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NASA Policy Directive

NPD 2025.1A

Effective Date: April 25, 2006

Expiration Date: April 25, 2011

COMPLIANCE IS MANDATORY

[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

Subject: NASA Ombuds Program

Responsible Office: Office of Infrastructure

1. POLICY

NASA's policy is to provide the civil service and onsite contractor workforce with an informal, independent, confidential, and neutral channel to communicate and facilitate resolution of issues and concerns related to safety, organizational performance, or mission success without fear of retribution. To accomplish this policy, NASA shall implement the following:

a. Establish a NASA Ombuds Program based upon the principles of informality, independence, confidentiality, neutrality, The International Ombudsman Association Code of Ethics and Standards of Practice, and the Administrative Dispute Resolution Act of 1996. The International Ombudsman Association Code of Ethics and Standards of Practice shall be subordinate to Federal law and regulation and the requirements of this NPD where conflicts exist (e.g., required reporting of criminal activity).

(1) "Informality" means the NASA Ombuds Program shall function outside of all formal management, administrative, or criminal processes. Ombuds shall not serve as an agent for notice to NASA. If a visitor (i.e. civil service employee or contractor seeking Ombuds service) desires to make a record or put the Agency on notice, the Ombuds shall assist the visitor in accessing appropriate formal systems, offices, or processes such as the Inspector General (IG), the Equal Employment Opportunity (EEO) Program, the Office of Human Capital Management, union representational authority, the NASA Safety Reporting System, or the Office of Procurement. However, all deadlines or due dates imposed under any formal process remain applicable, and no action or inaction by a NASA Ombuds shall extend, revise, or otherwise affect such requirements; the visitor remains solely responsible for making any submissions in accordance with such requirements, independent of the visitor's use of a NASA Ombuds, to address the same or similar matter.

If a visitor prefers to use the services of the Ombuds over those of any formal organizational process, the Ombuds may consult, in keeping with the confidentiality principle, with the other process owner. In such cases, the visitor shall be reminded that use of Ombuds services may result in failure to meet deadlines or due dates of the formal process which may foreclose use of such process in the future. The Ombuds Program does not supplant any negotiated procedures.

(2) "Independence" means Ombuds shall not be encumbered by line management functions. At the Centers, the Ombuds shall report with regard to Ombuds-related matters directly to the Center Director; at Headquarters the Ombuds shall report with regard to Ombuds-related matters directly to the Deputy Administrator.

(3) "Confidentiality" means Ombuds shall maintain complete confidentiality as to the identity of visitors except, at the sole discretion of the Ombuds, under either of the following circumstances:

(i) When given permission by the visitor and solely for the purpose of a communication within the NASA Center or Headquarters that employs the visitor or that gives rise to a case in the instance of an employee consulting with an Ombuds of another Center under a collaborative arrangement between the two installations.

(ii) When the Ombuds is confronted with a situation that appears to present an imminent risk of serious harm to an individual, damage to property, or a crime.

All Ombuds offices shall be located in a discreet location to the greatest extent practicable to protect the privacy of visitors. Any office record-keeping system and/or database shall be independent of the Agency's information technology systems with access allowed only to the Ombuds, except to the extent adequate safeguards are in place to ensure confidentiality. All Ombuds offices shall also be secured by means sufficient to ensure the confidentiality of private information and conversations, and Ombuds shall regularly purge information that could identify individual visitors to the office.

(4) "Neutrality" means Ombuds shall not serve as a representative or advocate for any visitor's issues or concerns within NASA; however, an Ombuds does advocate for fair processes and administration.

b. Establish an Ombuds at every Center and at Headquarters to implement this policy.

c. At the sole discretion of an Ombuds and in keeping with the confidentiality principle, an Ombuds can elevate issues to the Center Director and at Headquarters to the Deputy Administrator and/or the Ombuds Program Lead.

d. All NASA organizations shall allow an Ombuds full access to all files and records except those whose disclosure is prohibited by NASA policy or by law.

e. Ombuds shall educate the civil service and onsite contractor workforce at their locations about the nature and scope of the NASA Ombuds Program, including the role of the Ombuds within the organization and the principles governing activities of the function.

f. Ombuds shall have completed basic Ombuds training as provided by The International Ombudsman Association either before or within six months of appointment as an Ombuds. NASA organizations shall fund and Ombuds shall undertake, on at least an annual basis, training intended to develop and expand their Ombuds skills.

2. APPLICABILITY

This NPD applies to NASA Headquarters and NASA Centers, including Component Facilities. The Ombuds Program is also available to offsite NASA contractors, only to communicate safety issues or concerns involving (1) hardware, systems, and/or facilities being developed for NASA, or (2) hardware, systems, and/or facilities which are owned by the Federal Government but managed under contract by an offsite contractor.

Nothing in this NPD exempts any NASA employee, including a NASA Ombuds, from the responsibilities imposed by law to report criminal violations; e.g., under the IG Act and 5 U.S.C. §535.

3. AUTHORITY

- a. 42 U.S.C. §2473(c)(1), Section 203(c)(1) of the National Aeronautics and Space Act of 1958, as amended.
- b. 5 U.S.C. §571 note, Administrative Dispute Resolution Act of 1996, as amended.

4. APPLICABLE DOCUMENTS

- a. Inspector General Act of 1978, as amended, Title 5 U.S.C App. III.
- b. 5 U.S.C. §535, Investigation of Crimes Involving Government Officers and Employees.
- c. NPR 1441.1, NASA Records Retention Schedules.
- d. NPD 2010.2, Alternative Dispute Resolution.
- e. NPD 9800.1, NASA Office of Inspector General Programs.
- f. The International Ombudsman Association "Code of Ethics" and "Standards of Practice," (1985) as published at www.ombuds-toa.org.

5. RESPONSIBILITY

- a. The Deputy Administrator shall appoint the Ombuds Program Lead, the Headquarters Ombuds, and an alternate Headquarters Ombuds. Center Directors shall appoint a Center Ombuds and an alternate Center Ombuds.
 - (1) Center and Headquarters Ombuds shall be provided with direct, unrestricted, and unimpeded access to the Center Director and Deputy Administrator, respectively.
 - (2) The Center and Headquarters Ombuds shall be senior-level (Senior Executive Service, GS-15), or at the GS-14 grade level if circumstances warrant and if approved by the Ombuds Program Lead, separate from management or organizational processes, who supervise only a minimal number of employees. Selection of the alternate Ombuds shall be made to minimize the potential for conflicts of interest between the Ombuds

Program and the visitor. A potential conflict of interest exists when the Ombuds or alternate Ombuds has functional or managerial responsibility for the area identified by the visitor.

b. The Ombuds Program Lead shall:

- (1) Review and oversee the Centers' and Headquarters' implementation of this policy.
- (2) Periodically convene the Agency's Ombuds to share best practices and lessons learned.
- (3) Monitor, measure, and analyze the Agency Ombuds Program through evaluations of the Centers' and Headquarters' Ombuds functions.
- (4) Ensure that the appropriate training, skill, and knowledge base is provided to all installation Ombuds.
- (5) Ensure the management and disposal of any Program documentation in accordance with NPR 1441.1 NASA Records Retention Schedules.

c. Center and Headquarters Ombuds shall implement the policy outlined in this NPD at their Centers and at Headquarters, respectively.

- (1) Ombuds shall provide information to a visitor regarding administrative systems available for addressing the visitor's concerns (e.g., IG, EEO) and assist the visitor in developing options for addressing issues or concerns, recognizing that all decision-making as to a visitor's future actions resides exclusively with the visitor.
- (2) An Ombuds may, at his/her discretion, conduct independent interviews or reviews.
- (3) While an Ombuds may facilitate decision-making, authority for decision-making remains within the existing lines of supervision within the organization. As such, reporting information to an Ombuds does not constitute official notice to the Agency, nor does it relieve an employee of any other independent duty to report (e.g., duty to report crime to the IG).
- (4) Although an Ombuds may, in the course of duty, review records created by NASA officials, any informal notes made by the Ombuds do not constitute records under the Federal Records Act and relevant National Archives and Records Administration regulations. Ombuds keep no records on behalf of the organization. If an Ombuds finds case notes necessary to manage the work, the Ombuds shall establish and follow a consistent and standard practice for their destruction. Pursuant to 5 U.S.C. §574(j), dispute resolution communications between an Ombuds and a party, which are prohibited from being disclosed under 5 U.S.C. §574, are also exempt from disclosure under the Freedom of Information Act by 5 U.S.C. §552(b)(3), and shall be protected from release.
- (5) The Ombuds shall have periodic discussions with the formal organizational process owners concerning the Ombuds Program and its responsibilities.

d. Agency employees shall cooperate fully with NASA Ombuds by assisting and providing information and records to the Ombuds and addressing matters raised by the Ombuds. The identity and communications of such individuals shall be subject to the same confidentiality provisions recognized by this NPD as applicable to any visitor.

6. DELEGATION OF AUTHORITY

None.

7. MEASUREMENTS/VERIFICATION

- a. Number of Program Awareness Activities to inform the workforce of the NASA Ombuds Program at NASA Headquarters and NASA Centers, including component facilities.
- b. Semiannual assessments conducted by Program Lead to determine program effectiveness and depth of issues addressed.
- c. Other measures as determined by the Ombuds Program Lead.

8. CANCELLATION

NPD 2025.1, NASA Ombuds Program, dated January 13, 2005.

/s/ Michael Griffin

ATTACHMENT A: (TEXT)

None.

(URL for Graphic)

None.

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