



OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY

# Endeavor

Summer/Fall 2010

## NASA News

### NASA Establishes Agency Anti-Harassment Process

By David Chambers

NASA has established an Agency-wide process for handling allegations of harassing conduct. Under longstanding Agency policy, this kind of conduct is unacceptable in the NASA workplace. However, the new procedures are designed to enhance the Agency's ability to deal with harassing conduct promptly and effectively, at the earliest possible opportunity.

NASA policy defines harassing conduct as: "any unwelcome conduct, verbal or physical, based on an individual's race, color, gender, national origin, religion, age, disability, genetic information, sexual orientation, status as a parent, gender identity, or retaliation for making reports or allegations of harassment or providing information related to such allegations when (1) the behavior can reasonably be considered to adversely affect the work environment or (2) an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct."

The anti-harassment process is not the same as the EEO complaints process. The EEO complaints process is designed to address illegal discrimination that already has occurred and to prevent its recurrence. The anti-harassment

process, on the other hand, seeks to address and resolve harassing conduct before it ever reaches the level of discrimination, as defined under the law.

# STOP

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## WORKPLACE HARASSMENT

- Causes Tension • Causes Emotional Distress
- Undermines Productivity • Lowers Morale
- Increases Employee Turnover Rates
  - Increases Absenteeism
- Inhibits Growth and Creativity
  - Undermines Inclusion
- Insults Dignity of Employees

The new process calls for all NASA Centers to designate a Center Anti-Harassment Coordinator, or CAHC, whose job it will be to assist managers, supervisors and employees in handling harassment allegations. Under the process, NASA employees or contractors who believe they have been subjected to harassing conduct may raise their concern with a manager or supervisor, or the CAHC.

NASA managers and supervisors, in coordination with the CAHC and stakeholder officials, such as EO, HR, and legal, are expected to act

"The overarching goal of the new procedures is to address harassing conduct at the earliest possible opportunity."

promptly to address the concern raised. To the extent that harassing conduct is found to have occurred, NASA managers and supervisors are expected to end the conduct and to prevent its recurrence.

The procedures do not cover allegations of harassment brought by contractors against their own contractor supervisors and/or contractor coworkers, although civil servant-contractor matters are covered.

For more information visit the Office of Diversity and Equal Opportunity Web site at [http://odeo.hq.nasa.gov/documents/AntiHarassment\\_FAQs.pdf](http://odeo.hq.nasa.gov/documents/AntiHarassment_FAQs.pdf).

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### Agency Deploys 'Training for High Performing Teams' and Other New Training Opportunities

By Fred Dalton

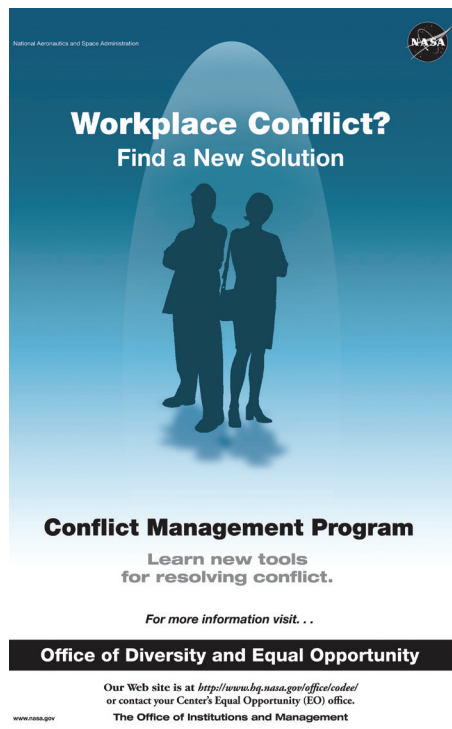
The Agency Conflict Management Program (CMP) expanded this past year beyond Basic Conflict Management training to include a suite of individual and interactive conflict training opportunities. First out of the gate: a new training module specifically designed for creating stronger teams—Conflict Management for High Performing Teams (HPT).

HPT came about as a result of CMP Needs Assessments conducted at NASA Centers in 2007 and 2008 and the expressed interest of former participants in the Basic CM training. This input and feedback suggested the need for education and awareness to address conflict within and across organizations when it arises.

HPT is a one-day classroom training that provides individuals working on teams with the knowledge and skills to respond productively when faced with common types of conflict that can occur among team members. This includes recognizing barriers to high performing teams, such as cultural misunderstandings, and other forms

of ineffective communication. The course also focuses heavily on the skills needed to prevent conflict and address it effectively, including recognizing the opportunities for changing a negative situation into a positive one.

Agency-wide deployment of HPT began in March 2010 with training at Glenn Research Center. In response to Center requests, a version of HPT for intact teams is also forthcoming.



**“HPT is a one-day classroom training that provides individuals working on teams with the knowledge and skills to respond productively when faced with common types of conflict that can occur among team members.”**

Meanwhile, CMP continues to grow. An online refresher course for Basic CMP training is being readied for posting on the ODEO and Center EO and Diversity Web sites, with posting on SATERN as well. Next up are CMP Webinars—forums facilitated by professional trainers to offer managers and employees the flexibility to address specific conflict issues in real-time. The one-hour webinars will be offered by ODEO Agency-wide. CMP begins offering these in FY 2010 and anticipates doing a total of four by the end of the year.

Look for information about signing up for HPT and other CMP training courses on SATERN, in NASA-Inc, and at <http://odeo.hq.nasa.gov/index.html>

## Diversity Forum

### Topics in Diversity and Inclusion: NASA to Conduct Agency-wide Diversity and Inclusion Survey

By Barbara Spotts

NASA will conduct a first-ever Agency-wide Diversity and Inclusion Survey, scheduled to be deployed in late Fiscal Year 2010. The Web-based survey has been developed and will be administered by ODEO in conjunction with one

of the foremost research organizations in the U.S. The survey will be anonymous and confidential, with access limited and data provided to NASA in the aggregate.

During December 2009 and January 2010, the survey instrument was pre-tested across the Agency by volunteers from the various Centers. The reactions to the questionnaire as a whole were positive, and

**“The Agency Diversity and Inclusion Survey will be anonymous and confidential, with access limited and data provided to NASA in the aggregate.”**

participants seemed to believe the survey would yield meaningful and

## Diversity Forum

useful results. Some commented that it was quite easy to understand and respond to.

As NASA continues to build inclusive, more diverse organizations across the Agency, we will be able to use the “snapshot” data provided by the survey to develop and drive the implementation of ODEO’s Diversity and Inclusion Strategic Framework. The information obtained by the survey will be extremely valuable in this regard, particularly when broken-down

by demographic factors such as gender, ethnicity, age, job classification, education level and other individual and organizational characteristics. This data will help the Agency to better understand where we stand with regard to diversity and inclusion, and where the gaps lie. For example, the survey will give us greater insight into employee perceptions around a host of inclusion related issues, such as whether employees believe information about and access to high-visibility team

assignments are fairly allocated. Results of the survey will be shared at both the Agency and Center levels with employees and specific actions resulting from the survey will be publicized.

ODEO wants to make sure that as many diversity and inclusion considerations as possible are addressed in this survey. Therefore, we encourage employees to take advantage of this opportunity to help shape the future of our workplaces across the Agency.

## EEO Matters

### The Genetic Information Nondiscrimination Act Takes Effect

The U.S. Equal Employment Opportunity Commission (EEOC) expects to issue its regulations implementing the Genetic Information Nondiscrimination Act, or GINA, in the coming months. Under GINA, it is illegal to discriminate against employees or applicants because of their genetic information. Therefore, an employee’s genetic information is now a protected basis under which the employee may raise an EEO complaint.

GINA defines “genetic information” as including information about an individual’s genetic tests and the genetic tests of an individual’s family members, as well as information about any disease, disorder, or condition of an individual’s family members (i.e., an individual’s family medical history). The law forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment. Under GINA, it is also illegal

to harass or “retaliate” against an applicant or employee for filing a charge of discrimination, participating in a discrimination proceeding (such as a discrimination investigation or lawsuit), or otherwise opposing discrimination.

“An employee’s genetic information is now a protected basis under which the employee may raise an EEO complaint.”

While GINA prohibits the use of genetic information in making employment decisions, there are a few narrow exceptions to the *acquisition of genetic information*. Some examples of these exceptions are inadvertent acquisitions, such as in situations where a manager or supervisor overhears someone talking about a family member’s illness, and genetic information acquired as part of the certification process for Family and Medical Leave Act leave, where an employee is asking for leave to care for a family member with a serious health condition.

The EEOC enforces Title II of GINA (dealing with genetic discrimination in employment). The Departments of Labor, Health and Human Services and the Treasury have responsibility for issuing regulations for Title I of GINA, which addresses the use of genetic information in health insurance. EEOC’s Title II regulations will implement the employment provisions of GINA. For more information on GINA visit: <http://tinyurl.com/25ue3rn>.

### President Issues Executive Orders on Asian Americans, Disabled Vets

On November 9, 2009, the President issued Executive Order 13518 requiring agencies to focus greater attention on improving hiring opportunities for Veterans, including disabled veterans. The Executive Order specifically directs agencies to either establish new program offices or identify individuals targeted to manage Veterans’ employment opportunity initiatives. NASA is meeting this new challenge through a coordinated network of specifically identified Veterans Employment Coordinators at each Center. The Coordinators will work collaboratively with

representatives in the Office of Human Capital Management (OHCM) Policy and Programs Office. An Operational Plan under the Executive Order is being developed consistent with the Government-wide Veterans' Recruitment and Employment Strategic Plan for 2010–2012, accessible at <http://tinyurl.com/279dzbc>.

The President also restored by Executive Order the White House Advisory Commission and Inter-agency Working Group on Asian Americans. In this Executive Order, signed October 14, 2009, President Obama set up a commission to conduct a two-year study on how to better serve Asian Americans. In remarks at a signing ceremony for the Executive Order, the President stated his rationale for setting up the commission, including that "some Asian American and Pacific Islanders, particularly new Americans and refugees, still face language barriers. Others have been victims of unthinkable hate crimes, particularly in the months after September 11th—crimes driven by

ignorance and prejudice that are an affront to everything that this nation stands for." The initiative and commission will be co-chaired the Secretary of Education and the Secretary of Commerce.

### White House Forms Council on Women and Girls

President Obama created the White House Council on Women and Girls "to ensure that American women and girls are treated fairly in all matters of public policy." The Council, created in March 2009, will work to address issues such as equal pay, family leave, and child care, which the President described as "not just women's issues [but] family issues and economic issues." Agencies serving on the council were tasked to focus specifically on areas such as developing policies that establish a balance between work and family; finding new ways to prevent violence against women, at home and abroad; and improving women's health care and educational outcomes.



President Barack Obama signing the Executive Order reestablishing the White House Advisory Commission on Asian Americans and Pacific Islanders.

The NASA Administrator is a member of the council and the Associate Administrators for Education, Diversity and Equal Opportunity, and the Assistant Administrator for Human Capital Management serve as Council Designees. NASA has been instrumental in providing the Council with information on recent efforts regarding women and girls in science, engineering, technology, and mathematics (STEM) in both the educational and equal opportunity contexts. For more information on the council go to <http://tinyurl.com/26a6cdn>.

## Case Law Update

### Supreme Court Specifies New Standard in Discrimination Law

By Aisha Moore

In *Ricci v. DeStefano*<sup>1</sup>, the Supreme Court examined the distinction between two theories of discrimination, disparate treatment and disparate impact, offering guidance in cases where the two are at odds.

Disparate treatment and disparate impact are theories under Title VII of the Civil Rights Act, which prohibits discrimination in employment based on race, color, national origin, sex, and religion. Title VII applies to both the private and the public sector. Private employers must have 15

or more employers to fall within the law's discrimination prohibition.

At a very basic level, disparate treatment in the discrimination context occurs when an employee believes that he or she has been treated differently from other similarly situated employees, based on one of the protected classifications, such as race or gender. On the other hand, disparate impact occurs when employment practices neutral on their face have a greater impact on one protected group over another.

### What happened?

The City of New Haven sought to fill

vacant lieutenant and captain positions in its fire department, a promotion and hiring process governed by city charter, state and federal law. Candidates took examinations that consisted of both oral and written responses. Twenty-two candidates passed the examination, 16 whites, 3 blacks and 8 Hispanics. Under the union hiring rules, seven whites and two Hispanics were eligible for hiring and promotion, but none of the three black candidates.

The city decided not to certify the examination results, citing disparate impact discrimination. In other words, it believed that there were other ways to hire and promote

## Case Law Update

which were equally valid that would have less of an adverse impact. The seven white and two Hispanic candidates who were eligible, and subsequently denied a promotion due to the city's decision, brought a lawsuit. They argued that by not certifying the exam results, they had been subjected to disparate treatment discrimination.

### Held:

The court held that discarding the examination results was improper. It found that employees cannot be subjected to disparate treatment discrimination to avoid possible disparate impact discrimination. Instead, the court specified that there must be a strong basis in evidence that the examination was deficient and required discarding, not merely statistical disparity.

### Did the court get it right?

The decision has left employers in a difficult place. If hiring exami-

nations or other policies result in the exclusion of minorities, an employer cannot simply toss the test or change the policy without being liable to other employees for disparate treatment discrimination. On the other hand, not taking proactive steps to eliminate disparate impact can also result in liability. For now, employers must engage in the careful balancing act the Supreme Court has specified while keeping abreast of other changes in the law.

### Just so you know...

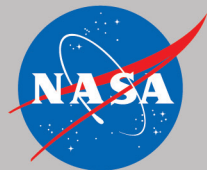
Between 1992 and 2008, the percentage of sexual-harassment charges filed by men with the EEOC doubled from 8 percent to 16 percent. EEOC has recognized a growing trend in the number of men alleging same-sex sexual harassment. On July 13, 2009, the EEOC announced that it had settled a claim of same-sex harassment with Haydon Brothers Contracting Inc., in Springfield, KY. The

EEOC claimed that the company had allowed a male employee to be sexually harassed by his supervisor. Despite being subject to contact and extremely obscene comments, sexual innuendos, and implied physical threats, the victim's complaints were dismissed and he was told, "this kind of thing goes on all the time." Some of the comments or behavior that would not have been tolerated if made to women were passed off as "horseplay" and "roughhousing" with men.

Harassment of any type is not tolerated in the workplace. NASA has a long-standing policy prohibiting harassment and has just issued Agency-wide procedures for handling allegations of harassing conduct (see p. 1). The case points up the importance of reinforcing anti-harassment policies, including same-sex harassment, through training and policy.

<sup>1</sup> *Ricci v. DeStefano*, 129 S. Ct 2658 (2009).

## Center Spotlight



### JOHN F. KENNEDY SPACE CENTER



By Bonni McClure

**Our Vision:** *To cultivate a talented workforce enriched by diversity and inclusion.*

**Mission Statement:** *The Office of Diversity and Equal Opportunity at KSC mission statement is to foster a workplace that respects and appreciates individual and cultural difference. We promote education, awareness and open communication, and ensure KSC compliance with Equal Employment Opportunity Commission and NASA directives.*

With KSC's Agency values of safety, teamwork, integrity, and mission success guiding the way, the ODEO at KSC has embarked on a number of initiatives over the past year. These initiatives have helped to strengthen all of KSC's EO and diversity programs.

KSC's diversity initiatives have been a particular focus in the past few years. The diversity program is founded on education and awareness opportunities, and open and

effective communication among Center managers, supervisors, and employees. KSC's framework for diversity, in support of the Agency framework, is to enhance organizational effectiveness and maximize individual potential.

One of KSC's recent initiatives was to strengthen the existing employee resource groups and create an all-inclusive employee diversity council. As a result, KSC now has the Diversity & Inclusion

## Center Spotlight

Committee of Employees (DICE). DICE is led by the Diversity Program Manager. At least one member (usually the chair) of each of the employee resource groups (ERG) serves as a representative to DICE. This allows for increased collaboration with the various ERGs and creates a strategic approach for the groups under the umbrella of DICE. DICE also provides a venue for KSC's smaller workforce segments without a formal ERG, such as KSC's Native American, KSC's LGBT and KSC's Asian-Pacific Islander communities to have a voice and be included in the diversity efforts on Center. DICE also provides status reports and recommendations to senior leadership on the state of diversity, inclusion and innovation at the Center. We are also excited to report a new employee resource group was formed this year for KSC's Hispanic workforce, the Hispanic Outreach and Leadership Alliance (HOLA).

“With the pending transition of the Shuttle Program, stressors can be high and resources low, so we began to look for ways to better partner with our contractors in the diversity arena.”

In addition to the formation of DICE and HOLA, KSC has completed a number of large and small activities to promote diversity and inclusion for KSC's workforce and partnered with other agencies and organizations as well. Signing-Time! founder, Rachel Coleman, visited us in the spring to discuss innovation and removing communication barriers. Coach Herman Boone, whose story was brought to the movie screen in Remember



“Rachel Coleman, key note speaker and performer at KSC's It's About Ability event, signs/sings the Rainbow Song with the 4-year-old class from KSC's Child Development Center.”

the Titans wowed a standing room only audience with his message about diversity and teamwork. Following his speech, we held a “KSC Tailgate” that further encouraged teamwork through competitive games and camaraderie.

In addition to these two outside speakers, ODEO conducted straight talk sessions, lunch and learn sessions, and training sessions. KSC's training topics for 2009 were on raising awareness of KSC's LGBT workforce and on the multi-generational workforce (which we will continue in 2010). In an effort to provide new managers with tools to be successful, we continue to strengthen KSC's diversity training elements specific to their responsibilities. In addition to KSC's own employees, we believe KSC's contractor workforce is important to the success of the Center.

With the pending transition of the Shuttle program, stressors can be high and resources low, so we began to look for ways to better partner with KSC's contractors in the diversity arena. As a result, we held the first Diversity Forum to share

best practices and look for ways to collaborate on future projects. This activity was well received and appreciated by KSC's contractor partners. We hope to conduct this on a quarterly basis in the future.

Lastly, KSC's ODEO staff teamed up to present diversity and EO training to outside agencies and professional organizations, such as U.S. Fish and Wildlife Service, National Park Services and at the National Training Program for Federally Employed Women. These were all regional or national venues, resulting in very positive feedback and showcasing NASA within the Federal Government.

KSC's focus for 2010 will be to maintain the larger Center-wide functions, but to also increase the number of smaller venues throughout the year to persistently work towards building a strong foundation of diversity and inclusion for KSC's employees. We are looking forward to the rest of 2010 and to KSC's constant effort to lead a proactive and progressive diversity program. As we say: Diversity. Inclusion. Innovation. Success.

## Diversity Calendar

### Summer/Fall 2010

Endeavor presents a non-exhaustive list of some of the diversity highlights for the months of June-November.



#### JUNE

Gay, Lesbian, Bisexual and Transgender Pride Month

Gay, Lesbian, Bisexual and Transgender (GLBT) Pride Month is celebrated each year for the month of June. The last Sunday in June is celebrated as Gay Pride Day. The month was chosen to remember the 1969 Stonewall riots and to recognize the impact of GLBT individuals.

National Caribbean-American Heritage Month

During this month the Nation celebrates the ways that Caribbean-Americans have enriched our society and added to the strength of America. For more information visit the Caribbean American Heritage Month Web site: <http://www.caribbeanamericanmonth.org>.

June 19

Juneteenth

Juneteenth, also known as Freedom Day or Emancipation Day, commemorates the announcement in Texas in 1865 of the abolition of slavery - two years after President Lincoln signed the Emancipation Proclamation.

#### JULY

July 4

Independence Day or Fourth of July

Independence Day was first celebrated on July 8, 1776 when the Declaration of Independence was read to the public. Congress declared the day a federal legal holiday in 1941. The holiday is celebrated with parades, fireworks, picnics, sporting events, and music, including the "Star-Spangled Banner" and several marches of John Philip Sousa.

July 26

Anniversary of the Signing of American's with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) is a law that was enacted by the U.S. Congress in 1990 "to establish a clear and comprehensive prohibition of discrimination on the basis of disability." The ADA was amended with changes effective January 1, 2009.

#### AUGUST

August 26

Women's Equality Day

Introduced by Rep. Bella Abzug and established in 1971, this day commemorates the passage of the 19th Amendment, the Woman Suffrage Amendment to the U.S. Constitution, which in 1920 gave women in the United States full voting rights. Visit the National Women's History Museum for more information: <http://www.nwhm.org>.

#### SEPTEMBER

September 15-October 15

Hispanic Heritage Month

In 1988, this weeklong event grew to a month-long celebration of Hispanic culture and tradition. To learn more about Hispanic artists who have had a lasting impact on world culture go to <http://hispanicheritagemonth.gov>. <<http://hispanicheritagemonth.gov/>>.

September 15-16

Mexican Independence Days

These days celebrate the start in 1810 of Mexico's struggle for independence from Spain. Each year, the president of Mexico rings the bells of the National Palace in Mexico City. September 16 is Independence Day in Mexico and is considered a patriotic holiday.

September 17

Citizenship Day (or Constitution Day)

On this day in 1787, the 55 delegates to the Constitutional Convention met to sign the Constitution of the United States of America. Visit the National Constitution Center: <http://constitutioncenter.org> and the Constitution Day Web site: <http://www.constitutionday.com> for more information and teacher resources.

#### OCTOBER

National Disability Employment Awareness Month

This effort to educate the American public about issues related to disability and employment actually began in 1945, when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week." In 1988, Congress expanded the week to a month and changed the name to "National Disability Employment Awareness Month."

October 2

Gandhi's Birthday & International Day of Nonviolence

Mohandas Karamchand "Mahatma" Gandhi is one of the most respected spiritual and political leaders of the Twentieth Century. Through nonviolent resistance, Gandhi helped free India from British rule. The Indian people called Gandhi "Mahatma," meaning Great Soul. See Mohandas Gandhi biography. [http://en.wikipedia.org/wiki/Mohandas\\_Karamchand\\_Gandhi](http://en.wikipedia.org/wiki/Mohandas_Karamchand_Gandhi).

October 6

German American Day

Proclaimed by President Ronald Reagan in 1983, this day commemorates the 1683 arrival in America of 13 German families on board a sailing vessel.

#### NOVEMBER

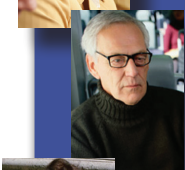
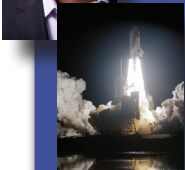
American Indian Heritage Month

November was officially recognized as National American Indian and Alaska Native Heritage Month in 1990 when President George H.W. Bush signed it into Public Law. See these sites for more information: Native American Heritage Month Web site: <http://nativeamericanheritagemonth.gov/>, American Indians/Alaska Natives: Education Issues: <http://www.nea.org/home/15596.htm>, Native American Book List: <http://www.nea.org/grants/29498.htm>.

November 11

Veterans Day

Veterans Day is an annual American holiday honoring military veterans. U.S. President Woodrow Wilson first proclaimed an Armistice Day for November 11, 1919. In 1938, the United States Congress made the 11th of November in each year a legal holiday. See more at <http://www.military.com/>.



# ENDEAVOR CHALLENGE – TO THE NINES

## INSTRUCTIONS:

Sudoku has a unique solution that can be reached logically without guessing. Enter digits from 1 to 9 into the blank spaces. Every row, every column, and each of the nine 3x3 grids must contain the numbers 1 to 9.

9		4	2		5			7
					3		2	
3		6				1		
		5	1		8			6
8				4				3
1			7		6	9		
						4		1
	7		4					
4			3		1	6		9

Answer Key may be viewed at :

[http://odeo.hq.nasa.gov/documents/SODUKU\\_SummFall10\\_key.pdf](http://odeo.hq.nasa.gov/documents/SODUKU_SummFall10_key.pdf) <[http://odeo.hq.nasa.gov/documents/SODUKU\\_SummFall10\\_key.pdf](http://odeo.hq.nasa.gov/documents/SODUKU_SummFall10_key.pdf)>