NASA Procedural Requirements

NPR 2081.1A
Effective Date: May 11, 2010
Expiration Date: May 11, 2020

COMPLIANCE IS MANDATORY

Printable Format (PDF)

Request Notification of Change (NASA Only)

Subject: Nondiscrimination in Federally Assisted and Conducted Programs (Revalidated on May 7, 2015)

Responsible Office: Office of Diversity and Equal Opportunity

Chapter 3. NASA Conducted Programs and Activities

3.1 Complaint Investigations Under Section 504 (Conducted Programs), Section 508 and Executive Order 13160

3.1.1 Generally. Complaints alleging violations under equal opportunity mandates pertaining to NASA conducted programs, which may be filed by members of the public or NASA employees, shall follow the procedures set forth for complaints processing and investigation in paragraph 2.1.

3.1.1.1 These mandates include: Section 504 (prohibiting discrimination on the basis of disability in federally assisted or conducted programs); Section 508 (requiring comparable access to electronic and information technology developed, procured, maintained, or used, for individuals with disabilities); and Executive Order 13160 (prohibiting discrimination based on race, color, national origin, gender, disability, age, religion, sexual orientation, or status as a parent in federally conducted education or training programs.

3.1.1.2 Note, however, that in complaints regarding NASA conducted programs filed pursuant to Section 504, Section 508, or Executive Order 13160 that the "respondent" is NASA.

3.1.2 Witness Interviews. During witness interviews, those present will include the ODEO investigator, the person being interviewed, any needed interpreters, a personally designated representative if requested, and any other representative to which the witness is entitled under Federal law.

3.1.3 Remedial and Corrective Action. Where NASA determines that remedial or corrective action is required upon a violation finding by the AA, ODEO:

3.1.3.1 The AA, ODEO, shall take all necessary steps to ensure that the corrective or remedial action ordered is implemented, in coordination with appropriate NASA officials, e.g., Office of the General Counsel officials.

a. If a determination is made that the complainant is entitled to any corrective or remedial action, the AA, ODEO, shall notify the complainant of this decision and the reasons for this determination.

b. If a determination is made that the complainant is not entitled to any corrective or remedial action, the AA, ODEO, shall so notify the complainant in writing and provide appeal rights consistent with 14 C.F.R. Sec. 1251.570. Appeal decisions rest within the Office of the Administrator.

3.1.3.2 Specific remedies under these authorities are likely to include placement in the next available education or training program of a comparable nature, the development of an individualized training opportunity, the cancellation of an unwarranted personnel action or the removal of adverse materials from agency records, the awarding of certificates, and the provision of specific reasonable accommodations.

3.1.3.3 In the LOF, ODEO shall make recommendations for any corrective and/or remedial action.

3.1.3.4 ODEO shall send a copy of the LOF to both the complainant and the respondent.

3.1.3.5 Under Executive Order 13160

a. Any LOF with a violation finding shall include language to ensure that complainants are aware that Section 8 of the Executive Order specifically provides that the order "is not intended, and shall not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees." Section 8 further provides, however, that the Executive Order is not intended "to preclude judicial review of final decisions in accordance with the Administrative Procedures Act, 5 U.S.C. 701, et seq."

b. If a determination is made that any NASA employee has not complied with the Executive Order or any of its implementing rules, regulations, policies, or guidance, Section 4-402 of the Executive Order requires any action taken to discipline an employee, including removal, shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act of 1978, Public Law No. 95-454, 92 Stat. 1111.

3.2 Functional Reviews Evaluating Sections 504/508, Executive Order 13160 and 13166 Compliance

3.2.1 Generally. Functional reviews of Center EO operations conducted by ODEO consistent with NPD 1210.2, NASA Surveys, Audits, and Review Policy, include assessments of Centers' compliance with and identification of promising practices for EO requirements pertaining to NASA conducted programs and activities. [12]

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[12] For example, efforts to ensure widespread dissemination of information, including dissemination of information in languages other than English, regarding EO requirements would be considered a promising practice regarding conducted programs.

3.2.2 Requirements to Be Assessed.

3.2.2.1 Implementation of Sections 504 and 508 of the Rehabilitation Act, including:

a. Accessibility of Visitor Centers and other NASA conducted programs (Section 504).

b. Information/technology accessibility for NASA employees with disabilities and members of the public with disabilities, e.g., website accessibility (Section 508) and Electronic and Information Technology Accessibility Standards, 36 C.F.R. Part 1194).

c. All programming broadcast on NASA TV, and NASA produced programs offered to other media outlets.

3.2.2.2 Implementation of nondiscrimination and equal opportunity requirements of Executive Order 13160 in NASA conducted education and training programs including:

a. Efforts to disseminate information pertaining to Executive Order 13160 (e.g., Web site, staff briefings).

b. Level of understanding and awareness among Center staff conducting onsite/offsite education and training events involving members of the public, e.g., recruitment activities, speaking engagements.

3.2.2.3 Implementation of requirements of Executive Order 13166 to provide access to NASA conducted programs to persons who are LEP, including effectiveness of the Center's Language Assistance Plan to continually improve access regarding LEP, especially regarding:

a. Effectiveness of the Center's utilization of the "Four Factor" Analysis identified in DOJ guidance under Executive Order 13166.

b. Effectiveness of efforts to provide oral and written language services.

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