

Nondiscrimination and Equal Opportunity and in NASA Conducted Education and Training Programs and Activities: Executive Order 13160

What is Executive Order 13160?

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," was issued on June 23, 2000.

The purpose of the Executive Order is to ensure equal opportunity in all Federally conducted education and training programs. It is premised upon the notion that the Federal government should hold itself to at least the same principles of nondiscrimination in educational opportunities as it applies to the educational programs and activities of recipients of Federal financial assistance, such as universities and colleges.

The mandate of Executive Order 13160 is clear: to ensure that all individuals, notwithstanding race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent, have an equal opportunity to participate in, enjoy the benefits of, and be free from discrimination in, Federally conducted education and training programs.

What are "Federally Conducted Education and Training Programs"?

Federally conducted education and training programs covered by Executive Order 13160 would include long-term, formal academic institutions sponsored by the government as well as short-term training programs. At NASA, examples of Federally conducted education and training programs and activities may include the NASA Administrator's Fellowship Program, and the NASA Headquarters summer internship program.

Examples of Prohibited Discrimination

Prohibited discrimination under Executive Order 13160 may take many different forms including, but not limited to, the following:

- Selecting or failing to select an individual to participate in a Federally conducted education or training program covered under the Executive Order because of his or her protected status (the term "protected status" refers generally to the nine protected characteristics which are the subject of the Executive Order: race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent).
- Denying an individual any aid, benefit, or service offered in connection with a Federally conducted education program because of his or her protected status.
- Assigning an individual to a particular education or training program or activity, or a particular project, because of his or her protected status.
- Sexual harassment (a form of discrimination on the basis of sex)
- Failure to take reasonable steps to ensure meaningful program participation for individuals who are limited English proficient (form of discrimination of national origin)
- Failure to provide reasonable accommodation for an individual's religious beliefs (a form of discrimination on the basis of religion)

Relationship with Legal Authorities Covering Federal Employment

Executive Order 13160 covers all individuals involved in Federally conducted education and training programs. Federal employees covered by the Executive Order by virtue of their employment-related participation in Federally conducted educational programs are already protected under a number of existing Equal Employment Opportunity (EEO) laws, regulations, and Executive Orders.

As a practical matter, the application of Executive Order 13160 to a Federal employee will depend on whether his or her participation in the education program at issue is employment-related or not. If participation is employment related, then the employee will be covered by existing law as well as the Executive Order. If the program is not employment-related, then the employee will be covered under the Executive Order but not existing laws.

For example, if an employee of NASA participates in a training program conducted by the Department of Justice (DOJ), the employee may choose to file an Executive Order 13160 claim directly against DOJ if he or she chooses not to, or is not able to, invoke existing EEO laws and regulations at NASA.

NASA's Office of Diversity and Equal Opportunity

Within NASA, the Office of Diversity and Equal Opportunity (ODEO) is charged with enforcing civil rights statutes, regulations, and Executive Orders to protect the rights of NASA employees and beneficiaries of programs or activities assisted or conducted by NASA. Under Executive Order 13160, ODEO's charge is to receive, investigate, and adjudicate complaints alleging discrimination in NASA-conducted education and training activities and to ensure that all individuals involved in Federally conducted education and training programs are aware of the antidiscrimination mandate of Executive Order 13160.

Filing a Complaint of Discrimination

Who May File A Complaint

Any person who believes himself or herself to be aggrieved by a violation of the Executive Order or its implementing rules may, personally or through a representative, file a written complaint with the agency that the person believes is in violation of the Executive Order or its implementing rules. A complaint must be filed within 180 days of the alleged discrimination. ODEO may extend this time limit for the following reasons:

- (a) If the complainant can demonstrate that he or she had no notice of the time limit and was not otherwise aware of it; or
- (b) If the complainant can demonstrate that he or she was prevented by circumstances beyond his or her control from submitting the complaint in a timely fashion; or
- (c) For other reasons, or under other circumstances, considered sufficient by ODEO.

It should be noted that NASA employees filing complaints of discrimination relating to NASA employment should follow filing requirements under the applicable statutory authority (i.e., Title VII, Section 501, the Age Discrimination in Employment Act).

What to Include in Your Complaint

Anyone wishing to file a formal complaint with ODEO should submit in writing the following information:

- Your name, address, and signature (a telephone number where you can be reached during business hours is helpful, but not required);
- Whether the alleged discriminatory act occurred in a Federally conducted education or training program and whether the alleged discriminatory act was related to Federal employment;
- The name and location of the NASA installation that committed the alleged discriminatory acts; and
- A description of the alleged discriminatory act(s) in sufficient detail to enable ODEO to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent).

Other Important Information on Complaint Filing

NASA may not retaliate against any person who has made a complaint, testified, assisted or participated in any manner in an investigation or proceeding under the Executive Order. Any individual filing a complaint under Executive Order 13160 or any of its implementing rules may be represented and assisted in all stages of these proceedings by an attorney or representative of his or her own choosing. An individual has a responsibility to promptly inform the agency if legal counsel is retained. In addition, an individual has an obligation to notify ODEO if he or she wishes to have any other representative included in these proceedings. It is the responsibility of the complainant to provide ODEO with the name, address, and phone number of any attorney or other representative. In addition, it is an on-going responsibility of the complainant to advise the ODEO as to any changes with respect to the status of his or her legal and/or non-legal representation in any proceeding under the Executive Order or any of its implementing rules.

Where to Send Your Complaint

You may send a discrimination complaint letter to any of the following NASA installations:

National Aeronautics and Space Administration
(NASA) Headquarters
Office of Diversity and Equal Opportunity
300 E St., S.W.
Suite 4W39
Washington, DC 20546

NASA
Ames Research Center
Office of Diversity and Equal Opportunity
Mail Code 19-5
Moffett Field, CA 94035-1000

NASA
Dryden Flight Research Center
Office of Equal Opportunity
Mail Code D-1023
P.O. Box 273
Edwards, CA 93523-0273

NASA
Goddard Space Flight Center
Office of Equal Opportunity
Mail Code 120
Greenbelt Rd.
Greenbelt, MD 20771-0001

NASA Headquarters
Office of Equal Opportunity and
Diversity Management
300 E St., SW
Suite 4W33
Washington, DC 20546-0001

NASA
Marshall Space Flight Center
Office of Equal Opportunity
Mail Code OS01
Marshall Space Flight Center, AL 35812

NASA
Johnson Space Center
Office of Equal Opportunity
Mail Code AJ
Houston, TX 77058-3696

NASA
Kennedy Space Center
Office of Diversity and Equal Opportunity
Mail Code EO
Kennedy Space Center, FL 32899-0001

NASA
Langley Research Center

Office of Equal Opportunity
Mail Code 478
Hampton, VA 23681-0001

NASA
Glenn Research Center
Office of Equal Opportunity
Mail Code 500-311
21000 Brookpark Rd.
Cleveland, OH 44135-3191

NASA
Stennis Space Center
Office of Equal Opportunity
Mail Code AA00
Stennis Space Center, MS 39529-6000

NASA Jet Propulsion Laboratory
Office of Equal Opportunity
Mail Code 180-200
4800 Oak Grove Drive
Pasadena, CA 91109-8099

NASA
Wallops Flight facility
Office of Equal Opportunity
Mail Stop 120W
Wallops Island, VA 23337-5099

Obtaining Further Information on Executive Order 13160

The U.S. Department of Justice has issued a policy guidance document on Executive Order 13160. Copies of this document may be obtained by contacting the Department's Coordination and Review Section at (202) 514-1000 or by accessing its website on the Internet at <http://www.usdoj.gov/crt/cor/13160.htm>