

Cornell University
University Assembly

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

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

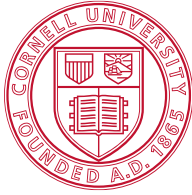
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25 **Whereas,** the Office of the University Ombuds contributes to the University’s core values,
26 especially the “community of belonging,” and

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

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

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

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

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

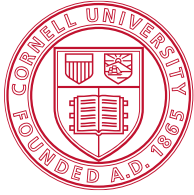
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47 **Whereas**, those updates include: a shift in title from “Guidelines” to “Charter”; a shift in title
48 from “Ombudsman” to “Ombuds”; and updated language regarding campus culture and
49 values, and

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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

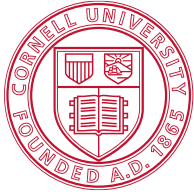
The Ombuds Office supports [Cornell's core values](#), including its commitment to being a community of belonging and to free and open inquiry and expression. The Ombuds Office fosters a culture of respect, inclusion, ethical behavior and fair process.

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.

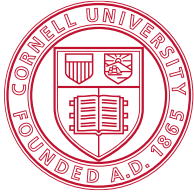
Ethical Principles

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.

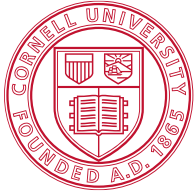
Any requests for information will honor the tenet of confidentiality.

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: