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MEMORANDUM

TO: All USDA Programs
FROM: DCCECE / HNU
DATE: 6/8/2022
SUBJECT: Updated "And Justice for All" Posters and the Non-Discrimination Statement - **Corrected**



The USDA has recently updated the "And Justice for All" Posters and the Non-Discrimination Statement?

Please see the attached summary sheet below from the National CACFP Sponsor's Association regarding the memo issued on May 5th titled "Revised Nondiscrimination Statement and "And Justice for All" posters. Timelines and Guidance for Implementation."

The posters have not yet been received by the State Agency and are **NOT AVAILABLE YET** for distribution. Once posters are available additional information will be mass alerted on how to get new posters and who to contact.

Please keep this memo on file for quick and easy reference. A copy is also available on the resource library under Mass Alerts 2022. If you have any questions regarding this memo, please contact your Program Specialist at: 501-682-8869.

Updated Nondiscrimination Statement and “And Justice for All” Poster



Summary:

Effective May 5th, 2022, USDA released updated nondiscrimination statement guidance. As a result of recent Supreme Court decision, State agencies and program operators must use the new updated nondiscrimination statement and new "And Justice for All poster".

Why it Matters:

It is important for child nutrition program operators to be inclusive of all participants in any child nutrition program. Discrimination is prohibited in all child nutrition programs.

Background:

In June 2020, the U.S. Supreme Court case *Bostock v. Clayton* concluded that employment discrimination based on gender identity or sexual orientation is prohibited under Title VII of the Civil Rights Act of 1964. Based on *Bostock v. Clayton*, the Civil Rights Division has updated the nondiscrimination statement and the "And Justice for All" posters to include gender identity and sexual orientation as protected bases.

The new nondiscrimination guidance is as follows:

1. Must update nondiscrimination statement

Updated USDA nondiscrimination statement: “In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.” All new printing of materials must use the revised nondiscrimination statement. Websites must be updated within 90 days of this policy memo dated May 5, 2022.

2. Must display updated "And Justice for All" Poster

Updated "And Justice for All" Posters has been released and must be displayed.

Contact the [state agency or program sponsor](#) in the state you are located to order copies of the "And Justice for All" posters. For more information on accessing new posters see [obtaining "And Justice for All" posters](#).

Questions and Answers:

Q. What next steps must be taken by State agencies and program operators?

A. State agencies and program operators will have to update their program discrimination complaint processing procedures for allegations related to services and activities receiving federal financial assistance from the USDA to ensure discrimination complaints alleging sexual orientation and gender identity discrimination are processed as complaints of prohibited sex discrimination. Additionally, State agencies and program operators will need to update their nondiscrimination statements and order new "And Justice for All" posters that reference gender identity and sexual orientation discrimination.

Q. When should program operators and State agencies update the nondiscrimination statement and the "And Justice for All" posters?

A. Policy Update is effective immediately. We will work with State agencies and program operators on the timing for updating documents and materials to include the updated nondiscrimination statement. Items that can be changed without further guidance should be updated as soon as possible (websites for example).

Q. What should program operators and State agencies do with old "And Justice for All" poster?

A. Currently, updated "And Justice for All" posters are in production and will be available in the coming months. State agencies and program operators must continue to display the applicable version of the poster dated September 2019, until updated "And Justice for All" posters are ordered and received.

Q. Will a finding be issued for non-compliance with the updated "And Justice for All" poster and nondiscrimination statement?

A. During the grace period, findings will not be issued if the State agency is unable to display the updated "And Justice for All" poster and incorporate the nondiscrimination statement on

documents and materials. Once the grace period(s) have expired for ordering and displaying posters and reprinting documents, a State agency or program operator must demonstrate efforts taken to comply with the guidance provided before a determination is made to issue a finding of noncompliance.

For more information on Court Case and Updated Guidance:

[Bostock Memo Cover Letter](#)

[Application of Bostock v. Clayton County \(CRD 01-2022\)](#)

[Bostock Question and Answer Memo Final \(CRD 02-2022\)](#)

[NDS and AJFA Poster Memo 2022](#)