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**Integrated Service on Health and Development Organization**

**ISHDO**

**Nondiscrimination and Inclusive Development Policy and Guidelines for USAID Funded Activities**

 **March 2021**

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# Policy Statements Regarding Nondiscrimination for Access to Services for Beneficiaries

## INTERNAL GUIDANCE:

As announced in March 2016, USAID updated its internal guidance on development policy (Automated Directives System (ADS) Chapter 200) regarding “Promoting Nondiscrimination and Inclusive Development in USAID-Funded Programs.”  The exact text is as follows:

***In designing and administering USAID programs, pursuant to existing USAID policy, Bureaus/Missions and Operating Units must not discriminate against any beneficiary or potential beneficiary, such as, but not limited to, by withholding, adversely impacting, or denying equitable access to benefits or services on the basis of any non-merit factor. A non-merit factor includes race, color, religion, sex (including gender identity and pregnancy), national origin, disability, age, sexual orientation, genetic information, marital status, parental status, political affiliation, or veteran’s status. Nothing in this requirement is intended to limit the ability of a program to target assistance to certain populations as defined in the project design.***

## ACQUISITIONS (i.e., Contracts):

On October 25, 2016, the Federal Register published a final rule to update the Agency for International Development Acquisition Regulation (AIDAR) to include a clause on “Nondiscrimination against End-Users of Supplies or Services.”  This AIDAR clause, which applies to all USAID contracts, explicitly articulates an inherent principle that all beneficiaries should be able to participate in USAID programs without discrimination.  The exact text of the clause (AIDAR 48 CFR 752.7038) is as follows:

1. ***USAID policy requires that the contractor not discriminate against any end-user of the contract supplies or services (i.e., the beneficiaries of the supplies or services) in implementation of this award, such as, but not limited to, by withholding, adversely impacting, or denying equitable access to the supplies or services (benefits) provided through this contract on the basis of any factor not expressly stated in the award. This includes, for example, race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, disability, age, genetic information, marital status, parental status, political affiliation, or veteran's status. Nothing in this******clause is intended to limit the ability of the contractor to target activities toward the assistance needs of certain populations as defined in the contract.***
2. ***The Contractor must insert this clause, including this paragraph, in all sub-contracts under this contract.***

## ASSISTANCE AWARDS (i.e., Grants, Cooperative Agreements)

As announced in November 2016, USAID has also approved corresponding changes to the standard provisions for USAID-funded grants and cooperative agreements. The revisions have been implemented through internal Agency policies located in ADS Chapter 303.   The exact text of the provision is as follows:

1. ***USAID policy requires that the recipient not discriminate against any beneficiaries in implementation of this award, such as, but not limited to, by withholding, adversely impacting, or denying equitable access to the benefits provided through this award on the basis of any factor not expressly stated in the award. This includes, for example, race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, disability, age, genetic information, marital status, parental status, political affiliation, or veteran’s status. Nothing in this provision is intended to limit the ability of the recipient to target activities toward the assistance needs of certain populations as defined in the award.***
2. ***The recipient must insert this provision, including this paragraph, in all subawards and contracts under this award.***

# The Need for Nondiscrimination Requirements

While the nondiscrimination requirements do not represent a change in USAID’s approach to development, they explicitly articulate an inherent principle that all beneficiaries should be able to participate in USAID programs without discrimination.  This is aligned with USAID’s commitment to inclusive development.  USAID’s emphasis on inclusive development focuses on expanding rights and opportunities for women and girls; marginalized ethnic and religious populations; indigenous peoples; internally displaced persons; people with disabilities; youth and the elderly; lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals; and other socially marginalized individuals or people unique to the country or regional context.  These nondiscrimination requirements are a best practice and reflect USAID’s principles.

# APPLICABILITY NONDISCRIMINATION POLICY STATEMENT

## INTERNAL GUIDANCE:

The approved language has been incorporated into section 200.3.1 “Principles” of[**ADS Chapter 200**](https://www.usaid.gov/ads/policy/200/200) and Mandatory Reference [**ADS 200mab**](https://www.usaid.gov/ads/policy/200/200mab), “Promoting Nondiscrimination and Inclusive Development in USAID-funded Programs.”

## ACQUISITIONS (i.e., Contracts):

The approved language has been incorporated into [**Agency for International Development Acquisition Regulation (AIDAR)**](https://www.usaid.gov/ads/policy/300/aidar) as Section 752.7038.

## ASSISTANCE AWARDS (i.e., Grants, Cooperative Agreements):

The approved language has been incorporated into [**ADS 303maa Standard Provisions for U.S. Nongovernmental Organizations**](https://www.usaid.gov/ads/policy/300/303maa), [**ADS 303mab Standard Provisions for non-U.S. Nongovernmental Organizations**](https://www.usaid.gov/ads/policy/300/303mab), and [**ADS 303mat Standard Provisions for Fixed Amount Awards to Nongovernmental Organizations**](https://www.usaid.gov/ads/policy/300/303mat).

## Application of Nondiscrimination Policy Statements in Instruments

Collectively, these nondiscrimination policy statements will apply to acquisitions awards (i.e. contracts) and assistance awards (i.e. grants, cooperative agreements) to for-profit and nonprofit organizations.  Further negotiations would be required to apply these policy statements to instruments involving government-to-government assistance, public international organizations (PIOs), or interagency agreements.

Upon their respective effective dates, the new language will be incorporated into new acquisitions (i.e., contracts) and assistance (i.e., grants, cooperative agreements) awards

## Application of Nondiscrimination Policy Statements to Subcontracts and Subawards.

The nondiscrimination policy statements will flow down and will apply to all subcontracts and subawards at any tier.  Contractors will be expected to include the clause in all subcontracts, and assistance awards (i.e., grant, cooperative agreement) recipients will be expected to include the provision in all subawards and contracts. Up on becoming effective this language will be found in RFPs, RFAs, etc.

The clause/provision will not be incorporated retroactively into the existing awards.  However, USAID’s development approach remains unchanged.  Regardless of the execution date of an acquisitions/assistance award, USAID’s inherent principle is that all beneficiaries should be able to participate in USAID programs (no matter where they are located) without discrimination, whether or not this is explicitly stated in the award.

## OPERATIONAL IMPACT

Any new acquisitions or assistance award, irrespective of whether the partner concerned is a new or existing partner, will contain this language.  The policy statement does not represent a change in USAID’s approach to development but rather explicitly articulates an inherent, longstanding principle and USAID practice and expectation that all beneficiaries should be able to participate in USAID programs without discrimination.  Therefore, the operations of any partner operating according to USAID’s principles should not be impacted.

 By entering into any new acquisitions or assistance award, the partner agrees to the terms and conditions thereof, including this policy statement.

No additional reporting requirements or monitoring/evaluation expectations are associated with these policy statements.  Consistent with award terms and conditions, USAID may request information to ensure compliance with the terms and conditions of USAID-funded acquisitions and assistance awards.

## OVERSIGHT & ENFORCEMENT

As is the case with other terms or conditions of USAID-funded acquisitions or assistance awards, in the event of noncompliance USAID will seek appropriate remedies as specified in the award terms and conditions.

Reports of noncompliance with any of the terms or conditions of a USAID-funded acquisitions or assistance award should be directed to the appropriate USAID official, typically the relevant Contracting Officer/ Agreement Officer (CO/AO) or the Contracting Officer’s Representative/Agreement Officer’s Representative (COR/AOR).  Additionally, complaints of waste, fraud, or abuse, including mismanagement or violations of law, rules, or regulations may be made to the USAID Inspector General (IG), as appropriate.

Following receipt of claims of noncompliance with any of the terms or conditions of USAID funded acquisitions or assistance awards the CO/AO or COR/AOR, as appropriate, will follow the Agency policies for reporting the alleged noncompliance.  If the claim is substantiated, USAID will seek appropriate remedies for noncompliance as specified above.  Complaints directed to the USAID IG will be resolved though the IG investigatory process.

# OTHER

These policy statements do not limit the ability of a recipient or contractor to target assistance to certain populations as defined in the acquisitions or assistance award of a USAID-funded program.  It does remind implementing partners that they are bound by the terms of their awards, which identify the intended beneficiaries.  It has been USAID’s longstanding practice and policy to provide assistance based on need, without further distinctions based on race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, disability, age, genetic information, marital status, parental status, political affiliation or veteran’s status.

The nondiscrimination policy statements explicitly articulate an inherent, longstanding principle that all beneficiaries should be able to participate in USAID programs without discrimination.  As such, **there is no waiver/exemption or process for applying for a waiver/exemption from these policy** statements.

# Annex 1: ISHDO Program Discrimination Complaint Form

## Instructions to the Complaint Form

**PURPOSE:** This form may be used if you believe you have been subjected to discrimination in any ISHDO program or activity and you wish to file a complaint of discrimination. The form can be used to file a complaint of discrimination based on race, color, national origin, religion, sex, disability, age, marital status, sexual orientation, family/parental status, income derived from public assistance program and political beliefs.

If you need assistance filling out the form, you may call any of the telephone numbers listed at the bottom of the complaint form. You are not required to use the complaint form. You may write a letter instead. If you write a letter it must contain all of the information requested in the form and be signed by you or your authorized representative.

You may also send a complaint by email or by mail through the Ethiopian Postal Service Mail. We must have a signed copy of your complaint. Incomplete information or an unsigned form will delay the processing of your complaint.

**FILING DEADLINE:** A program discrimination complaint must be filed not later than 180 days of the date you knew or should have known of the alleged discrimination, unless the time for filing is extended by ISHDO . Complaints sent by mail are considered filed on the date the complaint was signed, unless the date on the complaint letter differs by seven days or more from the postmark date, in which case the postmark date will be used as the filing date. Complaint documentation or Complaint Forms sent by fax or mail will be considered filed on the day the complaint is

faxed or mailed. Complaints filed after the 180-day deadline must include a ‘good cause’ explanation for the delay. For example, if:

1. You could not reasonably have been expected to know of the discriminatory act within the 180-day period;
2. You were seriously ill or incapacitated;
3. The same complaint was filed with another Federal, state, or local agency and that agency failed to act on your complaint.

**ISHDO POLICY**: Federal Ethiopian law and policy prohibits discrimination against you based on the following: race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs).

ISHDO will determine if it has jurisdiction under the law to process the complaint on the bases identified in the complaint and in the programs indicated in the complaint. Reprisal that is based on prior civil rights activity is prohibited.

**REPRISAL (RETALIATION) PROHIBITED:**

No Agency, officer, employee, or agent of the ISHDO, including persons representing ISHDO and its programs, shall intimidate, threaten, harass, coerce, discriminate against, or otherwise retaliate against anyone who has filed a complaint of alleged discrimination or who participates in any manner in an investigation or other proceeding raising claims of discrimination.

## 2 ISHDO Program Discrimination Complaint Form

**Full Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Your Full Mailing Address :** Region \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Zone/ Sub City \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Woreda \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Kebele \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ House No. \_\_\_\_\_

PO Box \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ email address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone Number : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Alternative Telephone No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Best Way to Reach You (select one) Mail: \_\_\_\_\_Phone:\_\_\_\_ E-mail: \_\_\_\_\_Other: \_\_\_\_\_\_\_\_\_\_

1. Who do you believe discriminated against you? Use additional pages, if necessary.

- Name(s) of person(s) involved in the alleged discrimination (if known):

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* Please name the program you applied for (if known/if applicable):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. What happened to you? State the date when the alleged discrimination occurred and then describe what happened. If the alleged discrimination occurred more than once, please provide the other dates and describe what happened. Use additional pages, if necessary, and please include any supporting documents that would help show what happened.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Where did the discrimination occur? Address of location where incident occurred:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. It is a violation of the law to discriminate against you based on the following: race, Color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs) Reprisal is prohibited based on prior civil rights activity. I believe I was discriminated against based on my:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Remedies: How would you like to see this complaint resolved?

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Have you filed a complaint about the incident(s) with another federal, state, or local agency or with a court?

Yes:\_\_\_\_\_\_\_\_\_\_\_\_ No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If yes, with what agency or court did you file?

When did you file? DD/MM/YR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Mail Completed Form To:**

**Aklilu Nega**

**Integrated Service for Health and Development Organization (ISHDO)**

 **Telephone No. +251 911 15 82 27**

**e-mail** **anega@ishdoeth.org**

**Addis Ababa, Ethiopia**

# ANNEX: 2 ACKNOWLEDGEMENT AND ACCEPTANCE



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 **Integrated service on Health and Development Organization (ISHDO)**

**Nondiscrimination and Inclusive Development Policy and Guideline for USAID Funded Activities**

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ certify and acknowledge the following:

* I have received a copy of the ISHDO’s Non-discrimination and Inclusive Developments Policy and Guideline for USAID Funded Activities.
* I understand that it is my responsibility to read and comply with this policy, and any revisions, and that I am bound by the provisions contained within.
* I understand that my continued employment or engagement with ISHDO and USAID Funded Activities is contingent on compliance with this policy.

**Print Name:** ‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐

**Date:** ‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐

**Job Title:**  ‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐

**Signature: ‐**‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐‐