



# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY FOR NASA EMPLOYEES**

**NPR 3713.3A**

Effective Date: January 12,  
2021

Expiration Date: January 12,  
2026

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

---

## Subject: Anti-Harassment Procedures

Responsible Office: Office of Diversity and Equal Opportunity

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

## 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.

1.1.2 It is the responsibility of NASA employees, contract employees, or interns who believe that they have been the victim of harassment in violation of NASA policy by another civil service employee, contractor, or anyone at a NASA facility as defined in P.2, to report the matter immediately to their supervisor, the Center Anti-Harassment Coordinator (CAHC), or other official(s) as designated by the Center Director, in accordance with U.S. Equal Employment Opportunity Commission (EEOC), Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors.

1.1.2.1 In the event the person to whom the alleged harassment is reported fails to respond promptly (e.g., acknowledge receipt of complaint within three (3) days), the employee should immediately report the alleged harassment to the CAHC, who shall then begin the prompt processing of the allegation.<sup>4</sup>

1.1.2.2 In the event that the employee's first-line supervisor is the alleged harasser, the employee should contact the second line supervisor, the CAHC, or other official(s) as designated.

1.1.2.3 An employee who wishes to file an EEO complaint shall contact his/her Center Office of Diversity and Equal Opportunity (ODEO) within 45 days of the alleged harassment pursuant 29 CFR pt. 1614.

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 2025.1, NASA Ombuds Program.

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

---

<sup>4</sup> All references are to calendar days.

---

### 1.2 Supervisors and Managers

1.2.1 Supervisors and managers are 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 below shall:

a. Act promptly and effectively to conduct fact finding into the alleged harassing conduct through this directive or via another internal administrative process.

b. Implement corrective or disciplinary action as appropriate and necessary.

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

a. Upon receipt of the allegation, consult immediately with the CAHC, who, in turn, will consult with other members of the CAHT (see Sec. 1.8) to determine whether the allegations will be most effectively resolved through this NPR or via another appropriate course of action. The CAHT is normally comprised of the CAHC and subject-matter experts from the Center Office of the Chief Human Capital Officer (OCHCO) and the Office of the General Counsel (OGC), the Office of Diversity and Equal Opportunity (ODEO) as needed, as well as other appropriate officials on an as-needed basis consistent with this NPR.

b. Acknowledge or coordinate with the CAHC to provide acknowledgement of receipt of the allegations in writing to the alleged harassee as soon as possible (ordinarily not later than three (3) days).

c. Provide appropriate interim relief, as necessary and if applicable, in consultation with the CAHT.

(1) Supervisors and managers shall apply interim relief so as not to unduly burden the alleged harassee and ordinarily will take no action based on the alleged harassee's report of allegations (e.g., transfer to another office) without their consent absent legitimate business justification.

(2) Except in very limited circumstances, the alleged harasser, rather than the alleged harassee, shall be the person regarding whom action is taken.

d. Determine the scope of the fact finding, based on the alleged harassing conduct.

e. Act as or designate the Fact Finder to conduct fact findings into allegations of harassment where fact finding is necessary (see Sec. 1.12).

f. If acting as the Fact Finder, conduct, after consultation with the CAHT and other officials as appropriate, any fact finding that may be necessary.

g. Serve ordinarily as the decision maker in the case and take appropriate corrective action, including disciplinary action, as necessary after consultation with the CAHT, and follow applicable procedures for disciplinary action.

h. Notify the alleged harassee and alleged harasser of whether or not there was a finding of harassment, consistent with Privacy Act of 1974, 5 U.S.C. 552a as amended.

1.2.4 The decision maker will ordinarily be the first-line supervisor or the next higher-level manager or supervisor in the chain of command, absent circumstances as identified in Section 1.2.5.

1.2.5 If the CAHT recommends at any point in the process that potential conflict issues exist with keeping the decision-making process in the chain of command of the alleged harassee, the CAHT shall elevate the issue to the next highest-level official (without a conflict) to consider whether another manager or supervisor, in or out of the chain of command who has not been named or otherwise involved with the allegation, shall serve as the decision maker and perform the responsibilities outlined in this directive.

1.2.5.1 In making this determination, the conflict of interest official shall consider the following factors as advised by the CAHT (the more serious or complex, the more likely to be moved outside the chain of command or organizational structure):

a. Severity of the allegations.

b. Complexity of the allegations (e.g., more than one Center is involved).

c. Potential for, or appearance of, conflicts of interest to arise.

d. Any other reasonable basis.

1.2.5.2 In cases in which the decision maker is outside the chain of command or organizational structure of the alleged harasser and in which it is determined that disciplinary or other corrective action is required, the decision maker shall coordinate with the alleged harasser's supervisory chain to implement appropriate corrective action.

## 1.3 Associate Administrator, Office of Diversity and Equal Opportunity (ODEO)

1.3.1 The Associate Administrator (AA), ODEO is responsible for:

a. Establishing and maintaining the Anti-Harassment Program (AHP), in consultation with the Office of the Chief Human Capital Officer and the Office of the General Counsel.

b. Informing the AA on progress, problems, or deficiencies relating to the program.

## 1.4 Director, Equal Opportunity Programs Division (EOPD)

1.4.1 The ODEO Director, EOPD shall:

- a. Direct the Agency AHP, including developing and overseeing the effective implementation of the procedures that guide the program.
- b. Designate an individual to serve as the Agency Anti-Harassment Coordinator to serve as the day-to-day program manager.
- c. Develop an annual report on the state of the program.
- d. Provide feedback for CAHC performance appraisals.

## 1.5 Agency Anti-Harassment Coordinator

1.5.1 The Agency Anti-Harassment Coordinator shall:

- a. Provide advice and guidance on appropriate and effective execution of the AHP requirements Agency wide.
- b. Interface quarterly with the CAHCs (see Sec. 1.7) regarding all matters pertaining to anti-harassment.
- c. Monitor and assess, in consultation with the CAHCs, 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, actions taken, challenges, promising practices, and barriers with the objective of improving program functioning.
- d. In coordination with the Office of the Chief Human Capital Officer and the Office of the General Counsel, develop training and technical assistance for the Agency Anti-Harassment policy and procedures, including, but not limited to:
  - (1) Training for designated CAHC and Fact Finders.
  - (2) Training (virtual and classroom) for all new managers and supervisors on Agency anti-harassment policy and procedures and periodic training for managers and supervisors.
  - (3) Incorporation of training modules into employee orientation materials (e.g., handbooks and brochures).
  - (4) Consultation with Centers on their own education and awareness efforts regarding anti-harassment.
- e. Development of AHP informational materials (e.g., fact sheets and brochures) for Agency-wide dissemination.

## 1.6 Center Director

1.6.1 The Center Director at each Center and the Associate Administrator for Mission Support at Headquarters shall appoint an individual to serve as the Center Anti-Harassment Coordinator and may formally appoint other officials such as alternate CAHCs to establish multiple points of contact for employees to raise allegations of harassing conduct.

1.6.2 In appointing a CAHC, Center Directors shall consider the following qualifications selecting individuals to serve as the CAHC:

- a. An appropriate level of authority within the organization (e.g., GS-14, 15, SES, or ST/SL) and access to Center senior leadership;
- b. Communication skills, including oral, written, and interpersonal, as demonstrated by professional work experience; and
- c. Experience in managing multiple priorities.

1.6.3 The CAHC will not be appointed from within the Center ODEO, to ensure the independence of the anti-harassment process from the EEO complaints process and the integrity of the anti-harassment process, thereby establishing and maintaining a "firewall" between the anti-harassment process and the EEO complaints process, as advised by EEOC, Model EEO Programs Must Have An Effective Anti-Harassment Program.

1.6.4 The Center Director should appoint at least one alternate CAHC to help ensure impartiality and timeliness in the process.

1.6.5 The Center Director shall incorporate the duties of the Coordinator into the incumbent's annual performance

plan.

1.6.6 The Center Director is responsible for ensuring:

- a. The effective functioning of the process at their Center, as identified in this directive.
- b. The appropriate dissemination of information regarding this directive and related Anti-Harassment Program policies, guidance, training, and technical assistance materials, to the Center workforce.

## 1.7 Center Anti-Harassment Coordinator (CAHC)

1.7.1 The CAHC shall:

- a. Provide alleged harassees with information on the Anti-Harassment process and other avenues of redress including the right to file an EEO complaint and the timeframe for filing an EEO complaint.
- b. Receive allegations of harassment and convene the CAHT promptly to determine whether the claim will be most effectively addressed by this process. The CAHT will then meet with the relevant decision official and make recommendations.
- c. Acknowledge receipt of the allegations in writing to the alleged harassee as soon as possible (ordinarily within three (3) days), and advise the alleged harassee whether the allegations will be addressed via this process, or an alternative one. <sup>5</sup>
- d. Assist managers and supervisors in addressing allegations of harassment timely, appropriately, and effectively (e.g., fact finding), as appropriate.
- e. Assist decision makers to take prompt, appropriate, and effective corrective action, if the Agency determines that harassing conduct has occurred.
- f. Serve as the designated chair of the CAHT (see Sec. 1.8).
- g. If the decision maker is not serving as the Fact Finder, consult with the decision maker and other members of the CAHT in designating a Fact Finder.
- h. Ensure that the anti-harassment fact finding is completed in a prompt manner in accordance with the requirements under Sec. 2.1.5 – 2.1.7.
- i. Ensure the Agency maintains case files pertaining to this NPR, in accordance with 5 U.S.C. 552a, NRRS 1441.1, and NPR 1382.1, NASA Privacy Procedural Requirements.
- j. Ensure that AHP case information is entered in the AHP tracking system, including the following (not all will be applicable to every case):
  - (1) Intake.
  - (2) Provision of interim relief.
  - (3) Assignment of the Fact Finder.
  - (4) Initiation of Fact Finding.
  - (4) Referral of additional allegations reported during the Fact Finding, outside of the allegation(s).
  - (5) Completion of Fact Finding.
  - (6) Completion of the Fact-Finding Report.
  - (7) Fact-Finding Report sent to the decision maker.
  - (8) Decision maker issues decision memoranda to both parties.
  - (9) Corrective action identified.
  - (10) Corrective action implemented.
  - (11) Harassment survey provided.

1.7.2 The Center Anti-Harassment Coordinator, working in coordination with the appropriate Center officials, also shall be responsible for:

- a. 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;
- b. Publicizing anti-harassment policy and procedures throughout the Center, to ensure that the names and locations of the Agency Anti-Harassment Coordinator and the CAHC at each Center and at Headquarters are readily available, including:
  - (1) Disseminating 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.
  - (2) Disseminating the name and contact information of the CAHC(s), including on the Center Web site home page and in each Center building in which employees work.

---

<sup>5</sup> The CAHC does not need to acknowledge receipt if the employee first reported to another official (e.g., the employee's supervisor).

---

## 1.8 Center Anti-Harassment Team (CAHT)

- 1.8.1 The CAHT convenes as a collaborative body and determines the most effective and efficient process to be used in addressing the matter(s) raised, whether through the Anti-Harassment Process, referral to OCHCO, or another appropriate organization.
- 1.8.2 The CAHT normally consists of the CAHC, the manager or supervisor serving as the decision maker and representatives from OGC, OCHCO, as well as subject-matter experts from other organizations on an as needed basis (e.g., ODEO).
- 1.8.2.1 The CAHC serves as the designated chair of the CAHT.
- 1.8.2.2 The CAHT's representative from OGC provides legal advice, as needed.
- 1.8.2.3 The CAHT's representative from OCHCO provides advice on human resources matters, as needed.
- 1.8.2.4 The CAHT's representative from ODEO can provide advice on EEO matters.
- 1.8.2.5 Representatives from other Center organizations may be consulted and provide expertise on an as-needed basis.
- 1.8.3 The CAHT shall meet on a regular basis to provide appropriate expertise and consultation in processing cases.
- 1.8.4 The CAHT advises the decision maker as to whether the AHP is the appropriate venue for case processing. Factors the decision maker, in consultation with the CAHT, should consider include, but are not limited to:
- a. Whether the allegations pertain to sexual assault or other bodily harm.
  - b. Whether another process exists specifically to address the allegation, e.g., the reconsideration process for performance ratings.
  - c. Whether the allegation relates to matters delegated under other authorities, for example, waste, fraud, and abuse, which would be referred to the Office of Inspector General; issues of security or clearance, which would be referred to the Office of Protective Services; or a discrete adverse action absent harassing conduct for which an existing administrative mechanism exists, such as a performance appraisal issue or a job classification, which would be referred to the Office of Human Capital Management.
- 1.8.5 Determine whether the decision maker in the case will be within or outside of the alleged harassee's chain of command.
- 1.8.6 If an allegation of harassment involves more than one Center, the CAHT for each Center shall work in coordination to identify an appropriate decision maker and Fact Finder.

## 1.9 Center Office of Diversity and Equal Opportunity

- 1.9.1 The head of the Center ODEO shall make the CAHC aware of all allegations of harassment raised with the ODEO Office to facilitate the process established in this NPR.
- 1.9.2 The CAHC will not reside in the Center's ODEO.
- 1.9.2.1 While Center ODEO staff may provide technical expertise to the CAHT or serve on the CAHT as a subject-matter expert on EEO matters and act as an initial point of contact for employees seeking to address issues

of harassment, a “firewall” exists between the anti-harassment process and the EEO complaints process (see also Sec. 1.6.3).

1.9.2.2 To maintain the “firewall,” the Center ODEO’s role shall be limited to programmatic-level consultation, advice, training, and technical assistance relative to anti-harassment.

1.9.2.3 The Center ODEO will not be involved in any decision as to whether corrective action is warranted.

## **1.10 Center Office of the Chief Human Capital Officer**

1.10.1 The head of the Center OCHCO, or designee:

- a. Provides advice on human resources matters, as needed.
- b. Serves as a member of the CAHT, providing human resources expertise.

## **1.11 Center Chief Counsel’s Office and Headquarters General Counsel**

1.11.1 The Center Chief Counsel or designee:

- a. Provides legal advice, as needed.
- b. Serves as a member of the CAHT, providing legal expertise.

1.11.2 At Headquarters, the General Counsel or designee:

- a. Provides legal advice, as needed.
- b. Serves as a member of the CAHT, providing legal expertise.

## **1.12 Fact Finder**

1.12.1 If the decision maker, in consultation with the CAHT, determines not to act as their own Fact Finder (see Sec. 1.2.3(e)), then the decision maker shall appoint a Fact Finder to conduct a thorough fact finding/inquiry into the allegation(s) of harassment.

1.12.1.1 The decision maker may act as his or her own Fact Finder (see Sec. 1.2.3(e)). The determination of whether the supervisor should serve as the Fact Finder is dependent on considerations such as the scope of the inquiry:

- a. The number of witnesses.
- b. Amount of potentially relevant evidence.
- c. The appearance or existence of a conflict of interest.

1.12.1.2 The Fact Finder shall conduct the fact finding, which ordinarily will include interviewing witnesses, preparing witness statements, or collecting documents.

1.12.1.3 Upon the completion of the fact finding, the Fact Finder shall prepare a Fact-Finding Report to be given to the manager or supervisor serving as the decision maker and the CAHT.

a. Except in cases where the Fact Finder is also the decision maker, the Fact-Finding Report shall not include conclusions or recommendations as to whether there has been a finding of a policy violation pursuant to this NPR.

1.12.2 In selecting individuals to serve as Fact Finders, the CAHT shall advise the decision maker to ensure that the Fact Finder is:

- a. Not subordinate to any official involved in the matter being investigated.
- b. Impartial, for example, has no conflict of interest and has no direct involvement in the case, as verified by the CAHT.
- c. Competent to perform the fact finding, as verified by the CAHT, and the Fact Finder.
- d. Possesses appropriate skills and abilities as demonstrated by prior work experience, to include, at a minimum:
  - (1) Demonstrated oral, written, and interpersonal communications skills.
  - (2) Demonstrated ability to work effectively in high-stress situations.

(3) Demonstrated ability to relate effectively to people from diverse backgrounds, perspectives, and life experiences.

e. Appropriately trained on conducting fact findings as evidenced by participation in:

(1) A briefing on relevant program materials (e.g., this NPR and the Anti-Harassment Program Implementation Guide).

(2) Investigative training (e.g., training in EEO investigations and employee relations training) that is focused on critical components of the fact-finding role, such as interviewing and interpersonal skills, developing witness statements, and report writing.

1.12.3 CAHTs should avail themselves of fact-finding expertise from other Centers on an as-needed basis.

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

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

**DISTRIBUTION:**  
**NODIS**

---

---

**This document does not bind the public, except as authorized by law or as incorporated into a contract. 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: <https://nodis3.gsfc.nasa.gov>.**

---

---