



**DEPARTMENT OF VETERANS AFFAIRS**  
**ASSISTANT SECRETARY FOR HUMAN RESOURCES AND ADMINISTRATION**  
**WASHINGTON DC 20420**

**MAY 31 2012**

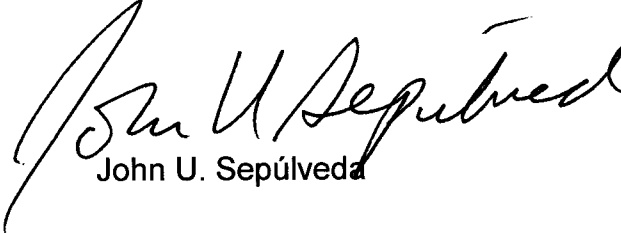
**TO ALL EMPLOYEES**

**SUBJECT: New Guidance: Secretary's EEO, Diversity, and No FEAR Act Policy Statement**

The purpose of this memorandum is to inform employees of a recent decision issued by the U.S. Equal Employment Opportunity Commission (EEOC) regarding employment discrimination because of an individual's gender identity or transgender status. The decision impacts the "EEO and Prohibited Discrimination" section in the Secretary's EEO, Diversity, and No FEAR Policy Statement signed on March 14, 2012. According to the U.S. Office of Personnel Management, the term "gender identity" refers to an individual's internal sense of being male or female and the term "transgender" refers to people with a gender identity that is different from the sex assigned to them at birth.

On April 20, 2012, EEOC ruled that employment discrimination based on gender identity or transgender status should be considered under the sex discrimination prohibitions in Title VII of the Civil Rights Act of 1964. Consequently, the Office of Resolution Management will process complaints of this nature in accordance with the EEO discrimination complaint process proscribed in 29 CFR 1614.

VA is committed to providing a work atmosphere that is fair, diverse and inclusive and to provide a workplace free from unlawful discrimination, harassment, and retaliation. At VA, we all are vigilant and responsible for upholding the fundamental principles of equity, diversity, and inclusion.

  
John U. Sepúlveda