
Sexual Assault Services Program (SASP) Grant

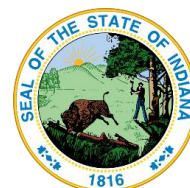
2022

REQUEST *for* PROPOSALS

State of Indiana
Governor
Eric J. Holcomb

Indiana Criminal Justice Institute
Executive Director
Devon McDonald

Indiana Criminal Justice Institute
Victim Services Director
Kim Lambert



2022 Sexual Assault Services Program (SASP) Grant

REQUEST FOR PROPOSALS

The Indiana Criminal Justice Institute (ICJI) is now accepting applications for the 2022 SASP grant program. This grant is being released through IntelliGrants. All applications must be submitted online through this system. Late or incomplete applications will not be accepted.

HOW TO APPLY



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

[Register](#)

or

[Log in](#)

WHEN TO APPLY



Applications must be submitted via IntelliGrants on or before:

11:59 P.M. (ET) on October 18, 2021

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

AWARD PERIOD



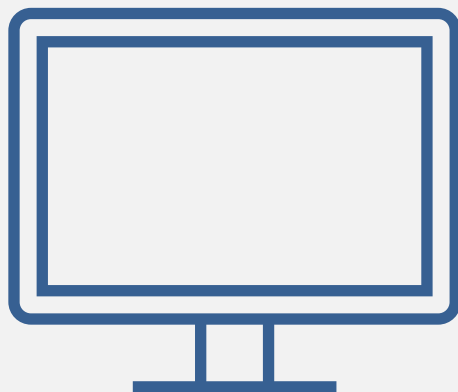
January 1, 2022 – December 31, 2022

TECHNICAL ASSISTANCE



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

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



2022 SASP RFP WEBINAR

1:00 p.m. - 3:00 p.m. (ET) | Wednesday, September 22, 2021

ICJI's Victim Services Division is conducting a 2022 SASP RFP webinar, which will include a basic overview of the SASP grant, important highlights about the program and what to know before applying. There will also be an opportunity to ask questions from the division. Registration is not required.

Join the WebEx meeting

Meeting number: 2312 191 5530

Password: SAVAFSASP2021

[Join Here](#)

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OVERVIEW

The Sexual Assault Services Program (SASP) was created by the Violence Against Women and Department of Justice Reauthorization Act of 2005, 34 U.S.C. § 12511. The program directs grant dollars to states to assist them in supporting rape crisis centers and nonprofit, nongovernmental organizations that provide core services, direct intervention, and related assistance to victims of sexual assault.

PROGRAM SCOPE

Activities supported by this program are determined by state and federal statutes, federal regulations, and ICJI policies and procedures. If an applicant receives an award, the funded project is bound by the provisions of this solicitation, any applicable laws, rules, policies, regulations, and special conditions, 2 C.F.R. part 200, and the current version of the DOJ Grants Financial Guide, including updates to the guide after an award is made. All grants from ICJI Victim Services are reimbursement grants. Verification of expenses along with verification of payment of expenses must be provided to ICJI on a monthly or quarterly basis prior to reimbursement of expenses.

ELIGIBILITY

Eligible entity types include:

- » Nonprofit, nongovernmental rape crisis centers.
- » Nonprofit, nongovernmental dual programs that provide sexual assault and domestic violence services.
- » Governmental entity rape crisis (or dual) centers. In the case of a governmental entity, the entity may not be part of the criminal justice system (such as a law enforcement agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services.
- » Faith-based organizations.
- » Other state, local public, and nonprofit agencies, such as mental health or counseling centers or other programs that have staff specifically trained to serve victims of sexual assault.

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 the *Project Information* section of the application. For more information and/or to obtain a DUNS number, go to 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 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 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).

FUNDING AVAILABILITY

ICJI has approximately \$550,000 available in funding for this solicitation and estimates awarding 10-14 grants ranging from \$10,000 to \$60,000.

APPLICATION SUBMISSION

Completed applications and all required documentation shall be submitted through IntelliGrants no later than 11:59 pm (ET) on **October 18, 2021**.

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](#).

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 January 1, 2022 – December 31, 2022. Projects should begin on January 1, 2022, 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 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, 2022. All outstanding expenses must be paid, and the final fiscal report must be submitted via IntelliGrants within thirty (30) days of December 31, 2022. 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, 2022, will not be reimbursed. Late fiscal and programmatic reports will not be accepted.

PURPOSE AREAS

Pursuant to 34 U.S.C. § 12511, funds under this program must be used to provide intervention and related assistance to:

1. Adult, youth, and child victims of sexual assault;
2. Family and household members of such victims; and
3. Those collaterally affected by the victimization, except for the perpetrator of such victimization.

Funds under this program must be used to support the establishment, maintenance, and expansion of rape crisis centers and other nongovernmental or tribal programs and programs and activities that provide direct intervention and related assistance to individuals who have been victimized by sexual assault, without regard to the age of the individual.

Intervention and related assistance may include:

- » 24-hour hotline services providing crisis intervention services and referral;
- » Accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;
- » Crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;
- » Information and referral to assist sexual assault victims and family or household members;
- » Community-based, culturally specific services and support mechanisms, including outreach activities for underserved communities; and
- » Development and distribution of materials on issues related to the services described above.

The term "rape crisis center" means a nonprofit, nongovernmental, or tribal organization, or governmental entity in a state, other than a territory, that provides intervention and related assistance to victims of sexual assault without regard to their age. In the case of a governmental entity, the entity may not be part of the criminal justice system (such as a law enforcement agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services.

PRIORITY AREA

Priority will be given to programs that can and will promote civil rights (including by meeting the needs of underserved and marginalized survivors), improve access to justice for survivors, and enhance survivor safety.

PROGRAM REQUIREMENTS

CONFIDENTIALITY

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

In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees shall 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.

The term "personally identifying information" means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected. Personally identifying information includes information such as an individual's name, address, other contact information (including a postal address, e-mail address, and telephone number), and a social security number, driver license number, passport number, or student identification number. It also includes other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify an 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 refer to the following [resource](#) for more information on best practices related to protecting the confidentiality and privacy of all persons receiving services.

DETERMINATION OF SUITABILITY TO INTERACT WITH PARTICIPATING MINORS

Subgrantees 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 OVW website [here](#) (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors).

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.

- » Research projects.

- » Activities focused on prevention efforts and public education (e.g., bystander intervention, social norms campaigns, presentations on healthy relationships, etc.).
- » Criminal justice-related projects, including law enforcement, prosecution, courts, and forensic interviews.
- » Sexual Assault Forensic Medical Examiner programs.
- » Sexual Assault Response Team coordination.
- » Providing training to allied professionals and the community (e.g., law enforcement, child protection services, prosecution, other community-based organizations, etc.).
- » Domestic violence services unrelated to sexual violence.

UNALLOWABLE ACTIVITIES

This grant program does not fund 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. 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 sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, income or lack of income, or the age and/or sex of their children.
- » Procedures or policies that compromise the confidentiality of information and/or 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.

- » Materials that are not tailored to the dynamics of sexual assault or to the specific population(s) to be addressed by the project.
- » Policies that deny individuals access to services based on their relationship to the perpetrator.

INELIGIBLE BUDGET ITEMS

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

- » Administrative costs over 10% of the total grant budget, including time to complete required financial and programmatic documentation, reports, and required statistics.
- » Direct financial assistance to a client such as cash or gift cards.
- » Food and beverages except emergency food and beverage for victims.
- » Lobbying.
- » Fundraising (including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions) and time spent procuring funding including completing federal and state funding applications.
- » Purchase of real estate.
- » Construction and physical modification to buildings, including minor renovations (such as painting or carpeting).
- » Purchase of vehicles.
- » 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.

CONTRACTORS & CONSULTANTS

When a subrecipient 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 ratification of the 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.
5. Any consultant costs exceeding the allowable rate (maximum of \$81.25 per hour or \$650 per day) will not be allowed.

INDIRECT COSTS

According to 2 CFR Part 200.56, indirect costs are defined as: “Those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved.”

Indirect costs are costs of an organization that are not readily assignable to a particular project but are necessary to the operation of the organization and the performance of the project. Indirect costs are those that benefit more than one activity and are common or joint purpose costs. For example, costs of an office manager/receptionist position that answers general phone calls, greets clients, etc. are considered indirect 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 in IntelliGrants 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 [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 direct costs (MTDC), then it 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 fund period expires.

4. *Timeline:* Please attach a timeline for the completion of the project and/or expenditure of the grant funds.
5. *Letters of Endorsement:* Please attach at least one letter of endorsement evidencing community support for the applicant's program.
6. *Miscellaneous.*
 - A. Completed and signed EEOP certification [form](#).
 - B. If applying for funds for personnel costs, attach the relevant job descriptions.
 - C. If applicable, attach other requested information.

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](#).

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 or the SASP Grant Program Requirements.
4. Costs must be consistent with policies and procedures of 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, 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 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 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 DUNS number.

CONTRACT REQUIREMENTS

All applicants awarded funding from ICJI must agree to:

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 program-specific Special Conditions.
3. Submit all reports in the prescribed format and timeframes determined by ICJI.
4. Comply with federal guidelines contained within 2 CFR Part 200 found [here](#), and the DOJ Grants Financial Guide found [here](#).
5. Complete quarterly fiscal and program reports in IntelliGrants, and submission of data for the annual Muskie Annual Report.

SUPPLANTING

Federal funds must be used to supplement existing funds for program activities and cannot replace or supplant non-federal 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 subgrantees 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 three (3) 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 current version of the DOJ Grants Financial Guide. All subgrantees must adhere to all provisions set forth in federal and state statute, regulation, or rule. Failure to abide by the federal and state 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, the 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, the 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 this [website](#).
- » *Ensuring Equal Treatment for Faith-Based Organizations:* Faith-based organizations are prohibited from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by this grant, and recipients cannot compel beneficiaries to participate in these activities. The Equal Treatment Regulation also makes it clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of the beneficiary's religion. For more information on the regulation, please see the Office of Civil Rights (OCR) [website](#).

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

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

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

Meeting the EEOP Requirement: As a recipient of DOJ funding, you may be required to submit an EEOP Certification Report or an EEOP Utilization Report to the OCR. For more information on whether your organization is subject to the EEOP requirements, click [here](#). Additionally, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 616-1771 or by e-mail at EEOPforms@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 EEOP 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 EEOP 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 online [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 EEOP Short Form) and submit it to OCR for review within sixty days from the date of the award. For assistance in developing a Utilization Report, please consult the OCR's [website](#). In addition, your organization must complete Section C of the Certification Form and return it to the OCR. The Certification Form is available online [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.

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:* The 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](#).