NASA Procedural Requirements

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COMPLIANCE IS MANDATORY

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Request Notification of Change (NASA Only)

Subject: Ethics Program Management

Responsible Office: Office of the General Counsel

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CHAPTER 8: Program Reviews

8.1 General

OGE regulations require that each Deputy Ethics Official perform delegated ethics responsibilities under the supervision of the DAEO. In order for the DAEO to have sufficient insight into program activities to fulfill this requirement, the activities of each Deputy Ethics Official will be subject to routine program reviews as an integral part of the program review function.

8.2 Types of Program Reviews

8.2.1 Field Team

8.2.1.1 Procedure

The Alternate DAEO will be responsible for selecting the Centers to be visited and the proposed schedule. The Field Team will normally consist of one ethics attorney from Headquarters as lead, one Ethics Committee member (from a Center not being reviewed), and one additional attorney or administrative staff member. Headquarters will provide invitational travel orders for the Field Team.

The Alternate DAEO will forward a notification letter to each Field Team member and Center being reviewed 60 days prior to the scheduled visit. The letter will address the scheduled dates of the review, the areas that will be reviewed, and any administrative assistance that will be required. The host Chief Counsel will provide a designated representative to assist the Field Team as may be required. The field visit may be rescheduled with the agreement of Headquarters, the Ethics Committee, and the host Chief Counsel. Upon arrival, the Field Team will meet with the Chief Counsel and discuss the review process and, in turn, receive an overview of that Center's ethics program.

8.2.1.2 Out Briefing

The Field Team will conduct a short out briefing to the Chief Counsel and the Center Director summarizing initial impressions of areas of concern, best practices, and program health indicators. The program review report will be completed 30 days after the Center's out briefing.

8.2.1.3 Program Review Report

The Field Team will use checklists and/or guidebooks, approved by the ADAEO, in creating the program review report. The report will include the following:

a. Findings and observations, including:

(1) Areas of concern, such as the following:

(i) Noncompliance with legal requirements (regulatory or statutory); substantive or procedural, including record

keeping.

(ii) Noncompliance with NASA directives, regulations, or guidance documents.

(2) Best practices, such as the following:

(i) Activities that go beyond what is required by a regulatory or policy standard.

(ii) Processes or recommendations that, if implemented, improve the quality of the ethics program.

b. Program health indicators will be provided at the out briefing using a "stop-light" concept, based on the following guidelines:

(1) Healthy (green) - good program, meeting requirements.

(2) Needs improvement (yellow) - program does not meet requirements in one or more areas; some risk observed.

(3) Unhealthy (red) - requires significant changes; does not meet major requirements in more than one area; major risk observed.

The visited Center may provide comments to the ADAEO on the program review report within 7 days of receipt. The ADAEO may refer those comments to the Ethics Committee for consideration and revision, where appropriate. The ADAEO shall share each Center's program review report with the Administrator, the Deputy Administrator, the Center Director, other Center Chief Counsels, and the Office of Government Ethics.

8.2.1.4 Corrective Action

The visited Center will develop a corrective action plan for any findings that were areas of concern, including estimated completion dates. The Chief Counsel will provide written notification to Code GG of final closure of all findings.

If a comparison of the visited Center's program review report with other program review reports indicates a NASAwide recurring or persistent problem, then Code GG will refer the issue to the Ethics Committee.

8.2.2 Virtual

8.2.2.1 Center-specific

After a Field Team visits a Center and the subsequent program review report reflects program health indicators of "green" for all reviewed categories, then that Center's ethics program will be monitored by Code GG and the Ethics Committee via that Center's information copy submissions. Such ongoing review with no discerned "areas of concern" may result in that Center not receiving a Field Team visit for up to 3 years from the date of the last visit.

8.2.2.2 Agencywide

If there are NASAwide recurring or persistent problems arising from a review of posted ethics opinions and materials, then those matters will normally be referred to the Ethics Committee to devise educational tools and/or compose a draft policy letter for the DAEO's signature that explains how NASA will address that particular ethics issue. The draft opinion may then be circulated to all Chief Counsels for comment. If consensus is reached, then the draft is forwarded to the DAEO with a recommendation that it be issued as a final opinion. If consensus is not reached, the issue will be referred to the DAEO for resolution.

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[1] Note for the purposes of this NPR, the term "Center" includes "NASA Management Office" and the term "Center Chief Counsel" also refers to "NMO Chief Counsel."

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