

NIH Policy Manual

2207 - Office of Equity Diversity and Inclusion (EDI) Affiliation with NIH Employee Resource Groups

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Approving Official(s): DDM

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Transmittal Notice

1. **Explanation of Material Transmitted:** This new policy will provide guidance concerning the establishment of, and criteria for recognition of Employee Resource Groups (ERGs), also known as Voluntary Employee Organizations (VEOs) within the National Institutes of Health (NIH) contributing to the NIH's Diversity and Inclusion efforts.

2. Filing Instructions:

Insert: Manual Issuance 2207, dated 06/17/2022

PLEASE NOTE: For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Manual System, contact the Division of Management Support, OMA on 301-496-4606, or enter this URL:
<http://oma.od.nih.gov/public/MS/manualchapters/Pages/default.aspx>.

A. Purpose

The purpose of this policy is to provide guidance concerning the establishment of, and criteria for the recognition of Employee Resource Groups (ERGs) contributing to the Diversity and Inclusion efforts and goals of the National Institutes of Health (NIH) organized by the Office of Equity Diversity and Inclusion (EDI), Office of the Director (OD), NIH.

B. Scope

This policy does not apply to official work groups, temporary or ad hoc employee organizations, credit unions, or informal groups (e.g., hospitality/condolence committees, sunshine funds, etc.), which may be subject to other requirements. Nor does this policy apply to unions, organizations of former NIH employees, any organization whose membership is primarily comprised of NIH supervisory or managerial personnel with whom the

establishment of a consultative relationship is required by 5 C.F.R. 251.201 (e.g., Professional Managers Association (PMA), Senior Executives Association (SEA), and the Federal Managers Association (FMA) or any organization with who NIH relationship is established or prescribed by statute, regulation, or other law. Non-FTE employees should consult with supervisors or program management to determine if participation in ERG activities is permissible.

C. Background

NIH defines ERGs as non-union voluntary employee organizations led and comprised of members of the organization, formed around common interests. Examples of these groups at the NIH, are professional networking groups, chapters of national affinity groups/professional organizations, and grassroots groups formed by employees across all demographics. ERGs traditionally chartered by employees provide many benefits to the NIH, such as helping create engagement and promoting an inclusive work environment. A collaborative working relationship between ERGs, the NIH Office of Equity Diversity and Inclusion (EDI) and the Scientific Workforce Diversity (SWD) office, Immediate Office of the Director (OD), NIH adds value to the mission of ERGs and the NIH. The support and collaboration described in this policy are within the scope of NIH policies and Federal guidelines.

D. Policy

EDI will support a collaborative relationship with ERGs on matters that are beneficial to the organization's diversity and inclusion goals. Through the list of parameters and expectations described in this policy. EDI affiliation with ERGs will be contingent to the following guidance, parameters, and expectations:

1. EDI

- 2.

1. will evaluate, register, and recognize new and existing ERGs who are interested in cultivating a culture of inclusion where diverse talent is leveraged to advance biomedical, clinical, behavioral, and social science research. **See Appendix 1.**

- 3.

2. Groups that meet the expectations of registered ERGs and choose to go through the process of formation and recognition will count on the benefits provided by EDI and collaborators. Participation in this effort is not mandatory. EDI will be available to provide consultant support to new and existing ERGs seeking recognition under this policy.

- 4.

3. The NIH may support the efforts of ERGs recognized under the requirements of this policy, to the extent that the support provided will contribute to the EDI mission of cultivating a culture of inclusion where diverse talent is leveraged to

advance biomedical, clinical, behavioral, and social science research.

5.

4. The mere provision of support to recognized ERGs may not be construed as NIH or federal sponsorship, sanction, or endorsement of the organization or its activities.

6.

5. ERGs use of agency resources, such as the limited use of equipment and meeting space, must comply with the guidelines set forth in the NIH Office of Research Services (ORS) Policy on the appropriate use of NIH government facilities.

7.

6. Use of the NIH's logo or the logo of any of its Institute, Center's, and Offices (ICOs) in the material publicizing existence of the ERG is strictly prohibited.

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7. The name of the ERG may not include the word "Association" or "Fund."

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8. NIH and EDI support to registered ERGs:

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a. Members of officially recognized ERGs may reasonably use Government telephone and Internet services in the same manner as is allowed for all employees pursuant to NIH policies. Use must not result in substantial cost to the Government.

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b. Employees may be granted a reasonable amount of official time in which to engage in ERG activities. "Reasonable" is defined as two (2) hours per work week. The actual number of hours extended to employees may vary, depending upon the nature and frequency of the activity but should be identified through mutual understanding and agreement between the employee and supervisor prior to the employee's use of such time.

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- c. Officially recognized ERGs may use NIH facilities for meetings in coordination with EDI, SWD, or through their IC coordinator. Normal procedures for reserving specific space must be followed.

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- d. Leaders of ERGs will have access to a dedicated LISTSERV and SharePoint site to share events, network, and collaborate with registered ERGs.

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- e. ERGs will receive special invitation to EDI activities, including individual and group corporate training on a space available basis.

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- f. ERGs may use limited interoffice mail to communicate with their membership when developing programs in collaboration with EDI. Approval by EDI shall be granted only when the mailing does not impede official business, such as, when the mailing's regularity and volume do not result in significant expense or diminish the efficiency of interoffice mail for official business.

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- g. ERGs may use official bulletin boards when developing programs in collaboration with EDI. Material posted by ERGs must be approved by EDI Director, or their designee. EDI will decline requests to post messages that may violate law, subject NIH to liability, improperly imply endorsement of the organization or its views, or that may otherwise undermine the effective or efficient operation of the NIH.

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- h. Activities of recognized ERGs and approved websites may be featured on the EDI website and ERG collaboration SharePoint site. EDI reserves the right to review and evaluate all communication material shared within the collaboration to ensure the activities are appropriate and accessible to all NIH members.

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- i. EDI will reserve the right to inserting a disclaimer stating: “The contents of ERG websites, or communications do not constitute or imply endorsement by the National Institutes of Health or the U.S. Department of Health and Human Services.”

19.

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- j. LISTSERV announcements from ERGs will always include contact information for a person identified to assist with reasonable accommodations and requests for sign language interpreters as applicable.

20.

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- k. Use of government equipment, such as computers, printers, copiers, and fax machines are permissible, but limited to the preparation of papers to be presented at meetings, or for presentation to NIH management, and preparation of financial accountability documents.
- l. NIH supervisors may at their discretion, permit members/officers of recognized ERGs to attend their ERG professional organization meetings and conferences at Government expense, only when the attendance is for the purpose of employee development, or directly concerned with agency functions or activities and NIH may derive benefits from employee attendance. Supervisors must obtain and review the agenda/syllabus for the requested meeting/conference to ensure that the employee’s development and the NIH’s operations will directly benefit from the meeting/conference as described by the agenda/syllabus.

Funds to attend meetings/conferences will come directly out of the operating budget of the affected office. Supervisors may approve funds for requests for payment to attend a professional organization meeting or conference only after a determination that:

1.
 1. NIH operations will benefit from the contents of the meetings or conference;
 2. Funds are available;
 3. The purpose of the meeting/conference is consistent with the developmental needs the employee and benefits the NIH and;
 4. The office and the employee's workload will not be impacted detrimentally by the employee's absence.

E. Responsibilities

1. EDI Director:

- a. Establish internal ERG procedures for affiliation with EDI that are within the parameters of 5 Code of Federal Regulations (C.F.R.) Parts 251.103 (Definitions) and Subpart B. 251.202 (Agency support to organizations representing Federal employees and other organizations), as well as, Federal, Department of Health and Human Services (HHS) and NIH policies, rules, and guidance concerning ethical conduct.
- b. Assign staff to implement the procedures for registering and recognizing new and existing ERGs who are interested in being affiliated with EDI.
- c. Evaluate and approve ERG affiliation requests within the parameters of this policy.
- d. Promote the benefits of ERG affiliation with NIH senior leaders.
- e. Review and evaluate ERG and EDI collaborative activities.

2. Chief Officer for Scientific Workforce Diversity (COSWD)

- a. Review recognition and affiliation requests from ERGs.
- b. Promote the benefits of ERG affiliation with NIH scientific leaders.
- c. Offer ERGs engagement opportunities within the scientific workforce.

3. ERG Leaders will:

- a. Inform internal members and employees the benefit of establishing an ERG affiliation with EDI.
- b. Accept with the parameters described in this policy for maintaining an active ERG affiliation relationship with EDI.
- c. Maintain a commitment to diversity, equity, inclusion, and accessibility as a basis for affiliation with EDI.
- d. Respond to EDI requests for updates in a timely manner.

4. NIH Managers and Supervisors:

- a. Grant, at their discretion, reasonable amount of official time to members of registered ERGs to participate in collaborative activities according to this policy (D.8.b.)
- b. Approve at their discretion and support requests from employees that are relevant to this policy (D.8.k-l).
- c. Support employee participation in EDI and ERG collaborative efforts with the understanding that performing the work of the NIH and its Institutes and Centers are primary responsibilities of employees and that performance of those duties takes priority over membership or participation in ERGs.

F. Disclaimer

The NIH is not responsible for the ERG's practices and reserves the right to deny the ERG all benefits of affiliation at any time, should it be determined that the ERG has breached this policy.

G. References

NIH Ethics –Link: [Principles of Ethical Conduct for Government Officers and Employees](#)

Title 18 United States Code (U.S.C.) 205 - Link: [Activities of Officers and Employees in Claims Against and Other Matters Affecting the Government](#)

Title 5 Code of Federal Regulations (C.F.R.) Parts 251 - Link: [Agency Relationships with Organizations Representing Federal Employees](#)

Title 5 Code of Federal Regulations (C.F.R.) Parts 2635 - Link: [Standards of Ethical Conduct for Executive Branch Employees](#)

Executive Order 12731 - Link: [Principles of Ethical Conduct](#)

OPM Guidance for Agencies - Link: [Specific Diversity and Inclusion Strategic Plans](#)

OPM Fact Sheet - Link: [Guidance on Scheduling Work and Granting Time Off to Permit Federal Employees to Participate in Volunteer Activities](#)

NIH Use of Facilities - Link: [NIH Policy Manual Chapter 1363- Events Management Policy, Section E, number 8, Definitions and Classification of User Groups –Conditions for Access to and Use of NIH Facilities](#)

Appendix 1: NIH EDI Operating Parameters

1. To be recognized and affiliated with NIH EDI as an Employee Resource Group (ERG), the ERG must certify that:

- a. Membership is open to any interested NIH member and that the organization does not discriminate in terms of membership or treatment because of race, color, national origin, religion, age, sex, sexual orientation, disability, parental status, or genetic information.
- b. The group is a lawful, non-profit, non-discriminatory, inclusive organization open to all NIH members regardless of race, color, national origin, religion, age, sex, sexual orientation, disability, parental status, or genetic information.
- c. The group may not assist or participate in a strike, work stoppage or slowdown against the Government of the United States or any agency thereof, or impose a duty or obligation to conduct, assist, or participate in such activities.
- d. The group may not advocate the overthrow of the constitutional form of the Government of the United States.

2. Recognition by EDI will consist of:

- a. A statement directed to the NIH EDI Director Attn: Diversity and Inclusion Division (DID), that includes the items listed in **Appendix 2**.
- b. An ERG commitment to providing a summary of yearly accomplishments and collaborative efforts associated with diversity, equity, inclusion, and accessibility at the NIH.

3. The determination as to whether official recognition will be extended will be made by the EDI Director after considering the following factors:

- a. Type of employee organization (whether statement of purpose is compatible with the mission of EDI, SWD and the NIH).
- b. Benefits to be gained by the NIH or its employees through recognition, support, or consultation.

4. ERGs that receive recognition with EDI are expected to:

- a. Establish an organizational structure with defined roles of leaders and members.
- b. Develop a charter with mission, goals, and objectives (**see Appendix 3**).
- c. Support NIH's diversity, equity, inclusion, and accessibility efforts.
- d. Maintain current registration information with NIH EDI (**see Appendix 4**).
- e. Attend EDI and SWD collaboration meetings.

5. Registered ERGs will be encouraged to participate in the following efforts:

6.

- a. Support NIH's outreach, recruitment, and retention goals.

7.

- b. Play a role in welcoming new members and supporting the career development of current employees or fellows.

8.
 - c. Promote leadership opportunities.
9.
 - d. Assist management in identifying and eliminating barriers that restrict equal opportunities for all members of NIH.

Appendix 2: Employee Resource Group Requirements to Request EDI Recognition

1. ERG requests for recognition must include the following information:
 - a. Name of the organization
 - b. Description of the ERG statement of purpose/mission
 - c. List of officers as of date of request for recognition which includes, name, Institute or Center, work location, work telephone number, email, office held and term of office (date on which tenure expires).
 - d. Provide total number of IC-wide membership; membership requirements; copy of roster and specify whether there is a membership fee.
 - e. Indicate affiliation w/national organization if applicable.
 - f. Provide a dated copy of a charter/by-laws as an attachment.
 - g. Provide website and domain name, if applicable.
 - h. List of other related ERG resources or web links.
 - i. Provide contact information listed in Appendix 4.
2. Submit EDI recognition requests to NIH OD EDI, Attn: DID via email: edi.people@nih.gov.

Appendix 3: ERG Suggested Charter Template

Employee Resource Groups interested in obtaining recognition from EDI will be required to develop a charter that includes the information in the template provided below:

Charter Template

Note: Clauses should be drafted by responding to the questions identified in the template but please note this listing is neither restrictive nor all-inclusive, Charter must be tailored to the specific ERG.

ERG PURPOSE/MISSION STATEMENT

What is the purpose/mission of the ERG?

What values motivate the ERG mission?

How does the ERG's mission serve NIH's mission?

ORGANIZATIONAL STRUCTURE

Which positions of leadership exist in the ERG?

What are leader's responsibilities?

What are the terms of office?

- Officers
- Standing Committees
- Ad Hoc Committees
- Voting Members
- Non-Voting Membership

MEETINGS & EVENTS

How often will the ERG hold meetings and what will be the purpose of the meetings?

What events will the ERG organize?

What activities will the ERG engage in?

MEMBERSHIP

Who is eligible to become a member?

What are the specific membership requirements?

What is the process for becoming a member?

VOTING

How does the ERG conduct elections to choose new leadership?

VACANCIES

How does the ERG handle transition between leadership?

What is the process for changing/updating the Charter?

ADOPTION

How and when do Charter provisions become effective?

MISCELLANEOUS

Note: Not everything an ERG does will fit neatly into the outlined categories. Other sections can be added and tailored to the specific ERG but will be subject to approval by EDI.

Appendix 4: ERG Contact Information

Note: Contact information must be submitted to the EDI as part of the initial request for recognition. ERGs are required to keep information up to date by submitting changes to EDI within 30 days after becoming effective.

Group Name:

Year ERG was created at the NIH (if available):

Primary contact person:

Primary contact email and email/phone number:

Alternate contact person:

Alternate contact email/phone number:

Website (if available):

LISTSERV address (if available):

Social media (if available):

Other forms of contact: