

**Technical Assistance for SERO Regarding Use of the Nondiscrimination Statement  
(See FNS Instruction 113-1 for Additional Guidance)**

When the Civil Rights Division began conducting comprehensive Civil Rights Compliance Reviews in 2014, guidance to States is using the short Nondiscrimination Statement (NDS or Statement) is the exception and should be used on a limited basis. The Nondiscrimination Statement cannot be altered and must be used in full on all “vital” documents (documents that are critical to program participation) such as: (1) applications, (2) complaint forms; (3) notices which impact benefits or accessibility such as free language access for Limited English Proficient clients and reasonable modifications for disabled clients, OR disqualification, ineligibility and Fair Hearings).

There are two different Nondiscrimination Statements; one for “Assisted” programs and one for “Conducted” programs. The appropriate Statement to use whether “assisted” or “conducted” would depend on the information being conveyed and to whom. The “assisted” Nondiscrimination Statement should be used by Recipients (programs receiving Federal financial assistance from FNS). The “conducted” Nondiscrimination Statement is for materials produced by USDA/FNS for employees and customers (general public).

Recipients should have a legitimate business reason for using the short statement on documents. Not having enough room on a pamphlet or brochure is not a valid reason especially if the material informs the public, applicants or participants about the program, how to apply for benefits or if an adverse action will be taken. For flyers and other program materials, use of the appropriate Nondiscrimination Statement depends on the information being conveyed. For example, general informational material such as School Lunch calendars that list daily meal items to be served (e.g., apple, milk, pizza) would not need the NDS. If a school lunch calendar is more descriptive and includes program information, the appropriate (full or short) statement should be used. For calendars that are funded by FNS, but only contain recipes using USDA commodities, would not need the NDS.

Press Releases and Center for Nutrition Policy and Promotion (CNPP) materials such as *MyPlate* are for the general public. If the NDS is required, you should use the “conducted” full or short statement as appropriate. The short Nondiscrimination Statement: *USDA is an equal opportunity, provider, employer and lender.* Spanish Translation: *El USDA es un proveedor, empleador y prestamista que ofrece igualdad de oportunidades.*

Recognizing that Internet, radio, and television public service announcements are generally short in duration, the nondiscrimination statement does not have to be read in its entirety. Rather, a statement such as “The [program name] is an equal opportunity provider” is sufficient to meet the nondiscrimination requirement.

Public program announcements (i.e. press releases) sent to media outlets must include the NDS. Media outlets may include, but are not limited to, television, radio, and Internet. Recognizing that television, radio, and Internet announcements are generally short in duration, the full NDS must be provided but does not need to be read or printed in its entirety. The single line, short NDS is preapproved and sufficient to meet the requirement. Additionally, for programs that include a funding statement at the conclusion of the announcement, it is allowable for the short NDS to follow the funding statement. For example, “Pennsylvania WIC is funded by the USDA. This institution is an equal opportunity provider.”

As the use of social media (i.e. Facebook, Twitter, Instagram, text messaging, etc.) to advertise program information becomes more prevalent, it is imperative that USDA Nondiscrimination Statement requirements are fulfilled. At a minimum, the full NDS statement or the short NDS statement with a link to the full statement is required on the main / profile page of all social media accounts. Since many of these platforms have character restrictions, it is recommended that the short NDS statement appear in social media posts; but is not required.

For grantees such as SNAP-Ed, documents developed, adapted, or reprinted by State and Implementing Agencies receiving financial assistance from USDA/FNS must have the following short nondiscrimination statement: “This institution is an equal opportunity provider.” when used specifically for SNAP-Ed. In general, anything that features

USDA logos, such as MyPlate, or communicates SNAP-Ed programming information, including times, dates, and locations as well as objectives and outcomes of classes or activities, falls into this category.

For Team Nutrition Outreach, if the material is produced by State agencies, the “Assisted” Nondiscrimination statement would be used. If the material is produced by USDA/FNS, the “conducted” Nondiscrimination Statement would be used.

Again, it depends on the information being conveyed and to whom. When in doubt, contact the FNS Regional Civil Rights Officer for review and approval.

This guidance will be included in the revised FNS Instruction 113-1.

**Additional Information:**

Link to FNS Nondiscrimination Statement for Assisted Programs: <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>

Link to USDA Nondiscrimination Statement for Conducted Programs: <https://www.usda.gov/non-discrimination-statement>

Link to DR 4300-003: <http://www.ocio.usda.gov/sites/default/files/docs/2012/DR-4300-003%20Equal%20Opportunity%20Publication%20Notification.pdf>