

IMPORTANT



CIVIL RIGHTS POLICY UPDATE

On May 5, 2022, the Food and Nutrition Service's (FNS) Civil Rights Division issued a memorandum on *Bostock v. Clayton County* and its application to USDA FNS Programs.

The memorandum informed FNS program recipients that the prohibition of discrimination based on sex in Title IX and the Food and Nutrition Act includes gender identity and sexual orientation.

In short, discrimination on the basis of sex in programs or activities receiving federal financial assistance includes discrimination on the basis of sexual orientation and discrimination on the basis of gender identity.

The changes impact the USDA Nondiscrimination Statement (NDS) and the And Justice for All posters.

What next steps must be taken by program operators?

- Program operators will need to update their Nondiscrimination Statements that reference gender identity and sexual orientation discrimination.
- Program operators should expeditiously review their program discrimination complaint procedures and make any changes necessary to ensure complaints alleging discrimination on the basis of gender identity and sexual orientation are processed and evaluated as complaints of discrimination on the basis of sex.

Nondiscrimination Statement

All documents, pamphlets, websites, etc. should be updated with the [2022 NDS](#) as follows:

1. Websites must be updated within 90 days of May 5, 2022.
2. Documents, pamphlets, brochures, etc., using the previous NDS must be updated when current supply on hand is exhausted or by September 30, 2023.

3. All new printing must use the [2022 NDS](#).

And Justice for All Posters (AJFA)

Until the new posters are received, additional guidance is outlined below.

1. Program operators may request the 2019 AJFA posters from the state agency until their supply is exhausted.
2. AJFA posters currently posted must not be removed until replaced with the new poster.
3. The 2019 AJFA poster(s) language should be updated on websites, training presentations and any pending printing of brochures, pamphlets and materials and replaced with the appropriate 2022 version.
4. Once the state agency receives new posters from USDA, Indiana Department of Education (IDOE) will distribute them to sponsors. USDA is in the design/printing phase for the new AJFA posters.
5. **No request for the new AJFA poster will be necessary.**

Questions about Civil Rights can be directed to Maggie Schabel at mschabel@doe.in.gov.