

**NPD 2081.1B**Effective Date: November 01, 2017  
Expiration Date: November 01, 2022**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

**Subject: Nondiscrimination in Federally Assisted and Conducted Programs of NASA****Responsible Office: Office of Diversity and Equal Opportunity****1. POLICY**

a. It is NASA's policy to ensure nondiscrimination in the Federally assisted and conducted programs of NASA.

*Note: the definition for "Federal Financial Assistance" may be found at 14 CFR 1250.102(d) and in NPR 2081, Appendix A.*

b. This directive establishes policy for ensuring that:

(1) No individual in the United States will, on the ground of race, color, religion, national origin, or age, be excluded from participation, denied the benefits of, or discriminated against in any program that receives Federal assistance from NASA.

(2) No individual in the United States will, on the ground of sex, be excluded from participation, denied the benefits of, or discriminated against in any educational program that receives Federal assistance from NASA.

(3) No otherwise qualified individual with a disability in the United States will, solely by reason of his or her disability, be excluded from the participation, 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.

(4) No individual, on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent, will be excluded from participation, be denied the benefits of, or be subjected to discrimination in Federally conducted education programs or activities conducted by NASA.

c. As a matter of policy, NASA recognizes and supports the benefits of having diverse and inclusive scientific, engineering, and technology communities and fully expects that such values will be reflected in the composition of all panels and teams, including peer review panels (science, engineering, and technology), proposal teams, science definition teams, and mission and instrument teams.

d. No grant or agreement with an institution or organization (including training grants and facilities grants) may be awarded until the institution or organization has provided an assurance pursuant to 14 CFR 1250.104.

**2. APPLICABILITY**

a. This NASA Policy Directive (NPD) is applicable to NASA Headquarters and NASA Centers, including Component Facilities and Technical and Service Support Centers.

b. This Directive applies to Jet Propulsion Laboratory (JPL), a Federally Funded Research and Development Center (FFRDC), other contractors, grant recipients, or parties to agreements to the extent specific or referenced in the appropriate contracts, grants, or agreements.

c. 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" or "is" denote descriptive material.

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

### 3. AUTHORITY

- a. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681, et seq.
- b. Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, et seq.
- c. Nondiscrimination Under Federal Grants and Programs, 29 U.S.C. § 794.
- d. Electronic and Information Technology, 29 U.S.C. § 794(d).
- e. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d.
- f. Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101, et seq.
- g. 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, Executive Order (EO) 13160, 3 CFR 279 (2000).
- h. Improving Access to Services for Persons with Limited English Proficiency, EO 13166, 3 CFR 289 (2000).
- i. Electronic and Information Technology Accessibility Standards, 11 CFR pt. 1194.
- j. Nondiscrimination in Federally Assisted Programs of NASA, 14 CFR pt. 1250.
- k. Nondiscrimination on Basis of Disability, 14 CFR pt. 1251.
- l. Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance, 14 CFR pt. 1252.
- m. Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 14 CFR pt. 1253.

### 4. APPLICABLE DOCUMENTS AND FORMS

- a. Equal Employment Opportunity, Part II - Nondiscrimination in Employment by Contractors or Subcontractors, EO 11246, 3 CFR 1978 Comp., p. 230.
- b. Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, EO 12898, 3 CFR 859 (1994).
- c. Guidance Document: Ensuring Equal Opportunity in Federally Conducted Education and Training Programs, EO 13160, 66 Fed. Reg. 5397-5410 (2001).
- d. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR pt. 200 as implemented in 2 CFR pt. 1800.
- e. Eligibility, Certification, and Protests Relating to Federal Small Disadvantaged Business Programs, 13 CFR pt. 124, subpt. B.
- f. Government Contracting Programs, 13 CFR pt. 125, subpt. A.
- g. Women-Owned Small Business Federal Contract Program, 13 CFR Part 127, subpt. A.
- h. Small Business Policy, 14 CFR pt. 1204, subpt. 4.
- i. Cooperative Agreements with Commercial Firms, 14 CFR pt. 1274.
- j. 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. 43385 (1987).
- k. NASA Form (NF) 1206, Assurance of Compliance with the National Aeronautics and Space Administration Regulations Pursuant to Nondiscrimination in Federally Assisted Programs.

### 5. RESPONSIBILITY

- a. Senior Agency leadership, including the Administrator, Deputy Administrator, Associate Administrator, and other Officials-in-Charge of Headquarters Offices and Center Directors shall assist the NASA Principal Civil Rights Compliance Officer, the Associate Administrator (AA), Office of Diversity and Equal Opportunity (ODEO), in carrying out the provisions of the NASA Federally assisted/conducted regulations.
- b. The Assistant Administrator (AA) for Procurement shall ensure that NASA grants and contracts are awarded and administered within the framework of applicable civil rights statutes, regulations, and policies (see 2 CFR pt. 1800

and 14 CFR pt. 1274). The AA for Procurement will ensure the issuance of guidance regarding procurement of electronic and information technology that complies with applicable law.

c. The Associate Administrator (AA) for Small Business Programs shall exercise responsibilities as described in 14 CFR pt. 1204, subpt. 4 regarding: (1) small and disadvantaged businesses as described in 13 CFR pt. 124, subpt. B; (2) service-disabled veteran-owned small businesses as described in 13 CFR pt. 125, subpt. A; and (3) women-owned small businesses as described in 13 CFR part 127, subpt. A, and applicable Federal statutes which encourage contracting with socially and economically disadvantaged businesses, service-disabled veteran-owned small businesses, and women-owned small businesses.

d. The NASA Chief Information Officer (CIO) shall ensure 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 Agency-wide teams promoting accessibility to NASA electronic and information technology. The CIO will 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.

e. Program/grant officers shall support the AA, ODEO, in carrying out the terms of this policy.

f. The NASA AA, ODEO, refers complaints from educational institutions, alleging discrimination based on race, color, national origin, sex, or disability, to the U.S. Department of Education as the delegated complaint investigation agency with responsibilities to address such complaints, 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's AA for ODEO for final compliance determination in accordance with the Agreement and NASA regulations.

## **6. DELEGATION OF AUTHORITY**

The AA, ODEO, as NASA's Principal Civil Rights Compliance Officer, is delegated the authority for:

a. Administering the Federally assisted/conducted program regulations (see para. 3 (a)-(m)), including assessment of grant recipient civil rights compliance post-award and pre-award through the NF 1206.

b. Administering applicable law allowing 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. Ensuring compliance with relevant EOs.

## **7. MEASUREMENT/VERIFICATION**

The AA, ODEO, will:

a. Monitor progress, evaluate results, initiate corrective actions, and periodically report outcomes of such processes to external oversight agencies, such as the Equal Employment Opportunity Commission (EEOC), Department of Justice, and Office of Personnel Management (OPM), as well as NASA senior leadership.

b. Communicate relevant information regularly to stakeholders at the Agency and Center levels.

c. Submit the following annual plans and accomplishment reports:

(1) Consistent with the Department of Justice reporting requirements, periodic reports on its compliance efforts.

(2) NASA will implement an Agency Language Access Plan, and NASA Centers will implement Center Language Access Plans, as appropriate.

## **8. CANCELLATION**

NPD 2081.1A, Nondiscrimination in Federally Assisted and Conducted Programs, dated August 14, 2007.

**/s/ Robert M. Lightfoot**  
**Acting Administrator**

**ATTACHMENT A: (TEXT)**

None.

**(URL for Graphic)**

None.

**DISTRIBUTION:**  
**NODIS**

---

**This Document Is Uncontrolled When Printed.**  
Check the NASA Online Directives Information System (NODIS) Library  
to Verify that this is the correct version before use: <http://nodis3.gsfc.nasa.gov>

---