 **informal resource available to students, staff, and faculty at the university to address**
6 **conflicts, concerns, or other issues affecting their work, life, or study at Cornell. It offers a**
7 **safe place to identify options for addressing individual situations. University practice since**
8 **the 1969 establishment of the Office has been for its governing document to be approved by**
9 **the “legislative body” of the University, currently the University Assembly. This resolution**
10 **approves updates in the governing document, now named the Charter for the Office of the**
11 **University Ombuds.**
12

13 **Whereas,** Whereas, Cornell University established the Office of the University Ombuds in 1969¹
14 (at the time, using the label of “Ombudsman”), in response to the report of a committee
15 chaired by Professor Alfred Kahn², and
16

17 **Whereas,** the Office of the University Ombuds is a confidential, independent, impartial, and
18 informal resource available to students, staff, and faculty at the university to address
19 conflicts, concerns, or other issues affecting their work, life, or study at Cornell. It offers
20 a safe place to identify options for addressing individual situations³, and
21

22 **Whereas,** the Office of the University Ombuds also serves the University by providing feedback
23 to administrative offices across the University, and
24

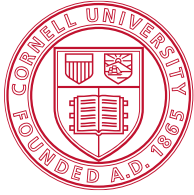
25 **Whereas,** the Office of the University Ombuds contributes to the University’s core values,
26 especially the “community of belonging,” and
27

28 **Whereas,** the Office of the University Ombuds reports annually to the University Assembly, and
29

¹ A Proposal for Constituting an Office of University Ombudsman Appendix I , Cornell University College of Arts And Sciences, Office of the Dean, August 26, 1969.

² A Proposal for Constituting an Office of University Ombudsman Appendix II, Cornell University Senate, SA 70, Date of Adoption, April 22, 1971.

³ Cornell University, Office of the University Ombuds, <https://ombuds.cornell.edu/>



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30 **Whereas**, the Office of the University Ombuds has served the University well in the more than
31 50 years of its existence, and

32
33 **Whereas**, the Kahn committee recommended that the principles guiding the office “shall be
34 subject to revision by whatever legislative body”⁴ is adopted by the University, and

35
36 **Whereas**, the legislative body is currently the University Assembly, and

37
38 **Whereas**, the Guidelines governing the Office of the University Ombuds were last updated in
39 2013⁵, and

40
41 **Whereas**, the Office of the University Ombudsman follows the Standards of Practice and Code
42 of Ethics of the International Ombuds Association (IOA),

43
44 **Whereas**, the 2013 Guidelines need updating to conform with changes in language and best
45 practices to stay aligned with IOA principles, and

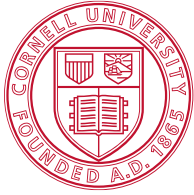
46
47 **Whereas**, those updates include: a shift in title from “Guidelines” to “Charter”; a shift in title
48 from “Ombudsman” to “Ombuds”; and updated language regarding campus culture and
49 values, and

50
51 **Whereas**, an updated Charter for the Office of the University Ombuds, Appendix 1, has been
52 presented to and reviewed by the University Assembly on November 1st 2022,

53
54 **Be it finally resolved**, the University Assembly approves the new Charter for the Office of the
55 University Ombuds.

⁴ Appendix II, Cornell University Senate Guidelines For The Office of University Ombudsman. Cornell University Senate, SA 70, Date of Adoption, April 22, 1971.

⁵ Guidelines, Cornell University Guidelines for the Office of University Ombudsman, Adopted June 2013.
<https://ombuds.cornell.edu/guidelines/>



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APPENDIX 1

Cornell University

Charter for the Office of University Ombuds

Updated: October 2022

The Cornell University Ombuds is a confidential, independent, impartial, and informal resource available to students, staff, and faculty at the university to address conflicts, concerns, or other issues affecting their work, life, or study at Cornell. The position was established in 1969 and has existed continuously since then.⁶ This Charter is fundamentally based on the Guidelines originally established for the office, which received minor revisions in 1971 and 2013.

Appointment of Ombuds

The University Ombuds is appointed by the University President, subject to approval of the University Assembly. The Ombuds serves a two-year term, which may be renewed indefinitely. To fill a vacancy in the office, the President or a designee will appoint a search committee to which the Assembly may appoint a representative.

The University Ombuds is responsible for appointing other Ombuds Office staff.⁷

Jurisdiction

The Ombuds Office is available to all students, staff, and faculty affiliated with all units of Cornell University, excluding Weill Cornell Medicine.

Purpose and Services Offered

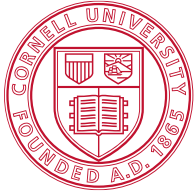
The Ombuds Office supports [Cornell's core values](#), including its commitment to being a community of belonging and to free and open inquiry and expression. The Ombuds Office fosters a culture of respect, inclusion, ethical behavior and fair process.

The Ombuds Office offers a safe place where community members may discuss conflicts, problems, or other issues. The Ombuds listens to visitor concerns, facilitates constructive dialogue, and assists in evaluating available options. Use of the Ombuds Office is entirely voluntary in all cases.

The Ombuds Office also serves as a conflict resolution resource, to advise members of the community about where to turn and what procedures to follow to pursue whatever concern they may have.

⁶ See Appendix I: History; Appendix 2, 1969 Kahn Memo; Appendix 3, 1971 Guidelines; Appendix 4, 2013 Guidelines.

⁷ In most cases, references in this Charter to the Ombuds refer to both the individual appointed as University Ombuds and to the staff of the Ombuds Office.



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The Ombuds Office provides information on University policies, procedures, and practices; provides information on how to make the University aware of particular concerns; and refers visitors to the proper authority to resolve concerns or issues.

The Ombuds Office brings to the attention of those in authority (and, if necessary, to the community at large) any gaps and inadequacies in existing University policies and procedures.

While maintaining confidentiality, the Ombuds Office provides the University with early warning of emerging issues or patterns of concerns. The Ombuds alerts the appropriate administrator (or other person in authority) when a systemic issue or trend occurs, for the purpose of improving existing processes.

The Ombuds Office responds to concerns that decisions affecting members of the community are made with reasonable promptness, and that all members of the community receive due process.

The Ombuds Office responds to concerns about the adequacy of procedures adopted to reach decisions, and also about the appropriateness of the criteria and rules used to reach decisions.

While the Ombuds Office does not advocate for any particular visitor, the Ombuds Office does serve as an advocate for dignity, equity, and inclusion at Cornell. The Ombuds Office contributes to fair processes, fair treatment, and fair outcomes at the University.

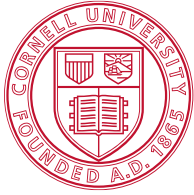
Ethical Principles

In all activities, the Ombuds follows principles presented in the [Standards of Practice and Ethical Principles of the International Ombuds Association](#): Confidentiality, Independence, Impartiality, and Informality.

I. Confidentiality

The Ombuds 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 Ombuds, there appears to be imminent risk of serious harm.

The confidentiality of Ombuds Office communications is honored at all levels of the University. Accordingly, there is an expectation that the Ombuds will normally not be asked to testify on the University's behalf in internal and/or external proceedings. No meetings are recorded by the Ombuds Office, by visitors, or by University staff unless explicitly permitted.



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II. Independence

As stated in the 1969 Kahn memo that established the role, the Ombuds Office “shall be independent of all existing administrative structures of the University.” The Ombuds 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.

III. Impartiality

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

IV. Informality

The Ombuds, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to their attention. As an informal resource, the Ombuds is not authorized to accept notice (formal complaints) for Cornell. The Ombuds can provide information to the visitor on how to make the University aware of a particular issue. However, because the Ombuds holds all communications with those seeking assistance in strict confidence, subject to the limited exceptions detailed above, the Ombuds will not forward information received in confidence.

Access to Information

If the Ombuds Office staff believe they need access to official University information to fulfill their functions, they 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.

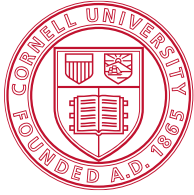
Any requests for information will honor the tenet of confidentiality.

Ombuds Authority

The Ombuds can exercise no powers that are beyond the legal authority of the University.

The Ombuds does not make University policy or replace established legislative or judicial procedures.

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



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Ombuds services are informal and supplement, but do not replace, formal processes available to the University community.

Budget

To fulfill the Ombuds 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 University Ombuds shall have the sole authority to manage the budget, operations of the office, including the hiring of all Ombuds Office staff.

No Retaliation for Using Ombudsman Office

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

No Records

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

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

Annual Report

The Ombuds 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.

Amendments

The Cornell community, represented through the University Assembly, is responsible for any amendments to this Charter.

Last updated: October 2022

Approved by University Assembly:

SUMMARY OF CHANGES

The revised Charter is essentially based on the existing Guidelines, last updated in 2013. We've retitled them as a "Charter," to align with best practices suggested by the International Ombuds Association (IOA). The substantive content is virtually unchanged, except for updating of "Ombudsman" to "Ombuds." We did move and combine a few sections, in the interest of clarity and avoiding duplication. We also made a formatting change: rather than quoting the original 1969 and 1971 guidelines, we've incorporated most of that text directly into the document, to make it read more smoothly.

Key changes:

- "Appointment of Ombuds": Instead of quoting overall UA bylaws (which have changed), just states info relevant to Ombuds.
- "Purpose and Services Offered": Added link to Cornell's core values. Revised some paragraphs to read as direct text, rather than quotes from other documents. Updated some language regarding campus culture.
- "Ethical Principles": Added link to IOA Standards of Practice and Ethical Principles; revised wording to be clear that our principles follow IOA, but are not identical. Moved a paragraph on confidentiality being honored at all levels of University from a separate heading to being within "Confidentiality" principle. Moved a paragraph on not receiving notice from a separate heading to being within "Informality" principle.
- "Access to Information": Revised to read as direct text, rather than quotes from other documents.
- "Ombuds Authority": Revised to read as direct text, rather than quotes from other documents.
- "Confidentiality of Communications": Moved text to "Confidentiality" section of "Ethical Principles."
- "Receiving Notice for Cornell University": Moved text to "Informality" section of "Ethical Principles."

Cornell University

Charter for the Office of University Ombuds

Updated: October 2022

The Cornell University Ombuds is a confidential, independent, impartial, and informal resource available to students, staff, and faculty at the university to address conflicts, concerns, or other issues affecting their work, life, or study at Cornell. The position was established in 1969 and has existed continuously since then.¹ This Charter is fundamentally based on the Guidelines originally established for the office, which received minor revisions in 1971 and 2013.

Appointment of Ombuds

The University Ombuds is appointed by the University President, subject to approval of the University Assembly. The Ombuds serves a two-year term, which may be renewed indefinitely. To fill a vacancy in the office, the President or a designee will appoint a search committee to which the Assembly may appoint a representative.

The University Ombuds is responsible for appointing other Ombuds Office staff.²

Jurisdiction

The Ombuds Office is available to all students, staff, and faculty affiliated with all units of Cornell University, excluding Weill Cornell Medicine.

Purpose and Services Offered

The Ombuds Office supports [Cornell's core values](#), including its commitment to being a community of belonging and to free and open inquiry and expression. The Ombuds Office fosters a culture of respect, inclusion, ethical behavior and fair process.

The Ombuds Office offers a safe place where community members may discuss conflicts, problems, or other issues. The Ombuds listens to visitor concerns, facilitates constructive dialogue, and assists in evaluating available options. Use of the Ombuds Office is entirely voluntary in all cases.

The Ombuds Office also serves as a conflict resolution resource, to advise members of the community about where to turn and what procedures to follow to pursue whatever concern they may have.

The Ombuds Office provides information on University policies, procedures, and practices; provides information on how to make the University aware of particular concerns; and refers visitors to the proper authority to resolve concerns or issues.

The Ombuds Office brings to the attention of those in authority (and, if necessary, to the community at large) any gaps and inadequacies in existing University policies and procedures.

¹ See Appendix I: History; Appendix 2, 1969 Kahn Memo; Appendix 3, 1971 Guidelines; Appendix 4, 2013 Guidelines.

² In most cases, references in this Charter to the Ombuds refer to both the individual appointed as University Ombuds and to the staff of the Ombuds Office.

While maintaining confidentiality, the Ombuds Office provides the University with early warning of emerging issues or patterns of concerns. The Ombuds alerts the appropriate administrator (or other person in authority) when a systemic issue or trend occurs, for the purpose of improving existing processes.

The Ombuds Office responds to concerns that decisions affecting members of the community are made with reasonable promptness, and that all members of the community receive due process.

The Ombuds Office responds to concerns about the adequacy of procedures adopted to reach decisions, and also about the appropriateness of the criteria and rules used to reach decisions.

While the Ombuds Office does not advocate for any particular visitor, the Ombuds Office does serve as an advocate for dignity, equity, and inclusion at Cornell. The Ombuds Office contributes to fair processes, fair treatment, and fair outcomes at the University.

Ethical Principles

In all activities, the Ombuds follows principles presented in the [Standards of Practice and Ethical Principles of the International Ombuds Association](#): Confidentiality, Independence, Impartiality, and Informality.

Confidentiality

The Ombuds 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 Ombuds, there appears to be imminent risk of serious harm.

The confidentiality of Ombuds Office communications is honored at all levels of the University. Accordingly, there is an expectation that the Ombuds will normally not be asked to testify on the University's behalf in internal and/or external proceedings. No meetings are recorded by the Ombuds Office, by visitors, or by University staff unless explicitly permitted.

Independence

As stated in the 1969 Kahn memo that established the role, the Ombuds Office "shall be independent of all existing administrative structures of the University." The Ombuds 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.

Impartiality

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

Informality

The Ombuds, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to their attention. As an informal resource,

the Ombuds is not authorized to accept notice (formal complaints) for Cornell. The Ombuds can provide information to the visitor on how to make the University aware of a particular issue. However, because the Ombuds holds all communications with those seeking assistance in strict confidence, subject to the limited exceptions detailed above, the Ombuds will not forward information received in confidence.

Access to Information

If the Ombuds Office staff believe they need access to official University information to fulfill their functions, they 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.

Ombuds Authority

The Ombuds can exercise no powers that are beyond the legal authority of the University.

The Ombuds does not make University policy or replace established legislative or judicial procedures.

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

Ombuds services are informal and supplement, but do not replace, formal processes available to the University community.

Budget

To fulfill the Ombuds 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 University Ombuds shall have the sole authority to manage the budget, operations of the office, including the hiring of all Ombuds Office staff.

No Retaliation for Using Ombudsman Office

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

No Records

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

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

Annual Report

The Ombuds shall make an Annual report to the University community.

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

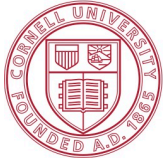
The Annual report is presented annually to the University Assembly and to others as requested.

Amendments

The Cornell community, represented through the University Assembly, is responsible for any amendments to this Charter.

Last updated: October 2022

Approved by University Assembly: [INSERT DATE]



U.A. Resolution #6

Alterations to Codes and Judicial Committee Name and Function

[03/22/2022]

Sponsors: James Richards, with agreement from the Codes and Judicial Committee

ABSTRACT: The University Assembly By-laws must be updated after adoption of the Student Code of Conduct this academic year. As the CJC is no longer tasked with approval/rejection of all Resolutions, it will instead function as a non-judicial body providing an avenue for objective review of regulations of conduct across the entire Cornell population. Additionally, the CJC will undergo a name-change and role-clarification to reflect the structure of the new disciplinary hearing process and University Hearing and Review Panel appointment procedure.

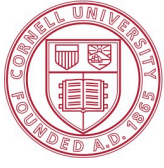
Whereas, prior to this update, the University Assembly By-laws state “By delegation from the Assembly, the Codes and Judicial Committee will review any proposed motion related to:

- Campus Code of Conduct; and
- recruitment and appointment of members to the University Hearing and Review Boards”,
and

Whereas, the By-laws also state “The Committee may propose, review, and amend resolutions as it deems appropriate. The Committee must approve resolutions referred for its consideration before they can be advanced to the Assembly for a vote and for debate. The Judicial Administrator and Judicial Codes Counselor serve as non-voting, ex-officio members of the Committee,” and

Whereas, the CJC is no longer tasked with mandatory review of UA resolutions under the Student Code of Conduct, and

Whereas, recruitment and appointment of University Hearing and Review Panel (hereinafter “UHRP”) members is no longer delegated to this Committee, but to the Director of the OSCCS, Executive Committee, and the Assemblies & Senate, and



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Employee Assembly

28

29 **Whereas**, replacement of the Campus Code of Conduct with the Student Code of Conduct has
30 raised concerns about the ability of a non-administrative, non-judicial body to ensure fair and
31 even-handed regulation of conduct across every constituency within Cornell

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33 **Be it therefore resolved**, the language of the By-laws will be altered to reflect the CJC's new
34 role and new name, both of which shall reflect the new Student Code of Conduct, and

35 **Be it further resolved**, the By-laws shall be amended to state:

36 "By delegation from the Assembly, the **Campus Codes & Conduct Committee** (hereinafter
37 "CCCC") shall be authorized to:

- 38 • Upon request from the Senate and Assemblies, provide information and guidance
39 regarding the UHRP solicitation and appointment process, in order to facilitate the
40 smooth and timely appointment of UHRP members,
- 41 • Receive and consider complaints or concerns regarding inconsistent regulation of conduct
42 within the Cornell community, and
- 43 • In its discretion, bring forth to the University Assembly any such complaints or concerns
44 that it has received and considered."

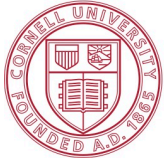
45

46 **Be it further resolved**, the By-laws shall be amended to clarify these responsibilities, by stating:

47 "The Committee will function as a non-judicial, non-administrative body authorized to receive
48 and consider complaints or concerns from any member of the Cornell community regarding
49 inconsistent application of Cornell's codes or regulations of conduct. Such issues can include but
50 are not limited to: freedom of speech issues, collective bargaining restraints, and general
51 application of standards of conduct."

52

53 **Be it further resolved**, the By-laws shall be amended to clarify these responsibilities by stating:



Cornell University
Employee Assembly

54 “After receipt and consideration of such complaints and concerns, this committee shall be
55 authorized to bring forth such complaints and concerns at the soonest practicable University
56 Assembly meeting.”

57

58 **Be it finally resolved,** that future editions of the University Assembly By-laws contain such
59 language.

60

61 Respectfully Submitted,

62 James Richards

63 Codes and Judicial Committee, Chair

Resolution: UA R6: Alterations to Codes and Judicial Committee Name and Function

Date	04/18/2022
Action	Rejected by the President
Notes	<p>The University Assembly By-laws must be updated after adoption. No longer tasked with approval/rejection of all Resolutions, it will initiate review of regulations of conduct across the entire Cornell population. Clarification to reflect the structure of the new disciplinary hearing procedure.</p>
File Attachment	
Text Attachment	<p>Dear Brandon,</p> <p>Thank you for submitting University Assembly Resolution 6, “Alterations to Codes and Judicial Committee Name and Function,” for consideration.</p> <p>As you know, the Student Code of Conduct (SCC) adopted by the University Assembly (and the Codes and Judicial Committee), the Faculty Senate, the Judicial Codes Counselors, the Complainants, and the Student Body, was a significant step in achieving educational and rehabilitative goals by eliminating the current system for mediation and alternative dispute resolution, and creating the opportunity for an impartial and professionally administered conduct system under the Student Code of Conduct (SCL). Unlike the previous Campus Code of Conduct, the SCC on</p> <p>Ordinarily, the administration defers to the UA’s passage of bylaws, which is inconsistent with the Board of Trustees’ resolution adopting the SCL. The SCL is vested with the VP SCL, with a participatory role for the Student Body in the review of applications for membership on the University Hearing and Review Committee.</p> <p>The UA’s areas of responsibility are defined by the delegations made to it. The UA is not responsible for areas that have not been delegated to it, including acting as a “non-partisan” body for “non-complaints” on a wide range of matters, including “the application of the SCC to free speech, and collective bargaining issues. Oversight of these areas is the responsibility of the university, and the UA cannot assume review authority over them.</p> <p>For these reasons, I must reject this resolution. I do want to assure you of my support for the fair and evenhanded application of the SCC, and to following the SCC in certain aspects of the implementation and amendment of the SCC.</p> <p>Sincerely,</p>

	<p>Martha E. Pollack</p>
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Martha E. Pollack
President, Cornell University
300 Day Hall
Ithaca, NY 14853

Website: [UA R6: Alterations to Codes and Judicial Committee Name and Function | CU Assemblies](#)