

2023 Federal Victims of Crime Act (VOCA) Grant



December 6, 2022

Grant Assurances

PRESENTED BY

Erica Haas, Attorney

Kansas Governor's Grants Program

www.grants.ks.gov

Kansas Governor's Grants Program

As we get started...

- This webinar is being recorded.
- Please mute your microphone/turn off video.
- Have the VOCA 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!
 - 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.**

Training Agenda

Welcome and Introduction

JAMIE BOWSER, DIRECTOR
OF OPERATIONS

Assurances

ERICA HAAS, ATTORNEY

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.
- Department of Administration's Open Records Request Policy.
 - <https://www.admin.ks.gov/offices/chief-counsel/kansas-open-records-act>

VOCA Grant Assurances

PRESENTED BY

ERICA HAAS, ATTORNEY

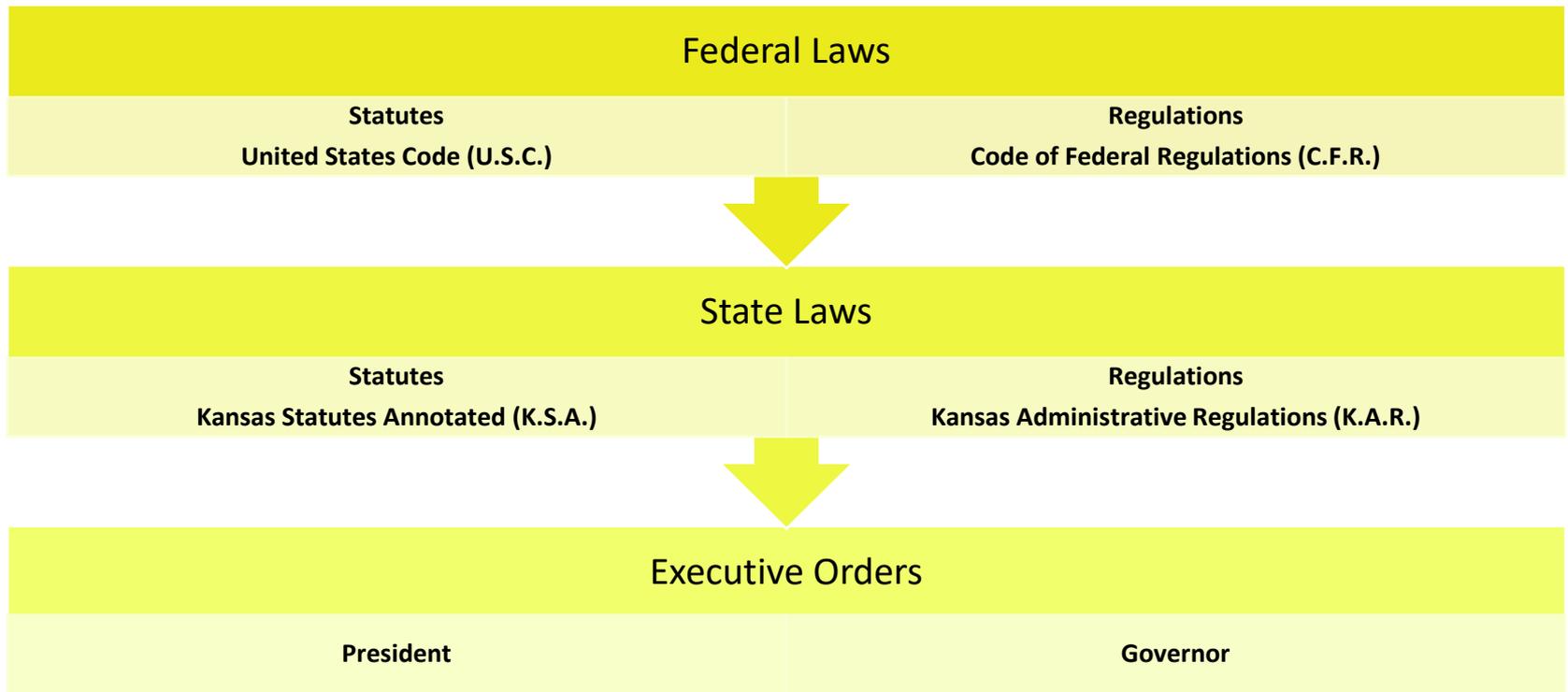
What are Grant Assurances?

- Grant Assurances are specific requirements set forth by awarding agencies (the U.S. Department of Justice, Office for Victims of Crime 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

Authority for Grant Assurances
*Not negotiable



Authority for Grant Assurances

Department of Justice(DOJ), Office for Victims of Crime (OVC) (Federal Funding Agency)

VOCA Rule

Grants Financial Guide



Kansas Governor's Grants Program (State Administering Agency)

Grant Assurances

Reporting Requirements

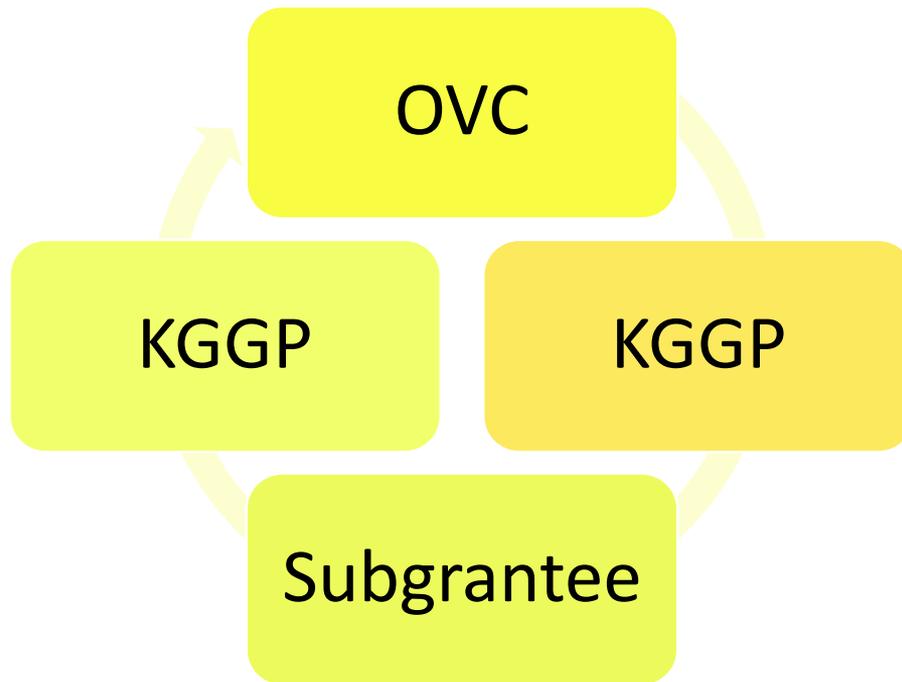


Subgrantees

Compliance

Written Policies

Subgrantee Compliance
grant conditions



Subgrantee Compliance Audit

- KGGP and the Subgrantee must be able to understand and explain all Subgrantee activities
 - DOCUMENTATION
 - If it isn't documented it didn't happen

General Provisions

- Award Period – Expenses and activities are allowed only during grant award period {1}
 - **October 1, 2022 – September 30, 2023**
- 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 VOCA grant award
 - Utilize this VOCA 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}

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

AND

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



Confidentiality {5}

- Policies and procedures are in place to ensure confidentiality of records of individuals receiving VOCA-funded services
- Follow all state and federal laws pertaining to confidentiality

Breach of Personally Identifiable Information (PII) {6}

Subgrantee Must Develop Written Procedures

Create, collect, processes, store, maintain, disseminate, disclose, or dispose or PII; OR

Use or operate a Federal information system

Response to an actual or imminent breach of PII

Report any actual or imminent breach of PII to the KGGP no later than 24 hours

Resources:
Refer to 2 C.F.R. 200.79, OMB M-17-12, and OMB Circular A-130

Dissemination of Crime Victims' Rights Information {7}

- Subgrantees are required to provide crime victims' rights information to crime victims
 - Statutory rights of crime victims
 - Crime victim compensation
- VOCA-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 {8}

- “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.

Service Fees {9}

Subgrantees are not allowed to charge a fee for services that are VOCA-funded.

Subgrantees are not allowed to generate income of any kind for services that are VOCA-funded.

Reporting Requirements {10}

- Compliance with all reporting requirements of the Federal Office for Victims of Crime or of the KGGP
- 2023 VOCA Reporting Requirements - part of Award Documents
- Evaluative, Statistical, Narrative / Anecdotal, Financial
- Subject to change if necessary

Demographic Data {11}

- VOCA Subgrantees are required to collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.



SAM and Universal Identifier {12}

- 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

Integrity and Performance Matters {13}

- Subgrantee shall comply with reporting of civil, criminal, and administrative proceedings connected with this VOCA award
- <https://ojp.gov/funding/FAPIIS.htm>



Training and Technical Assistance {14}

- Subgrantees must participate in KGGP sponsored training or technical assistance events as required
- The Subgrantee assures that a minimum of one VOCA-funded staff member attends the Annual Crime Victims' Rights Conference in May 2023
 - Crime Victims' Rights Conference
 - <https://www.grants.ks.gov/home>

Training and Technical Assistance {14}

Other Training Opportunities:

- Newly hired VOCA-funded staff are required to apply to attend the Kansas Academy for Victim Assistance (KAVA) no later than 30 days from their start date.
 - By submitting an application, applicants are agreeing to make every effort to attend the session for which their application is selected.
 - <https://www.grants.ks.gov/programs/kava/about-kava>

***Requirements do not change based on whether the CVRC or KAVA are conducted virtually.**

Use of Volunteers {15}

- Required to use volunteers unless the Subgrantee submits a written volunteer waiver and the waiver is approved by the KGGP.
 - Volunteers must be utilized unless the KGGP determines there is a compelling reason to waive this requirement.
- Must report the number of volunteer hours supporting the work of VOCA project on the Subgrant Award Report (whether or not hours are used as match).

DOCUMENT,

DOCUMENT,

DOCUMENT!



Interacting
with
Participating
Minors {17}



Training Coming Soon!!

Publications, Materials, and Training {27 and 28}

Statements, publicity releases, or other documents
(written, web-based, audio-visual, or any other format)

Acknowledgment required

- Also applies to agency's VOCA grant award project-funded website services
- Website services must also meet Assurance #2 and not contain fundraising or soliciting information if maintained with the agency's VOCA grant award

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>

Debarment, Suspension, and Other Responsibility Matters {32}

- Required by Executive Order 12549, implemented at 28 C.F.R. 67, 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, 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.

Political Activity {33}

- 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 {34}

- 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 U.S. Department of Justice and the KGGP.

Text Messaging {36}

- 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 policy on texting while driving/distracted driving:
 - http://www.att.com/Common/about_us/txtng_driving/7_TWDToolKit_Policy.pdf

Historic Preservation {37}

- 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 VOCA funded activities

National Environment Policy Act {38}

- Subgrantees 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
 - Implementation of a program relating to clandestine methamphetamine laboratory operations

Trafficking of Persons {39}

- Prohibited conduct related to trafficking of persons
- <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm>



Liability Issues and Insurance {40 and 41}

- Disclaimer of Liability **{40}**
 - Tort Claims Act
- Insurance **{41}**
 - KGGP does not purchase insurance against Subgrantee losses

Additional Requirements {42}

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

Misuse of Grant Funds {43}

Misuse of grant funds may result in various penalties

- Suspension of current and/or future funds
- Debarment from state and/or federal grants
- Recoupment of monies
- Civil and/or criminal penalties



Fraud, Waste, and Abuse {44}

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 VOCA 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 {45}

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



Unused Funds {46}

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

Failure to Commence and Right to Terminate {47 and 48}

Failure to Commence Grant Project {47}

- Process articulated to terminate grant if extended delay in commencement of grant activities

Right to Terminate {48}

- Failure to comply with applicable laws, regulations, or terms of assurances
- Reimbursement of funds, equipment, etc.

Correspondence and Reports {49}

- Grant Portal – subgrant management
- Signatures and initials on Grant Assurances.
 - Due **December 1, 2022**
 - Per Assurance #49: email signed Grant Assurances and completed Civil Rights Compliance Form, if a special condition, including attachments to kggp@ks.gov.

Special Conditions {50}

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

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)



SAVE THE DATES

**25TH ANNUAL CRIME VICTIMS' RIGHTS CONFERENCE
MAY 3 - 4, 2023**

**PRE-CONFERENCE INSTITUTE
MAY 2, 2023**

HYATT REGENCY - WICHITA, KANSAS

Survivor Voices: Elevate. Engage. Effect Change.

www.grants.ks.gov

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 VOCA award, contact the KGGP office.

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