



**STATE OF INDIANA**



Eric J. Holcomb, Governor  
Devon McDonald, Executive Director

## **2020-2021 Family Violence Prevention and Services Act**

### **Request for Proposals**

The Indiana Criminal Justice Institute (ICJI) is now accepting applications for the 2020-2021 Family Violence Prevention and Services Act (FVPSA). This grant is being released through the IntelliGrants System. All applications must be submitted online through this system. Late or incomplete applications will not be accepted.

**Applicants must be registered in IntelliGrants in order to access the electronic application.**

Applications must be submitted via IntelliGrants on or before

**11:59 P.M. (ET) on Wednesday, April 1<sup>st</sup>, 2020**

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

**Award Period: October 1, 2020 – September 30, 2021**

Grants cannot be processed until ICJI receives its Federal Award Letter, which more than likely will be delayed pending the passage of the federal budget. Please be aware of this as you are writing your proposal.

For technical assistance with submitting an application, contact the ICJI Helpdesk at [CJIHelpDesk@cji.in.gov](mailto: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 48 hours of grant deadline.*

**This solicitation is subject to change pending release of the federal application that ICJI is required to complete each year.**

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## Overview

The Family Violence Prevention and Services Act (FVPSA) authorizes the FVPSA grant program, which is governed by the Department of Health and Human Services (HHS) Administration on Children, Youth and Families (ACYF)/Family and Youth Services Bureau (FYSB). The purposes of grants awarded through this program are to: 1) assist states in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence; and 2) assist states in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents (42 U.S.C. § 10401(b)(1)-(2)).

## Program Scope

Activities supported by this program are determined by statute, federal regulations, and ICJI policies. If an applicant receives an award, the funded project is bound by the provisions of this solicitation. All grants from ICJI Victim Services are reimbursement grants. Verification of expenses along with verification of payment of expenses must be provided to ICJI on a monthly or quarterly basis prior to reimbursement of expenses.

## Eligibility

An entity may apply, but will not be eligible for a grant until the entity has prequalified through a series of threshold requirements including:

1. **DUNS Number:** To enable state agencies that receive federal awards to report this information, subgrantees (i.e. subrecipients) are required to obtain and report a DUNS number. A DUNS number is obtained through Dun & Bradstreet (D&B) and is a unique nine digit identification number that is assigned for FREE for all businesses required to register with the U.S. Federal government for contracts or grants. A DUNS number is required for this grant and is reported in *Project Information* section of the application. For more information and/or to obtain a DUNS number, go to the following website: <http://fedgov.dnb.com/webform>.
2. **System for Award Management (SAM) Registration:** To enable ICJI to report subawards in a timely manner, subrecipients are also required to register with the System for Award Management (SAM). SAM is a federally owned and operated free website, and it will be used to populate the information needed to report subaward information. In order to register, you must have a DUNS number. Registration can be done at <https://sam.gov/SAM/>.
3. **Review of agency's good standing with Indiana Department of Revenue (DOR), Indiana Department of Workforce Development (DWD) and Secretary of State (SOS).**

### Eligible Entity Types

Local public agency, or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations) that

assist victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, or dating violence.

#### Required Allocations

- Not less than 70% of the funds allocated must be to programs whose primary purpose is to provide immediate shelter and supportive services to adult and youth victims (residential programs).
- Not less than 25% of the funds allocated must be to programs whose primary purpose is to provide supportive services and prevention services (non-residential programs).

### **Funding Availability**

Amount of funding available will be determined by the ICJI award after completion of the federal application to be completed in 2020. Estimate 35-40 awards in the amount of \$10,000 to \$100,000.

### **Application Submission**

Completed applications and all required documentation are to be submitted through IntelliGrants no later than 11:59 pm (ET) on April 1<sup>st</sup>, 2020. Please note that original signatures are not required due to online submission of the grant application.

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 in order to apply for funding opportunities. Instructions can be found on the ICJI website at <https://www.in.gov/cji>.

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. ICJI is not responsible for applicants who fail to submit a timely application due to technical difficulties that occur within 48 hours of the deadline.

### **Award Period**

The award period for this grant shall be October 1, 2020 – September 31, 2021. Projects should begin on October 1, 2020 and must be in operation no later than 60 days after this date. Failure to have the funded project operational within 60 days from October 1, 2020 will result in the cancellation of the grant and the de-obligation of all awarded funds. Projects must conclude no later than September 31, 2021. Funding obligations must be made prior to September 31, 2021, all outstanding expenses must be paid and the Final Fiscal Report submitted via IntelliGrants within 30 day from September 31, 2021 (grant end date). Late Fiscal and Programmatic Reports will not be accepted.

### **Purpose Areas**

Pursuant to 42 U.S.C. § 10408(a) and 42 U.S.C. § 10408(b)(1)(A)), funds under this program must be used to prevent incidents of family violence, domestic violence, and dating violence by providing immediate

shelter and supportive services; and that may include paying for the operating and administrative expenses of the facilities for a shelter, for adult and youth victims of family violence, domestic violence, or dating violence, and their dependents; and that may be used to provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence. The services include but are not limited to:

- Provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter (42 U.S.C. § 10408(b)(1)(A));
- Assistance in developing safety plans and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being (42 U.S.C. § 10408(b)(1)(B));
- Provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence (42 U.S.C. § 10408(b)(1)(C));
- Provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence, and increase the accessibility of family violence, domestic violence, and dating violence services (42 U.S.C. § 10408(b)(1)(D));
- Provision of culturally and linguistically appropriate services (42 U.S.C. § 10408(b)(1)(E));
- Provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the non-abusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the non-abusing parent and child together (42 U.S.C. § 10408(b)(1)(F));
- Provision of advocacy, case management services, and information and referral services concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including: 1) assistance in accessing related federal and state financial assistance programs; 2) legal advocacy to assist victims and their dependents; 3) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), which does not include reimbursement for any health care services; 4) assistance locating and securing safe and affordable permanent housing and homelessness prevention services; 5) provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and 6) parenting and other educational services for victims and their dependents (42 U.S.C. § 10408(b)(1)(G)); and
- Provision of prevention services, including outreach to underserved populations (42 U.S.C. § 10408(b)(1)(H));

## Allowable Activities

- **Prevention** services such as outreach, parenting, employment training, educational services, promotion of good nutrition, disease prevention, and substance abuse prevention;
- **Counseling** with respect to family violence, counseling or other supportive services provided by peers, either individually or in groups, and referral to community social services;
- **Safety plan** development and supporting the efforts of victims to make decisions related to their ongoing safety and well-being;
- **Culturally and linguistically** appropriate services such as interpreters, having documents translated into other languages;
- **Transportation**;
- **Technical assistance** with respect to obtaining financial assistance under Federal and State programs;
- **Housing advocacy** to assist in locating and securing safe and affordable permanent housing and homeless prevention services;
- **Medical advocacy** including referrals for health-care services (including mental health and alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;
- **Legal advocacy** to provide victims with information and assistance through the civil and criminal courts, and legal assistance;
- **Children's counseling** and support services, and child care services for children who are victims of family violence of the dependents of such victims, and children who witness domestic violence.

## Priority Areas

Pursuant to 42 U.S.C. § 10407(b)(2), the state will give special emphasis to the support of community-based projects of demonstrated effectiveness that are carried out by nonprofit private organizations and that have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents; or provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents.

## Statewide STOP Implementation Plan 2017-2020

Every four years, Indiana submits a thorough, strategic, and collaborative implementation plan to address violence against women for the STOP Grant Program. Indiana's STOP Implementation Plan for 2017 through 2020 includes the following goals relevant to projects funded under this award:



Goal 1: Reduce domestic violence related homicides by 10% in the State of Indiana over the four-year plan period

Goal 2: Reach out and increase funding to programs that serve underserved populations\*,

i.e. Hispanic/Latino, immigrant, Deaf/hard hearing, LGBTQ, and elderly victims.

**\*Underserved Populations**

The term “underserved populations” means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate. See 42 U.S.C. § 13925(a)(39).

## **Program Requirements**

### Confidentiality

In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, FVPSA-funded programs must establish and implement policies and protocols for maintaining the confidentiality of records pertaining to any individual provided domestic violence services. Subgrantees may not disclose, reveal, or release 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.

Personally identifying information includes information such as an individual’s name, address, other contact information, and social security number, but it also can include information such as an individual’s race, birth date, or number of children if, in the particular circumstances, that information would identify the individual.

FVPSA-funded programs cannot disclose any personally identifying information (PII) collected in connection with services; reveal PII without informed, written, reasonably time-limited consent; or require a victim to provide consent as a condition of eligibility for services (45 CFR § 1370.4(a)(1 – 3)). Additionally, consent to release PII shall be given by an unemancipated minor and the minor’s parent or guardian, or in the case of an individual with a guardian, it shall be given by the individual’s guardian (45 CFR § 1370.4 (b)).

### Trauma-Informed Practices and Interventions

Effective interventions and trauma-informed practice need to be in place to build skills and capacities that contribute to the healthy, positive, and productive functioning of individuals and families. An important component of promoting social and emotional well-being includes addressing the impact of trauma, which can have a profound effect on the overall functioning of victims of family violence, domestic violence, dating violence and their dependents.

## Accessibility

To comply with federal law, services must be widely accessible to all victims of family violence, domestic violence and dating violence, and their dependents. Grantees must not discriminate on the basis of age, sex, disability, race, color, national origin, or religion (42 U.S.C. § 10406(c)(2)).

- **Sex or Gender Identity-** No person shall, on the ground of actual or perceived sex, including gender identity, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part through FVPSA (45 CFR § 1370.5(a)). FVPSA grantees and subgrantees must provide comparable services to victims regardless of actual or perceived sex, including gender identity. This includes providing access to services for all victims, including male victims of family, domestic, and dating violence and not limiting services for victims with adolescent children (under the age of 18). Victims and their minor children must be sheltered or housed together unless requested otherwise by the victim (45 CFR § 1370.5(a)(1))
- **Sexual Orientation-** No person shall on the ground of actual or perceived sexual orientation be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part through FVPSA (45 CFR § 1370.5(c)).
- **Disability-** An individual with a disability, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any.
- **Religious Freedom-** Programs shall not, in providing services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.
- **Limited English Proficiency-** Subgrantees are required to take reasonable steps to provide services to persons with limited English proficiency (i.e., individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English, including deaf and hard of hearing persons).
- **Immigration Status-** As per 45 CFR § 1370.5(d), all FVPSA-funded services must be provided without requiring documentation of immigration status since FVPSA-funded services do not fall within the definition of federal public benefit that would require verification of immigration status.
- **Human Trafficking-** FVPSA-funded programs are strongly encouraged to safely screen for and identify victims of human trafficking who are also victims or survivors of domestic violence or dating violence and provide services that support their unique needs (45 CFR § 1370.10(d)).
- **Voluntary Services-** Services must be provided on a voluntary basis and no condition may be applied for the receipt of emergency shelter (42 U.S.C. § 10408(d)(2)).
- **Inappropriate Screening-** Subgrantees cannot impose conditions for admission to shelter by applying inappropriate screening methods (45 CFR § 1370.10(b)(10)). Such as criminal

background checks, sobriety requirements, requirements to obtain specific legal remedies, or mental health or substance use disorder screenings.

- **Income-** Services and resources supported by FVPSA cannot have any income eligibility requirements imposed upon individuals seeking to access those services and resources. FVPSA funded programs also cannot charge fees for the services provided.

## Background Checks

Subgrantees are required to perform background checks on all employees and volunteers who work directly with victims/survivors biennially. At a minimum, agencies should complete background checks through the Indiana State Police. ICJI will verify background checks have been completed during on-site and/or desk review monitoring.

## Ineligible Budget Items

The budget items listed below are ineligible and will not be supported by this program's funding:

1. Administrative costs over 10% of the total grant budget including time to complete FVPSA required time and attendance sheets and programmatic documentation, reports, and required statistics; administrative time to collect and maintain satisfaction surveys and needs assessments used to improve services delivery within the FVPSA funded project; and the prorated share of audit costs,
2. Direct financial assistance to a client such as cash, gift cards, or checks
3. Food and beverages except emergency food and beverage for victims
4. Lobbying,
5. Fundraising (including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions) and time spent procuring funding including completing federal and state funding applications,
6. Purchase of real estate,
7. Construction,
8. Physical modification to buildings, including minor renovations (such as painting or carpeting),
9. Vehicles,
10. Overtime is allowed but to claim the increased rate, there must be a separate line item in the budget that includes the overtime rate of pay.

## Contracts & Consultants

When a subrecipient contracts for work or services, the following is required:

1. All consultant and contractual services shall be supported by written contracts stating the services to be performed, rate of compensation, and length of time over which the services will be provided.
2. A copy of all written contracts for contractual or consultant services shall be attached in IntelliGrants to the grant file upon their ratification.
3. Payments shall be supported by statements outlining the services rendered and supporting the period covered.
4. Any consultant costs exceeding the allowable rate (maximum of \$81.25 per hour or \$650 per day) will not be allowed.

## Indirect Costs

Subrecipients are not permitted to charge indirect costs to a FVPSA grant such as liability insurance on buildings, capital improvements, security guards and body guards, property losses and expenses, real estate purchases, mortgage payments, and construction costs. If the applicant agency has a federally approved indirect cost rate, ICJI will accept this rate. You must provide ICJI with a copy of the approval letter showing the rate and effective date. Your detailed budget should reflect the items that the rate is to be applied to and a complete description of what your total indirect cost plan encompasses.

If you are a non-Federal entity and have never received a negotiated indirect cost rate, except for those non-Federal entities described in Appendix VII to 2 C.F.R. Part 200, you may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. When using this method, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. Also, if this method is chosen, then it must be used consistently for all federal awards. Intention to use this rate must be in the Budget Narrative section of the application and an attachment must be included to specify the costs included as indirect.

## Attachments Required with Application

1. Total Agency Budget – If the applicant agency is a nonprofit, nongovernmental entity, please complete and upload a “Subgrantee Basic Budget (non-profit Applicant budget form)”. Be sure to complete both the Organizational tab and the Employee tab. The form can be found on the ICJI website at <https://www.in.gov/cji/2344.htm> (non-profit applicant budget). ***This does not apply to units of government.***
2. Indirect Cost Rate – If the applicant agency has a **federally approved** indirect cost rate, ICJI will accept this rate. You must provide ICJI with a copy of the approval letter showing the rate and effective date.

3. Sustainability Plan – Please attach a document detailing the Applicant’s plan to maintain the program once the grant fund period expires.
4. Timeline – Please attach a timeline for the completion of the Project and/or expenditure of the grant funds.
5. Letters of Endorsement - Please attach at least one letter of endorsement evidencing community support for the Applicant’s program.
6. Miscellaneous
  - a. Completed and signed EEOP certification. Form can be found at: <https://www.ojp.gov/about/ocr/pdfs/cert.pdf>
  - b. If applying for Personnel attach job descriptions.
  - c. If applicable, attach other requested information.

## Match

Grants funded by the states will meet the matching requirements in 42 U.S.C. § 10406(c)(4). No grant shall be made to any entity other than a State or Tribe unless the entity agrees that, with respect to the cost to be incurred by the entity in carrying out the program or project for which the grant is awarded, the entity will make available (directly or through donations from public or private entities) non-federal contributions in an amount that is not less than \$1 for every \$5 of federal funds provided under the grant or 20% of the project cost. The non-federal contributions required may be in cash or in kind.

All match amounts must be FVPSA allowable and are subject to the same requirements, restrictions, and conditions as the federal FVPSA funds. Subgrantees must maintain records that clearly show the source, the amount, and the period during which the match was allocated. The basis for determining the value of personal services, materials, equipment, and space must be documented.

Match Formula:

*(Total Federal Funds Portion ÷ Federal Percentage) – Federal Funds Portion = Required Match (\$12,000 ÷ 80%) - \$12,000 = \$3,000*

## Travel Costs

Expenses and reimbursements for in state and out of state travel must follow the most current Indiana Department of Administration State Travel Policy or the subrecipients travel policy, whichever is more restrictive ([https://secure.in.gov/sba/files/fmc\\_2017-2.pdf](https://secure.in.gov/sba/files/fmc_2017-2.pdf)).

## Program Costs

Costs must meet the following criteria:

1. Costs must be necessary and reasonable for the stated purpose of the grant

2. Costs must be in accordance with generally accepted accounting principles:  
<http://www.fasab.gov/accounting-standards/>
3. Costs must conform to any limitations or exclusions
4. Costs must be consistent with policies and procedures of the FVPSA Grant Program, and applied uniformly
5. Costs must be adequately documented with supporting materials including: receipts, invoices, timesheets, paystubs, etc.

## **Application Review**

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

## **Contract Requirements**

All applicants awarded funding from ICJI must agree to the following:

1. Enter into a Grant Agreement between ICJI and the applicant agency and agree to abide by all

provisions of the Grant Agreement.

2. Enter into agreement to abide by all Special Conditions detailed in the Certified Assurances and Special Conditions.
3. Submit all reports in the prescribed format and time frames determined by ICJI.
4. Comply with federal guidelines contained in 2 CFR 200 found at: <https://www.govinfo.gov/app/details/CFR-2014-title2-vol1/CFR-2014-title2-vol1-part200/context>

## Supplanting

Federal funds must be used to supplement existing funds for program activities and cannot replace or supplant nonfederal funds that have been appropriated for the same purpose.

## Monitoring

All grant awards will be monitored by an ICJI Grant Manager and/or ICJI Compliance Monitoring team using a combination of desk reviews and site visits. Additionally, the Grant Manager will review all submitted reports for timeliness and accuracy. Delinquencies and report contents will be addressed as needed by ICJI staff. Late and repeated incorrect reports could disqualify subrecipients from future funding.

## 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.



## **APPENDIX A: Applicable Laws and Mandatory Requirements**

### **General**

This award is governed by 2 C.F.R. Part 200 and the 2015 DOJ Grants Financial Guide. All applicants must adhere to all provisions set forth in federal and state statute, regulation, or rule. Failure to abide by the federal and state mandates 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 Applicant 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 Applicant 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 applicants are required to establish and maintain grant accounting systems and financial records to accurately account for funds awarded to them.

The Applicant 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 drawn 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, Applicant certifies compliance with applicable federal laws, regulations, and executive orders prohibiting discrimination based on the Protected Characteristics in the provision of services.

Applicant 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 Applicant understands that the State is a recipient of federal funds, and therefore, where applicable, Applicant 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 the website <http://www.lep.gov>.

➤ **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 at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

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 at [http://www.ojp.usdoj//about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj//about/ocr/pdfs/UseofConviction_Advisory.pdf). 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 EEOP (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 EEOP 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 EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

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 EEOP 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 at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

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 EEOP 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 at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOSubmission@usdoj.gov](mailto: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 Applicant 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 Applicant 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 Applicant shall ensure compliance with the disclosure requirements in IC § 4-2-6-10.5 prior to the execution of this grant. If the Applicant is not familiar with these ethical requirements, the Applicant should refer any questions to the Indiana State Ethics Commission or visit the Inspector General's website at <http://www.in.gov/ig/>. If the Applicant or its agents violate any applicable ethical standards, the State may, in its sole discretion, terminate this grant immediately upon notice to the Applicant. In addition, the Applicant 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, applicant 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 Applicant and any principals of the Applicant 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 Applicant 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 Applicant and any principals of the Applicant certify that an affiliate or principal of the Applicant and any agent acting on behalf of the Applicant or on behalf of an affiliate or principal of the Applicant, 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.**

Applicant 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. Applicant will give written notice to the State within ten (10) days after receiving actual notice that the Applicant, or an employee of the Applicant 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 Applicant 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 Applicant'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 Applicant 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 Applicant hereby swears or affirms under the penalties of perjury that:

A. The Applicant has enrolled and is participating in the E-Verify program;

B. The Applicant has provided documentation to the State that it has enrolled and is participating in the E-Verify program;

C. The Applicant does not knowingly employ an unauthorized alien; and

D. The Applicant shall require its contractors who perform work under this Grant Agreement to certify to Applicant 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 Applicant shall maintain this certification throughout the duration of the term of a contract with a contractor.

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

## **Appendix B- Definitions**

The following are definitions that will be used in carrying out FVPSA-funded program and activities. Definitions include those expanded or clarified through language found in 45 CFR § 1370.2.

### **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: The length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. This part of the definition reflects the definition also found in Section 40002(a)(10) of the Violence Against Women Act (VAWA)(as amended), 34 U.S.C. § 12291(a), as required by FVPSA. Dating violence also includes but is not limited to the physical, sexual, psychological, or emotional violence within a dating relationship, including stalking. It can happen in person or electronically, and may involve financial abuse or other forms of manipulation which may occur between a current or former dating partner regardless of actual or perceived sexual orientation or gender identity.

### **Domestic Violence**

Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. This definition also reflects the statutory definition of "domestic violence" found in Section 40002(a)(8) of VAWA (as amended), 34 U.S.C. § 12291(a). This definition also includes but is not limited to criminal or non-criminal acts constituting intimidation, control, coercion and coercive control, emotional and psychological abuse and behavior, expressive and psychological aggression, financial abuse, harassment, tormenting behavior, disturbing or alarming behavior, and additional acts recognized in other federal, tribal state, and local laws as well as acts in other federal regulatory or sub-regulatory guidance. This definition is not intended to be interpreted more restrictively than FVPSA and VAWA but rather to be inclusive of other, more expansive definitions. The definition applies to individuals and relationships regardless of actual or perceived sexual orientation or gender identity.



## **Family Violence**

Any act or threatened act of violence, including any forceful detention of an individual that results or threatens to result in physical injury and is committed by a person against another individual, to or with whom such person is related by blood or marriage, or is or was otherwise legally related, or is or was lawfully residing.

## **Personally Identifying Information or Personal Information**

Individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number); a social security number, driver's license number, passport number, or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.

## **Primary Prevention**

Strategies, policies, and programs to stop both first-time perpetration and first-time victimization. Primary prevention is stopping domestic and dating violence before they occur. Primary prevention includes, but is not limited to: School-based violence prevention curricula, programs aimed at mitigating the effects on children of witnessing domestic or dating violence, community campaigns designed to alter norms and values conducive to domestic or dating violence, worksite prevention programs, and training and education in parenting skills and self-esteem enhancement.

## **Secondary Prevention**

Identifying risk factors or problems that may lead to future family, domestic, or dating violence, and taking the necessary actions to eliminate the risk factors and the potential problem, and may include, but are not limited to, healing services for children and youth who have been exposed to domestic or dating violence, home visiting programs for high-risk families, and screening programs in health care settings.

## **Shelter**

The provision of temporary refuge in conjunction with supportive services in compliance with applicable state or tribal law or regulations governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents. State and tribal law governing the provision of shelter and supportive services on a regular basis is interpreted by ACF to mean, for example, the laws and regulations applicable to zoning, fire safety, and other regular safety, and operational requirements, including state, tribal, or local regulatory standards for certifying domestic violence advocates who work in shelter. This definition also includes emergency shelter and immediate shelter, which may include housing provision, rental

subsidies, temporary refuge, or lodging in properties that could be individual units for families and individuals (such as apartments) in multiple locations around a local jurisdiction, tribe/reservation, or state; such properties are not required to be owned, operated, or leased by the program. Temporary refuge includes a residential service, including shelter and off-site services such as hotel or motel vouchers or individual dwellings, which is not transitional or permanent housing, but must also provide comprehensive supportive services. The mere act of making a referral to shelter or housing shall not itself be considered provision of shelter. Should other jurisdictional laws conflict with this definition of temporary refuge, the definition which provides more expansive housing accessibility governs.

### **Supportive Services**

Services for adult and youth victims of family violence, domestic violence, or dating violence, and their dependents that are designed to meet the needs of such victims and their dependents for short-term, transitional, or long-term safety and recovery. Supportive services include, but are not limited to: direct and/or referral-based advocacy on behalf of victims and their dependents, counseling, case management, employment services, referrals, transportation services, legal advocacy or assistance, child care services, health, behavioral health and preventive health services, culturally and linguistically appropriate services, and other services that assist victims or their dependents in recovering from the effects of the violence. To the extent not already described in this definition, supportive services also include but are not limited to other services identified in FVPSA at 42 U.S.C. § 10408(b)(1)(A – H). Supportive services may be directly provided by grantees and/or by providing advocacy or referrals to assist victims in accessing such services.

### **Underserved Populations**

Populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, and populations underserved because of special needs including language barriers, disabilities, immigration status, and age. Individuals with criminal histories due to victimization and individuals with substance use disorders and mental health issues are also included in this definition. The reference to racial and ethnic populations is primarily directed toward racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. § 300(u–6)(g)), which means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian American; Native Hawaiians and other Pacific Islanders; Blacks and Hispanics. The term “Hispanic” or “Latino” means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country. This underserved populations definition also includes other population categories determined by the Secretary or the Secretary’s designee to be underserved.