

# Description of the Role of the DESI Collaboration Ombudspersons

## Ombudsperson Purpose and Training

As established by section 11 of the Bylaws, the DESI Collaboration has two Ombudspersons who are appointed by the Institutional Board upon recommendation by the **Institutional Board Chair**. The role of the Ombudspersons is to provide *informal*, nonjudgmental, impartial, and independent advice and mediation to DESI Collaboration members for the purposes of dispute resolution. The Ombudspersons are expected to respond to concerns that are brought to their attention by DESI collaboration members. If the matter cannot be resolved informally through the Ombudsperson process, the individual should discuss other remedies within their own institution. In addition to offering informal guidance to individuals, the Ombudspersons will provide annual reports to the Institutional Board summarizing the number and flavor of issues addressed during the year. The Ombudspersons will maintain anonymity for collaboration members in these reports, providing only the information that is sufficient to inform the Institutional Board of systemic problems and Ombudsperson workload.

In most cases, communications with an Ombudsperson do not constitute formal notice to the DESI Collaboration or the individual's institute. Discretion in conversations with the Ombudspersons is expected but confidentiality cannot be guaranteed. Examples where exceptions to confidentiality arise include situations when the Ombudsperson is concerned by an imminent risk of serious harm, or if the Ombudsperson is required by law in the applicable jurisdiction to report credible evidence of fraud, waste, or abuse concerning the use of government funds. The Ombudsperson is also obligated to report allegations of sexual misconduct or discrimination against members of their own institutions, as required by Title IX in the United States. Similar mandatory reporting requirements exist in other countries, such as the "Equality Act 2010" and "Protection from Harassment Act 1997" in the United Kingdom.

Each Ombudsperson is strongly encouraged to meet with their institutional Title IX office, or equivalent, to understand reporting requirements associated with their DESI role. The DESI project office will also provide Ombudsperson training through the following course:

<https://www.ombudsassociation.org/foundations-courses>

Participation in this course is strongly encouraged.

**Additional resources for the DESI Ombudspersons are also available through the LBNL offices and the DOE offices. Specifically:**

- **FAIR Office at LBNL <https://fair.lbl.gov/>. The Title IX Officer at LBNL can provide guidance to the DESI Ombudspersons and DESI collaboration members. The FAIR mission is to prevent discriminatory and harassing behavior by continually engaging the Lab community in education, conflict resolution and impartial investigations.**

- **Office of the Ombudsperson, Department of Energy.** The DOE Ombudsperson provides support to individuals, groups, leaders/management teams, and the Department. <https://www.energy.gov/office-ombudsman>

### **The DESI Ombudsperson**

There are two DESI Collaboration Ombudspersons to provide choice for those seeking advice and to increase the likelihood that at least one Ombudsperson is available at Collaboration meetings. The Ombudspersons are available to DESI Collaboration members who are experiencing conflicts or disputes as part of their DESI activities. The Ombudspersons will work together with the members who consult with them to identify options for managing and resolving disputes and conflicts. This includes providing advice and support, referring individuals to appropriate resources, organizing informal mediation, and ensuring that the DESI Collaboration Spokespersons **and Institutional Board** are made aware of any systemic issues in the Collaboration. The nomination and approval of the Ombudspersons is specified in the DESI Collaboration By-laws.

The DESI Collaboration has chosen to adopt the role and function of the Ombudsperson as expressed in the section below adapted from the International Ombudsman Association description at <https://www.ombudsassociation.org/Resources/Frequently-Asked-Questions/>.

### **The Organizational Ombudsperson—Role and Function**

The primary duties of the DESI Ombudspersons are (1) to work with individuals and groups to explore and assist them in determining options to help resolve conflicts, problematic issues or concerns; and (2) to bring systemic concerns to the attention of the organization for resolution.

The Ombudsperson allows discretion for those seeking services to the extent possible, maintains a neutral/impartial position with respect to the concerns raised, and works at an informal level within DESI. Successfully fulfilling that primary function in a manner consistent with the International Ombudsman Association Standards of Practice requires a number of activities on the part of the Ombudsperson while precluding others.

Activities and functions most frequently undertaken by an Ombudsperson include, but are not limited to:

- Listens and understands issues while remaining neutral with respect to the facts. The Ombudsperson does not listen to judge or to decide who is right or wrong. Instead, the Ombudsperson listens to understand the issue from the perspective of the individual. This is a critical step in developing options for resolution.
- Assists in reframing issues and developing and helping individuals evaluate options. This helps individuals identify the interests of various parties to the issues and helps focus efforts on potential options to meet those interests.

- Guides or coaches individuals to deal directly with other parties, including the use of formal resolution resources. An Ombudsperson often seeks to help individuals improve their skill and their confidence in giving voice to their concerns directly.
- Refers individuals to appropriate resolution resources. An Ombudsperson may refer individuals to one or more formal resources that can potentially resolve the issue.
- Assists in guiding issues to formal resolution channels. When an individual is unable or unwilling to surface a concern directly, the Ombudsperson can assist by helping give voice to the concern and/or creating an awareness of the issue among appropriate decision-makers.
- Facilitates informal resolution processes. An Ombudsperson may help to resolve issues between parties through various types of informal mediation.
- Identifies new issues and opportunities for systemic change within DESI. The Ombudsperson serves to provide unfiltered information that can produce insight to issues and resolutions. The Ombudsperson is a source of detection and early warning of new issues and a source of suggestions of systemic change to improve existing processes.

Because of the informal, nonjudgmental, impartial, and independent positioning of an Ombudsperson in an organization, they typically do not undertake the following roles or activities:

- Participate in formal investigations or play any role in a formal issue resolution process
- Serve in any other organizational role that would compromise the neutrality of the Ombudsperson role. DESI enlists two Ombudspersons to offer collaboration members an alternative in case that one Ombudsperson is conflicted.
- Receive notice for DESI
- Make binding decisions or mandate policies
- Create or maintain records or reports for DESI
- Provide representation or legal advice