



Cornell University

Office of the University Ombuds

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## Facilitated Conversation Guidelines

### Description of a Facilitated Conversation:

The staff of the Ombuds Office usually work directly with a visitor, helping identify resources and approaches for resolving challenges and conflicts. In addition to these conventional Ombuds meetings, we are pleased to offer facilitated conversations. A “facilitated conversation” is a voluntary, informal and confidential conversation where the parties in a dispute or conflict address their personal or professional issues in a respectful manner, with one or more Ombuds present.

A facilitated conversation offers the parties a venue to engage in an informal conversation where a third-party neutral (Ombuds) assists the parties to engage in a respectful manner. The process offers a forum for parties to be heard and gain insight on the other person’s perspective, thereby potentially preserving the relationship and generating paths to a resolution. If there is an agreement, it is entirely up to the parties to follow it; the Ombuds is not involved in drafting or enforcing it.

### Ombuds Role:

The main role of the Ombuds Office in the facilitated conversation is active listening and assisting the parties in engaging in a respectful conversation.

Even though the process is informal, the Ombuds Office establishes certain ground rules such as format and length of the sessions, civility (such as no interruptions), and equal opportunity for the parties to share their perspectives. In addition, the parties can mutually agree on other ground rules.

The Ombuds Office is never a decision maker deciding who is “right” or “wrong.” In particular, anything of a legal nature such as authorship, intellectual property or reporting matters does not get decided or forwarded

to authorities by an Ombuds. Such matters are generally better handled outside of a facilitated conversation. The goal of the facilitated conversation is to create a productive relationship between the parties, so that conflicts and challenges can be handled internally.

### **Setting up a Facilitated Conversation:**

The process can begin by one party approaching the Ombuds office to explore the possibilities or both parties can jointly contact the Ombuds office. Initially, an Ombuds will meet individually with each party to ascertain if the matter is appropriate for a facilitated conversation. The Ombuds bases their decision on such factors as the goals of the parties, whether the subject matter is suitable for a facilitated conversation, and whether the matter is ripe for possible resolution. If the Ombuds agrees that a facilitated conversation may be helpful to both parties, a convenient date is established, with the possibility of one or more meetings. Each meeting is expected to last up to 1.5 hours. All meetings (including with individual visitors or jointly) are offered by telephone, video call, or in-person.

### **Facilitated Conversation Principles and Additional Information:**

#### **Voluntary:**

Engaging in a facilitated conversation is entirely voluntary. Parties can decline to participate even after initially accepting the conversation, and parties may withdraw from the conversation at any time.

#### **Confidential:**

The Ombuds Office will not share the names of the parties and the conversations or information shared before, during, or after the facilitated conversation with anyone outside the Ombuds Office. Exceptions to confidentiality exist only when there is an imminent risk of serious harm or when required by law, consistent with the Ombuds Office confidentiality tenet.

When two or more parties engage in a facilitated conversation, all the information and conversations are shared between the participants. This means the Ombuds Office has no control over the information shared with third parties by one of the participants. On the other hand, any conversation by one of the parties individually with the Ombuds is confidential and will

not be shared with the other party unless the first party waives confidentiality.

**Informal:**

A facilitated conversation is an informal process and the outcome does not legally bind the parties. The Ombuds Office does not engage in any decision-making or enforce any agreements. No third party will be informed of the outcome by the Ombuds Office.

As an informal resource, the Ombuds Office cannot receive formal notice for the University. The Ombuds Office is not an agent of the University and does not represent the University.

**No Records:**

The Ombuds Office does not keep records of the parties who engage in any conversations, of information shared, or of any agreements reached by the parties.

**Processes Remain Available:**

Engaging in a facilitated conversation does not affect the right of the parties to pursue any other formal processes. However, when parties are already engaged in a formal process, they should inform the Ombuds of such processes and refrain from engaging in a facilitated conversation as part of any formal processes. The Ombuds Office may decline to participate in facilitated conversations if, in its judgment, such informal conversations would interfere with other formal processes.

**Deadline to Take Action or File Grievance Not Stalled:**

Engaging in a facilitated conversation generally does not pause or extend the deadlines that parties may otherwise have to pursue other University options, such as filing a complaint or grievance.