# FEDERAL BUREAU OF INVESTIGATION
# POLICY DIRECTIVE

## Office of the Ombudsman Statement of Authorities and Responsibilities Policy Directive 1086D

## General Information

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| **Proponent** | Office of the Ombudsman |
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## 1. Authorities

- Title 5 United States Code (U.S.C.) Section (§) 301
- Title 28 Code of Federal Regulations (CFR) § 0.138

## 2. Purpose

This policy establishes the authorities, functions, and responsibilities of the Federal Bureau of Investigation's (FBI) Office of the Ombudsman.

## 3. Scope

This policy directive (PD) applies to all FBI personnel.

## 4. Exemptions

Contract employees are not entitled to the services of the Office of the Ombudsman.

## 5. Policy Statement

The Office of the Ombudsman supports the mission of the FBI by offering a voluntary, informal resolution of work-related questions and concerns raised by all levels of management and staff. This is accomplished through confidential and impartial facilitation, exploration of options, and upward feedback to executive management.

The Office of the Ombudsman has access to all information and all individuals in the organization, to the extent permitted by law, and will review all information regarding an individual's concerns. It will fairly, neutrally, and without the influence of others exercise

sole discretion over whether and how to act regarding individual matters or systemic concerns.

## 6. Roles and Responsibilities

6.1. The Ombudsman, or individuals designated by the Ombudsman, is responsible for:

6.1.1. Providing informal dispute resolution services to all levels of FBI personnel with regard to policy concerns, interpersonal problems, leadership, career development, human resource matters, organizational change, efficiencies of operation, or any other area correlated to the mission of the relevant office or the FBI.

6.1.2. Receiving confidential complaints and consulting with employees regarding their concerns or questions about alleged acts; omissions; improprieties; or broader, systemic problems.

6.1.2.1. Communication to the Ombudsman does not constitute notice to the FBI. This includes allegations of sexual harassment and issues covered by the *FBI Whistleblower Policy Directive* (0971D). If a visitor discloses such allegations and expresses a desire to make a formal report, the Ombudsman must refer the visitor to the appropriate office for administrative or formal grievance processes.

6.1.3. Reviewing all received employee concerns and making informal inquiries into those concerns.

6.1.4. Offering a range of informal and formal resolution options, making referrals, and settling disputes.

6.1.5. Offering alternative, informal services to supplement the formal dispute processes available to FBI employees, such as filing complaints with the Office of Equal Employment Opportunity Affairs (OEEOA), Inspection Division reporting, or initiating other grievance processes or legal actions.

6.1.6. Maintaining the confidentiality of employees' communications with, or information disclosed to, the Office of the Ombudsman.

6.1.6.1. Confidential information may be disclosed with the express permission of the employee(s) or in the event that there is an imminent risk of physical harm or credible evidence of a violation of law.

6.1.7. Adhering to International Ombudsman Association (IOA) Standards of Practice and Code of Ethics by functioning independently, maintaining confidentiality and neutrality, and limiting the scope of services to informal means of dispute resolution.

6.1.7.1. The Ombudsman must remain neutral and not take sides in any conflict, dispute, or issue. The Ombudsman must not act as an advocate for any party. The Ombudsman must impartially consider the interests and concerns of all parties involved in a situation, with the objective of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the FBI. The Ombudsman does not have the authority to adjudicate, to impose remedies or sanctions, or to enforce or change FBI policies or rules.

6.1.7.2. The Ombudsman is a resource for informal dispute resolution only. The Ombudsman must not formally investigate, arbitrate, adjudicate, or in any other way participate in any internal or external formal process, action, or investigation. Use of the Ombudsman is voluntary and is not a required step in any grievance process or FBI policy.

6.1.8. Recusing the Office of the Ombudsman in matters in which there may be a conflict of interest that could place neutrality at risk, and withdrawing from, or declining to, pursue matters deemed inappropriate for Ombudsman involvement.

6.1.9. Ensuring that all FBI employees who consult with the Office of the Ombudsman do so without reprisal.

6.1.10. Providing feedback to the FBI Director and executive staff when trends or patterns in the type of submissions emerge or when policies or procedures of the FBI generate concerns or conflicts.

6.1.11. Maintaining records independently from the FBI's official recordkeeping systems and destroying all records upon the conclusion of a matter. The Ombudsman must not keep records for the FBI and must not create or maintain documents or records about individual matters.

## 7. References

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## 8. Definitions and Acronyms

8.1. Definitions

8.1.1. FBI employee: an employee within the meaning of 5 U.S.C. § 2105 who is permanently assigned to the FBI. Personal services contractors and independent contractors, even if working exclusively on FBI business, are excluded from this definition.

8.1.2. Ombudsman: an individual selected by an organization to serve as a designated neutral in assisting employees who raise workplace concerns.

8.1.3. Visitor: FBI personnel seeking guidance regarding disputes or concerns.

8.2. Acronyms

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| CFR | Code of Federal Regulations |
| DO | Director's Office |
| FBI | Federal Bureau of Investigation |
| IOA | International Ombudsman Association |
| OEEOA | Office of Equal Employment Opportunity |
| PD | policy directive |
| U.S.C. | United States Code |

| Approvals | |
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| **Sponsoring Executive Approval** | |
| **Name** | **Title** |
| Monique A. Bookstein | Ombudsman<br>Office of the Ombudsman |
| **Final Approval** | |
| **Name** | **Title** |
| David L. Bowdich | Deputy Director |