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# **FY 2020 Solicitation Companion Guide**

## **OVW Grant Programs & Post-Award Information**

This Guide offers applicants pertinent information about all OVW grant programs and post-award requirements. It is not a substitute for any of OVW's program-specific solicitations or any of the applicable statutes, regulations, or policies that govern OVW's grant programs.

Applicants are responsible for reading each solicitation in its entirety and for following the instructions set forth in each solicitation.

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## I. OVW Grant Programs and Pertinent Information

In Fiscal Year (FY) 2020, the Office on Violence Against Women (OVW) expects to award funding under the grant programs in the table below, including the Technical Assistance Initiative. Four of these programs are formula programs, meaning the enacted legislation specifies how the funds are to be distributed among all eligible applicants. The remaining programs are discretionary, meaning OVW has the responsibility to select recipients from the pool of eligible applicants. It is anticipated that solicitations for FY 2020 will be released on a rolling basis starting in November 2019.

Refer to the current solicitations posted on [OVW's website](#) for the most up-to-date information on deadlines, project periods, and budget caps.

OVW Grant Programs and Pertinent Information		
OVW Grant Program	Award Project Period	Projected Budget Caps*
Enhanced Training And Services To End Abuse In Later Life Program	Up to 36 months for new Up to 24 months for continuation	Up to \$400,000 for new Up to \$300,000 for continuation
Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus Program	36 months	Up to \$300,000 for individual schools
		Up to \$550,000 for consortium projects with 2-4 schools working together
		Up to \$750,000 for consortium projects with 5+ schools working together
Grants to Enhance Culturally Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program	24 months	Up to \$300,000

\* Budget caps for each program are subject to FY 2020 appropriations and availability of funds.

Training and Services to End Violence Against Women with Disabilities	Up to 36 months for new Up to 24 months for continuation	Up to \$500,000 for new, state-focused project
		Up to \$425,000 for new, local-focused project
		Up to \$400,000 for continuation, state-focused project
		Up to \$325,000 for continuation, local-focused project
Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program	36 months	Up to \$450,000 - \$900,000 depending on the population of the service area
Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction	36 months	Up to \$450,000
Legal Assistance for Victims Grant Program	36 months	New and continuation LAV applicants proposing to provide primarily domestic violence focused legal services or less than 80% sexual assault focused legal services may request up to \$600,000.
		New and Continuation LAV applications that are submitted by sexual assault organizations and that are proposing to provide 80% or more of the project's legal services to victims of sexual assault, beyond intimate partner sexual assault, may request up to \$800,000.
Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program	36 months	Up to \$750,000 for continuation
		Up to \$500,000 for new

Sexual Assault Services Formula Program	24 months	OVW will make a maximum of 56 awards to each state and territory, with award amounts based on a statutory formula.
Sexual Assault Services Culturally Specific Program	36 months	Up to \$300,000
Grants to Tribal Domestic Violence and Sexual Assault Coalitions Program	12 months	OVW will make awards to each recognized tribal coalition based on a statutory formula.
State and Territorial Domestic Violence and Sexual Assault Coalitions Program	12 months	OVW will make awards to each state and territorial coalition based on a statutory formula.
STOP Formula Grant Program	24 months	OVW will make a maximum of 56 awards to each state and territory, with award amounts based on a statutory formula.
Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking	36 months	Up to \$350,000
Tribal Sexual Assault Services Program	36 months	Up to \$375,000
Justice for Families Program	36 months	Up to \$550,000 for projects with purpose area 1 (supervised visitation) plus one other purpose area or just purpose area 5 (court-based and court-related programming).
		Up to \$700,000 for projects proposing to comprehensively address purpose areas 1 (supervised visitation), 5 (court-based

		and court-related programming), and 6 (civil legal assistance).
Grants for Outreach and Services to Underserved Populations	36 months	Up to \$450,000
Research and Evaluation	12 to 36 months	Up to \$450,000
Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Assault and Engage Men and Boys as Allies	TBD	TBD
Technical Assistance Initiative	For Targeted TA Projects: Up to 36 months	Up to \$900,000 <sup>1</sup>
	For Comprehensive TA Projects: Up to 60 months	Up to \$1,000,000 <sup>2</sup> for the first three years of the five-year award.
Tribal Governments Program (CTAS Purpose Area #5)	36 Months	Up to \$450,000 for new projects
		Up to \$900,000 for continuation projects

<sup>1</sup> Funding levels under the Technical Assistance Initiative are provided with each purpose area.

<sup>2</sup> OVW has the discretion to award cooperative agreements for greater or lesser amounts than requested and to negotiate the scope of work and budget with applicants prior to making an award.

## II. Post-Award Requirements for All Federal Award Recipients

All OVW award recipients must comply with the requirements below. 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>.

### Violence Against Women Act Non-Discrimination Provision

The Violence Against Women Act prohibits OVW grantees from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW (34 U.S.C. § 12291(b)(13)).

### 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.

Compliance with Title VI of the Civil Rights Act of 1964, which prohibits recipients from discriminating on the basis of national origin in the delivery of services or benefits, entails taking reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to their programs and activities. An LEP person is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. To assist recipients in meeting their obligation to serve LEP persons, DOJ has published a number of resources, including a language access assessment and planning tool, which are available at [https://www.lep.gov/guidance/guidance\\_DOJ\\_Guidance.html](https://www.lep.gov/guidance/guidance_DOJ_Guidance.html). Additional resources are available at <http://ojp.gov/about/ocr/lep.htm>. Additionally, applicants must include within their program budgets the costs for providing interpretation and translation services to eligible LEP persons or explain how language access will be provided if grant funds are not needed for this purpose.

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 support activities that help to ensure meaningful and full access to their programs. For example, grant funds can be used to support American Sign Language (ASL) interpreter services or the purchase of adaptive equipment. For resources, see [www.ADA.gov](http://www.ADA.gov) or contact OVW.

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

A DOJ regulation (28 C.F.R. Part 38) provides that faith-based or religious organizations are able to participate in DOJ-funded programs on an equal basis with other organizations. In addition, recipients, and any subrecipients at any tier, must comply with all applicable requirements of Part 38, which, among other things, prohibits specific forms of discrimination on the basis of religion, religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipients and subrecipients that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations. For more information, see <https://ojp.gov/about/ocr/partnerships.htm>.

## 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)).

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)(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](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

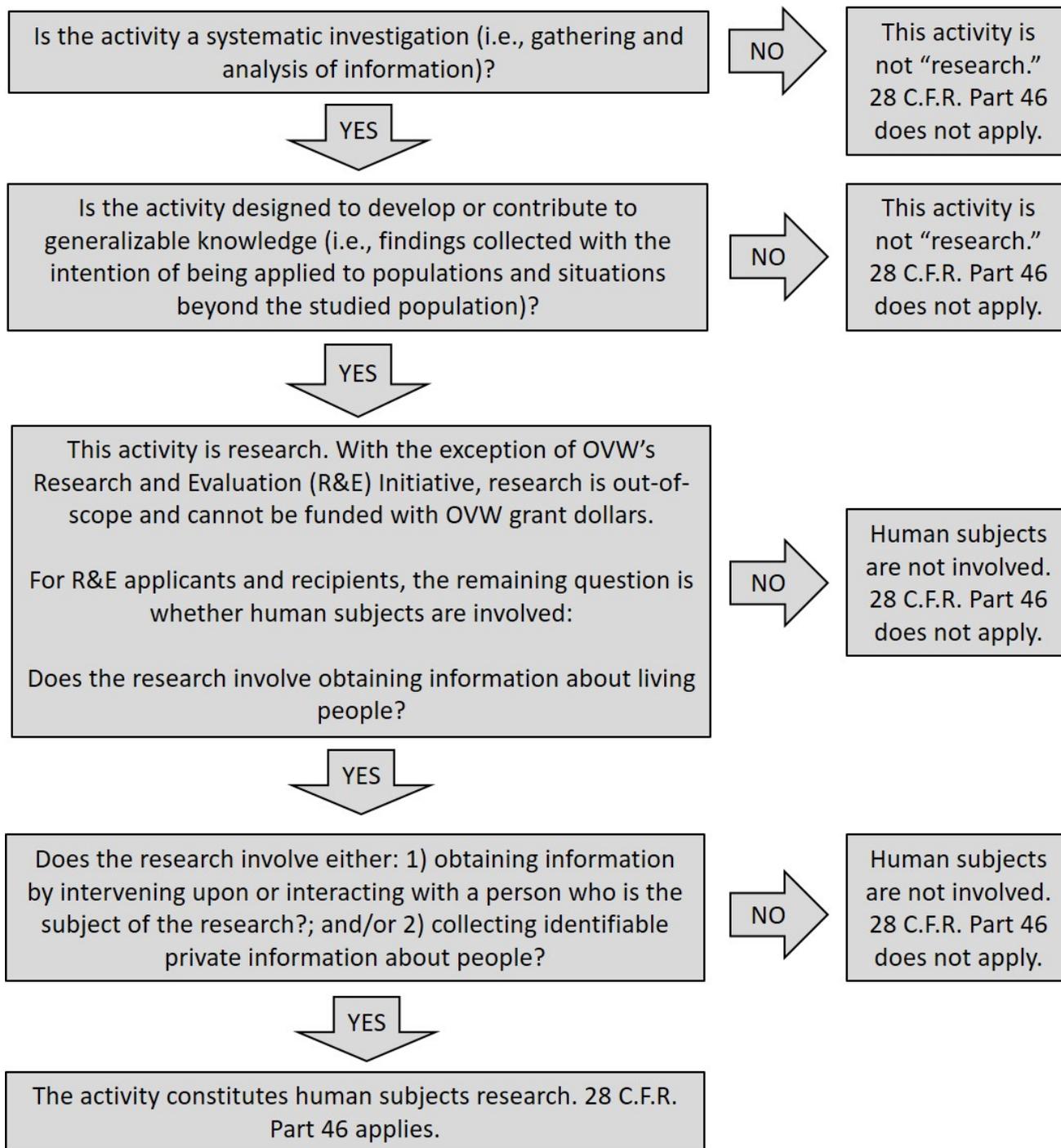
information contained in secure, governmental registries. Moreover, they may share law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes (34 U.S.C. § 12291(b)(2)(D)).

## Distinguishing Between Research and Assessments

Research is defined in 28 C.F.R. § 46.102 as a systematic investigation designed to develop or contribute to generalizable knowledge. 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.) 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.

## Anti-Lobbying Act

The Anti-Lobbying Act (18 U.S.C. § 1913), along with the Violence Against Women Act, 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.

However, pursuant to 34 U.S.C. § 12291(b)(3), 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.

## 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) quarterly via the FFR module in the web-based Grants Management System (GMS). OVW recipients are required to designate and approve at least one Financial Point of Contact (FPOC) in GMS before they can file the FFR. An FPOC must be registered and approved by the Grant Point of Contact through GMS at <https://grants.ojp.usdoj.gov/>.

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 90 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:

<b>Reporting quarter:</b>	<b>Due no later than:</b>
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. Progress Reports

Under the Government Performance and Results Act (GPRA) and Violence Against Women Act (VAWA) of 2000, recipients are required to collect and maintain data that measure the effectiveness of their grant-funded activities.

Each grant program’s progress reporting form reflects the different statutorily authorized activities that recipients perform and collects uniform information on victims served, demographics, and common activities that occur across grant programs. These progress report forms provide OVW with comprehensive data regarding recipient activities and are used for Congressional reporting, OVW’s outreach strategy, and other performance-related data reporting.

OVW recipients are required to submit semi-annual or annual progress reports through the Grants Management System (GMS). If selected for funding, the applicant will have a special condition on the award requiring the submission of these progress reports. For information on progress reporting and sample reporting forms, visit the VAWA Measuring Effectiveness Initiative website: <http://muskie.usm.maine.edu/vawamei/index.htm>.

If either an FFR or Progress Report is late, GMS will automatically place a hold on grant funds. GMS will generate a Grant Adjustment Notice (GAN) informing the recipient that the funds have been placed on hold. Once the delinquent report has been submitted, GMS will automatically generate a GAN releasing the hold. Delinquent reports may affect future awards 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. § 61.2). 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.).

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, 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 State and Local Funds

Grantees must use federal funds to supplement existing funds for program activities and may not replace (supplant) nonfederal funds that they have appropriated for the same purpose.

Potential supplanting will be the subject of monitoring and an audit. Violations can result in a range of penalties, including suspension of current and future OVW funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

## Remedies for Noncompliance or for Materially False Statements

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

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 a certification or assurance 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. 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 should report potential fraud, waste, abuse, or misconduct to the DOJ OIG by contacting:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
1425 New York Avenue, N.W.  
Suite 7100  
Washington, DC 20530  
Hotline (contact information in English and Spanish):  
(800) 869-4499 (phone) or (202) 616-9881 (fax)

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 solicitation.
2. Failing to make satisfactory progress toward the goals, objectives, or strategies set forth in the application.
3. Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
4. Failing to submit required financial or progress 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.

## 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), which called for the establishment of a single searchable website <http://www.USASpending.gov> that is accessible by the public and includes the following information for each Federal award:

1. The name of the entity receiving the award.
2. The amount of the award.
3. Information on the award including the transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action.
4. The location of the entity receiving the award and primary location of performance under the award, including the city, state, congressional district, and country.

5. 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.
6. Any other relevant information specified by OMB.

DOJ awarding agencies are responsible for collecting recipient information and providing it to the public website, using data provided by recipients through the Grants Management System. For more information, visit the [USASpending.gov](http://USASpending.gov) website.

Under FFATA, all recipients of awards of \$25,000 or more are required to report award information on any first-tier subawards totaling \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. The FFATA Subaward Reporting System (FSRS), accessible via the Internet at [www.fsr.gov](http://www.fsr.gov), is the reporting tool recipients will use to capture and report subaward information and any executive compensation data required by FFATA. The subaward information entered in FSRS will then be displayed on [www.USASpending.gov](http://www.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, go to the OVW website at <https://www.justice.gov/ovw/award-conditions> and click on “Award Condition: Reporting Subawards and Executive Compensation,” or see Vol. 75, No. 177 (September 14, 2010) of the Federal Register, [www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf](http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf).

## Federal Award Performance and Integrity Information System (FAPIIS) Requirements

Recipients that have a total value of current active grants, cooperative agreements, and procurement contracts from all federal awarding agencies that exceeds \$10,000,000 for any period of time during the period of performance of their OVW award must maintain the currency of information about civil, criminal, or administrative proceedings reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)).

FAPIIS reporting requires recipients to comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either their 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, through SAM, to the designated federal integrity and performance system (FAPIIS). 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 to FAPIIS.” 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 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, go to <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

Under 2 C.F.R. § 200.330, 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 200.330, 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 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. § 200.330(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. § 200.331(a). The recipient must evaluate the subrecipient's risk of noncompliance with federal statutes, regulations, and award requirements, monitor the activities of the subrecipient, and take all other actions specified in 2 C.F.R. § 200.331(b)-(h).

A contract is for the purpose of obtaining goods and services for the recipient's own 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. § 200.330(b). In awarding contracts, recipients must follow the procurement standards set forth in 2 C.F.R. §§ 200.317-200.326, including following sole source requirements. 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 sole source 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; 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](mailto:OVW.GFMD@usdoj.gov).

### III. 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 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.<sup>3</sup>
- 2) Procedures or policies that compromise the confidentiality of information and/or privacy of persons receiving services.
- 3) 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.
- 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 Boys 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 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.

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<sup>3</sup> 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 Post-Award Requirements for All Federal Grant Recipients above.

- 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 modification of class schedules and/or other arrangements for students accused of domestic violence, dating violence, sexual assault, stalking, or sex trafficking.
- 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 such victimization, there is informed consent on the part of the victim, the practitioners involved 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.
- Policies or procedures that require victims to report to law enforcement or the school/district, participate in the criminal justice system, participate in counseling, mediation, or restorative justice/circle processes, or seek a protection or restraining order against the offender, and penalize them for failing to do so.
- 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.

**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 use of pre-trial diversion programs in cases of domestic violence, dating violence, sexual assault, or stalking or the automatic placement of offenders in such programs.
- 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 to hold batterers accountable for their behavior.
- Policies or procedures that require victims to report the crime to law enforcement, participate in the criminal justice system, or seek a protection or restraining order against the offender, and penalize them for failing to do so.

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 Domestic Violence Criminal Justice Jurisdiction**

- The use of pre-trial diversion programs in cases of domestic violence, dating violence, sexual assault, or stalking or the automatic placement of offenders in such programs.
- 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 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.
- Requiring that victims bear the costs associated with: (1) the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense; (2) 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; (3) the filing of criminal charges against the offender; or (4) 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 use of pre-trial diversion programs in cases of domestic violence, dating violence, sexual assault, or stalking or the automatic placement of offenders in such programs.
- Relying on batterer intervention programs that do not use court monitoring 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.

- Policies or procedures that require victims to report the crime to law enforcement, participate in the criminal justice system, or seek a protection or restraining order against the offender, and penalize them for failing to do so.
- 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 (see <https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF>).
- 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.
- Policies or procedures that require victims to report the crime to law enforcement, participate in the criminal justice system, or seek a protection or restraining order against the offender, and penalize them for failing to do so.
- 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.

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

- The use of pre-trial diversion programs in cases of domestic violence, dating violence, sexual assault, or stalking or the automatic placement of offenders in such programs.
- 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 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 (see <https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF>).
- 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 (see <https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF>).
- 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.