

Cornell University
Office of the University Ombudsman
42nd Annual Report (July 1, 2010 to June 30, 2011)

I. The Office of the University Ombudsman

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 Guidelines for the Office of the University Ombudsman are largely adopted from the 1969 Kahn report.

The Ombudsman Office continues to offer a safe place where students, faculty and staff may speak confidentially about a conflict and obtain guidance. We refer to the individuals we assist as "visitors" instead of "clients," as clients connotes an advisory relationship, instead of a neutral one. Our efforts are geared toward managing conflict, thereby improving the student life experience and the work environment.

We assist visitors in several ways:

- Provide information on University policies and practices
- Provide information on how to make the University aware ("on notice") of a particular problem
- Discuss and assist the visitor in evaluating available options
- 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

The Office of the University Ombudsman adheres to the International Ombudsman Association (IOA) Code of Ethics 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 all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to confidentiality is where 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.

II. Office Personnel

Historic

As the Cornell University Guidelines for the Office of the University Ombudsman provide in conjunction with the University Assembly (UA) Charter, the President appoints the Ombudsman with the concurrence of the UA. Since 1969, the Ombudsman has been a senior faculty member serving the community on a part-time basis, with two additional staff ombudsmen.

There has been substantial change over the past several years with respect to the staffing of the Office of the University Ombudsman. Most notably, we sadly note the passing of Walter R. Lynn on June 6, 2011.

Walter Lynn, Professor Emeritus of Civil and Environmental Engineering, served with distinction as University Ombudsman from 1998 until June 2011, serving longer than any other ombudsman. In offering condolences to the Cornell community upon Walter's death, President Skorton said: "Those who met Walter during his 49 years at Cornell will remember a man of great humor with the exceptional ability to listen and dispense sound wisdom."

In winter, 2008, Associate Ombudsman Ronald Bricker retired after 36 years of service in the Ombudsman Office. We miss Ron's resourcefulness, good common sense, and calm temperament.

In summer, 2009 Associate Ombudsman Danilee Poppensiek retired after 40 years of service in the Ombudsman Office. Danilee commenced her work in the Ombudsman Office when it was first established in 1969. We miss her institutional memory as well as her kindness, her listening skills and her gentle and capable ability to guide visitors facing challenges. We also appreciate that Danilee assisted the office on a part time basis post retirement.

Current

In July 2011, Charles (Charlie) Walcott was named the University's twelfth ombudsman. He received his bachelor's degree from Harvard University and his Ph.D. from Cornell. 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). Charlie is an expert on the territorial vocalizations of birds and animal navigation. As President Skorton said upon his appointment, "Charlie Walcott brings to the position of University Ombudsman a deep understanding of Cornell University and its people, policies, and procedures, attained through a long association with our University as a graduate student and faculty member."

In April 2008 Linda Falkson was appointed Assistant Ombudsman and she was promoted to Associate Ombudsman in October 2010. Prior to receiving this appointment, 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. Linda sought to further serve the Cornell community by helping individuals in the Ombudsman Office. Before her employment at Cornell, she engaged in general legal practice, including criminal defense, and in prosecution. Linda received a Bachelor of Science from Cornell University and a Juris Doctor from the State University of New York at Buffalo.

In January 2011, Adam Kleinberger joined the office as Assistant Ombudsman. He began his study of conflict resolution in 1990 at the United World College, learning with students from over 70 countries. Adam gained experience at the Consensus Building Institute in Cambridge, MA, mediating in Massachusetts' district courts, and working with students, faculty and staff at City University of New York (CUNY) serving as a Higher Education Associate. Adam's research has focused on improving mediation skills through the use of improvisation and clowning. He holds a BA from Brandeis University, an MA in Dispute Resolution from the University of Massachusetts, Boston, and a diploma from Ringling Bros. and Barnum & Bailey Clown College.

III. Educational Outreach and Community Involvement

In an effort to make sure that community members facing conflict know about our services, the Ombudsman Office has increased outreach efforts over the past few years. This has included offering presentations about the Ombudsman Office, as well as informal Q & A sessions. Below is a listing of recent outreach and community involvement:

Presentations

Presentations regarding ombudsman services to:

- New Supervisor Orientation Certificate Program (four times a year)
- Empathy, Assistance, and Referral Service (EARS)

CornellCast

In October 2010, Linda Falkson was interviewed on CornellCast about her role as Associate Ombudsman. Please view the link below to access the interview:

<http://www.cornell.edu/video/?videoID=987>

Employee Representative Training

While the Ombudsman Office does not participate in grievance procedures or other formal processes, HR Policy 6.11.4, Staff Complaint and Grievance Procedure, states that the Office of the University Ombudsman will assist staff in obtaining representation, meaning 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 training to the Employee Reps, and connects staff to an available Employee Rep when needed.

Judicial Codes Counselor Training

The Associate Ombudsman assists with Judicial Codes Counselor (JCC) orientation and serves on the JCC selection committee (ex officio member).

Professional Development

All Cornell Ombudsman are members of the International Ombudsman Association (IOA). As resources permit, we attend conferences and trainings. Adam and Linda have passed the Certified Organizational Ombudsman PractitionerSM examination, the first step in obtaining a CO-OPSM credential.

Website

The Ombudsman Office website was significantly edited, including the expansion of relevant campus links. We continue to update and improve the site.

Other Outreach/Community Involvement

Members of the Ombudsman Office participate in community events, including:

- Meinig Family Cornell national scholars events
- Cornell University police commissioning and swearing in ceremony
- Discrimination/harassment advisor training
- The bias response program forums/meetings
- Other community events, informal meetings and forums

We are further expanding our community engagement to highlight the availability of ombudsman services for all community members.

IV. Reporting Categories

The Guidelines for the Office of the University Ombudsman state that the Ombudsman Office provides an Annual Report to the community.

We track the following:

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

During the past year, the Ombudsman Office has carefully reviewed our longstanding reporting categories. This review has resulted in some changes in tracking Constituency and Problem Areas as described below.

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 but is still counted as one visitor. However, if the same visitor meets with the Ombudsman on a different occasion, on a completely unrelated 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 issue would be counted as one visitor and the May issue would be counted as one visitor.

Constituency

Our visitors 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.)

Our recent review of the reporting categories has resulted in one change to constituency data. Regarding the constituency group Academic Employee, we now separately track the number of Professors (Assistant, Associate, Full) and Other Faculty (Research Associate, Senior Lecturer, etc.).

Problem Areas

Historically, the problem areas have included the following six categories:

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

While many conflicts that our visitors face have remained the same over the past forty years, some new problem areas have arisen. For the new problem areas, we developed an additional category entitled Values, Ethics and Standards, which includes such new issues as ethics inquiry, financial conflict of interest, and use of authority. It also includes some previous issues, for example, academic integrity and academic misconduct.

The current problem areas now consist of the following seven categories:

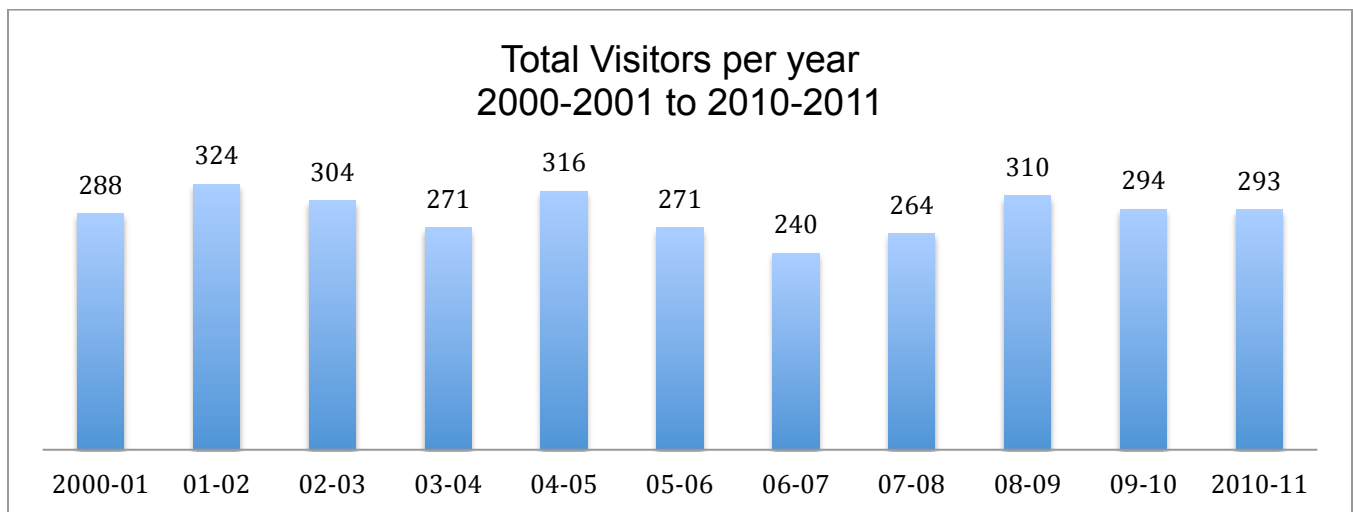
- Academic Actions
- Administrative Actions
- Business and Services
- Employment
- Human Rights
- Interpersonal Disputes
- Values, Ethics and Standards

V. Number of Visitors Data

A visitor is considered an individual who meets with the Ombudsman regarding one or more problem areas.

Total Visitors in 2010-2011 were 293.

Total Visitors per year 2000-2001 to 2010-2011:



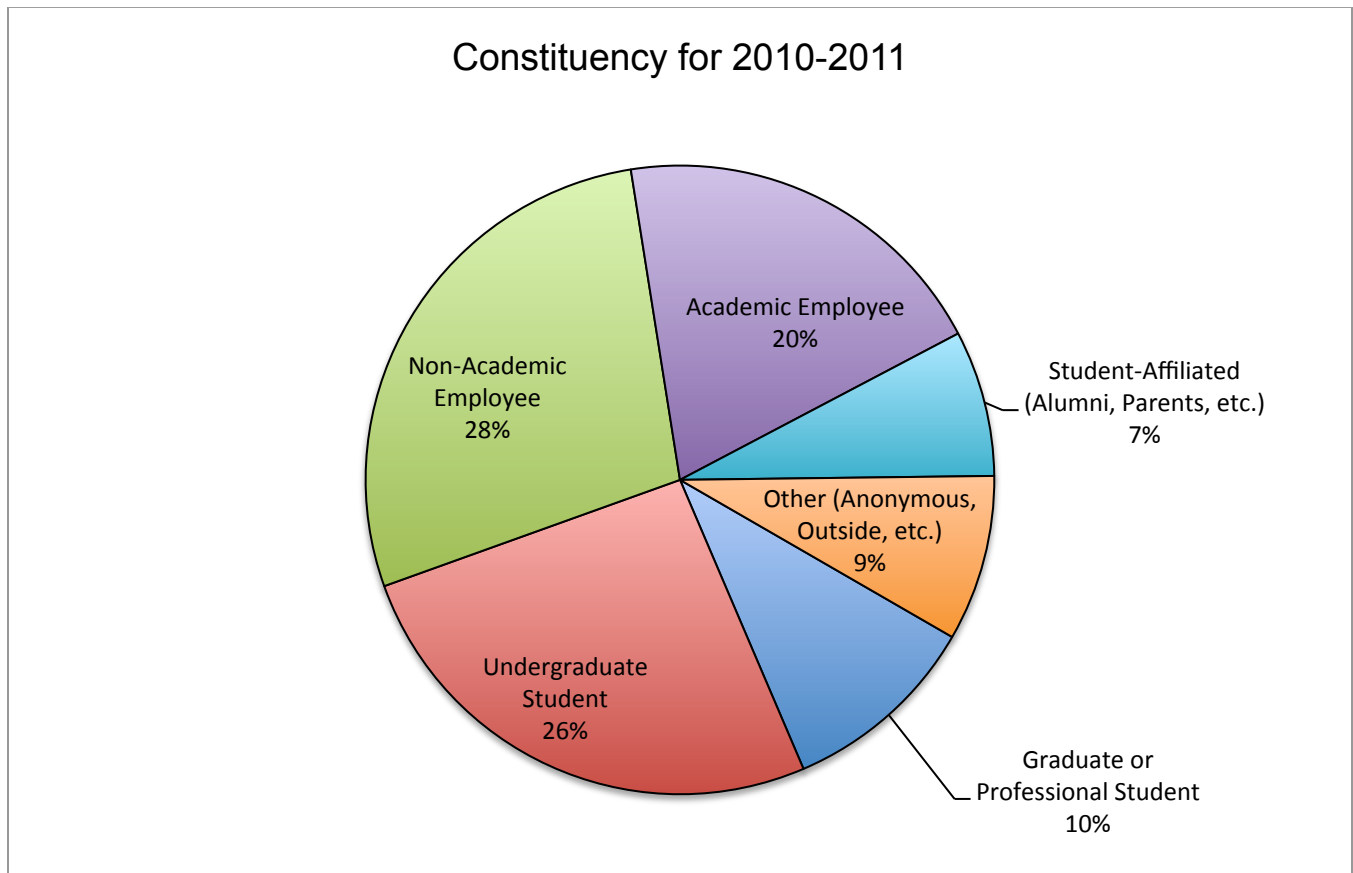
VI. Constituency Data

Our visitors 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 2010-2011:

Constituency	2010-2011
Academic Employee:	58
Professors (Assistant, Associate, Full)	(43)
Other Faculty (e.g. Research Associate, Sr. Lecturer, etc.)	(15)
Graduate or Professional Student	30
Non-Academic Employee	82
Student-Affiliated (Alumni, Parents, etc.)	22
Undergraduate Student	76
Other (Anonymous, Outside, etc.)	25
TOTAL	293



Total Constituency per year 2000-2001 to 2010-2011:

Constituency	2000-2001	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	2010-2011
Academic Employee	38	46	34	38	43	30	39	32	43	48	58
Graduate or Professional Student	32	42	42	32	35	29	26	31	32	28	30
Non-Academic Employee	96	97	101	82	98	75	75	80	98	112	82
Student-Affiliated	21	23	17	24	35	34	25	30	31	24	22
Undergraduate Student	68	82	83	86	86	91	63	67	95	71	76
Other	33	34	27	9	19	12	12	24	11	11	25
TOTAL	288	324	304	271	316	271	240	264	310	294	293

VII. Problem Area Data

As previously noted, there are now seven problem areas, with the addition of Values, Ethics and Standards added this year:

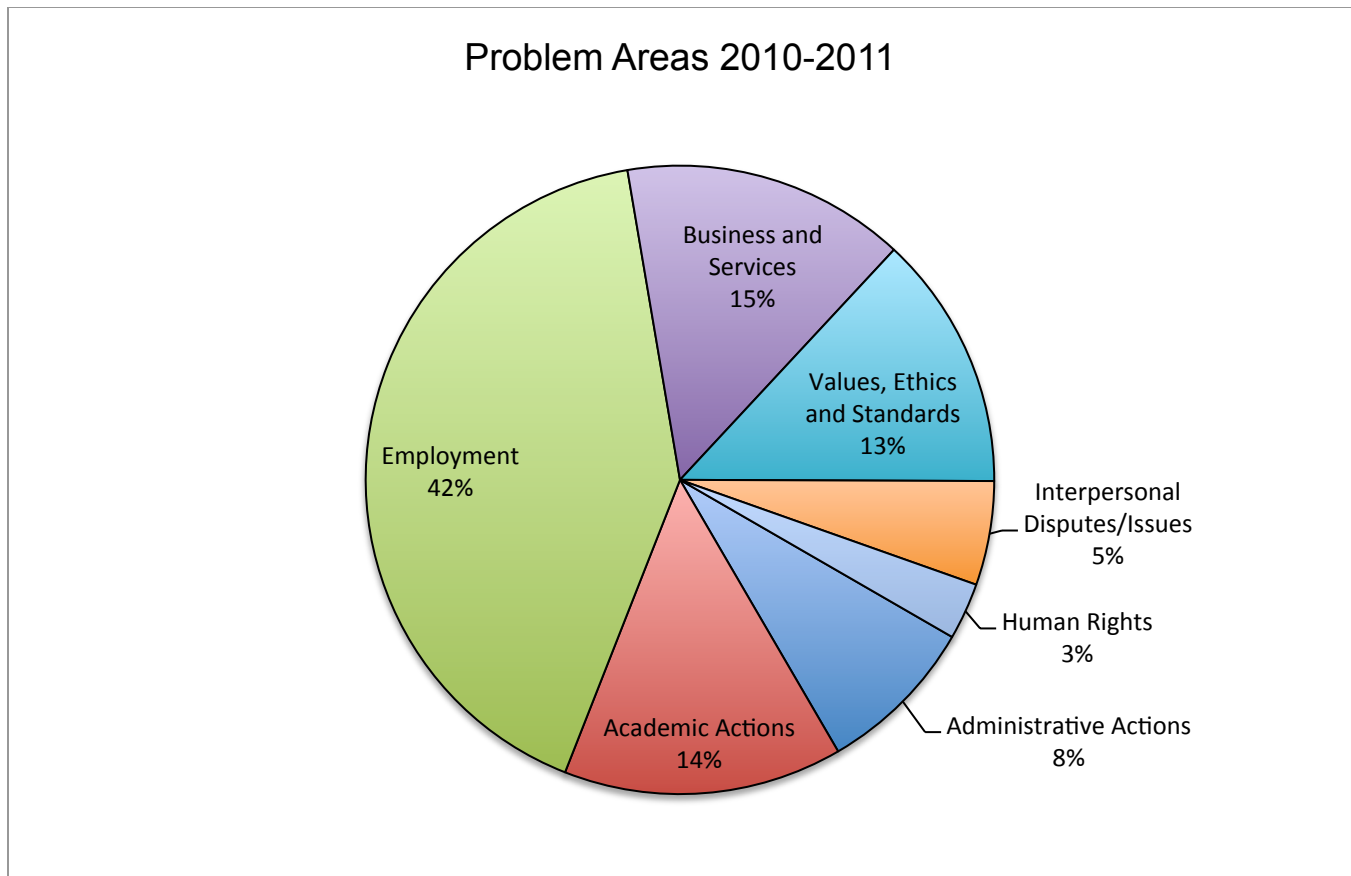
- Academic Actions
- Administrative Actions
- Business and Services
- Employment
- Human Right
- Interpersonal Disputes/Issues
- Values, Ethics and Standards

A visitor may meet with the Ombudsman regarding one or more problem areas. Therefore, the data will always result in the number of problem areas being significantly greater than the number of visitors. For example, an employee (visitor) may meet with the Ombudsman about her receipt of a written warning from her supervisor and she may also choose to discuss an interpersonal dispute with a colleague. This meeting with a visitor would represent two problem areas, Employment and Interpersonal Disputes/Issues.

Total number of Problem Areas in 2010-2011 was 411.

Total Problem Areas in 2010-2011:

Problem Areas	2010-2011
Academic Actions	59
Administrative Actions	34
Business and Services	60
Employment	170
Human Rights	12
Interpersonal Disputes/Issues	22
Values, Ethics and Standards	54
TOTAL	411



Total Problem Areas per year 2000-2001 to 2010-2011:

Problem Areas	2000-2001	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	2010-2011
Academic Actions	74	102	99	102	55	105	97	99	104	67	59
Administrative Actions	57	56	52	31	52	64	57	54	56	38	34
Business and Services	90	77	77	73	40	85	56	72	68	33	60
Employment	159	174	174	137	92	140	184	145	172	147	170
Human Rights	22	28	9	17	16	41	21	21	19	13	12
Interpersonal Disputes	20	28	33	29	18	13	23	23	26	36	22
Values, Ethics, and Standards	Not Applicable										54

VIII. Trends/Feedback

Visitor Data

When comparing the average for the last three years (2008-2009 to 2010-2011) with the average of the previous three years (2005-2006 to 2007-2008), the Ombudsman Office has seen a rise of 16% in the number of visitors being served.

Constituency Data

As noted earlier, until this year the Ombudsman Office tracked Academic Employees but did not separately track Professors (Assistant, Associate, Full) and Other Faculty (Research Associate, Senior Lecturer, etc.). In the past year (2010-2011) the number of Professors was 74% of the total of Academic Employees seen by the Ombudsman, while the number of Other Faculty was 26%. Given that the total number of Professors is only slightly higher than the total number of Other Faculty employed at Cornell, Professors represent a disproportionately high number of Academic Employee visitors. Conversely, Other Faculty represent a disproportionately low number of Academic Employee visitors.

This year (2010-2011) the total number of Academic Employees being served increased 21% since last year (2009-2010). The past three years (2008-2009 to 2010-2011) have seen a rise each year in the number of Academic Employees being served by the Ombudsman Office. When comparing the average for the last three years (2008-2009 to 2010-2011) with the average of the previous three years (2005-2006 to 2007-2008), the Ombudsman Office has seen a rise of 47% in the number of Academic Employees being served.

This year (2010-2011) the number of Non-Academic Employees being served decreased 27% since last year (2009-2010). The number of Non-Academic Employees being served this year decreased 16% from two years ago (2008-2009). Looking back over the past several years (since 2005-2006), it appears that 2009-2010 and 2008-2009 were unusually high in terms of Non-Academic Employees seeking assistance. This is likely explained by the national economic decline and the related effect on campus.

The data for the other constituency groups was not notable.

Problem Area Data

The Problem Area data is somewhat difficult to compare this year because of the addition of the new category, Values, Ethics and Standards. This new category includes some issues that were included in other Problem Area sections in prior years. Nonetheless, it is clear that Employment continues to be the overwhelming reason that Academic and Non-Academic Employees seek to meet with the Ombudsman. Also, Academic Actions continues to be the predominant reason that students meet with the Ombudsman.

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 generally appreciate the concern and responsiveness with which those in authority hear our concerns and promote positive change.

Below are two non-identifying examples in which the Ombudsman Office was involved in positive change. Of course, for many reasons, including confidentiality, this list is only a selection of such examples.

In fall, 2010 the policy regarding exempt/nonexempt time off when filing a grievance was greatly clarified in the Staff Complaint and Grievance Process, Human Resources Policy 6.11.4.

In winter, 2011 the Grievance Procedure for Graduate Students Relating to Graduate Education and Support was substantially reworked and clarified.

Thank you

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. We invite any readers of this report to ask questions and offer comments or ideas.

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