



OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY



# Endeavor

## Fiftieth Anniversary Perspectives

Fall/Winter 2008

### Diversity and EO at NASA . . . We've Come a Long Way

by Fred Dalton and David Chambers

In celebration of NASA's 50th anniversary, we take a look back on the role the Agency's diversity and equal opportunity (EO) efforts have played in shaping the workforce and the NASA work environment during this dynamic period.

#### The Early Days

NASA's first Agency EO office was created in September 1971. NASA EO head, Ruth Bates Harris, willingly put her position on the line to call attention to the need for EO progress at NASA and develop a blueprint for a successful program. Subsequently, in March 1972, NASA convened the Agency's first EO conference at Kennedy Space Center, where NASA Administrator James C. Fletcher publicly expressed commitment to the spirit as well as the letter of EO.

#### Strides in Workforce Diversity

Back in the early 1970s, NASA's minority workforce representation, standing at 5 percent, was the lowest of all Federal agencies. However, since that time NASA has made amazing strides in increasing its workforce diversity. For example, in 1975 only 4.5 percent of the NASA science and engineering (S&E) workforce were minorities—now that figure has risen to over 20 percent. In 1975, women

in S&E at NASA comprised only 3 percent of the workforce. Now they, too, are nearly 20 percent. In the cases of both women and minorities, the NASA S&E workforce now stands above the relevant civilian labor workforce statistic.

#### Integrating the Astronaut Corps

Integration of the astronaut program was a major objective for NASA under the EO leadership of Dr. Harriett Jenkins, who served the longest tenure of any EO head, from 1974–1992. Together with Senator William Proxmire, a congressional champion of greater diversity in the astronaut corps, they were instrumental in integrating the astronaut corps. According to Oceola Hall, former Deputy Assistant Administrator of the Office of Diversity and Equal Opportunity (ODEO), “each time the Administrator went on the Hill to testify, Senator Proxmire wanted to know how many minority astronaut candidates the Agency had.” Hall recalled that the Johnson Space Center EO Officer Joe Atkinson made it his personal responsibility to search out potential minority candidates for the astronaut corps. While in California, Atkinson found Ron McNair, the first African American astronaut, and recruited him for the program. Through the efforts of these leaders, their dedicated employees, and the hard work of those who aspired to be astronauts, men and women from a wide range of racial and ethnic backgrounds have flown in space.

NASA Achievements and EO/Diversity Milestones



October 1, 1958 — The National Aeronautics and Space Administration began operation. NASA had 8,000 employees and an annual budget of \$100 million, in addition to a small headquarters staff that directed operations.



April 9, 1959 — NASA selects its first astronaut group to participate in Project Mercury, the first human spaceflight program of the United States. The Mercury program ran from 1959 through 1963 with the goal of putting a man in orbit around Earth. The Mercury-Atlas 6 flight on February 20, 1962, was the first Mercury flight to achieve this goal.

## Inside Endeavor

Fiftieth Anniversary Perspectives . . . . .	1
Diversity and EO at NASA . . . . .	
We've come a Long Way	
Where We're Headed . . . . .	2
EEO Matters . . . . .	3
The ADA Amendments and Genetic Non-Discrimination Act	
EEOC Guidance on Religion	
Case Law Update . . . . .	4
Case Law on Retaliation, Gender Identity	
Diversity Forum . . . . .	5
Hispanic Youth Outreach Program	
Fun Facts Quiz . . . . .	7

**Innovative EO and Diversity Efforts**

Over the years, NASA continued to support growth and innovation in EO and diversity. During Dr. Jenkins’s tenure, NASA helped establish and expand research centers at Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal Colleges, establishing these institutions as feeders to the NASA workforce and the astronaut corps. Among NASA leaders who are graduates of Historically Black Colleges and Universities are Charles Scales, Associate Deputy Administrator (Alabama A&M University), Christyl Johnson, Assistant Associate Administrator (Lincoln University), and Dr. Julian Earls, former Director, Glenn Research Center (Norfolk State University).

Hall recalled the late 1970s, when the NASA EO office could no longer call upon the Office of Inspections to investigate EEO complaints. NASA brought in investigators from the Civil Service Commission to ensure the timely pro-

cessing of complaints. A decade later, when the Federal Government moved toward Alternative Dispute Resolution (ADR) to more efficiently resolve EEO complaints, NASA served in a pilot program.

By the early 1990s, under Dr. Jenkin’s leadership, NASA had expanded its efforts beyond EO to include a two-year, Agency-wide program of multi-cultural training, expanding notions of EO beyond traditional “EEO groups,” such as women and minorities, to include a greater diversity of cultural backgrounds and perspectives.

Through ... the hard work of those who aspired to be astronauts, men and women from a wide range of racial and ethnic backgrounds have flown in space.

Fiftieth Anniversary Perspectives

**Diversity and EO at NASA . . . Where We’re Headed**

by Judy Phillips

The Office of Diversity and Equal Opportunity sees more change and continued growth ahead for diversity and EO. According to Brenda R. Manuel, Assistant Administrator for Diversity and Equal Opportunity, “It really is an exciting time for us as we move forward with plans and initiatives that will continue to improve our services and allow ODEO to change and grow as NASA’s mission changes.”

ODEO’s plans in the near future involve the Conflict Management Program (CMP) and Diversity. Fred

Dalton, CMP Manager, explains there are plans to expand the program through offering coaching and consultations with individual organizations, as well as classroom and Web-based advanced training. Barbara Spotts, ODEO’s Diversity Manager, expects ODEO to roll out the Agency Framework for Diversity and Inclusion in upcoming months, with the rollout being completed in the spring. “Diversity is going to play a much larger role at this Agency in the future,” says Spotts.

Another important tool going forward is the Model EEO Agency Plan. According to Mike Torres, Director, Program Planning and Evaluation Division, “The Model EEO Agency Plan is a tool we use to improve our EEO performance. It

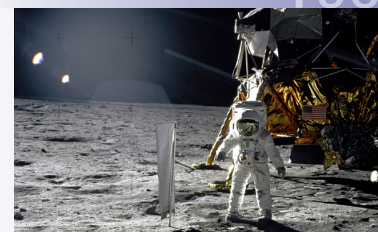
NASA Achievements and EO/Diversity Milestones

1960



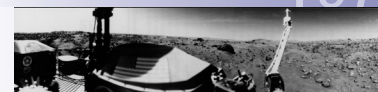
During the early 1960s, a group of women trained to become astronauts for America’s first human spaceflight program. They were members of the First Lady Astronaut Trainees (FLATs, also known as the “Mercury 13”).

1969



July 16, 1969 — Apollo 11 lifted off. At 4:18 p.m. EST on July 20, 1969, the Lunar Module—with astronauts Neil A. Armstrong and Edwin E. Aldrin—landed on the lunar surface. Armstrong set foot on the surface, telling the millions of listeners that it was “one small step for man—one giant leap for mankind.”

1976



July 20, 1976 — The Viking 1 planetary lander touched down on Mars after a voyage of nearly one year. The Viking spacecraft continued to transmit to Earth for six years after first reaching Mars.

1981



April 12, 1981 — The first flight of the Space Transportation System (STS-1) was on the Space Shuttle Columbia. Columbia became the first airplane-like craft to land from orbit for reuse when it touched down at Edwards Air Force after a flight of 2 days, 6 hours and almost 21 minutes. The mission also was the first to employ both liquid- and solid-propellant rocket engines for the launch of a spacecraft carrying humans.



is a means of ensuring that employment decisions in the Agency are free from discrimination. Through the plan, we can examine employment policies and practices to identify and remove barriers to equal opportunity.” Each Center prepares a plan that is rolled into the Agency Plan. The plan looks in depth at several elements, including EEO integration into the NASA mission, maximizing efficiency in EEO processes, timely responsiveness, and legal compliance. Torres concludes, “The Model EEO Agency Plan

requires and assists ODEO to examine what we do and to make improvements. ODEO will continue to develop proactive initiatives to bring us closer to our goal of becoming a model Agency for EEO.”

“Through the [Model Agency EEO plan], we can examine employment policies and practices to identify and remove barriers to equal opportunity.”

**EEO Matters**

**The ADA Amendments and the Genetic Information Non-discrimination Act: Congress Passes Civil Rights Legislation for the 21st Century**

by David Chambers and Judy Phillips

On September 25, 2008, President Bush signed into law sweeping amendments to the American with Disabilities Act of 1990. The amendments are designed to:

- Overturn Supreme Court decisions narrowing the scope of protections for people with disabilities under the ADA;
- Prohibit consideration of “mitigating measures” such as medication, prosthetics, and assistive technology, in determining whether an individual has a disability with the exception of ordinary eyeglasses and contact lenses; and
- Provide that reasonable accommodations are only required for individuals who can demonstrate they have an impairment that substantially limits a major life

activity, or a record of such impairment. Accommodations need not be provided to an individual who is only “regarded as” having an impairment.

On May 21, 2008, President Bush signed into law the Genetic Information Nondiscrimination Act (GINA). GINA will protect Americans against discrimination based on their genetic information when it comes to health insurance and employment. GINA prohibits employment discrimination on the basis of genetic information (such as genetic test results, information about an individual’s family medical history such as the manifestation of a disease or disorder). The law was needed to help ease concerns about discrimination that might keep people from getting genetic tests that could benefit their health. It also enables people to take part in research studies without fear that their DNA might be used against them by their employer or health insurer.

**EEO Matters**

**New EEOC Guidance on Religion under Title VII**

by Judy Phillips

The number of religious discrimination charges filed with the EEOC has risen dramatically in the past 15 years, from 1,388 in FY 1992 to 2,880 in FY 2007.

In response, EEOC recently issued a new Compliance Manual Section on Religious Discrimination, along with a Questions and Answer Fact Sheet and Best Practices Booklet. The new Compliance Manual Section defines religion very broadly for purposes of determining what the law covers. For purposes

NASA Achievements and EO/Diversity Milestones

1983



June 18, 1983 — Astronaut Sally K. Ride became the first American woman and the youngest American to reach outer space as a mission specialist on STS-7.



August 30, 1983 — Astronaut Guion “Guy” Bluford became the first African-American astronaut as a mission specialist on STS-8.

1990



April 24, 1990 — Launch of the Hubble Space Telescope from the Space Shuttle. Hubble has made many important astronomical discoveries, including striking images of galaxy M87, providing evidence of a potentially massive black hole.

1992



September 12, 1992 — Physicist Mae Jemison becomes the first African-American woman in space as a mission specialist on STS-47.

of Title VII, religion includes not only traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism, but also religious beliefs that may not be part of any formal church or sect. Social, political, or economic philosophies (e.g. membership in the KKK) are not “religious” beliefs protected by Title VII. The Best Practices Booklet provides examples of types of religious accommodation that may benefit both employees and

employers. Best practices among employees include advising a supervisor or manager of the nature of any conflict between a religious need and the work rules; and employees who seek to proselytize in the workplace should cease doing so with respect to any individual who indicates that such communications are unwelcome. Best practices on the employer side include being flexible and creative with work schedules, work duties, and selection procedures. These documents are available at [www.eeoc.gov](http://www.eeoc.gov).

## Case Law Update

### Supreme Court Ruling on Retaliation

by Aisha Moore

On May 27, 2008, the Supreme Court issued two decisions clarifying that the Age Discrimination in Employment Act (ADEA) provides a cause of action for retaliation against an employer. The two cases were *CBOCS West, Inc. v. Humphries* and *Gomez-Perez v. Potter, Postmaster General* (May 2008). Most relevant to federal employees, the U.S. Supreme Court held in *Gomez-Perez* that the ADEA prohibits retaliation against a federal employee who complains of age discrimination.

#### What Happened?

Ms. Gomez-Perez filed suit, claiming that her employer had violated the federal-sector provision of the ADEA, which requires that all personnel actions affecting employees... at least 40 years of age be made free from any discrimination based on age. The 45 year old postal worker alleged that her employer subjected her to numerous forms of retaliation after she filed an administrative ADEA complaint. The First Circuit had affirmed the District Court’s ruling, holding that the ADEA’s prohibition does not cover retaliation.

#### Why is this relevant?

The *Gomez* decision applies to federal employees. The ADEA has an explicit anti-retaliation provision for private sector employees, but provided no anti-retaliation provision applicable to federal workers. Subsequently, the Supreme Court’s ruling concluded that Congress “intended” that retaliation be considered another form of “intentional discrimination” under the law.

#### How does this affect you?

This ruling continues the Supreme Court’s trend of taking an expansive view of anti-retaliation claims, which began with *Burlington* and *Faragher*. Federal employers must seriously monitor how employees are treated after making/filing complaints to ensure complainants do not suffer retaliation.

### Federal Court Ruling on Gender Identity

by Aisha Moore

In *Schroer v. Billington*, on September 28, 2008, the U.S. District Court for the District of Columbia ruled that the Library of Congress discriminated against Diane Schroer by not hiring her after learning of her plans to live as a full-time woman. The court held that Schroer was a victim of illegal sex discrimination in the form



April 8, 1993 — Ellen Lauri Ochoa, a former astronaut and current Deputy Director of the Johnson Space Center, became the first Hispanic woman in space when she served on a nine-day mission aboard the Shuttle Discovery in 1993. The astronauts were studying Earth’s ozone layer.



August 12, 2002 — Frederick D. Gregory was sworn in as the NASA Deputy Administrator, becoming the first African American to hold this position.



January 3 & 24, 2004 — NASA successfully landed two mobile geology labs, Spirit and Opportunity, on the surface of Mars in the span of three weeks. Within weeks, Opportunity discovered evidence that water had once occupied its landing site.



January 14, 2004 — President George W. Bush announced the new Vision for Space Exploration in a speech at NASA Headquarters. Among its goals and objectives, the vision aimed for a human return to the Moon by 2020 and human exploration of Mars and beyond. In response, NASA developed the Constellation Program, including a new spacecraft, the Orion Crew Exploration Vehicle.

NASA Achievements and EO/Diversity Milestones

1993

2002

2004



of sex stereotyping, which is afforded protection under Title VII.

**What Happened?**

Formerly known as David Schroer, Diane Schroer was a “dream candidate” who was recommended for the position by Charlotte Preece, a staff member of the Congressional Research Service (CRS), Library of Congress. The CRS considered her an ideal candidate for a congressional analyst/terrorism specialist position.

Schroer interviewed for the position in male appearance and used the name David during the interview. After the interview, she scored higher than any other applicant and CRS offered her the position. Prior to beginning the position, Schroer informed Preece, with whom she had interviewed, that after years of cross-dressing, she was preparing to start living full-time as a woman. She also disclosed that she was preparing to have sexual reassignment surgery and would begin work as Diane Schroer, not David.

Preece later contacted Schroer to rescind the job offer, informing

Schroer that she “was not a good fit.” The position was offered to and accepted by the next highest scoring candidate.

**Why is this relevant?**

Traditionally, transgendered people have generally been unsuccessful in establishing rights under federal anti-discrimination laws, with most courts holding that transgendered individuals are not protected under Title VII. Transgendered people have had to draw on other theories for protection, such as sex discrimination.

**How does this affect you?**

That has yet to be seen. While *Schroer* is undoubtedly a landmark case, it was a federal district court level case. Other federal courts have been unwilling to take such a strong approach toward protection under Title VII for transgendered persons. The Justice Department is reviewing the case for purposes of appeal and the case will likely undergo intense appellate scrutiny. For now, *Schroer* is a definitive positive step in extending federal anti-discrimination protection to transgendered individuals.

**Diversity Forum**

**Hispanic Youth Outreach Program**

by Judy Phillips

According to the U.S. Census Bureau, the Hispanic population is the fastest growing segment of the population and comprises the largest minority group in the United States. Between July 1, 2006, and July 1, 2007, almost one out of every two people added to the Nation’s population was Hispanic. Despite this dramatic increase in the population, in the past decade Hispanic representation in the Federal workforce has increased only slightly more than 1 percent (from 6.2 percent in 1997 to 7.7

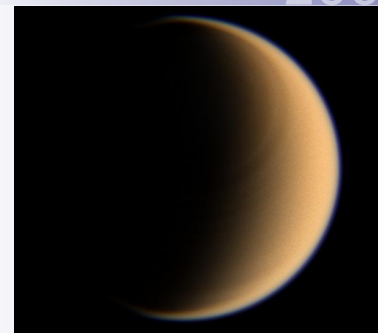
percent in 2007). Hispanics holding Federal jobs (7.7 percent) is not proportional to the number of Hispanics in the general population (15 percent). Agencies employing the largest number of Hispanics include the Department of



Al Condes

NASA Achievements and EO/Diversity Milestones

2004



July 1, 2004 — Following a 7-year, 2-billion-mile journey, Cassini-Huygens became the first spacecraft to go into orbit around Saturn. In October 2004, the spacecraft flew within 800 miles of Titan, the largest of Saturn’s moons and the only moon in our solar system with an atmosphere.

2005



November 29, 2005 — Shana L. Dale was sworn in as the Deputy Administrator of NASA, becoming the first woman to hold this position.

2006



January 19, 2006 — New Horizons launched from Cape Canaveral, beginning its nine-year trek toward Pluto and the Kuiper Belt. The first spacecraft to journey to Pluto, New Horizons was the first in NASA’s New Frontiers program of medium-class planetary missions.

Homeland Security (over 18 percent), Social Security Administration (13 percent) and the Justice Department (9 percent). NASA has shown an increase in its Hispanic population from 5 percent in 2000 to 5.5 percent in 2007.

Hispanic advocates have called for an increased presence in the feeder pipelines to improve the Hispanic representation in the Federal Government in the future. This suggestion makes sense in light of another fact: the rate of Hispanics completing higher education is relatively low. As of 2006, only 12.5 percent of Hispanics in the U.S. had a college degree, the lowest rate of any group in the United States.

Recently, in an attempt to reach out to an upcoming generation of the workforce, Headquarters became involved in the Hispanic Youth Symposium, a nonprofit program dedicated to developing and growing the next generation of Hispanic professionals. Symposia are held throughout the country to assist hundreds of promising high school students onto a path of achieving college degrees and careers. For a four-day period, the students live on a college campus and attend educational workshops, participate in leadership activities, and meet and speak with Hispanic leaders in the community. Alumni of the program are eligible for scholarships through the Hispanic College Fund. Participants are encouraged to enter the fields of business, science, technology, engineering, and math.

Headquarters sponsored three student scholarships for each of the symposia held in the Washington, DC, area. In addition, two Headquarters employees with an interest in helping Hispanic youth donated their time and energy by acting as “Hispanic Heroes,” mentoring approximately 135 students over the course of an afternoon by answer-

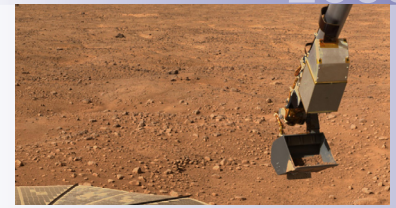
ing questions and providing advice on the challenges they face. Al Condes, the Deputy Assistant Administrator for External Relations at Headquarters, called it “truly a powerful experience to be able to meet and talk to such an enthusiastic group of young men and women, all motivated to do something special with their lives.” He said that, despite their diverse backgrounds within the Hispanic community, all shared a common interest in learning how to best achieve their full potential through education, training, and career development opportunities.



Omar DeFrias

Omar DeFrias, a Management and Program Analyst from the Office of the Chief Information Officer, found the experience “powerful” and “life-changing” for both students and mentors alike. “The opportunity to interact with the next generation of Hispanic leaders, listen to their stories, and live their experiences in such a short period of time was truly remarkable.” According to DeFrias, “You see these types of activities going on all the time, but it is not until you actually participate and listen to each of these young men and women and their stories that you connect your past to their present.” Condes agreed: “It was personally rewarding to think that my discussions with these students could perhaps help them in some small way to achieve their future career goals.”

Special Thanks to the Endeavor Team:  
David Chambers, Fred Dalton, Aisha Moore,  
and Judy Phillips



May 25, 2008 — The Mars Phoenix Lander sets down in the Martian arctic to find out whether the region can support life and to learn the history of water at the landing site. Phoenix is the sixth successful landing on Mars (all of them American) out of the 12 attempts that reached Mars. It is the most recent spacecraft to land successfully on Mars, and it is also the first successful landing on a polar region of Mars.



May 31–June 14, 2008 — STS-124, one of the most diverse Shuttle astronaut crews ever, delivers the main segment of Japan’s International Space Station laboratory, culminating 23 years of work to bring this segment to the world’s space outpost.



Stennis Space Center staff posing in an outline of the number 50 in honor of NASA’s 50th anniversary.

NASA Achievements and EO/Diversity Milestones



1. Who was the first American to orbit Earth?
2. Who was the oldest person to walk on the Moon?
3. Who was the first African American Space Shuttle pilot?
4. Who was the first woman to command a Space Shuttle flight?
5. Which astronaut honored his Native American heritage by bringing a Chickasaw Nation flag with him in space?
6. Who was the youngest American astronaut in space?
7. Which American astronaut has logged the most hours in space?
8. Which astronaut, prior to his career at NASA, was drafted to play in the National Football League?
9. Which astronaut is also a medical doctor, a former medical missionary to West Africa, a linguist, and a television broadcaster?
10. Which astronaut is currently a Deputy Center Director at Johnson Space Center?

Answers:

1. John Glenn orbited Earth in 1962 during the mission of Mercury 6.
2. Astronaut Alan B. Shepard, Jr. at age 47 during the Apollo 14 mission in 1971.
3. Astronaut Frederick D. Gregory during STS-33 in 1989.
4. Astronaut Eileen M. Collins during STS-93 in 1999.
5. John B. Herrington on STS-113 in 2002.
6. Sally K. Ride was 32 years old on STS-7 in 1983.
7. Peggy Whitson, with two long-duration stays aboard the International Space Station (ISS), has logged just over 376 days in space.
8. Leland Melvin was chosen by the Detroit Lions in the 1986 NFL college draft.
9. Dr. Mae Jemison, whose broadly diverse professional career also includes founding the Jemison Group, which focuses on the beneficial integration of science and technology in everyday life.
10. Ellen Ochoa was named the Deputy Center Director at JSC in 2007.