



Ames Policy Directive

APD 3713.2

Effective Date: March 25, 2019

Expiration Date: March 25, 2024

COMPLIANCE IS MANDATORY

Subject: Office of Diversity and Equal Opportunity

Responsible Office: DE/Office of Diversity and Equal Opportunity (ODEO), ext. 4-6507, Mail Stop 19-5

CHANGE LOG

Status [Baseline /Revision /Cancelled]	Document Revision	Date of Change	Description
Revision	2	3/10/2005	Revised to current Center policy
Revision	3	3/2/2007	Update to responsible office
Revision	4	9/10/2012	Document expired; reviewed and made clerical changes
Revision	5	3/25/2019	Update to expired directive with minor changes
Revision	6	5/5/2020	Change document number from APD 3713.1 to APD 3713.2 to align with Agency-level authority documents.

1. POLICY

- a. Ames fully supports and implements all NASA Agency-wide policy and procedural requirements on all matters pertaining to diversity and EO.
- b. Ames promotes a work environment free of discrimination, where the principles of diversity and equal opportunity, including fairness, equity, mutual respect, open and effective communication, and full inclusion, are practiced and advocated in all aspects of the Center's organization, facilities, and technical programs.
- c. Ames supports, collaborates and coordinates with the NASA Office of Diversity and Equal Opportunity on matters pertaining to diversity and EO, including but not limited to, diversity workforce planning and development, diversity advocacy, technical assistance and voluntary compliance, EO complaints resolution, Alternative Dispute Resolution (ADR), diversity and EO programs, and strategic planning.
- d. Ames reaffirms and continues its commitment to provide equal employment opportunity for all employees and applicants for employment, regardless of race, color, national origin, religion, sex, age, mental or physical disability, genetic information, gender identity, or reprisal for previous participation in protected activity under Title VII of the Civil Rights Act of 1964.
- e. Ames promotes the full realization of equal employment opportunity through the following:
 - (1) Ames manages, directs, and implements a continuing affirmative employment program. This policy applies to and is an integral part of every aspect of Human Resources policy and practice in the employment, development, advancement, and treatment of all Ames Federal civilian employees. This includes, but is not limited to, affirmative efforts in recruiting, hiring, promoting, and training of women, people of color, individuals with disabilities, and other minority special emphasis groups.
 - (2) Ames monitors its employment processes to gain and maintain a workforce that is diverse in culture, community, and gender, and that accommodates disabled veterans, and other individuals with disabilities. These employment processes include hiring, transfers, reassignments, promotions, awards, benefits, and separations.
 - (3) Ames supports all advisory groups to ensure adherence to Federal laws, regulations, guidelines, policies and principles.
 - (4) Ames ensures full compliance with all Federal laws, regulations, and guidelines related to the development of affirmative employment program plans and accomplishment reports. Assessments are used as a measurement tool for review and evaluation of program progress.
 - (5) A work environment that is free of discrimination is encouraged where equity and diversity are promoted throughout all Center Strategic Enterprises, programs, and missions.
 - (6) The Center participates in positive outreach activities and programs that foster community relations, and continues its efforts to increase the number of people of color, women, individuals with disabilities, and disabled veterans.

2. APPLICABILITY

- a. This Ames Policy Directive (APD) applies to all Federal employees, applicants for employment, and participants and beneficiaries of programs and activities at Ames Research Center (ARC).

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. This APD applies to ARC, contractors, grant recipients, and parties to agreements to the extent specified or referenced in the contracts, grants, or agreements.

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

3. AUTHORITY

a. Executive Order 13145, dated February 8, 2000

b. Executive Order 13152, dated May 2, 2000

c. Executive Order 13160, dated June 23, 2000

d. NPR 3713.2, Alternative Dispute Resolution in Discrimination Complaints

e. NPD 3713.2, Federal EEO Programs of NASA

f. NPD 3713.6, Delegation of Authority to Act in Matters Pertaining to Discrimination Complaints Under 29 CFR part 1614

g. EEOC MD -715 – Federal Agency Annual EEO Program Status Report

4. APPLICABLE DOCUMENTS AND FORMS

a. NPD 3713.21, Federal Equal Employment Opportunity Programs of NASA

b. Title VII of the Civil Rights Act OF 1964, as amended in 1972 AND 1991(42 U.S.C. 2000E-16); with guidance as codified in 29 CFR PARTS 1604, 1605, 1606, 1607, 1608, 1614, 1620, 1621, 1625, 1626, 1630, 1640

c. Executive Order 13256, dated February 12, 2002

d. Executive Order 13230, dated October 12, 2001

e. Age Discrimination in Employment Act of 1967, section 15 as amended (29 U.S.C. 633A)

f. Rehabilitation Act of 1973, Sections 501 AND 505 as amended (29 U.S.C. 7981 AND 794A)

g. Vietnam Era Veterans Readjustment Assistance act of 1974, section 403 (38 U.S.C. 4214)

h. Executive Order 11478, dated August 8, 1969 amended by EO 11590, APRIL 23, 1971; EO 12106, December 28, 1978; EO 13087, May 28, 1998; EO 13152, May 2, 2000

i. Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000D TO 2000D-4)

j. Title IX of the Education Amendments of 1972, as amended (20 U.S.C.1681 TO 1688)

k. Rehabilitation Act of 1973, SECTION 504 as amended (29 U.S.C.794)

l. The Age Discrimination Act of 1975 (42 U.S.C. 6101, ET SEQ.)

m. The Equal Pay Act of 1963, 29 U.S.C. 206(d)

5. RESPONSIBILITY

- a. The **Center Director** exercises personal leadership in establishing, maintaining, and implementing a continuing affirmative employment program to promote equal opportunity in every aspect of Ames Human Resources policies and procedures.
- b. The **Center Director** collaborates and coordinates with the Associate Administrator, Office of Diversity and Equal Opportunity, on all matters pertaining to diversity, EO executive leadership and advocacy, implementation oversight and management, and strategic integration with the Ames and Agency operations and mission.
- c. The **Director of the ODEO**, plans administers, and monitors the Ames ODEO programs and is responsible for all designated ODEO reports.
- d. The **Director of the ODEO** supports, advises, and coordinates with the Associate Administrator on diversity and EO matters, including but not limited to, diversity workforce planning and development, programs and strategic planning, EO complaints processing, resolution and ADR, and technical assistance and voluntary compliance on diversity and EO related matters, such as EO requirements for NASA assisted and conducted education and training programs and activities.
- e. **Managers and supervisors** proactively participate and provide full support to the Center Director and the Ames ODEO Director in implementing ODEO policies, programs, and procedural requirements, and in adhering to all NASA diversity and EO policy.
- f. **Every Ames employee** is responsible for fully supporting and adhering to this and all other Ames and NASA policies and procedural requirements pertaining to diversity and EO. Every Ames employee is responsible for compliance with NASA ethics policies and procedural requirements pertaining to diversity and equal opportunity.

6. DELEGATION OF AUTHORITY

- a. N/A

7. MEASUREMENT/VERIFICATION

- a. Verification of conformance to requirements in this directive are measured through Center and Responsible Organizational management reviews, self-assessments, and subsequent analysis and reports of conformance to requirements, as well as periodic internal audits.
- b. ODEO Staff shall maintain current EO Certification and Training to ensure compliance with this APD.

8. CANCELLATION

APD 3713.1, Office of Diversity and Equal Opportunity, dated 09/10/2012

Eugene Tu
Director

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ENCLOSURE

Office of Diversity and Equal Opportunity

The Director of the Office of Diversity and Equal Opportunity (ODEO) is responsible for overseeing the full implementation of the Ames Diversity and Equal Opportunity programs. Special Emphasis Programs Managers (SEPM), Advisory Groups or committees have been established at Ames Research Center (ARC) to address the specific needs and concerns of identified, underrepresented groups within the workforce. ODEO staff members may also serve in any of the positions described below:

A. Equal Employment Opportunity (EEO) Counselors

EEO counselors are responsible for advising employees and applicants on all Federal employment matters that might give rise to allegations of discrimination when employees or applicants have reason to believe that they have been discriminated against because of race, color, national origin, religion, sex (including sexual harassment), age, disabling condition (mental or physical), genetic information, sexual orientation, marital status, gender identity, parental status, or reprisal because of previous EEO participation.

Individuals who believe they have been discriminated against because of a basis covered under Title VII of the Civil Rights Act of 1964 must contact an EEO counselor within 45 days from the date of the alleged act. Aggrieved persons are entitled to have a representative at any stage of the complaint process.

Counselors attempt to resolve allegations of discrimination during the informal complaint process before a formal complaint of discrimination is filed. An EEO counselor must be contacted regarding alleged discrimination before a formal complaint can be filed.

EEO counseling is provided by EO Specialists and the Director of the ODEO. However, based on need, the Director of the ODEO may authorize the use of qualified counselors from sources outside the Ames ODEO.

The aggrieved party must contact the Ames ODEO to obtain the services of a counselor. Individuals need not disclose their identity to obtain this service. Telephone numbers and more detailed information on

procedures for filing complaints of discrimination are posted on the ODEO website and bulletin boards at various locations throughout the Center.

B. Special Emphasis Program Managers (SEPM)

Special Emphasis Program Managers assist the Center with ensuring a strategic approach to identifying and resolving barriers and deficiencies to diversity and inclusion and equal employment opportunity for women, veterans, individuals with disabilities and underrepresented groups at Ames. SEPMs actively collaborate with staff in OHCM, Education, Small Business, ODEO, Advisory groups and committees, Union, NASA ODEO, and other key stakeholders on Center. SEPMs positions may be filled in a collateral-duty capacity or with ODEO staff.

C. Alternative Dispute Resolution (ADR) Process

Mediation is the Alternative Dispute Resolution process that ARC utilizes to help resolve EEO complaint allegations of workplace discrimination. This process is designed to reduce the cost and delays in processing discrimination complaints.

Ames Research Center has established this program pursuant to the requirements of 29 Code of Federal Regulations (CFR) 1614. Ames has adopted the Mediation Conference method as the ADR technique for dispute resolution. Facilitated by a neutral Third Party, the Mediation Conference will provide an impartial and confidential forum for parties to discuss and resolve disputes. Aggrieved parties will be offered Mediation on a voluntary basis at both the informal and formal stages. Principal features of this process have been designed to ensure neutrality, confidentiality, fairness, flexibility, and enforceability.

If appropriate, aggrieved parties will be offered an opportunity for mediation upon first contact with the Ames EEO counselor. The Mediation conference will consist of the aggrieved party, a management official, the mediator, and the ODEO Director as an observer and technical advisor. The aggrieved party can be accompanied by his/her representative, if desired. A management representative, who has been granted authority to approve a settlement agreement, will be available for consultation during the mediation process.

Mediators will be furnished from several sources through the Ames ODEO, which include but are not limited to: Shared Neutrals Program, certified Ames employees, and contractor services.

Detailed information about mediation will be furnished by the EEO Counselor and staff members of the ODEO. Information will also be made available on the EEO posters.

If mediation is conducted at the informal stage, the informal process shall be for a period of not more than 90 days. If resolution fails, the aggrieved party will be referred back to the original EEO counselor and will be given further procedural and process instructions. The aggrieved may also terminate the mediation conference at any time and receive further instructions regarding the complaint process. There are instances in which mediation may not be appropriate. Such instances will include: Class action complaints, allegations of sexual harassment, and those situations in which violence is claimed. In addition, the ODEO Director reserves the right to deny mediation where inappropriate.

D. Contingent Worker's Complaint Process

Contingent workers, for this purpose, are those who are outside the Ames Research Center regular workforce, including but not limited to contractors, and may qualify as employees of the agency for the purpose of using agency procedures for filing discrimination complaints. Any such employee who believes he or she may qualify as a Contingent Worker and believes he or she has been discriminated against as described in paragraph (A) above must contact an EEO Counselor through the Ames ODEO within 45 days from the date of the alleged act.

The EEO Counselor will provide the aggrieved party with detailed information about the complaints procedure. An evaluation of the worker's eligibility will be made by the Ames ODEO Director, the Ames Chief Counsel, and Headquarters ODEO staff. If eligible, the aggrieved will have the right to process a claim of discrimination as described in paragraphs (A) and (B) above. Those who are found to be ineligible will be given information for further pursuit of their allegations.

E. Employee Advisory Groups

Members of each group annually elect a chairperson, who represents the advisory group on the Diversity and Equal Opportunity Board. Groups include:

- (1) African American Advisory Group (AAAG)
- (2) Asian-American Pacific Islander Advisory Group (AAPIAG)
- (3) Ames Disability Advocates (ADA)
- (4) Hispanic Advisory Committee for Employees (HACE)
- (5) Lesbian, Gay, Bi-Sexual, Transgender Advisory Group (LGBTAG)
- (6) Native American Advisory Committee (NAAC)
- (7) Women's Influence Network (WIN)
- (8) Ames Veterans Committee (AVC)

F. Federal Equal Opportunity Recruitment Program (FEORP)

Ames maintains and monitors a continuing program for the recruitment of people of color, women, individuals with disabilities, and disabled veterans. This program is designed to eliminate all barriers to equal employment opportunity, including eradicating underrepresentation of each group by expanding targeted affirmative recruitment to create upward mobility positions and developmental bridge assignments to fill higher grade-level vacancies, and to maintain contacts with professional organizations and national colleges and universities. The Human Resources Division administers the FEORP through coordination of special outreach recruitment efforts such as participating in University and college career fairs, other community career fairs, and advertising in professional publications. The Human Resources Division consults with Ames managers and supervisors to develop the annual FEORP Accomplishment Report and to implement the FEORP Fiscal Year Plan in compliance with 5 U.S.C. 7201.

G. All Employees

Center managers, supervisors, and all employees have a responsibility to promote a positive work environment, and cooperate with EEO counselors, investigators, or ODEO staff members when requested to provide pertinent information relative to the Title VII discrimination complaints process. Every Ames employee will support the overall objectives of the ODEO to ensure that everyone attains ultimate career potential.

H. Ames Diversity and Equal Opportunity Board

The Ames Diversity and Equal Opportunity Board (DEOB) have responsibilities, membership, and relationship with other Ames offices. The DEOB reflects NASA policy to utilize the leadership of senior managers to:

- (1) Promote and implement diversity, equal opportunity, and affirmative action.
- (2) Address issues and propose solutions.
- (3) Review and evaluate Ames DEOB progress.

The NASA Strategic Plan recognizes that NASA's greatest strength is its workforce. The Ames DEOB will strive to foster a culture that is built on trust, respect, teamwork, communication, empowerment, and commitment by ensuring an environment that is free from discrimination. This APD applies to all directorates and Federal civil service employees at Ames Research Center.

The Ames DEOB was established as a NASA Ames internal committee. The DEOB is not an advisory committee within the meaning of paragraph 4 of NPD 1150.11. The establishment and NPD 1150.11 continuation of the DEOB has been determined to be necessary and in the interest of the Ames workforce. The Ames Center Director serves as Chair of the DEOB. The Chair is supported by a Vice Chair, who is the Ames Diversity and Equal Opportunity Director.

Responsibilities of the Chair and Vice Chair include the following:

- (a). Ensure DEOB acts expeditiously on issues that affect NASA'S ODEO programs.
- (b). Ensure that written minutes are taken at each DEOB meeting, and that action is taken as required to carry out DEOB responsibilities, consistent with the provisions of this APD.
- (c). Schedule DEOB meetings to occur at least six times per year.

The responsibilities of the DEOB members include the following:

- (a). Maintain current knowledge and engage in continuous learning on diversity and EO issues and trends at the national level and at Ames.
- (b). Closely monitor the effects of such trends and issues at Ames.
- (c). Promote ODEO policy, and help to create and implement goals and objectives.
- (d). Help to demonstrate commitment to Ames ODEO efforts in all NASA programs, processes, and practices, at all levels throughout the Center.
- (e). Assist in the development and implementation of internal/external outreach programs to accomplish Ames Diversity objectives.

- (f). Address unique, Centerwide diversity and equal opportunity problems and challenges that require Center attention and make or implement recommendations for resolution.
- (g). Provide leadership to management and Center employees on MD 715 requirements.
- (h). Provide leadership to Center management when implementing plans for Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Tribal Colleges and Universities (TCUs), and other Minority Universities (OMUs).
- (i). Support efforts to ensure that minority and women-owned business enterprises have an opportunity to fully participate in the performance of NASA contracts.
- (j). Lead Ames' efforts to assist individuals with disabilities by addressing accessibility, architectural and communication barriers.
- (k). Encourage cooperation and provide leadership to Center management in resolving allegations of employment discrimination during the informal and formal stages of the complaints process by using a variety of alternative dispute resolution processes and problem-solving techniques.

Directors for the following codes are members of the DEOB and are responsible for the overall implementation and management of this policy:

- (1) Code A, Aeronautics Directorate
- (2) Code C, Office of the Chief Financial Officer
- (3) Code D, Office of the Center Director
- (4) Code H, Human Capital and Education Directorate
- (5) Code I, Information Technology Directorate
- (6) Code J, Center Operations
- (7) Code P, Program and Projects
- (8) Code Q, Safety and Mission Assurance
- (9) Code R, Engineering
- (10) Code S, Science
- (11) Code T, Exploration Technology

Additional Members Include:

- (a) Code DL, Chief Counsel
- (b) One representative from the Advisory Groups: AAAG, AAPIAG, ADA, HACE, AVC, LGBTAG, NAAC, and WIN.
- (c) Representative (or an alternate) of the Ames Federal Employees Union (AFEU)
- (d) Special Emphasis Program Managers

**Note: The Ames DEOB will meet quarterly at a time and place determined by the Vice Chair.*

I. EVALUATING SUPERVISORY PERFORMANCE IN EEO

Center managers and supervisors are held fully accountable for the promotion of and adherence to the principles and programs set forth in this instruction. Annual performance appraisals reflect managerial and supervisory personnel participation in EEO. The Director of the ODEO may provide input for the rating period.