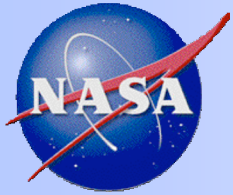


Dissenting Opinion Process

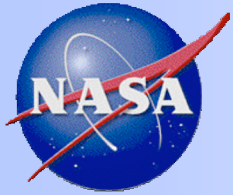
NPR 7120.5D

This is one of a series of training presentations covering important topics in NPR 7120.5D.



Points to be Covered

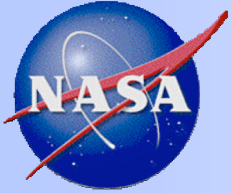
- **What is a Dissenting Opinion?**
- **Why have a Dissenting Opinion process?**
- **What is the underlying philosophy?**
- **What are the key elements of the process?**
- **What are the responsibilities of the individuals involved?**
- **What is the resolution path?**
- **How does the Dissenting Opinion process relate to the SMA “suspend work” powers?**



What is a Dissenting Opinion?

A “Dissenting Opinion” expresses a view that a decision or action, **in the dissenter’s judgment**, 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.



What a Dissenting Opinion is Not.

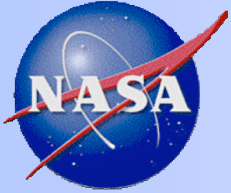
A “Dissenting Opinion” is not a difference of opinion that might be expressed in a manner such as...

“I would not do it that way if it were my decision.”

“I would not do it that way, but I can live with it.”

“The other alternative is better.”

A Dissenting Opinion is a big deal!



What is a Dissenting Opinion? (cont.)

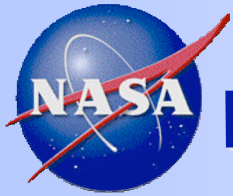
Three Parts

A “Dissenting Opinion” is a **disagreement** with a decision or action that is based on a sound rationale (not on unyielding opposition)...

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.)



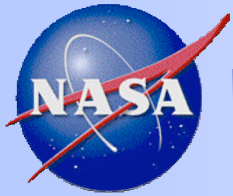
Why have a Dissenting Opinion Process?

- **NASA has historically supported the full airing of issues including alternative and divergent views.**
- **NASA has numerous examples where a Dissenting Opinion led to changes that enhanced safety and mission success.**
- **However, NASA has also had some notable examples where dissenting views did not make their way to decision makers at the appropriate level.**

Two examples can be found in the Shuttle accidents.

Challenger – The decision to proceed with launch with concerns about cold O-ring failures in the SRB joints.

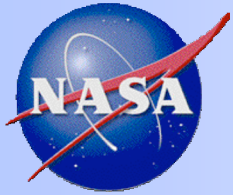
Columbia - The decision to decline to get on-orbit imagery to assess the severity of potential foam impact damage to the Orbiter's thermal protective system.



Why have a Dissenting Opinion Process? (Cont.)

The Process:

- **Further empowers team members to provide their best input to decision makers on important issues.**
- **Clearly defines the roles and responsibilities of the two sides in a dissent.**



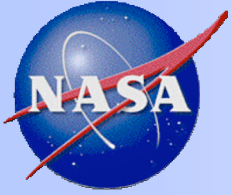
What is the underlying philosophy of Process?

The process is based on :

A belief that each team member brings unique experience and important expertise to every issue, and

the 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, a belief that we are smarter as a team than we are as individuals, and a good idea can come from anyone, anywhere, anytime.



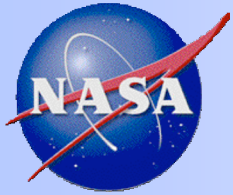
What is a Dissenting Opinion? (cont.)

Choices

A team member has three choices when determining his/her position on a pending decision.

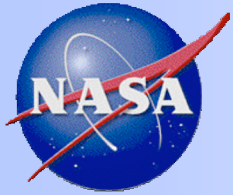
These are:

- **Agree,**
- **Disagree but be willing to fully support the decision, or**
- **Disagree and raise a Dissenting Opinion.**



What are the key elements of the process?

- **Every team member has a fundamental responsibility to express his/her views to the appropriate leader or decision maker in a professional and timely manner.**
- **If an individual views that his/her dissent 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”.**
- **Issues raised as Dissenting Opinions will be resolved by the process outlined in NPR 7120.5D. This is a fact based process.**

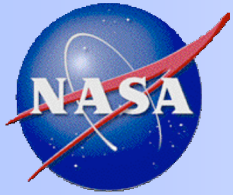


What are the key elements of the process? (Cont.)

When appropriate, the concern is documented in memorandum form, **approved** by the representative of each view, **concurred** in by affected parties, and **provided** to the next higher level in the appropriate management chain(s) with notification to the second higher level of management.

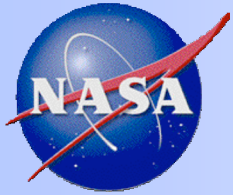
This presentation of the Dissenting Opinion includes:

- Clearly **defining the issue**
- Identifying the **facts both parties agree upon**
- Documenting the differing positions **with rationale and impacts** and individual recommendations for resolution.



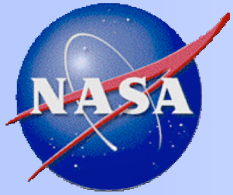
What are the key elements of the process? (Cont.)

- In cases of urgency, an oral presentation to the next level of the management chain(s) involved may be utilized. The presentation **(including the information previously noted)** will be given with all affected organizations in attendance and with advance notification to the second higher level of management.
- It should be noted that the resolution process is a **shared/joint process that must involve both sides** of the disagreement as the issue is elevated to higher levels of management.



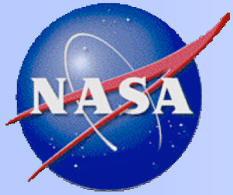
What are the key elements of the process? (Cont.)

- The next higher level Management's **decision** 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.



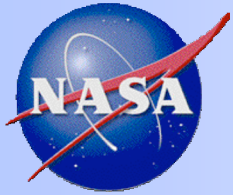
Responsibilities of Individual Raising a Dissenting Opinion

- **Be knowledgeable of the Dissenting Opinion process**
- **Be competent in the matter involved in the dispute**
- **Raise the concern and the basis and rationale for the concern in a professional and timely manner**
- **Support the joint resolution process**



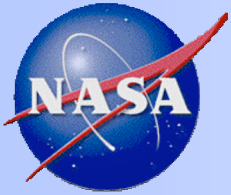
Responsibilities of a Decision Maker

- Fully support the 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.



Responsibilities of Individual Receiving the Dissenting Opinion

- Support development and distribution of the **joint** decision memo with notification of the required higher levels of management.
- In cases of urgency, support the **joint** oral presentation with all affected organizations in attendance. This includes advance notification of the required higher levels of management.
- **Document the higher level Management's decision** on the memorandum (or oral presentation), provide it to the dissenter and notified managers, and ensure it 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.

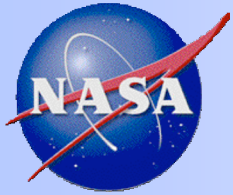


All Board Members –Responsibility

- Share knowledge and experience
- Clearly express views in a timely manner
- In assessing a board decision a member has three choices:
 - Agree
 - Disagree but be willing to fully support the decision, or
 - Disagree and raise a Dissenting Opinion.

The choice of a dissenting opinion requires a conscious and personal decision that:

- (1) The decision or course of action should be changed for the good of NASA,
- (2) The issue is of such sufficient importance that it warrants review by higher level management, and
- (3) A specific request be made that a Dissenting Opinion be recorded and the issue resolved by the Dissenting Opinion process



Technical Authority - Role on Boards

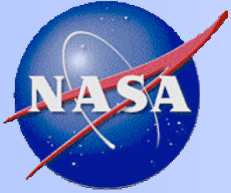
- **Share knowledge and experience with the program/project**

This role is different and distinct from exercising Technical Authority. The program/project can and should treat this input accordingly.

- **Exercising Technical Authority when necessary**

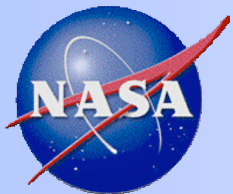
Being the **single point of contact** for the program/project for Technical Authority matters at the level of designated authority

Raising a Dissenting Opinion on a decision or action by the Board **when appropriate**

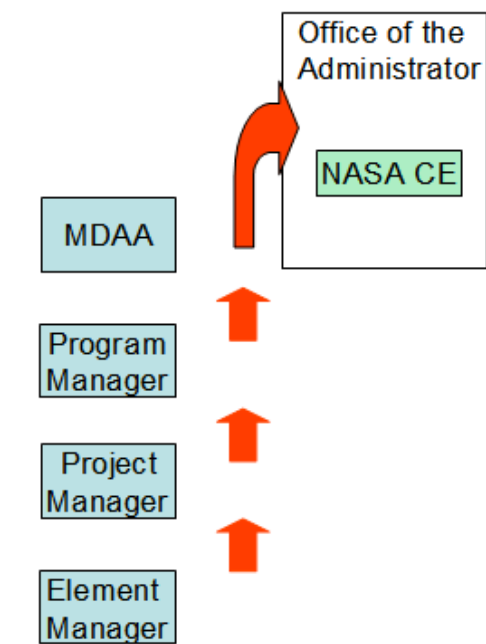


Resolution Paths

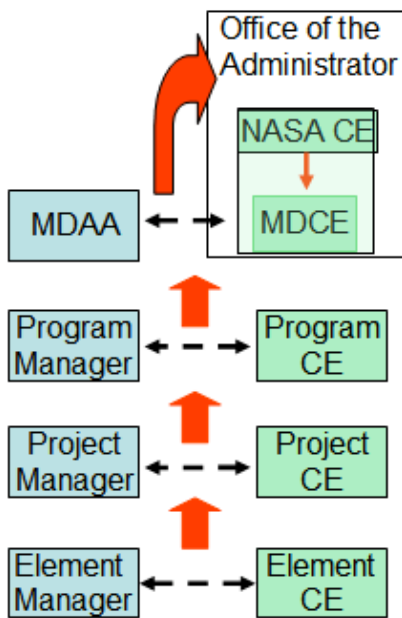
- **The resolution path rises from the level of the dissent to the next higher level in each line of involved management. The second higher level of management is also notified of the existence of a Dissenting Opinion.**
- **The specific resolution path depends on the parties involved.**
- **Resolution paths are illustrated for a Dissenting Opinion within a single Authority (Programmatic or Technical Authority) and between two Authorities in both a single and multi-Center environment.**
- **Note that the resolution process is a joint process involving both parties.**



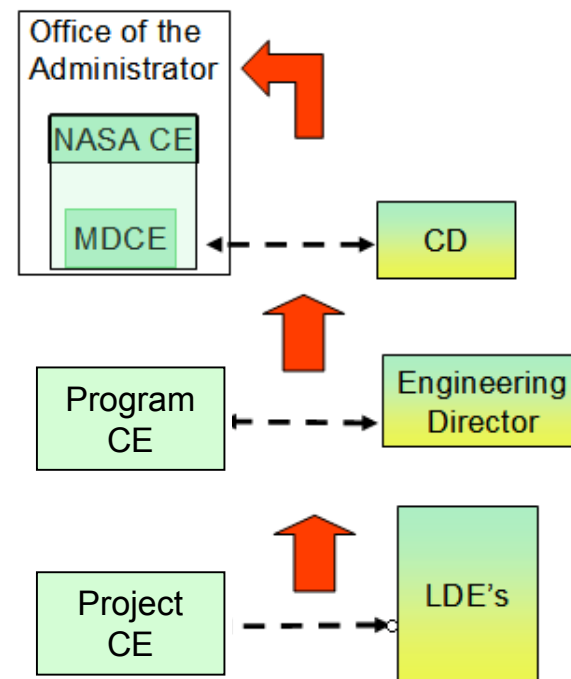
High Level View Of Dissent Resolution Paths



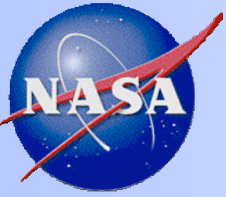
Programmatic Authority



Programmatic & Technical Authority

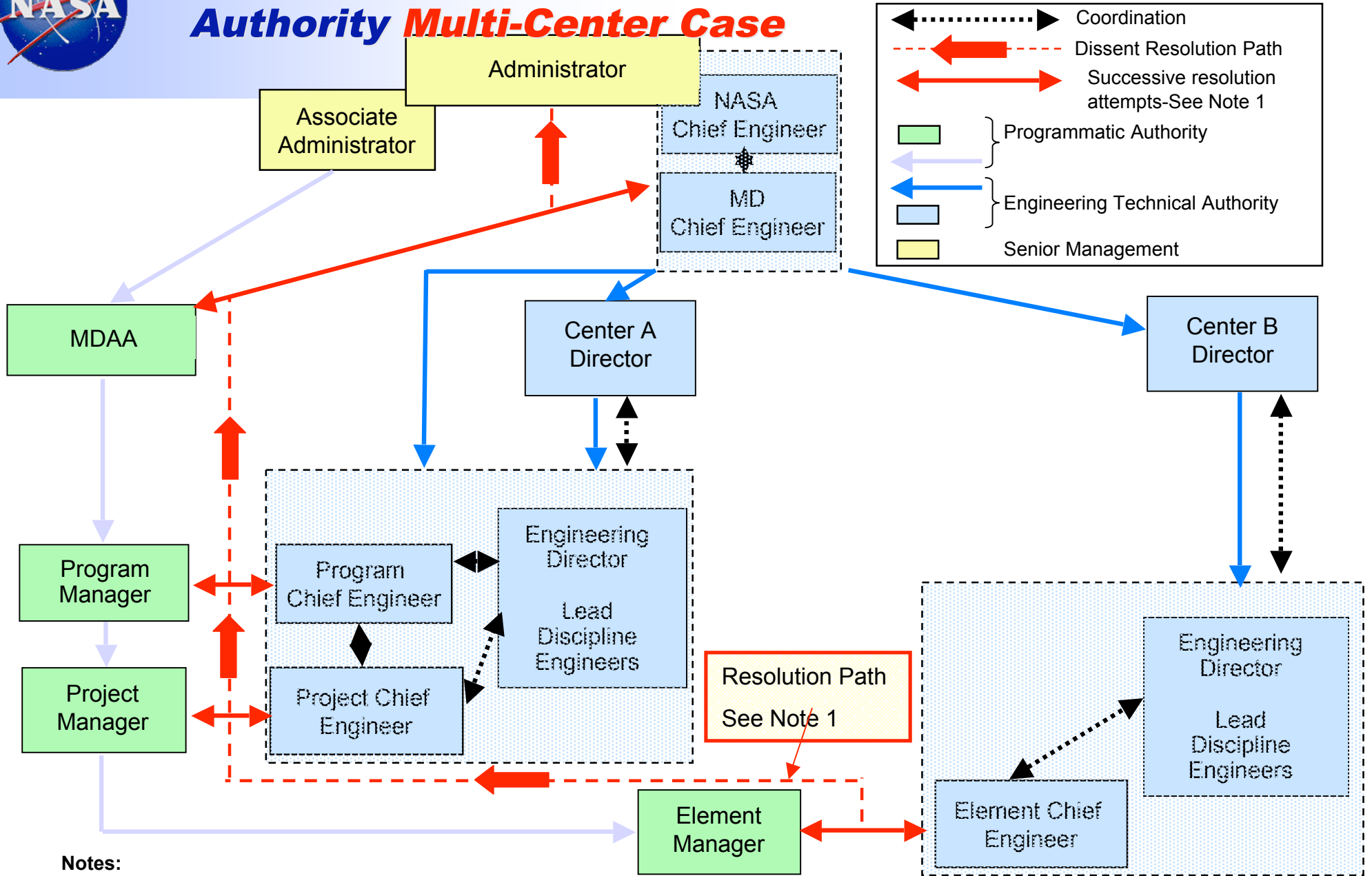


Technical Authority & Engineering



Resolution Path - Two

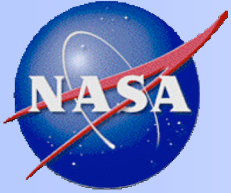
Authority Multi-Center Case



Notes:

1. Resolution is attempted at each level. If not resolved, the issue rises to the next level.

2. For graphic simplicity, the extensive web of communications among entities on this slide are not shown. The essential nature of these communications is recognized.

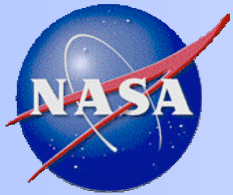


Proceeding at Risk

Can a program or project action proceed in the face of a Technical Authority dissenting opinion?

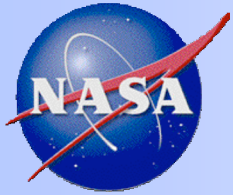
- Yes
- Resolution should occur prior to implementation whenever possible.
- The Program/Project Manager may proceed at risk in parallel with pursuit of resolution if they deem it is in the best interest of the program/project.
- In such circumstances, the next higher level of Programmatic and Technical Authority would be informed of the decision to proceed at risk.

Rationale - These higher level authorities will be involved in the adjudication of the dissent and should have the opportunity to know **before the fact that the action or decision is proceeding on a risk basis.**



How does the Dissenting Opinion process relate to the SMA “suspend work” powers?

- **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.**



Conclusion

The Dissenting Opinion process was codified in NPR 7120.5D to provide a uniform, recognized method to resolve dissenting views on a decision that the dissenter judges is wrong and rises to the level of significance that it should be reviewed at a higher level of management for the good of safety, mission success, or NASA.