

NASA STRATEGIES TO ENHANCE DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY IN INTERNAL AND EXTERNAL STEM PROGRAMS AND ACTIVITIES 2006-2016



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Presentation Before The National Academies Committee On Increasing Diversity, Equity & Inclusion In The Leadership Of
Completed Special Missions
June 30, 2021

NASA Role and Responsibilities

- Served as NASA's Associate Administrator, Office of Diversity and Equal Opportunity (ODEO) from 2006 – 2016.
- Served as Advisor to NASA Administrator on all matters regarding diversity, equity and inclusion in internal and external programs.
- Developed and directed the Agency's equal employment opportunity, civil rights compliance, and diversity, equity, and inclusion programs and processes.
- Ensured compliance with statutory program EO laws and mandates.



Briefing Topics

Authorities

- Authorities for operating Internal (equal employment opportunity) Programs.
- Authorities for operating External (federally assisted) civil rights efforts relating to the NASA workforce and Science, Technology, Engineering, and Mathematics (STEM) programs receiving NASA grant funding.
- Internal Programs to address the NASA workforce and diversity, equity, and inclusion: Providing a roadmap for STEM research programs.
- External Programs to address NASA's civil rights compliance and impediments to diversity, equity, inclusion and equal opportunity in Agency-funded STEM programs and among grant proposers.



Major Internal Program Authorities

- Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment based on race, color, national origin, sex, and religion.
- Equal Pay Act of 1963 requiring equal pay for equal work regardless of sex.
- Age Discrimination in Employment Act of 1967, which prohibits discrimination based on age (40 years old or older) in employment.
- Section 501 of the Rehabilitation Act of 1973, which prohibits discrimination in employment based on disability.
- Various U.S. Equal Employment Opportunity Commission regulations and guidelines on discrimination and harassment in employment, e.g., 29 C.F.R. Part 1614.

Internal Programs



Addresses NASA's Workforce Diversity, Equity, and Inclusion by Providing a Roadmap for STEM Research Programs:

- Affirmative Employment
- Conflict Management
- Anti-Harassment
- Diversity and Inclusion Framework

Affirmative Employment

- Creating and maintaining an Agency Model EEO program based on EEOC requirements and effective management, accountability and self-analysis.
- Fundamental Elements for a Model EEO Program.
 - Demonstrated commitment from Agency leadership
 - Integration of EEO into the agency's strategic mission
 - Management and program accountability
 - Proactive prevention of unlawful discrimination
 - Efficiency
 - Responsiveness and legal compliance

Conflict Management

- A training program to provide managers and employees with tools and techniques to explore sources of conflict and engage in effective methods of communication.
- Established in 2007 at NASA.



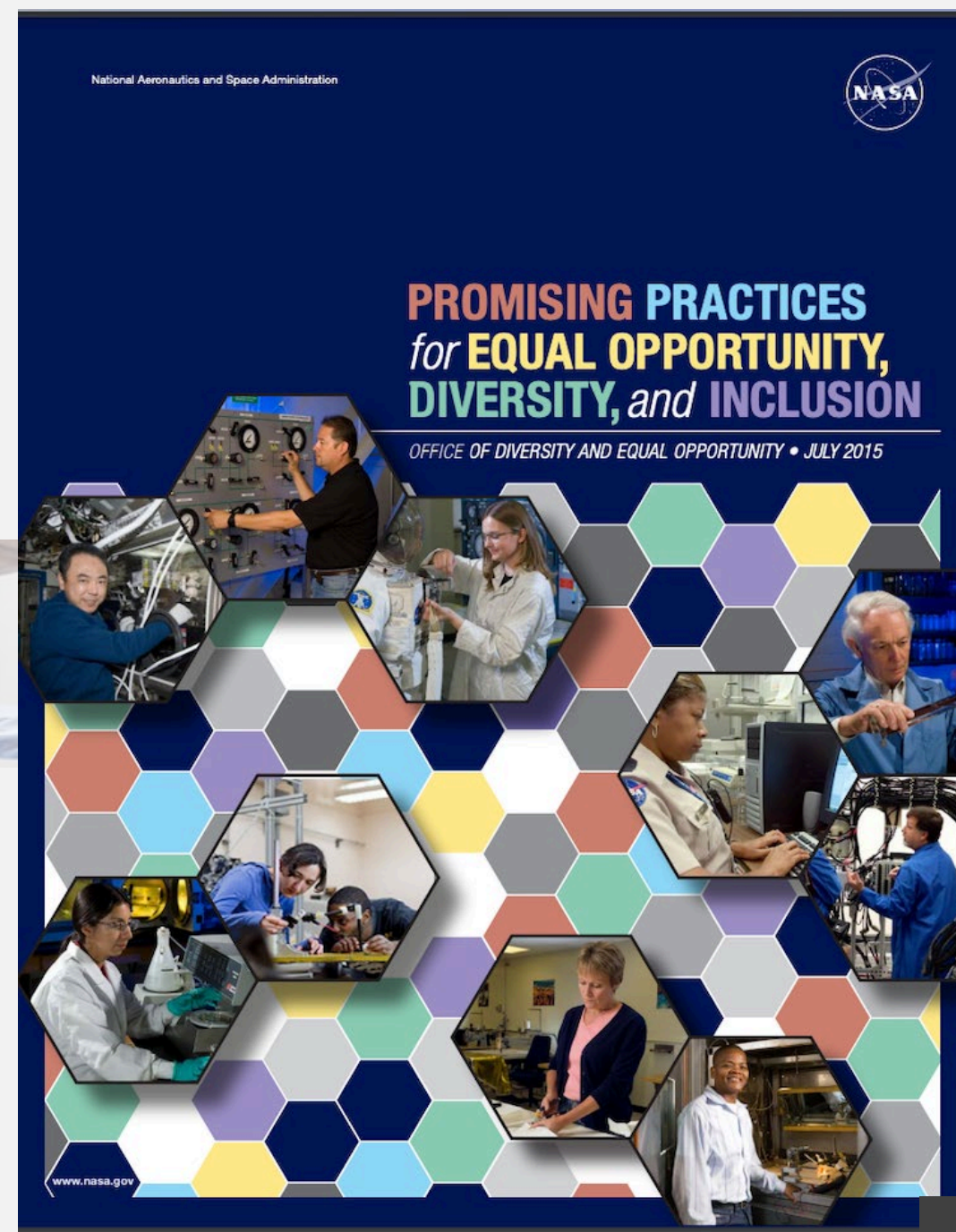
Anti-Harassment Program (AHP)

- A program based on EEOC policy guidance that advises agencies to establish a separate program and process to provide an additional avenue of redress for the prompt and efficient handling of harassment concerns.
- Established in 2009 at NASA; one of the earliest AHPs in government.

Diversity and Inclusion (D&I) Framework

- Established to provide a strategic leadership body and implementation specifically focused on diversity and inclusion.
- Established in November 2010 (a government-wide initiative was launched by Executive Order (EO) 13583 in August 2011 with a NASA plan issued in 2012).
- Framework included a Diversity and Inclusion Strategic Partnership (DISP) consisting of all NASA senior leadership and a NASA charter.
- Multi-year Strategic Plan.
- Performance measurements for Senior Management Officials.
- Agency-wide definition for D&I.
- Periodic D&I Surveys of the NASA workforce.
- D&I Workforce Training.

Internal Programs: NASA Promising Practices



External Programs: Fundamental Principles



- “Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination”.
- President John F. Kennedy, June 11, 1963, Report to the American People on Civil Rights.

External Programs Authorities: Regulations Prohibiting Discrimination in Federally (Agency) Assisted Programs

NASA has the responsibility to assess the compliance of its 750 plus grant recipients with civil rights laws and their implementing regulations. The Agency awards approximately \$1.5 billion annually in grant awards to these recipients. The laws include:

- **Title VI of the Civil Rights Act of 1964** – prohibits race, color and national origin in federally assisted programs.
- **Title IX of the Education Amendments Act of 1972** – prohibits sex discrimination in federally assisted educational programs.
- **Section 504 of the Rehabilitation Act of 1973** – prohibits disability discrimination in federally assisted AND conducted programs.
- **Age Discrimination Act of 1975** – prohibits age discrimination in federally assisted programs.

External Programs: Compliance Activities

Office of Diversity and Equal Opportunity (ODEO) conducts these compliance activities:

- **Pre-Award compliance reviews**
 - Review of Assurance of Compliance (NASA Form 1206)
- **Post-Award compliance reviews**
 - Onsite visit of the grantee institution
 - Desk Audits that do not require an onsite visit
- **Complaint Investigations**
- **Technical Assistance**
 - Grantee Conferences and Workshops, e.g., 2016 MissionSTEM Summit
 - Technical Assistance Publications, e.g., “Conducting Title IX Self-Evaluations”
- **Policy and Regulatory Stewardship**
 - Ensure that Policies, Procedures and Regulations comport with current law and federal policy

NASA Form 1206 Process

NASA Form 1206 – “Assurance of Compliance with the National Aeronautics and Space Administration Regulations Pursuant to Nondiscrimination in Federally Assisted Programs”.

- Sent with award package.
- Signed by the recipient head or his/her designee.
- Recipient asserts that it does not and will not discriminate on the basis of race, color, national origin, gender, disability or age in the provision all of your programs, services and activities.
- Outlines some basic compliance responsibilities.
- Requests information on complaints and lawsuits filed against recipient in the past three years (Section 2).
- Only one form is required per recipient, not per grant every three years.
- Form requires renewal with the Office of Management & Budget.

	National Aeronautics and Space Administration	Assurance of Compliance with the National Aeronautics and Space Administration Regulations Pursuant to Nondiscrimination in Federally Assisted Programs
This form has been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 and assigned OMB Collection No. 2700-0148.		
SECTION 1: APPLICANT INSTITUTION ACKNOWLEDGMENT		
As a condition of receipt of Federal financial assistance, the Applicant Institution, the <u>FOR YOUR REFERENCE</u> _____ (Institution, corporation, firm, or other organization on whose behalf this assurance is signed, hereinafter called "Applicant;") acknowledges and agrees that it must comply (and require any subgrantees, contractors, successors, transferees, and assignees to comply) with applicable provisions of national laws and policies prohibiting discrimination, including but not limited to: 1. Title VI of the Civil Rights Act of 1964, as amended, which prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin (42 U.S.C. 2000d et seq.), as implemented by NASA Title VI regulations, 14 C.F.R. Part 1250. As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, the Applicant must take reasonable steps to ensure that LEP persons have meaningful access to its programs in accordance with NASA Title VI LEP Guidance to Grant Recipients (68 Fed. Reg. 70039). Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The Applicant is encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. Assistance and information regarding LEP obligations may be found at http://www.lep.gov. 2. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in education programs or activities (20 U.S.C. 1681 et seq.) as implemented by NASA Title IX regulations, 14 C.F.R. Part 1253. If the Applicant is an educational institution: a. The Applicant is required to designate at least one employee to serve as its Title IX coordinator (14 C.F.R. § 1253.135(a)). b. The Applicant is required to notify all of its program beneficiaries of the name, office, address, and telephone number of the employee(s) designated to serve as the Title IX coordinators. (14 C.F.R. §1253.135(a)). c. The Applicant is required to publish internal grievance procedures to promptly and equitably resolve complaints alleging illegal discrimination in its programs or activities (14 C.F.R. §1253.135(b)). d. The Applicant is required to take specific steps to regularly and consistently notify program beneficiaries that The Applicant does not discriminate in the operation of its programs and activities. (14 C.F.R. §1253.140). 3. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits The Applicant from discriminating on the basis of disability (29 U.S.C. 794) as implemented by NASA Section 504 regulations, 14 C.F.R. Part 1251. a. The Applicant is required to designate at least one employee to serve as its Section 504 coordinator (14 C.F.R. §1251.106(a)). b. The Applicant is required to notify all its program beneficiaries of the name, office, address, and telephone number of the employee(s) designated to serve as the Section 504 coordinator (14 C.F.R. §1251.106(a)). c. The Applicant is required to publish internal grievance procedures to promptly and equitably resolve complaints alleging illegal discrimination in its programs or activities (14 C.F.R. §1251.106(b)).		
NASA FORM 1206 NOV 11 PREVIOUS EDITIONS ARE OBSOLETE.		
NRRS 527A PAGE 1 OF 3		

Focus of Post-Award Grantee (“Assisted” Program) Reviews

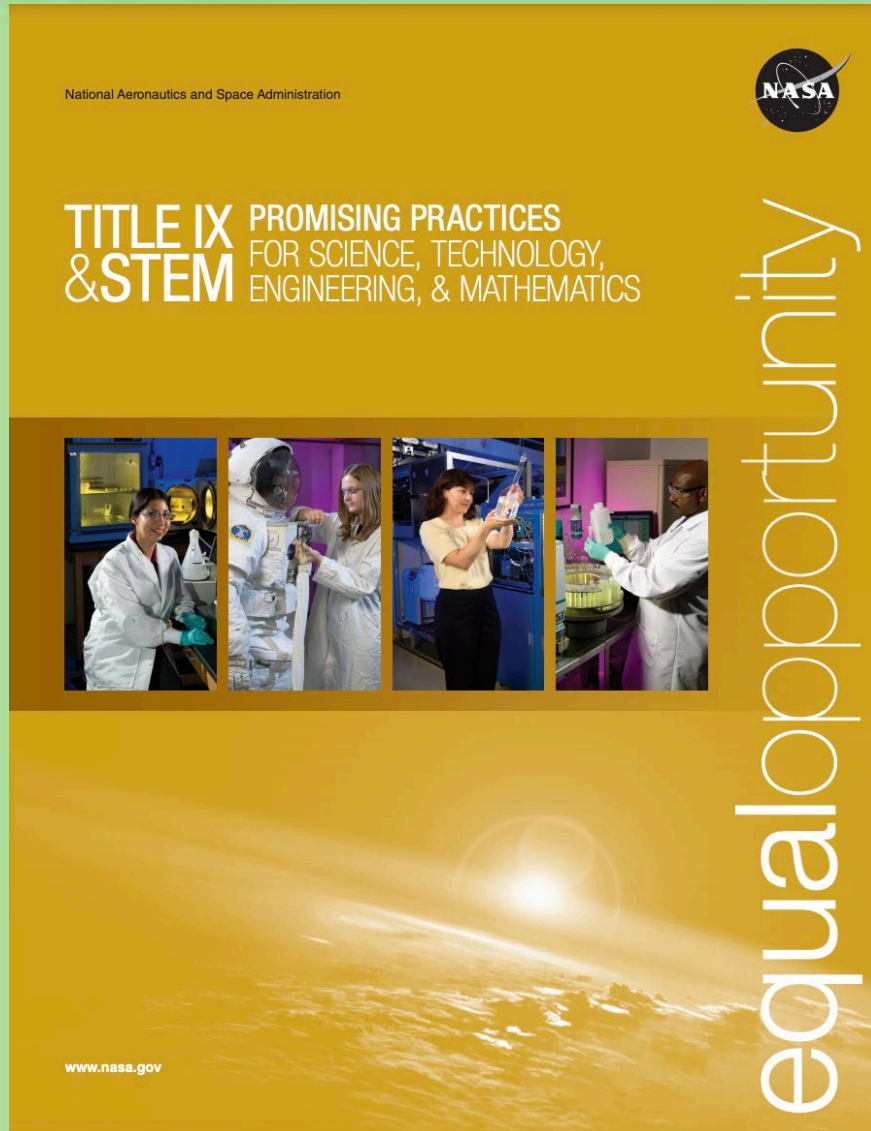
- Title IX and Age Discrimination Act
 - Students, faculty and staff in NASA-funded STEM educational programs.
- Title VI and Section 504
 - Language (Title VI) and disability (Section 504) accessibility of visitors to NASA-funded science centers, museums, and planetariums.
 - Note that Title VI may also be applied in the STEM educational and environmental justice contexts.

Title IX Compliance Reviews: Overview



- NASA ODEO conducts two university STEM program on-site reviews under Title IX per year and has done so since 2006.
- Reviews are based on neutral selection criteria.
- NASA reviews University-wide Title IX policies and procedures but looks environmentally and administratively at individual NASA-funded STEM programs.
- We look at how Title IX is applied in the STEM academic context.

Title IX Compliance Technical Assistance Publications



NASA Post-Award Onsite Reviews 2006 - 2016

During the period 2006-2016 ODEO conducted approximately 20 reviews of universities pursuant to Title IX.

Among the Universities and programs ODEO has conducted reviews on:

- Massachusetts Institute of Technology, Department of Physics
- University of California at Berkeley, Departments of Physics and Astronomy
- University of Michigan at Ann Arbor, Department of Aerospace Engineering
- University of Hawaii at Manoa, Department of Physics
- University of Alabama at Huntsville, Department of Mechanical Engineering
- University of Maryland at College Park, Department of Aerospace Engineering



Title IX Compliance Reviews: Areas

- Title IX Coordinator
- Policy Dissemination
- Grievance Procedures
- Sexual Harassment Prevention
- Recruitment, Outreach, Admissions, Enrollment
- Learning Environment: Classroom/Lab/Activities
- Self-evaluation
- Academic Advising
- Family Friendly Policies
- Safety



Areas of Concern Based on Reviews

- Program participant concerns around gender related issues such as subtle gender bias and more serious gender-based inappropriate behavior.
- Deficiencies in policies and procedures for addressing allegations of discrimination and harassment.
- Inaccurate or incomplete data on complaints raised.
- Fragmented and duplicative efforts across campus to address under-representation of women in STEM – no means of following up on outreach efforts to K-12.
- Inappropriate use of the Graduate Records Exam (GRE) for admissions.
- Gender disparities in graduate exam pass/fail rates.



Compliance Review Corrective Actions and Recommendations

Compliance Review Corrective Actions and Recommendations

- Expand recruitment sites and methods to reach more female graduate students and female faculty applicants.
- Establish a means of tracking students who participate in university-sponsored outreach.
- Strengthen institutional Title IX policies and procedures to better ensure that discrimination or harassment allegations are timely and appropriately addressed.
- Better program self-evaluation, including climate issues, such as presence of implicit bias or hostile environment (should address sexual harassment).
- Specific emphasis on studying:
 - Numbers of students applied, accepted, enrolled, graduated by gender
 - Number of students taking/passing high stakes testing by gender
 - Number of complaints raised and addressed; coordination on data between Student Affairs and Title IX Coordinator's Office

MissionSTEM.nasa.gov

- In 2012, ODEO created the MissionSTEM website.
- The website was designed to broaden the reach of our technical assistance efforts to all of our grant recipients.
 - Provide readily available critical information on civil rights compliance requirements.
 - Serve as a vehicle for fostering active communication between NASA, our grant recipient institutions, and other stakeholders.
 - Showcase best practices and help to address common challenges.
 - Reach out to the beneficiaries of our grants, e.g., STEM students and science museum patrons, to provide support for pursuing career paths in STEM.



MissionSTEM.nasa.gov

- The MissionSTEM website includes:
 - Civil rights compliance requirements
 - Compliance Reports
 - Promising Practices for NASA, universities and museums funded by NASA
 - Diversity and Inclusion Leadership Series, including commentary from the NASA Administrator and university presidents
 - NASA Innovations Impact the World, with commentary from science leaders and professionals
 - Student Corner for beneficiaries of educational grant recipient institutions
 - MissionSTEM Summit 2016



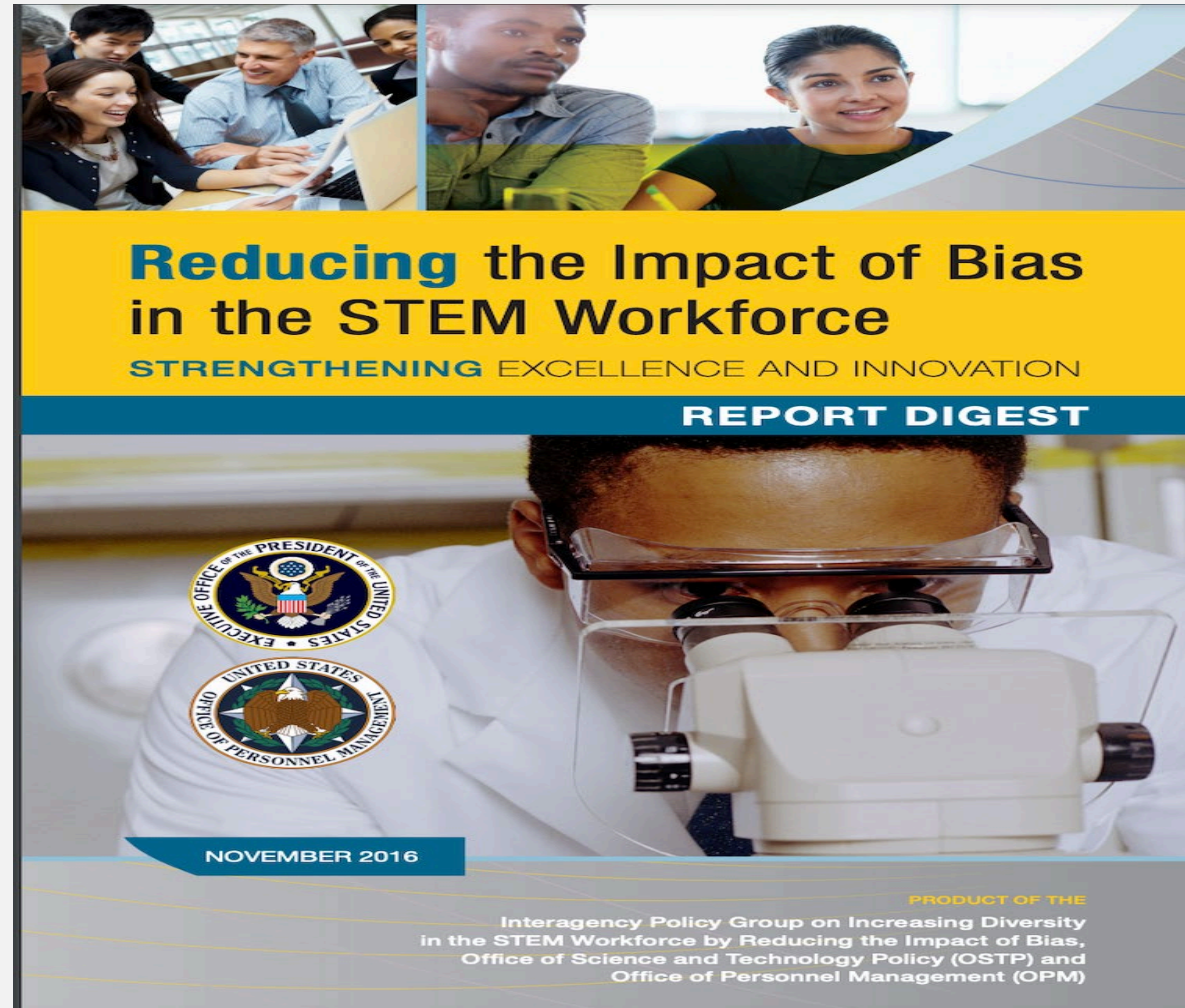
MissionSTEM Summit 2016

The MissionSTEM Summit was held in August of 2016. Approximately 200 in-person participants and 100 on-line participant institutions were involved. Participation included members of the White House Staff, Members of Congress, NASA senior leadership and Mission Directorate Heads. Panelists included representation from NASA, academia and industry.

- The summit was the Agency's first-ever conference on this scale devoted to civil rights and helped to take NASA's civil rights technical assistance efforts relating to STEM to a new level by:
- Creating a forum in which to communicate NASA's future workforce needs;
 - Sharing promising and emerging practices to help increase underrepresented and underserved populations at NASA and in STEM education and professions;
 - Helping federally-funded STEM education programs address current civil rights issues in academic environments, such as sexual harassment, implicit bias, and non-inclusive climates; and,
 - Assisting minority serving institutions in increasing participation in NASA business and grant opportunities, and education programs.



NASA ODEO Participation in Reducing Bias in STEM





Guiding Principles

FOR NASA DEI INTERNAL AND EXTERNAL PROGRAMS

- Create and implement a Model EEO Program in line with applicable laws and the Agency mission that embraces long-range strategic goals, proactivity, innovation, active engagement, accountability, and flexibility to meet the varied needs of both management and employees.
- Reflect the Model EEO Program philosophy in the design and implementation of internal and external DEI program goals and objectives.
- Reflect the EEO and DEI goals and objectives in NASA's Strategic Plan.
- Conduct a proactive grantee civil rights compliance review program focused on correcting deficiencies as well as positively impacting the environment.
- Share real life examples of NASA's commitment to DEI with the NASA workforce as well as the communities external to NASA with whom NASA interfaces, such as STEM research environments.
- Expand the reach of DEI through innovative initiatives such as the MissionSTEM website and the MissionSTEM Summit.



Questions?

BACK-UP MATERIAL



How can the NASA Mission Directorates become more involved?

- ▶ Helping to select targets for onsite compliance reviews
 - ▶ Selection process includes media reports of issues such as sexual harassment occurring at universities
 - ▶ Mission Directorate staff are well-positioned to know about issues in STEM programs receiving grant funding
- ▶ Helping to conduct onsite reviews
 - ▶ ODEO has civil rights expertise; however, in conducting program evaluations in STEM, that expertise can be complemented by STEM expertise of MD staff to make the reviews even more effective and impactful for program beneficiaries, that is, research faculty and student researchers

Title IX Onsite Compliance Review Process

- Onsite Selection Process
- Notification Letter to University President of Title IX onsite review
- Request for Information Letter to Title IX Coordinator (45 to 90 day response time)
- Review information/schedule onsite and coordinate onsite logistics
 - Schedule onsite for Fall or Spring Semester
- Opening Session with University, College, Departmental leadership and Title IX/Equal Opportunity leadership
- Interviews
- Lab/facility tours
- Closing Session with leadership; discuss preliminary findings Investigative Report is drafted and sent to the university for review and comment
- Final Report and Letter Is Issued
- One Year Follow-Up Letter