

# **OREGON DEPARTMENT OF JUSTICE**

## **STOP VIOLENCE AGAINST WOMEN ACT (VAWA)**

### **SUBAWARD HANDBOOK**

#### **FOR**

#### **VAWA SUBRECIPIENTS**



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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 (ODOJ 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 (ODOJ 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 (ODOJ CVSSD) is the State Administrative Agency (SAA) for the STOP VAWA Program. ODOJ CVSSD makes subawards to State and local units of government, non-profit agencies, and tribal governments.

ODOJ 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](#) (last updated in September 2025).

ODOJ 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 –2022-2025), along with any addendums, may be found at [ODOJ CVSSD's STOP Violence Against Women Act Fund webpage](#).

Funded programs must fall within one of twenty-four 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 2022**

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 2022 Reauthorization of the Violence Against Women Act:

| <b>Program Area</b>                                                   | <b>Purpose Area</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Training</b>                                                    | 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 sexual assault, domestic violence, stalking and dating violence, including the use of nonimmigrant status under subparagraphs (U) and (T) of section 101(a) (15) of the Immigration and Nationality Act (8 U.S.C. 2202 (a));                                                                                                                                                                              |
| <b>2. Enhancement Efforts</b>                                         | 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 sexual assault, dating violence, stalking and domestic violence;                                                                                                                                                                                                                                                                                                                                   |
| <b>3. Policy and Protocol Development</b>                             | 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 sexual assault, dating violence, stalking and domestic violence, as well as the appropriate treatment of victims including implementation of the grant conditions in section 40002 (b) of the Violence Against Women Act of 1994 (34 U.S.C. 12291 (b));                                                                                              |
| <b>4. Data Collection and Communication Systems</b>                   | 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 sexual assault, dating violence, stalking and domestic violence;                                                                                                                                                          |
| <b>5. Victim Service Programs and Visitation Centers</b>              | Develop, enlarge, or strengthen victim services and legal assistance programs, including sexual assault, domestic violence, stalking and dating violence programs, develop or improve delivery of victim services and legal assistance 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 sexual assault, dating violence, stalking and domestic violence; |
| <b>6. Indian Tribal Sexual Assault and Domestic Violence Programs</b> | Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence;                                                                                                                                                                                                                                                                                                                                           |
| <b>7. Statewide Multi-disciplinary Support</b>                        | Supporting 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, stalking, and dating violence;                                                                                                                                                                                         |
| <b>8. Sexual Assault Nurse Examiners (SANE)</b>                       | 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.                                                                                                                                                                                                                                                                                                                                                                          |

|                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>9. Elder and Disabled Victims</b>                         | Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of individuals 50 years of age and over, individuals with disabilities, and Deaf individuals who are victims of domestic violence, dating violence, stalking, or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, legal assistance, and other victim services to such older and disabled individuals.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>10. Immigration</b>                                       | Provide assistance to victims of domestic violence and sexual assault in immigration matters                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>11. New Initiatives and Emergency Services</b>            | Maintain core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families, including rehabilitative work with offenders;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>12. Jessica Gonzales Victim Assistants</b>                | <p>Supporting 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"> <li>• 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.</li> <li>• Notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency.</li> <li>• Referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines or legal assistance services); and</li> <li>• Taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order;</li> </ul> <p><i>*Note: Only government-based agencies may apply for funding to support project activities under this purpose area.</i></p> |
| <b>13. Crystal Judson Domestic Violence Protocol Program</b> | <p>Providing 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"> <li>• 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;</li> <li>• 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)).</li> <li>• the development of such protocols in collaboration with state,</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                          |

|                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                                                                                                           | <p>tribal, territorial and local victim service providers and domestic violence coalitions.</p> <ul style="list-style-type: none"> <li>any law enforcement, state, tribal, territorial or local government agency receiving funding under the Crystal Judson DV Protocol Program under paragraph (13) 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.</li> </ul> |
| <b>14. State, local or Tribal Legislation and Policies<sup>1</sup></b>                                    | Developing and promoting state, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking;                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>15. Sexual Assault Response Teams</b>                                                                  | Developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>16. Law Enforcement and Prosecution Response to Sexual Assault Cases</b>                               | Developing and strengthening 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;                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>17. Sexual Assault Response in Correctional or Detention Settings</b>                                  | Developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>18. Backlogs of Sexual Assault Evidence Collection Kits</b>                                            | Identifying and conducting 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;                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>19. Strengthen Programs and Services For Victims Affected By Sexual Orientation Or Gender Identity</b> | Developing, enlarging, or strengthening 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;                                                                                                                                                                                                                                                                  |
| <b>20. Prevention and Educational Programming</b>                                                         | Developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, or female genital mutilation or cutting, with not more than 5 percent of the amount allocated to a state to be used for this purpose;                                                                                                                                                                                                                                                                                                                                                            |
| <b>21. Evidence Collection methods (including bruise photography)</b>                                     | Developing, enhancing, or strengthening programs and projects to improve evidence collection methods for victims of domestic violence, dating violence, sexual assault, or stalking, including through funding for technology that better detects bruising and injuries across skin tones and related training;                                                                                                                                                                                                                                                                                                                                             |
| <b>22. Responses to female genital mutilation or cutting</b>                                              | Developing, enlarging, or strengthening culturally specific victim services programs to provide culturally specific victim services and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

<sup>1</sup>While 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 . . . ."

|                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                            | responses to female genital mutilation or cutting;                                                                                                                                                                                                                                                                                                                                        |
| <b>23. Victim Advocates in State, local law enforcement, prosecution, and courts to support advocacy to Indian victims</b> | agencies, prosecutors' offices, and courts to provide supportive services and advocacy to Indian victims of domestic violence, dating violence, sexual assault, and stalking; and                                                                                                                                                                                                         |
| <b>24. Pay governmental authority fees for documentation required by law for victim or child of victim</b>                 | Paying any fees charged by any governmental authority for furnishing a victim or the child of a victim with any of the following documents:<br>(A) A birth certificate or passport of the individual, as required by law.<br>(B) An identification card issued to the individual by a State or Tribe, that shows that the individual is a resident of the State of a member of the Tribe. |

## **B. Definitions**

For a complete list of definitions of terms that apply to STOP VAWA Programs, as amended by VAWA 2022, 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 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 2022 include:**

For the purpose of VAWA grants, the definition of "domestic violence" was expanded to include felony or misdemeanor crimes under relevant family or domestic violence laws, and for victim services, the use of physical or sexual abuse, or a pattern of coercive behavior to gain or maintain power and control. This coercive behavior specifically encompasses verbal, psychological, economic, or technological abuse.

The Act added statutory definitions for economic abuse and technological abuse for VAWA grant purposes. Economic abuse involves controlling a person's access to economic resources or influencing financial decisions, while technological abuse is the use of technology to restrict a person's access to information, money, or assets through coercion or fraud.

Other crimes related to intimate partner or family violence defined for the purposes of VAWA grant programs include the following:

**Elder abuse:** any action against a person who is 50 years of age or older that constitutes the willful—(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or (B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.<sup>15</sup>

**Abuse later in life:** neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and does not include self-neglect.<sup>16</sup>

**Child abuse and neglect:** any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm to an unemancipated minor. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.<sup>17</sup>

**Child maltreatment:** the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.<sup>18</sup>

**Economic abuse:** behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—(A) restrict a person's access to money, assets, credit, or financial information; (B) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or (C) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.<sup>19</sup>

**Forced Marriage:** a marriage to which 1 or both parties do not or cannot consent, and in which 1 or more elements of force, fraud, or coercion is present. Forced marriage can be both a cause and a consequence of domestic violence, dating violence, sexual assault or stalking.<sup>20</sup>

**Technological abuse:** an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging

programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

**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.

| <b>Funding Category</b>                                              | <b>Examples of Eligible Services</b>                                                                                          |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Victim Services<br/>(including discretionary services)</i></b> | <ul style="list-style-type: none"><li>▪ hotline services</li><li>▪ crisis intervention,</li><li>▪ hospital response</li></ul> |

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

## 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.

| <b>Additional Activities That Compromise Victim Safety and Undermine Offender Accountability</b>                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>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.</b>                                                                                                                                                                                                                                                                                                                       |
| <b>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.</b>                                                                                                                                                                                                                                                 |
| <b>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.</b> |
| <b>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.</b>                                                                                                                                                                                                                                                     |
| <b>Partnering with individuals or organizations that support/promote practices that compromise victim safety and recovery or undermine offender accountability.</b>                                                                                                                                                                                                                                                                                                                                        |
| <b>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.</b>                                                                                                                                                                                                                                                             |
| <b>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.</b>                                                                                                                                                            |
| <b>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.</b>                                                                                                                                                                             |
| <b>Procedures or policies that deny individuals access to services based on their relationship to the perpetrator.</b>                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>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</b>                                                                                                                                                                                                                                                                                                                                |
| <b>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.</b>                                                                                                                                                                                                                                                                             |
| <b>Dissemination of information, education, or prevention materials that blame the victim or focus primarily on changing victim behavior.</b>                                                                                                                                                                                                                                                                                                                                                              |
| <b>Establishment or enhancement of a multidisciplinary collaborative community response</b>                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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: <a href="https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF">https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF</a> .                                                                                |
| 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: <a href="https://www.justice.gov/ovw/page/file/931391/download">https://www.justice.gov/ovw/page/file/931391/download</a> .                                                                                                                                                                                                                                                             |
| 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: <ul style="list-style-type: none"> <li>• Failure to align supervised visitation and safe exchange services with the Guiding Principles of the Supervised Visitation Program, which can be found here: <a href="https://www.justice.gov/sites/default/files/ovw/legacy/2008/08/06/guidingprinciples032608.pdf">https://www.justice.gov/sites/default/files/ovw/legacy/2008/08/06/guidingprinciples032608.pdf</a>.</li> </ul>                                                                                                                                                                                                          |

- **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 projects in the victim services non-competitive application and the competitive application for law enforcement, prosecution and courts.*
- 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

ODOJ 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

ODOJ 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 ODOJ CVSSD or Oregon Department of Human Services (ODHS). The following funding sources are part of this consolidated application process:
  - **Oregon Domestic and Sexual Violence Services Fund (ODSVS)** through ODOJ CVSSD;
  - **Victims of Crime Act (VOCA)** Non-Competitive subaward funds for Domestic Violence and Sexual Assault services through ODOJ CVSSD;
  - **STOP Violence Against Women Act (VAWA) Formula Subaward Program** victim services funding through ODOJ CVSSD;

- **ODHS 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 ODHS; and
- **ODHS Sexual Assault Victims Fund** using Criminal Fines Account (CFA/SA) funding through ODHS.

Subrecipients receiving funds through the Joint Application process submit applications through the ODOJ CVSSD E-Grants system for each biennial subaward cycle. ODOJ CVSSD notifies subrecipients when the updated application is released. ODOJ 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 Prosecutor:** 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 Force:** 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, ODOJ CVSSD has released VAWA competitive subawards every two (2) years but may choose to implement a longer subaward period. The ODOJ 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 ODOJ CVSSD E-Grants system. ODOJ 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. ODOJ CVSSD also sends the announcement to OVW.

### **III. SUBAWARD AGREEMENTS**

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

ODOJ 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

### SUBRECIPIENT 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 ODOJ 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<br>(50,000 x .75 = 37,500) | <u>-\$37,500</u> |
| Match Amount:                                                       | <b>\$12,500</b>  |

**Cash match may include, but is not limited to:**

- County or state funds
  - could include: Criminal Fines Account (CFA), ODSVS, ODHS 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, subrecipients must be careful to apply the same level of compensation paid to employees performing the same responsibilities.
      - If a subrecipient 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 subrecipient 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 subrecipient 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 subrecipient’s organization, the volunteer’s time should be valued at a rate consistent with what the subrecipient 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 subrecipient would pay an employee to provide the same services.

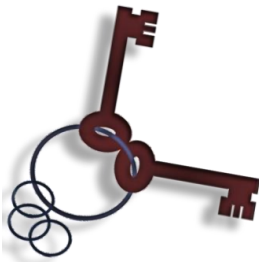
Volunteer hours used as match must be used for VAWA-allowable activities. For example, a volunteer whose hours are used as match on a VAWA subaward may not provide services to a young child of sexual abuse in the hours counted as match, as this is not a VAWA-allowable activity.

***ODOJ CVSSD does not require a certain hourly value for VAWA match, but leaves this determination to each subrecipient.***

**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 subrecipients 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 subrecipient 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
- Subrecipients 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 subrecipients 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.



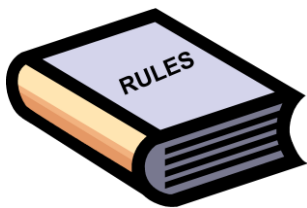
#### ***Key Points to remember about match:***

- *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 subrecipient shall protect the confidentiality and privacy of people they serve. A subrecipient shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through subrecipient's programs.



#### **THE BASIC RULE**

Subrecipients 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, subrecipients 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.

Subrecipients 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 ODOJ 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 subrecipients must have written procedures in place to respond in the event of an actual or imminent breach of personally identifiable information (PII) if the subrecipient 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 subrecipient'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.*

Breach<sup>2</sup> 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, subrecipients 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**.

<sup>2</sup> 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](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                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Current and Appropriate Information</b><br><i>Background checks or screening – must be completed no earlier than six months before the determination. Screening includes:</i>                                                                                                                                                                                                                                                                                                         | <b>Additional Factors and Considerations</b><br><i>In addition to “current and appropriate information” considered, subrecipients <b>may NOT</b> determine a covered individual is suitable to interact with participating minors if the person:</i>                                                                                                                                                                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>• Public sex offender and child abuse<sup>3</sup> websites/registries               <ul style="list-style-type: none"> <li>○ 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.</li> <li>○ 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</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Withholds consent to a required criminal history search;</li> <li>• Knowingly makes (or made) a false statement that affects or is intended to affect any required search;</li> <li>• Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;</li> <li>• Has been convicted of certain crimes listed in this special condition, found at <a href="https://www.justice.gov/backgroundscreening/condition">Background Screening Condition (justice.gov)</a>;</li> <li>• Is determined by a federal, state, tribal, or local government agency not to be suitable.</li> </ul> |

<sup>3</sup> The federal award condition specifies that “public” and “reasonably accessible” child abuse websites must be searched. Oregon does not have a public child abuse website/registry. In Oregon, Children’s Advocacy Centers have approved access to request “Child Protective Services Checks” through the BCU via submission of a request form. This [form](#) can be found at the BCU [Child Protective Services Checks webpage](#). The requirement to check public or reasonably accessible child abuse websites or registries does not apply if your organization does not have access to this Child Protective Services Check.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>the grant.</p> <ul style="list-style-type: none"> <li>• The Dru Sjodin National Sex Offender Public Website (<a href="http://www.nsopw.gov">www.nsopw.gov</a>)</li> <li>• Criminal history registries and similar repositories of criminal history records <ul style="list-style-type: none"> <li>○ Requires fingerprint search</li> <li>○ 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.</li> <li>○ 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</li> </ul> </li> </ul> |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

*See the OVW website at [Background Screening Condition \(justice.gov\)](http://www.justice.gov/ovw/background-screening-condition) for more detailed information about this requirement.*

Refer to the information provided on the [CVSSD Website](http://www.justice.gov/ovw/cvssd-website) for further instructions on how to comply with 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](http://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 \(justice.gov\)](http://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, subrecipients are required to have a Unique Entity ID (UEI) 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 UEI and current registration in SAM to ODOJ CVSSD **prior to a subaward agreement being issued for VAWA funds.**



### **1. First Steps:**

Your agency should verify whether or not it has a UEI and a current registration in SAM. **PLEASE NOTE:** If your agency does not have a UEI, 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 UEI and a current registration in SAM, ODOJ CVSSD is not able to make an award of federal funds to an entity.

### **2. Requesting a UEI:**

To obtain a UEI, go to [SAM.gov](https://sam.gov) and follow the instructions provided on that page. There is no cost associated with obtaining a UEI. Your UEI 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](https://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](https://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](https://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 subrecipient 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 subrecipient 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 ODOJ 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**

Subrecipients 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.

Subrecipients 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](mailto: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).

Subrecipients 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, subrecipients 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](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 subrecipient 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 subrecipient is required to maintain statutorily required civil rights statistics on victims’ services by race, national origin, sex, age, and disability.* Subrecipients must also permit access to documents and records to determine whether the subrecipient is complying with applicable civil rights laws. This requirement is waived when the subrecipient 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 subrecipients 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. As applicable at the time of the award, 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 subrecipients in meeting their obligation to serve people with limited English proficiency, the Department of Justice (DOJ) has published a guidance document, which, once revised, will be available on the [LEP.gov website](http://LEP.gov). ODOJ 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 subrecipient 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 ODOJ CVSSD and to the Office for Civil Rights (OCR) for the Office of Justice Programs.**

The ODOJ CVSSD webpage, <https://www.doj.state.or.us/crime-victims/for-grantees/civil-rights-requirements/>, provides information and links that will assist subrecipients 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 (as applicable at the time of this award); and
- Equal Employment Opportunity Plans (EEO) (as applicable at the time of this award). *Non-profit organizations and Tribal Nations are exempt from the EEO requirements, but must complete the EEO 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**.



***Subrecipients 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 subrecipient 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 ODOJ CVSSD. This rule provides guidance on requirements that subaward recipients shall meet in order to receive Federal funds. According to federal guidelines, a subrecipient entering into a **subaward agreement of \$100,000** or more must certify that:

- No federally-appropriated funds will be expended by subrecipients 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 ODOJ CVSSD. The government-wide rule for debarment and suspension provides guidance on requirements that subrecipients 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 ODOJ 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 subrecipient 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 subrecipient makes a false certification, the subrecipient 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 subrecipients 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 **ODOJ CVSSD after receipt of an award**. ODOJ 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**

Subrecipients must abide by any additional eligibility or service criteria established by ODOJ 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. Subrecipients 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 ODOJ 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 subrecipients must ensure staff and volunteers receive appropriate foundational training to support them in providing competent direct services. Subrecipients must assess staff and volunteers for readiness to provide direct services and must document completion of training requirements within the ODOJ CVSSD E-Grants system. Training requirements apply to staff, volunteers, and board members as described below.

## **A. Staff**

All subrecipients 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 appropriate training during the first year of the funding cycle. Any staff who had previously attended Oregon SVAA has met the requirement. Please refer to the Grantee Training Requirements document found [here](#) on CVSSD's website.

VAWA funded staff with direct responsibility for domestic violence and sexual assault programs will successfully complete training that meets the requirements adopted by the Oregon Department of Human Services ("ODHS") Advisory Committee which can be found [here](#) on ODOJ 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 ODOJ CVSSD approval that covers topics relevant to the funded staff position(s). The 40-hour training plan may include relevant topics from the:

1. ODHS Advisory Committee adopted DV/SA training requirements. Click [here](#) to see the document on the ODOJ CVSSD webpage;
2. Core Advocate Training developed by the Oregon Coalition Against Domestic and Sexual Violence available at: <https://www.ocadsv.org/resources/online-core-advocacy-training>;
3. Office for Victims of Crime (OVC) Victims Assistance Training [VAT Online](#) can be found under the Course Descriptions tab; and
4. Additional population-specific topics.
5. Grantee Training Requirements document found [here](#) on CVSSD's website.

## **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 Oregon Department of Human Services ("ODHS") Advisory Committee which can be found [here](#) on ODOJ 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 ODOJ CVSSD approval that covers topics relevant to volunteer position(s), which may be from VAT *Online*, ODHS Advisory Committee adopted training requirements, 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. ODOJ 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.
- 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 subrecipients must obtain and maintain the insurance specified in this section during the award period. Subrecipients 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 ODOJ CVSSD.

### **(a) WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY**

Subrecipient shall provide workers' compensation insurance coverage for subject workers as required by federal, state, or Tribal law, as applicable. Subrecipient must require and ensure that each of its subcontractors that employ subject workers as defined in ORS 656.027, shall comply with ORS 656.017, and provide Workers' Compensation Insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Subrecipient shall require and ensure that each of its subcontractors complies with these requirements. If Subrecipient is a subject employer, as defined in ORS 656.023, Subrecipient shall also obtain Employers' Liability insurance coverage with limits not less than \$500,000 each accident.

If Subrecipient is an employer subject to any other state's workers' compensation law, Contactor shall provide Workers' Compensation Insurance coverage for its employees as required by applicable workers' compensation laws including Employers' Liability Insurance coverage with limits not less than \$500,000 and shall require and ensure that each of its out-of-state subcontractors complies with these requirements.

As applicable, Subrecipient shall obtain coverage to discharge all responsibilities and liabilities that arise out of or relate to the Jones Act with limits of no less than \$5,000,000 and/or the Longshoremen's and Harbor Workers' Compensation Act.

### **(b) COMMERCIAL GENERAL LIABILITY:**

Subrecipient shall provide Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverage that are satisfactory to the State of Oregon. This insurance must include personal and advertising injury liability, products and completed operations, contractual liability coverage for the indemnity provided under this Grant Agreement, and have no limitation of coverage to designated premises, project, or operation. Coverage must be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence and not less than \$1,000,000 annual aggregate limit.

### **(c) AUTOMOBILE LIABILITY INSURANCE:**

Subrecipient shall provide Automobile Liability Insurance covering Subrecipient's business use including coverage for all owned, non-owned, or hired vehicles with a combined single limit of not less than \$1,000,000 for bodily injury and property damage. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for Commercial

General Liability and Automobile Liability). Use of personal Automobile Liability insurance coverage may be acceptable if evidence that the policy includes a business use endorsement is provided.

**(d) PROFESSIONAL LIABILITY:**

Subrecipient shall provide Professional Liability Insurance covering any damages caused by an error, omission or any negligent acts related to the services to be provided under this Grant Agreement by the Subrecipient and Subrecipient's subcontractors, agents, officers or employees in an amount not less than \$1,000,000 per claim and not less than \$1,000,000 annual aggregate limit.

If coverage is provided on a claims made basis, then either an extended reporting period of not less than 24 months shall be included in the Professional Liability insurance coverage, or the Subrecipient shall provide Continuous Claims Made coverage as stated below.

**(e) EXCESS/UMBRELLA INSURANCE:**

A combination of primary and Excess/Umbrella Insurance may be used to meet the required limits of insurance. When used, all of the primary and Excess or Umbrella policies must provide all of the insurance coverages required herein, including, but not limited to, primary and non-contributory, additional insured, Self-Insured Retentions (SIRs), indemnity, and defense requirements. The Excess or Umbrella or policies must be provided on a true "following form" or broader coverage basis, with coverage at least as broad as provided on the underlying insurance. No insurance policies maintained by the Additional Insureds, whether primary or excess, and which also apply to a loss covered hereunder, must be called upon to contribute to a loss until the Subrecipient's primary and excess liability policies are exhausted.

If Excess/Umbrella Insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the Excess/Umbrella insurance.

**(f) ADDITIONAL INSURED:**

All liability insurance, except for Workers' Compensation, Professional Liability, Pollution Liability and Network Security and Privacy Liability (if applicable), required under this Grant Agreement must include an Additional Insured endorsement specifying the State of Oregon, its officers, employees, and agents as Additional Insureds, but only with respect to Subrecipient's activities to be performed under this Grant Agreement. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

Regarding Additional Insured status under the General Liability policy, ODOJ CVSSD requires Additional Insured status with respect to liability arising out of ongoing operations and completed operations, but only with respect to Subrecipient's activities to be performed under this Grant Agreement. The Additional Insured endorsement with respect to liability arising out of Subrecipient's ongoing operations must be on, or at least as broad as, ISO Form CG 20 10 and the Additional Insured endorsement with respect to completed operations must be on, or at least as broad as, ISO form CG 20 37.

**(g) WAIVER OF SUBROGATION:**

Subrecipient shall waive rights of subrogation which Subrecipient or any insurer of Subrecipient may acquire against the ODOJ CVSSD or State of Oregon by virtue of the payment of any loss. Subrecipient shall obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not ODOJ CVSSD has received a Waiver of Subrogation endorsement from the Subrecipient or the Subrecipient's insurer(s).

**(h) CONTINUOUS CLAIMS MADE COVERAGE:**

If any of the required liability insurance is on a claims made basis and does not include an extended reporting period of at least 24 months, then Subrecipient shall maintain continuous claims made liability coverage, provided the effective date of the continuous claims made coverage is on or before the effective date of the Grant Agreement, for a minimum of 24 months following the later of:

- i. Subrecipient's completion and ODOJ CVSSD's acceptance of all Services required under the Grant Agreement, or
- ii. ODOJ CVSSD or Subrecipient termination of this Grant Agreement, or
- iii. The expiration of all warranty periods provided under this Grant Agreement.

**XVII. COMPLIES WITH NATIONAL ENVIRONMENTAL PROTECTION ACT (NEPA)**

Subrecipients 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 subrecipient 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 ODOJ CVSSD for approval. Prior to allowing a subrecipient to spend VAWA funds for such a project, ODOJ 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 ODOJ CVSSD designee. ODOJ 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 subrecipient 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 stability<sup>4</sup>; or

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<sup>4</sup> Definition of Program Stability for DOJ CVSSD Subrecipients

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.

- 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, ODOJ 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.

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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 subrecipients, 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

Subrecipients must report any change in personnel in a VAWA-funded position to ODOJ CVSSD within 30 days of the departure of that staff person. This should be accomplished by updating the Staff Roster page for the subrecipient 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 ODOJ 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 subrecipient 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 subrecipients 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, subrecipients should contact their fund coordinator for clarification and approval.

### B. Maintaining Records

Subrecipients must maintain accurate **time/attendance records** for positions budgeted in subawards. Subrecipients must also maintain written **personnel policies** and keep these policies updated. ODOJ 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 subrecipients 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 ODOJ CVSSD urges subrecipients to update this information as necessary. For more information on direct timekeeping, please see [CVSSD Guidance on Timekeeping](#) at the ODOJ CVSSD website.



### How Does Direct Timekeeping Work?

- Subrecipients may not simply bill employee time according to their approved VAWA budget. That would be “budgeted time,” not direct timekeeping.
- Subrecipients 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 subrecipient’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

Subrecipients 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 subrecipient 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.
- Subrecipients 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)**

If any employee, potential employee, or volunteer is classified as a “covered employee” in connection with the award condition concerning the Determination of Suitability to Interact with Minors, it is imperative that the subrecipient adheres to the specific procedures described in Section XI of the Subrecipient Eligibility Requirements.

If that award condition does not apply, a subrecipient 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 subrecipient; 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 subrecipient 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 subrecipient 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 subrecipient intends to hire or retain the employee/potential employee/volunteer, the subrecipient 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 subrecipient 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 (subrecipient) to carry out one or more services of the subaward-funded project.

- This second subrecipient 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:

| <b>Subaward Factors</b>                                                                                                              | <b>Procurement Factors</b>                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Distributes financial assistance in the form of money or services to eligible subrecipients.                                         | 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 subrecipient. | Provides goods or services that are ancillary to the operation of the federal program. |

A more detailed [Contractor and Subrecipient Determination Checklist](#) is available to assist subrecipients in making the correct selection in these financial arrangements.

**Procurement Transaction (Subcontract).** An Independent Contractor Agreement formalizes the financial arrangement between a Subrecipient 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 subrecipient.

**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/cvsd\\_subcontract\\_elements.pdf](https://justice.oregon.gov/crime-victims/pdf/cvsd_subcontract_elements.pdf).

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

**Subrecipients 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 subrecipient and a secondary subrecipient 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](https://justice.oregon.gov/crime-victims/pdf/cvsd_subaward_elements.pdf). Subrecipients can work with their fund coordinator to adapt the document to fit VAWA agreement requirements. All secondary subrecipients must agree to abide by all primary subaward agreement requirements. The primary subrecipient must, in essence, create their own subaward agreement for the secondary subrecipient. 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 subrecipient 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 ODOJ 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 ODOJ 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 ODOJ 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. Subrecipients 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 ODOJ 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 subrecipient's immediate geographical area, VAWA funds may support training outside of the geographical

area. For example, subrecipients may benefit by attending national conferences that offer skills-building training workshops for victim assistance providers. **Training outside Oregon must be approved by ODOJ CVSSD in advance**, unless a specific training is approved at the time of the subaward.

When requesting out of state training in advance, subrecipients 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**

ODOJ CVSSD may allow subrecipients 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, subrecipients should have confidence that they are, in fact, able to attend. If subrecipients 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. Subrecipients 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.***

Subrecipients 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](http://www.gsa.gov/perdiem)). ***VAWA funds cannot be used to cover lodging if the Government rate is not available.***

Subrecipients 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

Subrecipients must collect and report certain data in order to comply with both state and federal Performance Report requirements. Subrecipients 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 ODOJ CVSSD approval, to pro-rate certain information based upon a reasonable, accurate and logical basis i.e. FTE funded by the subaward.

Subrecipient reporting will be completed and submitted through the ODOJ CVSSD E-Grants system.

#### II. REPORTING REQUIREMENTS

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

| Reporting Period        | <u>Quarterly</u><br>• E-Grants Financial<br>• E-Grants Common Outcome Measures<br><br>Reports Due | <u>Semi-Annual</u><br><u>Goals/Objectives and</u><br><u>Narrative</u><br>E-Grants Progress Report<br><br>Reports Due | <u>Annual</u><br>Muskie Progress Report<br>(upload in E-Grants)<br><br>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)

ODOJ CVSSD administers funding for the VAWA Subaward Program on a reimbursement basis, meaning that subaward funds are paid to subrecipient agencies **after** expenditures have been made. Payments to subrecipients are made when ODOJ 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 subrecipient to respond to all requests for modifications or information made by ODOJ CVSSD staff in a timely manner. Failure to comply will delay payment.

- Subrecipients 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 ODOJ 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 subrecipient agency to ensure that only those organization members authorized to submit a FR do so.
- Subrecipients 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;
- ODOJ CVSSD reimburses expenses quarterly unless otherwise agreed between ODOJ CVSSD and the subrecipient.
- Expenditures must be reported in the quarter in which the expenses were incurred.
- ODOJ CVSSD reimburses only **actual and allowable** expenditures for goods and services purchased during the subaward period.
- ODOJ CVSSD does not reimburse items that are not in the approved budget. ODOJ CVSSD may withhold funds for any expenditure not budgeted or in excess of approved budget amounts.
- Failure of the subrecipient to operate the program in accordance with the approved budget may result in suspension and/or termination of the subaward agreement.
- ODOJ CVSSD will hold a subrecipient accountable for any overpayment, audit disallowances, or any other breach of subaward agreement that results in a debt owed to the federal government.

## 2. ODOJ 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.***

Subrecipients 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. ODOJ CVSSD E-Grants allows subrecipients 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 31<sup>st</sup> ; for joint subaward: no later than July 31<sup>st</sup>) to report expenses, request reimbursement and reconcile any discrepancies. If a subrecipient 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 subrecipient. For more information on amendments and extensions see the Amendment subsection of Section 5.

### **B. Performance Reports**

#### **1. Statistical Report**

Federal regulations require VAWA subrecipients to report statistical data on an annual basis for data collected in the previous year January – December 31 by March 1. Statistics are reported annually via the new web based subgrantee online IMPACT tool. Each year, VAWA MEI will contact state administrators with a new link to the online system for its VAWA subgrantees. A sample form, instructions and training videos for STOP Violence Against Women Formula Grant Program found at: <https://www.vawamei.org/grant-program/stop-formula-grant-program/>.

All statistical data must be as accurate as possible and subrecipients 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. Subrecipients 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.”

Subrecipients 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”.

**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 subrecipient 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.). Subrecipients will complete the narrative in ODOJ 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)**

Subrecipients are required to report progress achieved on the performance measures. ODOJ 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 subrecipients 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.

Subrecipients 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. Subrecipients 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 ODOJ CVSSD subaward agreements provide that subrecipients 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, ODOJ

CVSSD has the right to terminate the subaward. ODOJ 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

Subrecipients 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 subrecipient 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 subrecipient must obtain approval from ODOJ 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 ODOJ CVSSD Grant Management Section Manager grants an exception based on extenuating circumstances.
- ODOJ 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, ODOJ CVSSD staff will make the requested changes to the subrecipient's budget in the E-Grants system and the subrecipient 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. Subrecipients will not be able to submit FRs while an amendment request is in process so ODOJ CVSSD encourages subrecipients 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***, subrecipients 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 ODOJ CVSSD approval for a program amendment, a subrecipient must reflect any revised goals, activities, and/or performance measures in all future progress reports submitted.

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

**For Competitive Subawards ONLY:** Subrecipients may 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 subrecipients are required to implement their federally funded project within sixty (60) days of the beginning date of their subaward. Any subrecipient not meeting this

deadline must submit a letter to ODOJ 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 subrecipient must submit a second letter explaining the additional delay in implementation. The ODOJ CVSSD may, after reviewing the circumstances, elect to terminate the subaward and redistribute the funds.

The subrecipient 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 subrecipient must immediately notify ODOJ CVSSD if they need to terminate their subaward agreement (i.e., program closure). Subrecipients can review more information on termination by subrecipient or grantor (ODOJ CVSSD) in the sample subaward agreement. This sample can be found on the ODOJ 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 subrecipient, have an ongoing responsibility throughout the subaward period to faithfully uphold the public trust which accompanies the authority to expend public funds. Subrecipients 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 ODOJ CVSSD. The guide is available via OJP's website at: [https://ojp.gov/financialguide/doj/pdfs/DOJ\\_FinancialGuide.pdf](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 subrecipient to comply with the federal guidelines contained in the appropriately relevant Circulars. Subrecipients 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 17<sup>th</sup> 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.

Subrecipients shall also adhere to any fiscal procedures established by ODOJ CVSSD.

**The federal CFDA number for VAWA funded programs is 16.588.**

### **III. AWARD REQUIREMENTS**

#### **A. Standards for Financial Management Systems**

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

- **Each year of federal funding within a subaward should be accounted for separately.** CVSSD Subawards are often comprised of multiple federal award years, as reflected on the agreement cover page and further outlined on the funding breakdown page in Egrants. Each year’s funds must be treated as distinct awards for the purposes of tracking activities and expenditures. 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, subrecipients are encouraged to use the subaward number assigned by ODOJ CVSSD and the federal award number, 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 ODOJ 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 ODOJ CVSSD, training information, etc.)

Additionally, subrecipients 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, ODOJ CVSSD reports such as site visits and ODOJ 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 subrecipients must maintain accounting systems that ensure that VAWA funds are not commingled with funds from any other source. In addition, CVSSD subawards are often comprised of multiple federal award years, as reflected on the cover page and further outlined on the funding breakdown page in Egrants. Subrecipients must treat each year's funds as distinct awards for the purposes of tracking their activities and expenditures. Subrecipients must ensure that funds from separate federal funding years are not commingled with funds from another federal funding year. 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 subrecipient's accounting system or records. Where a subrecipient's accounting system cannot comply with this requirement, the subrecipient 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.
- Funds from multiple federal award years **should not be commingled.**
- **Individual accounts or cost centers** should be established to control the funds for each subaward and federal funding year.

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

## 3. **Subrecipient Accounting Responsibilities**

### a. **Audit Requirements**

Subrecipients must meet the necessary audit requirements contained in the [OJP Financial Guide](#). Non-federal entities that expend \$1,000,000 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 \$1,000,000 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 subrecipient did not expend \$1,000,000 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. Subrecipients are not required to send copies of audits to ODOJ CVSSD unless they are required to conduct single organization-wide audits.

**b. Reporting of Irregularities**

Subrecipients are responsible for promptly notifying ODOJ 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 ODOJ CVSSD website for further explanation of program income and ODOJ CVSSD procedures and policies.

**C. Property and Equipment**

Inventory information on equipment purchased with VAWA funds must be kept in the subrecipient's VAWA file. Subrecipients 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. ODOJ 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 \$10,000 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, subrecipients 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. ***Subrecipients shall follow their own established procurement procedures and regulations, provided they minimally adhere to applicable federal and state guidelines and standards.*** If a subrecipient’s established procurement procedures are less competitive than the federal requirements, the subrecipient must adhere to the following more competitive procurement requirements:

- For small procurements of **\$50,000 or less**, subrecipients 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**, subrecipients should solicit **quotes or bids from at least three sources**.
- For procurements **over \$250,000**, subrecipients must **formally advertise** the proposed procurement through an **Invitation for Bids (IFB) or a Request for Proposals (RFP)** process.

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

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

Subrecipients must have written procurement procedures and these procedures must be made available to ODOJ 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, 15% 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 (15%) 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 \$50,000; or

- ✓ Use an amount up to fifteen percent (15%) 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.

### **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. 15% de minimis

Uniform Guidance 200.414 allows for subgrantees to claim a 15% 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 15% of modified total direct costs (MTDC) which may be used indefinitely. No documentation is required to justify the 15% 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

### SUBRECIPIENT MONITORING

#### I. OVERVIEW

ODOJ CVSSD monitors each subaward to ensure the subrecipient is operating the project as agreed, that the subrecipient is working toward its objectives, and that the subrecipient is following appropriate federal fiscal procedures. Fund coordinators also provide technical assistance, offer program development guidance, and observe program activities while visiting programs. ODOJ 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 subrecipients, 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 subrecipient. 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 subrecipient 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, ODOJ CVSSD may take one or more of the following actions, as appropriate:

- Temporarily withhold cash payments pending correction of the deficiency by the subrecipient;
- 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.

ODOJ CVSSD may, after reasonable notice, terminate or suspend funding for a subrecipient 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 ODOJ CVSSD subaward agreement. In that event, the subrecipient is entitled to receive equitable compensation for satisfactory, authorized services completed as of the termination date.

If the subrecipient fails to fulfill its VAWA subaward obligation in a timely manner, ODOJ 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 subrecipient shall not be relieved of liability to ODOJ CVSSD for damages sustained by virtue of any breach of the subaward agreement by the subrecipient.

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

In the event of a formal allegation or a finding of fraud, waste and/or abuse of VAWA funds, ODOJ CVSSD must be immediately notified. ODOJ 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 subrecipients 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 subrecipient agencies to prevent termination.*

# APPENDIX

## RESOURCES AND REFERRALS

| NATIONAL ORGANIZATIONS                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                       |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| RESOURCE                                                       | PURPOSE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | WEB-ADDRESS                                                                                                                                           |
| Asian Pacific Institute on Gender-Based Violence               | The <b>Asian Pacific Institute on Gender-Based Violence</b> 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. | <a href="https://www.api-gbv.org/">https://www.api-gbv.org/</a>                                                                                       |
| 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.                                                                                                                                                                                                                                                                                                                                                | <a href="https://www.acf.hhs.gov/otip/partnerships/look-beneath-the-surface">https://www.acf.hhs.gov/otip/partnerships/look-beneath-the-surface</a>   |
| Foundation Center                                              | The Foundation Center maintains a comprehensive database on U.S. grant makers and their grants.                                                                                                                                                                                                                                                                                                                                                                                                                                         | <a href="http://www.foundationcenter.org/">http://www.foundationcenter.org/</a>                                                                       |
| Grants.gov                                                     | Federal funding opportunities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <a href="http://www.grants.gov/">http://www.grants.gov/</a>                                                                                           |
| 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.                                                                                                                                                                                                                                                                                                             | <a href="http://www.navplg.org/">http://www.navplg.org/</a>                                                                                           |
| National Coalition Against Domestic Violence (NCADV)           | The NCADV provides national level organization of communities and individuals working to end the violence in our lives.                                                                                                                                                                                                                                                                                                                                                                                                                 | <a href="http://www.ncadv.org/">http://www.ncadv.org/</a>                                                                                             |
| 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.                                                                                                                                                                                                                                                                                                             | <a href="http://www.ncjrs.gov/">http://www.ncjrs.gov/</a>                                                                                             |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                         | <a href="https://victimsofcrime.org/">https://victimsofcrime.org/</a>                                                                                 |
| National Crime Victim Law Institute (NCVLI)                    | The NCVLI promotes and supports victims' rights and legal technical assistance to victims' attorneys and others serving victims.                                                                                                                                                                                                                                                                                                                                                                                                        | <a href="https://law.lclark.edu/centers/national_crime_victim_law_institute/">https://law.lclark.edu/centers/national_crime_victim_law_institute/</a> |

|                                                              |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.                                                  | <a href="http://www.nnedv.org">http://www.nnedv.org</a>                                                                                                                                                                                        |
| 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.                                                                                            | <a href="http://www.trynova.org/">http://www.trynova.org/</a>                                                                                                                                                                                  |
| 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. | <a href="http://www.ncja.org">http://www.ncja.org</a>                                                                                                                                                                                          |
| National Sexual Violence Resource Center                     | NSVRC is a national information and resource hub relating to all aspects of sexual violence.                                                                                                                                                              | <a href="http://www.nsvrc.org">http://www.nsvrc.org</a>                                                                                                                                                                                        |
| 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                                              | <a href="https://ojp.gov/ovc/">https://ojp.gov/ovc/</a>                                                                                                                                                                                        |
| Office on Violence Against Women                             | Federal Office that distributes VAWA funding.                                                                                                                                                                                                             | <a href="https://www.justice.gov/ovw">https://www.justice.gov/ovw</a>                                                                                                                                                                          |
| 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.                                                           | <a href="https://polarisproject.org/human-trafficking">https://polarisproject.org/human-trafficking</a>                                                                                                                                        |
| System for Award Management (SAM)                            | For registering, renewing and updating a registration. A current SAM number is required for all federal funding.                                                                                                                                          | <a href="https://www.sam.gov/SAM/">https://www.sam.gov/SAM/</a><br>(user guides can be found at:)<br><a href="https://www.sam.gov/SAM/pages/public/help/samQUserGuides.jsf">https://www.sam.gov/SAM/pages/public/help/samQUserGuides.jsf</a> . |
| VINE (Victim Information and Notification Everyday)          | The VINE system keeps victims informed about offenders.                                                                                                                                                                                                   | <a href="https://www.vinelink.com">https://www.vinelink.com</a>                                                                                                                                                                                |

| 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.                                                                                                                                                                                                                                                | <a href="https://www.doj.state.or.us/crime-victims/victims-resources/victims-services/compensation-for-victims-of-crime/">https://www.doj.state.or.us/crime-victims/victims-resources/victims-services/compensation-for-victims-of-crime/</a> |
| 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.                                                                                                                                                                                                                      | <a href="https://www.doj.state.or.us/crime-victims/victims-resources/victims-services/compensation-for-victims-of-crime/">https://www.doj.state.or.us/crime-victims/victims-resources/victims-services/compensation-for-victims-of-crime/</a> |
| 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.                                                                                                                                                                                                                                  | <a href="http://www.oregonsatf.org/">http://www.oregonsatf.org/</a>                                                                                                                                                                           |
| 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.                                                                                                                                                                                                                             | <a href="http://www.nonprofitoregon.org/">www.nonprofitoregon.org/</a>                                                                                                                                                                        |
| Oregon Coalition Against Domestic and Sexual Violence (OCADSV)     | The Coalition provides technical assistance, training, and public education to local crisis centers and their communities.                                                                                                                                                                                                                      | <a href="http://www.ocadsv.org">http://www.ocadsv.org</a>                                                                                                                                                                                     |
| Oregon Law Center                                                  | Civil legal assistance for low income individuals.                                                                                                                                                                                                                                                                                              | <a href="http://www.oregonlawcenter.org/">http://www.oregonlawcenter.org/</a>                                                                                                                                                                 |
| 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. | <a href="http://www.oregon.gov/BOLI/TA/">http://www.oregon.gov/BOLI/TA/</a>                                                                                                                                                                   |
| 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.                                                                                                                        | <a href="https://www.endslaverynow.org/oregonians-against-trafficking-humans-oath">https://www.endslaverynow.org/oregonians-against-trafficking-humans-oath</a>                                                                               |
| 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.                                                                                                                                                                                          | <a href="http://www.boli.state.or.us/BOLI/CRD/C_Postings.shtml">www.boli.state.or.us/BOLI/CRD/C_Postings.shtml</a>                                                                                                                            |

| PROGRAM RESOURCES                                               |                                                                                                                                                                                       |                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RESOURCE                                                        | PURPOSE                                                                                                                                                                               | WEB-ADDRESS                                                                                                                                                                                                                               |
| Foundation Center                                               | The Foundation Center maintains a comprehensive database on U.S. grant makers and their grants.                                                                                       | <a href="http://www.foundationcenter.org/">http://www.foundationcenter.org/</a>                                                                                                                                                           |
| 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.                                 | <a href="https://www.doj.state.or.us/crime-victims/victims-rights/victims-rights-guides/">https://www.doj.state.or.us/crime-victims/victims-rights/victims-rights-guides/</a>                                                             |
| 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. | <a href="http://www.justicesolutions.org/">http://www.justicesolutions.org/</a>                                                                                                                                                           |
| Free Management Library                                         | The Free Management Library has a wealth of information, resources and references in 75 categories regarding leadership and management.                                               | <a href="http://www.managementhelp.org/">http://www.managementhelp.org/</a>                                                                                                                                                               |
| 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.                      | <a href="http://www.techsoup.org/">http://www.techsoup.org/</a>                                                                                                                                                                           |
| Grants.Gov                                                      | Federal Funding Opportunities                                                                                                                                                         | <a href="http://www.grants.gov/">http://www.grants.gov/</a>                                                                                                                                                                               |
| NonProfitExpert.com                                             | Federal Funding Opportunities                                                                                                                                                         | <a href="http://www.nonprofitexpert.com/federal_grants.htm">http://www.nonprofitexpert.com/federal_grants.htm</a>                                                                                                                         |
| Office of Justice Programs, National Institute of Justice (NIJ) | Research, Development, and Evaluation                                                                                                                                                 | <a href="http://www.ojp.usdoj.gov/nij/topics/victims-victimization/welcome.htm">http://www.ojp.usdoj.gov/nij/topics/victims-victimization/welcome.htm</a>                                                                                 |
| System for Award Management (SAM)                               | For registering, renewing and updating a registration. A current SAM number is required for all federal funding.                                                                      | <a href="https://www.sam.gov/SAM/">https://www.sam.gov/SAM/</a><br>(user guides can be found at:) <a href="https://www.sam.gov/SAM/pages/public/help/samQUserGuides.jsf">https://www.sam.gov/SAM/pages/public/help/samQUserGuides.jsf</a> |
| U.S. General Services Administration                            | Federal Per Diem Rates                                                                                                                                                                | <a href="http://www.gsa.gov/perdiem">www.gsa.gov/perdiem</a>                                                                                                                                                                              |
| VINE (Victim Information and Notification Everyday)             | The VINE system keeps victims informed about offenders.                                                                                                                               | <a href="https://www.vinelink.com">https://www.vinelink.com</a>                                                                                                                                                                           |

| REFERENCE DOCUMENTS                                                                                  |                                                                 |                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RESOURCE                                                                                             | PURPOSE                                                         | WEB-ADDRESS                                                                                                                                                                                                                                                                             |
| USDOJ Financial Guide                                                                                | Indepth guidelines for expending federal funds.                 | <a href="https://www.ojp.gov/funding/financial-guidedoj/overview?utm_campaign=oaam&amp;utm_medium=email&amp;utm_source=govdelivery">https://www.ojp.gov/funding/financial-guidedoj/overview?utm_campaign=oaam&amp;utm_medium=email&amp;utm_source=govdelivery</a>                       |
| OVW Guidance on the Nonsupplanting Prohibition as it applies to Nonprofit Organizations              | Supplanting guidance from OVW for non-profits.                  | <a href="https://www.justice.gov/sites/default/files/ovw/legacy/2009/10/28/supplanting-examples.pdf">https://www.justice.gov/sites/default/files/ovw/legacy/2009/10/28/supplanting-examples.pdf</a>                                                                                     |
| Justification for Non-Competitive Procurement Document                                               | Information on justification for sole source procurements.      | <a href="https://ojp.gov/training/pdfs/Sole-Source-FactSheet-C.pdf">https://ojp.gov/training/pdfs/Sole-Source-FactSheet-C.pdf</a>                                                                                                                                                       |
| STOP VAWA Match Requirement Document                                                                 | Tips for providing match.                                       | <a href="https://www.justice.gov/sites/default/files/ovw/legacy/2014/02/06/stop-match-requirement-for-formula-grants.pdf">https://www.justice.gov/sites/default/files/ovw/legacy/2014/02/06/stop-match-requirement-for-formula-grants.pdf</a>                                           |
| STOP VAWA Frequently Asked Questions                                                                 | Addresses some frequently asked questions related to STOP VAWA. | <a href="https://www.justice.gov/ovw/page/file/1008816/download">https://www.justice.gov/ovw/page/file/1008816/download</a>                                                                                                                                                             |
| 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.         | <a href="https://www.urban.org/research/publication/evaluation-guidebook-projects-funded-stop-formula-grants-under-violence-against-women-act">https://www.urban.org/research/publication/evaluation-guidebook-projects-funded-stop-formula-grants-under-violence-against-women-act</a> |

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

