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# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY**

**NPR 2081.1**

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Request Notification of Change (NASA Only)

## **Subject: Nondiscrimination in Federally Assisted and Conducted Programs**

**Responsible Office: Office of Diversity & Equal Opportunity**

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## **CHAPTER 2. Definitions**

The following definitions apply to this manual:

### **2.1. Beneficiary**

- A person or group of persons who may receive or enjoy the benefits, services, resources, and information, or participate in the activities and programs assisted by NASA.

### **2.2. Complainant**

- Any person or group of persons who files with NASA a complaint that alleges discrimination in a program or activity assisted or conducted by NASA.

### **2.3. Complaint**

- A written allegation that discrimination is occurring or has occurred in a program or activity assisted or conducted by NASA. A complaint is a written statement to NASA (including an electronic message) alleging discrimination and requesting, directly or by implication, that NASA take action. The following are not complaints:

- a. Oral allegations.
- b. Anonymous correspondence.

c. Inquiries that seek advice or information but do not seek action or intervention from NASA.

## **2.4. Complaint Resolution Letter**

- A written notice to the complainant and respondent signed by the Assistant Administrator, Office of Equal Opportunity Programs (OEO), accompanying a Letter of Finding or voluntary agreement between the parties. This letter officially advises the complainant and the respondent of the findings regarding a complaint investigation or the resolution of a complaint through Alternative Dispute Resolution. Where appropriate, this letter identifies the actions the respondent must take to correct a violation.

## **2.5. "Complete" Complaint**

- A written statement that contains:

a. The name, address, and telephone number of the complainant. For complaints alleging a violation of Executive Order 13160, the complaint must identify whether the complainant is a Federal employee and whether the complainant's involvement in the relevant education program was related to his or her employment.

b. A description of the alleged discriminatory conduct in sufficient detail to inform the Agency as to the nature and approximate date of the alleged discrimination.<sup>[6]</sup>

c. The complainant's signature or the signature of someone authorized by the complainant to sign on the complainant's behalf.

## **2.6. Data Request Letter**

- A written request to the complainant and/or respondent for information relevant to the investigation.

## **2.7. Discrimination**

- Different treatment or denial of benefits, services, rights or privileges to a person or persons because of their race, color, national origin, sex, disability, religion, or age, and by, or in conjunction with any program or activity funded or conducted by NASA. Discrimination also includes different treatment or denial of benefits, services, rights or privileges to a person or persons because of sexual orientation, or status as a parent by NASA in conjunction with any NASA-conducted education or training program or activity.

## **2.8. Federally Conducted Education and Training Programs**

- Any program and activity conducted, operated, or undertaken by NASA including, but is not limited to the following education and training programs: <sup>[7]</sup>

a. Formal schools;

b. Extracurricular activities;

- c. Academic programs;
- d. Occupational training;
- e. Scholarships and fellowships;
- f. Student internships;
- g. Training for industry members;
- h. Summer enrichment camps; and
- i. Teacher training programs.

## **2.9. Federal Financial Assistance**

- Includes, but is not limited to, money paid; rental or use of Federal property at below-market value; gift of Federal property; asset, forfeiture funds; Federal training; loan of Federal personnel, subsidies and other arrangements with the intent of providing assistance. Federal financial assistance does not include contract, guarantee, or insurance, regulated programs, licenses, procurement contracts at market value, or programs that provide direct benefits.

## **2.10. Formal School**

- Formal academic institutions operated directly by the Federal government (e.g., Department of Defense Dependents Schools, Department of Defense Domestic Dependent Elementary and Secondary Schools, and elementary or secondary schools operated by the Department of the Interior, Bureau of Indian Affairs).

## **2.11. Investigative Interview**

- Any conversation with an investigator or investigative staff during the course of a complaint investigation or compliance review for the purpose of obtaining information relevant to the issues in the case.

## **2.12. Investigative Plan (IP)**

- Planning document prepared by investigative staff prior to conducting a complaint investigation. This document provides a detailed "blueprint" of the actions investigative staff will take in completing a complaint investigation. At a minimum, the IP will include the following information for each complaint investigation:

- a. Jurisdictional Determination;
- b. Identification of Bases and Issues;
- c. Identification of Applicable Legal Theories;
- d. Information Request/Data Collection; and
- e. Determination of Whether Onsite Investigation is Necessary.

## **2.13. Investigator/Investigative Staff**

- Individual or individuals conducting complaint investigations and compliance reviews.

## **2.14. Legal Sufficiency Review (LSR)**

- A review of the findings and recommendations pertaining to a complaint or compliance review investigation for the purpose of ensuring:

- a. The accuracy of the document's legal citations;
- b. The appropriate translation of allegations to issues;
- c. The delineation of jurisdiction and authority of NASA;
- d. That all issues are resolved based on a preponderance of the evidence;
- e. That the facts and evidence establishing issue resolution are material, relevant, and reliable;
- f. That the findings of fact and conclusions of law reflect, and are consistent with, the appropriate legal theories and standards; and
- g. That the recommended disposition resolves and disposes of all issues and matters.

## **2.15. Letter of Finding (LOF)**

- A written statement signed by the Assistant Administrator, OEOP, in which the issues and allegations, related facts and evidence, findings and legal conclusions identified by the OEOP in response to a complaint investigation of a respondent of NASA financial assistance are set forth in writing for the purpose of notifying the complainant and the respondent whether, and to what extent, a respondent or NASA has violated any civil rights requirements.

## **2.16. National Aeronautics and Space Administration (NASA)**

- Includes all NASA Headquarters operations, NASA Centers, and any other NASA Component Facilities to which the legal authority and responsibility have been delegated or assigned to manage, administer, or supervise any NASA program or activity, or any officer or employee of NASA to whom the Administrator has delegated the power and authority to carry out any of the functions or responsibilities under these procedures. NASA also may be referred to as "the Agency."

## **2.17. Recipient**

- Any state, political subdivision of any state, or instrumentality of any state or political subdivision (to include the District of Columbia and any U.S. territories and possessions), any public or private agency, institution, organization or any of their instrumentalities, or any individual (provided the individual is not the ultimate beneficiary) in any state, to whom a Federal department or agency extends financial assistance, directly or through another recipient, for any program or activity, including any successor, assignee, or transferee thereof. In the NASA context, this includes, but is

not limited to, institutions of higher education, corporations, or nonprofit associations, receiving Federal financial assistance, through grants, cooperative, or Space Act [8] agreements with NASA. Note that recipients of Federal financial assistance do not include parties to procurement contracts with NASA such as purchase orders or other forms of standard procurement.

## **2.18. Respondent**

- For purposes of this manual, the term "respondent" denotes the NASA recipient of financial assistance or the NASA Center against whom discrimination is being alleged in a complaint.

## **2.19. Status as a Parent**

- The status of an individual who, with respect to an individual who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is a person with one or more of the following statuses:

- a. a biological parent;
- b. an adoptive parent;
- c. a foster parent;
- d. a stepparent;
- e. a custodian of a legal ward;
- f. *in loco parentis* over such an individual; or
- g. actively seeking legal custody or adoption of such an individual.

## **2.20. Undue Burden**

- a "significant difficulty or expense." In determining what is a significant difficulty or expense, NASA will consider the resources available to the program or component for which the product is being developed, maintained, used, or procured. See Architectural and Transportation Compliance Board's Final Rule on Electronic and Information Technology Accessibility Standards, 65 Fed. Reg. 80500 (Dec. 21, 2000), codified at 36 CFR 1194.4.

## **2.21. Voluntary Resolution/Corrective Action Agreement**

- A document which resolves a complaint.

## **2.22. Witness**

- The subject of an interview conducted as part of a complaint investigation or compliance review.

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