Date: 21 February 2024

To: University Assembly

From: Bruce Lewenstein, University Ombuds

Re: Annual report of the Ombuds Office, 2022-2023

Summary

In 2022-2023, operations of the Office of the University Ombuds returned to approximately normal pre-pandemic levels. We documented more than 400 visits, with more than 275 individual visitors. Both the constituency of visitors and the general categories of issues were about the same as in previous years:

Visitors
- Almost exactly one-third of visitors were university non-academic staff.
- About 17% were academic staff (tenure-track and RTE).
- About 20% each were graduate and undergraduate students; 5% were professional students; and the remainder were largely student-affiliated (parents and alumni).

Issues
- The largest category of issues, 40%, involved employment, often conflicts between supervisors and supervisees.
- Almost 20% of issues involved academic actions, about evenly split among grading, other course-related issues, graduate committee actions, and advising.
- The remaining 40% were about evenly divided among bias/discrimination, interpersonal conflicts, and values/ethics, with a small number of business/administrative issues.

For much of the year, the office operated with only two staff members, after the departure of a former Assistant Ombuds to re-establish the Ombuds Office at Dartmouth. Major achievements during the year included:

- First full year of service of Bruce Lewenstein as University Ombuds
- First full revision of Charter (formerly the “Guidelines”) for the office in 10 years, to acknowledge changes in University structure and operations
- Hiring of new Assistant Ombuds Ati Alipour, an experienced Ombuds and mediator.
I’m pleased to provide this report on the operations of Cornell University Ombuds Office to the University community, through its representatives on the University Assembly. This report covers the period July 1, 2022 through June 30, 2023. As no annual report appeared during the pandemic years, Appendix I provides basic information about that period.

The Cornell University Ombuds is a confidential, independent, informal, and impartial 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. We offer a safe place to identify options for addressing individual situations. We operate according to the principles of the International Ombuds Association.¹

The Ombuds Office was established in 1969, and operated under a set of “Guidelines” initially promulgated in 1969, then lightly revised in 1971 and 2013. In November 2022, the University Assembly approved a revised set of guidelines, now labeled as a “Charter” (Appendix II). The Assembly’s approval was accepted by President Martha Pollack in January 2023.

The office consists of the University Ombuds, Professor Bruce Lewenstein; the Director of the Ombuds Office, Linda Falkson; and the Assistant Ombuds, Ati Alipour. Traditionally, the Ombuds is a current or emeritus faculty member who serves part-time, while other staff are hired to meet office needs.

In this report, we will begin with basic data, and then provide examples of types of cases and how the Ombuds Office can help visitors.

Visitors

For more than a decade, the Ombuds Office has averaged about 325 visitors per year. Beginning in July 2022, we began using a different system for tracking visitors² and the number of visits. The new data are not directly comparable, and may be incomplete. According to the new system, the Ombuds Office saw 278 unique visitors in 2022-2023, with a total of at least 410 visits. These numbers do not include additional phone calls or brief follow-up meetings with visitors, nor do they include the many collateral calls and meetings with University offices as we helped visitors.

Visitors to the office are typically spread about equally across the staff, student, and faculty categories. In 2022 (fig. 1), about 32% of visitors were staff. Students were more heavily represented than usual, at almost half (20% undergraduate students, 20% graduate students, 5% professional students). Faculty were a somewhat smaller proportion than usual, at 17% (11% tenured/tenure-track, 6% RTE). The remaining 6% were mostly alumni and parents.

¹ In July 2022, we began using the updated term “Ombuds” (instead of the former “Ombudsman”). The shift became official on the acceptance of the new Charter by President Pollack in January 2023. For simplicity, we will use the term “Ombuds” throughout this report, even when referring to earlier historical periods.

² Following longstanding practice, a “visitor” is an individual with a particular concern. If the same individual returns to the office for a different concern, we count that as a new visitor.
Prior to the pandemic, almost all meetings with visitors took place in person. Currently, we allow visitors to choose among phone, video, or in-person. In 2022, about 60% of visitors met with us on video (almost always Zoom), about 30% in-person, and the rest by phone.

Figure 1: Constituency of visitors

<table>
<thead>
<tr>
<th>Topic</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student-affiliated</td>
<td>5%</td>
</tr>
<tr>
<td>Student: UG</td>
<td>20%</td>
</tr>
<tr>
<td>Student: Prof</td>
<td>5%</td>
</tr>
<tr>
<td>Student: Grad</td>
<td>20%</td>
</tr>
<tr>
<td>Acad: Tenure</td>
<td>11%</td>
</tr>
<tr>
<td>Acad: RTE</td>
<td>6%</td>
</tr>
<tr>
<td>Staff</td>
<td>32%</td>
</tr>
<tr>
<td>Other</td>
<td>1%</td>
</tr>
</tbody>
</table>

**Topic areas**

Many visitors bring issues that involve multiple topic area. As we meet with visitors, we often find that the main concern that brings them may lead to other concerns. For example, someone who comes with an “employment” concern might be worried about “bias.” The data below captures the multiple, sometimes overlapping topics that visitors bring.

As is common, employment concerns were the largest single topic for visitors (Fig. 2). These concerns affected all categories of visitors, though mostly staff. Conflicts between employees and supervisors were the most common concern, including a number of cases involving discipline, dismissal, and equity of treatment. This category also includes issues of tenure and promotion among both tenure-track and RTE faculty. In many of these cases, the Ombuds Office provides information about both informal conflict resolution processes and formal grievance procedures.

The ability of the Ombuds Office to offer confidentiality is a critical resource for employment issues and supports the overall university response to harassment and bias. The
Ombuds Office may be the only informal option for visitors to tell their story to someone trained in active listening. The informality of our procedures is a key component for making the Ombuds Office a safe space. Visitors know that, because of our lack of decision-making authority and our commitment to being impartial, our office can listen to their narrative without bias or judgment.

Academic actions were the second largest topic of concern. These cases range from undergraduate students trying to navigate changing graduation requirements to students (both undergraduate and especially graduate) having conflicts with their advisors or other mentors. The Ombuds Office cannot directly address grade disputes (grades remain the sole responsibility of individual faculty), but does help students who are unsure how to effectively engage with the instructor to better understand the grade assigned or to address what they believe to be incorrect grade calculations.

The remaining third of visitor concerns are spread across bias/discrimination, interpersonal disputes, business and services, and administrative actions. A number of visitors have concerns about sexual harassment or other types of bias. The Ombuds Office is explicitly not an “office of record,” so that we cannot accept formal reports or complaints. But some people visit the Ombuds Office before contacting the Office of Institutional Equity and Title IX, seeking guidance on what the process will entail, available resources, and a gentle “hand off” to the OIETIX. For these visitors, while our office is not the place to report, we may help increase the likelihood that a necessary report will be made.
We also had a number of visitors with disability issues related to the pandemic, including both physical and mental health concerns.

Assessing success

Because few visitors return to the Ombuds Office to tell us the outcome of their issue, we rarely have direct evidence of satisfaction on the part of visitors. Nor is “success” easy to define: For many visitors, we may help them identify a process or office that could help resolve an issue; even if the outcome is not what the visitor hoped for, they may feel that the process was fair and accept the outcome. They may also be more confident that they have pursued all options available to them, with is both empowering and reassuring.

Another dimension of success is our ability to serve both individual and institutional needs. While responding to issues brought by individual visitors, we sometimes identify policies or protocols that could operate more effectively. Our discussions with university offices often lead to specific changes that serve to strengthen the institution.

In the coming year, based on experiences of other academic Ombuds offices, we expect to implement a post-visit survey that protects visitor confidentiality. While the unidentifiable quantitative data will be limited, and will still face questions of what constitutes “success,” we hope the data will help us continue to improve Ombuds Office services.

In the meantime, we note a few items that suggest we are successfully serving our visitors:

- Not uncommonly, we hear some version of "It felt very good to be heard" [actual quote]. For some visitors, simply having a confidential, safe space to explore their concerns counts as success. We find that active listening is a powerful tool.
- We sometimes do get direct confirmation of success. For example, a student came to the Ombuds when the financial resources offered through various offices did not fully cover an emergency expense. We were able to identify an additional office that was able to provide the necessary resources. Afterwards, the student called to thank us.
- A less obvious sign of success is our ability to help prevent conflict. Some visitors engage with the Ombuds Office when they see a problem emerging. We can provide them with conflict resolution techniques, and sometimes coach them through scenarios and role-playing that help them resolve an issue without major conflict. While we have no direct evidence, we believe that resolving conflicts early may prevent costly litigation, leading to a win for all.

Examples of topics

Because the Ombuds Office offers confidentiality, we cannot discuss individual cases. However, we can report some examples of topics which represent areas where we see multiple visitors.
Employee/supervisor issues

Conflicts between employees and supervisors often involve changing work expectations. For example, a new supervisor may have a new approach that conflicts with an employee’s longstanding practices. Or an employee who has previously received positive annual reviews may have trouble learning a newly-implemented system, and their performance suffers. The employee may perceive the new supervisor as “unreasonable,” while the supervisor perceives the employee as unwilling to adapt. In situations like these, we often coach employees in how to work with their supervisors, to demonstrate how they are seeking to succeed and to advocate for themselves if they need additional training resources. We can coach the employee on how to understand the supervisor’s concerns and advocate constructively to identify new work patterns that will serve both employee and supervisor needs.

Disability issues

Disability issues are often complicated by different expectations about what constitutes reasonable accommodation. This can be a grey area, with answers depending very much on the context. Our goal is help find a “win-win” resolution.

For example, on more than one occasion, an academic employee needed a partial medical leave to deal with a disability. After discussion with the department chair, the faculty member remained uncertain about what expectations would be for their participation in department affairs (such as faculty meetings, graduate admissions, searches) during the partial leave. In some cases, the faculty member gave the Ombuds Office permission to contact the Medical Leaves office within Human Resources, seeking clarification about general expectations. With this information in hand, the faculty members opened a three-way conversation between themselves, the department chair, and the Medical Leaves office to find a solution that met both the faculty members’ needs and the departments’ needs.

Graduate committee issues

The highly flexible Cornell graduate experience often works well. But it sometimes leaves students uncertain about their status, particularly if they have not received consistent feedback from faculty advisors or if they are seeking to revise their committee structure. (A surprising number of graduate students who visit our office have not had a full committee meeting in over a year, despite the requirement for such meetings and increasing efforts on the part of the Graduate School to ensure that meetings happen.) A number of students have come to the Ombuds seeking advice about either (1) how to repair a damaged relationship with an advisor, or (2) how to change advisors while maintaining momentum in their program. In several cases, conversations with the Graduate School – either by the student or, with their permission, by the Ombuds Office staff – have identified particular stumbling blocks (such as deadlines or field memberships) that can be addressed in ways that meet student needs, field needs, and Graduate School rules.

Not all graduate student concerns can be resolved. In some cases, students have not been willing to hear the assessments being made of their work, and remained overly optimistic. When
a committee chair finally resigns after telling a student they are no longer willing to work with them, the student suddenly finds themselves without a path forward. Especially for foreign students, losing student status has immediate ramifications for their visa and their ability to stay in the United States. Although the Ombuds Office can help a student assess whether other options are open, in many cases no path is available.

**Academic conduct**

Academic conduct issues range from accusations of cheating in undergraduate courses through concerns about data quality, data ownership, and authorship. In some cases, we are helping students understand what disciplinary processes involve and what their options are for getting support. In more complex cases, we may be identifying discipline-based guidelines for authorship that a researcher can bring into a conversation about authorship.

A particular challenge for some accusations of course-based violations of appropriate academic conduct is that some instructors seek to resolve the accusation informally, without using the formal procedures established in each college. While the intention is good (“we’re trying not to blow this up and leave a permanent mark on the record”), challenges arise in both directions. In some cases, students have come to the Ombuds Office when they perceive the informal process to be unfair or unevenly applied. In other cases, instructors have come to the office when they learned that patterns of violation had not been recognized because of the lack of use of mandated procedures. In all cases, we work with the visitor to resolve the issue.

**Housing/dining/health insurance**

Many visitors come because they have received a bill that they believe to be unfair. A common theme across many of these cases is the challenge for individuals to recognize all the places where policies might be found, and therefore a sense of lack of transparency. In one case, we found that although the individual had received appropriate notice, the details of the relevant policy required at least half a dozen clicks across three web pages to get to the right part of the fine print. Meanwhile, administrators find themselves less able to be flexible because of increased regulatory or audit requirements. Together, these challenges lead both sides to be frustrated at not being able to resolve a conflict. In some cases, the Ombuds Office is able to identify an alternate procedure or office that has authority to make an appropriate adjustment, but in many cases no fully satisfactory resolution is possible.

And, as noted above in our measures of “success,” many of these visitors tell us that, even if they do not receive the adjustment they hoped for, they appreciate “being heard” by the Ombuds Office and by the university office with which they are dealing.
Conclusion

As the data and examples in this report suggest, the Ombuds Office continues its more than 50 years’ of service in helping address conflicts and challenges on campus. We look forward to continuing to help the university address a complex world while upholding the Core Values adopted in 2019:

- Purposeful Discovery
- Free and Open Inquiry and Expression
- A Community of Belonging
- Explorations across Boundaries
- Changing Lives through Public Engagement
- Respect for the Natural Environment
APPENDIX I

Date: 21 February 2024

To: University Assembly

From: Bruce Lewenstein, University Ombuds

Re: Report of Office of the University Ombuds
   1 July 2019—30 June 2020
   1 July 2020—30 June 2021
   1 July 2021—30 June 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. We offer a safe place to identify options for addressing individual situations. We operate according to the principles of the International Ombuds Association.³

As with all aspects of the university, the Covid-19 pandemic affected operations of the Office of the Ombuds. Most directly, almost all operations became remote for the first two years of the pandemic. As the office began offering in-person meetings again, we learned that many visitors found Zoom meetings more comfortable or more convenient. In the 2022-2023 academic year, about two-thirds of our visitors chose Zoom meetings.

The period was also one of personnel transition: University Ombuds Charles Walcott began cutting back his time in advance of his retirement after 11 years of service at the end of 2021; administrative assistant Helen Lang retired in 2019 after 5 years of service; Assistant Ombuds Tracey Brant joined the office in mid-2019, then in mid-2022 moved to Dartmouth University as Ombuds, where she re-established that school’s ombuds office after a 5-year hiatus. At the beginning of 2022, Professor Bruce Lewenstein began his term as University Ombuds.

In mid-2022, we transitioned to “Ombuds” instead of “Ombudsman.” This keeps us aligned with the International Ombuds Association, which changed its name in 2021 after a multi-year process of consultation and discussion.

Unfortunately, one effect of the pandemic was a loss of detail in our records. We have the following data:

2019-2020: 342 known visitors, possibly up to 125 more not documented
2020-2021: 223 known visitors, possibly up to 100 more not documented
2021-2022: 255 known visitors, possibly up to 55 more not documented

³ During the period of this report, we used the label of “Ombudsman,” shifting to “Ombuds” in July 2022. For simplicity, we use the latter label throughout this report.
With the exception of the initial pandemic year (2019-2020), these numbers are consistent with earlier years; the average number of visitors in the previous decade was about 330. The initial pandemic year saw a significant increase in numbers.

We do not have detailed data on the breakdowns of students, staff, and faculty; or on the particular topics of concern to visitors. Office staff recall that the general percentages of visitors (students, staff, faculty) appeared similar to previous years, and that topics were generally the same – except that pandemic related issues (such as challenges of remote work – coupled with the challenges some employees experienced with childcare or eldercare; or challenges of remote study – coupled with challenges some students experienced regarding access to reliable wifi access) were more prominent and added to the complexity of existing issues, accounting for the large increase in 2019-2020.

Traditionally, non-academic employees constitute about a third of all visitors; students account for about 40% of all visitors; academic employees account for about 15% of all visitors; and the remainder of visitors are anonymous, or from outside the university, or are “student-affiliated” (parents, alumni).

New systems for tracking visitor numbers were instituted in July 2022, and future reports will return to providing detailed information.