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# **FY 2019 Solicitation Companion Guide**

## **OVW Grant Programs & Post-Award Information**

This Guide offers applicants pertinent information about all OVW Programs and post-award requirements. It is not a substitute for any of OVW's program-specific solicitations or any of the applicable statutes, regulations, or policies that govern OVW's programs.

Applicants are responsible for reading each solicitation in its entirety and for following the instructions set forth in each solicitation.

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## OVW Grant Programs and Pertinent Information

The Office on Violence Against Women (OVW) expects to award funding under the grant programs in the table below, including the Technical Assistance Initiative. Four of these programs are formula programs, meaning the enacted legislation specifies how the funds are to be distributed. The remaining programs are discretionary, meaning OVW has the responsibility to create the program parameters and identify qualified applicants. It is anticipated that solicitations for Fiscal Year (FY) 2018 will be released on a rolling basis starting in November 2017.

Please refer to the current solicitations posted on [OVW's website](#) for the most up-to-date information on deadlines, project periods and budget caps.

OVW Grant Programs and Pertinent Information		
OVW Grant Program	Project Period	Projected Budget Caps
Enhanced Training And Services To End Abuse In Later Life Program	36 months	Up to \$400,000.
Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence and Stalking on Campus Program Solicitation	36 months	Up to \$300,000 for individual schools.
		Up to \$500,000 for consortium projects with 2-3 schools working together.
		Up to \$750,000 for consortium projects with 5+ schools working together.
Grants to Enhance Culturally Specific Services for Victims of Sexual Assault, Domestic Violence, Dating Violence and Stalking Program	24 months	Up to \$300,000 for new/state focused.
		Up to \$425,000 for continuation/state focused.
		Up to \$350,000 for local focused.

Training and Services to End Violence Against Women with Disabilities	Up to 24 months for new Up to 36 months for continuation	Up to \$500,000 for new, state focused project
		Up to \$475,000 for new, local-focused project
		Up to \$400,000 for Continuation, state-focused project
		Up to \$375,000 for continuation, local-focused project
Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program	36 months	\$450,000 - \$900,000 depending on the population of the service area.
Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction	36 months	Up to \$450,000.
Legal Assistance for Victims Grant Program	36 months	New and Continuation LAV applications that are proposing to provide primarily domestic violence focused legal services or less than 80% sexual assault focused legal services may request up to \$600,000.
		New and Continuation LAV applications proposing to provide 80% or more sexual assault focused legal services may request up to \$800,000.

Rural Sexual Assault, Domestic Violence, Dating Violence and Stalking Program	36 months	Up to \$750,000 for continuation applications. Up to \$500,000 for new applications.
Sexual Assault Services Formula Program	24 months	OVW will make a maximum of 56 awards varying in range to each state and territory based on a predetermined formula.
Sexual Assault Services Culturally Specific Program	24 months	Up to \$300,000.
Grants to Tribal Domestic Violence and Sexual Assault Coalitions Program	12 months	OVW will make awards to each recognized tribal coalition based on a predetermined formula.
State and Territorial Sexual Assault and Domestic Violence Coalitions Program	12 months	OVW will make up to 88 awards varying in range to each state and territorial coalition based on a predetermined formula.
STOP Formula Grant Program	24 months	OVW will make a maximum of 56 awards varying in range to each state and territory based on a predetermined formula.
Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking	36 months	Up to \$350,000.
Tribal Sexual Assault Services Program	36 months	Up to \$325,000.

Justice for Families Program	36 months	Up to \$550,000 for projects with two purpose areas or just purpose area 5 (court-based and court-related programming).
		Up to \$700,000 for projects proposing to comprehensively address purpose areas 1 (supervised visitation), 5 (court-based and court-related programming), and 6 (civil legal assistance).
Grants for Outreach and Services to Underserved Populations	24 months	Up to \$300,000.
Research and Evaluation	up to 36 months	Up to \$400,000.
Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Assault and Engage Men and Boys as Allies	36 months	Up to \$750,000 for Comprehensive projects.
		Up to for \$350,000 for Engaging Men projects.
Technical Assistance Initiative	For Targeted TA Projects: Up to 36 months	Up to \$900,000 <sup>1</sup> .
	For Comprehensive TA Projects: Up to 60 months	Up to \$1,000,000 <sup>2</sup> for the first three years of the 5 year award.

\* Budget caps for each program are subject to FY 2018 congressional appropriations and availability of funds.

<sup>1</sup> Funding levels under the Technical Assistance Initiative are provided with each purpose area.

<sup>2</sup> OVV has the discretion to award cooperative agreements for greater or lesser amounts than requested and to negotiate the scope of work and budget with applicants prior to award of a grant.

## **Activities That May Compromise Victim Safety and Recovery and Undermine Offender Accountability**

OVW does not fund activities may have the effect of jeopardizing victim safety, deterring or preventing physical or emotional healing for victims, or allow offenders to escape responsibility for their actions. Below are examples of these activities, as well as information about them and related statutory requirements.

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.<sup>3</sup>

If victim services are not available to all victims, then the program is compromising safety for those victims who are not eligible for services. Policies that do not directly exclude victims may still have the impact of excluding them. For example, if a program uses criminal background checks as part of their screening process, it may deter victims with a criminal history from coming forward. Programs that require social security numbers or state issued identification documents, employment, or certain income levels may not be accessible to low or moderate-income or undocumented immigrant victims.

2) Procedures or policies that compromise the confidentiality of information and/or privacy of persons receiving services.

Protection of personally identifying information is of critical importance to victims. VAWA recognized this with the inclusion of a provision requiring grantees and subgrantees to protect the confidentiality and privacy of persons receiving services. All applicants are required to sign a form acknowledging that they are aware of and will comply with the VAWA provision and maintain documentation of compliance, such as policies and procedures for release of victim information, if they receive an award. The form can be found here:

[https://www.justice.gov/sites/default/files/ovw/pages/attachments/2015/01/20/confidentiality\\_acknowledgement\\_form\\_42015.pdf](https://www.justice.gov/sites/default/files/ovw/pages/attachments/2015/01/20/confidentiality_acknowledgement_form_42015.pdf)). For more information on the statutory requirements related to victim confidentiality, see Post-Award Requirements for All Federal Grant Recipients below.

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.

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<sup>3</sup> If an award is made, the recipient will also be subject to statutory prohibitions on discrimination. For further information on the civil rights requirements governing recipients of federal funding, see Post-Award Requirements for All Federal Grant Recipients below.



Victims are in the best position to know what services they would benefit from and what actions could increase or jeopardize their safety. Offering options and information about possible remedies and available services, without making them mandatory, enhances victim safety and autonomy.

4) Procedures or policies that fail to include conducting safety planning with victims.

Safety planning helps victims consider the risk of future harm and the steps they can take both to prevent harm and handle an emergency. Frequent and ongoing safety planning helps assess changes in circumstances and perception of risk. Applicants and recipients may contact OVW for resources on conducting safety planning in cases of domestic violence, dating violence, sexual assault, and stalking.

5) Project designs, products, services and/or budgets that fail to account for the access needs of individuals with disabilities, with limited English proficiency, or who are Deaf or hard of hearing.

Without attention to accessibility, victims with disabilities may be unable to utilize the available services. In addition, clear and unencumbered communication is essential for victims when accessing help and receiving services, especially for victims with limited English proficiency or who are Deaf or hard of hearing.

Recipients of OVW funds must comply with applicable federal civil rights laws, which, among other things, prohibit discrimination on the basis of disability and national origin. This includes taking reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to recipients' programs and activities and ensuring that these programs and activities are readily accessible to qualified individuals with disabilities.

Grantees must allocate grant funds or other available resources to support activities that help to ensure meaningful and full access to their programs. For example, grant funds can be used to support American Sign Language (ASL) interpreter services, language interpretation and translation services, or the purchase of adaptive equipment. For resources, please see [www.LEP.gov](http://www.LEP.gov) or contact OVW.

Additional examples of activities that may compromise victim safety and recovery and undermine offender accountability:

The use of pre-trial diversion programs without prior OVW review and approval of the program or the automatic placement of offenders in such programs.

Pre-trial diversion is an alternative to prosecution that sends certain offenders, often before they are charged with a crime, into a program of supervision and services, rather than into criminal justice proceedings. Participants who successfully complete a pre-trial diversion program will not be charged or, if charged before diversion, will have the charges against them dismissed. Pre-trial diversion typically is not appropriate in cases involving domestic or sexual violence because offenders who do not comply with the terms of the program face only the filing of the original case; by contrast, a probation violation can result in immediate incarceration, which

provides greater leverage for keeping victims safe.

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.

Joint counseling programs assume an equal balance of power between the parties, which does not typically exist between victims and offenders in these cases. In addition, contact with the offender in a joint counseling setting may be dangerous or traumatic for victims.

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 issues 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.

Similar to joint counseling, mediation assumes an equal balance of power and may be dangerous or traumatic for victims. Therefore, if mediation is offered to victims, it must be designed with the dynamics of these crimes in mind and include appropriate safeguards. Screening participants, prior to mediation, for issues of victimization, ensures all parties are fully aware of the circumstances and options in advance of participation. Other safeguards include training mediators about working with victims of these crimes in a culturally competent manner, providing ongoing safety planning for victims, and allowing flexibility based on the individual participants' needs, for example by having a physical separation between the victim and the offender if necessary to keep the victim safe and at ease.

Offering or ordering anger management programs for offenders as a substitute for batterer intervention programs.

Batterer intervention programs, unlike anger management programs, are focused on the underlying dynamics of power and control in domestic violence. These programs also aim to hold offenders accountable for the consequences of their behavior and to change offenders' beliefs and behavior. Anger management programs, by contrast, are targeted at teaching participants how to manage their emotions and generally do not address the consequences of the offenders' actions for victims. As a result, relying on anger management programs in domestic violence cases fails to hold offenders accountable and compromises victim safety.

Partnering with individuals or organizations that support/promote practices that compromise victim safety and recovery or undermine offender accountability.

Partnerships are the centerpiece of a coordinated community response to violence against women, but it is critical that all project partners adopt and adhere to policies and practices that both enhance victim safety and promote offender accountability. The standard terms and conditions on an OVW award require recipients to agree that grant funds will not support activities that compromise victim safety and recovery or undermine offender accountability.

Recipients are responsible for monitoring subrecipient partners to ensure that award funds are used in accordance with this requirement. Development of the project and underlying memorandum of understanding provides an opportunity to review partners' policies and practices and reach agreement on any necessary changes.

Policies or procedures that require victims to report the crime to law enforcement, participate in the criminal justice system, or seek a protection or restraining order against the offender, and penalize them for failing to do so.

Training and technical assistance that do not reflect an understanding of domestic violence, dating violence, sexual assault, and stalking, and the experience of survivors, that fail to incorporate the experiences and unique needs of underserved communities, or that include or promote practices that may re-victimize survivors.

OVW-funded training and technical assistance must be designed to teach participants how to improve their policies and practices so that they take into account the dynamics of these crimes, are responsive to the needs of survivors in their communities, and avoid re-victimizing survivors. Trainers and technical assistance providers must have the expertise to do this, including experience incorporating survivors' testimonials into their training and addressing areas such as cultural competency and the needs of survivors with disabilities or with limited English proficiency.

Except if required by law, procedures or policies that require automatic reporting to child or adult protective services, regardless of the circumstances of an incident. This includes automatically reporting situations that may implicate victims of domestic violence solely for failure to protect a minor child.

Procedures or policies that deny individuals access to services based on their relationship to the perpetrator.

Procedures or policies that deny victims and non-abusing parents or caretakers and their children access to services based on their involvement with the perpetrator.

Procedures or policies that do not provide for the meaningful involvement of student victims in discussions and decisions that have a direct impact on them.

Dissemination of information, education, or prevention materials that place blame on the victim or focus primarily on changing victim behavior or preventing alcohol or substance abuse.

Prevention programs that focus primarily on victim behavior, or on potential aggravating factors, such as substance abuse, neglect the importance of changing perpetrator and bystander behavior in the prevention of domestic violence, dating violence, sexual assault, and stalking.

Establishment or enhancement of a multidisciplinary collaborative community response without developing appropriate policies regarding confidentiality and information sharing for the members.

Requiring survivors to meet restrictive conditions in order to receive services (e.g., background checks of victims; clinical evaluations to determine eligibility for services) or other screening processes that elicit information that is not necessary for services, such as questions about immigration status, gender identity, sexual orientation, disability, physical or mental health, and work or criminal history that the service provider does not need to know about 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 grant.

OVW-funded materials must provide information to the intended audience that takes into account the dynamics of these crimes and is responsive to the needs of survivors in recipients' communities. For example, these materials must avoid using language that places blame on the victim or reinforces misconceptions about victim behavior. Materials also must be responsive to the needs of the populations in the recipient's service area. For example, where there is a significant limited English proficient (LEP) population in the recipient's community, materials must be made available in the LEP population's primary language(s).

Activities that focus on victim services programs only and do not address victim/survivor centered practices within disability and/or Deaf organizations.

Products, program services, or safety plans that do not adequately address the unique needs of individuals with disabilities and/or Deaf individuals.

Relying on batterer intervention programs that do not use court monitoring to hold batterers accountable for their behavior.

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.

Mutual orders – any orders that impose requirements on victims/petitioners, without a request from the respondent and the requisite findings – may compromise victim safety by penalizing victims and making them reluctant to seek protection. An offender may seek an order of protection to retaliate against the victim for reporting the abuse or to control the victim's actions, or a victim may use violence in self-defense without posing a risk of actual or continuing harm to the offender. Determining which individual is the primary aggressor and issuing only one order of protection resolves contradictory allegations of domestic violence or dual petitions without jeopardizing victim safety. In addition, imposing requirements on petitioners, such as prohibiting them from contacting the respondent or requiring them to attend parenting classes as part of the

order, dilutes the order's message of offender accountability and may have a chilling effect on victims seeking assistance from the courts or the criminal justice system.

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.

Sexual assault, domestic violence, dating violence, and stalking generally occur in private settings, are often reported after a delay, and do not always result in obvious physical injury or destruction of property, all of which present challenges in obtaining physical evidence of the crime. Full and complete investigations and prosecutions of these crimes include the collection and development of corroborative evidence, including a fully developed and documented account of the victim's experiences and testimony from bystander and expert witnesses. Policies and practices that allow for acceptance of cases with little or no physical evidence and encourage the use of other types of corroborative evidence decrease the risk that offenders will not be held accountable for their crimes.

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.

Recipients must include specific measures to ensure victims' physical safety in their policies and procedures, tailored to their project's activities and services. For example, supervised visitation and exchange projects must have policies and procedures in place to keep victims safe during visitation and exchange, such as using separate entrances for the custodial parent and the visiting parent and having exchanges take place in public, well-secured locations. As another example, recipients providing services at their offices could use a post office box as the office's public address in written materials and on websites.

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. (See also the U.S. Department of Housing and Urban Development for [guidance](#) on how such ordinances and addenda may violate the Fair Housing Act.)

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.

Using technology without addressing implications for victim confidentiality, safety planning, and the need for informed consent. If applicants are proposing to use any technology (including, but not limited to, security systems, GPS, hotlines, and databases), they must explain how they plan to address any victim safety concerns that may arise from the use of the technology, such as confidentiality, safety planning, and 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.

For supervised visitation projects:

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

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

## **Post-Award Requirements for All Federal Grant Recipients**

All OVW award recipients must comply with the requirements below. In addition, the general terms and conditions applicable to all OVW grants and cooperative agreements are available at <https://www.justice.gov/ovw/award-conditions>.

### **Violence Against Women Act Non-Discrimination Provision**

The Violence Against Women Reauthorization Act of 2013 added a civil rights provision that applies to all OVW grants (34 U.S.C. § 12291(b)(13)). This provision prohibits OVW grantees from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual

orientation, or disability in any program or activity funded in whole or in part by OVW. For more information on this prohibition, see <http://www.justice.gov/ovw/docs/faqs-ngc-vawa.pdf>.

### **Civil Rights Compliance**

As a condition for receiving funding from OVW, recipients must comply with applicable federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Department of Justice (DOJ) regulation for the Equal Treatment of Faith-Based Organizations. Depending on the funding source, a recipient must also comply with the nondiscrimination provisions within the applicable program statutes, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (“the Omnibus Crime Control and Safe Streets Act”). Collectively, these federal laws prohibit a recipient of OVW funding from discriminating either in *employment* (subject to the exemption for certain faith-based organizations discussed below) or in the *delivery of services or benefits* on the basis of race, color, national origin, sex, religion, or disability. In addition, recipients of OVW funding may not discriminate on the basis of age in the delivery of services or benefits.

Compliance with Title VI of the Civil Rights Act of 1964, which prohibits recipients from discriminating on the basis of national origin in the delivery of services or benefits, entails taking reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to their programs and activities. An LEP person is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. To assist recipients in meeting their obligation to serve LEP persons, the DOJ has published a number of resources, including a language access assessment and planning tool, which are available at [https://www.lep.gov/guidance/guidance\\_DOJ\\_Guidance.html](https://www.lep.gov/guidance/guidance_DOJ_Guidance.html). Additional resources are available at <http://ojp.gov/about/ocr/lep.htm>. Additionally, applicants must include within their program budgets the costs for providing interpretation and translation services to eligible LEP persons or explain how language access will be provided if grant funds are not needed for this purpose.

For technical assistance on complying with the civil rights laws linked to the receipt of federal financial assistance from OVW, please contact:

Office of Justice Programs  
Office for Civil Rights  
810 7th Street NW  
Washington, DC 20531  
202-307-0690  
Fax: 202-616-9865  
TTY: 202-307-2027

### **Funding to Faith-Based Organizations**

In 2002, President Bush issued Executive Order 13279, and in 2004, DOJ issued the regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. Part 38, implementing the executive order. In 2014, President Obama issued Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations, and in April 2016, DOJ issued a final rule implementing the 2014 executive order by amending Part 38; the final rule was effective May 4, 2016.

Part 38 provides that faith-based or religious organizations are able to participate in DOJ-funded programs on an equal basis with other organizations. In addition, grantees, and any subgrantees at any tier, must comply with all applicable requirements of Part 38, which, among other things, prohibits specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to grantee and subgrantee organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to grantees and subgrantees that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data. For more information, see <https://ojp.gov/about/ocr/partnerships.htm>.

### **Confidentiality and Privacy Protections**

By statute, OVW grantees and their subgrantees are prohibited from disclosing, revealing, or releasing personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected (34 U.S.C. § 12291(b)(2)). The statute permits disclosure when the victim provides informed, written, and reasonably time-limited consent to the release or when a statute or a court compels that the information be released.

Where there is a statutory or court mandate to release information, grantees and subgrantees must make reasonable attempts to provide notice to victims affected by the disclosure of information. They must also take necessary steps to protect the privacy and safety of the persons affected by the release of the information. (34 U.S.C. § 12291(b)(2)(C).)

Regarding unemancipated minors or legally incapacitated persons, a parent or guardian may consent to the disclosure; however, an abuser of a minor, of the minor's other parent, or of the legally incapacitated person is prohibited from giving consent to the disclosure. If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent. (34 U.S.C. § 12291(b)(2)(B)(ii).)

Grantees and subgrantees must document their compliance with these requirements (34 U.S.C. § 12291(b)(2)(G)), and applicants for OVW funding must acknowledge that they have received notice of these statutory requirements, including the requirement to document compliance. The acknowledgement form is available on the OVW website at [http://www.justice.gov/sites/default/files/ovw/pages/attachments/2015/01/20/confidentiality\\_acknowledgement\\_form\\_42015.pdf](http://www.justice.gov/sites/default/files/ovw/pages/attachments/2015/01/20/confidentiality_acknowledgement_form_42015.pdf).

In addition, grantees and subgrantees may share aggregate information regarding their services and demographics of victims for certain purposes, if this information does not identify specific individuals or reveal personally identifying information. They may share such aggregate information with appropriate agencies to comply with federal, state, tribal, or territorial reporting, evaluation, and data collection requirements. For protection order enforcement purposes, they may also share court- and law enforcement-generated



information contained in secure, governmental registries. Moreover, they may share law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes. (34 U.S.C. § 12291(b)(2)(D).)

DOJ regulations (28 C.F.R. Part 22) also require recipients of OVW funding to submit a Privacy Certificate as a condition of approval of any grant application or contract proposal that contains a research or statistical component under which "information identifiable to a private person" will be collected, analyzed, used, or disclosed. These regulations define a research or statistical project as "any program, project, or component thereof ... whose purpose is to develop, measure, evaluate, or otherwise advance the state of knowledge in a particular area." 28 C.F.R. 22.2(c).

### **Research and Protection of Human Subjects**

Research involving human subjects is outside the scope of most OVW grant programs. The Department of Justice's Office of Justice Programs (OJP) has developed a "[decision tree](#)" to assist applicants/grantees in determining whether an activity they plan to undertake with federal funds constitutes research involving human subjects. If research involving human subjects is involved, DOJ regulations as described below are applicable. Applicants must use this decision-tree to ensure that their proposed activities can be supported with OVW funding. See also related "[Confidentiality and Privacy Protections](#)" above.

DOJ regulations (28 C.F.R. Part 46) protect the human subjects of federally-funded research. In brief, these regulations require that most research involving human subjects that is conducted or supported by a federal department or agency be reviewed and approved by an Institutional Review Board (IRB), in accordance with the regulations, before federal funds are expended for that research. As a rule, persons who participate in federally-funded research must provide their "informed consent" and must be permitted to terminate their participation at any time. For additional information on this topic, please see <http://www.nij.gov/funding/humansubjects/pages/welcome.aspx>.

Note that "research" does not include program assessments conducted only for internal improvement purposes. If an OVW program solicitation asks for a more comprehensive program evaluation or other type of activity that constitutes research implicating human subject research and confidentiality/privacy protections, the solicitation will so state.

### **Anti-Lobbying Act**

In 2002, the Anti-Lobbying Act (18 U.S.C. § 1913) was amended to expand significantly the restriction on use of appropriated funding for lobbying. This expansion also makes the anti-lobbying restrictions enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity. This statute, along with the Violence Against Women Act (VAWA), as amended (34 U.S.C. § 12291(b)(10)), prohibits the use of federal funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government

However, pursuant to 34 U.S.C. § 12291(b)(3), OVW grantees and subgrantees may 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 otherwise authorized under the applicable grant program.

In addition, some OVW program statutes contain purpose areas for developing and promoting legislation and policies that promote best practices for responding to domestic violence, dating violence, sexual assault, and stalking.

Another federal law (31 U.S.C. § 1352) generally prohibits federal funds awarded by OVW from being used to pay any person to influence (or attempt to influence) a federal agency, a member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OVW for guidance, and may not proceed without the express prior written approval of OVW.

## Reporting Requirements

For fiscal years beginning on or after December 26, 2014, any non-federal entity that expends \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of 2 C.F.R. Part 200, Subpart F- Audit Requirements. This audit report must be submitted to the **Federal Audit Clearinghouse** within nine months after the close of the fiscal year during the term of the award.

### OVW Reporting Requirements

Grantees must comply with the following OVW reporting requirements:

1. Federal Financial Report (SF-425)

OVW grantees are required to file a Federal Financial Report (FFR) quarterly via the FFR module in the web-based Grants Management System (GMS). OVW grantees are required to designate and approve at least one Financial Point of Contact (FPOC) in GMS before they can file the FFR. An FPOC must be registered and approved by the Grant Point of Contact through GMS at <https://grants.ojp.usdoj.gov/>.

The FFR is used to track actual expenditures and unliquidated obligations and is due no later than 30 days after the calendar quarter ends. The final FFR is due 90 days after the grant end date. Grantees are encouraged to submit the FFR as soon as the quarter ends to avoid delays in processing and access to grant funds.

The schedule for submitting Federal Financial Reports is as follows:

<b>Reporting quarter:</b>	<b>Due no later than:</b>
January 1–March 31	April 30
April 1–June 30	July 30
July 1–September 30	October 30

October 1–December 31	January 30
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## 2. Progress Reports

Under the Government Performance and Results Act (GRPA) and Violence Against Women Act (VAWA) of 2000, grantees are required to collect and maintain data that measure the effectiveness of their grant-funded activities.

Each grant program's progress reporting form reflects the different statutorily authorized activities that grantees perform and collects uniform information on victims served, demographics, and common activities that occur across grant programs. These progress report forms provide OVW with comprehensive data regarding grantee activities and are used for Congressional reporting, OVW's outreach strategy, and other performance-related data reporting.

OVW grantees are required to submit semi-annual or annual progress reports through the Grants Management System (GMS). If selected for funding, the applicant will have a special condition on the award requiring the submission of these progress reports. For information on progress reporting and sample reporting forms, please visit the VAWA Measuring Effectiveness Initiative website: <http://muskie.usm.maine.edu/vawamei/index.htm>.

If either a Federal Financial Report or Progress Report is late, GMS will automatically place a hold on grant funds. GMS will generate a GAN informing the grant recipients that the funds have been placed on hold. Once the delinquent report has been submitted, GMS will automatically generate a GAN releasing the hold. Delinquent reports may affect future awards and may lead to suspension and/or termination of the award.

### **National Environmental Policy Act**

All OVW awards are subject to the National Environmental Policy Act (NEPA) and other related federal laws, if applicable. 42 U.S.C. § 4321 et seq. DOJ has established procedures to implement NEPA. See 28 C.F.R. Part 61. 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. Under the regulations, DOJ, among other things, is required to "consider from the earliest possible point in the process all relevant environmental documents in evaluating proposals for Department action." 28 C.F.R. Section 61.6.

OVW has responsibility to ensure compliance with NEPA and 28 C.F.R. Part 61, including Appendix D to Part 61. For many projects that are funded by OVW, NEPA may have no applicability. However, if OVW 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 OVW. Prior to allowing a recipient to spend OVW funds for such a project, OVW must make a finding that the project does not significantly affect the human environment and that further environmental assessment is not necessary.

### **Non-Supplanting of State and Local Funds**

Grantees must use federal funds to supplement existing funds for program activities and may not replace (supplant) nonfederal funds that they have appropriated for the same purpose.

Potential supplanting will be the subject of monitoring and an audit. Violations can result in a range of penalties, including suspension of current and future OVW funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

### **Remedies for Noncompliance or for Materially False Statements**

The conditions of an OVW award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of a recipient that relate to conduct during the period of performance is a material requirement of the award.

Failure to comply with any one or more of the award requirements – whether a condition set out in full or incorporated by reference in the award document or a certification or assurance related to conduct during the award period – may result in OVW taking appropriate action with respect to the recipient and the award. Among other things, OVW may withhold award funds, disallow costs, or suspend or terminate the award. OVW also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to an OVW award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812).

### **Reporting Potential Fraud, Waste, Abuse and Similar Misconduct**

The Office of the Inspector General (OIG) conducts independent investigations, audits, inspections, and special reviews of U.S. Department of Justice personnel and programs to detect and deter waste, fraud, abuse, and misconduct, and to promote integrity, economy, efficiency, and effectiveness in U.S. Department of Justice operations. Grantees should report potential fraud, waste, abuse, or misconduct to the U.S. Department of Justice, Office of the Inspector General (OIG) by contacting:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division

1425 New York Avenue, N.W.  
Suite 7100  
Washington, DC 20530  
Hotline (contact information in English and Spanish): (800) 869-4499  
(phone) or (202) 616-9881 (fax)

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

### **Suspension or Termination of Funding**

OVW may suspend funding in whole or in part, terminate funding, or impose other sanctions on a recipient for the following reasons:

1. Failing to comply substantially with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation.
2. Failing to make satisfactory progress toward the goals, objectives, or strategies set forth in the application.
3. Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
4. Failing to submit required financial or progress reports.
5. Filing a false certification in the application or other report or document.

Before imposing sanctions, OVW will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Hearing and appeal procedures will follow those in DOJ regulations in 28 C.F.R. Part 18.

### **Rights in Intellectual Property**

DOJ reserves certain rights with respect to data, patentable inventions, works subject to copyright, and other intellectual property associated with an award of federal funds. See 2 C.F.R. 200.315 and 37 C.F.R. Part 401.

### **Federal Funding Accountability and Transparency Act of 2006 (FFATA)**

Applicants receiving an OVW award should be aware of the requirements of the Federal Funding Accountability and Transparency Act of 2006 (FFATA), which called for the establishment of a single searchable website <http://www.USASpending.gov> that is accessible by the public and includes the following information for each Federal award:

1. The name of the entity receiving the award;
2. The amount of the award;
3. Information on the award including the transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action;
4. The location of the entity receiving the award and primary location of performance under the award, including the city, state, congressional district, and country;
5. A unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; and
6. Any other relevant information specified by OMB.

DOJ awarding agencies are responsible for collecting grantee information and providing it to the public website, using data provided by recipients through the Grants Management System. For more information, visit the [USASpending.gov](http://USASpending.gov) website.

Under FFATA, all recipients of awards of \$25,000 or more are required to report award information on any first-tier subawards totaling \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. The FFATA Subaward Reporting System (FSRS), accessible via the Internet at [www.fsr.gov](http://www.fsr.gov), is the reporting tool recipients will use to capture and report subaward information and any executive compensation data required by FFATA. The subaward information entered in FSRS will then be displayed on [www.USASpending.gov](http://www.USASpending.gov) and associated with the prime award, furthering federal spending transparency. Each applicant entity must ensure that it has the necessary

processes and systems in place to comply with these reporting requirements should it receive funding.

For additional information regarding the executive compensation and subaward reporting requirements, go to the OVW website at <https://www.justice.gov/ovw/award-conditions> and click on “Award Condition: Reporting Subawards and Executive Compensation,” or see Vol. 75, No. 177 (September 14, 2010) of the Federal Register, [www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf](http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf).

### **Federal Award Performance and Integrity Information System (FAPIS) Requirements**

Recipients that have a total value of current active grants, cooperative agreements, and procurement contracts from all federal awarding agencies that exceeds \$10,000,000 for any period of time during the period of performance of their OVW award must maintain the currency of information about civil, criminal, or administrative proceedings reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIS)).

FAPIS reporting requires recipients to comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either their OVW award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OVW awards are required to report information about such proceedings, through SAM, to the designated federal integrity and performance system (currently, “FAPIS”). The details of the recipient obligations regarding this requirement are available on the OVW website at <https://www.justice.gov/ovw/award-conditions> in the document titled “Award Condition: Recipient Integrity and Performance Matters, including recipient reporting to FAPIS.” OVW includes a special condition regarding this requirement on all awards where the cumulative amount of the award will exceed \$500,000.

### **Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement**

A prospective recipient of an award in excess of \$5,000,000 may be required to submit a detailed certification concerning filing of federal tax returns, criminal convictions under the Internal Revenue Code, and unpaid federal tax assessments.

### **Prohibited Conduct by Recipients and Subrecipients Related to Trafficking in Persons**

A recipient of an OVW award, and any subrecipients at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients, or individuals defined as “employees” of the recipient or of any subrecipient. The details of these obligations, including reporting requirements, OVW’s authority to terminate the award, and the definition of “employee,” are available on OVW’s website at <https://www.justice.gov/ovw/award-conditions> in the document titled “Award Condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons.”

### **Whistleblower Protections for Employees of OVW Recipients**



Recipients of OVW grants and cooperative agreements must comply with, and are subject to, all applicable provisions of 41 U.S.C. § 4712, including all applicable 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.

Recipients also 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.

### **General Appropriations Law Restrictions**

The federal appropriations statutes that provide (among many other things) the funds that OVW awards in its grants and cooperative agreements include various restrictions on how the appropriated funds may be used. These restrictions, which often appear in sets of "General Provisions," typically do not relate to a particular program, or even to a particular agency such as OVW. Rather, they are wide-ranging, "cross-cutting" restrictions. For more information on the general appropriations-law restrictions applicable to OVW awards each fiscal year, go to <https://www.justice.gov/ovw/award-conditions> and click on "Award Condition: General appropriations-law restrictions on use of federal award funds" under each fiscal year.

### **Subrecipient and Contractor Determinations Under OVW Awards**

Under 2 C.F.R. § 200.330, recipients of OVW grants and cooperative agreements must make case-by-case determinations whether each agreement they make for the disbursement of federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. The substance of the relationship between the two parties is more important than the form of the agreement in classifying each agreement as a subaward or a procurement contract. The characteristics of each type of relationship are set forth in section 200.330, and the determination is important because the requirements for subawards and procurement contracts are different. Recipients should incorporate into their internal procedures a documented process for making the subrecipient versus contractor determination and maintain documentation of the decision-making process in each case in their internal files.

A subaward is for the purpose of carrying out a portion of the federal award, and the subrecipient is typically responsible for adhering to applicable program requirements and for fulfilling a program purpose, as opposed to providing goods or services for the benefit of the direct recipient. Partners with which the recipient has entered into a memorandum of understanding to carry out the funded project are generally considered subrecipients because of their role in meeting program objectives, participating in programmatic decision-making, and in some cases determining who is eligible to receive assistance or services with program funds. See 2 C.F.R. § 200.330(a). The agreement for disbursement of funds to the subrecipient must be clearly identified as a subaward and include the information required in 2 C.F.R. § 200.331(a). The recipient must evaluate the subrecipient's risk of noncompliance with federal statutes, regulations, and award requirements, monitor the activities of the subrecipient, and take all other actions specified in 2 C.F.R. § 200.331(b)-(h).

A contract is for the purpose of obtaining goods and services for the recipient's own use and creates a procurement relationship with the contractor. A contractor provides goods and services within normal business operations, and the goods or services provided are ancillary to the project, rather than fulfilling one of the purposes of the grant program under which the

project is funded. A contractor also provides similar goods and services to many different purchasers, normally operates in a competitive environment, and is generally not subject to the compliance requirements of the federal program as a result of the agreement. See 2 C.F.R. § 200.330(b). In awarding contracts, recipients must follow the procurement standards set forth in 2 C.F.R. §§ 200.317-200.326, including following sole source requirements. Recipients also must include in the contract the applicable provisions described in Appendix II to 2 C.F.R. Part 200.

Other important distinctions between subrecipients and contractors include the following: the procurement standards and sole source requirements in 2 C.F.R. Part 200 do not apply to subawards; instead, the program requirements and conditions in the recipient's award pass down to subrecipients. In addition, contractors may earn a normal profit under agreements with direct OVW recipients, but subrecipients may not earn a profit; subrecipients are reimbursed for their actual costs and not on a fee-for-service basis.

Questions regarding the determination as to whether an agreement is a subaward or a contract may be directed to the recipient's program manager or to OVW's Grants Financial Management Division at [OVW.GFMD@usdoj.gov](mailto:OVW.GFMD@usdoj.gov).