

2017 – S.T.O.P. Violence Against Women Act (VAWA) Special Conditions – Amended 10/10/18

The following program specific requirements are imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to this Agreement and must be passed on to subgrant award recipients.

A. VAWA Requirements for Grantees:

1. The grantee agrees to follow the applicable set of general terms and conditions that are available at <https://www.justice.gov/ovw/grantees>. These do not supersede any specific conditions in this award document.
2. The grantee agrees to comply with all relevant statutory and regulatory requirements which may include, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against Women Act of 2000, P.L. 106-386, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C 3711 et seq., the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, and OVW's implementing regulations at 28 CFR Part 90.
3. The Violence Against Women Reauthorization Act of 2013 added a civil rights provision that applies to all OVW grants issued in FY 2014 or after. This provision prohibits grantees of OVW awards 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. The grantee acknowledges that it will comply with this provision. The grantee also agrees to ensure that any subgrantees ("subgrantees") at any tier will comply with this provision.
4. The grantee understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.
5. Grant funds may be used only for the purposes in the grantee's approved grant award. The grantee shall not undertake any work or activities that are not described in the grant award, and that use staff, equipment, or other goods or services paid for with OVW grant funds, without prior written approval from DCJ.
6. The grantee agrees to comply with the provisions of 34 U.S.C. 12291(b)(2), nondisclosure of confidential or private information, which includes creating and maintaining documentation of compliance, such as policies and procedures for release of victim information. The grantee also agrees to ensure that any subrecipients ("subgrantees") at any tier meet these requirements.
7. The grantee agrees that grant funds will not support activities that compromise victim safety and recovery, such as: 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, or the age and/or sex of their children; procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW-funded services; procedures or policies that impose requirements on victims in order to receive services (e.g., seek an order of protection, receive counseling, participate in couples counseling or mediation, report to law enforcement, seek civil or criminal remedies, etc.); procedures or policies that fail to ensure service providers conduct safety planning with victims; project design and budgets that fail to account for the access needs of participants with disabilities and participants who have limited English proficiency or are Deaf or hard of hearing; or any other activities outlined in the solicitation under which the approved application was submitted.

8. The Director of OVW or DCJ, upon a finding that there has been substantial failure by the grantee to comply with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation, will terminate or suspend until the Director and/or DCJ is satisfied that there is no longer such failure, all or part of the award, in accordance with the provisions of 28 CFR Part 18, as applicable mutatis mutandis.
9. Program income, as defined by 2 CFR 200.80, means gross income earned by the grantee that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance. Without prior approval from DCJ, program income must be deducted from total allowable costs to determine the net allowable costs. In order to add program income to the OVW award, the grantee must seek approval from DCJ prior to generating any program income. Any program income added to the federal award must be used to support activities that were approved in the budget and follow the conditions of the OVW award. Any program income approved must be reported in the grantee's quarterly Program Income Report (DCJ Form 1-B). If the program income amount changes (increases or decreases) during the project period, it must be approved via a budget modification by the end of the project period. If the budget modification is not submitted and approved, it could result in audit findings for the grantee.
10. The grantee agrees to monitor subgrantees to ensure that written materials or other products developed with OVW Formula Grant Program funding fall within the scope of the program and do not compromise victim safety.
11. All materials and publications (written, visual, or sound) resulting from award activities shall contain the following statements: "This project was supported by award No. _____ awarded by the state administering office for the STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women."
12. Pursuant to 2 CFR §200.315(b), the grantee may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under this award. OVW and DCJ reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work, in whole or in part (including in the creation of derivative works), for Federal purposes, and to authorize others to do so.

OVW and DCJ also reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, in whole or in part (including in the creation of derivative works),

any work developed by a subrecipient ("subgrantee") of this award, for Federal purposes, and to authorize others to do so.

In addition, the grantee (or subgrantee, contractor or subcontractor of this award at any tier) must obtain advance written approval from the DCJ program manager assigned to this award, and must comply with all conditions specified by DCJ and/or OVW in connection with that approval, before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyrighted work, or portion thereof, into a new work developed under this award.

It is the responsibility of the grantee (and of each subgrantee, contractor or subcontractor as applicable) to ensure that this condition is included in any subaward, contract or subcontract under this award.

13. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day or \$81.25 per hour. A detailed justification must be submitted to and approved by DCJ prior to obligation or expenditure of such funds. Although prior approval is not required for consultant rates below these specified amounts, grantees are required to maintain documentation to support all daily or hourly rates.

14. Grantee integrity and performance matters:

Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS.

The grantee must 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 this OVW award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, grantees of OVW awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of grantee obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OVW web site at: <https://www.justice.gov/ovw/grantees>, (Award condition: Grantee Integrity and Performance Matters, including Grantee Reporting to FAPIIS), and are incorporated by reference here.

15. The grantee understands and agrees that compliance with the statutory certification requirements is an ongoing responsibility during the award period and that, at a minimum, a hold may be placed on grantee's funds for noncompliance with any of the requirements of 42 U.S.C. § 3796gg-4 (regarding rape exam payments), 42 U.S.C. § 3796gg-4(e) (regarding judicial notification), 42 U.S.C. § 3796gg-5 (regarding certain fees and costs), and 42 U.S.C. § 3796gg-8 (regarding polygraphing of sexual assault victims). Non-compliance with any of the foregoing may also result in termination or suspension of the grant or other remedial measures, in accordance with applicable laws and regulations.

Note: In September 2017, VAWA regulations have been moved from Title 42- The Public Health and Welfare to Title 34- Crime Control and Law Enforcement:

- Section 3796gg–4 was editorially reclassified as section 10449 of Title 34, Crime Control and Law Enforcement.
 - Section 3796gg–5 was editorially reclassified as section 10450 of Title 34, Crime Control and Law Enforcement.
 - Section 3796gg–8 was editorially reclassified as section 10451 of Title 34, Crime Control and Law Enforcement.
16. The grantee agrees that the legal assistance eligibility requirements, as set forth below, are a continuing obligation on the part of the grantee. The legal assistance eligibility requirements are: (1) any person providing legal assistance through a program funded under this Grant Program (A) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or (B) (i) is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and (ii) has completed or will complete training in connection with domestic violence, dating violence, stalking or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide; (2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, territorial, or tribal domestic violence, dating violence, sexual assault or stalking victim service provider or coalition, as well as appropriate State, local, territorial and tribal law enforcement officials; (3) any person or organization providing legal assistance through this Grant Program has informed and will continue to inform State, local, territorial or tribal domestic violence, dating violence, stalking or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and (4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, dating violence, domestic violence, or child sexual abuse is an issue. The grantee also agrees to ensure that any subrecipient (“subgrantee”) at any tier will comply with this provision.
17. The Office on Violence Against Women (OVW) administers the STOP (Services, Training, Officers, and Prosecution) Violence Against Women Formula Grant Program (STOP Program). This grant program was authorized by the Violence Against Women Act (VAWA) of 1994 and reauthorized by subsequent legislation. The STOP Grant Program encourages partnerships between law enforcement, prosecution, courts, and victim services organizations to enhance victim safety and hold offenders accountable for their crimes against women. The goal of the grant program is to develop and strengthen law enforcement, prosecution, and court strategies to combat violent crimes against women and to develop and strengthen victim services, including community-based, culturally specific services, in cases involving domestic violence, sexual assault, dating violence, and stalking.
- None of the following activities will be conducted under the OVW federal action:
- a. New construction.
 - b. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year floodplain.
 - c. A renovation which will change the basic prior use of a facility or significantly change its size.

- d. Research and technology whose anticipated and future application could be expected to have an effect on the environment.
- e. Implementation of a program involving the use of chemicals.

Consequently, the subject federal action meets the criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations (adopted by OVW at 28 CFR § 0.122(b)).

18. Confidentiality (90.4(b))

- a. Grantee shall not disclose personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected
- b. Grantee may release information if there is a statutory or court mandate or victim signs a release.
- c. VAWA confidentiality provision applies to disclosures from victim services divisions/components of larger organizations to non-victim services divisions/components or organizational leadership.
- d. Grantee are responsible for taking reasonable efforts to prevent inadvertent release
- e. Grantee must document compliance with confidentiality requirements
- f. Release of Information:
 - i. Structure:
 - 1. Written, informed, time-limited
 - 2. Must specify scope and limited circumstances of disclosure (no blanket releases)
 - 3. Discuss with victim why information might be shared, who would have access, and what information could be shared (record in release)
 - 4. Specify duration - reasonableness depends on situation
 - 5. Consent to release may not be requirement for services
 - ii. Appropriate Signers:
 - 1. Victim
 - 2. Unemancipated minor victim:
 - a. The minor and parent or guardian
 - b. Parent or guardian not needed if minor allowed to receive services without additional consent
 - c. Abuser of minor or of other parent cannot consent
 - d. If minor is incapable of knowingly consenting, then parent or guardian (notify minor as appropriate)
 - 3. Legally incapacitated victim:
 - a. Legally-appointed guardian
- g. DV Fatality Reviews:

- i. May share information about deceased victims with fatality review if:
 1. Underlying objectives: prevent future deaths, enhance safety, and increase offender accountability
 2. Fatality review includes policies and protocols to prevent further release
 3. Grantee makes reasonable effort to get release from victim's personal representative and any surviving minor children
 4. Information released is limited to that necessary for fatality review

B. Crime Victims Services (CVS) Requirements:

1. **Future funding:** The capacity for CVS grant funds to provide future dollars for projects is undetermined at this time.
2. Grantee Agency shall notify the Division of Criminal Justice (DCJ) if the agency has obtained funding for a specific (CVS) funded position that totals more than 100% of the cost for that position. The agency must resolve the allocation of funds to the satisfaction of DCJ.
3. Grantee agency must notify DCJ immediately in writing, in the method determined by DCJ of:
 - any CVS grant funded personnel changes;
 - any CVS grant funded position that is vacant more than 45 days;
 - any change of an Official and/or employee who is listed as a responsible party on this CVS grant funded project.
4. **State Confidentiality of Victims Information:** The Grantee certifies that the signing authorities, all staff and volunteers assigned to the project have read and understand, state laws and applicable rules of professional conduct related to issues of confidentiality and privilege, particularly with respect to releasing identifying information about victims of crime, including, but not limited to, those found in C.R.S. 13-90-107.
5. **Colorado Victim Rights Act (Applies to Government Agencies only):** The Grantee Agency assures that Grant signatories, all staff and volunteers assigned to the funded project have read and understand the rights afforded to crime victims pursuant to 24-4.1-302.5 C.R.S., and the services delineated pursuant to 24-4.1-303 and 24-4.1-304 C.R.S. commonly known as the Victim Rights Act, and enabling legislation.