
Residential Substance Abuse Treatment for State Prisoners Program

2022

REQUEST *for* PROPOSAL

State of Indiana
Governor
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Indiana Criminal Justice Institute
Executive Director
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RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS PROGRAM, 2022

REQUEST FOR PROPOSAL

The Indiana Criminal Justice Institute (ICJI) is now accepting applications for the Residential Substance Abuse and Treatment (RSAT) for State Prisoners Program. This grant is being released through IntelliGrants. All applications must be submitted online through this system.

HOW TO APPLY



Applicants must be registered in [IntelliGrants](#) in order to access the electronic application.

[Register](#)

or

[Log in](#)

WHEN TO APPLY



Applications must be submitted via IntelliGrants on or before:

11:59 p.m. ET on February 21, 2022

Applicants are strongly encouraged to submit applications at least 48 hours prior to the deadline.

AWARD PERIOD



May 1, 2022 – April 30, 2024

TECHNICAL ASSISTANCE



For technical assistance with submitting an application, contact the ICJI Helpdesk at CJIHelpDesk@cji.in.gov. ICJI Helpdesk hours are Monday – Friday 8:00 am to 4:30 pm ET, except state holidays.

ICJI is not responsible for technical issues with grant submission within 24 hours of grant deadline.

POINT OF CONTACT



For assistance with any other requirements of this solicitation, please contact: Sam Terry at STerry@cji.in.gov or Leann Jagers at LeJagers@cji.in.gov.

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PROGRAM OVERVIEW

The Residential Substance Abuse Treatment (RSAT) for State Prisoners Program assists states with developing and implementing residential substance abuse treatment programs within state correctional facilities, as well as within local correctional and detention facilities, in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment. The program encourages the establishment and maintenance of drug-free prisons and jails and developing and implementing specialized residential substance abuse treatment programs that identify and provide appropriate treatment to inmates with co-occurring mental health and substance abuse disorders or challenges.

PURPOSE OF THE GRANT

The purpose of the RSAT Program is to assist state, local, and tribal efforts to break the cycle of drug addiction and violence by reducing the demand for, use, and trafficking of illegal drugs. The RSAT Program objectives are to:

- » Enhance the capabilities of states and units of local and tribal governments to provide residential substance abuse treatment for incarcerated inmates;
- » Prepare individuals for their reintegration into communities; and
- » Assist individuals and communities through the reentry process by delivering community-based treatment and other broad-based aftercare services.

PROGRAM AREAS

RSAT funding may be used to implement three types of programs as defined by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA). The eligible program areas include:

1. Residential substance abuse treatment programs;
2. Jail-based programs; and
3. Aftercare services.

Each of the three program areas has specific requirements related to program length, focus, and design. All program types should conduct periodic urinalysis and/or other proven reliable forms of drug and alcohol testing for program participants. Programs are also strongly encouraged to coordinate with the Local Coordinating Council (LCC) in their county. To contact the LCC in your area, please click [here](#). Additional information regarding each program area is included below.

RESIDENTIAL PROGRAMS

- » Last at least 6 months and no more than 12 months.

- » Focus on substance abuse problems of the inmate.
- » Require urinalysis and/or other proven reliable forms of drug and alcohol testing for program participants, including both periodic and random testing, and former participants while they remain in the custody of the state or local government.
- » Provide residential treatment facilities set apart – in a completely separate facility or dedicated housing unit in a facility exclusively for use by RSAT participants – from the general population.
- » Ensure that individuals who participate in the grant-funded substance abuse treatment program will be provided with aftercare services when they leave incarceration.
- » Develop the inmate’s cognitive, behavioral, social, vocational, and other skills to solve the substance abuse and related problems.
- » Coordinate with the federal assistance for substance abuse treatment and aftercare services currently provided by the Department of Health and Human Services’ Substance Abuse and Mental Health Services Administration (SAMHSA).
- » Whenever possible, RSAT residential participation should be limited to inmates with 6 to 12 months remaining in their confinement.

JAIL-BASED PROGRAMS

- » Last at least 3 months.
- » Focus on substance abuse problems of the inmate.
- » Require urinalysis and/or other proven reliable forms of drug and alcohol testing for program participants, including both periodic and random testing, and for former participants while they remain in the custody of the state or local government.
- » Provide residential treatment facilities set apart – in a completely separate facility or dedicated housing unit in a facility exclusively for use by RSAT participants – from the general population.
- » Ensure that individuals who participate in the grant-funded substance abuse treatment program will be provided with aftercare services when they leave incarceration.
- » Develop the inmate’s cognitive, behavioral, social, vocational, and other skills to solve the substance abuse and related problems.
- » Coordinate with the federal assistance for substance abuse treatment and aftercare services currently provided by the Department of Health and Human Services’ Substance Abuse and Mental Health Services Administration (SAMHSA).

AFTERCARE PROGRAMS

- » Aftercare services must involve coordination of the correctional facility treatment program with other human service and rehabilitation programs such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs that may aid in the rehabilitation of individuals in the substance abuse treatment program. In addition, grant recipients should coordinate these activities with any SAMHSA-funded state and/or local programs that address the needs of this target population.
- » To qualify as an aftercare program, the head of the substance abuse treatment program must work in conjunction with state and local authorities and organizations involved in substance abuse treatment to place program participants into community substance abuse treatment facilities upon their release.

ELIGIBILITY REQUIREMENTS

State agencies, units of local government, and units of tribal governments are eligible to apply for RSAT program funding. A local unit of government is defined as: a city, county, town, township, or other political subdivision of a state; any law enforcement district or judicial enforcement district that is established under applicable state law and has authority to, in a manner independent of other state entities, establish a budget and impose taxes; and includes Indian tribes which perform law enforcement functions as determined by the Secretary of the Interior. A city or county jurisdiction must be the recipient on behalf of city and county departments.

Pursuant to 34 U.S.C. 10422(c), in order to be eligible for funding under the RSAT program, grant applicants shall ensure that individuals who participate in the substance abuse treatment program with funding under this grant program be provided with aftercare services.

Additionally, all grant recipients who receive an award from ICJI must agree to:

1. Comply with all provisions of the grant agreement.
2. Comply with all award conditions set forth in the Special Conditions.
3. Submit all program and fiscal reports in the prescribed format and time frames as determined by ICJI.
4. Comply with federal guidelines contained in 2 C.F.R Part 200 and the [DOJ Financial Guide](#).

AWARD PERIOD

The award period for this grant opportunity begins on May 1, 2022, and ends on April 30, 2024. All grant projects must begin on May 1, 2022, and must be in operation no later than 60 days after this date. Failure to have the grant-funded project operational within the time allotted may result in the cancellation of the grant and the de-obligation of all awarded funds.

All projects must conclude, and all funding obligations must be made no later than April 30, 2024. All outstanding expenses must be paid, and the Final Financial Report submitted via IntelliGrants within 30 days of the grant end date. All program activities must be completed by the end of the approved award period.

MATCH REQUIREMENT

Matching or cost sharing means the portion of project costs not paid by federal funds. Match is typically stated as a percentage of the total project costs for an award. **This grant opportunity requires a 25% cash or in-kind services match.**

In order to calculate match funds, please refer to the following formula:

Step 1: Award Amount / % of Federal Share = Total Project Cost

Step 2: Total Project Cost × % of Recipient Share = Required Match

Example: A grant recipient is awarded \$100,000 in federal funding. The match requirement is an 80/20 ratio (federal percentage/recipient percentage).

$$\begin{array}{ll} \$100,000 \div 0.80 = \$125,000 & \text{Federal share} \\ \$125,000 \times 0.20 = \$25,000 & \text{Recipient share (required match)} \end{array}$$

Additionally, matching funds must:

- » Be verifiable from the subgrantee's records;
- » Not included as contributions for any other federal award;
- » Be necessary and reasonable for the accomplishment of the project or program objectives;
- » Be allowable under 2 C.F.R. 200.400;
- » Not be paid by the federal government under another federal award, except where authorized by federal statute;
- » Be included in the subgrantee's approved budget; and
- » Conform to all other provisions of 2 C.F.R. Part 200.

Match is restricted to the same use of funds as allowed for federal funds. If an expenditure is not allowable with federal funds, it is not allowable with match funds. Applicants must identify all sources of the non-federal portion of the total project costs (i.e., match funds), and applicants must explain how the match funds will be used in the budget narrative section of the application within IntelliGrants.

APPLICATION SUBMISSION

Grant applications and all required supporting documentation must be submitted through [IntelliGrants](#) no later than by **11:59 p.m. ET on Monday, February 21, 2022**. Applicants are strongly encouraged to submit applications at least 48 hours prior to the grant application deadline. No late and/or incomplete applications will be considered for funding.

IntelliGrants is an end-to-end solution for the administration of grants. Everything from the grant application, reports, and fiscal drawdowns will occur online within IntelliGrants. Applicants must register in IntelliGrants to apply for funding opportunities. Registration instructions can be found on the ICJI [website](#). It is recommended that subgrantees review IntelliGrants training materials before logging in for the first time. The Training Webinar and Subgrantee User Manual are available on the ICJI website and on the training tab in IntelliGrants.

APPLICATION REVIEW

Pursuant to 2 C.F.R. Part 200, ICJI will review and score all grant applications as part of the competitive application process. Specifically, ICJI will assess:

- » The completeness of the grant application;
- » Whether the grant application is within the purpose areas of the funding;
- » The applicant's eligibility;
- » Whether the grant application, the applicant, and the project are in compliance with all federal and state laws, regulations, and rules;
- » Whether the proposed expenditures set forth in the project budget are allowable and allocable;
- » Any potential conflicts of interest;
- » Whether the applicant has any federal and/or state debt delinquency;
- » The applicant's ability to successfully pass clearance checks from the DOR, DWD, and SOS.
- » Any and all risk associated with granting funds to the applicant;
- » Whether the applicant is debarred or suspended by any federal or state department or agency; and
- » Whether the applicant maintains a current registration in SAM and has an active DUNS number.

Any factor or circumstance which may adversely affect the applicant's ability to successfully complete the grant program must be reported to the State prior to submission of the grant application. Such factors and circumstances include, but are not limited to, federal or state debt; conflicts of interest; federal or state debarments or suspensions; current, pending or outstanding criminal, civil, or enforcement actions initiated by

the State; and whether the applicant has been designated as high risk by any federal or state department or agency. If an applicant has been designated as high risk, it must specifically disclose to the State:

1. The federal or state agency that currently designated the applicant as high risk.
2. Date the applicant was designed high risk.
3. The high-risk point of contact name, phone number, and email address, from the federal or state agency.
4. Reason(s) for the high-risk status.

EVIDENCE-BASED PROGRAMS OR PRACTICES

ICJI strongly emphasizes the use of data and evidence in policymaking and program development in criminal justice, juvenile justice, and crime victim services.

Programs that identify as being evidence-based should provide data related to the program is it seeking to replicate. ICJI considers a program and/or practice to be evidence-based when:

1. The program or practice has been evaluated and the findings published in an academic, peer-reviewed journal(s) (e.g., *Punishment & Society*, *Psychology*, *Crime & Law*, etc.) demonstrating positive results;
2. Effectiveness of the program or practice has been demonstrated by causal evidence (generally obtained through one or more outcome evaluations); or
3. The program or practice can be found on a list or registry of evaluated programs and practices (i.e. [Crime Solutions](#), George Mason University's [Center for Evidence-Based Crime Policy](#), etc.) and is categorized as evidence-based, effective, promising, a model practice, or a best practice.

Applicants should identify the evidence-based practice that will be implemented, identify, and discuss how the evidence-based practice is effective, identify the population(s) that benefit most from the evidence-based practice, and explain why the evidence-based practice is appropriate for the proposed target population(s).

Applicants can find more information related to evidence-based practices in the Substance Abuse and Mental Health Services Administration's (SAMHSA's) *Guide to Evidence-Based Practices* by visiting the following [website](#). Please note that SAMHSA's Guide also references the National Registry of Evidence-Based Programs and Practices (NREPP), a searchable database of interventions for the prevention and treatment of mental and substance abuse disorders. While the NREPP is intended to serve as a decision support tool, it is not considered an authoritative source of effective interventions. Therefore, an intervention being included in NREPP, or in any other resource listed in the Guide, does not mean that it is considered a "recommended" practice or that it is demonstrated to achieve positive results in all circumstances.

Medication-assisted Treatment (MAT) is an evidence-based substance abuse treatment protocol, and BJA supports making it available to individuals under the care and prescription of a physician.

SELECTION PROCESS AND AWARD NOTIFICATION

ICJI staff will conduct an initial screening of the applicant's grant application to check for completeness. During its review, ICJI staff conducts a risk assessment of all applicants where the proposed applications are scored and presented to the Drug and Crime Subcommittee of the ICJI Board of Trustees for consideration. Incomplete applications will not be scored or considered for funding. The Board subcommittee will make recommendations regarding funding for all grant applications and then present their recommendations to the ICJI Board of Trustees.

ALLOWABLE COSTS

Allowable costs are those costs consistent with the principles set out in the Uniform Guidance 2 C.F.R. § 200, Subpart E, and those permitted by the grant program's authorizing legislation (34 U.S.C. § 10421 et. seq). Any questions about allowable costs should be directed to ICJI *prior to application submission*.

All equipment purchased with grant funding must be purchased, installed, and in operation by the end of the grant period. If grant-funded equipment is not installed and/or operational by the end of the grant period, the subgrantee may be denied reimbursement for the equipment expenses. ICJI will not approve grant extension requests for this purpose and the subgrantee will be required to de-obligate all equipment funding.

CONTRACTORS & CONSULTANTS

When a subgrantee contracts for work or services, the subgrantee must:

1. Follow all Indiana procurement procedures located [here](#).
2. Ensure that all consultant and contractual services include written contracts stating the services to be performed, rate of compensation, and length of time over which the services will be provided (which shall not exceed the length of the grant period).
3. Upload copies of all written contracts in IntelliGrants upon their ratification.
4. Ensure that claims for reimbursement/payments are supported by statements outlining the services rendered and the relevant time period.

Any consultant costs exceeding those allowable by the OJP Financial Guide (maximum of \$81.25 per hour or \$650 per day) must be approved by ICJI prior to the start of the grant. Applicants must provide an explanation and documentation of costs exceeding the allowable rates.

UNALLOWABLE COSTS

RSAT funds shall not be used for the following costs:

1. New construction;
2. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plan, a wetland, or habitat for an endangered species;
3. A renovation that will change the basic prior use of the facility or significantly change its size;
4. Research and technology whose anticipated and future application could be expected to have an effect on the environment; and
5. Land acquisition.

SUPPLANTING PROHIBITED

Federal funds must be used to supplement existing state or local funds for program activities and may not replace state or local funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not replace state or local funding that is required by law. If a question of supplanting arises, the applicant or subgrantee will be required to substantiate that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

REPORTING REQUIREMENTS

Reporting shall be completed on a quarterly basis in IntelliGrants. Additionally, subgrantees are required to submit quarterly programmatic reports via the Bureau of Justice Assistance's Performance Measurement Tool (PMT). Additional information and assistance on the updated measures may be found at the [BJA PMT website](#). Failure to submit any report in a timely fashion may be considered a material breach, at the discretion of the State. For more information related to grant reporting requirements, please refer to [2 C.F.R.](#) and [28 C.F.R.](#)

When submitting claims for reimbursement, supporting documentation must be included for each allowable expense in order to demonstrate and verify proof of payment and the details of the expense. For additional details regarding ICJI's documentation policies, please visit our [website](#).

AUDIT REQUIREMENTS

Pursuant to 2 C.F.R. Part 200, specifically, § 200.500 *et.seq*, recipients of federal funds are subject to annual audit requirements.

1. *Audit required:* A 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 this part.

2. *Single audit:* A non-federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.
3. *Program-specific audit election:* When an entity expends Federal awards under only one Federal program (excluding research and development) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the entity, the entity may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for research and development unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.
4. *Exemption when federal awards expended are less than \$750,000:* A non-federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).
5. *Federally Funded Research and Development Centers (FFRDC):* Management of an entity that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.
6. *Subrecipients and Contractors:* An entity may simultaneously be a recipient, a subrecipient, and a contractor. Federal awards expended as a recipient or a subrecipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section §200.330 Subrecipient and contractor determinations sets forth the considerations in determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor.
7. *Compliance responsibility for contractors:* In most cases, the entity's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the entity is responsible for ensuring compliance for procurement transactions, which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions are in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.
8. *For-profit subrecipient:* Since this part does not apply to for-profit subrecipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient must describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-profit subrecipients may include pre-award audits, monitoring during the agreement, and post-award audits. See also §200.331 Requirements for pass-through entities.

MONITORING

2 C.F.R. Part 200 sets forth monitoring requirements whereby the State must establish and carry out a process of assessing the progress of projects and programs that are funded, in whole or in part, by federal funds. This monitoring function measures both financial and programmatic progress. It also provides an opportunity for technical assistance to the Applicant, measures compliance, builds partnerships for success, and provides results-based feedback to the Applicant. The State will monitor all grant awards via an ICJI Program Manager and/or ICJI Compliance Monitoring Team. As part of the monitoring process, the ICJI Program Manager will review all reports submitted by the Grantee for accuracy, timeliness, completeness, etc. The State will conduct on-site or off-site monitoring reviews of the Project during the term of the grant agreement and for up to three (3) years after it expires or is otherwise terminated. At the request of the State, any and all documentation related to the grant shall be provided at no cost. If the Applicant fails to cooperate with the State's monitoring process, the State may consider such non-cooperation as a material breach.

Delinquent, inaccurate, incomplete, or fraudulent reports will be addressed by ICJI. ICJI's remedies include, but are not limited to, identifying the Grantee as high risk, de-obligated funding, disqualification from future funding, and referral to the federal Office of Inspector General. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the State determines that the recipient is a high-risk Applicant or Grantee pursuant to 28 C.F.R. parts 66, 70.

APPENDIX A – APPLICABLE LAW AND MANDATORY REQUIREMENTS

GENERAL

This award is governed by 2 C.F.R. Part 200 and the current version of the U.S. Department of Justice (DOJ) Grants Financial Guide. All subgrantees must adhere to all provisions set forth in federal and state statute, regulation, or rule. Failure to abide by the federal and state requirements may, at the discretion of the State, be considered to be a material breach. The consequences of a material breach include, but are not limited, to:

- » The subgrantee becoming ineligible for this grant funding opportunity;
- » Requiring repayment of any grant funds already received;
- » The de-obligation of grant funds; and
- » The material breach becoming a factor in the scoring process for future grant applications.

Furthermore, the subgrantees may not obligate, expend, or draw down grant funds until the Federal Office of the Chief Financial Officer notifies the State that the grant has been awarded to Indiana. The State shall not reimburse an Applicant for expenditures outside the grant period of performance.

Pursuant to 2 C.F.R. Part 200, all subgrantees are required to establish and maintain systems of internal controls and grant accounting practices and financial records to accurately account for funds awarded to them.

The subgrantee understands and agrees that it cannot use federal funds from different funding sources for one or more of the identical cost items, in whole or in part. If this scenario presents itself, the Applicant must contact the ICJI program manager in writing and refrain from the expenditure, obligation, or draw down of any federal funds awarded from ICJI concerning the identical cost items.

CIVIL RIGHTS LAWS AND REQUIREMENTS

Recipients of federal grants are required to adhere to all federal and state laws concerning civil rights including, but not limited to, the laws set forth below.

- » *Nondiscrimination*: Pursuant to the Indiana Civil Rights Law, specifically including IC §22-9-1-10, and in keeping with the purposes of the federal Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, the Applicant covenants that it shall not discriminate against any employee or applicant for employment relating to this grant with respect to the hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of the employee or applicant's race, color, national origin, religion, sex, age, disability, ancestry, status as a veteran, or any other characteristic protected by federal, state, or local law ("Protected Characteristics"). Furthermore, the subgrantee certifies compliance with applicable federal laws, regulations, and executive orders prohibiting discrimination based on the Protected Characteristics in the provision of services.

The subgrantee covenants that it shall not discriminate against any individual based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity as outlined in the Violence Against Women Act Reauthorization Act of 2013.

The subgrantee understands that the State is a recipient of federal funds, and therefore, where applicable, the subgrantee and any subcontractors shall comply with requisite affirmative action requirements, including reporting, pursuant to 41 C.F.R. Chapter 60, as amended, and Section 202 of Executive Order 11246 as amended by Executive Order 13672.

- » *Services to Limited English Proficiency (LEP) Individuals:* In accordance with Department of Justice (DOJ) guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41, 455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see this [website](#).
- » *Ensuring Equal Treatment for Faith-Based Organizations:* Faith-based organizations are prohibited from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by this grant, and recipients cannot compel beneficiaries to participate in these activities. The Equal Treatment Regulation also makes it clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of the beneficiary's religion. For more information on the regulation, please see the Office of Civil Rights (OCR) [website](#).

Faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and the Violence Against Women Act Reauthorization Act of 2013, Pub. L. no. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funding while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

- » *Using Arrest and Conviction Records in Making Employment Decisions:* The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available [here](#). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the advisory, recipients

should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Opportunity Plans (EEOs).

- » *Complying with the Safe Streets Act:* An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt.42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c),.205(c)(5)).
- » *Meeting the EEO Requirement:* If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEO requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online [here](#).

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEO Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form is available [here](#).

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEO Short Form) and submit it to OCR for review within sixty days from the date of the award. For assistance in developing a Utilization Report, please consult the OCR's [website](#). In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available [here](#).

To comply with the EEO requirements, you may request technical assistance from an EEO specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at EEOsubmission@usdoj.gov.

- » *Ensuring Access to Federally Assisted Programs:* Federal laws that apply to recipients of federal grant awards prohibit discrimination on the basis of actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity in funded programs or activities, not only in employment but also in the delivery of services or benefits. Federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.
- » *Enforcing Civil Rights Laws:* All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

- » *Meeting the Requirement to Submit Findings of Discrimination:* If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to OCR. A copy must also be sent to the State.

STATE LAWS AND REQUIREMENTS

Recipients of grant funds from the State are required to adhere to all state laws concerning the receipt and use of grant funds from federal and state funding sources. Those laws include, but are not limited to, the laws set forth below.

- » *State Ethical Requirements:* The subgrantee and its agents shall abide by all ethical requirements that apply to persons who have a business relationship with the State as set forth in IC §4-2-6, *et seq.*, IC §4-2-7, *et seq.* and the regulations promulgated thereunder. If the subgrantee has knowledge, or would have acquired knowledge with reasonable inquiry, that a state officer, employee, or special state appointee, as those terms are defined in IC § 4-2-6-1, has a financial interest in the grant, the subgrantee shall ensure compliance with the disclosure requirements in IC § 4-2-6-10.5 prior to the execution of this grant. If the subgrantee is not familiar with these ethical requirements, the subgrantee should refer any questions to the Indiana State Ethics Commission or visit the Inspector General's [website](#). If the subgrantee or its agents violate any applicable ethical standards, the State may, in its sole discretion, terminate this grant immediately upon notice to the subgrantee. In addition, the subgrantee may be subject to penalties under IC §§4-2-6, 4-2-7, 35-44.1-1-4, and under any other applicable laws.
- » *Indiana Secretary of State:* Pursuant to Indiana Code Title 23, the subgrantee must be properly registered and owes no outstanding reports to the Indiana Secretary of State.
- » *Telephone Solicitation of Consumers; Automatic Dialing Solicitations:* As required by Indiana Code §5-22-3-7, (1) the subgrantee and any principals of the subgrantee certify that (A) except for de minimis and nonsystematic violations, it has not violated the terms of:
 - (i) IC §24-4.7 [Telephone Solicitation Of Consumers];
 - (ii) IC §24-5-12 [Telephone Solicitations]; or
 - (iii) IC §24-5-14 [Regulation of Automatic Dialing Machines];in the previous three hundred sixty-five (365) days, even if IC § 24-4.7 is preempted by federal law; and (B) the subgrantee will not violate the terms of IC §24-4.7 for the duration of this Grant Agreement, even if IC §24-4.7 is preempted by federal law.

(2) The subgrantee and any principals of the subgrantee certify that an affiliate or principal of the subgrantee and any agent acting on behalf of the subgrantee or on behalf of an affiliate or principal of the subgrantee, except for de minimis and nonsystematic violations,
 - (A) has not violated the terms of IC §24-4.7 in the previous three hundred sixty-five (365) days, even if IC §24-4.7 is preempted by federal law; and
 - (B) will not violate the terms of IC §24-4.7 for the duration of the grant agreement even if IC §24-4.7 is preempted by federal law.
- » *Drug-Free Workplace Certification:* The subgrantee hereby covenants and agrees to make a good faith effort to provide and maintain a drug-free workplace as required by Executive Order 90-5, April 12, 1990. Executive Order 90-5 applies to all individuals and private legal entities who receive grants or

contracts from State agencies. This clause was modified in 2005 to apply only to Contractor's employees within the State of Indiana and cannot be further modified, altered or changed. The subgrantee will give written notice to the State within ten (10) days after receiving actual notice that the subgrantee, or an employee of the subgrantee in the State of Indiana, has been convicted of a criminal drug violation occurring in the workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of grant payments, termination of the grant and/or debarment of grant opportunities with the State of Indiana for up to three (3) years.

In addition to the provisions of the above paragraphs, if the total amount set forth in this Grant Agreement is in excess of \$25,000.00, the subgrantee certifies and agrees that it will provide a drug-free workplace by:

- A. Publishing and providing to all of its employees a statement notifying them that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violations of such prohibition; and
 - B. Establishing a drug-free awareness program to inform its employees of (1) the dangers of drug abuse in the workplace; (2) the subgrantee's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon an employee for drug abuse violations occurring in the workplace; and
 - C. Notifying all employees in the statement required by subparagraph (A) above that as a condition of continued employment the employee will (1) abide by the terms of the statement; and (2) notify the subgrantee of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction; and
 - D. Notifying in writing the State within ten (10) days after receiving notice from an employee under subdivision (C)(2) above, or otherwise receiving actual notice of such conviction; and
 - E. Within thirty (30) days after receiving notice under subdivision (C)(2) above of a conviction, imposing the following sanctions or remedial measures on any employee who is convicted of drug abuse violations occurring in the workplace: (1) take appropriate personnel action against the employee, up to and including termination; or (2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; and
 - F. Making a good faith effort to maintain a drug-free workplace through the implementation of subparagraphs (A) through (E) above.
- » *Employment Eligibility Verification:* As required by IC §22-5-1.7, the subgrantee hereby swears or affirms under the penalties of perjury that:
- A. The subgrantee has enrolled and is participating in the E-Verify program;
 - B. The subgrantee has provided documentation to the State that it has enrolled and is participating in the E-Verify program;

- C. The subgrantee does not knowingly employ an unauthorized alien; and
- D. The subgrantee shall require its contractors who perform work under this Grant Agreement to certify to the subgrantee that the contractor does not knowingly employ or contract with an unauthorized alien and that the contractor has enrolled and is participating in the E-Verify program. The subgrantee shall maintain this certification throughout the duration of the term of a contract with a contractor.

The State may terminate for default if the subgrantee fails to cure a breach of this provision no later than thirty (30) days after being notified by the State.

- » *ICJI Policies and Requirements:* Recipients of grant funds from ICJI are required to adhere to all ICJI policies, procedures, and guidelines concerning the receipt and use of grant funds from both federal and state funding sources, including those directives, policies, and guidelines found on ICJI's [website](#).



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