VAWA Grant Assurances Training

February 15, 2022

PRESENTED BY

Erica Haas, Attorney

Kansas Governor's Grants Program

As we get started…

- This webinar is being recorded.
- Please mute your microphone/turn off video.
- Have the VAWA Grant Assurances document available for reference, either in print or on your computer.
- Closed captioning is available- Click the CC button in the toolbar at the bottom to access
- Prepare to engage!
  - Please introduce yourself in the chat.
  - Consider closing your email or other programs that may distract you.
- We want this to be helpful for you! Please ask questions in the chat throughout- **all questions will be answered at the end of the webinar.**
- Let us know in the chat if you are having technical issues or send an email to kggp@ks.gov.
- **The link to the PowerPoint and the recorded training will be sent to the Subgrantee's primary contact and posted on www.grants.ks.gov.**

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Kansas Open Records Act

- K.S.A. 45-215 through 45-223
- Once grant awards are announced, grant applications and related documents are subject to the Kansas Open Records Act.
- KGGP staff are not authorized to release subgrantee information upon receipt of a verbal request. All open records requests must be made in writing and are reviewed and processed by the Attorney and Administrator in accordance with the Department of Administration's Open Records Request Policy and the Kansas Open Records Act.
  - https://www.admin.ks.gov/offices/chief-counsel/kansas-open-records-act

What are Grant Assurances?

- Grant Assurances are specific requirements set forth by the awarding agencies (the Federal VAWA, the Office on Violence Against Women, and the KGGP) that must be followed by the grant recipient to be eligible for and in compliance with a federal grant award.

- Terms of the Award are Non-Negotiable by the Grantee and the Subgrantee.

The Importance of Grant Assurances

- If Grantees (KGGP) do not comply with federal grant assurances, the federal awarding agency can withdraw the grant funding.
- If Subgrantees do not comply with federal and state grant assurances, the federal and/or state awarding agency can withdraw the grant funding.

Subgrantee Compliance

- Grantees are responsible to the federal awarding agency to ensure Subgrantees are in compliance with ALL grant assurances.
- In the event of an audit, both the Grantee and the Subgrantee must be able to understand and explain all Subgrantee activities by providing appropriate documentation.

Subgrantee Compliance

- By signing the Grant Assurances, the Subgrantee documents that they are in compliance with all conditions as applicable to the VAWA grant project.

- It is the Subgrantee's responsibility to ensure that any other entity partnering with the Subgrantee on this VAWA project also comply with all provisions of the Grant Assurances document.

NEWER Assurance

Interaction with Participating Minors {16}

- The Subgrantee has or will, for any VAWA-funded activity benefitting a set of individuals under 18 years of age, make written determinations of suitability based on current and appropriate information before certain individuals may interact with participating minors, regardless of an individual's employment status.
  - Consultant, contractor, employee of a contractor, trainee, volunteer, or teacher.
- The Subgrantee shall refer to https://www.justice.gov/ovw/page/file/1202141/download for details of this requirement.

Interaction with Participating Minors {16}

Updates and Reexaminations:

- At least every five years; and
- Upon learning information that reasonably suggests unsuitability.

Interaction includes:

- Physical contact;
- Communication, written or oral; or
- Transmission of images or sound.

Interaction does not include:

- Brief unintentional contact; or
- Personally-accompanied contact.

Interaction with Participating Minors {16}

Current and Appropriate Information

In addition to checks or screenings required by federal, state, tribal, or local law, and the subgrantee's policies and procedures, the following searches must be conducted before a determination of suitability is made:

- Public sex offender and child abuse websites/registries:
  - Dru Sjodin National Sex Offender Public Website;
  - Public registries for each state the individual has been connected to in the past five years; and
  - Public registries for each state the individual will likely interact with a participating minor related to the grant award.
- Criminal history registries:
  - Public registries for each state the individual has been connected to in the past five years; and
  - Public registries for each state the individual will likely interact with a participating minor related to the grant award.

Interaction with Participating Minors {16}

An individual cannot be determined suitable if the individual:

- Withholds consent to a criminal history search;
- Knowingly makes (or made) a false statement that affects, or is intended to affect any required search;
- Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;
- To the knowledge of the subgrantee, has been convicted of any of the following crimes (or substantially equivalent criminal offense):
  - Sexual or physical abuse, neglect, or endangerment of a person under age 18;
  - Rape / sexual assault, including conspiracy;
  - Sexual exploitation;
  - Kidnapping;
  - Voyeurism; or
  - Is determined by a federal, state, tribal, or local government not to be suitable.

** Grant funds may be obligated for the reasonable, necessary, and allocable costs to ensure compliance with this condition (supplanting restrictions still apply).

Interaction with Participating Minors {16}

Special Condition

Subgrantees are required to submit:

A Suitability to Interact with Minors Policy (annually);

or

A statement on agency letterhead certifying that the VAWA grant award does not fund activities that benefit minors.

*A checklist is available on the KGGP website. https://grants.ks.gov/resources/checklists-and-forms

Newer Assurance

Workplace-Related Incidents {17}

Subgrantee must have a policy in place within 270 days of the date of the award to address workplace-related incidents of:

- Sexual misconduct;
- Domestic violence; and
- Dating violence.

*Hereinafter referred to as “violence.”

The Subgrantee shall refer to Policy for Response to Workplace-Related Incidents for details of this condition.

Workplace-Related Incidents {17}

The policy must address the following:

- Allegations of workplace-related incidents of violence by an employee, volunteer, consultant, or contractor;
- Workplace supports for employees, volunteers, consultants, or contractors who are victims of violence; and
- Adjudications that will result in an employee, volunteer, contractor, or consultant being prohibited from occupying positions that could undermine the ability of the subgrantee to carry out the grant funded project.

Workplace-Related Incidents {17}

Special Condition

- Submit the agency's Workplace Related Incidents policy
- A checklist is available on the KGGP website. https://grants.ks.gov/resources/checklists-and-forms
- Additional resource:

https://www.workplacesrespond.org/ovwgrantees/

General Provisions

- Award Period – Expenses and activities are allowed only during grant award period. {1}
  - **January 1, 2022 - December 31, 2022**
- All grant award obligations must be paid within 30 days following the end of the project period. {1}
- Expenditures and activities are allowed only for approved purposes. {2}
  - **Allowable costs/activities and limitations**
  - **Activities articulated in Subgrantee grant application**
- Solicitation {3}
  - **Allowable costs/activities and limitations of solicitation incorporated**

Activities Not Allowed {2}

- Supplanting
  - These federal funds cannot be used to replace any other funds used for the same activity due to the availability of this VAWA grant award.
  - Utilize this VAWA grant award to ***Supplement*** activities.
- Research
- Fundraising
- Construction, renovation, and/or purchase/lease of land/buildings
- Capital outlay
- Payment of debt

Laws and Regulations {4}

- Applicable state and federal laws
- Applicable regulations
- VAWA federal program guidelines
- KGGP grant assurances and reporting requirements
- Federal DOJ Grants Financial Guide www.ojp.gov/financialguide/DOJ/index.htm
- 28 C.F.R. as it applies to grants and the Drug-Free Workplace Act

Victim Safety {5}

- Safety is the guiding principle that underlies the S.T.O.P. VAWA grant program
- Subgrantees' goals and services are required to reflect victim safety

Confidentiality {6}

- Policies and procedures are in place to ensure confidentiality of records of individuals receiving VAWA-funded services.
- Disclosure of personally identifying information - signed informed time-limited written release
  - Statute
  - Court Order
- Follow all state and federal laws pertaining to confidentiality
  - 34 U.S.C. 12291 (b)(2)
    - https://www.law.cornell.edu/uscode/text/34/12291

Breach of Personally Identifiable Information {7}

- Subgrantees are required to develop procedures to respond to an actual or imminent breach of personally identifiable information (PII).
- Procedures must include a requirement to report any actual or imminent breach of PII to the KGGP no later than 24 hours after an occurrence or the detection of an imminent breach.
- Refer to 2 C.F.R. 200.79, OMB M-17-12, and OMB Circular A-130

Dissemination of Crime Victims' Rights Information {8}

- Subgrantees are required to provide crime victims' rights information to crime victims.
  - Statutory rights of crime victims
  - Crime victim compensation
- VAWA-funded staff and volunteers shall receive information and training on crime victim compensation and on all applicable laws pertaining to crime victims' rights.

Direct Victim Assistance {9}

- “Direct Assistance to Victims” funds are only for the immediate health and safety of crime victims.
- Written documentation to support the use of these funds for this purpose must be maintained.
- No direct payments to crime victims or a dependent of any crime victim.
- Gift cards cannot be provided directly to victims as a substitute for cash.

Compromising Victim Safety {10}

Subgrantees shall not use grants project funds to support activities that may compromise victim safety and recovery or undermine offender accountability, such as:

- Procedures/policies that exclude victims from receiving services based on actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental/physical health condition, criminal record, work in the sex industry, or age/sex of children;
- Procedures/policies that compromise confidentiality;
- Procedures/policies that impose requirements on victims to receive services;
- Procedures/policies that fail to ensure staff conduct safety planning with victims; and
- Project design and budgets that fail to account for access needs of participants with disabilities, limited English proficiency, or are Deaf.

Legal Assistance {11}

- VAWA-funded employees providing legal assistance should have demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking;

or

- Subgrantee shall be partnered with an entity or person that has such expertise and has completed or will complete training in connection with domestic violence, dating violence, sexual assault, or stalking.

Legal Assistance {11}

- Subgrantee shall inform the local domestic violence, dating violence, sexual assault, or stalking programs, state coalitions, and local law enforcement officials of their work.
- Grant funds will not be used to support criminal defense work.

Service Population {12}

- Focus on adult and youth (age 11-24) women and girls who are victims of domestic violence, dating violence, sexual assault, or stalking.
- May support direct victim services for secondary victims such as children who witness domestic violence.
- With the exception of any grant project award funded under federal purpose areas 17 or 19 (include men in the target population), activities must be focused on combating violence against women.
  - However, the Subgrantee shall provide services to male victims who are in similar situations to female victims ordinarily served and who request services.

Integrity and Performance Matters {13}

- Subgrantee shall comply with reporting of information on civil, criminal, and administrative proceedings connected with this VAWA award.
- http://ojp.gov/funding/FAPIIS.htm

Training and Technical Assistance {14}

- Subgrantees are required to participate in KGGP sponsored training or technical assistance events.

Personnel Information {15}

Job descriptions, résumés, and compensation for all grant-funded staff shall be maintained and available for review by the KGGP staff.

Grant funds shall be utilized for the provision of approved services only and the job descriptions must reflect this requirement.

As part of the hiring process for any position that is or will be funded in whole or in part with VAWA funds, the Subgrantee has properly verified the employment eligibility of the individual being hired, consistent with the provisions of 8 U.S.C. §1324a(a)(1) and (2). Details related to this assurance are posted at https://www.justice.gov/ovw/page/file/1202146/download.

SAM and Unique Entity Identifier {18}

- Shall maintain an active registration status in the U.S. System for Award Management (SAM) at www.sam.gov.

- Shall provide the KGGP with the subgrantee's unique entity identifier used to maintain SAM registration, including a full 9-digit zip code.

Reporting Requirements {19}

- Compliance with all reporting requirements of the Federal VAWA, the Office on Violence Against Women, or of the KGGP
- 2021 VAWA Reporting Requirements - part of Award Documents
- Evaluative, Statistical, Narrative / Anecdotal, Financial
- Subject to change if necessary

Publications and Training {30} and {31}

Statements, publicity releases, or other documents

(written, web-based, audio-visual, or any other format)

Acknowledgment required

- Also applies to VAWA project-funded website services.
- Website services must also meet Assurance #2 and not contain fundraising or soliciting information if maintained with VAWA funds.
- Training materials

One copy of all materials published or posted must be submitted to KGGP 10 days prior to publication or use.

Any training or training materials must adhere to OJP Training Guiding Principles.
https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees

Copyright {32}

- The Office on Violence Against Women reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use, in whole or in part, for Federal Government purposes:
  - Any work subject to copyright developed under a VAWA subgrant; and
  - Any work subject to copyright for which ownership was purchased with support of a VAWA subgrant.
- Written approval required before using VAWA funds to purchase ownership/license to use a copyrighted work; or incorporating any copyrighted work into a new work developed under this award.

Debarment, Suspension, and Other Responsibility Matters {36}

Required by Executive Order 12549, Subgrantee certifies that it and its principles:

Are not presently debarred, suspended, proposed for debarment, declared ineligible, etc.;

Have not within the preceding three-year period been convicted of or had a civil judgment rendered against them for commission of fraud, embezzlement, theft, forgery, bribery, etc.;

Are not presently indicted for or otherwise charged with any of these offenses; and

Have not within the preceding three-year period had one or more public transactions terminated for cause or default.

* 28 C.F.R. Part 67

Political Activity {37}

- Shall comply with all applicable federal and state statutes and regulations applicable to political activity restrictions and requirements.

- Frequently asked questions regarding The Hatch Act can be found at:

https://osc.gov/Services/Pages/HatchAct-FAQ.aspx

Lobbying Activities {38}

- Subgrantees cannot, directly or indirectly, use federal funds to effect law, regulation, policy at any level of government.

- If funds other than federal funds have been or will be used, a “Disclosure of Lobbying Activities” form must be completed and submitted to the Department of Justice and the KGGP.

Computer Networks {40}

- Funds must not be used to maintain or establish a computer network unless such network blocks viewing, downloading, and exchanging of pornography.

- Does not limit the use of funds for carrying out criminal investigations, prosecution, or adjudication activities.

Text Messaging {41}

- Encouraged to adopt and enforce policies banning employees from texting while driving any vehicle in the course of performing grant-funded work.
- Should establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
- Kansas law prohibits texting while driving.
  - K.S.A. 8-15, 111
- Sample company policies on texting while driving/distracted driving:
  - http://www.att.com/Common/about_us/txting_driving/7_TWDToolKit_Policy.pdf
  - https://www.osha.gov/distracted-driving/modelpolicies.html

Historic Preservation {42}

- Compliance with Section 106 National Historic Preservation Act of 1966
- Compliance with Archeological and Historic Preservation Act of 1966
- Compliance with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of VAWA funded activities

National Environmental Policy Act {43}

- Subgrantee shall comply with the National Environmental Policy Act (NEPA) and other related federal environmental impact analysis requirements.
- Activities covered by this provision:
  - New construction;
  - Minor renovation or remodeling of a property in an environmentally or historically sensitive area;
  - Renovation, lease, or proposed use of a building that will either result in a change in its basic prior use or significantly change its size;
  - Implementation of a new program involving the use of chemicals other than chemicals that are purchased as an incidental and traditionally used in similar environments; and
  - Implementation of a program relating to clandestine methamphetamine laboratory operations.

Trafficking of Persons {44}

Subgrantee, and their employees, may not engage in:

- Trafficking of persons;
- Procurement of a commercial sex act;
- Use of forced labor in the performance of the grant award; or
- Acts that directly support or advance trafficking of persons.

- http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm

Liability Issues {45} and {46}

- Disclaimer of Liability {45}
  - Tort Claims Act
- Insurance {46}
  - KGGP does not purchase insurance against Subgrantee losses

Additional Requirements {47}

- Subgrantee may be subject to additional requirements if KGGP determines that it is warranted.

Misuse of Funds {48}

Misuse of grant funds may result in various penalties:

- Suspension of current and/or future funding;
- Debarment from state and/or federal grants;
- Recoupment of monies; and
- Civil and/or Criminal penalties.

Fraud, Waste, and Abuse {49}

- The Subgrantee shall promptly refer to the U. S. Department of Justice Office of the Inspector General and the KGGP any credible evidence that any person has submitted a false claim for VAWA funds under the False Claims Act or committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds.

Non-Disclosure and Reprisal {50}

- Subgrantees shall not require employees or contractors to sign internal confidentiality agreements or statements as it relates to reporting of waste, fraud, abuse.
- Subgrantees shall not discriminate against an employee as reprisal for disclosure of such information.
- Subgrantees shall comply with 41 U.S.C. §4712 and inform employees of rights and remedies.

Unused Funds {51}

- The Subgrantee shall return to the KGGP any unused grant funds within 10 business days after final Financial Status report is due.

Failure to Commence/Right to Terminate {52} and {53}

Failure to Commence Grant Project {52}	• Process articulated to terminate grant if extended delay in commencement of grant activities
Right to Terminate {53}	• Failure to comply with applicable laws, regulations, or terms of assurances • Reimbursement of funds, equipment, etc.

Correspondence and Reports {54}

- Grant Portal – subgrant management
- Signatures and initials on Grant Assurances and completed Civil Rights Compliance Form, including relevant civil rights related documents
  - Grant Assurances were due February 14, 2022.
  - Contact the VAWA Analyst asap if the portal is not open to you to manage the grant award.

Special Conditions {55}

Examples:

- Civil Rights Compliance Form
- New requirements and/or assurances
- Submission of delinquent reports
- Submission of requested documentation
- Budget adjustments when applicable
- Attendance at trainings
- Additional requirements if determined to be warranted

Q & A

KGGP Website

Visit the KGGP website at

www.grants.ks.gov

for information on grant management.

- Grant Opportunities
- Resources – Managing a Grant Award*
- Resources – Civil Rights Information
- Kansas Academy for Victim Assistance (KAVA)

Governor Laura Kelly &
Attorney General Derek Schmidt

24th Annual Crime Victims' Rights Conference

Will Be Virtual

April 6 - 8, 2022

and

Kansas Coalition Against Sexual and Domestic Violence
&
Children's Advocacy Centers of Kansas

Virtual Preconference Institute

April 5, 2022

Thank you for attending the webinar!

Contact Information

This webinar is just one opportunity to get your questions answered!

For questions regarding the agency's VAWA grant award contact KGGP office.

Kansas Governor's Grants Program

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