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# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY FOR NASA EMPLOYEES****NPR 2081.1B**Effective Date: June 23,  
2021Expiration Date: June 23,  
2026[Printable Format \(PDF\)](#)

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## Subject: Nondiscrimination in Federally Assisted and Conducted Programs

**Responsible Office: Office of Diversity and Equal Opportunity**[| TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [AppendixA](#) | [AppendixB](#) | [ALL](#) |

## Chapter 3. NASA Conducted Programs and Activities

### 3.1 Complaint Procedures

3.1.1 Generally. Complaints alleging violations under equal opportunity mandates pertaining to NASA conducted programs, which may be filed by members of the public or NASA employees, follow the procedures set forth for complaints processing and investigation in paragraph 2.1.

3.1.1.1 These mandates include: 29 U.S.C. § 701 et seq., 29 U.S.C. § 794d and E.O. 13160.

3.1.1.2 Note, however, that in complaints regarding NASA conducted programs filed pursuant to 29 U.S.C. § 701 et seq., 29 U.S.C. § 794d, or E.O. 13160 that the "respondent" is NASA.

3.1.2 Witness Interviews. During witness interviews, those present will include the ODEO investigator, the person being interviewed, any needed interpreters, a personally designated representative if requested, and any other representative to which the witness is entitled under Federal law.

3.1.3 Remedial and Corrective Action. Where NASA determines that remedial or corrective action is required and NASA may provide an appropriate remedy upon a violation finding by the AA, ODEO:

3.1.3.1 The AA, ODEO, shall take all necessary steps to ensure that the corrective or remedial action ordered is implemented, in coordination with appropriate NASA officials, e.g., OGC officials.

a. If a determination is made that the complainant is entitled to any corrective or remedial action, the AA, ODEO, notifies the complainant of this decision and the reasons for this determination.

b. If a determination is made that the complainant is not entitled to any corrective or remedial action, the AA, ODEO, notifies the complainant in writing and provide appeal rights consistent with Non-discrimination on the Basis of Disability, 14 CFR pt. 1251 subpt. 570. Appeal decisions rest within the Office of the Administrator.

3.1.3.2 Specific remedies under these authorities do not include monetary relief but may include but are not limited to the following: placement in the next available education or training program of a comparable nature, the development of an individualized training opportunity, the cancellation of an unwarranted personnel action or the removal of adverse materials from agency records, the awarding of certificates, and the provision of specific reasonable accommodations.

3.1.3.3 In the violation LOF, ODEO shall make recommendations for any corrective and/or remedial action and require that a specific remedy be implemented.

3.1.3.4 The AA, ODEO shall send a copy of the LOF to both the complainant and the respondent.

3.1.4 Under E.O. 13160:

a. Any violation LOF with a violation finding will include language to ensure that complainants are aware that sec. 8 of

E.O. 13160 specifically provides that the order "is not intended, and will not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees." Sec. 8 further provides, however, that E.O. 13160 is not intended to preclude judicial review of final decisions in accordance with The Administrative Procedure Act, 5 U.S.C. § 701, et seq.

## 3.2 Internal Compliance Reviews

3.2.1 Generally. ODEO conducts internal compliance reviews of Agency and Center EO operations consistent with NPD 1210.2, NASA Surveys, Audits, and Reviews Policy. These reviews include assessments of the Agency's compliance with EO requirements and identification of promising practices for EO requirements pertaining to NASA conducted programs and activities.

3.2.2 Requirements to be Assessed.

3.2.2.1 Implementation of 29 U.S.C. § 701 et seq. and 29 U.S.C. § 794d, including:

a. Accessibility of Visitor Centers and NASA facilities in the performance of other NASA conducted programs described in 29 U.S.C. § 701 et seq.

b. Information/technology accessibility for NASA employees with disabilities and members of the public with disabilities, e.g., website accessibility as described in 29 U.S.C. § 794d and per Information and Communication Technology Standards and Guidelines, 36 CFR pt. 1194.

c. All programming broadcast on NASA TV, and NASA produced programs offered to other media outlets.

3.2.2.2 Implementation of nondiscrimination and equal opportunity requirements of E.O. 13160 in NASA conducted education and training programs in accordance with DOJ, E.O. 13160 Guidance Document: Ensuring Equal Opportunity in Federally Conducted Education and Training Programs, 66 FR 5397 (January 18, 2001), including:

a. Efforts to disseminate information pertaining to E.O. 13160 (e.g., web site, staff briefings).

b. Level of understanding and awareness among ODEO staff conducting onsite and offsite education and training events involving members of the public, e.g., recruitment activities, speaking engagements.

3.2.2.3 Implementation of requirements of E.O. 13166 to provide access to NASA conducted programs to persons who are LEP, including effectiveness of ODEO's Language Assistance Plan to continually improve access regarding LEP, especially regarding:

a. Effectiveness of the ODEO's utilization of the "Four Factor" Analysis identified in NASA guidance under E.O. 13166.

b. Effectiveness of efforts to provide oral and written language services.

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