

| [NODIS Library](#) | [Human Resources and Personnel\(3000s\)](#) | [Search](#) |



NASA Procedural Requirements

NPR 3713.4
Effective Date: June 01, 2012
Expiration Date: June 01, 2017

COMPLIANCE IS MANDATORY

[Printable Format \(PDF\)](#)

(NASA Only)

Subject: Procedures for Discrimination Complaints Based on Sexual Orientation

Responsible Office: Office of Diversity and Equal Opportunity

| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [AppendixA](#) | [AppendixB](#) | [AppendixC](#) | [AppendixD](#) | [AppendixE](#) |
[ALL](#) |

Appendix E. Complaint of Discrimination Form

 National Aeronautics and Space Administration		<h2 style="margin: 0;">Complaint of Discrimination</h2> <p style="font-size: small; margin: 0;">(Based on age, color, gender identity, genetic information, national origin, physical or mental disability, race, religion, retaliation, sex, sexual orientation.)</p>	
NPR 3713.X, Procedures for Discrimination Complaints Based on Sexual Orientation or Gender Identity and NPD 3713.6P, Delegation of Authority to Act in Matters Pertaining to Discrimination Complaints Under 29 C.F.R. Part 1614			
1. COMPLAINANT'S FULL NAME		2a. HOME PHONE NO. (include area code)	2b. WORK PHONE NO. (include area code)
3. HOME STREET ADDRESS (P.O. Box or RD number)		4. CITY AND STATE (include ZIP code)	
5. NAME OF REPRESENTATIVE		6. ADDRESS OF REPRESENTATIVE	
7. NASA OFFICE YOU BELIEVE DISCRIMINATED AGAINST YOU			
a. NAME OF OFFICE		b. ADDRESS (street name and number, city state, and ZIP code)	
8. EMPLOYMENT DATA			
a. NOW WORKING IN THE FEDERAL GOVERNMENT <input type="checkbox"/> (1) YES (if checked, complete items 8b through 8d) <input type="checkbox"/> (2) NO (if checked, continue in item 9)		b. EMPLOYER (include your organizational designation, job title and grade)	
c. STREET ADDRESS		4. CITY AND STATE (include ZIP code)	
9. DATE MOST RECENT ALLEGED DISCRIMINATION TOOK PLACE	a. MONTH	b. DAY	c. YEAR
10. REASON WHY YOU BELIEVE YOU WERE DISCRIMINATED AGAINST			
a. BECAUSE OF AGE (specify)		g. BECAUSE OF PHYSICAL OR MENTAL DISABILITY (specify)	
b. BECAUSE OF RACE (specify)		h. BECAUSE OF RETALIATION (specify)	
c. BECAUSE OF COLOR (specify)		i. BECAUSE OF GENETIC INFORMATION (specify)	
d. BECAUSE OF RELIGION (specify)		j. BECAUSE OF NATIONAL ORIGIN (specify)	
e. BECAUSE OF SEX (specify)		k. BECAUSE OF GENDER IDENTITY (specify)	
f. BECAUSE OF SEXUAL ORIENTATION (specify)			
11. EXPLAIN HOW YOU BELIEVE YOU WERE DISCRIMINATED AGAINST (treated differently from other employees or applicants) BECAUSE OF AGE, RACE, COLOR, RELIGION, GENETIC INFORMATION, SEX, NATIONAL ORIGIN, PHYSICAL OR MENTAL DISABILITY OR RETALIATION (Continue on another sheet if more space is needed)			
12. HAVE YOU FILED A GRIEVANCE (negotiated or agency) OR APPEALED TO MSPB ON THIS MATTER(S)? <input type="checkbox"/> (a) YES <input type="checkbox"/> (b) NO			
13. I HAVE DISCUSSED MY COMPLAINT WITH AN EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR (see instructions) <input type="checkbox"/> (a) YES <input type="checkbox"/> (b) NO NAME OF COUNSELOR (if item 13a is checked)			
14. CORRECTIVE ACTION YOU WANT TAKEN ON YOUR COMPLAINT			
15. SIGNATURE OF COMPLAINANT OR DESIGNATED REPRESENTATIVE			DATE OF COMPLAINT (month, day, year)

INSTRUCTIONS (READ CAREFULLY)

- This form should be used only if you, as the applicant for NASA employment or as a NASA employee, think you have been discriminated against because of age, race, color, religion, sex, national origin, physical or mental disability, sexual orientation, gender identity or retaliation by NASA and have presented the matter for informal resolution to an Equal Opportunity (EO) Counselor within 45 calendar days of the date the incident occurred or, if a personnel action, within 45 calendar days of its effective date.

NOTE: Claims of discrimination based on sexual orientation or gender identity will be processed in accordance with NPR 3713.X, Discrimination Complaints Based on Sexual Orientation or Gender Identity. Because there is no Federal statutory prohibition for discrimination on these bases and the U.S. Equal Employment Opportunity Commission (EEOC) does not enforce the protections that prohibit discrimination on these bases, you are not entitled to a hearing before EEOC for a complaint alleging discrimination on one or both of these bases. However, in accordance with NPR 3713.X, at the conclusion of the investigative stage, the Associate Administrator, Office of Diversity and Equal Opportunity (ODEO) will issue a decision on claims based on sexual orientation or gender identity, and, if warranted, recommend corrective actions and remedies. The decision will apply the merit principles utilized for Final Agency Decision (FADs) issued for complaints based on the EEOC protected categories covered by Title VII of the Civil Rights Act of 1964, as amended (Title VII). However, the decision will not include appeal rights to EEOC. A request for reconsideration from the AA, ODEO may be filed within 30 days of a decision (see NPR 3713.X, Section 2.2.5).

- Your complaint shall be filed within 15 calendar days of the date of receipt of the Final Interview and Notice of Right to File Complaint letter from the EO Counselor.
- These time limits may be extended if you show that you were not notified of the time limits and were not otherwise aware of them, or that you were prevented by circumstances beyond your control from submitting the matter within the time limits, or for other reasons considered sufficient by NASA.
- Your written complaint should be filed by you or your designated representative with the Director, Complaints Management Division, Office of Diversity and Equal Opportunity, NASA, Washington, DC 20548.
- You may have a representative of your own choosing at all stages of the processing of your complaint.
- If your complaint is accepted, you may have an opportunity to attempt settlement of your complaint through the Agency's Alternative Dispute Resolution (ADR) mediation program.
- If your complaint is accepted, you will also have an opportunity to talk with an investigator and give all the facts which you believe show discrimination.
- After the investigation of your complaint has been completed, you will be given a copy of the investigative report and notified of your right to request a hearing and final decision from an Equal Employment Opportunity Commission (EEOC) Administrative Judge (AJ) or a decision from the Associate Administrator for Equal Opportunity Programs without a hearing.
- If you request a hearing, you will have an opportunity to seek discovery. The discovery and the hearing will be administered by an EEOC AJ. The hearing will be held at a convenient time and place. At the hearing, you may present witnesses and any other evidence in your behalf.
- If a hearing is held, the final decision will be made by the AJ. You will be furnished with a copy of the transcript of the hearing, a copy of the findings, analysis and decision of the AJ.
- If you are not satisfied with final decision of the AJ or the AA for Equal Opportunity Programs (EOP), you will have the right to appeal that decision within 30 calendar days of its receipt. You shall file your appeal with EEOC's Office of Federal Operations, Post Office Box 19848, Washington, DC 20026, or you may file a civil action in a Federal District Court within 90 calendar days of receipt of the final decision. If you elect to file an appeal with the EEOC, you may still file a civil action in a federal court within 90 calendar days of the EEOC's decision if you are dissatisfied with the decision.
- You may also file a civil action in an appropriate Federal District Court if you have not received a final decision within 180 days of filing your complaint with NASA, or if you have not received a final decision from EEOC within 180 calendar days of filing your appeal.

PRIVACY ACT STATEMENT FOR COMPLAINT OF DISCRIMINATION

- The information to be provided on this form is authorized to be collected by the National Aeronautics and Space Administration by the Equal Employment Opportunity Act of 1972 (P.L. 92-281), the Age Discrimination in Employment Act of 1967, as amended (P. L. 93-259), and the EEOC rules and regulations; failure to furnish the information may result in your complaint being dismissed. The principal purpose for which the information is intended to be used is to secure the specific information essential for the acceptance and investigation of complaints of discrimination.
- This information will be incorporated in the NASA Equal Opportunity System of records. The routine uses of this system of records outside of NASA are: (a) to the EEOC to facilitate processing of discrimination complaints; (b) to the Congress, other Federal agencies, or organizations having legal and administrative responsibilities related to the EEO programs; (c) to law enforcement agencies or other agencies in connection with investigations; or (d) courts, administrative tribunals and the Department of Justice in connection with proceedings.

| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [AppendixA](#) | [AppendixB](#) | [AppendixC](#) | [AppendixD](#) |
[AppendixE](#) | [ALL](#) |

| [NODIS Library](#) | [Human Resources and Personnel\(3000s\)](#) | [Search](#) |

DISTRIBUTION:
NODIS

This Document Is Uncontrolled When Printed.
Check the NASA Online Directives Information System (NODIS) Library
to Verify that this is the correct version before use: <http://nodis3.gsfc.nasa.gov>
