



# NASA Procedural Requirements

**NPR 3713.4**Effective Date: June 01,  
2012Expiration Date: June 01,  
2017**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Request Notification of Change (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](#) |

## **Preface**

### **P.1 Purpose**

- a. Pursuant to Executive Order 13087 and NASA Policy Directive (NPD) 3713.2, Federal Equal Employment Opportunity (EEO) Programs of NASA, discrimination based on sexual orientation is prohibited in the NASA workplace and the Agency's employment practices, to the extent permitted by law.
- b. These procedures provide an internal Agency administrative process for the adjudication of complaints by NASA employees or applicants for employment who allege sexual orientation discrimination (see Appendix A for the definition of this term). This complaint process also provides an avenue of redress for claims of reprisal for participating in this process or opposing sexual orientation discrimination.
- c. These internal complaint procedures provide an alternative forum for redress in addition to the union grievance process and the NASA Administrative Grievance System, NASA Procedural Requirements (NPR) 3771.1, which as of the issuance of this NPR does not exclude grievances based on sexual orientation. When an employee is covered by a collective bargaining agreement that does not preclude claims of discrimination based on sexual orientation to be raised in the negotiated grievance procedure, an employee wishing to file a complaint shall raise the matter either under these procedures or the negotiated grievance procedure, but not both.
- d. These procedures also provide an alternative forum to filing a complaint of discrimination based on sexual orientation with the U.S. Office of Special Counsel (OSC) or to filing an appeal with the U.S. Merit Systems Protection Board (MSPB), if the action complained of is otherwise appealable to the MSPB. If, however, a complainant initially files with the OSC or MSPB, and the OSC or MSPB decides it does not have jurisdiction to investigate the complaint containing the claim of sexual orientation discrimination, the complainant shall be entitled to pursue the claim pursuant to these procedures if the complaint is filed within 15 days of receipt of notice that the OSC or MSPB will not address (see Section 2.5).
- e. These procedures do not affect a complainant's right to base his or her claim on an EEO-protected basis, that is, a basis protected under Federal antidiscrimination law, or to include an EEO-protected basis in his or her claim(s) in addition to the bases covered under these procedures. It is important to note that, while an individual may bring a discrimination complaint based on sexual orientation, that individual may also be alleging gender stereotyping or same sex harassment, both of which are covered as forms of gender discrimination under the EEO complaints process. (See also Appendix C. Implementation Guide.)
- f. If complainant reports harassment based on sexual orientation to a supervisor or other management official in his or her office or to the Center Anti-Harassment Coordinator, the harassment allegation shall be processed, as any reported harassment on any other basis, in accordance with NPR 3713.3, NASA Anti-Harassment Procedures.

### **P.2 Applicability**

- a. This directive is applicable to NASA Headquarters and NASA Centers, including Component Facilities and

Technical and Service Support Centers. This directive applies to the Jet Propulsion Laboratory (a Federally Funded Research and Development Center) and other contractors only to the extent specified or referenced in the appropriate contracts.

b. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term "shall." The terms: "may" or "can" denote discretionary privilege or permission, "should" denotes a good practice and is recommended, but not required, "will" denotes expected outcome, and "are/is" denotes descriptive material.

c. In this directive, all document citations are assumed to be the latest version unless otherwise noted.

### **P.3 Authority**

a. National Aeronautics and Space Act of 1958, as amended, 51 U.S.C. § 20101 et seq.

b. Civil Service Reform Act of 1978, as amended, 5 U.S.C. § 2302.

c. Exec. Order No. 11478, 3 C.F.R. 803 (1966-1970), as amended by Exec. Order No. 13087, 3 C.F.R. 191 (1998).

d. NASA Policy Directive (NPD) 3713.2, Federal Equal Employment Opportunity Programs of NASA.

### **P.4 Applicable Documents and Forms**

a. Back Pay Act of 1966, as amended, 5 U.S.C. § 5596.

b. U.S. Office of Personnel Management (OPM), Back Pay Act Regulations, 5 C.F.R. Part 550, subpart H.

c. U.S. Equal Employment Opportunity Commission (EEOC), Federal Sector EEO Regulations, 29 C.F.R. part 1614.

d. NPR 1441.1, NASA Records Retention Schedules.

e. NPR 3713.2, Alternative Dispute Resolution for Discrimination Complaints.

f. NPR 3713.3, Agency Anti-Harassment Procedures.

g. NPR 3771.1, NASA Grievance System.

h. EEOC Management Directive 110 (November 9, 1999).

i. OPM, Addressing Sexual Orientation Discrimination in Federal Civilian Employment: A Guide to Employees' Rights (June 1999).

j. Informal Complaints Counseling: Rights and Responsibilities: Sexual Orientation (SxO) Discrimination Complaints.

k. Complaint of Discrimination Form.

### **P.5 Measurement/Verification**

a. Centers, in cooperation with the Office of Diversity and Equal Opportunity (ODEO), shall annually evaluate the effectiveness of their discrimination complaints processing under this NPR, including data gathering and other evaluation activities as determined by ODEO.

b. ODEO shall use this data to monitor trends and inform the development of Agency policy regarding nondiscrimination efforts regarding sexual orientation.

c. ODEO shall keep the Agency Diversity and Inclusion Strategic Partnership apprised of its actions and plans in this area.

### **P.6 Cancellation**

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Brenda R. Manuel  
Associate Administrator for  
Diversity and Equal Opportunity

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