



STATE OF INDIANA



Eric J. Holcomb, Governor
Devon McDonald, Executive Director

2020-2021 Services * Training * Officers * Prosecutors (STOP) Solicitation

Request for Proposals

The Indiana Criminal Justice Institute (ICJI) is now accepting applications for the 2020-2021 STOP. 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, February 5th, 2020

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

Award Period: July 1, 2020 – June 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. 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

This program is authorized by 34 U.S.C § 10441 *et seq.* The Services * Training * Officers * Prosecutors (STOP) Violence Against Women Formula Grant Program (STOP Formula Grant Program) supports communities, including American Indian Tribes and Alaska Native villages, in their efforts to develop and strengthen effective responses to sexual assault, domestic violence, dating violence, and stalking. For additional information about this program see <https://www.justice.gov/ovw/grant-programs> and <https://www.vawamei.org/grant-program/stop-formula-grant-program/>

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 and the DOJ Financial Guide, including updates to the guide after an award is made.

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 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 include:

- State Agencies
- Units of Local Government
- Nonprofit Organizations
- Faith-based Organizations

Funding Availability

Amount of funding available will be determined by the ICJI award after completion of the federal application to be completed in 2020. Estimated number of awards available will be 65-75 in the amount ranging from \$10,000-\$150,000.

Funding Allocation

Indiana, as all states, must allocate STOP Violence Against Women funding within the parameters of the Act as follows:

1. 5% to court programs
2. 25% for law enforcement
3. 25% for prosecution
4. 30% for nonprofit, nongovernmental victim services programs (of which 10% must go to culturally specific community based organizations)
5. 15% to further support law enforcement, prosecution, court or victim services programs, at the state's discretion.

Application Submission

Completed applications and all required documentation are to be submitted through IntelliGrants no later than 11:59 pm (ET) on February 5th, 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 July 1, 2020 – June 30, 2021. Projects should begin on July 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 July 1, 2020 will result in the cancellation of the grant and the de-obligation of all awarded funds. Projects must conclude no later than June 30, 2021. Funding obligations must be made prior to June 30, 2021, all outstanding expenses must be paid and the Final Fiscal Report submitted via IntelliGrants within 30 days from June 30, 2021 (grant end date). Late Fiscal and Programmatic Reports will not be accepted.

Purpose Areas

Pursuant to 34 U.S.C. § 10441(b), funds under this program must be used for one or more of the following purposes:

1. Training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, dating violence, and stalking, including the appropriate use of nonimmigrant status under subparagraphs (T) and (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. § 1101(a)).
2. Developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault, domestic violence, dating violence, and stalking.
3. Developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault, domestic violence, dating violence, and stalking, as well as the appropriate treatment of victims.
4. Developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying, classifying, and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault, domestic violence, dating violence, and stalking.
5. Developing, enlarging, or strengthening victim services and legal assistance programs, including sexual assault, domestic violence, dating violence, and stalking programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault, domestic violence, dating violence, and stalking.
6. Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault, domestic violence, dating violence, and stalking.
7. Supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by state funds, to coordinate the response of state law enforcement agencies, prosecutors, courts, victim services agencies, and other state agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, dating violence, and stalking.
8. Training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault.
9. Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of sexual assault, domestic

violence, dating violence, or stalking, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals.

10. Providing assistance to victims of domestic violence and sexual assault in immigration matters.
11. Maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families.
12. Supporting the placement of special victim assistants (to be known as “Jessica Gonzales Victim Assistants”) in local law enforcement agencies to serve as liaisons between victims of sexual assault, domestic violence, dating violence, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in sexual assault, domestic violence, dating violence, or stalking and may undertake the following activities:
 - a. developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases;
 - b. notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;
 - c. referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and
 - d. taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.
13. Providing funding to law enforcement agencies, victim services providers, and state, tribal, territorial, and local governments (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote:
 - a. the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as “Crystal Judson Victim Advocates,” to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;
 - b. the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies such as the model policy promulgated by the International Association of Chiefs of Police (“Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project” July 2003)); and
 - c. the development of such protocols in collaboration with state, tribal, territorial and local victim services providers and domestic violence coalitions.
 - i. Note: Any law enforcement, state, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program, and any subgrantee of such an agency, shall (1) receive specialized training, on an annual basis, from domestic violence and sexual assault nonprofit organizations on the topic of incidents of domestic violence committed by law enforcement personnel and (2) provide a report to the Department, including

a summary of the protocol(s) adopted in connection with the Crystal Judson Domestic Violence Protocol Program, including a summary of progress in implementing such protocol(s), once every two years.

14. Developing and promoting state, local, or tribal legislation and policies that enhance best practices for responding to sexual assault, domestic violence, dating violence, and stalking.
15. Developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault.
16. Developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.
17. Developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings.
18. Identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims.
19. Developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of sexual assault, domestic violence, dating violence, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18 of the United States Code.
20. Developing, enhancing, or strengthening prevention and educational programming to address sexual assault, domestic violence, dating violence, or stalking, with not with not more than 5 percent of the amount allocated to a state to be used for this purpose.

OVW Priority Areas

OVW is interested in supporting the priority areas identified below. In shaping their strategies, OVW encourages states and territories to develop and support projects that:

1. Reduce violent crime against women and promote victim safety.
2. Increase the response to victims of human trafficking.
3. Include substance abuse professionals in a coordinated community response to VAWA crimes and increase victim access to substance abuse services.
4. Increase efforts to combat stalking.

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, LGBT, 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).

Goal 3: Increase the number of sexual assault programs that provide core services and develop enhanced and comprehensive services for sexual assault victims.

Program Requirements

Confidentiality

All grantees and subgrantees providing services to victims and receiving VAWA funding from the Office on Violence Against Women must comply with the VAWA Confidentiality Provision. The VAWA Confidentiality Provision refers to 34 U.S.C. 12291(b)(2), a provision of the Violence Against Women Act (VAWA) that requires all grantees and subgrantees receiving VAWA funding from the Department of Justice, Office on Violence Against Women, to protect the confidentiality and privacy of persons to whom those grantees and subgrantees are providing 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.

Personally identifying information comprehensively means information about an individual that may directly or indirectly identify that individual. In the case of a victim of domestic violence, dating violence, sexual assault, or stalking, it also means information that would disclose the location of that individual.

Please see the following resource for more information on best practices on protecting the confidentiality and privacy of all persons receiving services at: <https://www.justice.gov/ovw/page/file/1006896/download>

Determination of suitability to interact with participating minors.

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 OVV web site 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 at: <https://www.justice.gov/ovw/page/file/1202141/download>

Out-of-Scope Activities

The activities listed below are out of the program scope, and they will not be supported by this program's funding.

1. Research projects
2. Services provided to youth under the age of 11 or services to those above the age of 10 who are seeking services for victimization that occurred when they were under the age of 11.
3. Activities that jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions.

The following activities have been found to jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions, therefore in planning a SASP proposal please ensure that these activities are not included:

- Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, relationship to the perpetrator, or the age/gender of their children.
- Procedures or policies that compromise the confidentiality of information and privacy of persons receiving services.
- Procedures or policies that require victims to take certain actions (e.g., seek an order of protection, receive counseling, participate in couples counseling or mediation, report to law enforcement, seek civil or criminal remedies) in order to receive services.
- Procedures or policies that fail to include conducting safety planning with victims.
- Project designs, products, services, and/or budgets that fail to account for the unique needs of individuals with disabilities, with limited English proficiency, or who are Deaf or hard of hearing, including accessibility for such individuals.
- Using technology without addressing implications for victim confidentiality, safety planning, and the need for informed consent.

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

Ineligible Budget Items

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

1. Indirect administrative costs over 10% of the total grant budget
2. Direct financial assistance to a client such as cash, gift cards, or checks
3. Food and beverages
4. Lobbying and/or fundraising
5. Purchase of real estate
6. Construction
7. Physical modification to buildings, including minor renovations (such as painting or carpeting)
8. Vehicles
9. Immigration fees
10. Fuel
11. Costs may not be included or used to meet match requirements of any other federal grant.
12. Overtime is allowed but to claim the overtime 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 those allowable by the DOJ Financial Grants Management Guide (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 this 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>. ***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. Consultation Form - STOP requires Court, Law Enforcement, and Prosecutor based programs to show they have consulted with a Victim Service Agency during the completion of this funding announcement. (example attached)
7. Legal Services Certification Letter - If the applicant agency is planning to utilize STOP funding to support legal assistance, you must submit a letter stating you will comply with all statutory requirements. (example attached)

8. Miscellaneous
 - a. Completed and signed EEOC 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

There is a 25% match requirement imposed on grant funds under this program. If the applicant agency is a nonprofit, nongovernmental organization that is recognized by the IRS under section 501(c)3 of Title 26, the match requirement is waived. Applicants must identify the source of the 25% non-Federal portion of the budget and how match funds will be used to support the STOP funded program. All expenses used for match must be an allowable expense under the program.

Match Formula:

1. $(\text{Total Federal Funds Portion} / \text{Federal Percentage}) - \text{Federal Total} = \text{Required Match}$
2. $\text{Total Federal Funds Portion} + \text{Required Match} = \text{Total Project Cost}$

Example:

1. $(\$15,000 / .75) - \$15,000 = \$5,000$
2. $\$15,000 + \$5,000 = \$20,000$

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).

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 this 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 2 CFR 200 found at: <https://www.govinfo.gov/app/details/CFR-2014-title2-vol1/CFR-2014-title2-vol1-part200/context> and the Office of Justice Programs, Office of the Chief Financial Officer Financial Guide at https://www.ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf.
5. Along with completing quarterly Fiscal and Program Reports in IntelliGrants submission of data for the Muskie Annual Report.

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.

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. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Opportunity Plans (EEOs).

➤ **Complying with the Safe Streets Act.**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt.42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

➤ **Meeting the EEO Requirement.**

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEO requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online 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 EEO Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form is available 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 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 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.

➤ **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: Example Legal Services Certification Letter

Agency Letterhead

DATE

Indiana Criminal Justice Institute
Victim Services Division
101 W. Washington St, Ste 1170 East Tower
Indianapolis, IN 46204

To Whom It May Concern:

This letter serves to certify that INSERT APPLICANT NAME will comply with the following statutory requirements:

1. Any person providing legal assistance through a program funded under the STOP Formula Program
 - a. Has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault or stalking in the targeted population; or
 - b. (i) Is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and (ii) Has completed, or will complete, training in connection with domestic violence, dating violence, sexual assault or stalking and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide.
2. Any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a state, local, territorial, or tribal domestic violence, dating violence, sexual assault or stalking victim service provider or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials.
3. Any person or organization providing legal assistance through a program funded under this Program has informed and will continue to inform state, local or tribal domestic violence, dating violence, sexual assault or stalking programs and coalitions, as well as appropriate State and local law enforcement officials of their work.
4. The grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence or child sexual abuse is an issue.

Sincerely,

Authorizing Official

APPENDIX C: Example Consultation Form

Agency Letterhead

Date

Indiana Criminal Justice Institute
Victim Services Division
101 W. Washington St, Ste 1170 East Tower
Indianapolis, IN 46204

Re: STOP Grant Consultation Requirement

This form certifies that *(Insert name of applicant agency)* consulted with *(Insert name of Victim Service Agency)* during the course of developing this STOP application in order to ensure that the proposed activities are designed to promote the safety, confidentiality, and economic independence of victims.

Signed

Court, Law Enforcement or Prosecutor
Authorized Representative

Victim Service Provider
Authorized Representative