

# MDHHS Division of Victim Services Grantee Guidelines

## FY2022

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### DVS Guiding Statement

The MDHHS Division of Victim Service (DVS) partners with victims/survivors, and those who interact with victims/survivors to meet a shared vision of providing and supporting direct services and systems change efforts across Michigan. In collaboration with state and local victim service providers, DVS attempts to work in partnership to develop sustainability and excellence in victim services across the state. As such, the Division administers federal and state grant programs that are comprehensive, victim-focused, promote autonomy and healing; and are trauma-informed, inclusive, and accessible to all.

### Accessing a DVS Grant Agreement Contract

To access your DVS Contract, [log into EGrAMS](#).

- Once logged in, go to *Grantee -> Project Director-> Application Status*.
- If it has not prepopulated, use the lookup button to select the Grant Program (a small button with three dots)
- Click *Find* in the bottom right-hand corner
- The *View Contract* button above the Find button will give you a PDF version.

If you would like to save/print your contract, open the PDF using the instructions above.

### Accessing the Attachments to your DVS Contract(s)

You can access the attachments to your DVS contract(s) in one of two ways:

1. The links to the attachments are at the bottom of your contract, which you can access by following the instructions above; and
2. Without logging into EGrAMS:
  - a. Go to the [EGrAMS page](#)
  - b. Under Current Grants, select either *Bureau of Community Service or Legal and Policy Affairs*
  - c. Select your grant program under the *Program* column
  - d. In the pop-up, go to the *Documents* tab

- e. The attachments and Fiscal Review Questionnaire will show on this page

## Attachments

There are attachments that are part of the grant agreement and should be reviewed.

### *Application-Generated Attachments*

The following attachments to your grant agreement are generated by the information that is entered in the grantee's application:

- Attachment A Statement of Work (work plan)
- Attachment B.1 Program Budget Summary
- Attachment B.2 Cost Schedule Detail
- Attachment B.3 Equipment Inventory Schedule (*for organizations that purchase equipment over \$5,000*)
- Attachment B.4 De Minimis Indirect Cost 10% De Minimis Rate Calculation Form (*for organizations that use De Minimis rates*)

### *Attachment C Performance / Progress Report Requirements*

- Quarterly Reports
- Semi-Annual Reports
- Annual Reports

### *Attachment E Program Specific Requirements*

- Expectation of Inclusion
- Client Records
- Credentials
- Program Administration and Service Delivery
- Criminal Background Check Written Policy
- Activity Monitoring
- Inclusivity of Services
- Audit Requirements
- Grant Funded Activities
- Federal Special Conditions

### *Attachment F Federal Funding Accountability and Transparency Act (FFATA) Reporting*

The FFATA Executive Compensation report must be completed and uploaded to the EGrAMS agency profile if:

- The Grantee's federal revenue was 80% or more of the Grantee's annual gross revenue; AND
- Grantee's gross revenue from federal awards was \$25,000,000 or more; AND
- The public does not have access to the information about executive officers' compensation through periodic reports filed under Section 13(a) or 15 (d) of the Securities Exchange Act of 1934 or Section 6104 of the Internal Revenue Code of 1986.

The FFATA Executive Compensation report template can be found in EGrAMS documents.

## Budget Revisions

Changes to a Grantee project may occur during the course of a fiscal year. Grantees are required to formally report most changes to DVS. Some changes require MDHHS approval, others do not. The

purpose of budget revisions is to reallocate funds among existing line items in an approved contract budget. EGrAMS amendments can also be used to reduce or increase a portion of the award amount if approved by DVS staff.

EGrAMS amendments are required to a grant when:

- There is any significant change in program objectives; or
- There is any increase or decrease in the total amount of the grant.
- Amendments are required to a grant budget only when:
- An increase in a line item of the grant budget exceeds 15% of the line item, or \$10,000 whichever is greater and there is not a change in the amount of the overall grant. After an amendment is deemed necessary, the following approval process takes place; for grant and budget amendments:
  - DVS Contracts/QA Team staff will review for approval the revised budget and budget narrative as submitted by the grantee.
  - To add an item not previously included in the budget to the current budget.

Deviation requests are required to a grant when:

- A cost item needs to be added that is not included in the budget.
- A position is changing that does not change the scope of the project.

Requirements (Scope): All budget revision requests must be in writing and submitted to DVS staff using the DVS Budget Revision Request Form. Budget revision requests must include justification and details of the changes to the project and budget. DVS contracts have a deviation limit of \$10,000 or 15% whichever is greater, any amount less than this does not require an amendment as long as it does not change the scope of the project.

Schedule: EGrAMS amendments can be requested through early June. EGrAMS amendments will be batched by grant and sent to EGrAMS approximately once a month.

Deviation requests can be requested through the end of the fiscal year. Deviation requests will be processed as they come in.

### **Breach of Confidentiality Policy**

Per Office of Justice Programs all DVS grantees/or contractors who receive VOCA or VAWA funds (VOCA, STOP-L, STOP-V, STOP-C, CSU, SASP, DV COMP, SA COMP, SH/JFF, ICJR) and who create, collect, use, process, store, maintain, disseminate, disclose, or dispose of personally identifiable information must have written policies and procedures in place to:

1. respond in the event of actual or imminent breach of personally identifiable information, and
2. Notify the Division of Victim Services by sending an email sent to [MDHHS-DVS-DataBreach@michigan.gov](mailto:MDHHS-DVS-DataBreach@michigan.gov) within 24 hours of discovery of the breach or discovery of conditions that will likely lead to a future data breach.

### *Definitions*

Personally Identifiable Information (PII): PII means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered to be PII is available

in public sources such as telephone books, public Web sites, and university listings. This type of information is considered to be Public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, and general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source, that, when combined with other available information, could be used to identify an individual.

Incident: An occurrence that (1) actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information or an information system; or (2) constitutes a violation or imminent threat of violation of law, security policies, security procedures, or acceptable use policies.

Breach: The loss of control, compromise, authorized disclosure, unauthorized acquisition, or any similar occurrence where (1) a person other than an authorized user access or potentially accesses personally identifiable information or (2) an authorized user accesses or potentially accesses personally identifiable information for any other than authorized purposes.

A breach is not limited to an occurrence where a person other than an authorized user potentially accesses PII by means of a network intrusion, a targeted attack that exploits websites vulnerabilities, or an attack executed through an email message or attachment. A breach may also include the loss or theft of physical documents that include PII and portable electronic storage media that store PII, that inadvertent disclosure of PII on a public website, or an oral disclosure of PII to a person who is not authorized to receive that information. It may also include an authorized user accessing PII for another than authorized purpose. Often, an occurrence may be first identified as an incident, but later identified as a breach once it is determined that the incident involves PII, as is often the case with a lost or stolen laptop.

Some common examples of a breach include:

- A laptop or portable storage device storing PII is lost or stolen;
- An email containing PII is inadvertently sent to the wrong person;
- A box of documents with PII is lost or stolen during shipping;
- An unauthorized third party overhears agency employees discussing PII about an individual seeking employment or Federal benefits;
- A user with authorized access to PII sells it for personal gain or disseminates it to embarrass an individual;
- An IT system that maintains PII is accessed by a malicious actor;
- PII that should not be widely disseminated is posted inadvertently on a public website; or
- Any other disclosure of PII by victim services grantees which is inconsistent with federal victim services confidentiality provisions found in the Victims' of Crime Act (VOCA) (28 CFR 94.115), the Violence Against Women Act (VAWA)(34 USC §12291(b)(2); 28 CFR 90.4), or the Family Violence Prevention and Services Act (FVPSA) (42 USC § 10406(c)(5).

### Further Resources

Attachment E Program Specific Requirements

2 CFR 200.79: *Personally Identifiable Information (PII)*.

OMB M 17-12: *Preparing for and Responding to a Breach of Personally Identifiable Information*

Data Breaches & Victim Service Providers: Considerations for Developing Effective Policies:

<https://www.techsafety.org/data-breach-response-policies>

Data Breaches & Victim Service Providers: Considerations for Developing Effective Policies Data Security Checklist to Increase Victim Safety & Privacy:

[https://www.techsafety.org/s/NNEDV\\_DataSecurity\\_English08\\_access-amdl.pdf](https://www.techsafety.org/s/NNEDV_DataSecurity_English08_access-amdl.pdf)

Preparing for and Responding to a Breach of Personally Identifiable Information, United States Office of Management and Budget, OMB M-17-12:

[https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/m-17-12\\_0.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/m-17-12_0.pdf)

Recording: Data Breach Notifications & Survivor Confidentiality:

[https://www.youtube.com/watch?feature=youtu.be&v=6W\\_cjp\\_xcXM](https://www.youtube.com/watch?feature=youtu.be&v=6W_cjp_xcXM)

### **Co-mingling of Funds**

DVS-funded agencies must meet relevant provisions of the DOJ Financial Guide and 2 CFR 200.302.

Failure to meet these requirements can result in audit findings. Requirements for permissible co-mingling of funds:

- 1) For each funding stream, be able to identify the Catalog of Federal Domestic Assistance (CFDA) title and number, federal award identification number and year, name of awarding federal agency, and name of the pass-through entity (i.e., state administering agency).
- 2) The grantee's accounting system must be able to account for each funding stream separately.
- 3) The financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that the grantee's use of such funds complies with federal statutes and regulations and the terms and conditions of each federal award.
- 4) Must submit separate program progress reports for each funding stream, which show what activities were supported with that funding.
- 5) Must be able to provide accurate, current, and complete disclosure of how funds were expended for each federal award or program.
- 6) Must maintain records that identify adequately the source and application of funds for federally-funded activities and how those funds are applied to the grant activities. These records must contain information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

### Further Resources

DOJ Financial Guide: *Preaward Requirements – 2.3 Standards for Financial Management Systems*

2 CFR 200.302 *Financial Management*

## **DUNS Number**

A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants, recipients, and sub-recipients.

All recipients must have a Data Universal Numbering System (DUNS) number when applying for Federal awards and cooperative agreements (initial or supplemental awards) (2 C.F.R. Part 25 - Universal Identifier and System of Award Management).

- An organization can obtain a DUNS number at no cost by calling the toll-free DUNS number request line at 1-866-705-5711.
- Individuals who apply for grant awards or cooperative agreements from the Federal Government are exempt from this requirement.

## Further Resources

DOJ Financial Guide: *Preadward Requirements – 2.1 Application Process*

## **DVS Required Notifications**

Grantees must provide written notification to DVS in the following situations within 14 days:

- Changes in leadership:
  - Executive Director
  - Authorized Official
  - Financial Officer
  - Project Director
- Changes in facilities or administrative locations, mailing addresses, phone, and/or email
- See additional MDHHS requirements in individual contracts.

Grantees must provide written notification to DVS in the following situations within 24-hours:

- Any emergency causing interruption in services, or any planned interruption in service-delivery
- Any known [breach of confidentiality](#)
- Adverse media regarding the project
- Suspected or confirmed fraud

Grantees are not required to inform DVS of direct service staff turnover, unless the staff in question are assigned as a project official in EGrAMS.

## **Familial Relationships Policies**

Funded programs must develop policies and procedures to address familial relationships within the organization and conflicts/potential conflicts of interest. The policies and procedures do not need to be stand alone, and instead can be part of other policies. These policies may already exist within your organization.

At a minimum, Funded agencies are required have to a process, procedure and/or policy to document familial relationships between Board, staff, and interns, as well as any other relationships that reasonably raises concerns about favoritism, bias, ethics or conflict of interest. Familial relationships are those relationships where persons are related by blood or affinity to the fourth degree (see attached

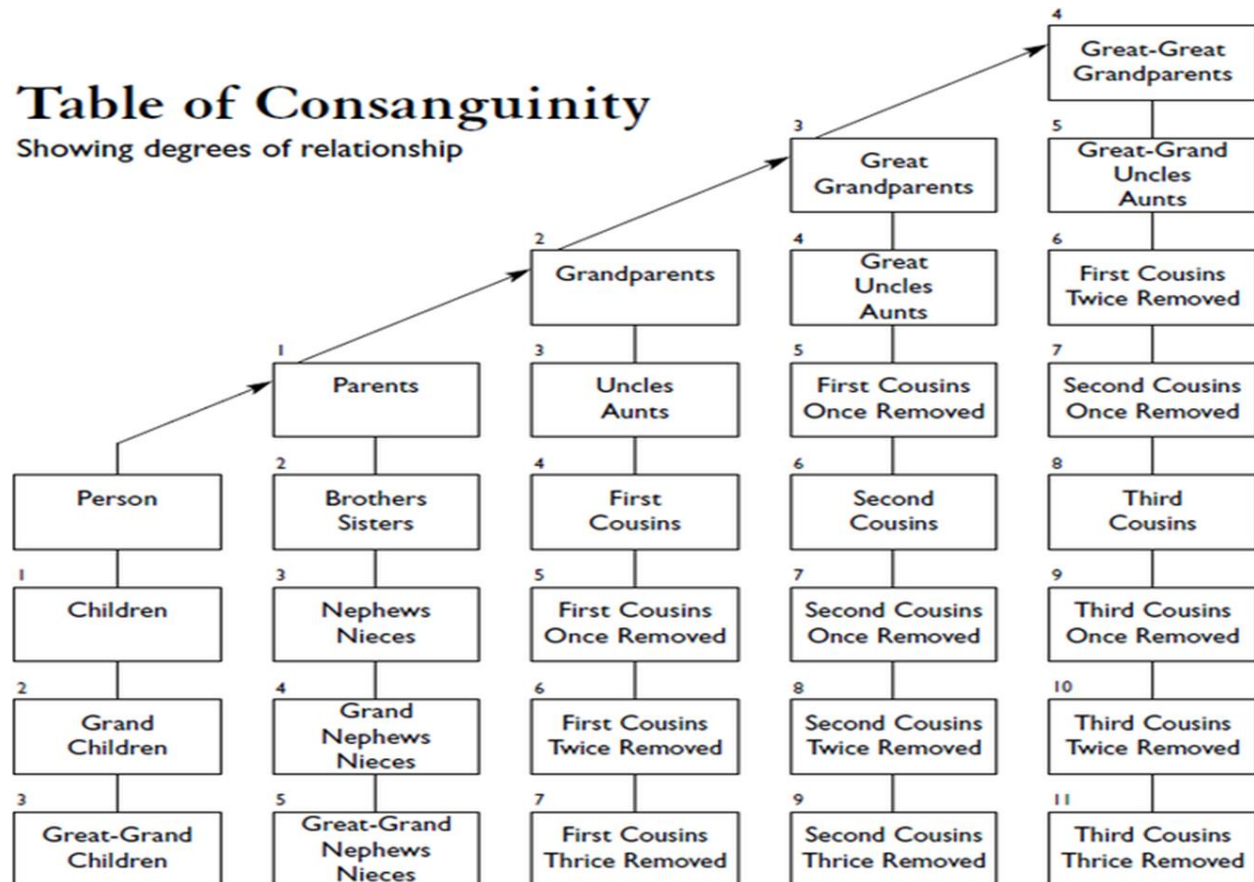
chart), including step relationships. Documentation shall be available upon request. Policy(ies), procedures and documentations must include:

- Hiring of staff, volunteers and/or interns and the selection of Board members.
- The process used to determine services, receipt of in-kind donations, and allocation of specific assistance and/or financial benefits.

DVS-funded organizations must report familial relationships within the organization and any conflicts or potential conflicts of interest to DVS.

## Table of Consanguinity

Showing degrees of relationship



### Further Resources

DOJ Financial Guide: *Postaward Requirements – Grant Fraud, Waste, and Abuse – Conflicts of Interest*

2 CFR § 200.112 *Conflict of interest*

### **Free Provision of Services\***

All services provided in DVS contracts will be provided free of charge, regardless of client ability to pay for services rendered or the availability of insurance or other third-party payment resources. Grantee must provide services to crime victims, at no charge, through the DVS funded project. No income eligibility standards will be imposed on individuals receiving assistance or services supported by DVS grant funds. The Grantee is prohibited from charging a crime victim or third-party payer for any services supported with DVS grant funds.



\* Exceptions apply under the Transitional Supportive Housing (TSH) grant agreement

### Further Resources

28 CFR 94.117(a): *Cost of Services*

### **Location Inspection Requirements**

Annual health and safety inspections are required at every location in which DVS-funded client services are being provided. Public/Governmental buildings, e.g., tribal buildings, courthouses, county buildings, hospitals, restaurants; are not required to have a separate inspection for DVS.

Grantees must maintain a record of inspections for locations where an inspection is required.

### **Non-Discrimination Notices for Employees and Program Participants**

Grantees must comply with federal laws and MDHHS contract provisions that prohibit discrimination on the basis of religion, race, color, national origin, age, sex, height, weight, marital status, disability, gender identification or expression, sexual orientation, partisan considerations, or genetic information. Additional forms of discrimination may be prohibited. Grantees should review the *DVS Program Discrimination Complaint Policies and Procedures* and *Employment Discrimination Complaint Policies and Procedures* for more information regarding federal laws prohibiting discrimination. These documents can be found on the DVS website.

Grantees must provide written notification that they do not discriminate on the basis of the above categories. This written notification must be consistent with applicable federal and state laws, and they must be provided to program beneficiaries and employees as well as prospective program beneficiaries and employees.

For program beneficiaries, these notifications can be put on items such as posters, brochures, or other program materials.

For employees, they can be put on items such as posters, policies, or recruitment materials.

### Further Resources

MDHHS Grant Agreement, Attachment E: *Division of Victim Services Grant Requirements: Program Specific Requirements*

28 CFR 38 *Partnerships with Faith-Based and Other Neighborhood Organizations*

U.S. Department of Justice, Office of Justice Programs: [Civil Rights](#)

### **Organizational Chart Requirements**

DVS-funded organizations must have an organizational chart that contains the following components:

- Shows the overall structure and chain of command of the organization, including the reporting relationships for supervision
- All paid positions of the organization including:
  - Position Title that matches position descriptions
  - Whether the position is full time or part time
  - Name of individual(s) in the position or listed as “vacant” if the position is not filled
  - Funding source
  - Percentage of each funding source(s)

- Include DVS-funded contractual staff, if applicable
- Job Location
- Revision Date

Organization charts will be requested once per year, but may be requested at any time throughout the fiscal year.

### Overtime

Unless exempted under the Fair Labor Standards Act, recipient and subrecipient employees should be compensated with overtime payments for work performed in excess of the established work week (usually 40 hours).

- Payment of more than occasional overtime is subject to periodic review by the awarding agency.
- In addition, overtime compensation is typically reviewed during site visits and audits.

Executive, administrative, and professional employees who meet the criteria for an exemption from the overtime requirements of the Fair Labor Standards Act may not be reimbursed for overtime under grants and cooperative agreements.

Overtime charged to your grant(s) should be in line with your personnel policy.

### Further Resources

Department of Labor: [Overtime Pay](#)

DOJ Financial Guide: *Postaward Requirements – Allowable Costs – Overtime Compensation*

### Position Description Requirements

A job description for DVS- funded or partially funded position must contain the following components:

- **Job Title:** name of the position that is consistent with the organizational chart
- **Classification:** exempt or nonexempt under the Fair Labor Standards Act (FLSA).
- **Date:** date when the job description was written or last reviewed.
- **Preferred education and experience:** preferred education and experience based on requirements that are job-related and consistent with business necessity.
- **Competency:** knowledge, skills and abilities.
- **Position type and expected hours of work:** full time or part time, typical work hours and shifts, days of week, and whether overtime is expected.
- **Essential Functions:** essential functions, including how an individual is to perform them and the frequency with which the tasks are performed; the tasks must be part of the job function and truly necessary or required to perform the job. NOTE: If the position is funded 100% by any DVS grant, fundraising (including grant writing) is not an allowable costs and may not be included on the position description.
- **Signature Line:** signatures should include the supervisor and of the employee.

The following components are recommended but optional:

- **Job Location**
- **Work environment:** the work environment; temperature, noise level, inside or outside, or other factors that will affect the person's working conditions while performing the job.

- **Salary/hourly range:** compensation levels, groups or pay ranges into which jobs of the same or similar worth are placed, including minimum and maximum pay bands.
- **Supervisor:** title of the position this job reports to.
- **Physical demands:** the physical demands of the job, including bending, sitting, lifting and driving.
- **Disclaimer:** a statement that indicates that the job description is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the employee. Duties, responsibilities and activities may change or new ones may be assigned at any time with or without notice.
- **Affirmative action plan/equal employment opportunity (AAP/EEO) statement:** clause(s) that outlines federal contractor requirements and practices and/or equal employer opportunity statement.
- **Summary/objective:** summary and overall objectives of the job.
- **Travel:** percentage of travel time expected for the position, where the travel occurs, such as locally or in specific countries or states, and whether the travel is overnight.

### Release of Confidential Information

As a condition of receiving VOCA, VAWA, or FVPSA funds, DVS-funded victim service programs are prohibited from disclosing, revealing, or releasing personally identifying information or information collection in connection with services utilized, requested, or denied unless: (1) the service participant has signed a release of information, (2) a law mandates disclosure, or (3) a court has ordered disclosure.

Release forms must:

- Be present for review when needed
- Be dated & reasonably time limited
- Be signed by client & staff
- Identify specific information to be released
- Contain a statement informing survivors that signing a release is voluntary

This provision does not apply to law enforcement and prosecution generated information necessary for law enforcement and prosecution purposes.

Releases need to be unique to the individual victim and circumstances, and cannot be presented as routine practice.

### Further Resources

VOCA: 28 CFR 94.115 *Non-disclosure of confidential or private information*

VAWA: 34 USC §12291(b)(2) *Definitions and grant provisions – Grant conditions – Nondisclosure of confidential or private information*

VAWA: 28 CFR 90.4 *Grant Conditions – Nondisclosure of confidential or private information*

FVPSA: 42 USC § 10406(5) *Formula grants to states – Grant conditions – Nondisclosure of confidential or private information.*

[FAQ on the VAWA Confidentiality Provision](#) (2017)

### **SAM Registration**

The System for Award Management (SAM) is the repository database for certain standard information about federal financial assistance applicants, recipients, and sub-recipients. Each assistance listing in SAM is associated with a unique five-digit CFDA (Catalog of Federal Domestic Assistance) number.

DVS conducts regular checks of the SAM registry for debarred agencies, but it **IS NOT** a federal requirement for DVS-funded grantees to register, annually update, or renew SAM registrations.

If you do register/update your agency's SAM registration, please note that SAM registration is **FREE**. Be wary of SAM-related scams. There is no charge for this process at any time.

#### *View your entity's SAM registration*

1. Go to the [SAM Homepage](#).
2. If you have opted to have your entity's information viewable in SAM, you can search for your entity by name or DUNS by clicking "Search Records."
3. If you opted to have your entity's information hidden to other viewers in SAM, login first by entering your username and password in the top right-hand corner, then click the "Log In" button prior to performing a search.

#### *Update your entity's SAM registration*

1. Go to the [SAM Homepage](#).
2. Login first by entering your username and password in the top right-hand corner, then click the "Log In" button.
3. Select "Register/Update Entity" on the left-side of your screen.
4. You will see options for "Complete Registrations", "Incomplete Registrations", and "Inactive Registrations." Click on "Complete Registrations" if your registration is noted as Active.
5. Click on "Incomplete or Inactive" if you have changes that you want to enter. Please select the entity record that you want to update from the Entity List box and click the "Update" button.

If you need any assistance, the SAM helpdesk number is 866-606-8220.

#### *Further Resources*

DOJ Financial Guide: *Preaward Requirements – Application Process – Confirmation of Listing in System for Award Management*

### **Client Assistance**

Client Assistance is used to provide those services which respond to the immediate emotional and physical needs of victims (excluding medical care). [Relocation Assistance](#) is a form of Client Assistance. If these items are charged to your grant(s), your agency will need a policy to support the charges.

Client Assistance is limited to \$350/client. Requests for exceptions to these limits must be submitted to DVS.

Allowable costs under Client Assistance include [gift cards](#) for food and/or clothing, toiletries, short-term alternative housing, changing windows and/or locks, taxis/transportation, prophylactic and

nonprophylactic medications, and durable medical equipment. Client Assistance may also be used to cover immigration fees, legal service fees, and record expungement for clients as long as they are directly related to the victimization and within the parameters of allowable costs, as defined by DVS.

#### *VOCA*

In VOCA grants, Client Assistance is reported as Emergency Financial Assistance in the federal quarterly report. Emergency Financial Assistance **must** be related to the victimization and may only be provided to clients on an emergency basis. “Emergency basis” is defined as an unforeseen combination of circumstances, the resulting state that calls for immediate action, an urgent need for assistance or relief; typically within 48 hours of a crime.

Medications and durable medical equipment are allowable on an emergency basis (i.e., when the state compensation program, the victim’s health insurance plan, Medicaid, or another healthcare funding source is not reasonably expected to be available quickly enough to meet the emergency needs of a victim).

#### *Policy*

Your policy may be requested in the event of an audit and should contain internal financial controls designed to minimize the possibility of fraud.

At a minimum, your policy should outline:

- What type of assistance is being distributed and the maximum that can be dispersed
- How the funds will be stored and accounted for
- What supporting documentation is required for purchases
- Who will be responsible for client assistance and what approvals are required
- The process of reviewing and verifying that charges were allowable

Elements to consider maintaining in a log include:

- Funding source, person authorizing release of funds, date of distribution, type of assistance, amount or quantity, non-identifying client ID number
- Make sure your log does not contain the client’s Personally Identifiable Information (PII)

#### *Gift Cards*

Please refer to the DVS allowability chart to determine whether gift cards are an allowable cost under your specific grants. OVW discourages the use of gift cards, due to potential for misuse of funds.

If you distribute gift cards with DVS funds, you must ensure that gift cards are:

- Logged in by gift card number
- Logged out by gift card number
- Logged by funding source that purchased card
- Distributed to clients eligible for the services from which the cards were purchased
- If log used for client use: Identifier that does not reveal Personally Identifiable Information (such as a client number) including gift card number, amount on card, client number and date.
- Used for allowable costs, per the applicable grant requirements/restrictions.

Grantees that distribute DVS-funded gift cards are responsible for ensuring the following:

- Gift card log is reconciled regularly.
- Regular/random checks are conducted on gift card balance.
- There is a mechanism for limiting purchases to only those that are allowable.

#### *Relocation Assistance*

Relocation Assistance is used to provide assistance where necessary for the safety and well-being of a victim. If these items are charged to your grant(s), your agency will need a policy to support the charges. Please refer to the DVS allowability chart to determine what costs can be charged to this line, in accordance with the funding source. Relocation Assistance is allowable up to \$2,000 per client (this limit does not apply under the Transitional Supportive Housing TSH/TSH-V grants). Requests for exceptions to these limits must be submitted to DVS.

Relocation Assistance may cover past rent, past utilities, first/second months' rent, first month's utilities, car repairs, and essential furniture expenses. DVS is a payer of last resort, in emergency situations, for essential furniture expenses and car repairs.

In VOCA grants, relocation assistance must be related to the victimization and is only allowable for primary victims and their dependent children.

Your policy may be requested in the event of an audit and should contain internal financial controls designed to minimize the possibility of fraud.

You may want to consider the following internal controls in any Relocation Assistance Policies:

- What type of relocation assistance is being provided and the maximum that can be dispersed.
- How the items will be stored and accounted for.
- What supporting documentation is required.
- Who will be responsible for relocation assistance and what approvals are required.
- The process of reviewing and verifying that charges were allowable.

Elements to consider maintaining in a log include:

- Funding source, person authorizing release of funds, date of distribution, type of assistance, amount or quantity, non-identifying client ID number.
- Make sure your log does not contain the client's Personally Identifiable Information (PII).

#### *Further Resources*

Office for Victims of Crime: [VOCApedia](#)

VOCA: 28 CFR § 94.119(l) *Allowable direct service costs*

VAWA: [Frequently Asked Questions \(FAQs\) About STOP Formula Grants](#), 2017.

#### **Sexual Misconduct and Domestic/Dating Violence Policy**

All DVS-funded VOCA and VAWA grantees (VOCA, STOP-L, STOP-V; STOP-C, CSU, SASP, DV COMP, SA COMP, SH/JFF, ICJR) must have a policy in place to address workplace-related incidents of sexual misconduct, domestic violence and dating violence involving an employee, volunteer, consultant, or contractor. This is a special condition that is required by the Office of Violence Against Women (OVW).

DVS is extending this condition by policy to VOCA funded grantees for consistency across victim service providers and in anticipation of similar OVC expansion.

The policy must address the following:

1. Allegations of workplace-related incidents of sexual misconduct, domestic violence, and dating violence by an employee, volunteer, consultant, or contractor;
2. workplace supports for employees, volunteers, consultants, or contractors who are victims of sexual misconduct, domestic violence, or dating violence; and
3. adjudications that will result in an employee, volunteer, contractor, or consultant being prohibited from occupying positions that could undermine the ability of the recipient or subrecipient [grantee] to carry out the grant-funded project, such as positions working with victims and other vulnerable populations. A policy may provide that certain adjudications do not prohibit an individual from occupying such a position but must include standards for granting such an exemption for an individual.

### *Definitions*

“Adjudication” includes a conviction, issuance of a final protection order, court-ordered diversion, or other judicial finding that the employee, volunteer, consultant, or contractor has engaged in domestic violence, dating violence, sexual assault, or stalking. The recipient may choose to include additional, related offenses, such as sex trafficking, as “adjudications.”

“Domestic violence,” “dating violence,” “sexual assault,” and “stalking” have the meanings given in 34 U.S.C. § 12291(a).

“Sexual misconduct” means sexual assault, stalking, and sexual harassment.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment, whether such activity is carried out by a supervisor or by a co-worker, volunteer, or contractor.

An individual is considered to be in the “workplace” of the recipient or subrecipient [grantee] while in, or using the resources of, the recipient’s or subrecipient [grantee]’s offices or facilities, using its equipment or vehicles, engaging in approved telework, on work-related travel, or otherwise conducting business on behalf of the recipient or subrecipient [grantee]. The availability and nature of the response to a workplace-related incident may depend on the location at issue.

“Workplace-related incidents” of sexual misconduct, domestic violence, and dating violence include acts, attempted acts, or threatened acts by or against employees, consultants, volunteers, or contractors, that occur in the workplace or that occur outside the workplace but have an impact on the workplace or otherwise undermine the ability of the recipient or subrecipient [grantee] to carry out the grant-funded project.

### *Further Resources*

34 U.S.C. § 12291(a) *Definitions and grant provisions*

## Attachment E

Award Condition: Policy Scope and Details:

<https://www.justice.gov/ovw/page/file/1295756/download>

Communication from Laura L. Rogers, Principle Deputy Director, Office on Violence Against Women:

<https://www.justice.gov/ovw/blog/sexual-harassment-policies-now-required-all-ovw-grantees>

Toolkit for OVW Grantees: Workplaces Respond to Domestic and Sexual Violence

<https://www.workplacesrespond.org/page/ovwgrantees/>

Webinar, September 24, 2020: Preparing for OVW's Special Condition on Workplace-Related Sexual

Misconduct and Domestic/Dating Violence? <https://ta2ta.org/webinars/registration/preparing-for-ovw-s-special-condition-on-workplace.html>

Elliott-Larsen Civil Rights Act

### **Suitability of Working with Minors Policy**

DVS grantees or contractors who receive VOCA or VAWA funds (VOCA, STOP-L, STOP-V, STOP-C, CSU, SASP, DV COMP, SA COMP, SH/JFF, ICJR) are required to have an updated policy and processes in place regarding the determination of suitability required for certain individuals who may interact with minors.

*Requirements, Advanced Determination of Suitability:* Grantees/contractors may not permit covered individuals to interact with minors in the course of activities under the award without first making a written determination of the suitability of that individual to interact with minors based upon current and appropriate information (background checks), detailed in provision A below, and taking into account the certain factors and considerations, detailed in provision B below.

- A. Current and appropriate information (background checks) must be completed no earlier than six (6) months before the determination regarding suitability
  - Sex offender
    - Dru Sjodin National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov))
    - Michigan Public Sex Offender Registry ([http://www.communitynotification.com/cap\\_main.php?office=55242/](http://www.communitynotification.com/cap_main.php?office=55242/))
    - Sex offender public website or registry for each state (and/or tribe) in which the individual lives, works, or goes to school or has lived, worked, or gone to school at any time during the past five (5) years
  - Child abuse
    - Central Registry Check
    - Child abuse registry in any state in which the individual lives, works, or goes to school or has lived, worked, or gone to school at any time during the past five (5) years
  - Criminal history
    - ICHAT (<https://apps.michigan.gov/#>)
    - A fingerprint search for pertinent state(s)(or if the recipient or subrecipient documents that a fingerprint search is not legally available, a name based search, using current and, if applicable, previous names and aliases)



- Note: Pursuant to federal law, access to fingerprint-based CHRI is limited to governmental agencies authorized by state or federal law and approved by the U.S. Attorney General to receive CHRI directly. Most nongovernmental agency, i.e., non-profits, are not considered an “authorized recipient” of CHRI in the state of Michigan. Although you could be considered a qualified entity for the receipt of CHRI as defined in the National Child Protection Act/Volunteers for Children Act (NCPA/VCA), the State of Michigan does not currently have specific legislation established by state statute or regulation to utilize the NCPA/VCA authority for most non-governmental organizations. To confirm your status, complete Michigan State Police (MSP) CJIS-022 application and return it to the Michigan State Police to document whether your organization is an authorized recipient. E-mail [MSP-CJIC-ATS@michigan.gov](mailto:MSP-CJIC-ATS@michigan.gov) or call (517) 284-3002 for a copy of CJIS-022 application.
  - Criminal history registry for any state in which the individual lives, works, or goes to school or has lived, worked, or gone to school at any time during the past five (5) years

B. Factors and considerations in determinations regarding suitability

In addition to the factors and considerations that must or may be considered under applicable federal, state, tribal, or local law, and under the recipient's (or subrecipient's) written policies and procedures, in making a determination regarding suitability, the grantee/contractor must consider the above background checks.

In particular (unless applicable law precludes it), with respect to either an initial determination of suitability or a subsequent reexamination, the grantee/contractor may not determine that a covered individual is suitable to interact with participating minors in the course of activities under the award if the covered individual

- Withholds consent to a criminal history search required by this condition;
- Knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;
- Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;
- To the knowledge of the grantee/contractor, has been convicted -- whether as a felony or misdemeanor -- under federal, state, tribal, or local law of any of the following crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law):
  - sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
  - rape/sexual assault, including conspiracy to commit rape/sexual assault;
  - sexual exploitation, such as through child pornography or sex trafficking;
  - kidnapping;
  - voyeurism; or
- Is determined by a federal, state, tribal, or local government agency not to be suitable.

*Updates and Reexamination:* Grantees/contractors must, at least every five years, update the background check searches described above, reexamine the covered individual's suitability determination in light of those search results, and, if appropriate, modify or withdraw that determination. Grantees/contractors also must reexamine a covered individual's suitability determination upon learning of information that reasonably may suggest unsuitability and, if appropriate, modify or withdraw that determination.

*Frequency:* Minimum updated searches at least every five years.

*Questions regarding Suitability:* Grantees/contractors may contact their contract analyst at State of Michigan DHHS with any questions regarding the requirements of this condition and must not allow a covered individual to interact with a participating minor until such questions are answered.

*Costs:* Funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition, provided that such funds would not supplant non-federal funds that would otherwise be available for such costs.

*Definitions:*

- *Covered individual:* any individual (other than a participating minor, as defined in this condition, or a client of the grantee/contractor who is expected, or reasonably likely, to interact with any participating minor (other than the individual's own minor children). A covered individual need not have any particular employment status or legal relationship with the grantee/contractor. Such an individual might be an employee of grantee/contractor, but also might be (for example) a consultant, contractor, employee of a contractor, trainee, volunteer, or teacher.
- *Participating minor:* All individuals under 18 years of age within the set of individuals described in the scope section of this condition as it appears on the award document are participating minors.
- *Interaction:* physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means. This definition does not include:
  - brief contact that is both unexpected by the grantee/contractor and unintentional on the part of the covered individual -- such as might occur when a postal carrier delivers mail to an administrative office.
  - personally-accompanied contact -- that is, infrequent or occasional contact (for example, by someone who comes to make a presentation) in the presence of an accompanying adult, pursuant to written policies and procedures of the grantee/contractor that are designed to ensure that -- throughout the contact -- an appropriate adult who has been determined to be suitable pursuant to this condition will closely and personally accompany, and remain continuously within view and earshot of, the covered individual.
  - *Activities under the award:* Whether paid for with federal funds from the award, "matching" funds included in the approved budget for the award, or "program income" for the award as defined by the (DOJ) Part 200 Uniform Requirements), activities under the award include both:
    - activities carried out under the award by the grantee/contractor; and
    - actions taken by an entity or individual pursuant to a procurement contract.

### Further Resources

VOCA: <https://www.ojp.gov/funding/explore/interact-minors>

OVW: <https://www.justice.gov/ovw/page/file/1202141/download>

### **Supplanting**

Agencies are expected to use federal funding to supplement State and local funds, rather than to replace those funds with federal dollars. According to the 2017 DOJ Financial Guide (page 26):

Federal funds must be used to supplement existing State and local funds for program activities and must not supplant (replace) those funds that have been appropriated for the same purpose.

- Supplanting will be reviewed during post-award monitoring and audit.
- If reviewers think that supplanting may have occurred, then the recipient will be required to supply documentation demonstrating that the reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

### Further Resources

DOJ Financial Guide: *Preaward Requirements – Standards for Financial Management Systems - Supplanting*

FVPSA: 42 U.S.C. § 13925(b)(5) *Definitions and grant provisions – Grant conditions – Non-supplantation*

VOCA: 28 CFR § 94.108 *Prohibited supplantation of funding for administrative costs*

### **Training Requirements**

#### *Grant Administrators*

At a minimum, organizations are required to identify a Civil Rights contact who must complete the DVS training on federal civil rights laws and non-discrimination provisions of DOJ implementing regulations once per grant period. The training can be found on the [OJP Office of Civil Rights' website](#). The required trainings are listed below:

- Overview of the Office for Civil Rights and Laws Enforced
- Service to LEP Persons
- Faith-Based Organizations (if applicable)
- American Indians (if applicable)
- Standard Assurances

#### *Direct Service Staff*

It is required that DVS grant-funded staff have access to ongoing professional development and skills training opportunities. It is recommended that each DVS grant-funded staff receive a minimum of 16 hours of training each year. Grantees should maintain a record of all trainings completed by DVS-funded staff and be prepared to supply this record upon request. DVS may also request to review training records as a part of Standards or Contract reviews.

DVS allows for VOCA grantees to utilize VOCA funds to reimburse training and travel costs for VOCA-funded, VOCA match-funded, and non-VOCA-funded staff, volunteers, and community partners (i.e. SART or MDT members) to attend in-state, out-of-state, and web-based trainings.

### *Required Pre-Service Training*

DVS grant-funded organizations are required to provide training related to service provision to all new staff before they provide direct victim services identified in the grant agreement.

One of the following trainings must be completed as soon as possible, at a minimum within the first six months of service, for each newly hired direct victim service employee or employee with direct victim client contact. The specific training required depends on the type of victimization provided by the agency.

- **For domestic violence/sexual assault programs funded through CSU, DVP, SACS/SASRV, TSH/TSHV grants:** [New Service Provider Training](#), administered by Michigan Coalition to End Domestic & Sexual Violence, or equivalent\*.
- **For accredited Child Advocacy Centers:** trainings as required by the [National Children's Alliance](#) (NCA).
- **All others:** [Victim Assistance Training Online](#), provided by OVC Training & Technical Assistance Center (TTAC).
  - Basics
  - Core Competencies and Skills
  - Crimes (for crime types that are relevant to services provided under each applicable grant program)
  - Specific Considerations for Providing Victim Services

The following trainings are mandatory for all DVS grant-funded direct service staff, contractors, and volunteers within the first year of service:

- *Confidentiality webinar series*, hosted on Michigan Victim Advocacy Network (MiVAN).
- *Crime Victims Compensation webinar*, hosted on MiVAN.
- Note that grant-specific training requirements may also apply.

\* For domestic violence/sexual assault programs funded through CSU, DVP, SACS, SASRV, TSH or TSHV, the equivalent to the New Service Provider Training must meet DVS Quality Assurance Standards, Section D – *Staff and Volunteer Management – Standard D24 Foundational*.

### *In-State Trainings*

Grantees who include travel and training costs in an approved budget are not required to receive prior authorization for in-state trainings from DVS. In-state and web-based training costs that fall within the deviation allowance for the travel and training line items are not subject to additional limits on the number of individuals who can expense travel and training costs per grant. Trainings charged to the grant must be a reasonable expense, applicable to the grant service area, and travel/training funds must be in the grant budget.

### *Out-of-State Trainings*

A maximum of two staff may be reimbursed for in-person training registration and out-of-state travel costs for each grant agreement per fiscal year. Beginning in FY22, approvals from DVS are required for in-person out-of-state trainings. Trainings charged to the grant must be a reasonable expense, applicable to grant service area, and related to victim services.

Organizations requesting to send program staff to in-person, out-of-state trainings must submit a request form to their DVS grant analyst(s) detailing training registration costs, travel, lodging, and mileage estimates, and including a link to the training agenda.

	<b>In-state Trainings</b>	<b>Out-of-state Trainings</b>	<b>Web-based Trainings</b>
DVS Authorization Required	No	Yes	No
2-attendee per grant limit	No	Yes	No
Must be applicable to grant service/program area	Yes	Yes	Yes

### *Specialized Skills Training*

For in-state, out-of-state, and web-based trainings intended for any professional staff required to have a license or certification in order to complete their work (for example, counseling or EMDR), staff attending the training must have the required license or certification in order to charge the training to a DVS-administered grant.

### **Reference Materials**

#### *Acceptable Public Disclosure*

An exempt organization must make specific tax documents available for public inspection and copying. These items include:

- IRS determination 501 c-3 letter
- Annual return (990 or 990EZ)

#### *Background Check Policy*

- MDHHS Grant Agreement: *General Provisions – Criminal Background Check*

#### *Certificate of Exemption for Hiring Practices on the Basis of Religion*

This certificate is for use by Faith-Based Organizations only.

- [Download and complete the certificate to be completed](#)
- [Review information regarding OJP requirements](#)

#### *Confidentiality Policy*

- MDHHS Grant Agreement: *General Provisions – Non-Disclosure of Confidential Information*
- VOCA: 28 CFR § 94.115 *Non-disclosure of confidential or private information*
- VAWA: 34 USC §12291(b)(2) *Definitions and grant provisions – Grant conditions – Nondisclosure of confidential or private information*
- VAWA: 28 CFR 90.4 *Grant Conditions – Nondisclosure of confidential or private information*
- FVPSA: 42 USC § 10406(5) *Formula grants to states – Grant conditions – Nondisclosure of confidential or private information.*
- DOJ: [FAQ on the VAWA Confidentiality Provision \(2017\)](#)
- NNEDV: [Confidentiality Toolkit](#)

#### *Conflict of Interest Policy for Board Members and Employees*

- MDHHS Grant Agreement: *General Provisions – Conflict of Interest and Code of Conduct Standards*
- 1968 PA 317, as amended *Contracts of Public Servants with Public Entities*
- 1973 PA 196, as amended *Standards of Conduct for Public Officers and Employees*
- 2 CFR § 200.318 (c) (1) and (2) *Procurement Standards – General procurement standards*
- DOJ Financial Guide: *Postaward Requirements – Grant Fraud, Waste, and Abuse – Conflicts of Interest*
- 2 CFR § 200.112 *Conflict of interest*

#### *Employee and Participant Grievance Policy*

Grantees must have policies in place for responding to discrimination complaints filed by employees and clients, customers, and program participants with the Grantee. The Grantee will promptly provide notice to the DVS Contract Manager of any complaints of discrimination made against the Grantee.

- MDHHS Grant Agreement, Attachment E: *Division of Victim Services Grant Requirements: Program Specific Requirements*
- OJP, OVC: [Program Standards – Rewards, Corrective Actions, and Grievances](#)

#### *Equal Employment Opportunity Plan/Certification*

- MDHHS Grant Agreement, Attachment E: *Division of Victim Services Grant Requirements: Program Specific Requirements*
- 28 CFR §§ 42.301-.308 *Equal Employment Opportunity Program Guidelines*
- [Submit at EEOP documentation online](#)
- Review the [EEOP Frequently Asked Questions](#) online

#### *Indirect*

- DOJ Financial Guide: *Postaward Requirements – Indirect Costs*
- 2 CFR § 200.414 Indirect (F&A) costs.

#### *Limited English Proficiency Plan*

- MDHHS Grant Agreement, Attachment E: *Division of Victim Services Grant Requirements: Program Specific Requirements*
- Read more information on the federal [Limited English Proficiency website](#)
- Review the [Language Access Assessment and Planning Tool](#) (2011)

#### *Non-Discrimination Policies and Notices for Employees and Services*

- MDHHS Grant Agreement: *General Provisions – Non-Discrimination*
- MDHHS Grant Agreement, Attachment E: *Division of Victim Services Grant Requirements: Program Specific Requirements*

#### *Nonprofit Solicitation License*

- Charitable Organizations and Solicitations Act, MCL 400.271: an organization must register if it solicits or receives contributions.

#### *Procurement/Equipment Policy*

- DOJ Financial Guide: *Postaward Requirements – Procurement Under Awards of Federal Assistance*

- 2 CFR § 200.317 through 2 CFR § 200.326 *Procurement Standards*

#### *Record Retention Policy*

- MDHHS Grant Agreement: *General Provisions – Responsibilities – Grantee – Record Maintenance/Retention*
- DOJ Financial Guide: *Postaward Requirements – Retention and Access Requirements for Records*
- 2 CFR § 200.333 *Retention requirements for records*

#### *Rent*

- DOJ Financial Guide: *Postaward Requirements – Allowable Costs – Project Site*
- 2 CFR § 200.465 *Rental costs of real property and equipment*

#### *Subrecipient/Contractor Monitoring*

- MDHHS Grant Agreement: *General Provisions – Subrecipient/Contractor Monitoring*

#### *Travel Policy*

- MDHHS Grant Agreement: *General Provisions – Responsibilities - Grantee – Travel Costs*
- DOJ Financial Guide: *Postaward Requirements – Allowable Costs – Travel*
- 2 CFR § 200.474 *Travel costs*

#### *Whistleblower Policy*

- MDHHS Grant Agreement: *General Provisions – Assurances - National Defense Authorization Act Employee Whistleblower Protections*

#### **Additional Links**

[Department of Justice Financial Guide](#)

[Division of Victim Services](#)

[Division of Victim Services Online Manual](#)

[Division of Victim Services Quality Assurance Standards](#)

[Michigan Victim Advocacy Network](#)

[VOCA GoToWebinar](#)