

OREGON DEPARTMENT OF JUSTICE

STOP VIOLENCE AGAINST WOMEN ACT (VAWA)

SUBAWARD HANDBOOK

FOR

VAWA SUB-RECIPIENTS



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The STOP Violence Against Women Act (VAWA) Subaward Management Handbook discusses general program requirements and restrictions relating to the administration of all federal STOP VAWA subawards funded through the Oregon Department of Justice, Crime Victim and Survivor Services Division (DOJ CVSSD). It is expected that this Handbook will provide a ready resource for agencies in the process of applying for a VAWA Subaward, as well as, providing subaward recipients with a resource throughout the subaward period. The VAWA Subaward Handbook is available in the following formats:

- Downloadable in PDF format on the Department of Justice, Crime Victim and Survivor Services (DOJ CVSSD) website at: <https://www.doj.state.or.us/crime-victims/grant-funds-programs/stop-violence-against-women-act-vawa-fund/#vawafederalrules>.
- E-mail



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SECTION 1

INTRODUCTION TO VAWA GUIDELINES

I. CRIME VICTIM and SURVIVOR SERVICES DIVISION

The Oregon Department of Justice, Crime Victim and Survivor Services Division (DOJ CVSSD) is the State Administrative Agency (SAA) for the STOP VAWA Program. DOJ CVSSD makes subawards to State and local units of government, non-profit agencies, and tribal governments.

DOJ CVSSD has prepared this handbook to assist grantees in complying with state and federal requirements. Federal fiscal requirements are set forth in the [DOJ Grants Financial Guide](#) (updated in December 2017). This document is available at https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf.

DOJ CVSSD has specific program responsibility for VAWA (as authorized through ORS 147.231) and other grants related to serving victims of crime.

II. HISTORY OF THE STOP VAWA FORMULA GRANT PROGRAM

In 1994, Congress enacted the Violence Against Women Act (VAWA). This Act implements the Violence Against Women Formula Grant Program, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title IV of the Violent Crime Control and Law Enforcement Act of 1994, and the Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386. This program authorizes population-based grants to states which are subgranted to state agencies, public or private non-profit organizations, units of local governments, non-profit, non-governmental victim services programs, and legal services programs for victims. This program is administered by the United States Department of Justice, Office of Justice Programs, Office on Violence Against Women (OVW).

III. PURPOSE OF THE STOP VIOLENCE AGAINST WOMEN PROGRAM

The VAWA Program encourages the development and implementation of effective law enforcement and prosecution strategies to combat violent crimes against women. The goal of the program is to encourage states and localities to restructure and strengthen the criminal justice systems' response to be proactive in addressing violence against women, drawing on the experience of all of the participants in the system, including the advocacy community. The STOP Program requires each state to develop an Implementation Plan and authorizes states to allocate funds to programs that advance the Plan. A copy of the most recent Oregon Statewide Implementation Plan (FY 2017 - 2020), along with any addendums, may be found at <https://www.doj.state.or.us/crime-victims/grant-funds-programs/stop-violence-against-women-act-vawa-fund/>

Funded programs must fall within one of twenty authorized STOP Purpose Areas established by U.S. Congress 34 U.S.C. § 10441 described below.

A. VAWA AUTHORIZED PURPOSE AREAS
VAWA Reauthorization Act of 2013

By statute, VAWA Formula Grant Program funds must be used to address at least one of the following federal statutory purpose areas as outlined in the 2013 Reauthorization of the Violence Against Women Act:

Program Area	Purpose Area
1. Training	Train law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, including the appropriate use of nonimmigrant status under subparagraphs (T) and (U) of section 1101 (a) (15) of title 8;
2. Enhancement Efforts	Develop, train or expand units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women including the crimes of domestic violence, dating violence, sexual assault, and stalking;
3. Policy and Protocol Development	Develop and implement more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying and responding to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking.
4. Data Collection and Communication Systems	Develop, install, or expand data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying, classifying, and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault and stalking.
5. Victim Service Programs and Visitation Centers	Develop, enlarge, or strengthen victim services and legal assistance programs, including sexual assault, domestic violence, dating violence, and stalking programs, develop or improve delivery of victim services to underserved populations, provide specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increase reporting; and reduce attrition rates for cases involving violence crimes against women, including crimes of domestic violence, dating violence, sexual assault, and stalking;
6. Indian Tribal Sexual Assault and Domestic Violence Programs	Develop, enlarge, or strengthen programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault, domestic violence, dating violence, and stalking;
7. Statewide Multi-disciplinary Support	Support formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, dating violence, and stalking.
8. Sexual Assault Nurse Examiners (SANE)	Train sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault.
9. Elder and Disabled Victims	Develop, enlarge, or strengthen programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence, dating violence, sexual assault, or stalking, including recognizing, investigating, and

	prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals.
10. Immigration	Provide assistance to victims of domestic violence and sexual assault in immigration matters.
11. New Initiatives and Emergency Services	Maintain core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families.
12. Jessica Gonzales Victim Assistants	<p>Support the placement of special victim assistants (to be known as “Jessica Gonzales Victim Assistants”) in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault or stalking and may undertake the following activities:</p> <ul style="list-style-type: none"> a. Developing, in collaboration with prosecutors, courts and victim service providers, standardized response policies for local law enforcement agencies, including the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases. b. Notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency. c. Referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines or legal assistance services); and d. Taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order; <p><i>*Note: Only government-based agencies may apply for funding to support project activities under this purpose area.</i></p>
13. Crystal Judson Domestic Violence Protocol Program	<p>Provide funding to law enforcement agencies, victim services providers, and State, tribal, territorial, and local governments (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote</p> <ul style="list-style-type: none"> a. The development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as Crystal Judson Victim Advocates, to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel; b. The implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police (“Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project” July 2003)). c. The development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions. d. Any law enforcement, State, tribal, territorial or local government agency receiving funding under the Crystal Judson DV Protocol Program shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement

	personnel from DV and SA non-profit organizations and, after a period of two years, provide a report of the adopted protocol to the DOJ, including a summary of progress in implementing that protocol.
14. State, local or Tribal Legislation and Policies¹	Develop and promote State, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking;
15. Sexual Assault Response Teams	Develop, implement, or enhance Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault;
16. Law Enforcement and Prosecution Response to Sexual Assault Cases	Develop and strengthen policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims;
17. Sexual Assault Response in Correctional or Detention Settings	Develop, enlarge, or strengthen programs addressing sexual assault against men, women, and youth in correctional and detention settings;
18. Backlogs of Sexual Assault Evidence Collection Kits	Identify and conduct inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims;
19. Strengthen Programs and Services For Victims Affected By Sexual Orientation Or Gender Identity	Develop, enlarge, or strengthen programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18, United States Code; and
20. Prevention and Educational Programming	Develop, enhance or strengthen prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a State to be used for this purpose.

B. Definitions

For a complete list of definitions of terms that apply to STOP VAWA Programs, as amended by VAWA 2013, please reference [34 U.S.C. 12291 – Definitions and Grant Provisions](#).

The following definitions are commonly referenced by subgrantees in relation to STOP VAWA funding:

Victim Service Provider

A nonprofit, nongovernmental or tribal organization or rape crisis center, including a State or tribal coalition, that assists or advocates for domestic violence, dating violence, sexual assault, or stalking victims, including domestic violence shelters, faith-based organizations, and other

¹While purpose area 14 seems to promote lobbying under the prior definitions administrators have been provided, Marnie Sheils, OVW, clarified that the actual lobbying prohibition describes activities that constitute lobbying "unless prior authorization has been provided". For years administrators have voiced their concerns, and policy makers recognized that states need to push for legislative and policy changes to comply with changes in VAWA. The new language in VAWA 2013 provides the direct authorization needed thereby waiving the lobbying restrictions in regard to "enhancing best practices"

organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

Victim Advocate

A person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

Victim Assistant

A person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

New definitions in VAWA 2013 for culturally specific services, population specific services and underserved populations ensure that VAWA funded services effectively reach victims from communities with unique needs and characteristics, and communities whose members face barriers to access traditional services:

Culturally Specific

Services primarily directed toward racial and ethnic minority groups (as defined in 42 U.S.C. 300u-6(g)).

Culturally Specific Services

Community-based services that include culturally relevant and linguistically specific services and resources to culturally specific communities.

Population Specific Organization

A nonprofit, nongovernmental organization that primarily serves members of a specific underserved population and has demonstrated experience and expertise providing targeted services to members of that specific underserved population.

Population Specific Services

Victim-centered services that address the safety, health, economic, legal, housing, workplace, immigration, confidentiality, or other needs of victims of domestic violence, dating violence, sexual assault, or stalking, and that are designated primarily for and are targeted to a specific underserved population.

Underserved Populations

Populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

IV. Eligible Services for STOP VAWA Subawards

STOP VAWA funds can support a wide variety of services. The following table provides examples of eligible services by funding category. This is not an all-inclusive list. Please review the [OVW Frequently Asked Questions\(FAQs\)](#) document for more specific information about allowable and unallowable services and activities.

Funding Category	Examples of Eligible Services
<i>Victim Services</i> <i>(including discretionary services)</i>	<ul style="list-style-type: none"> ▪ hotline services ▪ crisis intervention, ▪ hospital response ▪ counseling/support ▪ criminal justice advocacy ▪ court accompaniment ▪ civil legal assistance, ▪ victim/witness notification ▪ victim/survivor advocacy ▪ emergency shelter ▪ restraining order assistance
<i>Law Enforcement Services</i>	<ul style="list-style-type: none"> ▪ response to 911 and other calls for assistance ▪ training ▪ incident reports ▪ case investigation ▪ arrests of offenders – including bail bond and probation violations ▪ serving protection orders ▪ issuing protection orders ▪ enforcement of warrants ▪ case referrals to prosecutor ▪ case referrals of federal firearms charges to federal prosecutor
<i>Prosecution Services</i>	<ul style="list-style-type: none"> ▪ specialized prosecutor for domestic violence, sexual assault, stalking and dating violence cases ▪ specialized investigations for domestic violence, sexual assault, stalking and dating violence cases ▪ training ▪ mentoring ▪ participation on multidisciplinary committees to address domestic violence, sexual assault, stalking and dating violence
<i>Probation Services</i>	<ul style="list-style-type: none"> ▪ face-to-face meetings with offenders ▪ telephone contact with offenders ▪ unscheduled surveillance of offenders ▪ outreach to victims/survivors
<i>Court Services</i>	<ul style="list-style-type: none"> ▪ tracking of domestic violence, sexual assault, stalking and dating violence offenders ▪ specialized training programs ▪ specialized court activities as they relate to domestic violence, sexual assault, stalking and dating violence cases (e.g. bench book updates)

V. VAWA Reauthorization Act of 2013: Mandates

The following mandates apply to funded projects. For a more in-depth explanation of the mandates below, please see the [OVW Frequently Asked Questions \(FAQs\)](#) document.

Support Services to Children: STOP funds should be used for projects that serve or focus on adult and youth (age 11-24) women and girls who are victims of domestic violence, dating violence, sexual assault, or stalking. Under purpose area 11, STOP funds may support “complimentary new initiatives and emergency services for victims and their families”. For example, STOP funds may be used to serve secondary victims such as children who witness domestic violence.

Child Sex Abuse Victims: STOP funds can serve sexual assault victims who are age 11 or older. VAWA defines sexual assault as “any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent”. The target of the STOP Program is adult and youth victims. Youth is defined as “a person who is 11 to 24 years old” per VAWA 2013.

Support Services to Men: Regardless of the purpose of the STOP award, STOP grantees must provide services to male victims in need who are similarly situated to female victims the grantee ordinarily serves and who request services. Under the anti-discrimination provision of the Omnibus Crime Control and Safe Streets Act of 1968, 34 U.S.C. § 10228(c)(1) and under a nondiscrimination grant condition from VAWA 2013, grantees, including STOP grantees, may not exclude any person from receiving grant-funded services on a number of prohibited grounds, including that person’s sex. In addition, two purpose areas (purpose area 17 and purpose area 19) specifically include men, which means that subgrantees under those purpose areas may have projects that target male victims.

Services to lesbian, gay, bisexual, or transgender (LGBTQ) victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking: STOP funds can serve LGBTQ victims of domestic violence, dating violence, sexual assault, or stalking. Congress added purpose area 19, intended to Strengthen Programs and Services For Victims Affected By Sexual Orientation Or Gender Identity. In addition, the grant conditions dictate that grantees may not exclude any person from receiving grant-funded services on a number of prohibited grounds, including that person’s sexual orientation or gender identity.

Incarcerated Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Purpose area 17 provides for “developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional or detention settings.” At OVW’s direction, the services provided may only address the domestic violence, dating violence, sexual assault, or stalking victimization experienced by the incarcerated individual, including both crimes experienced while incarcerated and crimes experienced at other points in their youth and adult lives. STOP funds should not be used to provide any other types of services, such as rehabilitative services related to the crime committed by the incarcerated individual.

Legal Services : A full range of legal services, such as housing, family law, public benefits, and other similar matters can be provided. This includes divorce and child custody cases that are linked to the safety of the victim.

Please note that any applicant providing legal assistance must certify that:

- 1) any person providing legal assistance with STOP funds has demonstrated expertise in providing legal assistance to victims of domestic violence dating violence, sexual assault, or stalking in the targeted population; or
- 2) the applicant is partnered with an entity or person that has such demonstrated expertise and has completed or will complete training in connection with domestic violence, dating violence, stalking, sexual assault, and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide;
- 3) any person or organization providing legal assistance through the STOP program has informed and will continue to inform state, local, or tribal domestic violence, dating violence, or sexual assault programs and coalitions, as well as appropriate state and local law enforcement officials of their work; and
- 4) the applicant's or sub-contracting organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.

Batterers' Intervention: programs may be supported provided that the programs are part of a graduated range of sanctions that use the coercive power of the criminal justice system to hold abusers accountable for their criminal actions and for changing their behavior. However, couples counseling or any intervention that requires participation by a victim or that is not designed to hold offenders accountable for their violent behavior cannot be supported with STOP dollars.

School Programs: Programs in schools may be supported to the extent that they fit within one or more of the STOP program's statutory program purpose areas. For example, STOP funds could be used to provide support groups that meet at school for victims of dating violence or to provide information to students about available services.

Other Important Changes:

- Rural Area definition is broadened to include federally-recognized Indian Tribes, some of which have been precluded from participating in programs.
- Tribal Courts can prosecute non-Native offenders that abuse Tribal Nations/Native women on reservations.

VI. PROHIBITED ACTIVITIES

VAWA does not fund activities that jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions. These activities include:

1. Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health

condition, criminal record, work in the sex industry, income or lack of income, or the age and/or sex of their children.

2. Procedures or policies that compromise the confidentiality of information and/or privacy of persons receiving services.
3. Procedures or policies that require victims to take certain actions (e.g., seek an order of protection, receive counseling, participate in couples counseling or mediation, report to law enforcement, seek civil or criminal remedies) in order to receive services.
4. Procedures or policies that fail to include conducting safety planning with victims.
5. Project designs, products, services, and/or budgets that fail to account for the unique needs of individuals with disabilities, with limited English proficiency, or who are Deaf or hard of hearing, including accessibility for such individuals.

Detailed examples of activities that compromise victim safety and recovery and undermine offender accountability appear in the table below.

Additional Activities That Compromise Victim Safety and Undermine Offender Accountability
The use of pre-trial diversion programs in cases of domestic violence, dating violence, sexual assault, or stalking or the automatic placement of offenders in such programs.
Couples counseling, family counseling, or any other joint victim-offender counseling as a routine or required response to sexual assault, domestic violence, dating violence, or stalking, or in situations in which child sexual abuse is alleged.
Mediation in cases of domestic violence, dating violence, sexual assault, or stalking, except where the mediation is voluntary for the victim and there is screening for such victimization prior to the start of mediation, there is informed consent on the part of the victim, the mediators have appropriate training on such victimization issues, and the process includes ongoing safety planning for victims and flexibilities such as having the victim and offender physically separated.
Offering or ordering anger management programs for offenders as a substitute for batterer intervention programs or relying on batterer intervention programs that do not use court monitoring to hold batterers accountable for their behavior.
Partnering with individuals or organizations that support/promote practices that compromise victim safety and recovery or undermine offender accountability.
Policies or procedures that require victims to report the crime to law enforcement, participate in the criminal justice system, or seek a protection or restraining order against the offender, and penalize them for failing to do so.
Training and technical assistance that do not reflect an understanding of domestic violence, dating violence, sexual assault, and stalking, and the experience of survivors, that fail to incorporate the experiences and unique needs of underserved communities, or that include or promote practices that may re-victimize survivors.
Except if required by law, procedures or policies that require automatic reporting to child or adult protective services, regardless of the circumstances of an incident. This includes

automatically reporting situations that may implicate victims of domestic violence solely for failure to protect a minor child.
Procedures or policies that deny individuals access to services based on their relationship to the perpetrator.
Procedures or policies that deny victims and non-abusing parents or caretakers and their children access to services based on their involvement with the perpetrator
Procedures or policies that do not provide for the meaningful involvement of student victims in discussions and decisions that have a direct impact on them, such as changes to class schedules or living arrangements.
Dissemination of information, education, or prevention materials that blame the victim or focus primarily on changing victim behavior.
Establishment or enhancement of a multidisciplinary collaborative community response without developing appropriate policies regarding confidentiality and information sharing for the members.
Requiring survivors to meet restrictive conditions in order to receive services (e.g., background checks of victims; clinical evaluations to determine eligibility for services) or other screening processes that elicit information that is not necessary for services, such as questions about immigration status, gender identity, sexual orientation, disability, physical or mental health, and work or criminal history that the service provider does not need to know to provide services safely.
Materials that are not tailored to the dynamics of sexual assault or domestic violence or to the specific population(s) to be addressed by the funded project.
Issuance of mutual restraining orders of protection except in cases where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense.
Requiring that victims bear the costs associated with: (1) the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense; (2) the filing, issuance, registration, modification, enforcement, dismissal, or service of a protection order, or a petition for a protection order, to protect a victim of sexual assault, domestic violence, dating violence, or stalking; (3) the filing of criminal charges against the offender; or (4) the filing, issuance, registration, modification, enforcement, dismissal or service of a warrant, protection order, petition for a protection order, or witness subpoena.
Policies or practices that discourage accepting cases that have little or no physical evidence.
Refusal to represent victims who are also respondents/defendants.
Study designs, interventions, recruitment and assignment methods, privacy and confidentiality procedures, and data management and reporting strategies that do not fully account for the safety needs of participants.
Policies and procedures that fail to account for the physical safety of victims.
Enforcing or promoting nuisance abatement ordinances, crime-free housing ordinances, or crime-free lease addenda (often associated with crime-free housing programs) that require or encourage the eviction of tenants or residents who may be victims of domestic violence, sexual assault, dating violence, or stalking. For additional information on this subject, see the U.S. Department of Housing and Urban Development's website at: https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF.
Policies or procedures that require testing of sexual assault forensic evidence in cases where the victim obtained a medical forensic exam but has not chosen to participate in the criminal

justice system. For additional information on this subject, see the OVW website at: <https://www.justice.gov/ovw/page/file/931391/download>.

Using technology without addressing implications for victim confidentiality, safety planning, and the need for informed consent.

Internet publication of registration, issuance, or filing of a petition for a protection order, restraining order, or injunction in either the issuing or enforcing state, tribal, or territorial jurisdiction, if such publication would reveal the identity or location of the party protected by such order. See 18 U.S.C. § 2265(d)(3).

For supervised visitation projects:

- **Failure to align supervised visitation and safe exchange services with the Guiding Principles of the Supervised Visitation Program, which can be found here: <https://www.justice.gov/sites/default/files/ovw/legacy/2008/08/06/guidingprinciples032608.pdf>.**
- **Charging fees to either parent for OVW-funded supervised visitation and exchange services.**
- **Providing visitation or exchange services that do not account for the safety of adult victims.**
- **Requiring a court order to access visitation and/or exchange services.**
- **Providing custody evaluations or court reports based on subjective information and opinions of center staff and volunteers.**

In child- or youth-focused projects, failing to develop policies addressing confidentiality, parental involvement/consent, mandatory reporting, and collaboration with other ancillary services providers.

SECTION 2

VAWA SUBAWARD APPLICATION PROCESS

I. STOP VAWA ALLOCATION OF FUNDS

Each state must allocate the VAWA funds in the following manner:

- 25% to prosecution projects
- 25% to law enforcement projects
- 30% to victim services projects (*10% of which must be distributed to culturally specific community based organizations*). *The 10% discretionary funds are included with victim services projects.*
- 5% for state and local courts and judicial project

Sexual Assault

In addition to the categories required by VAWA, Oregon sets aside 25 percent of STOP funds to subaward for services to victims of sexual assault. Sexual assault services must be specific to adolescents and adult; these funds are not intended to provide services for child abuse or child sexual assault.

II. SUBAWARD APPLICATION TYPES

DOJ CVSSD generally administers two types of VAWA subawards; **non-competitive** subawards and **competitive** subawards. Both types of subawards are described further below.

A. Non-Competitive Subawards

DOJ CVSSD determines the victim service programs eligible for the Non-Competitive subawards. Non-Competitive subawards are intended to support and fund core victim services and are usually funded for the same services year after year. The three applications for non-competitive funding are:

1. **Joint DV/SA Request for Application (RFA):** This application process is for non-profit agencies/programs that specifically offer options for safety through a continuum of intervention and support services for victims of domestic violence, sexual assault, dating violence, and stalking. The agencies/programs are currently receiving subawards directly from DOJ CVSSD or Department of Human Services (DHS). The following funding sources are part of this consolidated application process:
 - **Oregon Domestic and Sexual Violence Services Fund (ODSVS)** through DOJ CVSSD;
 - **Victims of Crime Act (VOCA)** Non-Competitive subaward funds for Domestic Violence and Sexual Assault services through DOJ CVSSD;
 - **STOP Violence Against Women Act (VAWA) Formula Subaward Program** victim services funding through DOJ CVSSD;

- **DHS Domestic Violence Fund** including the state surcharge on marriage licenses (MLT fund), the Criminal Fines Account (CFA/DV) and the Federal Family Violence Prevention and Services Act (FVPSA) funding through DHS; and
- **DHS Sexual Assault Victims Fund** using Criminal Fines Account (CFA/SA) funding through DHS.

Sub-recipients receiving funds through the Joint Application process submit applications through the DOJ CVSSD E-Grants system for each biennial subaward cycle. DOJ CVSSD notifies sub-recipients when the updated application is released. DOJ CVSSD also announces the release of the application on their website at: <https://www.doj.state.or.us/crime-victims/grant-funds-programs/oregon-domestic-and-sexual-violence-services-odsvs-fund/>.

2. **Oregon Department of Justice, Domestic Violence Resource Prosecutor²**: This award funds statewide domestic violence training for Oregon and tribal prosecutors. The training focuses on providing information to prosecutors who often deal with domestic violence issues in any type of case, including but not limited to domestic violence, sex abuse (child and adult), financial exploitation, trafficking, and juvenile dependency and delinquency matters. This statewide training also includes an intensive trial advocacy course for prosecutors.
3. **Oregon Attorney General's Sexual Assault Task Force³**: This award funds the Statewide Sexual Assault Law Enforcement and Prosecutor Training Project. This project provides training to improve the criminal justice response to sexual assault victims by strengthening the ability of local prosecutors and law enforcement officers to keep sexual assault victims safe and hold offenders accountable, thereby benefiting the entire public. The project focuses on increasing Oregon's capacity to effectively respond to, investigate, and prosecute sexual assault crimes with an additional focus on sexual assault crimes committed against people with dementia and other cognitive degenerative diseases.

B. Competitive Subawards

The VAWA Competitive Subaward request for application is open to all agencies who meet the VAWA eligibility criteria. The Competitive process is subject to availability of funding. Historically, DOJ CVSSD has released VAWA competitive subawards every two (2) years but may choose to implement a longer subaward period. The DOJ CVSSD Advisory Committee participates in recommendations for the competitive application process.

Agencies applying under this subaward opportunity submit their request for application through the online DOJ CVSSD E-Grants system. DOJ CVSSD announces the release of the application on their website at: <https://www.doj.state.or.us/crime-victims/grant-funds-programs/stop-violence-against-women-act-vawa-fund/> as well as posting it to the statewide listserv. DOJ CVSSD also sends the announcement to OVW.

² Due to the Coronavirus pandemic these training activities may be adjusted.

³ Due to the Coronavirus pandemic these training activities may be adjusted.

III. SUBAWARD AGREEMENTS

DOJ CVSSD will issue a subaward agreement upon making award decisions. The subaward agreement details all requirements of the funding and expectations of the sub-recipient agency. Every agency receiving an award should read the language of the subaward agreement carefully. By signing the subaward agreement, the sub-recipient is agreeing to comply with the subaward laws, rules, and terms of agreement for the funds for which they applied.

DOJ CVSSD reserves the right to modify the award amount and/or request a modification of the entire proposal, specifically the programmatic goals and budget items, with the selected applicant(s) prior to entering into a subaward agreement.

SECTION 3

SUB-RECIPIENT ELIGIBILITY REQUIREMENTS

All agencies awarded a VAWA Non-Competitive and/or Competitive Subaward must meet all of the following requirements:

I. RECORD OF EFFECTIVE SERVICES

Agencies must demonstrate a record of providing effective services to crime victims. This includes:

- having the support and approval of the community for its services,
- demonstrating a history of providing direct services in a cost-effective manner,
- having financial support from other sources, and
- meeting the eligibility requirements provided in this Section.

Agencies that do not meet the standards described in this section, must demonstrate that at least 25% of their financial support comes from non-Federal sources to be eligible for VAWA funding.

II. MATCH REQUIREMENTS

VAWA funds may pay no more than 75% of the cost of a program. The remaining 25% (match) must be paid from the grantee's own non-federal sources. The match requirement allows programs to leverage federal funding and increase the amount of resources available to the projects supported with VAWA funds. It also encourages local investment and engagement with the VAWA-funded project. The term "VAWA proposal" or "grant" refers to **both** federal VAWA funds and the associated non-federal match required in the approved VAWA budget.

The match must be derived from non-federal sources. *All funds designated as match are restricted to the same uses as the VAWA subaward funds* and must be expended within the subaward period. **Please note** that *each* subaward funded through DOJ CVSSD must have a match and that match must be specific to, and solely reported for, only one subaward.



Calculating the Match

The match requirement is 25% of the total VAWA project. One way to determine the required match is to multiply the total cost of the VAWA project by 25%. The resulting figure is the required match amount.

Example:

TOTAL PROJECT COST:	\$50,000
Federal Funds: 75% of Total Project Cost	
(50,000 x .75 = 37,500)	<u>-\$37,500</u>
Match Amount:	\$12,500

Cash match may include, but is not limited to:

- County or state funds
 - could include: Criminal Fines Account (CFA), ODSVS, DHS Fund (MLT and CFA funds only);
- United Way funds;
- Private donations; or
- Any other non-federal money (VOCA or FVPSA funds **cannot** be used as match).

In-kind match may include, but is not limited to:

- Donations of equipment, office supplies – the value placed on loaned or donated equipment may not exceed its fair market value;
- Work space (pro-rated) – the value of donated space may not exceed the fair rental value of comparable space and facilities in a privately owned building in the same locality;
- Non-VAWA funded victim assistance activities – the monetary value of these services must reflect the rate of compensation for those employees performing the services and may include the costs of benefits. Services may include performing direct services, coordinating, or supervising those services, training victim assistance providers, or advocating for victims; and
- Volunteers –CFR §200.306(e) provides the following guidance for determining the value of volunteer hours used as match:
 - In order to count volunteer hours as match, the services provided by a volunteer must be an integral part of the approved subaward program.
 - If the volunteer provides a service similar to that provided by a paid employee, the volunteer’s time must be “valued” at the same rate as the employee’s time.
 - To determine the value of volunteer match for on-call response, sub-recipients must be careful to apply the same level of compensation paid to employees performing the same responsibilities.
 - If a sub-recipient does not compensate paid staff for time spent carrying a pager or phone, then no value can be attached to a volunteer’s time carrying a pager or phone.
 - If a sub-recipient compensates paid staff for time spent on an actual call-out, then a volunteer’s time would only be valued under the same conditions and at the same rate.
 - If a sub-recipient does compensate paid staff for carrying a pager or phone, then the volunteer hours must be valued at the same rate as the paid staff’s compensation.
 - If the volunteer is providing a service that cannot be found within the sub-recipient’s organization, the volunteer’s time should be valued at a rate consistent with what the sub-recipient would pay for work by a third party.
 - Paid fringe benefits (i.e., medical/dental insurance, worker’s compensation, commuter benefits...) that are reasonable, necessary and allowable may be included in the valuations of the volunteer’s time.

- The value of a donated service must not exceed the rate a sub-recipient would pay an employee to provide the same services.

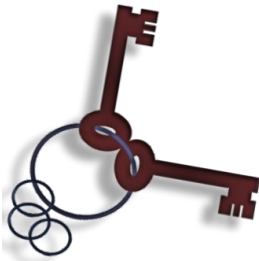
Volunteer hours used as match must be used for VAWA-allowable activities. For example, a volunteer whose hours are used as match on a VAWA subaward may not provide services to a young child of sexual abuse in the hours counted as match, as this is not a VAWA-allowable activity.

DOJ CVSSD does not require a certain hourly value for VAWA match, but leaves this determination to each sub-recipient.

Record keeping for match requirements (must be verifiable from the agency's records):

- Match contributions must qualify as VAWA allowable services or activities and conform to other provisions of the VAWA Program Guidelines from the Office for Victims of Crime. Match is subject to the same restricted uses as are the federal VAWA funds;
- VAWA sub-recipients must maintain records that clearly show the source, the amount and the period during which the match was expended. These records will be reviewed by a fund coordinator at the time of an in-person site visit;
- The basis for determining the value of personal services, materials, equipment, and space must be documented;
- Volunteer services used as match must be documented and, to the extent feasible, supported by the same methods used by the sub-recipient for its own paid employees. Suggestions for documenting volunteer time include calendars and volunteer timesheets;
- Matching funds may be used for any line item within the total budget (whether or not VAWA funds are within that line item) and *are not limited to an item-by-item match*. They may be credited to the subaward by the quarter as they are accumulated or be reported as contributed; and
- Sub-recipients are encouraged NOT to match in excess of the amount required, so as not to unnecessarily restrict resources that could be used for other purposes. The E-Grants system does not allow budgeting of match greater than 25%.
- **There is no match requirement for VAWA sub-recipients that are:**
 - Federally-recognized American Indian or Alaska Native Tribes or
 - Victim Service Providers (as defined in Section 1 of this handbook)

All other STOP Program subgrantee agencies (i.e., prosecution, law enforcement, and courts) are required to provide match.



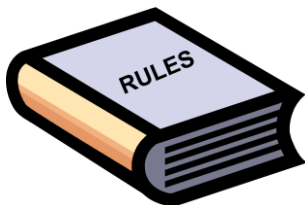
Key Points to remember about match:

- *Match must be provided for each subaward and solely reported on one subaward;*
- *Match must come from non federal funds;*
- *Match is restricted to the same uses as VAWA subaward funds; and*
- *Match must be 25% of the total VAWA project.*

Further guidance on the calculation, documentation, and auditing of the match requirement can be found in the OJP Financial Guide, Part III, Chapter 3, and in the OMB Circular No. A-110, Subpart C, Section 23.

III. CONFIDENTIALITY OF PERSONAL INFORMATION

In order to ensure the safety of adult, youth, and child victims of crime, a sub-recipient shall protect the confidentiality and privacy of people they serve. A sub-recipient shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through sub-recipient's programs.



THE BASIC RULE

Sub-recipients shall not disclose, reveal, or release individual client information **without the informed, written, reasonably time-limited consent** of the person about whom information is sought.

Consent for release may not be given by the abuser of a minor or incapacitated person, or the abuser of the parent of the minor.

In the case of an unemancipated minor, the minor and the parent or guardian may sign the release. In the case of a **person with disabilities** who has a guardian, the guardian may sign the release. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent's (or guardian's) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian.

The term “**personally identifying information**,” “**individual information**,” or “**personal information**” means individually identifying information for or about an individual victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected. This includes: (1) a first and last name; (2) a home or other physical address; (3) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number); (4) a social security number; and (5) any other information, including date of birth, racial or ethnic background, or

religious affiliation, that, in combination with any other non-personally identifying information would serve to identify any individual.

If a non-profit victim services program is part of a larger umbrella organization, the victim services program may not share personally identifying information with other divisions of the organization.



If release of information described in the previous paragraph is compelled by statutory or court mandate, sub-recipients shall:

- **make reasonable attempts to provide notice to victims** affected by the disclosure of information; and
- take **reasonable steps necessary to protect the privacy and safety of the persons** affected by the release of the information.

Sub-recipients may share (1) non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Federal, State, Tribal, or territorial reporting, evaluation, or data collection requirements; (2) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and (3) law-enforcement and prosecution-generated information necessary for law enforcement and prosecution purposes.

For more information about developing confidentiality policies, please see the [Guidelines for Confidentiality Policies](https://www.doj.state.or.us/crime-victims/for-grantees/advocate-privilege-and-confidentiality-requirements/) document on the DOJ CVSSD website at <https://www.doj.state.or.us/crime-victims/for-grantees/advocate-privilege-and-confidentiality-requirements/>.

For further explanation and clarification read the [OVW Frequently Asked Questions \(FAQs\) on the VAWA Confidentiality Provision](https://www.justice.gov/ovw/page/file/1006896/download). This document can be found at <https://www.justice.gov/ovw/page/file/1006896/download>.

IV. BREACH OF PERSONALLY IDENTIFIABLE INFORMATION

All sub-recipients must have written procedures in place to respond in the event of an actual or imminent breach of personally identifiable information (PII) if the sub-recipient creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of personally identifiable information within the scope of the subaward activities.

The breach procedures must include a requirement to ***report actual or imminent breach of PII to the sub-recipient's fund coordinator no later than 24 hours after an occurrence*** of an actual breach, or the detection of an imminent breach.

For purposes of this requirement

PII means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

Breach⁴ means: The loss of control, compromise, unauthorized disclosure, unauthorized acquisition, or any similar occurrence where (1) a person other than an authorized user accesses or potentially accesses personally identifiable information or (2) an authorized user accesses or potentially accesses personally identifiable information for an other-than-authorized purpose.

- A breach is not limited to an occurrence where a person other than an authorized user potentially accesses PII by means of a network intrusion, a targeted attack that exploits website vulnerabilities, or an attack executed through an email message or attachment.
- A breach may also include the loss or theft of physical documents that include PII and portable electronic storage media that store PII, the inadvertent disclosure of PII on a public website, or an oral disclosure of PII to a person who is not authorized to receive the information.
- It may also include an authorized user accessing PII for an other-than-authorized purpose.



In developing procedures, sub-recipients may want to consider:

- Why is PII collected and maintained?
 - What purpose does it serve?
 - Does program keep or collect information not needed?
- Where is PII maintained?
 - computers
 - files
- How is PII protected in and out of the office?
- Do people take information out of the protected office space?
 - Could it be lost or stolen?
- What is the process for notifying people whose information has been breached?
 - What resources are offered?
 - Does program comply with ORS 646A.604?

V. DETERMINATION OF SUITABILITY REQUIRED, IN ADVANCE, FOR CERTAIN INDIVIDUALS WHO MAY INTERACT WITH PARTICIPATING MINORS

If the purpose of some or all of the grant-funded activities is to benefit individuals under 18 years of age, subrecipients must make a **written determination of suitability** before covered individuals may interact with participating minors. This must be based on **current and appropriate information** and take into account certain **factors and considerations**.

⁴ OMB Memorandum M-17-12, *Preparing for and Responding to a Breach of Personally Identifiable Information* (January 3, 2017), available at https://obamawhitehouse.archives.gov/sites/default/files/omb/memoranda/2017/m-17-12_0.pdf.

Subrecipients must update searches and reexamine suitability determinations at least every five years.

A “**covered individual**” is any individual who is expected, or reasonably likely, to interact with any participating minor (other than the individual’s own minor children) in carrying out the purposes of the grant. This individual might be an employee of a subrecipient, but also might be (for example) a consultant, contractor, employee of a contractor, trainee, volunteer, or teacher.

What Constitutes Interaction?

“Interaction” includes:

- Physical contact
- Oral and written communication
- Transmission of images and sound
- May be in person or by electronic means

“Interaction” does not include:

- Brief contact that is both unexpected by the subrecipient and unintentional on the part of the covered individual (e.g. postal carrier delivering mail to office)
- Personally accompanied contact: infrequent or occasional contact in the presence of an accompanying adult who is personally accompanied by a covered individual.

Written Determination of Suitability	
Current and Appropriate Information <i>Background checks or screening – must be completed no earlier than six months before the determination. Screening includes:</i>	Additional Factors and Considerations <i>In addition to “current and appropriate information” considered, subrecipients may NOT determine a covered individual is suitable to interact with participating minors if the person:</i>
<ul style="list-style-type: none"> • Public sex offender and child abuse websites/registries <ul style="list-style-type: none"> ○ for each state (or tribe) in which the individual lives, works, or goes to school or has at any time in the past five years. ○ for each state in which the individual is expected to, or reasonably likely to interact with a participating minor in the course of the activities of the grant. • The Dru Sjodin National Sex Offender Public Website (www.nsopw.gov) • Criminal history registries and similar repositories of criminal history records <ul style="list-style-type: none"> ○ Requires fingerprint search 	<ul style="list-style-type: none"> • Withholds consent to a required criminal history search; • Knowingly makes (or made) a false statement that affects or is intended to affect any required search; • Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website; • Has been convicted of certain crimes listed in this special condition, found at Background Screening Condition (justice.gov); • Is determined by a federal, state, tribal, or local government agency not to be suitable.

<ul style="list-style-type: none"> ○ for each state (or tribe) in which the individual lives, works, or goes to school or has at any time in the past five years. ○ for each state in which the individual is expected to, or reasonably likely to interact with a participating minor in the course of the activities of the grant 	
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See the OVW website at [Background Screening Condition \(justice.gov\)](https://www.justice.gov/ovw/background-screening-condition) for more detailed information about this requirement.

VI. EMPLOYMENT ELIGIBILITY VERIFICATION FOR HIRING UNDER THE AWARD

Subrecipients must verify the employment eligibility of any person who is hired for a position that will be funded (in whole or in part) with VAWA funds. This requires subrecipients to ensure that any person who will be involved in hiring activities is aware of the requirements making it unlawful to hire or recruit certain applicants, and is trained on carrying out the verification requirements. Subrecipients must maintain records of all employment eligibility verifications relevant to compliance with this requirement and in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

Employment Eligibility Confirmation with E-Verify

Subrecipients may choose to participate in, and use, E-Verify (www.e-verify.gov) to confirm employment eligibility for each hiring for a position in the United States that is or will be funded with VAWA funds.

See the OVW website at [Employment Verification special condition \(justice.gov\)](https://www.justice.gov/ovw/employment-verification-special-condition) for more detailed information about this requirement.

VII. NO DISCRIMINATION, IN PROCUREMENT TRANSACTIONS, AGAINST ASSOCIATES OF THE FEDERAL GOVERNMENT

No subrecipient may, in any procurement transaction, discriminate against any person or entity on the basis of their status as an "associate of the federal government".

“Associate of the Federal Government” means

- *Any person or entity engaged or employed by or on behalf of the federal government (as an employee, contractor or subcontractor, grant recipient of subrecipient, agent, or otherwise).*
- *Includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.*

See the OVW website at

[Procurement condition \(justice.gov\)](https://www.justice.gov/procurement-condition) for more detailed information about this requirement.

VIII. RESPONSE TO WORKPLACE-RELATED INCIDENTS OF SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, AND DATING VIOLENCE

Subrecipients must have a policy, or issue one within 270 days of the grant award date, to address **workplace- related** incidents of sexual misconduct, domestic violence, and dating violence involving an employee, volunteer, consultant, or contractor.

The policy must address:

- (1) Allegations of workplace-related incidents of sexual misconduct, domestic violence, and dating violence by an employee, volunteer, consultant or contractor;
- (2) Workplace supports for employees, volunteers, consultants or contractors who are victims of sexual misconduct, domestic violence, or dating violence; and
- (3) Adjudications that will result in an employee, volunteer, consultant or contractor being prohibited from occupying positions that could undermine the ability of the subrecipient to carry out the grant-funded project, such as positions working with victims and other vulnerable populations.
 - a. The policy may provide that certain adjudications do not prohibit an individual from occupying such a position but must include standards for granting such an exemption for an individual.

Sexual Misconduct

means sexual assault, stalking and sexual harassment.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that explicitly or implicitly

- affects an individual's employment,
- unreasonably interferes with an individual's work performance, or
- creates an intimidating, hostile, or offensive work environment

Includes activity that is carried out by a supervisor or by a co-worker, volunteer, or contractor.

Workplace-Related Incidents

- acts, attempted acts, or threatened acts
- by or against employees, consultants, volunteers, or contractors,
- that occur
 - in the workplace or
 - outside the workplace but have an impact on the workplace or otherwise undermine the ability of the subrecipient to carry out the grant-funded project.

See the OVW website at

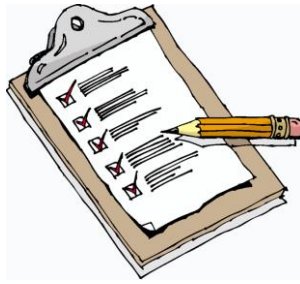
[FY 2020 Workplace Sexual Misconduct Special Condition \(justice.gov\)](https://www.justice.gov/ovw/fy-2020-workplace-sexual-misconduct-special-condition) for more detailed information about this requirement.

IX. COMPLIANCE WITH THE FEDERAL FUNDING

ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) OF 2006

All recipients of Federal VAWA funds, and their sub-contractors, must comply with the Federal Funding Accountability and Transparency Act (FFATA) of 2006. The FFATA requires a single searchable website for each federal award of \$25,000 or more over the life of any sub-award (i.e., VAWA subaward period) that must be accessible by the public without cost. **In order to satisfy this requirement, sub-recipients are required to have a Data Universal Numbering System (DUNS) number and to maintain a current registration in the System for Award Management (SAM).**

All programs are required to demonstrate they meet these criteria by providing proof of a DUNS number and current registration in SAM to DOJ CVSSD **prior to a subaward agreement being issued for VAWA funds.**



1. First Steps:

Your agency should verify whether or not it has a DUNS number and a current registration in SAM. **PLEASE NOTE:** If your agency does not have a DUNS number, and/or is not currently registered in SAM, it is imperative for you to begin these processes now due to the time required to complete these tasks. As of now, without a DUNS number and a current registration in SAM, DOJ CVSSD is not able to make an award of federal funds to an entity.

2. Requesting a DUNS Number:

To obtain a DUNS number, go to the DUNS registration website at: <http://fedgov.dnb.com/webform/> or call the special Dun & Bradstreet hotline at 1 (866) 705-5711. You will receive a DUNS number at the conclusion of your phone call. There is no cost associated with obtaining a DUNS number. Your DUNS number is required as part of registration with SAM.

3. Registering with System for Award Management (SAM):

Before registering with SAM, it is suggested that you review the [SAM User Guides](#) and the “[Frequently Asked Questions](#),” which are available on the SAM website at <https://www.sam.gov/SAM/pages/public/help/samQUserGuides.jsf>.



Suggestion: Pull together all the information you will need before beginning the registration process. For a list of information you need to get started, please visit www.sam.gov. Once you are ready to begin the online registration, allow 30-60 minutes to complete.

To register with SAM, go to <https://www.sam.gov/SAM/>. Click on “Create A User Account”. Follow the online instructions to complete your registration. If your questions/concerns are still unanswered, please contact the Federal Service Desk at fsd.gov.



Initial SAM registration requires a notarized letter verifying the administrator on the account. This notarized letter must be received within 30 days of registration activation or the account will be deactivated. Visit fsd.gov for a notarized letter template.

X. CERTIFIED ASSURANCES & OTHER CERTIFICATIONS

VAWA subaward recipients must assure and certify that they comply with all applicable provisions of the Violence Against Women Act of 1994, as amended, and all other applicable federal rules regulating subawards. This includes VAWA, the Office on Violence Against

Women Program Guidelines, and the Office for Justice Programs Financial Guide. When a sub-recipient signs a subaward agreement, they are agreeing to comply with the subaward contract terms for the funds for which they applied. *Please read the Certification language carefully in the subaward agreement.*



A. Non-supplantation

Federal funds must be used to **supplement** existing funds for program activities **and must not replace** funds that have been appropriated for the same purpose. Supplanting will be the subject of application review, as well as pre-award review, post-award monitoring, and audit. If there is an appearance of supplanting, the applicant or sub-recipient will be required to supply documentation demonstrating that the reduction in non-Federal resources occurred for reasons other than the receipt/expected receipt of Federal funds. The Federal Administrator of VAWA Funds or DOJ CVSSD may request a written certification stating that Federal funds will not be used to supplant State or local funds.

OVW has provided further guidance on the non-supplanting prohibition as it applies to **Non-profit Organizations:**

<https://www.justice.gov/sites/default/files/ovw/legacy/2009/10/28/supplanting-examples.pdf>.

B. Whistleblower Protection

Sub-recipients must comply with federal whistleblower protections (41 U.S.C. 4712). This includes provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to:

- gross mismanagement of a federal grant,
- a gross waste of federal funds,
- an abuse of authority relating to a federal grant,
- a substantial and specific danger to public health or safety, or
- a violation of law, rule, or regulation related to a federal grant.

Sub-recipients must inform their employees, *in writing* (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under the subaward should be reported to the Office of the Inspector General by:

- (1) mail directed to: U.S. Department of Justice , Office of the Inspector General, Investigations Division, 1425 New York Avenue, N.W., Suite 7100, Washington, DC 20530;
- (2) e-mail to: oig.hotline@usdoj.gov; and/or
- (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Sub-recipients must certify that they are in compliance with federal whistleblower protection requirements (41 U.S.C. 4712). This specifically includes informing employees of their rights and remedies when situations arise. In order to comply with this requirement, sub-recipients are now required to complete, and upload into E-Grants, the Whistleblower Certification form at least once every two years. This certification is found at: https://justice.oregon.gov/crime-victims/pdf/whistle_blower_certification.pdf.

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline/whistleblower-protection.htm> and in the DOJ Whistleblower Information document found at <https://oig.justice.gov/hotline/docs/NDAA-brochure.pdf>.

C. Civil Rights Compliance

Upon award, each sub-recipient is required to review and sign a “Certification of Compliance with Regulations” federal form from the Office for Civil Rights, Office of Justice Programs and comply with any of the applicable certification requirements. ***Each sub-recipient is required to maintain statutorily required civil rights statistics on victims’ services by race, national origin, sex, age, and disability.*** Sub-recipients must also permit access to documents and records to determine whether the sub-recipient is complying with applicable civil rights laws. This requirement is waived when the sub-recipient is providing a service such as telephone counseling where soliciting the information may be inappropriate or offensive to the crime victim. Civil rights statistics must be kept on file with other VAWA subaward documentation and must correspond with each subaward period. The information will be reviewed during onsite visits or at the request of the Federal Administrator of VAWA Funds of the Office on Violence Against Women.

Civil Rights Non-Discrimination Requirements

All VAWA sub-recipients must assure and certify that they comply with all applicable civil rights non-discrimination requirements of **Title VI of the Civil rights Act of 1964**, as amended, 42 U.S.C. § 2000d et seq. (prohibiting discrimination in programs or activities on the basis of race, color, and national origin); **Omnibus Crime Control and Safe Streets Act of 1968**, as amended, 34 U.S.C. § 10228(c)(1) (prohibiting discrimination in employment practices or in programs and activities on the basis of race, color, religion, national origin, and gender); **Section 504 of the Rehabilitation Act of 1973**, 29 U.S.C. § 794 et seq. (prohibiting discrimination in employment practices or in programs and activities on the basis of disability); **Title II of the Americans with Disabilities Act of 1990**, 42 U.S.C. § 12131 (prohibiting discrimination in services, programs, and activities on the basis of disability); **The Age Discrimination Act of**

1975, 42 U.S.C. § 6101-07 (prohibiting discrimination in programs and activities on the basis of age); and **Title IX of the Education Amendments of 1972**, 20 U.S.C § 1681 et seq. (prohibiting discrimination in educational programs or activities on the basis of gender).

Title VI of the Civil Rights Act of 1964, prohibits recipients from discriminating on the basis of national origin in the delivery of services or benefits. Compliance requires taking reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to funded programs or activities. A person with limited English proficiency is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. To assist sub-recipients in meeting their obligation to serve people with limited English proficiency, the Department of Justice (DOJ) has published a guidance document, which is available on the [LEP.gov web site](https://www.dhs.gov/leap). DOJ CVSSD encourages applicants and recipients to include the costs for providing interpretation and translation services to eligible LEP service populations within their program budgets.

VAWA requires that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving funds under VAWA on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability. **If, after a due process hearing**, a federal or state court or federal or state administrative agency makes a **finding of discrimination** against a sub-recipient on the grounds of actual or perceived race, color, national origin, sex, gender identity, sexual orientation, or disability, a **copy of such findings must be forwarded to DOJ CVSSD and to the Office for Civil Rights (OCR) for the Office of Justice Programs**.

The DOJ CVSSD webpage, <https://www.doj.state.or.us/crime-victims/for-grantees/civil-rights-requirements/>, provides information and links that will assist sub-recipients in complying with three mandatory federal processes. These include:

- Civil rights laws and regulations prohibiting discrimination in federally assisted programs or activities;
- Limited English Proficiency (LEP) guidelines; and
- Equal Employment Opportunity Plans (EEOP). *Non-profit organizations and Tribal Nations are exempt from the EEOP requirements, but must complete the EEOP form included as a Subaward Agreement Exhibit.*

These processes are required and include notification of nondiscrimination policy, responding to discrimination complaints, and civil rights **training**.



Sub-recipients are required to update the Civil Rights Training Certification every two years and upload it in E-Grants before the subaward agreement is signed.

For more information about civil rights training visit the DOJ CVSSD webpage: <https://www.doj.state.or.us/crime-victims/for-grantees/civil-rights-requirements/>.

D. Comply with Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Each sub-recipient is required to review and sign the following federal forms from the Office of Justice Programs and comply with any of the applicable certification requirements:

1. Lobbying Certification

This certification must be completed at the time of accepting a subaward from DOJ CVSSD. This rule provides guidance on requirements that subaward recipients shall meet in order to receive Federal funds. According to federal guidelines, a sub-recipient entering into a **subaward agreement of \$100,000** or more must certify that:

- No federally-appropriated funds will be expended by sub-recipients of a Federal award, cooperative agreement or subaward to pay a person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any of the following covered Federal actions:
 - the awarding of any Federal subaward,
 - the making of any Federal subaward,
 - the entering into of any cooperative agreement, and
 - the extension, continuation, renewal, amendment, or modification of any Federal subaward or cooperative agreement; and
- If any funds other than federal appropriated funds have been paid or will be paid to any person for influence of an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal subaward or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

2. Debarment and Suspension Certification

This certification must be completed at the time of accepting a subaward award from DOJ CVSSD. The government-wide rule for debarment and suspension provides guidance on requirements that sub-recipients shall meet in order to receive federal funds. This rule protects the federal government from fraud, waste and abuse by avoiding doing business with entities who have been involved in wrongdoing.

3. Drug-Free Workplace Certification

This certification must be completed at the time of accepting a subaward from the DOJ CVSSD. The government-wide rule for a drug-free workplace provides guidance on requirements that subaward recipients shall meet in order to receive federal funds. In the case of a sub-recipient who is an individual, that individual must certify to the agency that his or her conduct of award activity will be drug-free. If a sub-recipient makes a false certification, the sub-recipient is subject to suspension, termination and debarment.

E. Partnerships with Faith-Based and Other Neighborhood Organizations

Executive Orders 13279 and 13559 and the Partnerships with Faith-Based and Other Neighborhood Organizations regulation, codified at 28 C.F.R. Part 38, require funding organizations to treat faith-based organizations (FBOs) the same as any other applicant or recipient of federal funding. They may neither favor nor discriminate against FBOs in making and administering subawards. FBOs must be allowed to retain their independence, autonomy, expression, and religious character when competing for federal funding.

The Executive Orders and regulation also prohibit recipient FBOs from using federal funding to engage in explicitly religious activities, such as proselytizing, scripture study, or worship. Funded FBOs may engage in explicitly religious activities; however, these activities must be separate in time or location from the federally assisted program. Additionally, funded FBOs must not compel program beneficiaries to participate in explicitly religious activities. Funded faith-based organizations must also not discriminate on the basis of religion in the delivery of services or benefits.

VAWA contains express nondiscrimination provisions that prohibit all sub-recipients from discriminating on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that, on a case-by-case basis, FBOs may continue considering religion when hiring staff, if it meets the following criteria:

1. The FBO demonstrates that its program for which it seeks federal funding is an exercise of religion;
2. The FBO demonstrates that requiring it to either forgo its religious preference in hiring or forgo the federal funding would substantially burden its exercise of religion; and
3. The funding entity is unable to demonstrate that applying the nondiscrimination provision to this FBO would both further a compelling government interest and be the least restrictive means of furthering this interest.

The Justice Department may grant exemptions to the prohibition against hiring discrimination on the basis of religion on a case-by-case basis, unless there is good reason to question the truthfulness of the FBO. FBOs seeking an exemption to their prohibition against religious discrimination in hiring must complete, submit, and retain an original signed Certificate of Exemption for Hiring Practices on the Basis of Religion certifying to the following three provisions:

1. The FBO will offer all federally-funded services to all qualified beneficiaries without regard for the religious or non-religious beliefs of those individuals; and

2. Any activities of the FBO that contain explicitly religious content will be kept separate in time or location from any services supported by direct federal funding, and if provided under such conditions, will be offered only on a voluntary basis; and
3. The FBO is a religious organization that sincerely believes that providing the services in question is an expression of its religious beliefs; that employing individuals of particular religious belief is important to its religious exercise; and that having to abandon its religious hiring practice to receive federal funding would substantially burden its religious exercise.

FBOs seeking such an exemption should submit the original signed Certificate of Exemption to **DOJ CVSSD after receipt of an award**. DOJ CVSSD will forward the Certificate of Exemption to the Office for Civil Rights for consideration.

For more information on the regulation, please see OCR's website at:
<https://ojp.gov/fbnp/index.htm>

F. Compliance with State Criteria and Victims' Rights

Sub-recipients must abide by any additional eligibility or service criteria established by DOJ CVSSD, including submitting financial, statistical, and programmatic information on the use and benefits of VAWA funds. Every agency that receives VAWA funds is expected to make a reasonable effort to ensure that crime victims in Oregon are treated with dignity, fairness and respect in accordance with U.S. and Oregon constitutional and statutory laws, including victims' rights. Sub-recipients shall take appropriate action to inform crime victims of their rights and to assist victims in exercising those rights.

XI. DEMONSTRATES ACCESS TO EFFECTIVE SERVICES

To ensure meaningful access to services for all victims of crime across the State, programs must be able to appropriately respond to requests for assistance (e.g. completion of compensation claims, emergency housing, child abuse medical assessments, etc.). In addition, those agencies whose primary services are focused on a specific area of victim assistance must be able to directly link victims whose needs may be beyond their expertise to the appropriate community partner agency.

XII. MAINTAINS GOOD FISCAL MANAGEMENT

Agencies must be able to maintain adequate funding, expend funds according to submitted budgets, keep financial records, and comply with subaward reporting requirements. Agencies with deficiencies in any of these good fiscal practices may receive conditional subawards. Agencies may also be required to submit additional information addressing those deficiencies before a subaward is awarded. See Section 6 for complete financial requirements.

XIII. COMPLIES WITH FINANCIAL, DATA AND OUTCOME REPORTING

All agencies must comply with the Federal and DOJ CVSSD reporting requirements including the timely submission of quarterly statistical, financial, common outcome measures and semi-

annual narrative and statistical reports. See Section 5 for a complete description of reporting requirements.

XIV. PROVIDES CULTURALLY RESPONSIVE AND ACCESSIBLE SERVICES

Applicants will provide services that are culturally responsive and accessible to the populations in their communities. Applicants will continue or begin an assessment and planning process to identify and prioritize community needs and agency responses.

XV. COMPLIES WITH TRAINING REQUIREMENTS

All sub-recipients must ensure staff and volunteers receive appropriate foundational training to support them in providing competent direct services. Sub-recipients must assess staff and volunteers for readiness to provide direct services and must document completion of training requirements within the DOJ CVSSD E-Grants system. Training requirements apply to staff, volunteers, and board members as described below.

A. Staff

All sub-recipients must ensure that staff providing direct services in City and County Government-based agencies, Child Abuse Intervention Centers, and Special Population organizations will successfully complete the Oregon Basic State Victim Assistance Academy (SVAA) training during the first year of the funding cycle. Any staff who had previously attended SVAA has met the requirement. Information for the SVAA training is available at the NCVLI website at:

https://law.lclark.edu/centers/national_crime_victim_law_institute/projects/OR_SVAA/.

VAWA funded staff with direct responsibility for domestic violence and sexual assault programs will successfully complete training that meets the requirements adopted by the Department of Human Services (“DHS) Advisory Committee which can be found [here](#) on DOJ CVSSD’s website. The training requirement can be met by completing the online Core Advocate Training developed by the Oregon Coalition Against Domestic and Sexual Violence available at: <https://www.ocadsv.org/resources/online-core-advocacy-training>.

VAWA funded campus-based staff providing direct services to survivors of gender based violence will successfully complete the 40-hour Campus Advocacy Training provided by the Oregon Attorney General’s Sexual Assault Task Force. The Campus Advocate Training is also available online at: <http://oregonsatf.org/training/40-hour-campus-advocate-training-online/>.

VAWA funded staff may alternatively submit a 40-hour training plan for DOJ CVSSD approval that covers topics relevant to the funded staff position(s). The 40-hour training plan may include relevant topics from the:

1. Oregon Basic State Victim Assistance Academy described above;
2. DHS Advisory Committee adopted DV/SA training requirements. Click [here](#) to see the document on the DOJ CVSSD webpage;
3. Core Advocate Training developed by the Oregon Coalition Against Domestic and Sexual Violence available at: <https://www.ocadsv.org/resources/online-core-advocacy-training>;
4. Office for Victims of Crime (OVC) Victims Assistance Training [VAT Online](#) can be found

under the Course Descriptions tab; and
5. Additional population-specific topics.

B. Volunteers & Interns

Volunteers and interns providing VAWA-funded direct services in domestic violence and sexual assault programs must complete training that meets the requirements adopted by the Department of Human Services (“DHS) Advisory Committee which can be found [here](#) on DOJ CVSSD’s website. The training requirement can be met by completing the online Core Advocate Training developed by the Oregon Coalition Against Domestic and Sexual Violence available at: <https://www.ocadsv.org/resources/online-core-advocacy-training>

Volunteers and interns providing VAWA funded campus-based direct services to survivors of gender based violence will successfully complete the 40-hour Campus Advocacy Training provided by the Oregon Attorney General’s Sexual Assault Task Force. The Campus Advocate Training is also available online at: <http://oregonsatf.org/training/40-hour-campus-advocate-training-online/>.

Volunteers and interns providing VAWA-funded direct services in City and County Government-based agencies, Child Abuse Intervention Centers, and Special Population organizations are required to successfully complete the OVC VAT *Online* training or a training program that minimally covers the topics included in VAT *Online* during the first year of the grant cycle. Registration information for the VAT *Online* training can be accessed at: <https://www.ovcttac.gov/vatonline>.

Alternatively, organizations may submit a training plan for DOJ CVSSD approval that covers topics relevant to volunteer position(s), which may be from VAT *Online*, DHS Advisory Committee adopted training requirements, SVAA, all described above, and additional population-specific topics.

The volunteer/intern supervisor will develop a training plan to consist of a minimum of 40-hours based upon the needs of the program and volunteers. It is the responsibility of the volunteer/intern supervisor to document the training completed. DOJ CVSSD fund coordinators will verify this information at the time of an in-person site visit. Volunteers and interns not providing direct service should minimally be informed on the basics of providing services to victims of crime.

C. Board of Directors

Each non-profit organization or Tribal Nation will identify the individual or group designated to provide oversight of the program. Leadership may include:

- a non-profit organization’s Board of Directors; or
- specific members of the governing body or other groups designated to provide oversight of the program if the program is within a larger organization or Tribal Nation.

Each individual in this group must have a minimum of 12 hours of training during their first year in this role. The training must cover:

- Definitions and dynamics of victimization types specific to the victims served by the organization (e.g. domestic violence, sexual assault, child abuse, human trafficking, homicide).
- The purpose, goals, services, and philosophy of the organization.
- Anti-racism and anti-oppression training.
- The confidentiality requirements of the CVSSD grant funds.
- State and federal program requirements in the grant agreement, including but not limited to civil rights, whistleblower protections, etc.
- Board roles and oversight responsibilities specifically dealing with governance of the organization.
- For DV/SA programs, information regarding advocate privilege per ORS 40.264.

Leadership is also encouraged to attend additional training, which may include:

- The 40-hour initial training required of staff and volunteers.
- State Victim Assistance Academy
- OCADSV Core Training
- Child Abuse Summit
- OVC TTAC

Training can be presented over several months, through annual meetings, self-study with debriefing, online, etc. Training must be documented. CVSSD Fund Coordinators will request to view the documentation of training at the time of their in-person visit to the program.

XVI.MAINTAINS REQUIRED INSURANCE

All sub-recipients must obtain and maintain the insurance specified in this section during the award period. Sub-recipients must obtain the following insurance from insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to DOJ CVSSD.

(a) Workers' Compensation.

All employers, including sub-recipient, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and shall provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2).

(b) Comprehensive or Commercial General Liability Insurance.

Sub-recipients shall obtain and maintain in effect comprehensive or commercial general liability insurance covering personal injury and property damage arising from the conduct and implementation of the Project (including contractual liability coverage for the indemnity provided in the subaward agreement) on an occurrence basis.

(c) Automobile Liability Insurance.

If in the conduct and implementation of the Project, sub-recipient provides transportation for and/or transports individuals in automobiles, sub-recipient shall obtain and maintain

in effect automobile liability insurance, including coverage for owned, hired or non-owned vehicles, as applicable.

(d) Professional Liability Insurance.

If in the conduct and implementation of the Project, sub-recipient provides professional advice or services, sub-recipient shall obtain and maintain professional liability insurance covering any damages caused by an error, omission or any negligent acts related to the performance of any professional services to be provided under this project.

(e) Notice of Cancellation or Change.

There shall be no cancellation, material change, reduction of limits, or intent not to renew the insurance coverage(s) without 30 days prior written notice from the sub-recipient or its insurer(s) to State of Oregon, Department of Justice, Crime Victim and Survivor Services Division.

(f) "TAIL" COVERAGE.

If any of the required professional liability insurance is on a "claims made" basis, sub-recipient shall maintain either "tail" coverage or continuous "claims made" liability coverage, provided the effective date of the continuous "claims made" coverage is on or before the effective date of the project's subaward Agreement, for a minimum of 24 months following the later of (i) sub-recipient's completion and DOJ CVSSD's acceptance of all Services required under the project, or, (ii) the expiration of all warranty periods provided under the subaward agreement. Notwithstanding the foregoing 24-month requirement, if sub-recipient elects to maintain "tail" coverage and if the maximum time period "tail" coverage reasonably available in the marketplace is less than the 24-month period described above, then sub-recipient shall maintain "tail" coverage for the maximum time period that "tail" coverage is reasonably available in the marketplace for the coverage required under the subaward agreement. Sub-recipient shall provide to DOJ CVSSD, upon their request, certification of the coverage required under this section.

XVII. COMPLIES WITH NATIONAL ENVIRONMENTAL PROTECTION ACT (NEPA)

Sub-recipients must comply with the National Environmental Protection Act and other related federal environmental impact analyses requirements in the use of federal awards either directly by the sub-recipient or any subcontractor.

The regulations state that "all federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decision-making and to prepare detailed environmental statements on . . . major federal actions significantly affecting the quality of the human environment" (28 C.F.R. 61.2).

For many projects, NEPA may have no applicability. However, if VAWA funds will be used, for example, to pay for renovation projects, programs involving the use of chemicals, or any other activity, including research and technology development, that may have an effect on the environment, at a minimum, the funding recipient must provide a full description of proposed project activities to DOJ CVSSD for approval. Prior to allowing a sub-recipient to spend VAWA funds for such a project, DOJ CVSSD must seek a finding from OVW that the project

does not significantly affect the human environment and that further environmental assessment is not necessary.

XVIII. CONDITIONAL AWARDS

All subawards are made conditional upon the timely completion of subaward documents. Funds are not considered obligated and will not be transferred until all required subaward documents have been signed by an applicant and by the DOJ CVSSD designee. DOJ CVSSD has the authority to reallocate the funds awarded if an applicant does not complete subaward documents within three months of notice of the intended award.

An Award May Be Made Conditionally If:

- the sub-recipient is not current in reporting for any previous subaward;
- has fewer than two full years of operational history in providing services to victims of crime;
- has not fully demonstrated the ability to successfully manage any previous Fund awards;
- has not demonstrated at least two prior years of program stability⁵; or
- when other circumstances exist that require a further showing of applicant's ability to successfully manage an award.

If one or more of these conditions exist, DOJ CVSSD will notify the applicant that a conditional award has been issued. The award will specify the conditions to be satisfied by the applicant and the date by which the conditions must be satisfied. Fund coordinators will contact applicants who do not satisfy conditions of funding by the date specified to discuss next steps. See Section 6 of this Handbook for additional information on financial requirements.

⁵ Definition of Program Stability for DOJ CVSSD Sub-recipients

As used in the above section, a demonstration of program stability for DOJ CVSSD funded applicants must include:

- a. An applicant's history of providing cost-effective direct services to victims.
- b. A clear indication of support for applicant's services from one or more community agencies or organizations familiar with the needs of victims to be served, as well as the caliber of services provided by the applicant.

SECTION 4

VAWA MANAGEMENT AND OPERATIONS GUIDELINES

I. INTRODUCTION

These guidelines have been established to provide clarification for VAWA sub-recipients, as well as to supplement information received from fund coordinators and other sources.

II. GUIDELINES FOR EMPLOYEE MANAGEMENT

A. General Staffing Matters

1. VAWA subawards may fund:

- Victim services for victims of domestic violence, dating violence, sexual assault, or stalking;
- Law Enforcement Services focused on domestic violence, dating violence, sexual assault, or stalking.
- Prosecution Services focused on domestic violence, dating violence, sexual assault, or stalking.
- Probation Services focused on domestic violence, dating violence, sexual assault, or stalking.
- Court Services focused on domestic violence, dating violence, sexual assault, or stalking.

2. Staffing Changes

Sub-recipients must report any change in personnel in a VAWA-funded position to DOJ CVSSD within 30 days of the departure of that staff person. This should be accomplished by updating the Staff Roster page for the sub-recipient organization within the E-Grants system.

- If a new person is hired to replace staff leaving, it is important to enter the new staff person as a new, independent entry indicating their start date and relevant information.
- The entry for the former staff person should be completed by entering the date that person vacated the position, effectively ending their access to E-Grants.

3. Leadership Changes

It is the responsibility of the District Attorney, or the Board of Directors, of a VAWA-funded agency, to notify DOJ CVSSD within thirty (30) days of any change in leadership within the program (i.e., Director). In addition, organizations must update the Staff Roster within the E-Grants system.

- If a new person is hired to replace an outgoing director, it is important to enter the newly-hired director as a new, independent entry indicating their start date and relevant information.
- The entry for the outgoing director should be completed by entering the date that person vacated the position, effectively ending their access to E-Grants.

4. Separation of Powers

The Executive Director of the sub-recipient agency may not serve as a member or Chair of the Board of Directors.

5. Fundraising and/or Lobbying Activities

Employees and volunteers are not allowed to coordinate, organize, or participate in fundraising activities or participate in lobbying activities on time budgeted to the VAWA subaward. This includes time paid with matching funds associated with the subaward, or time paid with program income earned from VAWA-funded activity.

However, 34 U.S.C. §12291(b)(3) allows sub-recipients to “collaborate with or provide information to federal, state, local, tribal, and territorial public officials and agencies to develop and implement policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 34 U.S.C. § 12291(a)) when consistent with the activities” of the grant program. In addition, the STOP VAWA program contains a purpose areas for developing and promoting legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking. If in doubt, sub-recipients should contact their fund coordinator for clarification and approval.

B. Maintaining Records

Sub-recipients must maintain accurate **time/attendance records** for positions budgeted in subawards. Sub-recipients must also maintain written **personnel policies** and keep these policies updated. DOJ CVSSD recommends reviewing and updating personnel policies every two years in preparation for subaward application processes.

1. Accurate Time/Attendance Records

Accurate time/attendance records must be maintained for all positions budgeted under the subaward. Federal funding requires sub-recipients to engage in **direct timekeeping**. This includes salaried positions and any personnel (including volunteers) written into the budget attributed as federal funds or match. Adequate documentation and policies must be maintained within the VAWA file. Special care should be taken if a position is funded from more than one source. (See examples below under E. Other). The Organization Details in the E-Grants system provides a framework for capturing this information and DOJ CVSSD urges sub-recipients to update this information as necessary. For more information on direct timekeeping, please see [CVSSD Guidance on Timekeeping](#) at the DOJ CVSSD website.



How Does Direct Timekeeping Work?

- Sub-recipients may not simply bill employee time according to their approved VAWA budget. That would be “budgeted time,” not direct timekeeping.
- Sub-recipients must correlate the hours worked with VAWA eligible services/activities.
- DOJ CVSSD recommends that VAWA funded positions note what services/activities (e.g., direct advocacy, safety planning, court accompaniment) they engage in on their time sheets when charging their work hours to VAWA.
 - In the alternative, staff could maintain separate, back up documentation showing their time and the associated services for that time.
- The time sheet must provide a breakdown of the total time for which the employee is compensated.
 - If a position is funded by multiple sources, the time sheet should have a separate breakdown for each program/funding source.
 - The employee should indicate on the time sheet how much time was spent each day on each of the different programs.
- If the requirement for submitting this documentation can be met within the sub-recipient’s current management system, there is no need to establish a separate tracking system.
- ***Volunteer hours used for match must be tracked and approved in a similar manner.***

2. Personnel Policies and Procedures

Sub-recipients should maintain written personnel policies and procedures to include:

- | | |
|-----------------|----------------------|
| ▪ work hours | ▪ overtime pay |
| ▪ on-call hours | ▪ compensatory time |
| ▪ holidays | ▪ termination |
| ▪ vacation | ▪ job descriptions |
| ▪ sick leave | ▪ job qualifications |

These policies must be available at the agency for review by fund coordinator.



ON-CALL POLICY

The **Fair Labor Standards Act** determines whether or not an employee must be compensated for “on-call” time.

- Employees who are required to be on the premises of the agency while they wait to be called to duty must be compensated.
- Their time is subject to the laws and rules governing minimum wage and overtime.
- If an employee is required to carry a pager, work cell phone or leave a number when they can be reached during specific hours, **but otherwise is not restricted to a location**, then they typically do not need to be compensated for their time waiting.

Even if employees who carry pagers, etc. are not required to be compensated, there is nothing that prevents an agency from establishing a policy that compensates employees for that time.

- Contracts, such as collective bargaining agreements, may grant employees additional rights to compensation.
- For example, if a collective bargaining agreement applies, employees may be entitled to “call back pay” or to a monetary increase in hourly pay for hours when they are on-call, even if they are not on the premises.

An agency should have a policy regarding who works on-call shifts and the expectations of on-call shifts.

That policy should apply equally to employees and volunteers alike.

C. Volunteers

Volunteers may be an essential part of a VAWA-funded program. Two key issues to keep in mind when designing a volunteer program and reporting volunteer time for subaward purposes are:

1. Employees as Volunteers

Paid agency employees may not perform their duties as volunteers. Unpaid overtime, on-call duties, or un-reimbursed staff expenses may not be considered “volunteer” time, especially if these duties are explicitly stated in the employee’s job description.

In order for an employee to qualify as a volunteer, the following four criteria must be met:

- The work must be at the employee's initiative;
- The work must be outside normal or regular work hours;
- The employee must be performing a task for which they do not expect payment;
and
- The employee must be performing a task outside of their regular job functions.

2. Reporting Volunteer Hours as Match

Volunteer hours may be used as match for a VAWA-funded project. A sub-recipient should consider the following when deciding whether to use volunteer hours as match:

- Any volunteer activities counted toward match must be VAWA-allowable activities. Please refer to the VAWA FAQs found at <https://www.justice.gov/ovw/page/file/1008816/download#%20FAQ%20-%20STOP%20Formula%20Grants> for more specific information about which activities are allowable.
- Volunteer time used as match must be tied to that specific VAWA-funded project.
- Sub-recipients must determine how to value volunteer hours. Please refer to Section 3 of this document for detailed information about how to value volunteer match.
- If using volunteer hours for match, it is important for programs to have well-defined time-keeping practices to accurately document volunteer time. Please refer to subsection B of this section or more information about recordkeeping and direct timekeeping.

D. Criminal History Verification (Background Checks)

A sub-recipient shall obtain a criminal history record check on any employee, potential employee or volunteer working with victims of crime or having access to individual client information. This could be accomplished in the following ways:

- a. Have the applicant, as a condition of employment or volunteer service, apply for and receive a criminal history check from a local Oregon State Police (OSP) Office and furnish a copy to the sub-recipient; or
- b. As the employer, contact a local OSP office for an "Oregon only" criminal history check on the application/employee/volunteer; or
- c. Use another method of criminal history verification that is at least as comprehensive as the OSP methods described in paragraphs a. and b. above.

A criminal record check will indicate arrests or convictions of child abuse, offenses against persons, sexual offenses, child neglect, or any other offense bearing a substantial relation to the qualifications, functions or duties of an employee or volunteer intended to work with victims of crime.

The sub-recipient shall develop a policy or procedure(s) to review criminal arrests or convictions of employees/potential employees/volunteers. The review should examine:

- The severity and nature of the crime;
- The number of criminal offenses;
- The time elapsed since commission of the crime;
- The circumstances surrounding the crime;
- The individual's participation in counseling, therapy, education or employment evidencing rehabilitation or a change in behavior; and
- A review of the police or arrest report confirming the individual's explanation of the crime.

After receiving the criminal history check, the sub-recipient shall determine whether the employee/potential employee/volunteer has been convicted of one of the crimes described in this section. If so, they must determine whether, based upon the conviction, the person poses a risk to working safely with victims of crime. If the sub-recipient intends to hire or retain the employee/potential employee/volunteer, the sub-recipient shall document in writing the reasons for hiring or retaining the individual. These reasons shall address how the applicant/employee/volunteer is presently suitable or able to work with victims of crime in a safe and trustworthy manner, based on the agency's policy. The sub-recipient will place this explanation, along with the applicant/employee/volunteer's criminal history check, in the employee/volunteer personnel file for permanent retention.

E. Other

State and federal VAWA Guidelines (rules, restrictions and reporting requirements) apply to paid and volunteer staff only to the extent such positions are included in the VAWA subaward budget, whether supported with federal VAWA or local match funds. The following are illustrations:

- The salary and benefits for a full-time victim advocate are fully funded with federal VAWA funds. The entire position is subject to all VAWA requirements.
- Half of the salary and benefits for a full-time victim advocate are paid with federal VAWA funds and half is included in the VAWA subaward as match (source of the match is United Way funds). The entire position is subject to all VAWA requirements.
- Half of the salary and benefits for a full-time victim advocate are paid with federal VAWA funds. The other half is not part of the VAWA subaward as match. Only the hours charged to the VAWA subaward are subject to VAWA requirements and only clients served and services provided for that portion may be included in VAWA subaward reports.
- All of the salary for a full-time advocate is paid with federal VAWA funds. All of the benefits are paid with non-federal funds and are not part of the VAWA subaward match. The cost of the salary alone makes up 60% of the total cost of the full-time advocate (salary and benefits). As a result, 60% of hours worked are subject to VAWA requirements. Only 60% of clients served and services provided by that

advocate may be included in VAWA subaward reports. The remaining 40% must be attributed to the other nonfederal funding source.

- Volunteers provide an agency with a total of 5,000 hours of services (valued by program at \$20 per hour) but only 1,000 hours of those volunteer hours are included as in-kind match. Only the 1,000 hours of volunteer time reported are subject to VAWA requirements.

III. GUIDELINES FOR CONTRACTS AND SUBAWARDS



Where the intent to award contracts or subawards is known and expressly stated as part of the application, the approval may be considered granted if these activities are funded as proposed.

Once an agency has been awarded a VAWA subaward, those VAWA funds cannot be further subawarded or contracted out to another organization for the completion of subaward activities if the intent to do so was not included in the application.

All formal non-financial and financial arrangements with other entities or individuals to collaborate, purchase goods or services, or accomplish a portion of a subaward-funded activity, **must be formalized in written and signed agreements between the parties involved.**

Financial arrangements are formalized using either a Subcontract or a Subaward depending on the type of purchase.

- A **procurement transaction (subcontract)** is needed when subaward funds will be used to obtain goods or services from an outside entity (contractor) for the applicant's own use or for project participants at the direction of the applicant.
 - The contractor will not make participant eligibility determination and does not have the authority to make decisions regarding the delivery of services and the types of services provided.
- A **subaward** is needed when these subaward funds will be awarded to an outside entity (sub-recipient) to carry out one or more services of the subaward-funded project.
 - This second sub-recipient generally makes participant eligibility determination and has the authority to make decisions regarding the delivery of services and the types of services provided within the scope of the agreement.

The proper classification of a financial arrangement as a subaward or a procurement transaction (subcontract) at the time it is proposed is critical to ensure proper accounting for costs and compliance requirements. The following table provides some of the more important factors:

Subaward Factors	Procurement Factors
Distributes financial assistance in the form of money or services to eligible sub-recipients.	Provides the goods or services within its normal business operations.
Performance is measured against the objectives of the federal award.	Provides similar goods or services to many different purchasers.
Has responsibility for programmatic decision making.	Operates in a competitive environment.
Has responsibility to comply with applicable federal program requirements.	Not subject to the compliance requirements of the federal program.
Uses the federal funds to carry out its own program, as compared to providing goods or services for the program of the sub-recipient.	Provides goods or services that are ancillary to the operation of the federal program.

A more detailed [Contractor and Sub-recipient Determination Checklist](#) is available to assist sub-recipients in making the correct selection in these financial arrangements.

Procurement Transaction (Subcontract). An Independent Contractor Agreement formalizes the financial arrangement between a Sub-recipient and a Contractor who has been selected through a competitive procurement process (unless a sole source arrangement has been justified) to provide goods or services for the sub-recipient.

Please Note:

Compensation for consultant services should be reasonable and consistent with that paid for similar services in the marketplace. Compensation in excess of \$650 per 8 hour day, or \$81.25 per hour, requires prior approval from DOJ CVSSD.

An Independent Contractor Agreement must, at a minimum, include:

- Parties to the Agreement
- Term of the Agreement
- Scope of Work and Deliverables
- Contractor Compensation
- Independent Contractor Relationship
- Representations and Warranties
- Indemnification
- Confidentiality
- Insurance Requirements
- Amendments
- Signature of Authorized Representatives

A detailed description of each element is available at: https://justice.oregon.gov/crime-victims/pdf/cvssd_subcontract_elements.pdf.

The written agreement may not affect the sub-recipient's overall responsibility for the duration of the subaward and accountability to DOJ CVSSD. The sub-recipient is responsible for monitoring the subcontractor and determining that all fiscal and programmatic responsibilities are fulfilled.

Sub-recipients must submit all subcontractor contracts to DOJ CVSSD when finalized.

No subcontractor payments will be issued if a subcontractor agreement has not been received by DOJ CVSSD.

Subawards. A Subaward Agreement formalizes the financial arrangement between a primary sub-recipient and a secondary sub-recipient for the purpose of carrying out a part of the primary subaward activities. A sample of a VOCA subaward agreement is available at: https://justice.oregon.gov/crime-victims/pdf/cvsd_subaward_elements.pdf. Sub-recipients can work with their fund coordinator to adapt the document to fit VAWA agreement requirements. All secondary sub-recipients must agree to abide by all primary subaward agreement requirements. The primary sub-recipient must, in essence, create their own subaward agreement for the secondary sub-recipient. That agreement must contain all of the same requirements as the primary subaward agreement.



WHEN DO I NEED A CONTRACT?

A CONTRACT is required:

- *when VAWA funds will be used by the sub-recipient to pay for professional services that are outside their agency.*
- *anytime a financial transaction will occur between the agency and another entity or person.*

All services must be allowable under the VAWA guidelines.

Examples include: collaborative projects, support groups, therapy services and emergency legal services.

For more information about procurement, including sole source procurement requirements, please see the [Guidance on Procurement Process](#) document at the DOJ CVSSD website.

IV. GUIDELINES FOR A MEMORANDUM OF UNDERSTANDING

Non-financial arrangements are formalized using a Memorandum of Understanding (MOU).

An MOU is a written plan between two or more parties for carrying their separate activities in a coordinated and mutually beneficial manner. An MOU is generally used when there will **not** be an exchange of funding or resources but there is a need to formally document the relationship(s). The MOU provides documentation that demonstrates the organizations have consulted and coordinated the responsibilities of their subaward activities. A template for an MOU can be found [here](#) on the DOJ CVSSD website.

The following elements should be included when composing an MOU:

- Description of each partner agency;
- Purpose of the MOU;

- Description of agreed upon roles and responsibilities each organization or agency will be providing to ensure project success. The roles and responsibilities should align with project goals, objectives and target outputs;
- Identification of staff responsible for completing the specific responsibilities, this should include meeting DOJ CVSSD reporting requirements;
- Description of how the collaboration/partnership benefits the project;
- Description of the resources each partner would contribute to the project. This can be a time commitment, in-kind contributions, or grant funds (e.g., office space, staff, training, etc.);
- A statement that the lead agency accepts full responsibility for the performance of the collaborative organizations/agencies; and
- Signatures by all partners. Signatories must be officially authorized to sign on behalf of the agency and include title and agency name.

V. GUIDELINES FOR TRAINING AND TRAVEL

A. Travel/Mileage for Direct Services

Travel costs for paid and volunteer staff must be for the purpose of providing or supporting direct services to victims. This may include reasonable costs for transporting victims in connection with the provision of direct services. The travel must take place within the subaward period (i.e., between the subaward's beginning and ending dates). All travel expenses must be documented and retained in the appropriate VAWA file.

B. Training

VAWA funds can support training costs for paid staff and volunteers when they attend training that directly relates to the VAWA program objectives.

1. Training within Oregon:

Training within Oregon need not be approved in advance as long as training was approved in the subaward budget. It is the agency's responsibility to ensure that training costs comply with VAWA restrictions. Sub-recipients should not assume a specific training event identified in a budget proposal is necessarily appropriate for VAWA funding. *It is suggested that agencies confer with DOJ CVSSD regarding the appropriateness of specific training events to avoid having reimbursement for these costs rejected at a later date.*

2. Training Outside of Oregon

When needed training is not available within the sub-recipient's immediate geographical area, VAWA funds may support training outside of the geographical area. For example, sub-recipients may benefit by attending national conferences that offer skills-building training workshops for victim assistance providers. **Training outside Oregon must be approved by DOJ CVSSD in advance**, unless a specific training is approved at the time of the subaward.

When requesting out of state training in advance, sub-recipients must provide the following:

- Agenda;
- Reason for attending;
- Description of topics sufficient to establish that training is for direct victim services skill development;
- Itemized costs; and
- Reasons why comparable training within the state is unavailable.

3. Nonrefundable Conference Costs

DOJ CVSSD may allow sub-recipients to charge nonrefundable conference costs to VAWA for reimbursement when they are unable to attend a conference for which they had registered. Fund Coordinators will review such requests on a case-by-case basis. When registering for conferences and making travel arrangements, sub-recipients should have confidence that they are, in fact, able to attend. If sub-recipients believe they may be unable to attend a conference for which they had registered, they should make every effort to cancel the registration prior to the refund deadline.

4. Unallowable Costs Related to Training

- Per diem reimbursement for meals provided at conferences or trainings;
- Training unrelated to VAWA program objectives, such as grant writing, fundraising, lobbying or general administration/management;
- Costs of sending individual crime victims to conferences;
- Food or beverages (with extremely limited exceptions, refer to the [DOJ Financial Guide](#) for more specific information.)

C. Training-Related Travel:

Allowable training-related travel costs include, but are not limited to, mileage, parking, airfare, meals, and lodging to attend victim advocacy-related training. Programs should first look for available training within their immediate geographical area to minimize travel costs. Sub-recipients must use the most economical means of travel when using VAWA funds. *Any training outside of Oregon must be pre-approved by your fund coordinator and budgeted in your subaward.*

Sub-recipients must reimburse travel expenses based on the agency travel policy, but **at rates that do not exceed the federal per diem rates** (found at www.gsa.gov/perdiem). *VAWA funds cannot be used to cover lodging if the Government rate is not available.*

Sub-recipients must follow provisions included in the [DOJ Grants Financial Guide](#) (3.9 Allowable Costs, Travel) and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([2 C.F.R. §200.474](#)).

SECTION 5

REPORTING REQUIREMENTS

I. OVERVIEW

Sub-recipients must collect and report certain data in order to comply with both state and federal Performance Report requirements. Sub-recipients are strongly encouraged to develop data collection systems that offer maximum flexibility. Unless otherwise stated, **all data collected and reported for VAWA reporting purposes must be limited to those activities and services directly funded by the VAWA subaward and not to overall agency activities.** It is permissible, with DOJ CVSSD approval, to pro-rate certain information based upon a reasonable, accurate and logical basis i.e. FTE funded by the subaward.

Sub-recipient reporting will be completed and submitted through the DOJ CVSSD E-Grants system.

II. REPORTING REQUIREMENTS

All reports will be submitted electronically through the DOJ CVSSD E-Grants system according to the following schedule:

Reporting Period	<u>Quarterly</u> •E-Grants Financial •E-Grants Common Outcome Measures Reports Due	<u>Semi-Annual</u> <u>Goals/Objectives and</u> <u>Narrative</u> E-Grants Progress Report Reports Due	<u>Annual</u> Muskie Progress Report (upload in E-Grants) Reports Due
January 1 – March 31	April 30	NA	NA
April 1 – June 30	July 20	July 20	NA
July 1 – September 30	October 31	NA	NA
October 1 – December 31	January 31	January 31	January 31

A. Financial Reports (FRs)

DOJ CVSSD administers funding for the VAWA Subaward Program on a reimbursement basis, meaning that subaward funds are paid to sub-recipient agencies **after** expenditures have been made. Payments to sub-recipients are made when DOJ CVSSD receives a Financial Report (FR). The FRs must be accompanied by the required quarterly, semi-annual and annual progress reports.

IMPORTANT INFORMATION REGARDING PAYMENTS

- FRs submitted without the accompanying required quarterly, semi-annual, and annual reports ***will not be processed for reimbursement until all reports have been submitted and reviewed.***
- It is the responsibility of the sub-recipient to respond to all requests for modifications or information made by DOJ CVSSD staff in a timely manner. Failure to comply will delay payment.

- Sub-recipients may not obligate funds, order goods, enter into contracts, or request purchase orders prior to the start of the subaward period.
- Reimbursement payments can be processed as quickly as two weeks or take up to one month. This is due to the fact that the drawing down of federal funds is done two or sometimes three times per month. The Federal government has a black out on draws the last five days of each month. A draw made on a Wednesday of one week will arrive at DOJ the following Tuesday and it is expected that payments can be issued by Friday.
- FRs may be submitted in E-Grants by organization members with the role of Authorized Official, Agency Administrator, or Financial Officer. It is the responsibility of the sub-recipient agency to ensure that only those organization members authorized to submit a FR do so.
- Sub-recipients must maintain supporting documentation for each FR submitted.

OTHER IMPORTANT NOTES ABOUT FRs:

1. Expenditures

- Expenditures should be reported for **actual approved and incurred expenses**, as opposed to dividing the total amount of the subaward into equal requests for reimbursement for the length of the subaward. While this is a convenient method of requesting payment it may not necessarily accurately represent the expenditures charged to a subaward.
- **All expenditures must coincide with the current approved budget submitted**, which will be one of the following:
 - the original budget submitted with the subaward application through E-Grants;
 - or
 - an amended budget submitted through E-Grants;
- DOJ CVSSD reimburses expenses quarterly unless otherwise agreed between DOJ CVSSD and the sub-recipient.
- Expenditures must be reported in the quarter in which the expenses were incurred.
- DOJ CVSSD reimburses only **actual and allowable** expenditures for goods and services purchased during the subaward period.
- DOJ CVSSD does not reimburse items that are not in the approved budget. DOJ CVSSD may withhold funds for any expenditure not budgeted or in excess of approved budget amounts.
- Failure of the sub-recipient to operate the program in accordance with the approved budget may result in suspension and/or termination of the subaward agreement.
- DOJ CVSSD will hold a sub-recipient accountable for any overpayment, audit disallowances, or any other breach of subaward agreement that results in a debt owed to the federal government.

2. DOJ CVSSD E-Grants: FR

The E-Grants FR will show *page errors* if any of the following is entered:

- Movement of funds in excess of budget amounts:
 - For subawards totaling \$500,000 or less: Movement of funds that total more than \$3,000 in the Personnel, Services and Supplies, and/or Other Services categories; or
 - For subawards totaling more than \$500,000: Movement of funds that total more than \$5,000 in the Personnel, Services and Supplies, and/or Other Services categories.
- Costs in any unbudgeted subcategory.
- No match was entered and no explanation was provided.



All requests for budget changes must be made prior to expending any funds.

Sub-recipients are responsible to adhere to the approved budget as referenced in the subaward agreement, or to request a budget amendment. **At no time may a budget modification change the scope of the original subaward agreement.**

3. Attachments

Copies of check stubs, timesheets, accounts, ledgers, or other supporting documentation should **NOT** be submitted with the FRs. This **documentation must be maintained at the program** and be separated by each budget category with the amounts clearly identified. These records will be verified during a programmatic and financial site visit and must be available upon request.

4. Advances

In special circumstances, checks may be issued in advance, but not for more than ten percent (10%) of the VAWA funds awarded in the subaward. **Advanced funds must be spent within ten (10) days of receipt.** Please contact your fund coordinator if you believe this may be needed and be prepared to provide an explanation for requesting an advance.

5. Unliquidated Obligations (Cash or Accrual Basis)

Agencies may complete FRs based on either accrual or cash principles. **Cash** basis is the method of reporting revenues and expenses when cash is actually received or paid out. **Accrual** basis is the method of recording revenues in the period in which they are earned, regardless of when cash is received, and reporting expenses in the period when the charges are incurred, regardless of when payment is made.

On occasion, agencies may incur obligations or encumber funds toward the end of a subaward period for which payment cannot be made until after the subaward period has ended. In such cases, agencies should only report the actual expenditures paid during the reporting period. Obligations made prior to the end of the subaward period, but not yet paid, must be reported on a separate statement which details the encumbered, but unpaid, obligations charged to that subaward. Agencies will then

have an additional 30 days to pay those obligations and report the expenditure on a final FR. DOJ CVSSD E-Grants allows sub-recipients to submit an additional final FR to accommodate for this should it occur.

In most instances, these types of unliquidated obligations will be due to accrued payroll expenses or, on rare occasions, an approved operating expense item, which had been ordered by the end of the subaward period but not yet paid. ***This procedure may not be used to retroactively charge off previously unreported expenses in order to fully expend the VAWA subaward.***

6. Final (Closeout) FR

Agencies have 30 days after the end of the last or final reporting period for any VAWA subaward (for competitive subaward: no later than January 31st ; for joint subaward: no later than July 31st) to report expenses, request reimbursement and reconcile any discrepancies. If a sub-recipient determines that VAWA ***Competitive*** funds will not be spent by the end of the subaward period, a *request for an extension must be submitted prior to the end of the subaward period*; otherwise, funds will be automatically deobligated and will no longer be available to the sub-recipient. For more information on amendments and extensions see the Amendment subsection of Section 5.

B. Performance Reports

1. Statistical Report

Federal regulations require VAWA sub-recipients to report statistical data on an annual basis. Statistics are reported on the Annual Performance Report for STOP Violence Against Women Formula Grant Program found at: <https://www.vawamei.org/tools-resource/stop-subgrantee-progress-reporting-form/>.

It is important to ensure you are always working with the most recent version of the form by visiting the website.

All statistical data must be as accurate as possible and sub-recipients must be able to distinguish between new and ongoing clients. It is essential that the proper data be collected and reported as the data will be used to comply with both state and federal reporting requirements. Sub-recipients must carefully consider who their VAWA subaward clients are in order to accurately collect and report relevant data. In general, clients are “identifiable individuals who receive direct services by the staff resources reflected in the VAWA subaward budget.”

Sub-recipients should take the following into account when determining how to collect VAWA statistics:

- Contacting the public individually, in groups, in person or otherwise, with information about the availability of services may be an important outreach activity, but does not constitute the actual provision of direct services; persons contacted in this way are not clients unless they actually receive the direct services offered through the VAWA subaward; and

- Clients must be individually identifiable in order to ensure that data is unduplicated and to collect the necessary civil rights compliance information. The only exception is “Number of Phone Contacts”.

Please see the most recent version of the VAWA Annual Progress Report Form and Instructions for guidance on statistics and narrative reporting. Sub-recipients can access a copy of the STOP VAWA Annual Progress Report PowerPoint Training at: <https://www.doj.state.or.us/crime-victims/grant-funds-programs/stop-violence-against-women-act-vawa-fund/#vawaadditionalresources>.

Note: If a project subaward has been extended, a final statistical report covering the duration of the extension must be submitted within 30 days of the subaward closing.

2. Narrative Report

Each sub-recipient must submit a semi-annual narrative report on VAWA-funded activities. Semi-annual narrative reports are not a substitute for other specifically required report information (i.e., reporting staff turnover, approval of specific expenditures, etc.). Sub-recipients will complete the narrative in DOJ CVSSD E-Grants and will include the following:

- Information pertinent to the relevant semi-annual reporting period;
- Significant areas of need, with regard to improving services;
- Description of services and activities achieved as a result of VAWA funding;
- Description of how program has increased its capacity to meet diverse victim needs;
- Description of innovative or promising practices used to end violence against victims.



GO AHEAD – BRAG A LITTLE!

Tell us about the great work you’re doing!

Your fund coordinators find it interesting and love to share your work with our Federal grant monitors and others in the field.

3. Goals, Objectives and Performance Measures Report (*Competitive subawards only*)

Sub-recipients are required to report progress achieved on the performance measures. DOJ CVSSD E-Grants has a specific reporting form for submission of progress on the *Competitive subaward* goals, objectives and performance measures.

When submitting the final goals, objectives and performance measures report, state the final performance measures achieved for the entire subaward period and, if any target outputs or short term outcomes are not achieved, provide an explanation.

Note: If a *Competitive* subaward has been extended, a final narrative and goals, objectives and performance measure report covering the duration of the extension must be submitted within 30 days of the subaward closing.

4. Client Feedback on Common Outcome Measures

All VAWA sub-recipients are required to collect feedback on services provided using the common outcome measures listed below. ***The client feedback will not be tied to the specific, VAWA funded project, but rather to all victim services provided by the program.*** Programs are expected to have at least a 10% response rate from clients who receive surveys with the goal of a 90% positive response rate.

Programs may use Client Feedback Forms already in use in their agency. However, **all programs** are required to include the following measure that will be common across all funded programs:

“The program provided me with services that helped me make informed choices about my situation.”

In addition, programs must ask the following **appropriate** two discipline specific measures:

For programs serving primarily Domestic Violence or Sexual Assault victims:

1. After working with this agency, I have some new ideas about how to stay safe.
2. After working with this agency, I know more about resources that may be available, including how to access them.

For programs serving all types of victims of crime (including Prosecutor-Based Victim Assistance Programs):

1. As a result of the information I received from the Victim Assistance Program, I better understand my rights as a victim of crime.
2. The information given to me by the Victim Assistance Program helped me better understand the criminal justice system process as it relates to my case.

For programs serving primarily victims of child abuse:

1. The program staff treated my family with sensitivity and respect.
2. The program staff was supportive in helping me to access recommended treatment services for my child and family.

Sub-recipients are only obligated to survey **appropriate clients**, and should specify which clients will be surveyed via an internal, agency policy. For example, no clients in crisis would be appropriate, whereas support group clients, clients exiting shelter, clients receiving services through the criminal justice process, or clients receiving follow-up services may be more appropriate. Sub-recipients must provide the following five choices for client response: Strongly Agree, Agree, Disagree, Strongly Disagree, and No Opinion. The forms are due quarterly, at the same time as the FRs. **Please contact your fund coordinator if you are unsure of which set of questions to include on your client feedback form.**

III. NON COMPLIANCE WITH REPORTING

All DOJ CVSSD subaward agreements provide that sub-recipients who fail to meet any of the reporting requirements included in this section (financial, narrative, statistical, or outcome measures) shall be considered to be in default under the agreement. In such a case, DOJ CVSSD has the right to terminate the subaward. DOJ CVSSD may also reduce the award proportionately to the period for which reports were not submitted in a timely manner.

IV. OTHER REQUIRED COMMUNICATION

A. Request for Amendments

Sub-recipients must request an amendment for programmatic and/or financial changes associated with a subaward as they occur during the subaward cycle. Consider the following when requesting an amendment:

- At no time may a program or budget modification change the scope of the original subaward agreement.
- Funds may only be moved and spent within the scope of the approved services.
- Budget revisions do not change the total amount of funding available for the subaward.
- If a sub-recipient determines that any modification of the approved budget or the **extension** (extensions **ONLY** apply to competitive subawards) of a subaward period is necessary, a request should be made in E-Grants using the “Amendment Request” page.
- **The sub-recipient must obtain approval from DOJ CVSSD for any amendment requests prior to the change being implemented.** All amendment requests must be submitted at least 45 days prior to the end of the award period to be considered during the final quarter of a subaward.
- Requests submitted after the project end date or those that would require retroactive approval will be denied, unless the DOJ CVSSD Grant Management Section Manager grants an exception based on extenuating circumstances.
- DOJ CVSSD will review each amendment request and will approve on a case-by-case basis.

1. Budget Amendments

A budget amendment request is **required** for any of the following circumstances:

- Movement of funds:
 - i. For subawards totaling \$500,000 or less: Movement of funds that total more than \$3,000 in the Personnel, Services and Supplies, and/or Other Services categories;
 - ii. For subawards totaling more than \$500,000: Movement of funds that total more than \$5,000 in the Personnel, Services and Supplies, and/or Other Services categories; OR
- Adding a budget category or line item that did not exist in the original budget; OR
- Deleting an existing category; OR
- Extension of the project period (*ONLY applicable to **competitive** subawards*).

* Budget category is defined as being either Personnel, Services and Supplies or Other Services and the individual budget line items contained within.

Budget Amendment Documentation:

The following information must be submitted when completing a formal budget amendment request:

- A completed Amendment Request page in E-Grants.
- A Personnel budget amendment request form and/or
- A Services and Supplies and Other Costs Budget Amendment Request form.

Both the Personnel and Services/Supplies and Other Costs amendment forms can be downloaded from the Amendment Request form in E-Grants and must be uploaded back on to the Amendment Request form once completed.

If approved, DOJ CVSSD staff will make the requested changes to the sub-recipient's budget in the E-Grants system and the sub-recipient will be notified of the approval via a system notification in E-Grants.

Once approved, all subsequent FRs will automatically contain the amended subaward budget. Sub-recipients will not be able to submit FRs while an amendment request is in process so DOJ CVSSD encourages sub-recipients to pay attention to the timing of submission in relation to upcoming reporting deadlines.

2. Program Amendments

While not an all-inclusive list, the following changes require a program amendment:

- Modifying the approach, or scope of any component of the program.
- Making any change in collaborative partnerships.
- Adding, deleting, increasing, or decreasing an activity or goal, objective or performance measure.

When requesting a ***program amendment***, sub-recipients must provide a detailed explanation and justification on the Amendment Request form in E-Grants. The explanation must include a complete description of the requested change and the effect the change will have on the project.

Upon receipt of written DOJ CVSSD approval for a program amendment, a sub-recipient must reflect any revised goals, activities, and/or performance measures in all future progress reports submitted.

Deobligated Funds: DOJ CVSSD will deobligate any remaining funds not expended by the end of the subaward period. DOJ CVSSD will send a letter to the sub-recipient informing them that funds have been deobligated and the subaward is closed.

For Competitive Subawards ONLY: Sub-recipients have the option to extend the original subaward period by completing the amendment process described in this section should ***competitive*** subaward funds not be expended.

B. Achievement of Operational Status/Subaward Commencement

All sub-recipients are required to implement their federally funded project within sixty (60) days of the beginning date of their subaward. Any sub-recipient not meeting this deadline must submit a letter to DOJ CVSSD describing: steps taken to initiate the subaward; reasons for the delay; and the projected operational date. If the project is not operational within ninety (90) days of the beginning of the subaward period, the sub-recipient must submit a second letter explaining the additional delay in implementation. The DOJ CVSSD may, after reviewing the circumstances, elect to terminate the subaward and redistribute the funds.

The sub-recipient must establish and maintain program records that document that subaward activities are in compliance with the approved budget narrative. These records must be readily available for review at the time of a site visit. This requirement is included in the VAWA subaward agreement(s).

C. Termination of a Subaward

A sub-recipient must immediately notify DOJ CVSSD if they need to terminate their subaward agreement (i.e., program closure). Sub-recipients can review more information on termination by sub-recipient or grantor (DOJ CVSSD) in the sample subaward agreement. This sample can be found on the DOJ CVSSD website at:

<https://www.doj.state.or.us/crime-victims/grant-funds-programs/stop-violence-against-women-act-vawa-fund/#vawaadditionalresources>

SECTION 6

FINANCIAL REQUIREMENTS

I. OFFICE OF JUSTICE PROGRAMS (OJP) FINANCIAL GUIDE

The Oregon Department of Justice, as State Administrative Agency of VAWA, and the VAWA sub-recipient, have an ongoing responsibility throughout the subaward period to faithfully uphold the public trust which accompanies the authority to expend public funds. Sub-recipients will therefore establish and maintain fiscal control and accounting procedures which assure that funds available for subawards are properly disbursed, adequately controlled and accounted for in a separate account. All organizations that receive VAWA victim assistance funds must adhere to the financial and administrative provisions set forth in the ***OJP Financial Guide*** as implemented by DOJ CVSSD. The guide is available via OJP's website at: https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf.

II. OMB CIRCULARS/CODE OF FEDERAL REGULATIONS PERTAINING TO FISCAL REQUIREMENT

It is the responsibility of the sub-recipient to comply with the federal guidelines contained in the appropriately relevant Circulars. Sub-recipients may obtain copies of the Office of Management and Budget (OMB) circulars from the address and link shown below.

The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

<https://www.whitehouse.gov/omb/information-for-agencies/circulars/>

Administrative Requirements

OMB Circular A-102: *"Grants and Cooperative Agreements with State and Local Governments."* This Circular establishes standards for administration of subawards with state and local government agencies.

2 CFR Part 215 formerly known as OMB Circular A-110: *"Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations."* This Circular establishes standards for the administration of subawards to institutions of higher education, hospitals, and other nonprofit organizations.

Cost Principles

2 CFR Part 220 formerly known as OMB Circular A-21: *"Cost Principles for Educational Institutions."* This Circular establishes principles and standards for determining costs applicable to subawards and contracts with educational institutions.

2 CFR Part 230 formerly known as OMB Circular A-122: *"Cost Principles for Nonprofit Organizations."* This Circular establishes principles for determining costs of subawards, contracts, and other agreements with nonprofit organizations.

2 CFR Part 225 formerly known as OMB Circular A-87: “*Cost Principles for State, Local and Indian Tribal Governments.*” This Circular establishes principles and standards for determining costs applicable to subawards and contracts with state, local and Indian tribal units of government.

Audit Requirements

OMB Circular A-133: “*Audits of States, Local Governments, and Nonprofit Organizations.*” This Circular covers audit requirements for states, local governments, and nonprofit institutions.

Common Rules: “*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 28 CFR Part 66.*” This Common Rule contains government-wide fiscal and administrative conditions governing federal subawards and cooperative agreements and sub awards to state, local, and Indian tribal governments.

Units of government and other organizations receiving federal financial assistance from the State shall adhere to applicable State laws and procedures.

Sub-recipients shall also adhere to any fiscal procedures established by DOJ CVSSD.

The federal CFDA number for VAWA funded programs is 16.588.

III. AWARD REQUIREMENTS

A. Standards for Financial Management Systems

All sub-recipients are required to establish and maintain subaward accounting systems and financial records to accurately account for awarded funds. When applicable, these records shall include both federal funds and all matching funds of state, local, and private organizations. Sub-recipients shall expend and account for subaward funds in accordance with state laws and procedures for expending and accounting for their own funds.

1. Accounting Systems

Each sub-recipient is responsible for establishing and maintaining an adequate system of accounting and internal controls. Each sub-recipient is also responsible for ensuring that an adequate system exists for any subcontractors, when applicable. The sub-recipient is free to use any accounting system that they have established if the system meets the following minimum criteria:

- **Each subaward should be accounted for separately.** Each subaward is regarded as coming from a separate fund source and should be accounted for as such. All subaward records should reflect the subaward number listed on the award documents;
- **Entries in the accounting records should refer to manual documentation** that supports the entry and which can be readily located;
- **Receipts should be classified by source of funding** (i.e., the name and number of the subaward to which the associated costs have been charged). As a matter of

convenience, sub-recipients are encouraged to use the subaward number assigned by DOJ CVSSD, unless currently existing agency coding structures prevents this practice. If costs attributable to the subaward program include those from sources other than the federal subaward, such as match, donations, income earned by the subaward, or funds from other sources, this should be clearly noted on receipts;

- **Expenditures should be classified by the budget categories** included in the subaward application. All expenditure documents, regardless of type, must include the assigned subaward number. Non-federal matching funds required at the subaward level must be classified in these same budget categories;
- **The accounting system must provide adequate information** for the prompt and accurate submission of FRs;
- The accounting system should be integrated with an **adequate system of internal controls** to safeguard the funds and assets covered, check the accuracy and reliability of accounting data, promote operational efficiency and encourage adherence to prescribed management policies. **The internal controls should be documented in written procedures** and be followed consistently;
- The accounting system should include a **system of property records** for all equipment. At a minimum this should include information on the acquisition date, serial numbers, equipment value and funding source(s) used to obtain the items. For more information please see [Property and Equipment Requirements](#) on the DOJ CVSSD website.
- All required **financial records shall be maintained for six (6) years** from the date of the end of the federal subaward period. If questions from audits cannot be resolved within six years, records shall be maintained until all questions arising from audits have been resolved; and
- A file shall be kept on each VAWA subaward. The file should reflect the subaward number and should at least contain any items not contained in E-grants. These items should include:
 - a. Supporting documentation of any expenditures pertaining to this subaward (i.e., original receipts, invoices, etc.);
 - b. Documentation of employee and volunteer timesheets as pertains to the subaward;
 - c. Signed copies of any contract supported by the subaward;
 - d. Documentation for subaward match;
 - e. Documentation of received VAWA reimbursement checks;
 - f. Property records of equipment purchased with VAWA subaward funds, including serial numbers; and
 - g. Other pertinent information (i.e., correspondence with fund coordinator, memos from DOJ CVSSD, training information, etc.)

Additionally, sub-recipients might consider retaining the following items in addition to those listed above (these can be found in E-Grants): program application submitted for VAWA funds, VAWA subaward amendments or any changes to the subaward, VAWA Subaward Management Handbook, reporting requirements, monthly revenue and expenditure reports, correspondence, DOJ CVSSD reports such as site visits and

DOJ CVSSD Request for Application (RFA). **All subaward documentation must be retained for six (6) years past the end of the subaward.**

2. **Commingling of Funds**

All sub-recipients must maintain accounting systems that ensure that VAWA funds are not commingled with funds from any other source. Funds specifically budgeted and/or received for one subaward project may not be used to support another. Revenues and expenditures for each subaward should be separately identified and tracked within the sub-recipient's accounting system or records. Where a sub-recipient's accounting system cannot comply with this requirement, the sub-recipient shall establish a system to provide adequate fund accountability for each subaward.



- Funds **should not be commingled** on a program-by-program or project-by-project basis.
- **Individual accounts or cost centers** should be established to control the funds for each subaward.

Proof of this will be requested as part of a site visit or desk audit.

3. **Sub-recipient Accounting Responsibilities**

a. **Audit Requirements**

Sub-recipients must meet the necessary audit requirements contained in the OJP Financial Guide: https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf. Non-federal entities that expend \$750,000 or more in federal funds (from all sources including pass-through sub-awards) in the organization fiscal year shall have a single organization-wide audit conducted in accordance with the provisions of OMB Circular A-133 (codified at 28 CFR Parts 66 and 70). Audits are due no later than nine (9) months after the close of each fiscal year during the term of the award. Non-federal entities that expend less than \$750,000 a year in federal awards are exempt from federal audit requirements for that year.

Audit costs for audits not required or performed in accordance with OMB Circular A-133 are unallowable. If a sub-recipient did not expend \$750,000 or more federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, these costs may not be charged to the subaward. Sub-recipients are not required to send copies of audits to DOJ CVSSD unless they are required to conduct single organization-wide audits.

b. **Reporting of Irregularities**

Sub-recipients are responsible for promptly notifying DOJ CVSSD of any illegal acts or irregularities and of proposed and actual actions, if any. Illegal acts and irregularities include conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.

B. Program Income

Any revenue generated by VAWA subaward activities is considered program income. Subrecipients choosing to generate program income with VAWA subaward activities must apply the deduction method. Please see the [CVSSD Program Income Policy](#) on the DOJ CVSSD website for further explanation of program income and DOJ CVSSD procedures and policies.

C. Property and Equipment

Inventory information on equipment purchased with VAWA funds must be kept in the sub-recipient's VAWA file. Sub-recipients shall establish a control system to ensure adequate safeguards to prevent loss, damage or theft to nonexpendable personal equipment. Any loss, damage or theft of nonexpendable personal equipment shall be investigated, fully documented and made part of the subaward file. DOJ CVSSD uses the federal definition of equipment: Tangible personal property having a useful life of more than one year and a per-unit acquisition cost of \$5,000 or greater.

At a minimum, property records must be maintained with the following:

- a description of the property,
- a serial number or other identifying number;
- source of the property, including the federal award identification number,
- identification of title holder,
- the acquisition date; the cost and the percentage of VAWA funds supporting the purchase,
- the location, use, and condition of the property, and
- any disposition data, including the date of disposal and sale price.

In the event the subaward recipient no longer receives a VAWA subaward, federal policies and procedures on the acquisition and disbursement of the equipment will apply. Please refer to the [Property and Equipment Requirements](#) document for more information.

Consistent with the national goal of expanding the opportunities for women-owned and minority-owned business enterprises, sub-recipients must take all necessary affirmative steps to ensure that women's business enterprises, minority businesses and labor surplus area firms are used when possible.

D. Procurement Standards

Federal requirements state that "all procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition." These requirements apply to all procurements, including, but not limited to, procurements for goods, services, and equipment. ***Sub-recipients shall follow their own established procurement procedures and regulations, provided they minimally adhere to applicable federal and state guidelines and standards.*** If a sub-recipient's established procurement procedures are less competitive than the federal requirements, the sub-recipient must adhere to the following more competitive procurement requirements:

- For small procurements of **\$50,000 or less**, sub-recipients may **solicit goods or services in any manner deemed practical or convenient**. A procurement may not be artificially divided or “split” so as to constitute a small procurement.
- For procurements **exceeding \$50,000 but not exceeding \$250,000**, sub-recipients should solicit **quotes or bids from at least three sources**.
- For procurements **over \$250,000**, sub-recipients must **formally advertise** the proposed procurement through an **Invitation for Bids (IFB) or a Request for Proposals (RFP)** process.

Sub-recipients must follow the threshold limitations established in their own procurement procedures if their internal procedures are more restrictive than the federal threshold.

Sub-recipients must submit all IFBs and RFPs over \$250,000 that involve the use of federal or matching funds to DOJ CVSSD for review and approval prior to their issuance. Interagency agreements between units of government are excluded from this provision.

Sub-recipients must have written procurement procedures and these procedures must be made available to DOJ CVSSD for review during monitoring to assure adherence to applicable federal guidelines.

For more detailed information about federal procurement requirements refer to the [Guidance on the Procurement Process](#) document.

E. Indirect Cost Rates, 10% De Minimis, and Direct Administrative Costs

Subrecipients that budget for indirect costs must:

- ✓ Use their approved Indirect Cost Rate (ICR) that has been established by the Subrecipients cognizant federal agency; or
- ✓ If you are a state or local government, use an approved Central Service Cost Allocation Plan; or
- ✓ Use an amount up to the ten percent (10%) de minimis rate of the Subrecipient’s Modified Total Direct Costs (MTDC) base. MTDC includes the cost of salaries, wages and benefits of personnel that work directly on the project, and other operational costs that are directly related to the project. The MTDC base cannot include any distorting costs such as equipment, rent, capital expenditures, or any subawards, contracts, or consultant beyond the first \$25,000; or
- ✓ Use an amount up to ten percent (10%) direct administrative costs of the total proposed project budget. Funds for administration may be used only for costs directly associated with administering the funded project.

1. Indirect Cost Rates

Federally Negotiated Indirect Cost Rates

Subrecipients who have a federally negotiated indirect cost rate (ICR) and plan to include indirect costs in their grant budget must have a current federally approved ICR agreement. The ICR agreement must be uploaded in E-Grants under My Organization, Organization Details, ICR/cost allocation plan. It is the responsibility of the subrecipient to upload the most current ICR as they receive it.

Federal direction indicates that a subrecipient cannot collect indirect costs until a new annual rate has been received. CVSSD will not process the indirect cost until a copy of the approved agreement is uploaded into E-Grants.

Subrecipients will follow the requirements by its cognizant agency and maintain the ICR on their books.

Subrecipients may retroactively charge ICR costs that have not been previously submitted within the grant award period. These costs may be added during the 90-day interim close or liquidation period. Grant expenses submitted after the grant award end date must have been obligated by the grant award close date. No additional costs may be submitted for reimbursement once the grant is officially closed.

For more detailed information on Federally Negotiated Indirect Cost Rate, please refer to the following guidance: [Federal Financial Guide](#) 3.11 Indirect Costs pages 100-103.

Cost Allocation Plans

Subrecipients who are state or local governments and plan to include indirect costs in their budget must have a cost allocation plan (CAP). The CAP must be uploaded in E-Grants under My Organization, Organization Details, ICR/cost allocation plan. It is the responsibility of the subrecipient to upload the most current CAP as they receive it.

CVSSD will not process the indirect cost until a copy of the approved cost allocation plan is uploaded into E-Grants.

Subrecipients will follow the requirements by its cognizant agency and maintain the indirect cost rate on their books.

Subrecipients may retroactively charge indirect costs that have not been previously submitted within the grant award period. These costs may be added during the 90-day interim close or liquidation period. Grant expenses submitted after the grant award end date must have been obligated by the grant award close date. No additional costs may be submitted for reimbursement once the grant is officially closed.

For more detailed information on indirect costs and Cost Allocation Plans, please refer to the following guidance: [2 CFR Part 225](#) , Appendix C, Section D.3. and Appendix E, Section D.1.b. and 2 CFR Section 200, Appendix V for State/Local Government Central Service Cost Allocation Plans.

2. 10% de minimis

Uniform Guidance 200.414 allows for subgrantees to claim a 10% de minimis rate, and also states that any non-Federal entity that does not have a current negotiated (including provisional) rate may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. No documentation is required to justify the 10% de minimis indirect cost rate. As described in §200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

3. Administrative Costs

Funds for administration may be used only for costs directly associated with administering the grant funded project. Where allowable administrative costs are allocable to both the grant funded program and another funded program, the grant may be charged no more than its proportionate share of such costs. Costs directly associated with administering a grant funded program generally may include the following:

- ✓ Salaries and benefits of staff and consultants to administer and manage the grant funded program.
- ✓ Reporting and related activities necessary to meet federal and state requirements.
- ✓ Program evaluation, including but not limited to, surveys or studies that measure the effect or outcome of victim services.
- ✓ Program audit costs and related activities necessary to meet federal audit requirements for the grant.
- ✓ Technology related costs, generally including grant management systems, electronic communications systems and platforms (web-pages, social media), and other automated systems; related equipment (e.g., computers, software, fax and copying machines, TTY/TDDs); and related technology support services necessary to administer the program.
- ✓ Memberships in crime victim organizations that support the management and administration of victim assistance programs, and publications and materials such as curricula, literature, and protocols relevant to the management and administration of the program.
- ✓ *Strategic planning*, including, but not limited to, the development of strategic plans, both service and financial, including conducting surveys and needs assessments.

See 28 CFR 94.109

Administrative costs and indirect costs are different. There are circumstances in which it would be allowable for both indirect and administrative costs to be charged on a grant. For instance, if a DV program is part of a larger organization and the organization has developed an indirect rate that does not include the program manager and the program manager is doing direct administrative work, it would be allowable for the organization to charge both the organization's indirect rate and the direct administrative costs associated with the program manager.

Funds for administration may be used only for costs directly associated with administering the grant funded program. Where allowable administrative costs are allocable to both the grant funded program and another program, the grant funded program may be charged no more than its proportionate share of such costs.

SECTION 7

SUB-RECIPIENT MONITORING

I. OVERVIEW

DOJ CVSSD monitors each subaward to ensure the sub-recipient is operating the project as agreed, that the sub-recipient is working toward its objectives, and that the sub-recipient is following appropriate federal fiscal procedures. Fund coordinators also provide technical assistance, offer program development guidance, and observe program activities while visiting programs. DOJ CVSSD monitoring includes financial and administrative risk assessments, one or more financial report verifications, policy and procedure reviews, and on-site visits. Monitoring may be conducted on-site and may include review of program and fiscal records, policies and procedures, meetings with sub-recipients, program stakeholders, and/or any staff directly or indirectly involved in the performance of the award program. On-site visits may be prompted by one or more of the following: routine time for a visit based on the risk assessment score (even though no programmatic concerns), concerns within the agency, or a request for a site visit by the sub-recipient. For more detailed information please refer to the [CVSSD Grant Monitoring Policy](#) and the [program monitoring checklist](#). In addition, the process flow chart can be found [here](#).

II. FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF A VAWA SUBAWARD

If a sub-recipient significantly fails to comply with the terms and conditions of a subaward agreement, including civil rights requirements, whether stated in a federal statute, regulation, assurance application or notice of award, DOJ CVSSD may take one or more of the following actions, as appropriate:

- Temporarily withhold cash payments pending correction of the deficiency by the sub-recipient;
- Disallow (that is, deny both use of funds and any applicable matching credit) for all or part of the cost of the activity or action not in compliance;
- Completely or partially suspend or terminate the current subaward;
- Withhold further subawards for the agency or program; and
- Take other remedies that may be legally available.

DOJ CVSSD may, after reasonable notice, terminate or suspend funding for a sub-recipient organization that fails to conform to the requirements or objectives of the Violence Against Women Act, and/or that fails to comply substantially with the DOJ CVSSD subaward agreement. In that event, the sub-recipient is entitled to receive equitable compensation for satisfactory, authorized services completed as of the termination date.

If the sub-recipient fails to fulfill its VAWA subaward obligation in a timely manner, DOJ CVSSD shall have the right to immediately terminate or suspend the subaward and withhold payments in excess of fair compensation for completed services. Notwithstanding the above, the sub-recipient shall not be relieved of liability to DOJ CVSSD for damages sustained by virtue of any breach of the subaward agreement by the sub-recipient.

While termination of funding will not be exercised without prior written notice to the sub-recipient, any consideration of future subaward requests may be influenced by the gravity and extent of the irregularities causing the termination as determined by DOJ CVSSD. Failure by a sub-recipient to comply with the terms of the subaward agreement or of the requirement described in this Handbook may be considered grounds for termination of sub-recipient funding.

In the event of a formal allegation or a finding of fraud, waste and/or abuse of VAWA funds, DOJ CVSSD must be immediately notified. DOJ CVSSD will then notify the Office on Violence Against Women (OVW). Suspension or termination of funds may be lifted when the subaward recipient organization has demonstrated substantial compliance. ***Termination or suspension action will only be taken as a last resort.***

**we can
help**

DOJ CVSSD is committed to assisting sub-recipients to realize the success of any given subaward and will utilize all reasonable means to resolve problems or address potentially critical issues.

Whenever possible, and when it is in the best interest of victims, DOJ CVSSD will provide assistance to sub-recipient agencies to prevent termination.

APPENDIX

RESOURCES AND REFERRALS

NATIONAL ORGANIZATIONS		
RESOURCE	PURPOSE	WEB-ADDRESS
Asian Pacific Institute on Gender-Based Violence	The Asian Pacific Institute on Gender-Based Violence is a national resource center on domestic violence, sexual violence, trafficking, and other forms of gender-based violence in Asian and Pacific Islander communities. It analyzes critical issues affecting Asian and Pacific Islander survivors; provides training, technical assistance, and policy analysis; and maintains a clearinghouse of information on gender violence, current research, and culturally-specific models of intervention and community engagement.	https://www.api-gbv.org/
Office on Trafficking in Person	This site includes numerous resources including research, posters, toolkits, service directory, to assist providers support victims of human trafficking. Great for awareness campaigns.	https://www.acf.hhs.gov/otip/partnerships/look-beneath-the-surface
Foundation Center	The Foundation Center maintains a comprehensive database on U.S. grant makers and their grants.	http://www.foundationcenter.org/
Grants.gov	Federal funding opportunities.	http://www.grants.gov/
National Association of Volunteer Programs in Local Government	NAVPLG is a national association of administrators for volunteer programs in local, city, and county government. They have a lot of resource information, professional development resources, and networking opportunities.	http://www.navplg.org/
National Coalition Against Domestic Violence (NCADV)	The NCADV provides national level organization of communities and individuals working to end the violence in our lives.	http://www.ncadv.org/
National Criminal Justice Reference Service (NCJRS)	NCJRS is a federally funded resource offering justice and substance abuse information to support research, policy, and program development worldwide. NCJRS offers a range of services and resources for victim assistance.	http://www.ncjrs.gov/
National Center for Victims of Crime (NCVC)	The NCVC is the nation's leading resource and advocacy organization for crime victims and those who serve them.	https://victimsofcrime.org/
National Crime Victim Law Institute (NCVLI)	The NCVLI promotes and supports victims' rights and legal technical assistance to victims' attorneys and others serving victims. Presents Oregon State Victim Assistance Academy (SVAA).	https://law.lclark.edu/centers/national_crime_victim_law_institute/

National Network to End Domestic Violence (NNEDV)	NNEDV offers a range of programs and initiatives to address the complex causes and far-reaching consequences of domestic violence and provides state coalitions with critical information and resources.	http://www.nnedv.org
National Organization for Victim Assistance (NOVA)	NOVA's promotes the rights and services for victims of crime It provides national advocacy, direct services to victims, assistance to professional colleagues.	http://www.trynova.org/
National Criminal Justice Association	The NCJA exists to promote justice systems that: enhance public safety, prevent and reduce the harmful effects of criminal and delinquent behavior, adjudicate defendants and sanction offenders fairly and justly, and that are effective and efficient.	http://www.ncja.org
National Sexual Violence Resource Center	NSVRC is a national information and resource hub relating to all aspects of sexual violence.	http://www.nsvrc.org
Office for Victims of Crime	OVC was established by the 1984 Victims of Crime Act (VOCA) to oversee diverse programs that benefit victims of crime. OVC provides substantial funding to state victim assistance and compensation programs	https://ojp.gov/ovc/
Office on Violence Against Women	Federal Office that distributes VAWA funding.	https://www.justice.gov/ovw
Polaris Project (National Human Trafficking Resource Center)	Polaris Project is a leading organization in the U.S. combating all forms of human trafficking and serving both U.S. citizens and foreign national victims, including men, women, and children.	https://polarisproject.org/human-trafficking
System for Award Management (SAM)	For registering, renewing and updating a registration. A current SAM number is required for all federal funding.	https://www.sam.gov/SAM/ (user guides can be found at:) https://www.sam.gov/SAM/pages/public/help/samQUserGuides.jsf .
VINE (Victim Information and Notification Everyday)	The VINE system keeps victims informed about offenders.	https://www.vinelink.com

STATE ORGANIZATIONS		
RESOURCE	PURPOSE	WEB-ADDRESS
Department of Justice, Crime Victim and Survivor Services Division	Reporting forms and requirements, CVSSD requests for applications, upcoming meetings and events.	https://www.doj.state.or.us/crime-victims/victims-resources/victims-services/compensation-for-victims-of-crime/
Crime Victim's Compensation Program	The CVCP provides compensation for the financial losses of a victim and the victim's family as a result of violent crimes.	https://www.doj.state.or.us/crime-victims/victims-resources/victims-services/compensation-for-victims-of-crime/
Attorney General's Sexual Assault Task Force	To provide leadership in Oregon for the efforts of improving the prevention of and response to sexual assault.	http://www.oregonsatf.org/
Nonprofit Association of Oregon (formerly known as TACS)	NAO is a resource for nonprofit level organizations and a central source of information about the nonprofit sector.	www.nonprofitoregon.org/
Oregon Coalition Against Domestic and Sexual Violence (OCADSV)	The Coalition provides technical assistance, training, and public education to local crisis centers and their communities.	http://www.ocadsv.org
Oregon Law Center	Civil legal assistance for low income individuals.	http://www.oregonlawcenter.org/
Bureau of Labor and Industries Technical Assistance	BOLI/TA protects the rights of workers and citizens to equal, non-discriminatory treatment; encourages and enforces compliance with state laws relating to wages, hours, terms and conditions of employment; and advocates policies that balance the demands of the workplace and employers with the protections of workers and their families.	http://www.oregon.gov/BOLI/TA/
Oregonians Against Trafficking Humans (OATH)	OATH was established by the Oregon Human Trafficking Task Force to encourage people to learn, advocate and take practical action steps to stop human trafficking. The site provides basic human trafficking information.	https://www.endslaverynow.org/oregonians-against-trafficking-humans-oath
Bureau of Labor and Industry Civil Rights Division	The BOLI Civil Rights Division enforces civil rights laws; Investigate civil rights complaints; advises and educates workers about their civil rights.	www.boli.state.or.us/BOLI/CRD/C_Postings.shtml

PROGRAM RESOURCES		
RESOURCE	PURPOSE	WEB-ADDRESS
Foundation Center	The Foundation Center maintains a comprehensive database on U.S. grant makers and their grants.	http://www.foundationcenter.org/
Oregon Crime Victim Rights	This is part of the Oregon Department of Justice website and provides information on crime victim rights and services for both advocates and victims.	https://www.doj.state.or.us/crime-victims/victims-rights/victims-rights-guides/
Justice Solutions	Justice Solutions is a national non-profit organization dedicated to enhancing rights, resources and respect for victims and communities. The site is a great resource across topics.	http://www.justicesolutions.org/
Free Management Library	The Free Management Library has a wealth of information, resources and references in 75 categories regarding leadership and management.	http://www.managementhelp.org/
TechSoup: The technology place for nonprofits	TechSoup provides a range of technology services for nonprofits, including news and articles, discussion forums, and discounted and donated technology products.	http://www.techsoup.org/
Grants.Gov	Federal Funding Opportunities	http://www.grants.gov/
NonProfitExpert.com	Federal Funding Opportunities	http://www.nonprofitexpert.com/federal_grants.htm
Office of Justice Programs, National Institute of Justice (NIJ)	Research, Development, and Evaluation	http://www.ojp.usdoj.gov/nij/topics/victims-victimization/welcome.htm
System for Award Management (SAM)	For registering, renewing and updating a registration. A current SAM number is required for all federal funding.	https://www.sam.gov/SAM/ (user guides can be found at:) https://www.sam.gov/SAM/pages/public/help/samQUserGuides.jsf
U.S. General Services Administration	Federal Per Diem Rates	www.gsa.gov/perdiem
VINE (Victim Information and Notification Everyday)	The VINE system keeps victims informed about offenders.	https://www.vinelink.com

REFERENCE DOCUMENTS		
RESOURCE	PURPOSE	WEB-ADDRESS
USDOJ Financial Guide	Indepth guidelines for expending federal funds.	https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf
OVW Guidance on the Nonsupplanting Prohibition as it applies to Nonprofit Organizations	Supplanting guidance from OVW for non-profits.	https://www.justice.gov/sites/default/files/ovw/legacy/2009/10/28/supplanting-examples.pdf
Justification for Non-Competitive Procurement Document	Information on justification for sole source procurements.	https://ojp.gov/training/pdfs/Sole-Source-FactSheet-C.pdf
STOP VAWA Match Requirement Document	Tips for providing match.	https://www.justice.gov/sites/default/files/ovw/legacy/2014/02/06/stop-match-requirement-for-formula-grants.pdf
STOP VAWA Frequently Asked Questions	Addresses some frequently asked questions related to STOP VAWA.	https://www.justice.gov/ovw/page/file/1008816/download
Evaluation Guidebook for Projects Funded by STOP Formula Grants Under the Violence Against Women Act	A "How To" for evaluation of STOP VAWA funded projects.	https://www.urban.org/research/publication/evaluation-guidebook-projects-funded-stop-formula-grants-under-violence-against-women-act

TRIBAL NATION RESOURCES		
RESOURCE	PURPOSE	WEB-ADDRESS
Burns Paiute Tribe	Federally recognized tribe in Oregon	http://www.burnspaiute-nsn.gov/
Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians	Federally recognized tribe in Oregon	https://ctclusi.org/
Coquille Indian Tribe	Federally recognized tribe in Oregon	http://www.coquilletribe.org/
Cow Creek Band of Umpqua Tribe of Indians	Federally recognized tribe in Oregon	http://www.cowcreek.com/
The Confederated Tribes of Grand Ronde	Federally recognized tribe in Oregon	http://www.grandronde.org/
The Klamath Tribes	Federally recognized tribe in Oregon	http://www.klamathtribes.org/
Confederated Tribes of Siletz Indians	Federally recognized tribe in Oregon	http://www.ctsi.nsn.us/
Confederated Tribes of the Umatilla Indian Reservation	Federally recognized tribe in Oregon	https://ctuir.org/
Confederated Tribes of Warm Springs Reservation	Federally recognized tribe in Oregon	https://warmsprings-nsn.gov/
Legislative Commission on Indian Services		https://www.oregonlegislature.gov/cis

