



# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY**

**NPR 3713.3**

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2009

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Request Notification of Change (NASA Only)

## **Subject: Anti-Harassment Procedures (Revalidated on February 20, 2014 with Change 2)**

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

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## **Chapter 1. Roles and Responsibilities**

### **1.1 Employees**

1.1.1 It is the responsibility of all employees to refrain from engaging in harassing conduct.<sup>1</sup>

1.1.2 It is the responsibility of NASA employees who believe that they have been the victim of harassment by another civil service employee or contractor in violation of NASA policy to report the matter immediately to their supervisor, the Center Anti-Harassment Coordinator, or other official(s) as designated by the Center Director.

1.1.2.1 In the event that the person to whom the alleged harassment is reported fails to take prompt action, the employee shall immediately report the alleged harassment to the Center Anti-Harassment Coordinator.

1.1.2.2 In the event that the employee's first line supervisor is the alleged harasser, the employee shall contact the second line supervisor, the Center Anti-Harassment Coordinator, or other official(s) as designated.

1.1.3 Any employee who contacts the NASA Ombuds Office regarding an allegation of harassment does not put the Agency on notice that a harassment allegation has been made unless the alleged harassment is a crime, consistent with NPD 2025.1A, NASA Ombuds Program.<sup>2</sup>

1.1.4 All employees have a responsibility to cooperate in any fact-finding regarding an allegation of harassment.

### **1.2 Supervisors and Managers**

1.2.1 Supervisors and managers shall be responsible for maintaining a work environment free of harassment.

1.2.2 Supervisors or managers who observe or are made aware of allegations of harassing conduct as defined above shall act promptly, effectively, and in accordance with this NPR to determine the scope of the alleged harassing conduct and take corrective or disciplinary action as appropriate and necessary.

1.2.3 In responding to specific allegations of harassing conduct, supervisors and managers shall:

1.2.3.1 Consult with the Center Anti-Harassment Coordinator and other appropriate officials consistent with this NPR and Center policy and practice, e.g., Equal Employment Opportunity (EEO), Human Resources (HR), and the Office of the Chief Counsel (or the Office of the General Counsel in the case of Headquarters).

1.2.3.2 Conduct, after consultation with the Center Anti-Harassment Coordinator and other officials as appropriate, any fact-finding that may be necessary (see Sec. 1.4, below).

1.2.3.3 Provide appropriate interim relief, as necessary, during the fact-finding.

1.2.3.4 Act as or designate the Fact Finder to conduct fact-findings into allegations of harassment where fact-finding is necessary (see Sec. 1.10, below).

1.2.3.5 Take appropriate corrective action, including disciplinary action, as necessary after consultation and notification of appropriate officials.

1.2.3.6 Notify the alleged harassee and alleged harasser of the completion and general outcome of the process, consistent with the Privacy Act.

1.2.4 In instances where the first-line supervisor is the alleged harasser, or if it is determined through the fact-finding process that the supervisor is involved in the allegation, another management official shall perform the responsibilities outlined above.

1.2.5 The management official shall normally be the next higher level supervisor or manager in the chain of command, who shall consult with the Center Anti-Harassment Coordinator, or other official(s) as designated, to address the matter.

### **1.3 Assistant Administrator for Diversity and Equal Opportunity**

1.3.1 It shall be the responsibility of the Assistant Administrator (AA), Office of Diversity and Equal Opportunity (ODEO), to ensure the effective functioning of anti-harassment policy and procedures, in consultation with the Office of Human Capital Management and the Office of the General Counsel.

1.3.2 The AA, ODEO, shall designate an individual to serve as the Agency Anti-Harassment Coordinator.

### **1.4 Agency Anti-Harassment Coordinator**

1.4.1 The Agency Anti-Harassment Coordinator shall have the following responsibilities for all anti-harassment matters as defined in this directive:

1.4.1.1 Interface regularly with Center Anti-Harassment Coordinators (see Sec. 1.6, below) regarding all matters pertaining to anti-harassment.

1.4.1.2 Monitor, in consultation with the Center Anti-Harassment Coordinators, the effectiveness of the Center anti-harassment efforts within the purview of this directive, including maintaining information on the number of allegations of harassment, the bases for the allegations, and the actions taken.

1.4.1.3 Develop training and technical assistance on the Agency Anti-Harassment policy and procedures, including, but not limited to, training for designated Center Anti-Harassment Coordinators and Fact Finders, training modules for all new managers and supervisors on Agency anti-harassment policy and procedures, periodic training for managers and supervisors, incorporation into employee orientation materials (e.g., handbooks, brochures), and consultation with Centers on their own education and awareness efforts regarding anti-harassment.

1.4.1.4 Develop Agency Anti-Harassment informational materials (e.g., fact sheets, brochures) for Agency-wide dissemination.

### **1.5 Center Director**

1.5.1 The Center Director shall appoint an individual to serve as the Center Anti-Harassment Coordinator and may formally appoint other officials to establish multiple points of contact for employees to raise allegations of harassing conduct.<sup>3</sup>

1.5.2 To ensure the independence of the anti-harassment process from the EEO complaints process and the integrity of the anti-harassment process, when selecting a Coordinator, the Center Director shall take into consideration the appearance of conflict of interest with the EEO complaint process and the potential chilling effect on the EEO process.<sup>4</sup> For example, if the Center Anti-Harassment Coordinator resides in the Center's EO Office, the head of the EO Office shall ensure that there is a "firewall" separating the EO Office's participation on anti-harassment matters from its role in the discrimination complaints process.

1.5.3 The Center Director shall ensure:

1.5.3.1 The effective functioning of the process, as identified in this directive, in consultation with the AA, ODEO.

1.5.3.2 The appropriate dissemination of information regarding this directive to all Center employees.

### **1.6 Center Anti-Harassment Coordinator**

1.6.1 The Center Anti-Harassment Coordinator is an official at each Center whose responsibility regarding anti-harassment matters as defined in this directive shall be to:

1.6.1.1 Assist managers and supervisors regarding allegations of harassment, e.g., fact-finding, as appropriate.

1.6.1.2 Assist managers and supervisors in ensuring prompt and appropriate corrective action is taken if the Agency determines that harassing conduct has occurred.

1.6.1.3 Ensure that the fact-finding is completed, in the event that the manager or supervisor has failed to take prompt action.

1.6.1.4 Provide consultation and verification to managers and supervisors with respect to the competency of the designated Fact Finder.

1.6.1.5 Ensure the Center maintains case files pertaining to this NPR, in accordance with the Privacy Act of 1974, NPR 1441.1, NASA Records Retention Schedules, and NPR 1382.1, NASA Privacy Procedural Requirements. (see Appendix D. Forms for NASA Forms applicable to this NPR).

1.6.2 The Center Anti-Harassment Coordinator also shall be responsible for:

1.6.2.1 Working in partnership with the Agency Anti-Harassment Coordinator to provide appropriate training on and evaluation of the anti-harassment procedures at the Center level.

1.6.2.2 Publicizing anti-harassment policy and procedures throughout the Center, to ensure that the names and locations of the Agency Anti-Harassment Coordinator and the Center Anti-Harassment Coordinators at each Center and at Headquarters are readily available, including appropriate dissemination of Agency anti-harassment policy, procedures, and informational materials Center-wide, including but not limited to, posting on Center web sites and in common areas around the Center.

## **1.7 Center Chief Counsel's Office**

1.7.1 The Center Chief Counsel or designee shall be consulted and shall provide legal advice, as needed.

1.7.2 At Headquarters, the General Counsel or designee shall provide legal advice, as needed.

## **1.8 Equal Employment Opportunity Office**

1.8.1 The head of the EO Office or designee shall provide advice on EO matters.

1.8.2 As stated in Section 1.5.1, if the Center Anti-Harassment Coordinator resides in the Center's EO office, the head of the EO Office shall ensure that there is a "firewall" separating the EO Office's participation on anti-harassment matters from its role in the discrimination complaints process.

## **1.9 Center Human Resources Office**

1.9.1 The head of the Human Resources (HR) Office, or designee, shall provide advice on HR matters.

## **1.10 Fact Finder**

1.10.1 The Fact Finder shall be appointed by the manager or supervisor, in consultation with the Center Coordinator, to conduct a thorough inquiry/investigation into the allegation(s) of harassment, to the extent that the manager or supervisor does not personally act as the Fact Finder, consistent with Sec. 1.2.3.4.

1.10.2 The Fact Finder shall not be subordinate to any official involved in the matter being investigated.

1.10.3 The Fact Finder shall be impartial and competent to perform the fact-finding, as verified by the Center Anti-Harassment Coordinator.

1.10.4 Upon the completion of the fact-finding, the Fact Finder shall prepare a Fact-Finding Report to be given to the manager or supervisor and the Center Anti-Harassment Coordinator.

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<sup>1</sup> While NASA does not have the authority to address contractor-on-contractor issues pertaining to harassment, it is expected that all contractors on NASA premises will refrain from engaging in harassing conduct. For antiharassment allegations involving a contract employee, NASA supervisors should immediately contact the appropriate Contracting Officer. See Sec. 2.1.6, below.

<sup>2</sup> See NPD 2025.1A, NASA Ombuds Program, at Sec.5( c)(3), stating: "[R]eporting information to an Ombuds does not constitute official notice to the Agency, nor does it relieve an employee of any other independent duty to report (e.g., duty to report crime to the IG)."

<sup>3</sup> The Center Anti-Harassment Coordinator for Headquarters shall be appointed by the Executive Director, Headquarters Operations and each Center Coordinator shall be appointed by the Center Director.

4 See EEOC, Model EEO Programs Must Have An Effective Anti-Harassment Program (September 2005), pp. 8-9, regarding the need to maintain separate EEO complaints and anti-harassment processes.

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