



Juvenile Justice and Delinquency Prevention Act (Title II) Grant

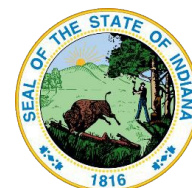
2024

REQUEST *for* PROPOSAL

State of Indiana
Governor
Eric J. Holcomb

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Youth Services Director
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2024 JUVENILE JUSTICE AND DELINQUENCY PREVENTION (TITLE II) GRANT

REQUEST FOR PROPOSAL

The Indiana Criminal Justice Institute (ICJI) is now accepting applications for the 2024 Juvenile Justice and Delinquency Prevention (Title II) Grant Program. This grant is being released through IntelliGrants, ICJI’s electronic grant management system. All applications must be submitted online through IntelliGrants. Late or incomplete applications will not be accepted.

This is a competitive grant process. The submission of a grant application or assistance with a grant application does not imply or guarantee that an applicant will receive a grant award. All awards are contingent upon availability of grant funds.

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. (EST) on Wednesday, November 22, 2023

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

AWARD PERIOD



January 1, 2024 – December 31, 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 on state holidays.

ICJI is not responsible for technical issues with grant submission within 48 hours of the grant deadline.



Webinar on the 2024 Title II RFP

Date: Monday, November 6, 2023

Time: 11:00 a.m. – 12:00 p.m. (ET)

ICJI's Youth Division is conducting a webinar on the Title II request for proposal. The webinar will include a basic overview of the program, important highlights and what to know before applying. There will also be an opportunity to ask questions from the division. Registration is not required.

Meeting Date: November 6th, 2023

Meeting number: 226 818 400 285

The password to join is: TjyWiD

[Join here](#)

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PROGRAM DESCRIPTION

The Title II Formula Grant Program provides funding to support state and local efforts to plan, establish, operate, coordinate, and evaluate policies and projects for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency, as well as juvenile justice system improvement efforts.

PRIORITY AREAS

Pursuant to Title II, Part B of the Juvenile Justice and Delinquency Prevention Act (JJDP), in order to receive formula grants, states must develop and submit a Three-Year Plan that identifies goals for the juvenile justice system and programmatic priorities to be supported by grant funding. Therefore, ICJI will only consider grant applications that fall under one of the following priority areas AND have the greatest impact on Hoosier youth.

Indiana has identified the following priority areas for 2024 Title II funding:

1. After-School Programs
2. Delinquency Prevention
3. Indigent Defense
4. Mentoring, Counseling, and Training Programs
5. System Improvement

Applicants must select only one of the priority areas per grant application. However, entities are eligible to submit multiple grant applications if they wish to address more than one priority area in separate grant programs.

1. [After-School Programs](#): Programs that provide at-risk youth and youth in the juvenile justice systems with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities.
2. [Delinquency Prevention](#): Comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies and private nonprofit agencies offering youth services.
3. [Indigent Defense](#): Projects designed to develop and implement programs to protect the rights of youth affected by the juvenile justice system.
4. [Mentoring, Counseling, and Training Programs](#): Programs to develop and sustain a consistent, prosocial relationship between a responsible adult (a mentor) and an at-risk youth, a youth who has offended, or a youth who has contact with a parent or legal guardian who is/was incarcerated (a mentee). These programs may support academic tutoring, vocational and technical training, and drug and violence prevention counseling.
5. [Juvenile Justice System Improvement](#): Programs, research, and other initiatives to examine issues or improve practices, policies, or procedures on a systemwide basis (e.g., examining problems affecting decisions from arrest to disposition and detention to corrections).

AWARD PERIOD

The award period for this grant shall be **January 1, 2024 – December 31, 2024**. Projects should begin on January 1, 2024, and must be in operation no later than sixty (60) days after this date. Failure to have the funded project operational within sixty (60) days from January 1, 2024, will result in termination 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 December 31, 2024. All outstanding expenses must be paid, and the final fiscal report must be submitted via IntelliGrants within thirty (30) days of December 31, 2024. Proof of payment for all expenses must be provided with the final fiscal report. Any expenses that have not been paid within thirty (30) days after December 31, 2024, will not be reimbursed. Late fiscal and programmatic reports will not be accepted.

DEFINITIONS

For purposes of this solicitation, please be cognizant of the following definitions:

- » “Juvenile justice” refers to activities concerning: (1) the prevention or reduction of juvenile delinquency; (2) the apprehension and adjudication of juvenile offenders; (3) the disposition of juvenile offenders including protective techniques and practices; (4) the prevention of child abuse and neglect; and (5) the discovery, protection, and disposition of children in need of services ([Indiana Code § 5-2-6-1](#)).
- » “Youth” means any individual who is under juvenile court jurisdiction or is an age at which he or she could be subject to original juvenile court jurisdiction within the state of Indiana.

ELIGIBILITY

The following entities in Indiana are eligible to apply for Title II funding:

- » Nonprofit organizations
- » Educational institutions
- » State agencies
- » Units of local government

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

1. Unique Entity ID: A Unique Entity ID (UEI) issued through the System for Award Management (SAM) will be required to receive funding. The UEI is entered in the Project Information section of the grant application. For more information and/or to obtain a UEI, please visit the following [website](#).
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 UEI number. Registration can be

done by clicking [here](#).

3. Review of the entity's good standing with Indiana Department of Revenue (DOR), Indiana Department of Workforce Development (DWD), and Secretary of State (SOS).

MATCH REQUIREMENT

There is a 10% match (cost sharing) requirement for this Title II grant opportunity. Please note that documentation supporting match contributions must be maintained in award files and is subject to review and audit by the U.S. Office of Justice Programs (OJP). Matching funds are restricted to the same use of funds as allowed for the Federal funds. If it is not allowable under the Federal award, it is not allowable as match. The following type of match may be used:

- » Cash match (hard) includes cash spent for project-related costs. An allowable cash match must include costs which are allowable with Federal funds, except acquisition of land, when applicable.
- » In-kind match (soft) includes, but is not limited to, the valuation of non-cash contributions. "In-kind" may be in the form of services, supplies, real property, and equipment.

EVIDENCE-BASED PROGRAMS

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- » Improving the quantity and quality of data and evidence OJP generates.
- » Integrating evidence into program, practice, and policy decisions within OJP and the field.
- » Improving the translation of evidence into practice.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) encourages the use of [evidence-based programs and practices](#). Evidence-based programs and practices generally have one or more rigorous outcome evaluations that demonstrate effectiveness by measuring the relationship between the program and its intended outcome(s). This includes measuring the direction and size of a change in outcome and the extent to which a change may be attributed to the activity or intervention. The methodology of the evaluation should rule out, to the extent possible, alternative explanations for the documented change. Please refer to the [CrimeSolutions.gov](#) website and the [OJJDP Model Programs Guide](#) for more information about evidence-based programs in criminal justice, juvenile justice, and crime victim services

APPLICATION SUBMISSION

Grant applications and all required supporting documentation must be submitted through [IntelliGrants](#) no later than 11:59 p.m. (EST) on **Wednesday, November 22, 2023**. Applicants are strongly encouraged to submit applications at least 48 hours prior to the grant application deadline. Late or incomplete applications will not 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 applicants 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.

UNALLOWABLE COSTS

Federal law prohibits the use of federal funds from certain activities irrespective of the federal funding source or the specifics of the grant program. These prohibitions include but may not be limited to:

1. Lobbying, including attempts to influence legislation or the outcome of any federal, state, or local elections. Recent changes to the law have expanded the prohibition to any federally appropriated funding used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government, without the express written approval of OJP. Violations of this prohibition are now subject to civil fines of up to \$100,000 per violation.
2. Fundraising (including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions).
3. The direct or indirect support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
4. Funds may not be used to discriminate against or denigrate the religious or moral beliefs of victims who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such victims.

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.

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 subrecipient's travel policy, whichever is more restrictive. [Learn More](#).

CONTRACTORS & CONSULTANTS

A consultant evaluates an organization's needs and provides professional advice and a contractor provides goods or performs services. When a recipient contracts for work or services, the following is required:

1. All contractual services must be obtained through a procurement method. Verification of this method must be supplied upon completion of contract.

2. All consultant and contractual services shall be supported by written contracts signed by all parties stating the services to be performed, rate of compensation, and length of time over which the services will be provided.
3. A copy of all written contracts for contractual or consultant services shall be attached in IntelliGrants to the grant file upon their ratification.
4. Payments shall be supported by statements outlining the services rendered, date of service, and cost of service.

ATTACHMENTS REQUIRED WITH APPLICATION

1. *Total Agency Budget:* If the applicant agency is a nonprofit organization or nongovernmental entity, please complete and upload a “Subgrantee Basic Budget (nonprofit Applicant budget form)”. Be sure to complete both the Organizational tab and the Employee tab. The form can be found on the ICJI website [here](#). 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. If the applicant elects to use the de minimis rate of 10% of Modified Total Indirect Costs (MTDC), then you must provide a list of indirect costs and the calculation used to determine the amount charged.
3. *Sustainability Plan:* Please attach a document detailing the applicant’s plan to maintain the program once the grant period expires.
4. *Timeline:* Please attach a timeline for the completion of the project and/or the expenditure of grant funds.
5. *Letters of Endorsement:* Please attach at least one letter of endorsement evidencing community support for the applicant’s program.
6. *Suitability to Interact with Minors Certification:* The recipient must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual’s employment status. The details of this requirement are posted on the OJP website in a PDF titled “Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors” and can be found [here](#).
7. *Miscellaneous:*
 - A. Completed and signed [EEOC Certification](#).
 - B. If applying for funds for personnel costs, attach the relevant job descriptions.
 - C. If applicable, attach other requested information.

PROGRAM COSTS

In order to be eligible for reimbursement, program 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. [Learn more](#).
3. Costs must conform to any limitations or exclusions set forth in [2 C.F.R. Part 200](#).
4. Costs must be consistent with policies and procedures of the Title II grant program and applied uniformly.
5. Costs must be adequately documented with supporting materials including receipts, invoices, timesheets, paystubs, etc.

APPLICATION REVIEW

ICJI will review and score all grant applications as part of the competitive application process, and will assess the following criteria:

- » The completeness of the grant application;
- » Whether the project or program is within the scope of the grant;
- » 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 Department of Revenue (DOR), Department of Workforce Development (DWD), and Secretary of State (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 UEI 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 designated as 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.

MONITORING

[2 C.F.R. Part 200](#) and the [DOJ Grants Financial Guide](#) set 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. Grant monitoring measures both financial and programmatic progress, and allows ICJI to provide technical assistance, measure subgrantee compliance, and provide results-based feedback to subgrantees.

The State will monitor all grant awards via an ICJI Grant Manager and ICJI Compliance Monitoring Team. As part of the monitoring process, the grant manager will review all reports submitted by the subgrantee for accuracy, timeliness, completeness, etc. The State will conduct on-site or off-site monitoring reviews of the project or program during the term of the grant period and for up to three (3) years after it expires or is otherwise terminated. All documentation related to the grant shall be provided to the State upon request at no cost. If the subgrantee fails to comply or cooperate with the State’s monitoring process, the State may consider such non-cooperation as a material breach of the grant agreement, and the grant may be terminated.

Delinquent, inaccurate, incomplete, and/or fraudulent program and fiscal reports will be considered a material breach of the grant agreement. ICJI’s remedies include, but are not limited to, identifying the grantee as high risk, de-obligated funding, termination of the grant, disqualification from future funding, and/or referral to the U.S. Office of Inspector General. The subgrantee agrees to comply with any additional requirements that may be imposed during the grant period if the State determines that the subgrantee is deemed to be high risk pursuant to [28 C.F.R. parts 66, 70](#).

REPORTING REQUIREMENTS

Reporting shall be completed on a quarterly basis in IntelliGrants. Additionally, subgrantees are required to submit reports to the U.S. Department of Justice concerning program performance measures. 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.](#)

Date/Deadline	Description	Performance Period
January 1, 2024	Award Period Begins	
April 20, 2024	First quarter fiscal/program reports due	January 1 – March 31, 2024
July 20, 2024	Second quarter fiscal/program reports due	April 1 – June 30, 2024
October 20, 2024	Third quarter fiscal/program reports due	July 1 – September 30, 2024
December 31, 2024	Project End Date	All funds must be expended.

1. *IntelliGrants Reporting:* Title II subgrantees are required to submit quarterly programmatic and fiscal reports in IntelliGrants. Upon submission, an ICJI grant manager will then review and approve or deny the reports. Each program report and fiscal report must be approved by ICJI prior to seeking reimbursement.
2. *DCTAT Reporting:* Title II subgrantees are also required to submit quarterly reports using the OJJDP's program performance tool, referred to as the Data Collection and Technical Assistance Tool (DCTAT). The DCTAT reporting system can be accessed [here](#). Additional information regarding this requirement can found [here](#).
3. *FFATA Reporting:* Title II subgrantees must comply with all applicable requirements of the [Federal Funding Accountability and Transparency Act of 2006 \(FFATA\)](#) to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data must be submitted to the FFATA Subaward Reporting System (FSRS). More details related to this obligation are posted on the Office of Justice Program's [website](#) (Award condition: Reporting Subawards and Executive Compensation).

AUDIT REQUIREMENTS

A uniform requirement of all ICJI grant funding includes the following:

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 [2 C.F.R. §200.331](#)

APPENDIX: APPLICABLE LAWS AND MANDATORY REQUIREMENTS

I. GENERAL

This award is governed by ICJI polices and directives. All applicants and subgrantees must adhere to all provisions set forth in federal and state statutes, regulations, and rules. Failure to abide by 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 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.

II. FEDERAL LAWS AND REQUIREMENTS

This award is governed by the Juvenile Justice and Delinquency Prevention Act of 2018, [2 C.F.R. Part 200](#) and the [2022 DOJ Grants Financial Guide](#). All applicants must adhere to all provisions set forth in federal and state statute, code, 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.

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. This includes expenditures made before the execution of the grant.

Pursuant to [2 C.F.R. Part 200](#), all applicants are required to establish and maintain grant accounting systems and financial records and have or develop a system of internal controls 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.

III. CIVIL RIGHTS LAWS AND REQUIREMENTS

- » *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.

The 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](#).
- » *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:* As a recipient of DOJ funding, you may be required to submit an EEO Certification Report or an EEO Utilization Report to the OCR. For more information on whether your organization is subject to the EEO requirements, click [here](#). Additionally, you may request technical assistance from an EEO specialist at the OCR by telephone at (202) 616-1771 or by email at EEOforms@usdoj.gov.

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 must maintain the Utilization Report on file and make it available for review on request. In addition, your organization must 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 must complete Section C of the Certification Form and return it to the OCR. The Certification Form is available [here](#).

- » *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.

IV. 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](#). 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 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.
 - D. 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.

- » *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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