

Confidential ■ Neutral ■ Independent

# NIH Office of the Ombudsman

*Center for Cooperative Resolution*



## *Welcome*

The NIH Office of the Ombudsman, Center for Cooperative Resolution (OO/CCR), is a confidential, neutral, and independent resource providing informal assistance to NIH scientists, administrators, and staff at all levels in addressing work-related issues. The OO/CCR serves as a focal point for conflict resolution at NIH by (1) providing confidential, informal assistance to employees and managers in resolving work-related concerns and (2) developing and coordinating effective dispute resolution processes and procedures.

We offer a variety of services and programs to address likely sources of conflict, such as interpersonal communication, performance appraisals, harassment, mentoring relationships, and scientific collaboration.

We look forward to working with you.



## *The Ombudsman's Role*

Ombudsmen are independent, neutral individuals who assist in addressing concerns and resolving conflicts. Speaking to an ombudsman does not place the NIH on notice of an alleged violation of law or policy.

### **Ombudsman principles:**

- Act impartially and confidentially
- Advocate for fairness and equality
- Provide a mechanism for early problem resolution
- Consider all sides of an issue in an informed, unbiased manner
- Promote better communication

### **Ombudsmen do:**

- Provide a safe place to share thoughts and confidences
- Listen without criticizing
- Help analyze difficult and complex situations
- Help access NIH policies and procedures
- Help construct non-adversarial approaches to issues
- Facilitate a just resolution of problems and disputes
- Refer individuals to appropriate NIH resources
- Identify trends and systemic problems
- Carry out informal climate assessments

**Ombudsmen do not:**

- Accept or provide notice of an alleged violation
- Serve as part of any formal grievance or complaint process (except as providers of Alternative Dispute Resolution at the informal stage of the Equal Employment Opportunity [EEO] process)
- Advocate for any individual
- Share information with others without an individual's knowledge and permission
- Conduct formal investigations
- Issue investigative reports
- Testify or serve as a witness
- Make or change policy or administrative decisions
- Make binding decisions or determine rights
- Require anyone to follow ombudsman recommendations

***Contact the Ombudsmen When You:***

- Want an independent facilitator to assist you in working through a problem
- Feel that you have been unfairly treated, or that an NIH policy has been unfairly or erroneously applied or is itself unclear
- Have concerns about issues specific to the scientific community, including mentoring, authorship, resources, collaboration, and intellectual property rights
- Are uncertain where to take a work problem
- Are unclear about NIH policies, processes, and procedures and how they apply to you

## Our Pledge to the NIH Community

We are committed to working with integrity and in accordance with the ethical standards of the International Ombudsman Association while confidentially handling your concerns. The ombudsmen will not disclose nor discuss any confidential matter without your knowledge and permission. This includes not revealing:

- The identity of individuals who come to our Office
- The identity of contacts made by the ombudsmen in resolving an issue
- Specific details and circumstances of matters handled by our Office
- Any material related to specific cases

## International Ombudsman Association Code of Ethics

### 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 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 this privilege of 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.

For more information, go to [www.ombudsassociation.org](http://www.ombudsassociation.org).



## *Services Offered by the OO/CCR*

The ombudsmen tailor their work to the needs of the individuals who contact the Office. The first step in that process is for the ombudsman to listen as the person explains his or her situation or concern and then discuss any goals the person might have for addressing it. Based on that discussion, the ombudsman and person will determine together whether working with the OO/CCR would be appropriate or if it would be more beneficial for the person to work with another office or resource to reach his or her goals. In some instances, there may be benefits to working with the OO/CCR in conjunction with another office.

The OO/CCR offers a range of services, depending on the situation:

### **Conflict Coaching**

Coaching typically involves one-on-one work with individuals to align goals and actions. Topics discussed in coaching may include how to engage in difficult conversations or negotiate an important work-related matter. Coaching is often part of OO/CCR processes, as it provides a private space to analyze, explore, and test ways to address situations.

### **Mediation**

Mediation is a process of assisted negotiation in which the disputants discuss and resolve their differences with the assistance of a neutral third party.

### **Facilitation**

Facilitation is a group process in which a facilitator helps a group of two or more people have an open and effective conversation to achieve the group's objectives. Facilitation can include group problem solving, structured dialogue, and meeting with management and staff to assist groups in reaching desired outcomes.

## Consultation

We help leaders and staff manage difficult situations and provide input in the development of policies and procedures in anticipation of possible problems and workplace disputes.

## Training and Presentations

Ombudsmen are available to conduct presentations at staff meetings, briefings, training sessions, and conferences regarding our services and various conflict management topics.

## Dispute Systems Design

- **Peer Panel Review.** Individuals may be convened on panels to review the facts of a dispute. For example, the OO/CCR can convene informal scientific panels to help resolve conflicts over authorship and credit. A peer resolution program allows a specially trained panel of supervisors and peers to hear employee grievances and make final and binding decisions.
- **Support for Scientific Teams and Collaboration.** The OO/CCR has designed several tools to help scientists foster healthier and more effective communication, teamwork, and conflict management. These tools include questions for collaborators to address critical issues and a *Field Guide* to collaboration and team science (for more information, please go to <http://teamscience.nih.gov>). The OO/CCR is also available to facilitate the development of partnering agreements for scientific teams or collaborations, as well as help researchers establish collaborations and resolve problems and conflicts that may arise within them.

## Existing NIH Processes

The OO/CCR is an alternative channel that complements – but does not replace – the following avenues for resolving employee and scientific concerns at NIH:

- Processes for resolution of conflicts in the NIH Intramural Research Program
- Administrative grievance procedures
- NIH Office of Management Assessment
- NIH Ethics Program
- NIH Office of Human Subjects Research
- NIH Animal Care and Use Committees/Office of Animal Care and Use
- NIH Office of Research Integrity
- NIH Division of Public Safety
- NIH Employee Assistance Program
- NIH Office of Equal Opportunity and Diversity Management
- Merit Systems Protection Board appeals
- U.S. Office of Special Counsel
- Office of the Inspector General

You will find a list of these resources on our website: [ombudsman.nih.gov](http://ombudsman.nih.gov).





## Frequently Asked Questions

### ***Who can contact the OO/CCR?***

The OO/CCR is available to employees, scientists, staff at every level, and those directly affiliated with NIH to address workplace conflicts, answer questions, and provide consultation.

### ***What issues are commonly dealt with at the OO/CCR?***

The most common concerns are staff/management interaction, performance appraisals, difficult management situations, discrimination, harassment, interpersonal misunderstandings, mentoring, authorship, and scientific collaboration. Some people are interested only in specific information about a rule, law, or policy that applies to their situations.

### ***May I use work time to resolve a complaint?***

An employee can use a reasonable amount of official work time to resolve a workplace problem. However, to use official work time to visit the OO/CCR, the Employee Assistance Program, the Office of Equal Employment Opportunity and Diversity Management, or the Equal Employment Opportunity office, you must first obtain approval from your supervisor. In situations where you do not want to notify your supervisor, you may use leave or arrange to have a meeting during lunch or outside of your work hours.

### ***What is different about the Office of the Ombudsman?***

The Office of the Ombudsman is firmly committed to maintaining the confidentiality of those who use our services. We operate independently of the usual administrative structures at NIH and are not part of any Institute or Center (IC). The OO/CCR provides an alternative to formal grievance and complaint processes and is flexible enough to handle any workplace dispute. The Office emphasizes non-adversarial problem-solving options that help avoid future disputes and preserve relationships.

***I'm thinking about filing an EEO complaint. May I still contact an ombudsman?***

You may contact an ombudsman at any time without relinquishing your right to file an EEO complaint. However, if you wish to file an EEO complaint, you must contact the NIH Office of Equal Opportunity and Diversity Management within 45 days of the alleged discriminatory action. The OO/CCR serves as a provider of Alternative Dispute Resolution (ADR) when a person elects ADR in the informal stage of the process. There are many instances of insensitivity, unfairness, or miscommunication that may not necessarily be discrimination. The Ombudsman's Office can also help address these situations.

***How is the OO/CCR different from the Employee Assistance Program (EAP)?***

While some issues that the Ombudsman's Office and EAP handle do overlap, ombudsmen provide conflict resolution approaches to workplace issues and related policies and practices. The EAP generally provides assistance with personal issues such as stress, health concerns, substance abuse, or family concerns that may be affecting job performance.

***What is Alternative Dispute Resolution?***

Alternative Dispute Resolution refers to a variety of informal, non-adversarial processes outside of formal complaint and grievance mechanisms. These processes include mediation, facilitation, peer panels, coaching, and shuttle diplomacy. ADR emphasizes collaborative problem solving, rather than win-lose approaches.

***I have seen the ombudsmen in the Office of the Director, at Human Resources, and at EEO. If the Office is so confidential, what are they doing in those official places?***

The ombudsmen need access to high-level decision makers in order to resolve some problems. The ombudsmen talk about issues only with permission. Sometimes, the

ombudsmen consult with others about systemic concerns in a general way, without revealing any identifying details about the matter. The ombudsmen only serve on committees at NIH as consultants or as *ex officio* members.

***To whom do the ombudsmen report, and what is reported?***

The ombudsmen report to the Principal Deputy Director of the NIH. The ombudsmen prepare periodic reports for the NIH community. These reports are designed to identify trends and patterns and are strictly demographic, with no information that would identify individuals who have used the Office.

***What authority do ombudsmen have?***

The ombudsmen have the authority to (1) mediate disputes and/or negotiate settlements with the agreement of all parties; (2) make recommendations for changes in a policy or practice; (3) bring issues to the attention of those with the authority to address concerns, such as Division Directors, Scientific Directors, and Executive Officers; and (4) seek to expedite administrative processes.

***If the ombudsmen are employed by the NIH, how independent can they be?***

The ombudsmen are inside “outsiders” – not part of management. In this way, they are able to see and address issues within the larger organizational context. NIH supports the independence of the ombudsmen because it is to everyone’s advantage to have all concerns, even the most sensitive, brought to the surface and resolved.

# How to Contact Us

Contact the OO/CCR by telephone, email, U.S. mail, or in person. The OO/CCR is open Monday through Friday, 8:00 am to 5:00 pm EST.

If you need a sign language interpreter or reasonable accommodation to work with us, please let us know when you contact us so we can make appropriate arrangements (Federal Relay Service: 1-800-877-8339).

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