



NASA Procedural Requirements

COMPLIANCE IS MANDATORY FOR NASA EMPLOYEES

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Subject: Anti-Harassment Procedures

Responsible Office: Office of Diversity and Equal Opportunity

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Chapter 2. Anti-Harassment Procedures

2.1 Immediate Response

2.1.1 When NASA employees, contractors, student interns, or other onsite personnel believe that they have been the victim of harassment in violation of NASA policy or believe that they have witnessed harassment, shall report the matter immediately to their supervisor, the CAHC, or other official(s) as designated by the Center Director. (See Sec. 1.1.2.)

2.1.2 The supervisor, CAHC or any official to whom the allegation is reported, shall acknowledge receipt of the allegation to the alleged harassee in writing within three (3) days.

2.1.3 Upon receiving an allegation of harassment or witnessing harassing conduct, the supervisor serving as the decision maker shall immediately:

- a. Assess the situation to determine the severity of the alleged misconduct and whether any immediate corrective action is required.
- b. Consult immediately with the CAHC/CAHT, to determine whether a fact finding or other action is warranted.
- c. Where fact finding is warranted, immediately conduct and complete a fact finding with the support and assistance of the CAHT.

(1) The decision maker, in consultation with the CAHT, may instead choose to designate a Fact Finder, depending on the circumstances.

2.1.4 Once the CAHC or decision maker has been put on notice of the alleged harassment, the decision maker shall initiate fact finding within ten (10) days.

2.1.4.1 Initiation of fact finding means that the decision maker, in consultation with the CAHT, is acting as or has designated a Fact Finder and provided instruction to the Fact Finder on:

- a. The scope of the allegations to be investigated.
- b. The identity of parties and witnesses, if any.
- c. Projected timeframes for completing fact finding and providing the report.

2.1.5 The decision maker shall issue the decision no later than 60 days of the allegation being raised, absent extenuating circumstances as documented by the CAHC, for example, the unavailability of a party or key witness due to medical leave.

2.1.5.1 In cases raising multiple issues of harassment and involving numerous witnesses, decision makers should consider involving more than one Fact Finder.

2.1.6 The decision maker, in consultation with the CAHT, may utilize conflict resolution techniques, such as

mediation, to address the allegations (see NPR 3713.2B, Alternative Dispute Resolution, which identifies specific parameters on the use of ADR).

2.1.7 If the allegation involves a contract employee being harassed by another contract employee at a NASA facility, the supervisor or the CAHC shall immediately contact the Director of Procurement for referral to the appropriate contracting official.

2.1.7.1 The CAHC shall work with the Director of Procurement to remain apprised in contractor versus contractor cases until processing of the case is complete and closed.

2.2 Fact-Finding

2.2.1 Fact Finders shall:

a. Conduct, at a minimum, interviews with:

- (1) The alleged harassee(s).
- (2) The alleged harasser(s).
- (3) Witnesses who have relevant information regarding the alleged conduct.

b. Confine fact-finding solely to the allegations of harassment.

c. Refer other allegations brought to their attention during the course of the fact finding to the CAHC, so that the CAHT can advise on whether the issue should be included in the fact finding, or referred to another appropriate office (i.e., ODEO or OCHCO). For example, if a matter pertaining to EEO is raised, the individual raising the matter will be informed that they must contact the ODEO office within 45 calendar days of the alleged discriminatory act or action(s) to initiate the discrimination complaints process. (1) These allegations should be referred to the CAHT to advise the decision maker in making a determination as to how the allegations should be addressed.

d. Document any refusal to cooperate in the fact-finding process and consult with the CAHC regarding any such issues.

e. Complete the fact finding and a written report (Fact-Finding Report) to the decision maker which shall include, at a minimum, a summary of all fact-finding steps taken and evidence gathered, ordinarily within 40 days. In cases where the fact finding is done directly by the decision maker, a report may not be necessary.

2.3 Action to be Taken Upon Completion of the Fact-Finding

2.3.1 The CAHC shall provide a copy of the Fact-Finding Report to the manager or supervisor (where the manager or supervisor does not personally conduct the fact-finding) serving as the decision maker promptly after the fact-finding is completed.

2.3.2 Once the Fact-Finding Report is provided, the decision maker:

a. Immediately reviews the results of the fact finding and determines, in consultation with the CAHT and other officials, as needed, whether a violation of NASA Anti-Harassment policy has occurred and any action that is needed (see Sec. 2.1.6.).

b. Renders a decision ordinarily within ten (10) days of receiving the report, as long as the decision is made within 60 days of the allegation being raised (see 2.1.5).

(1) If making a finding of harassment, the decision maker, in consultation with the CAHT, shall take appropriate action in accordance with 5 CFR 752.

(2) In the absence of a finding of harassment, the decision maker should consider the need for actions to address the underlying concerns (e.g., additional training, verbal counseling, or the like).

(3) The decision maker shall ordinarily take no action based on the alleged harassee's report of allegations (e.g., transferring the alleged harassee to another office or requiring or withholding telework) without their consent.

2.3.3 The decision maker shall notify the alleged harassee and alleged harasser of the completion and general outcome of the process, consistent with 5 U.S.C. 552a.

2.3.4 All case information will remain confidential to the greatest extent possible, as permitted by law.

2.3.4.1 The CAHT shall take care to ensure the privacy of those involved and information pertaining to the matter will

be shared strictly on a “need-to-know” basis.

2.3.4.2 The maintenance of records and any disclosures of information from these records will be in compliance with 5 U.S.C. 552a, NPR 1441.1 and NPR 1382.1.

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