

Dissenting Opinion FAQ's

1. **What is a Dissenting Opinion?**

Answer

A “Dissenting Opinion” is a **disagreement** with a decision or action that an individual judges is of **sufficient importance** that it warrants a specific review and decision by higher level management and the individual **specifically requests** that the dissent be recorded and resolved by the dissenting opinion process. (See NPR 7120.5D paragraph 3.3.)

A “Dissenting Opinion” expresses a view that a decision or action, in the dissenter’s opinion, should be changed for the good of NASA and requests a review by higher level management. In this context “for the good of NASA” should be read broadly to cover mission success, safety, the project, the program, etc.

A “Dissenting Opinion” is not a difference of opinion that might be expressed in a manner such as “I would not do it that way if it were my decision”, or “I would not do it that way, but I can live with it”.

2. **Why is a Dissenting Opinion process included in NPR 7120.5D?**

Answer

NASA has historically supported fully airing issues including alternatives and divergent views. However, NASA has also had some notable examples where dissenting views did not make their way to the decision makers at the appropriate level. As a result it was decided that establishment of a uniform, recognized process for resolving dissenting opinions that would provide additional support to safety, and the success of both NASA and the mission. Such an established process would:

- Further empower team members to provide their best input to decision makers on important issues.
- Clearly define the roles and responsibilities of the two sides in a dissent.
- Encourage the use of a written resolution memo to take advantage of the clarifying effect of writing down the issue, the facts that are agreed upon, the discussion of both sides of the issue, and the recommendations of the both parties. Other programs that have used this approach have found that the process of committing the issue to writing tends to depersonalize the issue and in many cases leads to a clearer understanding of the issue and differing views which in turn has led to a resolution prior to elevating

it up the management chain. Even if this resolution does not occur. There is a secondary benefit. Specifically, the process leads to an efficient presentation of the issue which makes for an efficient decision process at the next higher level of management.

3. What is the underlying philosophy of the Dissenting Opinion process contained in NPR 7120.5D?

Answer

The NASA process for handling dissenting views directly supports NASA's Core Values of Teamwork, Integrity, and Mission Success. The process is designed to ensure that decision makers have timely access to all relevant facts and concerns.

The process for dissenting opinions is designed to empower team members and to provide a recognized formal procedure for the identification, resolution, and documentation of dissenting views. The process is based on a belief that each team member brings unique experience and important expertise to every issue. Recognition of and openness to that unique experience, expertise, and insight improves the probability of identifying and resolving challenges to safety and mission success. Simply put, the approach is based on the belief that we are smarter as a team than we are as individuals, and a good idea can come from anyone, anywhere, anytime.

4. What are the key elements of the Dissenting Opinion Process?

Answer

The principles or key elements of the Dissenting Opinion process can be summarized as follows:

- Every NASA employee or team member has a fundamental responsibility to express his/her views to the appropriate team leader, immediate supervisor, or management manager on matters affecting safety, mission success, or the well being of NASA.
- Unresolved issues of any nature should be quickly elevated to achieve resolution at the appropriate level in a timely manner.
- If an individual views that his/her dissent in a decision or planned action rises to the level of significance that it should be heard and evaluated at the next higher level of management, it is his/her responsibility to identify the concern to the decision maker as a "Dissenting Opinion".

The level of significance that should trigger the Dissenting Opinion process is at the discretion of the dissenting individual. However, issues characterized by

“I would prefer...” or “I would not do it that way if I were making the decision” would not be handled as a Dissenting Opinion.

- Issues raised as Dissenting Opinions will be resolved by the process outlined in NPR 7120.5D. This involves identifying the facts both parties agree upon, the differing positions with rationale and impacts, and individual recommendations for resolution. When appropriate, the concern is documented, approved by the representative of each view, concurred by affected parties, and provided to next higher level in the appropriate management chains with notification to the second higher level of management. In cases of urgency, an oral presentation (including the information stated above) with all affected organizations in attendance and with advance notification to the second higher level of management may be utilized with documentation follow-up. It should be noted that this is a joint process that involves both sides of the disagreement as the issue is elevated to higher levels of management.
- Management’s decision/action on the memorandum (or oral presentation) is documented and provided to the dissenter and to the notified managers, and becomes part of the program/project record. If the dissenter is not satisfied with the process or outcome, the dissenter may appeal to the next higher level of management. The dissenter has the right to take the issue upward in the organization, even to the NASA Administrator, if necessary.

5. What are the responsibilities of an individual raising a Dissenting Opinion?

Answer

The responsibilities of an individual raising a Dissenting Opinion include:

- Be knowledgeable of the Dissenting Opinion process
- Be competent on the matter on which the dissent is being raised
- Raising the concern and the basis for the concern to the team leader, supervisor, board chair, etc. in a professional and timely manner. This should normally be done during the team deliberations leading up to a decision to ensure the decision maker has an understanding all views before making the decision.
- When assessing a decision an individual (team member) has three choices; agree, disagree but be willing to fully support the decision, or disagree and submit a Dissenting Opinion.
- If the individual (1) disagrees with the decision made, (2) judges the issue to be of sufficient importance to warrant review by the next higher level of management for

the good of safety, mission success, or the well being of NASA the individual can request that the dissent be recorded and resolved as a Dissenting Opinion per NPR 7120.5D.

In assessing whether the issue rises to the level of importance that warrants a Dissenting Opinion, it is important to recognize that a Dissenting Opinion is a big deal. The process has been put in place to handle disagreements on significant issues. It is not intended for use to handle differing opinions that might be described with sentences such as:

I think the alternative solution would be better.

It will probably work but I would not do it that way.

I disagree but I can live with it.

It should be understood that the decision on whether the issue in question is of the significance that warrants the use of the Dissenting Opinion process dissenting individual is the responsibility and personal decision of the dissenting individual.

- Support the resolution process. This includes supporting the development of the joint decision memo to be presented to the next higher level of management which will contain the facts that both parties agree upon, the discussion of both sides of the issue, and the recommendations of the both parties.

6. What are the responsibilities of a manager, supervisor, board chair etc. that is the recipient of a Dissenting Opinion?

Answer

The responsibilities of a manager, supervisor, board chair, etc. include fully supporting the NASA Core Value of Teamwork. This includes conducting discussions, meetings, and boards in a professional manner that:

- Promotes full and open discussion of issues with all their associated facts and considerations.
- Fosters and respects diverse views.
- Is open to thoughtful presentations of alternative ideas and approaches.

- Ensures the team understands the basis for the decision made.

Such an approach will assist in ensuring the decision maker has the best possible basis for the decision. It will also minimize the need for Dissenting Opinions.

If a Dissenting Opinion is raised, the responsibilities of the manager, supervisor, board chair, etc. expand to supporting the timely resolution of the Dissenting Opinion. This includes:

- Supporting development of the joint decision memo including agreed-to-facts, discussion of the differing positions with rationale and impacts and the parties' recommendations, approved by the representative of each view, concurred by affected parties, and provided to the next higher level of management and the appropriate TA with notification to the second higher level of management.

In cases of urgency, a joint oral presentation (including the information stated above) with all affected organizations in attendance and with advance notification to the second higher level of management may be utilized with documentation follow-up.

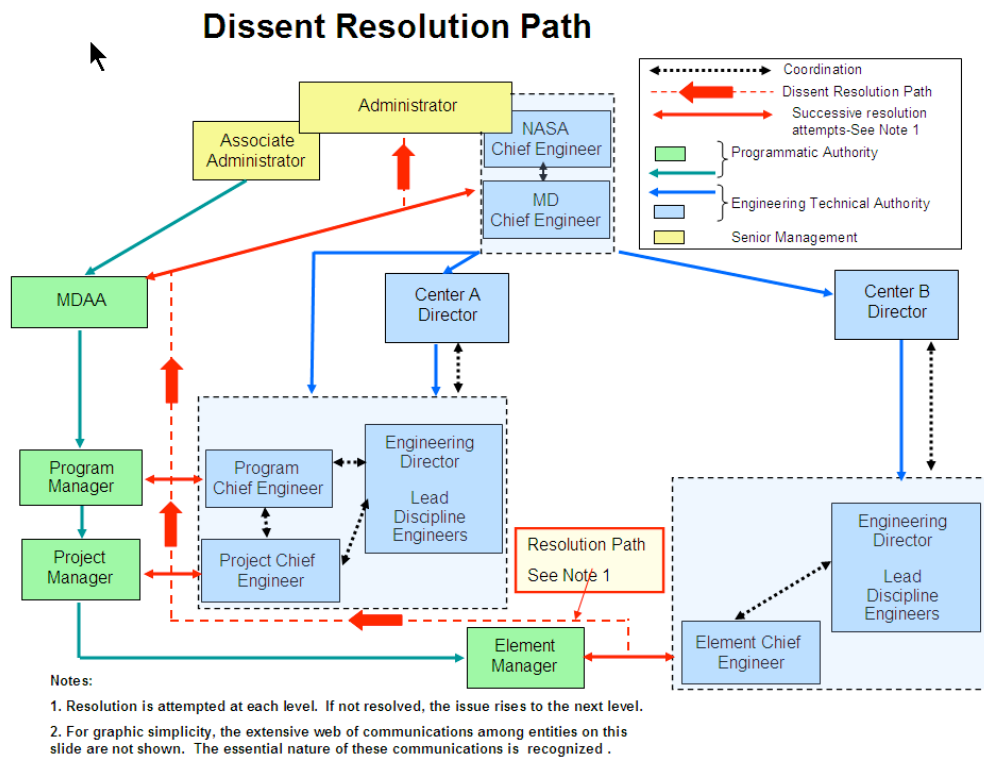
- Management's decision/action on the memorandum (or oral presentation) is documented. The memo is provided to the dissenter and notified managers and becomes part of the program/project record.
- If the dissenter is not satisfied with the process or outcome, the dissenter may appeal to the next higher level of management. The manager/decision maker must support the dissenter's right to pursue the dissent and to assist in the process for taking the issue upward in the organization, even to the NASA Administrator, if necessary.

7. What is the rationale behind the notification of the second higher level of management of the existence of a Dissenting Opinion?

Answer

Because of the importance of a “Dissenting Opinion”, the second higher level of is notified to provide them with the option of becoming involved. This is not intended to skip a management level in the resolution process so much as to position the next higher level to be knowledgeable of the issue and to support expeditious resolution at that level if it becomes necessary.

Note- The second higher level of management is the level that the adjudication will be referred to if it is not settled at “next level”. A multi-Center example of a Dissenting Opinion between two Authorities is provided to illustrate the concept.



In the graphic below a dispute between Authorities at the Element level would rise to the project level with notification to the Program level.

The next step in the resolution path would be at the Program level with notification to the MDA and MDCE/CE

The next step would be at the MDA /CE level with notification to the Administrator

8. How do the resolution paths differ if the Dissenting Opinion is between individuals within a single Authority or between individuals in different Authorities?

Answer

The resolution path for a Dissenting Opinion rises from the level of the dissent to the next higher level of management and to the appropriate Technical Authorities. The second higher level of management is also notified of the existence of a Dissenting Opinion. A Dissenting Opinion is a significant matter and this latter notification is made to keep the management chain informed.

In the case of a Dissenting Opinion between individuals within the same Authority (i.e. within the Programmatic Authority or within one of the Technical Authorities) the resolution path would rise up the management chain of the involved Authority as illustrated below (Figure 1).

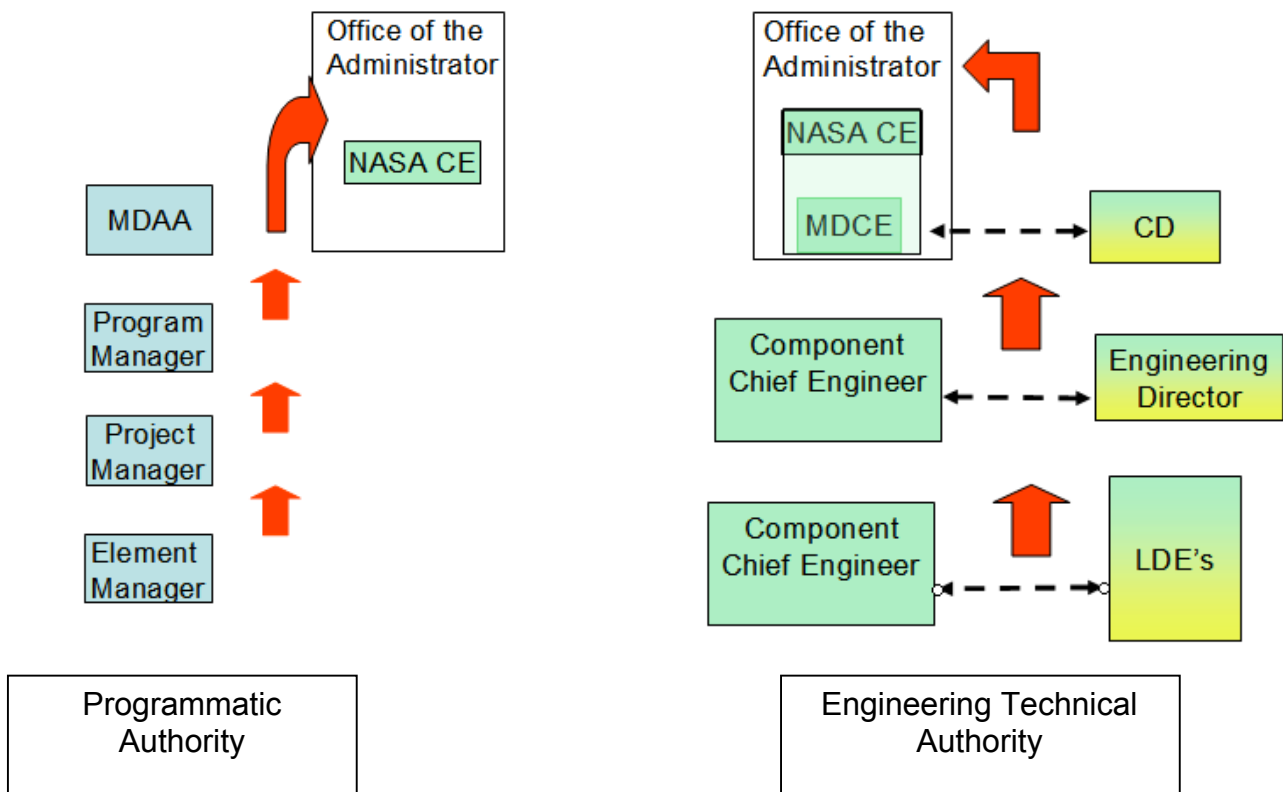


Figure 1 – Illustrations of Dissenting Opinion Resolution Paths Each Involving Only One Authority

In the case of a Dissenting Opinion between individuals in two different Authorities (e.g. between individuals in the Programmatic and the Engineering Technical Authorities) the resolution path would simultaneously and sequentially rise up through the management chains of both Authorities as is illustrated in the Figure 2 below.

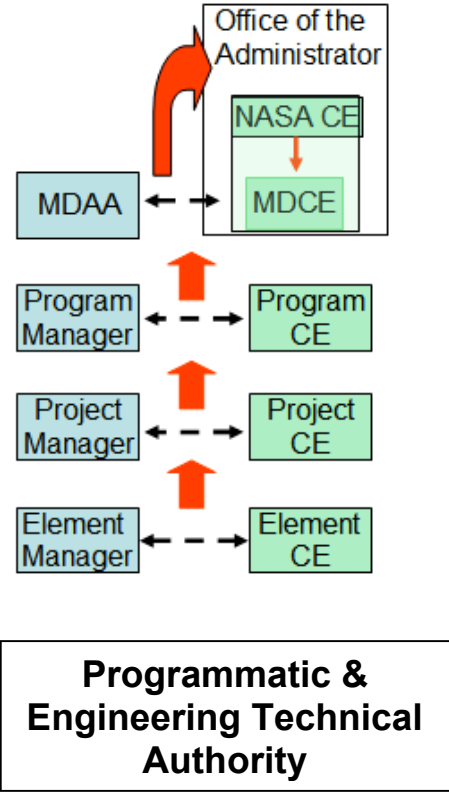


Figure 2 – Illustration of Dissenting Opinion Resolution Path Involving Two Authorities

9. How does the Dissenting Opinion process relate to the “suspend work” powers granted to the Chief SMA in NPD 1000.3C?

Answer

NPD 1000.3C states “that in an extreme case that presents an unacceptable risk to personnel, property, or mission success, the Chief, Safety and Mission Assurance [or his delegated representative] is authorized to suspend any operation or project activity and provide guidance for corrective action.”

Nothing in the Dissenting Opinion process is intended or should be construed to abridge or diminish this delegation.