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NASA Policy Directive

COMPLIANCE IS MANDATORY

NPD 2081.1A

Effective Date: August 14,
2007

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2012

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Request Notification of Change

(NASA Only)

Subject: Nondiscrimination in Federally Assisted and Conducted Programs of NASA

Responsible Office: Office of Diversity and Equal Opportunity

[Title VI of the Civil Rights Act of 1964, as Amended: Policy Guidance on the Prohibition Against National Origin Discrimination as It Affects Persons With Limited English Proficiency, NM 2081-78](#)

1. POLICY

- a. This Directive sets forth NASA's policy and establishes responsibilities to ensure nondiscrimination in Federally assisted and conducted programs of NASA, nondiscrimination in Federally conducted education and training programs, and access for individuals with disabilities to Federal electronic and information technology.
- b. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of, or discriminated against in a program that receives Federal assistance from NASA.
- c. No person in the United States shall, on the ground of sex, be excluded from participation in, denied the benefits of, or discriminated against in an educational program that receives Federal assistance from NASA.
- d. No person in the United States shall, on the ground of age, be excluded from participation in, denied the benefits of, or discriminated against in a program that receives Federal assistance from NASA.
- e. No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from NASA or under any program or activity conducted by NASA.
- f. When developing, procuring, maintaining, or using electronic and information

technology, NASA shall ensure, unless an undue burden would result, that the electronic and information technology allows, regardless of the type of medium of the technology: (1) Federal employees with disabilities to have access to and use of information and data that is comparable to the access and use of information and data by Federal employees who do not have disabilities; (2) members of the public with disabilities who seek information or services from NASA to have access to and use of information and data that is comparable to the access to and use of information and data available to members of the public who do not have disabilities.

g. No individual, on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in an education or training program or activity conducted by NASA.

h. No grant or agreement with a nonprofit institution or organization (including training grants and facilities grants) shall be entered into until the institution or organization has agreed, in writing, to compliance with the applicable terms of this directive. The written agreement must be signed by the institution's or organization's president, chairperson of the board, or other official who is authorized to contractually bind the nonprofit institution or organization.

2. APPLICABILITY

This Directive is applicable to NASA Headquarters and NASA Centers, including Component Facilities.

3. AUTHORITY

- a. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d.
- b. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681, et seq.
- c. Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, et seq.
- d. Nondiscrimination Under Federal Grants and Programs, 29 U.S.C. 794.
- e. Electronic and Information Technology, 29 U.S.C. 794(d).
- f. Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101, et seq.
- g. Exec. Order No. 12,898, 3 C.F.R. 859 (1994).
- h. Exec. Order No. 13,160, 3 C.F.R. 279 (2000).
- i. Exec. Order No. 13,166, 3 C.F.R. 289 (2000).

4. APPLICABLE DOCUMENTS

- a. Nondiscrimination in Federally Assisted Programs of NASA, 14 C.F.R. Part 1250.
- b. Nondiscrimination on Basis of Handicap, 14 C.F.R. Part 1251.

- c. Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance, 14 C.F.R. Part 1252.
- d. Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 14 C.F.R. Part 1253.
- e. Grants and Cooperative Agreements, 14 C.F.R. Part 1260.
- f. Small Business Policy, 14 C.F.R. Part 1204, Subpart 4.
- g. Electronic and Information Technology Accessibility Standards, 11 C.F.R. Part 1194.
- h. Agreement Between National Aeronautics and Space Administration and Department of Education to Delegate Certain Civil Rights Compliance Responsibilities for Elementary and Secondary Schools and Institutions of Higher Education, 52 Fed. Reg. 43,385 (1987). Copies of this document can be obtained by contacting the Office of Diversity and Equal Opportunity at NASA Headquarters.
- i. NASA Form 1206, "Assurance of Compliance With the National Aeronautics and Space Administration Regulations Pursuant to Nondiscrimination in Federally Assisted Programs." Copies of this document can be obtained by contacting the Office of Diversity and Equal Opportunity at NASA Headquarters or can be electronically retrieved at https://extranet.hq.nasa.gov/nef/user/form_search.cfm.
- j. NASA Environmental Justice Strategy (March 1995). Copies of this document can be obtained by contacting the Office of Management Systems, Environmental Management Division at NASA Headquarters.

5. RESPONSIBILITY

- a. Officials-in-Charge of Headquarters Offices and Center Directors are responsible for cooperating with the NASA Principal Compliance Officer, the Assistant Administrator for Diversity and Equal Opportunity, in carrying out the provisions of the NASA Federally assisted/conducted regulations.
- b. The Assistant Administrator for Procurement is responsible for ensuring that NASA grants and contracts are awarded and administered within the framework of applicable civil rights statutes, regulations, and policies. The Assistant Administrator for Procurement is responsible for the issuance of guidance regarding procurement of electronic and information technology that complies with Section 508 of the Rehabilitation Act.
- c. The Assistant Administrator for Small Business Programs shall exercise responsibilities regarding small and disadvantaged businesses as described in 14 C.F.R. Part 1204, Subpart 4, "Small Business Policy," and applicable Federal statutes which encourage contracting with socially and economically disadvantaged businesses.
- d. The NASA Chief Information Officer shall be responsible for the issuance of policies and guidance governing the technical aspects of accessibility of Agency electronic and information technology consistent with Federal statutes and regulations, for ensuring Agency compliance with those policies, and for organizing and providing leadership to Agencywide teams promoting accessibility to NASA electronic and information technology.

e. The Department of Education has been delegated complaint investigation responsibilities at educational institutions as provided by the Agreement between NASA and the Department of Education. In the event that the Department of Education is unable to obtain voluntary compliance from recipients found in noncompliance, the matter will be referred to NASA for final compliance determination in accordance with the Agreement and NASA regulations.

6. DELEGATION OF AUTHORITY

a. The Assistant Administrator for Diversity and Equal Opportunity, as NASA's Principal Compliance Officer, is delegated authority to administer the Federally assisted/conducted program regulations (see para. 4(a)-(e)).

b. The Assistant Administrator for Diversity and Equal Opportunity, as NASA's Principal Compliance Officer, is delegated authority to administer Section 508(f) of the Rehabilitation Act of 1973, as amended, which allows any individual with a disability to file a complaint alleging that a Federal department or agency has failed to comply with the Act in providing electronic and information technology.

c. The Assistant Administrator for Diversity and Equal Opportunity is delegated authority to ensure compliance with Executive Order 13160, Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs.

7. MEASUREMENTS/VERIFICATION

a. Consistent with the Department of Justice reporting requirements, NASA will submit periodic reports on its compliance efforts pursuant to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973.

b. Consistent with the Department of Health and Human Services reporting requirements, NASA will submit annual reports on its compliance efforts pursuant to the Age Discrimination Act of 1975.

c. Consistent with Executive Order 13160 and the Executive Order 13160 Guidance Document: Ensuring Equal Opportunity in Federally Conducted Education and Training Programs, issued by the Attorney General, NASA will submit to the Attorney General a report that summarizes the number and nature of complaints filed pursuant to Executive Order 13160 and the disposition of such complaints. For the first three years after the date of the Executive Order, such reports will be submitted annually within 90 days of the end of the preceding year's activities. Subsequent reports will be submitted every three years and within 90 days of the end of each three-year period (see Section 6 of Executive Order 13160).

8. CANCELLATION

NPD 2081.1, dated February 17, 2004.

**/s/ Michael Griffin
Administrator**

ATTACHMENT A: (TEXT)

None.

(URL for Graphic)

None.

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