

## 2019 – Sexual Assault Response Project (SARP) Special Conditions

1. Commencement within 60 Days. If the Division concludes that the project has not commenced within 60 days of the start date of the grant period, the grantee must report the following by letter to the Division of Criminal Justice (DCJ): the steps taken to initiate the project; the reasons for delay; and, the expected starting date.
2. Operational Within 80 Days. If the Division concludes that the project is not operational within 80 days of the original start date of the grant period, the Division of Criminal Justice may begin termination or reduction in grant award proceedings.
3. The Community Coordinator will ensure that the participating community's SART will develop policies and protocols determined to be appropriate by the Community Coordinator, SART members, and the DCJ Project Coordinator.
4. The Community Coordinator will collect data specified by the DCJ Project Coordinator necessary for the evaluation of the SART and medical forensic exam programs.
5. The Community Coordinator, in conjunction with the SART members and the DCJ Project Coordinator, will develop a sustainability plan by the end of the grant period.
6. The capacity for Department of Justice, Office on Violence Against Women 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.
7. The Grantee Agency certifies that the signing authorities, all staff and volunteers assigned to the VAWA- funded project have read 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 Section 13-90-107, C.R.S.
8. The grantee Agency certifies that the signing authorities, all staff and volunteers assigned to the VAWA-funded project understand that disclosure of personally identifying information about victims served with VAWA funds is prohibited without a written release, court order or statutory requirement.
9. The Compliance with certifications. Grantee acknowledges that it has a continuing obligation to remain in compliance with the applicable certification requirements of 34 U.S.C. § 10461(c).
10. Program income. (also known as Project Income) Program income, as defined by 2 C.F.R. 200.80, means gross income earned by the grantee that is directly generated by a supported activity or earned as a result of this federal award during the period of performance.
  - a. Without prior approval from DCJ, program income must be deducted from total allowable costs to determine the net allowable costs.
  - b. Program income must be reported to DCJ using DCJ Form 1-B (Project Income) as described in the Division of Criminal Justice Administrative Guide ([https://cdpsdocs.state.co.us/dcj/Grants/Federal\\_AdminGuide.pdf](https://cdpsdocs.state.co.us/dcj/Grants/Federal_AdminGuide.pdf)).

- c. 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 this award.
  - d. If the program income is not reported and approved, it could result in audit findings for the recipient.
11. Changes to MOU and/or IMO. Grantee agrees to submit for DCJ review and approval any anticipated addition of, removal of, or change in collaborating partner agencies or individuals who are signatories of the Memorandum of Understanding and, if applicable, the Internal Memorandum of Agreement. Grantee shall use the DCJ Form 4-D (Modification of Other Grant Terms) as described in the Division of Criminal Justice Administrative Guide ([https://cdpsdocs.state.co.us/dcj/Grants/Federal\\_AdminGuide.pdf](https://cdpsdocs.state.co.us/dcj/Grants/Federal_AdminGuide.pdf)).
12. Submission of all materials and publications. Grantee agrees to submit to DCJ one copy of all materials and publications (written, web-based, audio-visual, or any other format) that are funded under this award not less than twenty (20) days prior to distribution or public release. If the materials are found to be outside the scope of the program, or in some way to compromise victim safety, the grantee will need to revise the materials to address these concerns or the grantee will not be allowed to use award funds to support the development or distribution of the materials.
13. Publication disclaimer. Grantee agrees that all materials and publications (written, web-based, audio-visual, or any other format) resulting from award activities shall contain the following statement: "This project was supported by Grant No. **2019-WE-AX-0014** 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 U.S. Department of Justice." Grantee also agrees to ensure that any subrecipient at any tier will comply with this condition.
14. Copyrighted works.
  - a. Pursuant to 2 C.F.R. 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 OVW 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.
  - b. DCJ and OVW 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.
  - c. In addition, the grantee (or subrecipient, contractor, or subcontractor of this award at any tier) 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.

- d. It is the responsibility of the grantee (and of each subrecipient, contractor, or subcontractor as applicable) to ensure that this condition is included in any subaward, contract, or subcontract under this award.
15. Prior approval for non-OVW sponsored technical assistance. Grantee agrees that funds allocated for OVW-sponsored technical assistance may not be used for any other purpose without prior approval by DCJ. To request approval, the grantee must submit to DCJ a request and attach a copy of the event's brochure, a curriculum and/or agenda, a description of the hosts or trainers, and an estimated breakdown of costs. This request must be submitted to DCJ at least 20 days prior to registering for the event. Requests to attend non-DCJ sponsored events will be considered on a case-by-case basis. This prior approval process also applies to requests for the use of OVW-designated technical assistance funds to pay a consultant or contractor not designated as an OVW technical assistance provider to develop and/or provide training and/or technical assistance.
16. Limitation on use of funds for direct legal representation. The grantee agrees not to use grant funds to provide legal representation in civil or criminal matters, such as family law cases (divorce, custody, visitation, and child support), housing cases, consumer law cases and others. Grant funds may be used to provide legal representation to victims of domestic violence, dating violence, sexual assault, or stalking only in the limited context of protection order proceedings (either temporary or long term relief), or for limited immigration matters that may impact and affect the victim's ability to maintain safety (such as U visas).
17. Prohibition on public awareness activities. Grantees agrees that grant funds will not be used to conduct public awareness or community education campaigns or related activities. Grant funds may be used to support, inform, and conduct outreach to victims about available services
18. The Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Grant Program implements certain provisions of the Violence Against Women Act, which was enacted in September 1994 as Title IV of the Violent Crime Control and Law Enforcement Act of 1994, and reauthorized in the Violence Against Women Acts of 2000, 2005, and 2013. The program enhances victim safety and offender accountability in cases of sexual assault, domestic violence, dating violence, and stalking by encouraging jurisdictions to work collaboratively with community partners to identify problems and share ideas that will result in effective responses to these crimes. An integral component of the program is the creation and enhancement of a coordinated community response that includes criminal justice agencies, victim services providers, and community organizations that respond to sexual assault, domestic violence, dating violence and stalking.  
  
Renovations and construction are unallowable under this grant, and therefore none of the following activities will be conducted under the OVW federal action (i.e., the OVW-funded grant project) or a related third-party action:
  - a. New construction.
  - b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species.

- 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.

In addition, the OVW federal action is neither a phase nor a segment of a project that, when reviewed in its entirety, would not meet the criteria for a categorical exclusion.

Consequently, the subject federal action meets the Office on Violence Against Women's 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)). Also, no further analysis is required under the National Historic Preservation Act or other related statutes and regulations.