



**United States Department of the Interior**  
**OFFICE OF THE SECRETARY**  
Washington, D.C. 20240

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**CIVIL RIGHTS DIRECTIVE 2012-05**

TO: Bureau Equal Employment Opportunity Officers

FROM: Sharon D. Eller, Director, Office of Civil Rights *Sharon D. Eller*

SUBJECT: **Processing EEO Complaints Based on Sex Discrimination-Gender Identity, Change of Sex, and/or Transgender Status**

This Directive provides guidance on processing EEO Complaints based on Sex Discrimination-Gender Identity, Change of Sex, and/or Transgender Status.

On April 20, 2012, the Equal Employment Opportunity Commission (EEOC), in a decision issued in the case of Mia Macy v. Eric Holder, Attorney General, Department of Justice (Appeal No. 0120120821), ruled that gender identity, change of sex, and or transgender status must be determined under Title VII of the Civil Rights Act of 1964.

Effective immediately, all EEO Complaints initiated and filed within the U.S. Department of the Interior (DOI) whereby Aggrieved Persons and Complainants allege sex discrimination, including Gender Identity, Change of Sex, and or Transgender Status, will be processed under Title VII (Civil Rights Act of 1964 as amended) and 29 C.F.R. Part 1614, the EEOC's federal sector EEO Complaint Process.

**On June 29, 2012, the EEOC provided the following guidance:**

1. Discrimination against a person because that person is transgender is discrimination based on sex.
2. These complaints of discrimination, sometimes identified as gender identity complaints, should be processed under Title VII of the Civil Rights Act and through the federal sector EEO complaint process, at 29 C.F.R. Part 1614, as claims of sex discrimination.
3. Lesbian, gay, and bisexual persons can also experience discrimination because of sex. This can take the form of sex-stereotyping, sexual harassment, or other kinds of sex discrimination.
4. Lesbian, gay and bisexual federal employees who believe they have experienced sex discrimination should also file complaints through the 29 C.F.R. Part 1614 process.
5. Executive Order 13087 prohibits discrimination based on sexual orientation. The Executive Order requires federal agencies to administer a process to address allegations of

discrimination based on sexual orientation. This Executive Order is still in effect.

6. Federal agencies should retain procedures for filing complaints of sexual orientation discrimination under the Executive Order. Some lesbian, gay, and bisexual employees may wish to file complaints under both the Executive Order process and the 29 C.F.R. Part 1614 process (for sex discrimination) as these are separate processes.

At DOI, the Executive Order process is governed by 373 DM 7.

Distribution: Bureau and Office Equal Employment Opportunity Officers

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