

2016 - Sexual Assault Services Formula Program (SASP) Special Conditions

A. Standard Conditions

1. **Future Funding:** The capacity for VOCA, S.T.O.P. VAWA, and/or Sexual Assault Services Program (SASP) formula grant funds to provide future continuation dollars for projects is undetermined at this time. Grantee Agencies are advised to seek other funding sources, especially for personnel dollars.
2. Grantee Agency shall notify the Office for Victims Programs (OVP) 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 the Division of Criminal Justice.
3. Grantee Agency must notify the Office for Victims Programs (OVP) immediately in writing, in the method determined by DCJ, of:
 - any CVS grant funded personnel changes;
 - any CVS grant funded position that is vacant for 45 days;
 - any change of an Official and/or employee who is listed as responsible party on this CVS grant funded project.
4. **State Confidentiality of Victims Information:** The Grantee Agency 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, include, but not limited to, those found in C.R.S. §13-90-107.
5. **Colorado Victims Rights Act (Applies to Government Agencies only):** The Grantee Agency assures that the application signatories, all staff and all 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.

B. Program Specific Requirements - The following program specific requirements are imposed by the Federal or State sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements which must be passed on to grant award recipients (Grantee Agencies).

1. The grantee agrees to comply with the provisions of **42 U.S.C. 13925 (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.

Note: Section 13925 was editorially reclassified as section 12291 of Title 34, Crime Control and Law Enforcement.

2. The grantee agrees to follow the applicable set of general terms and conditions which are available at <http://www.justice.gov/ovw/grantees>. These do not supersede any specific conditions in this award document.
3. 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. DCJ and

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the Office on Violence Against Women 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 State or Federal purposes, and to authorize others to do so.

DCJ and the Office on Violence Against Women 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 subgrantee of this award, for Federal purposes, and to authorize others to do so.

In addition, the grantee (or subgrantee, contractor or subcontractor) must obtain advance written approval from DCJ, and must comply with all conditions specified by DCJ 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.

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. 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; pre-trial diversion programs not approved by OVW or the placement of offenders in such programs; mediation, couples counseling, family counseling or any other manner of joint victim-offender counseling; mandatory counseling for victims, penalizing victims who refuse to testify, or promoting procedures that would require victims to seek legal sanctions against their abusers (e.g., seek a protection order, file formal complaint); the placement of perpetrators in anger management programs; or any other activities outlined in the federal solicitation for this program.
6. The Grantee Agency agrees that it is responsible to collect and maintain data that measures the effectiveness of grant-funded activities and for submitting the annual progress report for S.T.O.P. Violence Against Women Formula Grant (2 VAWA) or the Annual Progress Report for the SASP Formula Grant Program in addition to all other required reporting forms.
7. 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.
8. The Grantee Agency acknowledges that funds may only be used for the provision of direct intervention and related assistance to victims of sexual violence, including 24-hour crisis line

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services, medical and criminal justice/civil legal accompaniment, advocacy, and short term individual and group support counseling. Funds cannot be used towards prevention education efforts, projects focused on training allied professionals and/or communities, or the establishment or maintenance of Sexual Assault Response Teams.

9. The Grantee Agency agrees to submit one copy of all required reports and any other written materials or products that are funded under the project to the Office for Victims Programs not less than twenty (20) days prior to public release so it can be submitted to the federal Office on Violence Against Women for review. If the written material is found to be outside the scope of the program, or in some way to compromise victim safety, it will need to be revised to address these concerns or the Grantee Agency will not be allowed to use project funds to support the further development or distribution of the materials.
10. All materials and publications (written, visual or sound) resulting from grant award activities shall contain the following statements: "This project was supported by Grant Award No. _____, awarded by the Colorado Department of Public Safety, Division of Criminal Justice – administering office for the SASP Formula Grant Program awarded by the Office on Violence Against Women, U.S. Department of Justice. 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".
11. **Effect of failure to address audit issues.** The grantee understands and agrees that DCJ may withhold award funds, or may impose other related requirements, if (as determined by DCJ) the grantee does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.
12. **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38.** The grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a 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 grantee and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to grantees and subgrantees that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <http://www.ecfr.gov/cgibin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.
13. 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.
14. DCJ and/or the Director of OVW, 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

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award or relevant solicitation, will terminate or suspend until DCJ and/or the Director 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.

15. **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.

16. The Sexual Assault Services (SAS) Program was created by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), [42 U.S.C. §14043g](#), and is the first Federal funding stream solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault. The SAS Program encompasses five different funding streams for States and Territories, tribes, state sexual assault coalitions, tribal sexual assault coalitions, and culturally specific organizations. The Sexual Assault Services Formula Program (SAS Formula Program) directs grant dollars to states and territories to assist them in supporting rape crisis centers (including governmental rape crisis centers not in territories and tribal governmental programs) and nonprofit, nongovernmental organizations that provide core services, direct intervention, and related assistance to victims of sexual assault, regardless of age.

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 the Code of Federal Regulations (adopted by OVW at 28 CFR § 0.122(b)).

Note: Section 14043g was editorially reclassified as section 12511 of Title 34, Crime Control and Law Enforcement.