

## GENERAL GRANT CONDITIONS AND ASSURANCES

The applicant gives assurances and certifies with respect to the grant for which it is applying that it will comply with the following requirements in the event that the grant is awarded:

1. The applicant will comply with all applicable provisions of the Violence Against Women Act of 2013, and the Department of Criminal Justice Services (DCJS) Program Guidelines and Application Procedure Manual for Grants and the Active Program Guide for Applicants.
2. *For tribal, territorial, State or local prosecution, law enforcement, and courts applicants only.* The applicant assures that they have consulted with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.
3. *For law enforcement and prosecution applicants only.* The applicant certifies that their policies and/or practices will not require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.
4. *For law enforcement and prosecution applicants only.* The applicant certifies that their policies and/or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; the refusal of a victim to submit to such an examination shall not prevent the investigation, charging, or prosecution of the offense.
5. *For law enforcement and prosecution applicants only.* The applicant certifies that they have consulted with the local domestic violence and/or sexual assault crisis center during the course of developing this grant application, in order to ensure that the proposed activities are designed to promote the safety, confidentiality, and economic independence of victims. The local domestic violence/sexual assault services program has had the opportunity to review the scope and goals of this proposed project and agree that it does not threaten the safety, confidentiality, or economic dependence of victims.

6. *For private and public non-profits victims services applicants only.* The applicant assures that confidentiality policies are in place prohibiting the agency from 1) disclosing any personally identifying information or individual information collected in connection with services requested, utilized, or denied through their programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected, unless ordered to do so by subpoena, and 2) revealing individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor.
7. **FISCAL MANAGEMENT PROCEDURES:** The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Department of Criminal Justice Services shall prescribe shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this grant.
8. **REPORTS:** The applicant agrees to submit such reports as the DCJS shall reasonably request. Financial and progress reports shall be submitted, via GMIS, to the DCJS within twelve working days following the close of each quarter.
9. **INSPECTION AND AUDIT:** The applicant agrees to comply with the organizational audit requirements of OMB Circular A-128, "Audits of State and Local Governments." In conjunction with the beginning date of the award, the audit report period of the government entity to be audited under the single audit requirement is the start-date of the project through the end-date of the project as noted on the Statement of Grant Award/Acceptance. The audit report shall be submitted no later than one (1) year from the end-date of the grant award as stated on the Statement of Grant Award/Acceptance, and for each audit cycle thereafter covering the entire award period as originally approved or amended. The management letter must be submitted with the audit report. A copy of all audits must be forwarded to the DCJS.
10. **DISCRIMINATION PROHIBITED:** No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under [VAWA], and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women. The applicant must comply with the provisions and requirements of Title VI of the Civil Rights Act of 1964 and its implementing regulations 28 CFR 41.101 et. seq.. The applicant must further comply with Section 504 of the Rehabilitation Act of 1973, as



amended, and its implementing regulations; the Age Discrimination Act of 1973, as amended, and its implementing regulations and Title IX of the Education Amendments of 1972; Title II of the Americans with Disabilities Act (ADA)(1990); (42 USC. 12131-12134 & 28 CFR 35).

11. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM: The applicant certifies that it has executed and has on file, an Equal Employment Opportunity Program which conforms to the provisions of 28 CFR Section 42.301, et. seq., Subpart E, or that in conformity with the foregoing regulation, no Equal Employment Opportunity Program is required.

An applicant organization having 50 or more employees and receiving amounts of \$500,000 or more, or grants which in the aggregate exceed \$500,000 or more, in any fiscal year must submit a copy of its Equal Employment Opportunity Plan (EEOP) to the DCJS for review. For continuation grant funding that exceeds this amount in any fiscal year, the applicant must submit a statistical update from the previous year's plan.

The applicant assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the DCJS.

12. The Applicant will assist with DCJS and the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).
13. The Applicant will give DCJS, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by DCJS based on the application.
14. If the Applicant is a governmental entity, with respect to the award (if any) made by the DCJS based on the application--
- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
  - b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

15. OFFICE OF THE COMMUNITY ORIENTED POLICING SERVICES GRANT: If the Applicant applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law--including, but not limited to, the Indian Self-Determination and Education Assistance Act--seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).
16. RELEASE OF INFORMATION: All records, papers and other documents kept by recipients of DCJS funds, and their contractors, relating to the receipt and disposition of such funds, are required to be made available to the DCJS. These records and other documents submitted to DCJS and its applicants pursuant to other provisions of the Act, including plans and application for funds, are required to be made available to DCJS under the terms and conditions of the Federal Freedom of Information Act, 5 USC 552.
17. INFORMATION SYSTEMS: With respect to programs related to criminal justice information systems, the applicant agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of the integrity and accuracy of data collection. The applicant further agrees:
- a. That all computer programs (software) developed with funds provided by this grant will be made available to the DCJS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
  - b. To provide a complete copy of the computer programs and documentation, upon request, to the DCJS. The documentation will include but not be limited to system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
  - c. That whenever possible all application programs will be written in standardized programming languages (i.e., ANSI, COBOL, FORTRAN, BASIC, etc.) for use on general operating systems (e.g., DOS, CP/M, UNIX, etc.) that can be utilized on at least three different manufacturer's computers of similar size and configuration.
  - d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Department of Criminal Justice Services should be contacted to determine availability of software prior to any development effort.



18. CONFIDENTIALITY OF RESEARCH INFORMATION: Research information identifiable to an individual, which was obtained through a project funded wholly or in part with DCJS and/or VAWA grant funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).
19. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES: The applicant agrees to be in compliance with all policies as expressed under the Code of Federal Regulations, 28 CFR 23, concerning the operation of criminal intelligence systems supported with grant funds.
20. COPYRIGHT: Except as otherwise provided in the conditions of the award, the author is free to arrange for copyright without approval when publication or similar materials are developed from work under a DCJS supported project. Any such copyright materials shall be subject to the DCJS's right to reproduce them, translate them, publish them, use and dispose of them, and to authorize others to do so for government purposes. In addition, communications in primary scientific or professional journals publishing initial reports or research or other activities and supported in whole or in part by the DCJS project funds may be copyrighted by the journal with the understanding that individuals are authorized to make or have made by any means available to them, without regard to the copyright of the journal, and without royalty, a single copy of any such article for their own use. Copyrights developed by state employees during work hours, or within the scope of their employment, or when using state-owned or state-controlled facilities, vest in the Commonwealth.
21. PATENTS: If any discovery or invention arises or is developed in course of or as a result of work performed under this grant, the applicant shall refer the discovery or invention to DCJS. The applicant hereby agrees that determination of rights to inventions made under this grant shall be made by the DCJS or its duly authorized official representative, who shall have the sole and exclusive powers to determine whether or not and where patent application should be filed and to determine the disposition of all rights in such inventions, including title which may issue thereon. The determination of the DCJS, or its duly authorized representative shall be accepted as final. In addition, the applicant hereby agrees and otherwise recognizes that the DCJS shall acquire at least an irrevocable non-exclusive royalty-free license to practice and have practiced throughout the world for governmental purposes any invention made in the course of or under this grant. The grant shall include provisions appropriate of effectuating the purpose of this condition in all contracts of employment, consultant's agreements, or contracts.

22. SUPPLANTATION: The applicant assures that funds made available under this grant will not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would be, in the absence of these funds, made available for VSTOP purposes.
23. CONFIDENTIAL FUNDS: Confidential expenditures for services, evidence and/or information must comply with the requirements stated in the Administrative Guide and Application Procedures Manual, Chapter 5, entitled Confidential Funds.
24. BIO MEDICAL EXPERIMENTATION: The applicant assures that no grant funds will be used for any bio-medical or behavior control experimentation on individuals or any research involving such experimentation.
25. PUBLICATIONS: Any publications (written, visual or sound) whether published at the recipients or the governments expense shall contain the following statements:

*This project was supported in whole or part by VSTOP grant no. \_\_\_\_\_ awarded by the Virginia Department of Criminal Justices Services (DCJS) from funds authorized by the federal Violence Against Women Act and awarded to Virginia by the U.S. Department of Justice. The opinions, findings, conclusions or recommendations expressed are those of the authors and do not necessarily reflect the views of DCJS or the U.S. Department of Justice.*

26. I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by DCJS and/or the Department, including by its Office of the Inspector General.

*On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury, that all of the following are true and correct:*

- (1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any DCJS decision to make an award to the Applicant based on its application.
- (2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal



share of project costs) to plan, manage, and complete the project described in the application properly.

- (3) I assure that, throughout the period of performance for the award (if any) made by DCJS based on the application--
- a. the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
  - b. the Applicant will require all sub-recipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
  - c. the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.
- (4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department of Justice ("Department") and pass through DCJS based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition--
- a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
  - b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;
  - c. the Applicant understands that any sub-recipients are required to comply with all such applicable statutes (and associated regulations); and
  - d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.
  - e. the Applicant understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the DCJS based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

Don G. Gill  
Project Administrator Name

  
Project Administrator Signature

10/16/2018  
Date