National Aeronautics and Space Administration

George C. Marshall Space Flight Center
Marshall Space Flight Center, AL 35812

January 7, 2009

Reply to Attn of: DA01

TO: All Employees

FROM: DA01/David A. King

SUBJECT: Policy Statements on Harassment and Diversity and Equal Opportunity

Enclosed are the Marshall Space Flight Center's policies on harassment and diversity and equal opportunity. Marshall is committed to maintaining a workplace that is free of discrimination on the bases of color, race, religion, sex, national origin, age, sexual orientation, or disability (mental or physical). MSFC fully supports the Agency's policies on harassment and will support the Agency's new anti-harassment procedures once they are implemented. Employees are reminded that harassment on any level will not be tolerated. Disciplinary action in accordance with Federal regulations will be taken against those who participate in harassment, as well as any supervisor who knowingly allows such conduct to continue after becoming aware of its existence.

There are a number of established channels through which employees may raise the issues of harassment, including:

- Organization Supervisors and Managers
- Diversity and Equal Opportunity (D&EO) Office
- The Chief Counsel's Office
- Center Director
- The Assistant Administrator for Equal Opportunity Programs
- The NASA Administrator
- Agency internal grievance system
- Negotiated grievance procedures
- Office of Special Counsel, if a prohibited personnel practice is involved
- Merit Systems Protection Board, if an appealable adverse action is involved
- EO complaints system, if discrimination is alleged
- Agency Inspector General
- Marshall Ombudsman

If you are a Bargaining Unit employee, you have the option of contacting your respective union representative (i.e., AFGE Local 3434 or IFPTE, MESA Local 27) for additional information and/or representation.

Any member of the D&EO Office can provide further information on the complaint process. http://eo.msfc.nasa.gov/.

Marshall is also committed to implementing NASA's policy on equal employment opportunity. All employees are encouraged to respect the value of diverse ideas, perspectives and experiences. I strongly support the effort to retain a diverse workforce of highly skilled employees in the competencies required to fulfill our mission for space exploration. We will continue to provide a workplace that is free of all forms of illegal discrimination including harassment and retaliation. Maximizing the potential of every employee is essential for MSFC to meet its overall strategic goals and objectives.

David A. King
Director

Enclosures

Distribution:
SDL-6

MSFC POLICY STATEMENT ON HARASSMENT

It is Marshall Space Flight Center's (MSFC) policy that harassment of any kind is prohibited. This applies to harassment by anyone, including supervisors, coworkers, and contractor personnel, in the workplace or at any activity sponsored by MSFC. Federal employees have a grave responsibility under the Standards of Conduct for Employees of the Executive Branch for maintaining high standards of honesty, integrity, impartiality, and conduct, to assure proper performance of the Government's business and the maintenance of confidence of the American people. Any employee conduct that violates this code cannot be condoned.

Harassment is any unwelcome verbal or physical conduct based on one of the protected bases that is so objectively offensive as to alter the conditions of the victim's employment. Unwelcome conduct is where the employee did not solicit or invite the conduct and regarded it as undesirable. This standard is met when the conduct culminates in a tangible employment action or was sufficiently severe or pervasive to create a hostile work environment.

Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. All employees must be allowed to work in an environment free from unwelcome sexual overtures. Sexual harassment debilitates morale and interferes in the work productivity of its victims and co-workers.

For the purpose of this Policy Statement, sexual harassment is defined as those activities prohibited under Title VII of the Civil Rights Act of 1964, as well as those activities specifically described in this document.

Sexual harassment is a prohibited personnel practice when it results in discrimination for or against an employee on the basis of conduct not related to performance. Examples of prohibited personnel practices include the taking or refusal to take a personnel action based on an employee's response to sexual advances, including promotion of employees who submit to sexual advances, or the refusal to promote employees who resist or protest sexual overtures.

Title VII sexual harassment is prohibited by law. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute Title VII sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. In addition to prohibiting Title VII sexual harassment, this Policy Statement also specifically prohibits deliberate or repeated unwelcome verbal

comments, gestures, or physical contact of a sexual nature, or unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, in a work or work related environment.

There are three basic forms of sexual harassment prohibited by this Policy Statement:

Verbal - Unwelcome suggestive remarks, sexual insults, innuendoes, jokes, and humor about sex or gender-specific traits, sexual propositions, or threats;

Nonverbal - Unwelcome suggestive or insulting sounds, leering/ogling, whistling, obscene gestures, and obscene graphic materials; and

Physical - Unwelcome cornering, touching, pinching, brushing the body, and actual or attempted rape or assault.

In addition, a supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee of an agency who behaves in this manner in the process of conducting agency business is engaging in sexual harassment.

Finally, any employee who engages in sexual harassment activities, whether prohibited by Title VII, or by this Policy Statement, is subject to disciplinary action, which may include removal from Federal service. Managers and supervisors who tolerate such behavior, or who fail to take appropriate action in a timely manner to end such behavior, are also subject to disciplinary action.

It is the Center's policy that sexual harassment is unacceptable and will not be condoned in the workplace. This policy applies to all employees and covers harassment between supervisors and subordinates, between employees, by employees outside the workplace while conducting government business, and by non-employees while conducting business on government premises. It is important that all employees understand the requirements covering sexual harassment. Employees should take all steps within their power to ensure that sexual harassment, and any other form of discrimination, does not exist at the Center.

Marshall Space Flight Center
Policy Statement on Diversity and Equal Opportunity

Marshall Space Flight Center (MSFC) is committed to diversity and equal opportunity. Maximizing the potential of every employee is essential for MSFC to meet its full potential and to succeed in our mission. MSFC is committed to an environment that embraces open and effective communication, teamwork, and mutual respect for each other. MSFC will seek to retain a diverse workforce of highly skilled employees in the competencies required to fulfill our mission for space exploration.

MSFC encourages a culture that promotes understanding and appreciation of diverse culture and ethnic backgrounds. MSFC encourages and values diverse ideas. MSFC acknowledges the benefits for innovation and excellence that such diversity contributes. MSFC will provide a workplace that is safe and free from all forms of illegal discrimination, including harassment (sexual and non-sexual), reprisal, and retaliation. Where needed and appropriate, reasonable accommodations will be readily available for employees of MSFC and others with disabilities who participate in our educational and related programs.

All MSFC managers and supervisors are expected to treat all employees and others with whom they work with respect and dignity. All employees should understand, respect and act in accordance with the equal opportunity rights and responsibilities. Managers and supervisors are expected to lead by example to ensure the MSFC workplace culture and environment is free from discrimination. All of us at MSFC should treat others with respect, fairness, and dignity just as we expect to be treated.

For more information visit the MSFC Equal Opportunity Office website at http://eo.msfc.nasa.gov/.