**Civil Rights Information Required of ALL SFAs and Sponsors – Action Required**

In June 2020, the U.S. Supreme Court held in Bostock v. Clayton County, 140 S. Ct. 1731 that employment discrimination based on gender identity or sexual orientation constitutes prohibited discrimination based on sex under Title VII of the Civil Rights Act of 1964.

On Jan. 20, 2021, President Biden issued Executive Order (EO) 13988 that references the Supreme Court’s holding in Bostock and states that Bostock sets out the Administration’s policy that all persons are entitled to dignity, respect, and equal treatment under the law, no matter their gender identity or sexual orientation. EO 13988 directs Federal agencies to review laws and regulations that prohibit sex discrimination to determine whether they prohibit discrimination based on gender identity and sexual orientation.

Considering Bostock, the Food and Nutrition Service of the US Department of Agriculture (USDA) has evaluated the statutes it enforces and determined that discrimination based on gender identity and sexual orientation can constitute prohibited sex discrimination under Title IX and the Food and Nutrition Act.

What does this mean for the State agency and program operators?

* We are required to update our program discrimination complaint processing procedures to ensure discrimination complaints alleging sexual orientation and gender identity discrimination are processed as complaints of prohibited sex discrimination.
* We will need to update our Nondiscrimination Statements to reference gender identity and sexual orientation discrimination. All documents, pamphlets, websites, etc. should be updated with the 2022 Nondiscrimination Statement as follows:
  + Websites must be updated within 90 days of the date of the issuance of the USDA Policy Memorandum (May 5, 2022).
  + Documents, pamphlets, brochures, etc. must be updated when the current supply on hand is exhausted or by September 30, 2023.
  + All new printing must use the 2022 Nondiscrimination Statement.

The updated FNS Nondiscrimination Statement is available at [USDA Nondiscrimination Statement | Food and Nutrition Service](https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs)

* The NC Department of Public Instruction will order new And Justice for All posters. Until new “And Justice for All” posters are received, we must continue to display the poster dated September 2019. Please email Jacquelyn McGowan at [Jacquelyn.McGowan@dpi.nc.gov](mailto:Jacquelyn.McGowan@dpi.nc.gov) with the number of posters you will need, including your summer sites, the name of the person to receive the posters and the address where you want them sent.

Please see the additional resources below and contact your Zone Consultant with any questions:

* [Policy Memo](https://www.fns.usda.gov/sites/default/files/resource-files/crd-01-2022.pdf)
* [Cover Letter](https://www.fns.usda.gov/sites/default/files/resource-files/crd-01-2022-letter.pdf)
* [Questions & Answers](https://www.fns.usda.gov/sites/default/files/resource-files/crd-01-2022-qa.pdf)