



FY 2025 Application Companion Guide

Applying for and Receiving OVW Grant Funding

This Guide provides information about applying for OVW grant programs, including requirements associated with a federal award from OVW, if an application is selected for funding. It is not a substitute for any of OVW's program-specific Notices of Funding Opportunity (NOFO) or any of the applicable statutes, regulations, or policies that govern OVW's grant programs. Applicants are responsible for reading and following the instructions in each NOFO.

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I. Requirements for All OVW Applicants and Recipients

Applicants for an OVW award should be aware of the requirements described below, which apply to all applicants and recipients under OVW grant programs. In addition, the general terms and conditions applicable to all OVW grants and cooperative agreements are available at <https://www.justice.gov/ovw/award-conditions>.

Civil Rights Compliance

As a condition for receiving funding from OVW, recipients must comply with applicable federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Department of Justice (DOJ) regulation for the Equal Treatment of Faith-Based Organizations. Depending on the funding source, a recipient must also comply with the nondiscrimination provisions within the applicable program statutes, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (“the Omnibus Crime Control and Safe Streets Act”). Collectively, these federal laws prohibit a recipient of OVW funding from discriminating either in *employment* (subject to the exemption for certain faith-based organizations discussed below) or in the *delivery of services or benefits* on the basis of race, color, national origin, sex, religion, or disability. In addition, recipients of OVW funding may not discriminate on the basis of age in the delivery of services or benefits.

As a condition of receiving funding, recipients also must comply with a nondiscrimination provision in the Violence Against Women Act (VAWA), as amended, that covers any program or activity funded in whole or in part by OVW. 34 U.S.C. § 12291(b)(13)(A). Under this provision, recipients may provide sex-segregated or sex-specific programming if doing so is necessary to the essential operation of a program (e.g., in the case of women’s safety), so long as the recipient provides comparable services to those who cannot be provided with the sex-segregated or sex-specific programming. *Id.* § 12291(b)(13)(B).

Recipients of federal financial assistance, including subrecipients, are reminded that the denial of language assistance services can be evidence of discrimination on the basis of national origin or disability under certain circumstances. To be prepared to serve individuals who are limited in their English proficiency (LEP) because of their national origin, recipients and subrecipients may visit www.lep.gov, which has helpful resources, including a language access [assessment and planning tool](#) and an interactive [mapping tool](#) that helps users find out the concentration of and languages spoken by LEP individuals in a community. Applicants for OVW’s grant programs also must include within their project budgets sufficient costs for providing interpretation and translation services to eligible LEP individuals or explain how language access will be provided if grant funds are not needed for this purpose. This should include an explanation of other funds, services, or resources that the applicant has secured to provide language access.

Similarly, recipients are responsible for ensuring that their programs and activities are readily accessible to qualified individuals with disabilities. Applicants for OVW funding must allocate grant funds or explain how other available resources will be used to ensure access to their programs. This should include an explanation of other funds, services, or resources that the

applicant has secured to provide access. Examples of how grant funds can be used include supporting American Sign Language (ASL) interpreter services for Deaf or hard of hearing individuals or adaptive equipment for individuals with mobility or cognitive disabilities. For resources, see www.ADA.gov or contact OVW.

Supporting victim safety and recovery requires programs to be accessible to people with disabilities and those who are Deaf or hard of hearing, to provide language access to LEP individuals, to ensure that any sex-segregated or sex-specific services are comparable, and generally to serve all survivors free from discrimination.

For technical assistance on complying with the civil rights laws linked to the receipt of federal financial assistance from OVW, please contact:

Office of Justice Programs
Office for Civil Rights
810 7th Street NW
Washington, DC 20531
202-307-0690
Fax: 202-616-9865
TTY: 202-307-2027

Funding to Faith-Based Organizations

Faith-based organizations may apply for OVW grant awards on the same basis as any other organization subject to the protections and requirements of 28 C.F.R. Part 38 and any applicable constitutional and statutory requirements, including 42 U.S.C. §§ 2000bb *et seq.* DOJ will not, in the selection of recipients, discriminate for or against an organization on the basis of the organization's religious character, motives, or affiliation, or lack thereof, or on the basis of conduct that would not be considered grounds to favor or disfavor a similarly situated secular organization. A faith-based organization that participates in an OVW grant program will retain its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in federal law.

An organization may not use direct federal financial assistance from DOJ to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment and any other applicable requirements. An organization receiving federal financial assistance also may not, in providing services funded by DOJ, or in their outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

Recipients, and any subrecipients at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, which, among other things, sets out rules and requirements that relate to engaging in or conducting explicitly religious activities and requires that recipients and subrecipients that provide social services under a DOJ award give written notice to beneficiaries and prospective beneficiaries prior to the provision of services (if practicable) as described in 28 C.F.R. 38.6(b). A sample notice is available at

https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/Written_Notice_of_Beneficiary_Protections.pdf.

In certain instances, a faith-based or religious organization may be able to take religion into account when making hiring decisions, provided it satisfies certain requirements.

For more information on the legal protections and requirements described above, see <https://www.ojp.gov/program/civil-rights-office/partnerships-faith-based-and-other-neighborhood-organizations>.

Confidentiality and Privacy Protections

By statute, OVW recipients and their subrecipients are prohibited from disclosing, revealing, or releasing personally identifying information or individual information collected in connection with services requested, utilized, or denied through recipients' and subrecipients' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected (34 U.S.C. § 12291(b)(2)(B)).

The statute permits disclosure when the victim provides informed, written, and reasonably time-limited consent to the release or when a statute or a court compels that the information be released. Where there is a statutory or court mandate to release information, recipients and subrecipients must make reasonable attempts to provide notice to victims affected by the disclosure of information. They must also take necessary steps to protect the privacy and safety of the persons affected by the release of the information (34 U.S.C. § 12291(b)(2)(B) and (C)).

A parent or guardian may consent to disclosure regarding an unemancipated minor or legally incapacitated person; however, an abuser of a minor, of the minor's other parent, or of the legally incapacitated person is prohibited from giving consent to the disclosure. If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent (34 U.S.C. § 12291(b)(2)(B)(ii)).

Recipients and subrecipients must document their compliance with these requirements (34 U.S.C. § 12291(b)(2)(G)), and applicants for OVW funding must acknowledge that they have received notice of these statutory requirements, including the requirement to document compliance. The acknowledgement form is available on the OVW website at http://www.justice.gov/sites/default/files/ovw/pages/attachments/2015/01/20/confidentiality_acknowledgement_form_42015.pdf.

In addition, recipients and subrecipients may share aggregate information regarding their services and demographics of victims for certain purposes, if this information does not identify specific individuals or reveal personally identifying information. They may share such aggregate information with appropriate agencies to comply with federal, state, tribal, or territorial reporting, evaluation, and data collection requirements. For protection order enforcement purposes, they may also share court- and law enforcement-generated information contained in secure, governmental registries. Moreover, they may share law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes (34 U.S.C. § 12291(b)(2)(D)). Finally, in the event of the death of a

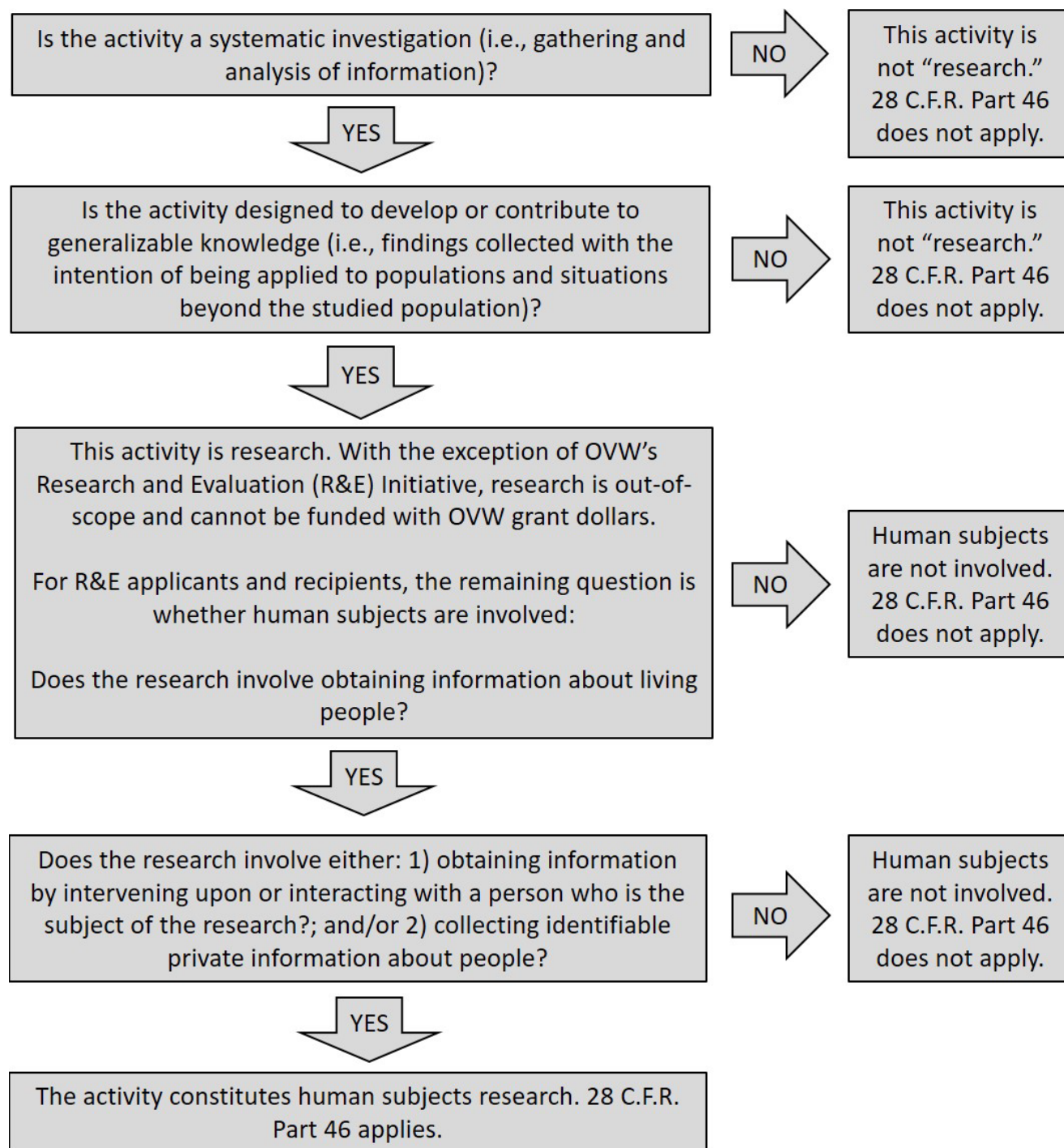
victim, recipients and subrecipients may share information about the deceased sought for a fatality review to the extent permitted by law and only if the conditions set forth in 34 U.S.C. § 12291(b)(2)(H)(i)-(iv) are met.

Distinguishing Between Research and Assessments

Research is outside the scope of OVW grant programs, meaning OVW grant funds cannot support research activities. (The only exception is grants funded under OVW's Research and Evaluation Initiative.) Research is defined in 28 C.F.R. § 46.102 as a systematic investigation designed to develop or contribute to generalizable knowledge. The OVW research decision tree on the next page can assist applicants/recipients in determining whether an activity they plan to undertake with federal funds constitutes research and therefore cannot be supported with OVW funds.

OVW recipients may use funds to conduct assessments for quality assurance and internal improvement purposes. Examples include surveying training participants about the quality of training content and delivery, or convening a listening session to identify service gaps in the community. Recipients planning to conduct any type of assessment or survey must use the decision tree on the next page to ensure that the activity does not constitute research. Finally, recipients must contact their program specialist for prior approval to ensure that the planned activity is within the scope of their award and meets the requirements of the Paperwork Reduction Act and other applicable laws and regulations. (See the section below on assessments, surveys, and the Paperwork Reduction Act.)

OVW Research Decision Tree



Assessments, Surveys, and the Paperwork Reduction Act

Congress passed the Paperwork Reduction Act to “minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government.” Under the Act, a federal agency must not conduct **or sponsor** the collection of information unless it first reviews the necessity of obtaining the information, gives notice of the proposed collection by publication in the Federal Register, considers any public comments in response to that publication, has the collection approved by the Office of Management and Budget (OMB), and receives an OMB control number for the information collection instrument. A “collection of information” can include surveys, assessments, research questionnaires – anything that involves a federal agency (or an organization on behalf of an agency) obtaining, soliciting, or requiring the disclosure of facts or opinions that call for either (1) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons or (2) answers to questions that are to be used for general statistical purposes. Recipients planning to conduct any type of assessment or survey must contact OVW to determine whether the requirements of the Paperwork Reduction Act apply.

Lobbying-Related Requirements

The Anti-Lobbying Act (18 U.S.C. § 1913), along with VAWA, as amended (34 U.S.C. § 12291(b)(10)), prohibits the use of federal funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. These anti-lobbying restrictions are enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity.

Pursuant to 34 U.S.C. § 12291(b)(3), however, OVW recipients and subrecipients may collaborate with or provide information to federal, state, local, tribal, and territorial public officials and agencies to develop and implement policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 34 U.S.C. § 12291(a)), when consistent with the activities otherwise authorized under the applicable grant program. In addition, some OVW program statutes contain purpose areas for developing and promoting legislation and policies that promote best practices for responding to domestic violence, dating violence, sexual assault, and stalking.

Another federal law (31 U.S.C. § 1352) generally prohibits federal funds awarded by OVW from being used to pay any person to influence (or attempt to influence) a federal agency, a member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OVW for guidance, and may not proceed without the express prior written approval of OVW.

For applications and awards in excess of \$100,000, if any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with an OVW grant or cooperative agreement, applicants and recipients must complete and submit Standard Form (SF) - LLL, Disclosure of Lobbying Activities. In addition, recipients must ensure that this requirement is included in the award documents for all subawards and procurement contracts (and their subcontracts) funded with federal award funds and ensure that any lobbying disclosures required of such subrecipients or contractors (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352. All applicants for OVW grants or cooperative agreements must read and acknowledge a certification regarding these disclosure requirements as part of their application; a copy of this certification (among others) is available at <https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/certifications.pdf>.

Audit Reporting Requirements

Any 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 2 C.F.R. Part 200, Subpart F - Audit Requirements. This audit report must be submitted to the **Federal Audit Clearinghouse** within nine months after the close of the fiscal year during the term of the award.

OVW Reporting Requirements

Recipients must comply with the following OVW reporting requirements:

1. Federal Financial Report (SF-425)

OVW recipients are required to file a Federal Financial Report (FFR) on a quarterly basis in the DOJ online system for managing grant awards, the Justice Grants System (JustGrants). The FFR is used to track actual expenditures and unliquidated obligations and is due no later than 30 days after the calendar quarter ends. The final FFR is due 120 days after the award end date. Recipients are encouraged to submit the FFR as soon as the quarter ends to avoid delays in processing and access to grant funds.

The schedule for submitting FFRs is as follows:

Reporting quarter:	Due no later than:
January 1–March 31	April 30
April 1–June 30	July 30
July 1–September 30	October 30
October 1–December 31	January 30

2. Performance Reports

Under the Government Performance and Results Modernization Act, VAWA, as amended, and federal regulations, recipients are required to report data on their grant-funded activities.

Each grant program's performance reporting requirements reflect the different statutorily authorized activities that recipients undertake. OVW collects uniform information on victims served and common activities that occur across grant programs. These performance report forms provide OVW with comprehensive data regarding recipient activities and are used for grant monitoring, Congressional reporting, identification of technical assistance needs and best practices, OVW's outreach strategy, and other performance-related data reporting.

OVW recipients are required to submit performance reports through JustGrants. If selected for funding, the applicant will have a condition on the award requiring the submission of these reports. For information on performance reporting, visit the VAWA Measuring Effectiveness Initiative website: <https://www.vawamei.org/>.

If either an FFR or Performance Report is late, JustGrants will automatically place a hold on grant funds. Once the delinquent report has been submitted, the hold on funds will be removed; however, the release may take 24-48 hours to process. Delinquent reports may affect future discretionary award decisions and may lead to suspension and/or termination of the award.

National Environmental Policy Act

All OVW awards are subject to the National Environmental Policy Act (NEPA) and other related federal laws, if applicable (42 U.S.C. § 4321 et seq.). DOJ has established procedures to implement NEPA (28 C.F.R. Part 61). The regulations state that "all federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decision-making and to prepare detailed environmental statements on . . . major federal actions significantly affecting the quality of the human environment" (28 C.F.R. § 61.1(a)). Under the regulations, DOJ, among other things, is required to "consider from the earliest possible point in the process all relevant environmental documents in evaluating proposals for Department action" (28 C.F.R. § 61.6(a)).

OVW has responsibility to ensure compliance with NEPA and 28 C.F.R. Part 61, including Appendix D to Part 61. For many projects that are funded by OVW, NEPA may have no applicability. However, if OVW funds will be used, for example, to pay for renovation projects (e.g., adding lighting, accessibility features, or security systems), programs involving the use of chemicals, or any other activity, including research and technology development, that may have an effect on the environment, at a minimum, the funding recipient must provide a full description of proposed project activities to OVW. Prior to allowing a recipient to spend OVW funds for such a project, OVW must make a finding that the project does not significantly affect the human environment and that further environmental assessment is not necessary.

Non-Supplanting of Nonfederal Funds

Recipients must use grant funds to supplement non-federal funds that would otherwise be available for project activities and may not use grant funds to replace (supplant) such nonfederal funds.¹

Potential supplanting will be the subject of monitoring and audit. In those instances where a question of supplanting arises, the applicant or recipient will be required to substantiate that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

Remedies for Noncompliance or for Materially False Statements

The conditions of an OVW award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of a recipient that relate to conduct during the period of performance is a material requirement of the award.

By signing and accepting an OVW award on behalf of a recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with any one or more of the award requirements – whether a condition set out in full or incorporated by reference in the award document, or an assurance or certification related to conduct during the award period – may result in OVW taking appropriate action with respect to the recipient and the award. Among other things, OVW may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OVW, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to an OVW award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812).

Reporting Potential Fraud, Waste, Abuse, and Similar Misconduct

The Office of the Inspector General (OIG) conducts independent investigations, audits, inspections, and special reviews of DOJ personnel and programs to detect and deter waste, fraud, abuse, and misconduct, and to promote integrity, economy, efficiency, and effectiveness in DOJ operations. Recipients, and any subrecipients at any tier, are required to promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under an OVW award – (1) submitted a claim that violates the False Claims Act; or (2) committed a

¹ Funds appropriated pursuant to 25 U.S.C. § 1304 for OVW programs supporting the exercise of Special Tribal Criminal Jurisdiction may be used to supplant tribal funds but may not be used to supplant any other federal, state, or local government amounts made available to carry out activities described in section 1304.

criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Recipients should report potential fraud, waste, abuse, or misconduct to the DOJ OIG by contacting:

<https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online")

or by mail directed to: U.S. Department of Justice

Office of the Inspector General

Investigations Division

ATTN: Grantee Reporting

950 Pennsylvania Avenue, N.W.

Washington, DC 20530

or by facsimile directed to the DOJ OIG Fraud Detection Office

(ATTN: Grantee Reporting) at (202) 616-9981

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

Suspension or Termination of Funding

OVW may suspend funding in whole or in part, terminate funding, or impose other sanctions on a recipient for the following reasons:

1. Failing to comply substantially with applicable laws, regulations, and/or the terms and conditions of the award or relevant notice of funding opportunity.
2. Failing to make satisfactory progress toward the goals, objectives, or strategies set forth in the application.
3. Proposing or implementing project changes to the extent that, if originally submitted, the application would not have been selected for funding.
4. Failing to submit required financial or performance reports.
5. Filing a false certification in the application or other report or document.

Before imposing sanctions, OVW will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Hearing and appeal procedures will follow those in DOJ regulations at 28 C.F.R. Part 18, as applicable. The federal regulation providing uniform rules for termination of grants and cooperative agreements is 2 C.F.R. § 200.340.

Rights in Intellectual Property

DOJ reserves certain rights with respect to data, patentable inventions, works subject to copyright, and other intellectual property associated with an award of federal funds. See 2 C.F.R. § 200.315 and 37 C.F.R. Part 401.

Federal Funding Accountability and Transparency Act of 2006 (FFATA)

Applicants receiving an OVW award should be aware of the requirements of the Federal Funding Accountability and Transparency Act of 2006 (FFATA), as amended, which led to the establishment of a single searchable website (<https://www.usaspending.gov/>) that is accessible by the public and includes detailed information for each Federal award, including:

1. The name of the entity receiving the award.
2. The amount of the award.
3. The amount of funds spent under the award to date (outlayed amount).
4. Information on the award including the Assistance Listing number, program source, and a description of the funded project.
5. The location of the entity receiving the award and primary location of performance under the award, including the city, state, and congressional district.
6. A unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity.
7. Any other relevant information specified by OMB.

DOJ awarding agencies are responsible for collecting the recipient information above and providing it to the public website. For more information, visit the USASpending.gov website.

Under FFATA, all recipients of awards of \$30,000 or more are required to report award information on any first-tier subawards totaling \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. Recipient executive compensation data are to be reported in the System for Award Management (SAM) (<https://www.sam.gov/SAM/>) and are displayed on USASpending.gov. The FFATA Subaward Reporting System (FSRS), also accessible through SAM at <https://sam.gov/fsrs>, is the reporting tool recipients must use to capture and report *subaward* information, including any executive compensation data on subrecipients required by FFATA. The subaward information entered in SAM will then be displayed on USASpending.gov and associated with the prime award, furthering federal spending transparency. Each applicant entity must ensure that it has the necessary processes and systems in place to comply with these reporting requirements should it receive funding.

For additional information regarding the executive compensation and subaward reporting requirements, visit the OVW website at <https://www.justice.gov/ovw/award-conditions> and click on “Award Condition: Reporting Subawards and Executive Compensation,” or see [2 C.F.R. Part 170](#).

Recipient Integrity and Performance Reporting Requirements

Recipients with a total value of active grants, cooperative agreements, and procurement contracts from all federal agencies that exceeds \$10,000,000 for any period of time during the period of performance of their OVW award must ensure the information available in the responsibility/qualification records through the System for Award Management (SAM) is current and complete.

SAM reporting involves particular information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either a recipient's OVW award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OVW awards are required to report information about such proceedings in SAM. The recipient does not need to submit the information a second time if it already reported the information in SAM because it was required to do so under federal procurement contracts. The details of the recipient obligations regarding this requirement are available on the OVW website at <https://www.justice.gov/ovw/award-conditions> in the document titled "Award Condition: Recipient Integrity and Performance Matters, including recipient reporting in SAM." OVW includes a special condition regarding this requirement on all awards where the cumulative amount of the award will exceed \$500,000.

Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement

A prospective recipient of an award in excess of \$5,000,000 may be required to submit a detailed certification concerning filing of federal tax returns, criminal convictions under the Internal Revenue Code, and unpaid federal tax assessments.

Prohibited Conduct by Recipients and Subrecipients Related to Trafficking in Persons

A recipient of an OVW award, and any subrecipients at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients, or individuals defined as "employees" of the recipient or of any subrecipient. The details of these obligations, including reporting requirements, OVW's authority to terminate the award, and the definition of "employee," are available on OVW's website at <https://www.justice.gov/ovw/award-conditions> in the document titled "Award Condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons."

Whistleblower Protections for Employees of OVW Recipients

Recipients and subrecipients of OVW grants and cooperative agreements must comply with, and are subject to, all applicable provisions of 41 U.S.C. § 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

Recipients also must inform their employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. § 4712.

General Appropriations Law Restrictions

The federal appropriations statutes that provide (among many other things) the funds that OVW awards in its grants and cooperative agreements include various restrictions on how the appropriated funds may be used. These restrictions, which often appear in sets of "General Provisions," typically do not relate to a particular program, or even to a particular agency such as OVW. Rather, they are wide-ranging, "cross-cutting" restrictions. For more information on the general appropriations-law restrictions applicable to OVW awards each fiscal year, visit <https://www.justice.gov/ovw/award-conditions> and click on "Award Condition: General appropriations-law restrictions on use of federal award funds" under each fiscal year.

Subrecipient and Contractor Determinations Under OVW Awards

In developing a proposed project and budget for an OVW grant program, applicants may identify project needs that can best be met through providing funds to another entity, either through a subaward agreement or a procurement contract, depending on the nature and circumstances of the identified need. Under 2 C.F.R. § 200.331, recipients of OVW grants and cooperative agreements must make case-by-case determinations whether each agreement they make for the disbursement of federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. The substance of the relationship between the two parties is more important than the form of the agreement in classifying each agreement as a subaward or a procurement contract. The characteristics of each type of relationship are set forth in section 200.331, and the determination is important because the requirements for subawards and procurement contracts are different. Recipients should incorporate into their internal procedures a documented process for making the subrecipient versus contractor determination and maintain documentation of the decision-making process in each case in their internal files.

A subaward is for the purpose of carrying out a portion of the federal award, and the subrecipient is typically responsible for adhering to applicable federal program requirements and for fulfilling a program purpose, as opposed to providing goods or services for the benefit of the direct recipient. Partners with which the recipient has entered into a memorandum of understanding to carry out the funded project are generally considered subrecipients because of their role in meeting program objectives, participating in programmatic decision-making, and in some cases determining who is eligible to receive assistance or services with program funds. See 2 C.F.R. § 200.331(a). The agreement for disbursement of funds to the subrecipient must be clearly identified as a subaward and include the information required in 2 C.F.R. § 200.332(b). The recipient must verify that the subrecipient is not excluded or disqualified in accordance with 2 C.F.R. § 180.300, evaluate the subrecipient's fraud risk and risk of noncompliance with a subaward, monitor the activities of the subrecipient, and take all other actions specified in 2 C.F.R. § 200.332(c)-(i).

A contract is for the purpose of obtaining goods and services for the recipient's use and creates a procurement relationship with the contractor. A contractor provides goods and services within normal business operations, and the goods or services provided are ancillary to the project, rather than fulfilling one of the purposes of the grant program under which the project is funded. A contractor also provides similar goods and services to many different

purchasers, normally operates in a competitive environment, and is generally not subject to the compliance requirements of the federal program as a result of the agreement. See 2 C.F.R. § 200.331(b). In awarding contracts, recipients must follow the procurement standards set forth in 2 C.F.R. §§ 200.317-200.327, including following the requirements for noncompetitive procurements. Recipients also must include in the contract the applicable provisions described in Appendix II to 2 C.F.R. Part 200.

Other important distinctions between subrecipients and contractors include the following: the procurement standards and competition requirements in 2 C.F.R. Part 200 do not apply to subawards; instead, the program requirements and conditions in the recipient's award pass down to subrecipients. In addition, contractors may earn a normal profit under agreements with direct OVW recipients, but subrecipients may not earn a profit through subaward funded activities; subrecipients are reimbursed for their actual costs and not on a fee-for-service basis.

Questions regarding the determination as to whether an agreement is a subaward or a contract may be directed to the recipient's program manager or to OVW's Grants Financial Management Division at OVW.GFMD@usdoj.gov.

II. Activities That Compromise Victim Safety and Recovery and Undermine Offender Accountability

OVW 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. Below are lists of these activities, including a separate list for each OVW grant program. The first list applies across all OVW programs, and the program-specific lists may include activities that are relevant to other OVW programs, depending on the scope of a recipient's project.

- 1) Procedures or policies that exclude eligible victims from receiving services based on the classifications identified in 34 U.S.C. § 12291(b)(13)(A) or their actual or perceived mental or physical health condition, criminal record, employment history or status, income or lack of income, or the age and/or sex of their children.²
- 2) Procedures or policies that compromise the confidentiality of information and/or privacy of victims.
- 3) Procedures or policies that require victims to take certain actions (e.g., seek an order of protection; receive counseling; participate in counseling, mediation, or restorative justice/circle processes; report to law enforcement or other authorities; seek civil or criminal remedies) or penalize them for failing to do so.
- 4) Procedures or policies that fail to include conducting safety planning with victims.
- 5) 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.
- 6) Using technology without addressing implications for victim confidentiality, safety planning, and the need for informed consent.
- 7) Partnering with individuals or organizations that support/promote practices that compromise victim safety and recovery or undermine offender accountability.

Additional activities that compromise victim safety and recovery and undermine offender accountability, divided by OVW grant program, appear in the lists below.

1. **Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Assault and Engage Men and Youth as Allies**

- Except if required by law, procedures or policies that require automatic reporting to child or adult protective services, regardless of the circumstances of an incident. This

² If an award is made, the recipient will also be subject to statutory prohibitions on discrimination. For further information on the civil rights requirements governing recipients of federal funding, see [Requirements for All OVW Applicants and Recipients](#) above. In addition, OVW regulations provide that victim eligibility for direct services is not dependent on the victim's immigration status. 28 C.F.R. § 90.4(c).

includes automatically reporting situations that may implicate victims of domestic violence solely for failure to protect a minor child from witnessing domestic violence.

- Procedures or policies that deny victims and non-abusing parents or caretakers and their children access to services based on their involvement with the perpetrator.
- Procedures or policies that do not provide for the meaningful involvement of student victims in discussions and decisions that have a direct impact on them.
- Procedures or policies that only offer changes, such as academic and housing accommodations and/or locker re-assignments, to student victims without exploring the imposition of similar changes on accused students.
- Dissemination of information, education, or prevention materials that place blame on the victim or focus primarily on changing victim behavior.
- Failing to develop policies regarding confidentiality, parental involvement/consent, mandatory reporting, and working with other ancillary service providers.
- Mediation, restorative justice, circle discussions, or similar practices in cases of domestic violence, dating violence, sexual assault, stalking, or sex trafficking, except where the practice is voluntary for the victim and there is screening for victimization, there is informed consent on the part of the victim, the practitioners involved have appropriate training on victimization issues, and the process includes ongoing safety planning for victims and flexibilities such as having the victim and offender physically separated.
- Couples counseling, family counseling, or any other joint victim-offender counseling as a routine or required response to domestic violence, dating violence, sexual assault, stalking, or sex trafficking, or in situations in which child sexual abuse is alleged.

2. Enhanced Training and Services to End Abuse Later in Life Program

- Mediation or counseling for couples/families as a systemic response to domestic/family violence.
- Failing to develop policies around confidentiality and information sharing for stakeholders developing or enhancing a multidisciplinary collaborative community response.

3. Grants to Enhance Culturally Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program

- Procedures or policies that deny victims access to services based on their relationship to the perpetrator.
- Except if required by law, procedures or policies that require automatic reporting to adult or child protective services, regardless of the circumstances of an incident. This includes automatically reporting situations that may implicate victims of domestic violence solely for failure to protect a minor child from witnessing domestic violence.
- Materials that are not tailored to the dynamics of domestic violence, dating violence, sexual assault, or stalking or to the culturally specific population to be addressed by the project.

4. Grants for Outreach and Services to Underserved Populations

- Procedures or policies that deny victims access to services based on their involvement with the perpetrator.

- Referrals to child protective services solely for a victim's failure to protect a minor child from witnessing domestic violence, except if required by law.
- Materials that are not tailored to the dynamics of domestic violence, dating violence, sexual assault, or stalking or to the specific populations to be addressed by the project.

5. Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus Program

- Couples counseling, family counseling, or any other joint victim-offender counseling as a routine or required response to domestic violence, dating violence, sexual assault, or stalking.
- Procedures or policies that do not allow student victims to decide whether to modify their class schedules and/or other arrangements such as living arrangements or to receive appropriate academic or other accommodations.
- Dissemination of information, education, or prevention materials that place blame on the victim or focus primarily on changing victim behavior.
- **Note:** The Campus Program statute, as amended by the Violence Against Women Act Reauthorization Act of 2022, specifically allows grant funds to be used to develop and implement restorative practices, provided they meet all of the criteria set forth in 34 U.S.C. § 12291(a)(31).

6. Grants to Support Families in the Justice System (Justice for Families Program)

For applications addressing Purpose Area 1 (supervised visitation and safe exchange):

- Failure to align supervised visitation and safe exchange services with the Guiding Principles of the Supervised Visitation Program, which can be found here: <https://www.justice.gov/sites/default/files/ovw/legacy/2008/08/06/guiding-principles032608.pdf>.
- Charging fees to either parent for OVW-funded supervised visitation and exchange services.
- Providing visitation or exchange services that do not account for the safety of adult victims.
- Requiring a court order to access visitation and/or exchange services.
- Providing custody evaluations or court reports based on subjective information and opinions of center staff and volunteers.

For applications addressing Purpose Areas 4 or 5 (courts):

- Internet publication of registration, issuance, or filing of a petition for a protection order, restraining order, or injunction in either the issuing or enforcing state, Tribal, or territorial jurisdiction, if such publication would reveal the identity or location of the party protected by such order. See 18 U.S.C. § 2265(d)(3).
- Procedures or policies that deny individuals access to services based on their relationship to the perpetrator.
- Procedures or policies that penalize victims of violence for failing to testify against their abusers or impose other sanctions on victims.

- The automatic use of pre-trial diversion programs in cases of domestic violence, dating violence, sexual assault, or stalking.
- Offering or ordering anger management programs for offenders as a substitute for batterer intervention programs or relying on batterer intervention programs that do not use court monitoring or other mechanism to hold batterers accountable for their behavior.
- Mediation in cases of domestic violence, dating violence, sexual assault, or stalking, except where the mediation is voluntary for the victim and there is screening for such victimization prior to the start of mediation, there is informed consent on the part of the victim, the mediators have appropriate training on such victimization issues, and the process includes ongoing safety planning for victims and flexibilities such as having the victim and offender physically separated.

For applications addressing Purpose Area 6 (civil legal assistance)

- Refusal to represent victims who are also respondents/defendants.
- Policies or practices that discourage accepting cases that have little or no physical evidence.
- Mediation in cases of domestic violence, dating violence, sexual assault, or stalking, except where the mediation is voluntary for the victim and there is screening for such victimization prior to the start of mediation, there is informed consent on the part of the victim, the mediators have appropriate training on such victimization issues, and the process includes ongoing safety planning for victims and flexibilities such as having the victim and offender physically separated.

7. Grants to Tribal Governments to Exercise Special Tribal Criminal Justice Jurisdiction

- The automatic use of pre-trial diversion programs in cases of domestic violence, dating violence, sexual assault, or stalking.
- Couples counseling, family counseling, or any other joint victim-offender counseling as a routine or required response to sexual assault, domestic violence, dating violence, or stalking.
- Offering or ordering anger management programs for offenders as a substitute for batterer intervention programs.
- Relying on batterer intervention programs that do not use court monitoring or other mechanism to hold batterers accountable for their behavior.
- Issuance of mutual restraining orders of protection except in cases where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense.
- In connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense; or the filing, issuance, registration, modification, enforcement, dismissal, or service of a protection order, or a petition for a protection order, to protect a victim of sexual assault, domestic violence, dating violence, or stalking, requiring that victims bear the costs associated with the filing of criminal charges against the offender; or the filing, issuance, registration, modification,

enforcement, dismissal or service of a warrant, protection order, petition for a protection order, or witness subpoena.

- Policies or practices that discourage accepting cases that have little or no physical evidence.

8. Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program

- The automatic use of pre-trial diversion programs in cases of domestic violence, dating violence, sexual assault, or stalking.
- Relying on batterer intervention programs that do not use court monitoring or other mechanism to hold batterers accountable for their behavior.
- Offering or ordering anger management programs for offenders as a substitute for batterer intervention programs.
- Policies or practices that discourage accepting cases that have little or no physical evidence.
- Procedures or policies that penalize victims of violence for failing to testify against their abusers or impose other sanctions on victims.
- Establishment or enhancement of a multidisciplinary collaborative community response without developing appropriate policies regarding confidentiality and information sharing for the members.
- Enforcing or promoting nuisance abatement ordinances, crime-free housing ordinances, or crime-free lease addenda (often associated with crime-free housing programs) that require or encourage the eviction of tenants or residents who may be victims of domestic violence, sexual assault, dating violence or stalking (visit the [website](#) of the Department of Housing and Urban Development for more information).
- Policies or procedures that require testing of sexual assault forensic evidence in cases where the victim obtained a medical forensic exam but has not chosen to participate in the criminal justice system (see <https://www.justice.gov/ovw/page/file/931391/download>).
- Couples counseling, family counseling, or any other joint victim-offender counseling as a routine or required response to sexual assault, domestic violence, dating violence, or stalking, or in situations in which child sexual abuse is alleged.

9. Legal Assistance for Victims Grant Program

- Policies or practices that discourage accepting cases that have little or no physical evidence.
- Refusal to represent victims who are also respondents/defendants.
- Procedures or policies that deny individuals access to services based on their relationship to the perpetrator.
- Procedures or policies that deny victims and non-abusing parents or caretakers and their children access to services based on their involvement with the perpetrator.
- Establishment or enhancement of a multidisciplinary collaborative community response without developing appropriate policies regarding confidentiality and information sharing for the members.
- Requiring survivors to meet restrictive conditions in order to receive services (e.g., background checks of victims; clinical evaluations to determine eligibility for services) or

other screening processes that elicit information that is not necessary for services, such as questions about immigration status, gender identity, sexual orientation, disability, physical or mental health, and work or criminal history that the service provider does not need to know to provide services safely.

- Policies and procedures that fail to account for the physical safety of victims.
- Policies and procedures that refuse legal representation or allow an attorney to withdraw from legal representation based on the victim's inability to pay court costs.

10. Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program

- The automatic use of pre-trial diversion programs in cases of domestic violence, dating violence, sexual assault, or stalking.
- Offering or ordering anger management programs for offenders as a substitute for batterer intervention programs or relying on batterer intervention programs that do not use court monitoring or other mechanism to hold offenders accountable for their behavior.
- Procedures or policies that deny victims and non-abusing parents or caretakers and their children access to services based on their involvement with the perpetrator.
- Dissemination of information, education, or prevention materials that place blame on the victim or focus primarily on changing victim behavior.
- Policies or practices that discourage accepting cases with little or no physical evidence.
- Policies and procedures that fail to account for the physical safety of victims.
- Enforcing or promoting nuisance abatement ordinances, crime-free housing ordinances, or crime-free lease addenda (often associated with crime-free housing programs) that require or encourage the eviction of tenants or residents who may be victims of domestic violence, sexual assault, dating violence, or stalking (visit the [website](#) of the Department of Housing and Urban Development for more information).
- Policies or procedures that require testing of sexual assault forensic evidence in cases where the victim obtained a medical forensic exam but has not chosen to participate in the criminal justice system (see <https://www.justice.gov/ovw/page/file/931391/download>).

11. Sexual Assault Services Culturally Specific Program

- Requiring mediation or counseling for couples as a systemic response to domestic violence or sexual assault, or in situations in which child sexual abuse is alleged.
- Procedures or policies that deny individuals access to services based on their relationship to the perpetrator.
- Materials that are not tailored to the dynamics of sexual assault or to the culturally specific population to be addressed by the project.

12. Sexual Assault Services Formula Program

- 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.

13. Training and Services to End Violence Against Women with Disabilities Grant Program (N/A)

14. Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Program

- Requiring survivors to meet restrictive conditions in order to receive services (e.g., background checks of victims; clinical evaluations to determine eligibility for services).
- Enforcing or promoting nuisance abatement ordinances, crime-free housing ordinances, or crime-free lease addenda (often associated with crime-free housing programs) that require or encourage the eviction of tenants or residents who may be victims of domestic violence, sexual assault, dating violence, or stalking (visit the [website](#) of the Department of Housing and Urban Development for more information).
- Requiring transitional housing participants to have income to be eligible for services.

15. Tribal Domestic Violence and Sexual Assault Coalitions Program (N/A)

16. Tribal Governments Program

- For youth-focused activities, see the Consolidated Youth Program (#1 above).
- For supervised visitation activities, see the Justice for Families Program (#6 above).
- For criminal justice system activities, see the Improving Criminal Justice Responses Program (#6 above).
- For legal assistance activities, see the Legal Assistance for Victims Program (#9 above).
- For transitional housing activities, see the Transitional Housing Program (#14 above).

17. Tribal Sexual Assault Services Program

- Procedures or policies that deny individuals access to services based on their relationship to the perpetrator.
- Couples counseling, family counseling, or any other joint victim-offender counseling as a routine or required response to sexual assault, domestic violence, dating violence, or stalking, or in situations in which child sexual abuse is alleged.
- Materials that are not tailored to the dynamics of sexual assault or to Tribal communities.