



**FY 2015-2016**  
**October 01, 2015 Report**  
*Submitted September 30, 2015*

**State of Tennessee**  
**Department of Finance and**  
**Administration**  
**Compliance Review and**  
**Implementation Plan**  
*for*  
***Title VI of the Civil Rights Act of 1964***  
*and*  
***Title IX of the Education Amendments Act of 1972***

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Deputy Commissioner, F&A Operations: Eugene Neubert

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*TABLE OF CONTENTS*

---

[Chapter 01](#) – Overview..... page 04

[Chapter 02](#) – Definitions ..... page 09

[Chapter 03](#) – Federal Programs or Activities ..... page 11

[Chapter 04](#) – Organization of the Civil Rights Office/Civil Rights Coordinator ..... page 320

[Chapter 05](#) – Data Collection and Analysis (including total number of complaints received) ..... page 322

[Chapter 06](#) – Discriminatory Practices ..... page 330

[Chapter 07](#) – Limited English Proficiency (LEP) ..... page 332

[Chapter 08](#) – Complaint Procedures ..... page 338

[Chapter 09](#) – Compliance Review ..... page 342

[Chapter 10](#) – Compliance/Noncompliance Reporting ..... page 354

[Chapter 11](#) – Title VI Training Plan ..... page 355

[Chapter 12](#) – Public Notice and Outreach ..... page 370

[Chapter 13](#) – Evaluation Procedures of Title VI Implementation ..... page 380

[Chapter 14](#) – Responsible Officials ..... page 381

## Chapter 01 – OVERVIEW

### THRC DIRECTIVES

#### PURPOSE:

The department or agency shall provide an overview of its operations and organizational structure to ensure that the nondiscrimination policy will be implemented throughout the entire organization.

#### REQUIRED:

- Provide a clear and brief (a few pages as possible), description of the department's mission, structure and operations and statutory based programs (including programs that do not receive FFA). Include a copy of the agency's policy or guidance; an organizational chart of the entire department or agency; and,
- What is the agency's nondiscrimination policy/statement or guidelines? [This is not the employment/hiring policy but rather the policy for the provision of services to the public. The THRC understands that a policy may be all-inclusive.]

### DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE

#### OVERVIEW

This plan represents the Department of Finance and Administration's commitment to nondiscrimination, with a particular emphasis on services provided to the citizens of Tennessee.

#### Purpose

The purpose of this Department of Finance and Administration (F&A) Compliance Review and Implementation Plan is to meet the implementation planning and annual reporting requirements of Tennessee Code Annotated, § 4-21-901, et seq. and Tennessee Code Annotated, § 4-4-123. It is intended to detail F&A efforts and strategy to foster the intents of and ensure compliance with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments Act of 1972.

#### Period Covered—2015-2016

The departmental process for ensuring and reviewing compliance with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments Act of 1972 has been assessed. Consequently, F&A has implemented an approach with an emphasis on implementation planning, follow-through and performance measurement.

#### Applicability—Departmental, Service Provider and Subrecipient Programs

The Department of Finance and Administration carries out its responsibilities both through its own administrative and program staff and through contracted programs.

As a recipient of federal financial assistance, the requirements of Title VI of the Civil Rights Act of 1964 are applicable to all of the operations of the Department of Finance and Administration and to any entity to which funded financial assistance is extended. (Title 42, United States Code, § 2000d-4a)

Accordingly, the charge—

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (Title 42, United States Code, § 2000d)

—is applicable to all of the programs, activities, and operations of the department and all service providers and subrecipient entities with which the department contracts utilizing state and federal funds.

Additionally, as a recipient of federal financial assistance for education activities, the requirements of Title IX of the Education Amendments Act of 1972 are applicable to all of the operations of the Department of Finance and

Administration and to any entity to which federal funded financial assistance for education activities is extended. (Title 20, United States Code, § 1687)

**The mandates of Title IX are:**

- No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . . (Title 20, United States Code, § 1681)

and

- No person in the United States shall, on the ground of blindness or severely impaired vision, be denied admission in any course of study by a recipient of Federal financial assistance for any education program or activity, but nothing herein shall be construed to require any such institution to provide any special services to such person because of his blindness or visual impairment. (Title 20, United States Code, § 1684)

Both are applicable to all of the programs, activities, and operations of the department and all service provider and subrecipient entities with which the department contracts for education activities utilizing state and federal funds.

**Strategic Focus**

Finance and Administration (F&A) acts as the chief corporate office of state government. Many complex processes are required to achieve this mission. The governor's proposed budget for state government is developed with the oversight of the commissioner, the governor's chief financial officer. The department also manages centralized accounting and financial reporting of the state's financial activity. Other areas, which provide state government with the necessary infrastructure to work effectively, include the Office for Information Resources, Benefits Administration, and Enterprise Resource Planning.

**Mission Statement**

To provide sound stewardship of State assets through Good Business and Great Customer Service

**Programmatic Overview**

The Department of Finance and Administration was established by public act in 1961. The responsibilities of the department were originally derived from the Division of Finance and Administration established in 1959 and vested with all the authority, powers, and duties imposed by law on the Department of Budget, the Department of Accounts, and the Office of State Property Administration. Through the years, the responsibilities of F&A have evolved—reflecting the growing importance of information technology and the Commissioner of Finance and Administration's ever-expanding role as the Governor's chief cabinet officer. The department is comprised of the following major divisions/programs that carry out F&A's programmatic functions.

**Administrative Services**

The administrative services of this department include the management of the state's information system needs, benefits management, program evaluation, and intra-departmental support.

***Division of Administration***

The Division of Administration provides administrative support services for the department, including the commissioner's office. Fiscal, human resources, talent management, billing services, and internal audit are managed by the division.

- **Office of Criminal Justice Programs**

The Office of Criminal Justice Programs secures, distributes, manages, and evaluates federal and state grant funds for criminal justice and victim services programs, such as Byrne Justice Assistance, STOP Violence Against Women, Family Violence Prevention and Services Act, Victims of Crime Act, and Sexual Assault Services Program grants. The office monitors the subrecipients to ensure that criminal justice and victim services funds are spent in accordance with federal and state guidelines.

- Volunteer Tennessee  
Volunteer Tennessee manages AmeriCorps sub grants funded through federal grants from the Corporation for National and Community Service, to meet needs in education, environment, healthy futures, economic opportunity, veterans and military families, and other unmet needs. The commission also administers a federal Volunteer Generation Fund grant.

### ***Benefits Administration***

The Division of Benefits Administration administers the state-sponsored insurance benefits directed by the State, Local Education, and Local Government Insurance committees. All medical plans are self-insured and include the Partnership Preferred Provider Organization (PPO), Standard PPO options and, starting 1/1/16, a new consumer driven health plan (CDHP) option with Health Savings Account. A high deductible product is offered to the Local Education and Local Government agencies. For eligible retirees the Division administers a fully-insured Medicare Supplement product. The Division also administers an Employee Assistance Program, the Working for Healthier Tennessee worksite wellness program, and offers basic term life insurance as well as fully-insured vision, dental, life insurance and long term care products.

### ***Business Solutions Delivery***

The Business Solutions Delivery division provides very senior level project management support to state agencies undertaking large, complex information technology projects. BSD also provides experienced business analyst resources to help agencies perform business process improvement initiatives prior to selecting a technology solution. The objective is to improve the State's success rates with complex system implementations.

### ***Enterprise Resource Planning***

The Enterprise Resource Planning division delivers an integrated enterprise software solution for addressing the state's administrative functions, such as human resources, payroll, financial management, and procurement.

### ***Office for Information Resources***

The Office for Information Resources (OIR) facilitates the use of information systems and provides technical direction and assistance to agencies, as charged by the Commissioner of Finance and Administration and the Information Systems Council. OIR provides for statewide data, voice, and video operations; information systems planning; research; information technology training for IT professionals; and security policy, direction, and protection. OIR also provides solutions development and support for enterprise applications; manages the state's website; and operates two data centers housing servers and data storage.

### ***Office of Customer Focused Government***

The Office of Customer Focused Government concentrates on improving business for internal and external customers. The office helps state agencies become more effective and efficient, reducing cost of operations and resulting in better services. The office helps coordinate strategy, metrics, and transformational initiatives across all agencies.

### **Fiscal and Management Services**

This functional area develops and implements policies pertaining to the fiscal and managerial aspects of state government, including agency strategic planning, budgeting, accounting, and central state planning and policy development.

### ***Division of Accounts***

The Division of Accounts maintains the centralized general ledger used to record all state government accounting events. The division operates a centralized payment distribution process for state payments and state payroll and is also responsible for the associated centralized Internal Revenue Service reporting. Accounting policy is developed by the division and is used to enable consistent accounting treatment across state government. The division is also responsible for reporting the state's compliance with the federal Cash

Management Improvement Act and the federal Single Audit Act. The division also prepares the state's Comprehensive Annual Financial Report (CAFR).

***Division of Budget***

In accordance with budget recommendations of the Governor and the Commissioner of Finance and Administration, the Division of Budget prepares the annual Budget Document and general appropriations bill for transmittal to the General Assembly. The division also is responsible for preparing the annual Work Program (enacted budget allotments) by adjusting the proposed budget to reflect final legislative action on the appropriations act and bond authorization act. The Budget includes both operational allotments and the capital outlay program. Throughout the year, the Division of Budget monitors spending and state revenue collections of all state agencies.

**TennCare Fraud and Abuse Prevention**

***Office of Inspector General***

The Office of Inspector General was created to help prevent, identify, investigate, and prosecute individuals who commit or attempt to commit fraud or abuse in the TennCare Program, which is the state's Medicaid waiver health-care program.

**Budget Overview**

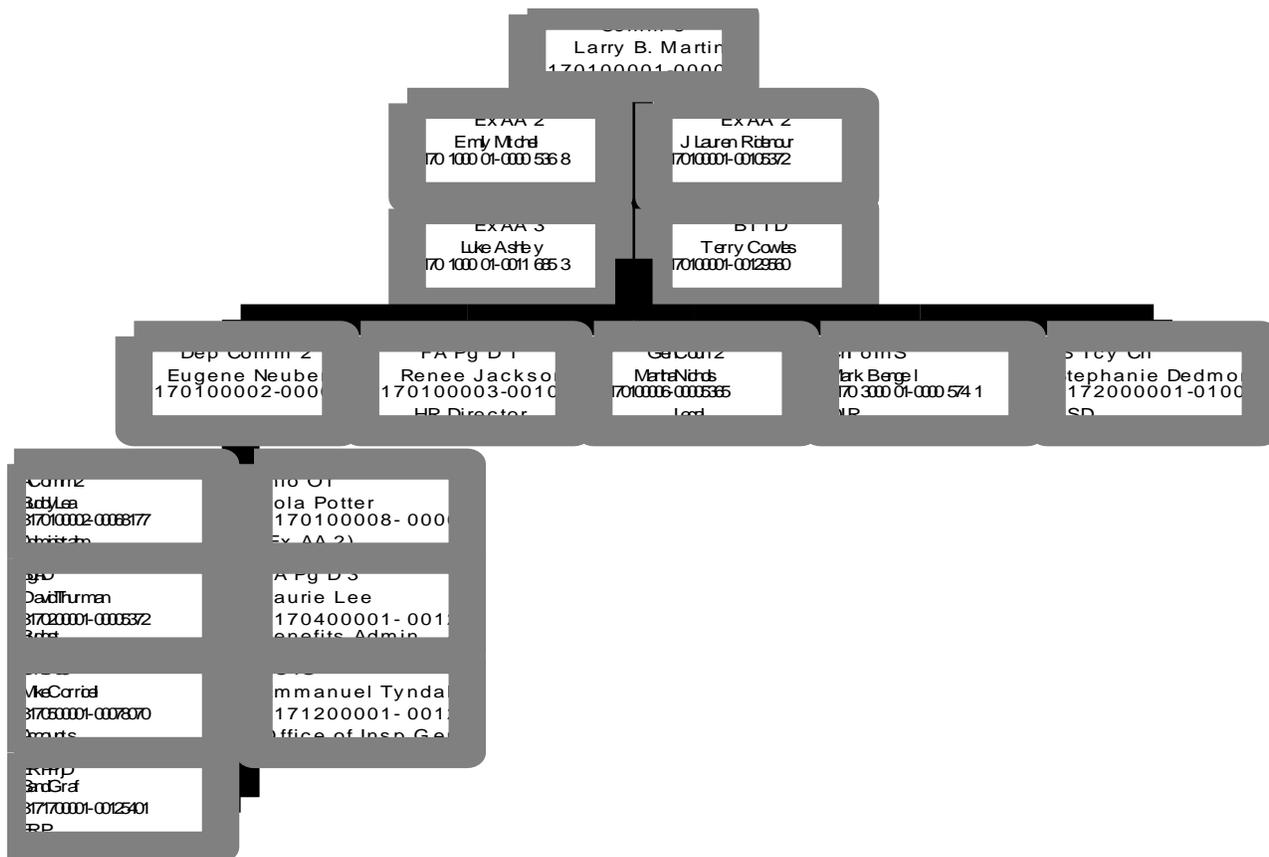
The Department of Finance and Administration's estimated operational budget, including payroll, for fiscal year 2016 is \$268,525,100 which is for general government programs.

**DEPARTMENTAL BUDGET BY DIVISION AND BY SOURCE**

	State	Federal	Other	Total
Accounts	1,678,700	0	16,496,600	18,175,300
Administration	3,110,500	0	7,002,800	10,113,300
Benefits Administration	0	0	10,433,200	10,433,200
Budget	3,944,700	0	0	3,944,700
Business Solutions Delivery	3,767,000	0	998,200	4,765,200
Criminal Justice Programs (OCJP)	4,597,800	24,213,500	105,800	28,917,100
Enterprise Resource Planning	0	0	28,569,800	28,569,800
Office for Information Resources (OIR)	2,250,000	0	150,883,200	153,133,200
State Architect's Office	839,800	0	0	839,800
Office of Inspector General (OIG)	0	0	5,078,600	5,078,600
Volunteer Tennessee	230,900	4,312,200	11,800	4,554,900
<b>TOTAL</b>	<b>\$ 20,419,400</b>	<b>\$ 28,525,700</b>	<b>\$ 219,580,000</b>	<b>\$ 268,525,100</b>

BASED ON RECURRING PORTION OF FY 2015-2016 WORK PROGRAM.

F&A ORGANIZATION CHART



## Chapter 02 – DEFINITIONS

### THRC DIRECTIVES

#### PURPOSE:

To have a clear understanding of any defined terms and programs that may be unfamiliar to the reader of the implementation plan.

#### REQUIRED:

Definitions of all common terms stated in the plan shall be included in this section to ensure that agency staff, recipients, and beneficiaries have consistent applicable definitions.

### DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE

#### DEFINITIONS

**Assurances**—a written statement of agreement signed by one legally authorized to contractually bind an entity in which the signatory agrees on behalf of the organization to administer federally assisted program in accordance with all applicable laws and regulations including those applicable to nondiscrimination.

**Beneficiary**—person to whom assistance, services, or benefits are ultimately provided pursuant to a state administered or contracted program. Potential Beneficiaries are those persons who are eligible to receive program benefits and services.

**Compliance**—fulfillment of the requirements of Title VI and Title IX, other applicable laws, implementing regulations, and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color, national origin, gender or visual impairment.

**Complaint**—a written allegation of discrimination which indicates that a program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, national origin, gender or visual impairment.

**Contractor**—a person or entity that agrees to perform services at a specified price either pursuant to a contract or grant. The state must determine for each contract whether it establishes a vendor or a Subrecipient relationship with the state.

**Compliance Reviews**—regular, systematic inspections of agency programs conducted to determine compliance with Title VI and Title IX requirements as well as the intents of this implementation plan. Compliance reviews are intended to help to measure the effectiveness of agency efforts to foster the intents of Title VI and Title IX. Compliance reviews may be conducted by means of either on-site or desk reviews of programs and associated documentation. These reviews may identify problems such as denial of full benefits, barriers to participation, different treatment, lack of selection to advisory boards and planning committees, lack of information, or denial of the right to file a complaint.

**Desk Review**—a desk review is a structured paper review of statistical and narrative information submitted by recipients or agency program offices of compliance information obtained before or without going on-site and may include routine reviews of assurance forms or other documents to ensure that they have been properly completed.

**Discrimination**—involves making an illegal distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, national origin, gender visual impairment, or other characteristic deemed to be “protected” from discrimination under federal or state law.

**Federal Assistance**—any funding, property, or aid provided by the federal government.

**Limited English Proficiency**—the inability to speak, read, write or understand the English Language at a level that permits an individual to effectively interact with service providers.

**Monitoring**—a review process used to determine a subrecipient’s compliance with the requirements of a state and/or federal program, applicable laws and regulations, and stated results and outcomes.

**Noncompliance**—failure to comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, or other applicable nondiscrimination and civil rights laws.

**Post-Award Review**—a routine inspection of agency programs during and after federal assistance has been provided to the beneficiary or recipient. These reviews may be cyclical or based on a priority system contingent upon the potential for noncompliance in individual programs. Reviews are normally conducted through on-site visits; however, desk reviews and other mechanisms may also be used to assess the operation of programs. A post-award review may result in a written report that shows compliance status. When necessary, the report will contain recommendations for corrective action. If noncompliance is identified, technical assistance and guidance will be provided to result in voluntary compliance. If voluntary compliance cannot be secured, formal enforcement action is then initiated.

**Pre-Award Review**—a review of the proposed operations of a program applicant prior to the approval of a contract and the establishment of a Subrecipient relationship. The department must determine that the program or facility will be operated such that program benefits will be equally available to all eligible persons without regard to race, color, national origin, gender, or visual impairment. The applicant may provide methods of administering the program designed to ensure that the program would comply with all applicable regulations, and correct any existing or developing instances of noncompliance.

**Public Notification**—communication and publicizing information by means of newspapers; newsletters; periodicals; radio and television; community organizations; and grassroots and special needs directories, brochures, or pamphlets. Such may include but is in no way limited to information about Title VI and Title IX, F&A’s processes related thereto, statements of nondiscrimination, as well as the availability of programs, services and benefits.

**Subrecipient**—a non-federal entity that expends state or federal funds under a contract with the state which provides for the contractor to carry out a state or federal program. A Subrecipient is distinguished from a vendor in the nature of the relationship that exists between the state and the contractor. In determining whether a contractor is a Subrecipient or a vendor, the substance of the relationship with the state is more important than the form of the agreement. To distinguish between Subrecipients and vendors, it is necessary to exercise judgment using the following characteristics from the federal, OMB Circular A-133:

Subrecipient—	Vendor—
<ul style="list-style-type: none"> <li>▪ determines who is eligible to receive state or federal assistance through the program administered by the contractor</li> <li>▪ has performance measured against whether the objectives of the state or federal program are met</li> <li>▪ has responsibility for programmatic decision making</li> <li>▪ has responsibility for adherence to applicable state or federal program compliance requirements</li> <li>▪ uses state or federal funds to carry out a program of the state as compared to providing goods or services to a program of the state</li> </ul>	<ul style="list-style-type: none"> <li>▪ provides the goods or services to many different purchasers</li> <li>▪ provides the goods or services within normal business operations</li> <li>▪ operates in a competitive environment</li> <li>▪ provides goods or services that are ancillary to the operation of the state or federal program</li> <li>▪ is not subject to compliance requirements of the state or federal program</li> </ul>

It should be noted that program compliance requirements do not pass through to a vendor. Subrecipients make programmatic decisions, determine eligibility for services, adhere to applicable State and/or Federal program compliance requirements, and have performance measured against program objectives. A vendor provides goods and services to many different purchasers within normal business operations in a competitive environment. The goods or services provided by a vendor are ancillary to the operation of the State and/or Federal program. A given service provider may be a Subrecipient for one grant while having a vendor relationship with the State for another contract.

## **Chapter 03 – FEDERAL PROGRAMS OR ACTIVITIES**

### **THRC DIRECTIVES**

#### **PURPOSE:**

To set forth each agency program and activity that is operated with Federal financial assistance and the dollar amount of the assistance.

#### **Required:**

Identify the following with respect to the most recent state fiscal year (SFY) as well as any projections for federal funds to be received during the upcoming SFY (There should also be a table of this with name of program, source of funds, and how much with total at bottom). (Data should be in an Excel format)

- Each program and/or activity, the federal dollar amount received; the agency providing the FFA and a description of how the federal funds are used; and,
- Each federal grant, loan or subsidy not included in (i) above, which may not be considered a program or activity and the federal dollar amount received for each. Include a description for how the grant, loan or subsidy is used by the department; and,
- Any equipment, training resources, land, loans, or detail of federal personnel.
- Attach any and all assurances provided by the federal funding source and signed by the department head.

### **DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE**

#### **FEDERAL PROGRAMS OR ACTIVITIES**

##### **Contract/Grant Program Overview**

The Department of Finance and Administration carries out its responsibilities through both its own administrative and program staff as well as through contract/grant programs. The contracted programs are vital to F&A's success in a number of program areas and account for a significant portion of departmental resources.

The department's contracts are representative of both "subrecipient" and "vendor" relationships. In those cases in which a contract (or grant) creates a "subrecipient" relationship as opposed to a "vendor" relationship (as defined by OMB Circular A-133), the contractor is deemed a subrecipient with unique obligations to the state and federal government including compliance with Title VI and Title IX requirements. Contractors reimbursed with federal funds are also subject to these requirements.

##### **Federal Funding Sources**

To provide more detail regarding the sources and amounts of the federal funds received by F&A, exhibits in this chapter provide a breakdown of F&A's federal funding by source and recipient program area. Three program areas within F&A receive and administer funding from the federal government. The Office of Criminal Justice Programs (OCJP) and Volunteer Tennessee administer grant programs.

At the time this report was submitted, F&A had no pending applications for federal financial assistance.

CONTRACT/GRANT PROGRAMS RECEIVING FEDERAL FUNDS

**OCJP**

*Note: Funds listed in the following table as “Budgeted Federal Funds” are the actual amounts allocated for each of these grants for TN FY2015, while funds listed in the Governor’s Recommended Budget include the total amount awarded under these grant programs in FY2015. Funds have already been allocated from the number in the Governor’s Recommended Budget for future fiscal years, resulting in the difference.*

Budgeted Federal Funds	Program Description
\$ 5,983,169	<b>Edward Byrne Justice Assistance Grant</b> — formula grant programs set up to assist state and local criminal justice agencies in reducing illegal drug and violent crime activities. Some special issues addressed by this program include improvement of criminal history records in Tennessee, community policing, domestic violence prevention and intervention, school violence prevention, drug offender prosecution and treatment, and correctional systems improvement.
\$ 13,800	<b>Edward Byrne Justice Assistance Competitive Grant</b>
\$ 111,755	<b>Edward Byrne Justice Assistance Prison Rape Elimination Act (PREA)</b>
\$ 164,586	<b>Residential Substance Abuse Treatment Program (RSAT)</b> —provides for substance abuse treatment programs for state and local prisoners in state and local correctional facilities.
\$ 7,700,323	<b>Victims of Crime Act (VOCA)</b> —a formula grant program that provides services that directly improve the health and well-being of victims of crime with priority given to victims of child abuse, domestic violence, and sexual assault and services for previously under-served victims.
\$ 1,767,281	<b>Family Violence Prevention and Services Act (FVPSA)</b> —a formula grant program funded through the Department of Health and Human Services that supports domestic violence shelters and the work they do across the state of Tennessee.
\$ 130,810	<b>Paul Coverdell Forensic Science Improvement Program</b> — provides grants to States and units of local government to help improve the quality and timeliness of forensic science and medical examiner services. Among other things, funds may be used to eliminate a backlog in the analysis of forensic evidence; and to train and employ forensic laboratory personnel, as needed, to eliminate such a backlog.
\$ 259,200	<b>National Criminal History Improvement Program</b> – funds to enhance the crime fighting and criminal justice capabilities of State government by improving the accuracy, utility and interstate accessibility of criminal history records and enhancing orders of protection involving domestic violence and stalking, sex offender records, automatic identification systems.
\$ 1,998,057	<b>STOP Violence Against Women Program</b> —a formula grant program funded through the Office on Violence Against Women whose purpose is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system’s response to violence against women. It envisions a partnership among law enforcement, prosecution, courts and victim advocacy organizations to enhance victim safety and hold offenders accountable for their crimes of violence against women.

\$ 301,060	<b>SASP</b> - a formula grant program funded through the Office on Violence Against Women which is the first Federal funding stream solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault.
\$ 787,286	<b>ARREST</b> - Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (ARREST Program). The ARREST program recognizes that sexual assault, domestic violence, dating violence, and stalking are crimes that require the criminal justice system to hold offenders accountable for their actions through investigation, arrest, and prosecution of violent offenders, and through close judicial scrutiny and management of offender behavior.
\$ 19,217,327	Sub-Total for OCJP

**Volunteer Tennessee**

Budgeted Federal Funds	Program Description
\$ 4,425,796	<b>AmeriCorps</b> – the “domestic Peace Corps” where many Tennesseans are getting things done through service in exchange for help financing their higher education or repaying their student loans. AmeriCorps seeks to harness the energy and idealism of Tennesseans who are dedicated to making their communities and the country a better place to live. Tennessee has 18 AmeriCorps programs across the state.

*Note: The Budgeted Federal Funds numbers in this table are taken from the federal award documents for these grants, and may differ slightly from the Governor’s Recommended Budget for Fiscal Year 2015-2016.*

\$ 23,643,123	Total for Department of Finance & Administration
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**ASSURANCES and CERTIFICATIONS**

Assurances signed by the Department Head are included in this section.

Note: The Certifications/Assurances by the Department of Finance and Administration for receipt of Federal Funds from the Corporation for National and Community Service for "AmeriCorps" are submitted to the Federal Government through an electronic filing system that does not require a "wet" signature. Submission of the unsigned form into the password protected system indicates the Department’s authorization of the assurances.

As a State Administering Agency (SAA) of the Department of Justice (DOJ), F & A must establish and implement written Methods of Administration (MOA) for ensuring their subrecipients’ compliance with the prohibition against race, color, and national origin discrimination contained in Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) and the Department of Justice (DOJ) regulations at 28 C.F.R. pt. 42, subpt. C; the prohibition against disability discrimination contained in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and the DOJ regulations at 28 C.F.R. pt. 42, subpt. G; the prohibition against age discrimination contained in the Age Discrimination Act of 1975 (42 U.S.C. § 6102) and the DOJ regulations at 28 C.F.R. pt. 42, subpt. I; and the prohibition against sex discrimination in education programs contained in Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) and the DOJ regulations at 28 C.F.R. pt. 54. These Methods of Administration (MOA) are the reasonable assurance that SAAs provide to the DOJ that they are ensuring the civil rights compliance of their subrecipients. The OCJP submitted the written MOA to the DOJ, Office for Civil Rights (OCR) and received an approval letter dated August 24, 2013. This satisfies the MOA requirement contained in a special condition for any subsequent grants that OCJP receives from the Department of Justice for a three-year period.

## **Volunteer Tennessee**

### *Instructions*

By signing and submitting this application, as the duly authorized representative of the applicant, you certify that the applicant will comply with the Assurances and Certifications described below.

a) Inability to certify

Your inability to provide the assurances and certifications listed below will not necessarily result in denial of a grant. You must submit an explanation of why you cannot do so. We will consider your explanation in determining whether to enter into this transaction. However, your failure to furnish an explanation will disqualify your application.

b) Erroneous certification or assurance

The assurances and certifications are material representations of fact upon which we rely in determining whether to enter into this transaction. If we later determine that you knowingly submitted an erroneous certification or assurance, in addition to other remedies available to the federal government, we may terminate this transaction for cause or default.

c) Notice of error in certification or assurance

You must provide immediate written notice to us if at any time you learn that a certification or assurance was erroneous when submitted or has become erroneous because of changed circumstances.

d) Definitions

The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded" as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. An applicant shall be considered a "prospective primary participant in a covered transaction" as defined in the rules implementing Executive Order 12549. You may contact us for assistance in obtaining a copy of those regulations.

e) Assurance requirement for subgrant agreements

You agree by submitting this proposal that if we approve your application you shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by us.

f) Assurance inclusion in subgrant agreements

You agree by submitting this proposal that you will obtain an assurance from prospective participants in all lower tier covered transactions and in all solicitations for lower tier covered transactions that the participants are not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction.

g) Assurance of subgrant principals

You may rely upon an assurance of a prospective participant in a lower-tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless you know that the assurance is erroneous. You may decide the method and frequency by which you determine the eligibility of your principals. You may, but are not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

h) Non-assurance in subgrant agreements

If you knowingly enter into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, we may terminate this transaction for cause or default.

i) Prudent person standard

Nothing contained in the aforementioned may be construed to require establishment of a system of records in order to render in good faith the assurances and certifications required. Your knowledge and information is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

*ASSURANCES*

As the duly authorized representative of the applicant, I certify, to the best of my knowledge and belief, that the applicant:

- Has the legal authority to apply for federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
- Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will establish safeguards to prohibit employees from using their position for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).
- Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686). which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of disability (d) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the National and Community Service Act of 1990, as amended; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
- Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C 276a and 276a-77), the Copeland Act (40 U.S.C 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for Federally assisted construction sub-agreements.
- Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires the recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

- Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
- Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
- Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984, as amended, and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.
- Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, application guidelines, and policies governing this program.
- Will comply with all rules regarding prohibited activities, including those stated in applicable Notice, grant provisions, and program regulations, and will ensure that no assistance made available by the Corporation will be used to support any such prohibited activities.
- Will comply with the nondiscrimination provisions in the national service laws, which provide that an individual with responsibility for the operation of a project or program that receives assistance under the national service laws shall not discriminate against a participant in, or member of the staff of, such project or program on the basis of race, color, national origin, sex, age, political affiliation, disability, or on the basis of religion. (NOTE: the prohibition on religious discrimination does not apply to the employment of any staff member paid with non-Corporation funds or paid with Corporation funds but employed with the organization operating the project prior to or on the date the grant was awarded. If your organization is a faith-based organization that makes hiring decisions on the basis of religious belief, your organization may be entitled, under the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb, to receive federal funds and yet maintain that hiring practice, even though the national service legislation includes a restriction on religious discrimination in employment of staff hired to work on a Corporation-funded project and paid with Corporation grant funds. (42 U.S.C. §§ 5057(c) and 12635(c)). For the circumstances under which this may occur, please see the document "Effect of the Religious Freedom Restoration Act on Faith-Based Applicants for Grants" on the Corporation's website at: <http://www.usdoj.gov/archive/fbci/effect-rfra.pdf>.
- Will comply with all other federal statutes relating to nondiscrimination, including any self-evaluation requirements. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps (d) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to

confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; and (i) the requirements of any other nondiscrimination statute(s) which may apply to the application.

- Will provide, in the design, recruitment, and operation of any AmeriCorps program, for broad-based input from – (1) the community served, the municipality and government of the county (if appropriate) in which the community is located, and potential participants in the program; and (2) community-based agencies with a demonstrated record of experience in providing services and local labor organizations representing employees of service sponsors, if these entities exist in the area to be served by the program;
- Will, prior to the placement of participants, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by an AmeriCorps program, to ensure compliance with the nondisplacement requirements specified in section 177 of the NCSA;
- Will, in the case of an AmeriCorps program that includes or serves children, consult with the parents or legal guardians of children in developing and operating the program;
- Will, before transporting minor children, provide the children’s parents or legal guardians with the reason for the transportation and obtain the parent’s or legal guardian’s permission for such transportation, consistent with state law;
- Will, in the case of an AmeriCorps program that is not funded through a State, consult with and coordinate activities with the State Commission for the state in which the program operates.
- Will ensure that any national service program carried out by the applicant using assistance provided under section 121 of the National and Community Service Act of 1990 and any national service program supported by a grant made by the applicant using such assistance will address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed;
- Will comply with the nonduplication and nondisplacement requirements set out in section 177 of the National and Community Service Act of 1990, and in the Corporation’s regulations at § 2540.100;
- Will comply with the grievance procedure requirements as set out in section 176(f) of the National and Community Service Act of 1990 and in the Corporation’s regulations at 45 CFR § 2540.230;
- Will provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform, including training on prohibited activities;
- Will provide support services to participants, such as information regarding G.E.D. attainment and post-service employment, and, if appropriate, opportunities for participants to reflect on their service experiences;
- Will arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121 of the National and Community Service Act of 1990 or, with the approval of the Corporation, conduct an internal evaluation of the program;
- Will apply measurable performance goals and evaluation methods, which are to be used as part of such evaluation to determine the program’s impact on communities and persons served by the program, on participants who take part in the projects, and in other such areas as required by the Corporation;
- Will ensure the provision of a living allowance and other benefits to participants as required by the Corporation;
- Has not violated a Federal criminal statute;
- If a state applicant, will ensure that the State subgrants will be used to support national service programs selected by the State on a competitive basis;
- If a state applicant, will seek to ensure an equitable allocation within the State of assistance and approved national service positions, taking into consideration such factors as the locations of the programs, population density, and economic distress;
- If a state applicant, will ensure that not less than 60% of the assistance will be used to make grants to support national service programs other than those carried out by a State agency, unless the Corporation approves otherwise.

## CERTIFICATIONS

### ***Certification – Debarment, Suspension, and Other Responsibility Matters***

This certification is required by the government-wide regulations implementing Executive Order 12549, Debarment and Suspension, 2 CFR Part 180, Section 180.335, What information must I provide before entering into a covered transaction with a Federal agency?

As the duly authorized representative of the applicant, I certify, to the best of my knowledge and belief, that neither the applicant nor its principals:

- Is presently excluded or disqualified;
- Has been convicted within the preceding three years of any of the offenses listed in § 180.800(a) or had a civil judgment rendered against it for one of those offenses within that time period;
- Is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission or any of the offenses listed in § 180.800(a); or
- Has had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default.

### ***Certification – Drug Free Workplace***

This certification is required by the Corporation’s regulations implementing sections 5150-5160 of the Drug-Free Workplace Act of 1988 (P.L. 100-690), 45 CFR Part 2545, Subpart B. The regulations require certification by grantees, prior to award, that they will make a good faith effort, on a continuing basis, to maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification may be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension or debarment (see 45 CFR Part 2542, Subparts G and H).

As the duly authorized representative of the grantee, I certify, to the best of my knowledge and belief, that the grantee will provide a drug-free workplace by:

- A. Publishing a drug-free workplace statement that:
  - i. Notifies employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace;
  - ii. Specifies the actions that the grantee will take against employees for violating that prohibition; and
  - iii. Informs employees that, as a condition of employment under any award, each employee will abide by the terms of the statement and notify the grantee in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace within five days of the conviction;
- B. Requiring that a copy of the statement described in paragraph (A) be given to each employee who will be engaged in the performance of any Federal award;
- C. Establishing a drug-free awareness program to inform employees about:
  - i. The dangers of drug abuse in the workplace;
  - ii. The grantee’s policy of maintaining a drug-free workplace;
  - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
  - iv. The penalties that the grantee may impose upon them for drug abuse violations occurring in the workplace;
- D. Providing us, as well as any other Federal agency on whose award the convicted employee was working, with written notification within 10 calendar days of learning that an employee has been convicted of a drug violation in the workplace;
- E. Taking one of the following actions within 30 calendar days of learning that an employee has been convicted of a drug violation in the workplace:
  - i. Taking appropriate personnel action against the employee, up to and including termination; or

- ii. Requiring that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- F. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A) through (E).

***Certification - Lobbying Activities***

As required by Section 1352, Title 31 of the U.S. Code, as the duly authorized representative of the applicant, I certify, to the best of my knowledge and belief, that:

- No federal appropriated funds have been paid or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer of Congress in connection with the awarding of any federal contract, the making of any federal loan, the entering into of any cooperative agreement, or modification of any federal contract, grant, loan, or cooperative agreement;
- If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the applicant will submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- The applicant will require that the language of this certification be included in the award documents for all subcontracts at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients will certify and disclose accordingly.

***Erroneous certification or assurance***

The assurances and certifications are material representations of fact upon which we rely in determining whether to enter into this transaction. If we later determine that you knowingly submitted an erroneous certification or assurance, in addition to other remedies available to the federal government, we may terminate this transaction for cause or default.

***Notice of error in certification or assurance***

You must provide immediate written notice to us if at any time you learn that a certification or assurance was erroneous when submitted or has become erroneous because of changed circumstances.

***Definitions***

The terms "debarment", "suspension", "excluded", "disqualified", "ineligible", "participant", "person", "principal", "proposal", and "voluntarily excluded" as used in this document have the meanings set out in 2 CFR Part 180, subpart I, "Definitions." A transaction shall be considered a "covered transaction" if it meets the definition in 2 CFR part 180 subpart B, "Covered Transactions."

***Assurance requirement for subgrant agreements***

You agree by submitting this proposal that if we approve your application you shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by us.

***Assurance inclusion in subgrant agreements***

You agree by submitting this proposal that you will obtain an assurance from prospective participants in all lower tier covered transactions and in all solicitations for lower tier covered transactions that the participants are not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction.

***Assurance of subgrant principals***

You may rely upon an assurance of a prospective participant in a lower-tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless you know that

the assurance is erroneous. You may decide the method and frequency by which you determine the eligibility of your principals. You may, but are not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

***Non-assurance in subgrant agreements***

If you knowingly enter into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, we may terminate this transaction for cause or default.

***Prudent person standard***

Nothing contained in the aforementioned may be construed to require establishment of a system of records in order to render in good faith the assurances and certifications required. Your knowledge and information is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

***Certification - Grant Review Process (State Commissions Only)***

I certify that in conducting our review process, we have ensured compliance with the National and Community Service Act of 1990, the Corporation's peer review requirements, and all state laws and conflict of interest rules.

## ASSURANCES AND CERTIFICATIONS

**ASSURANCE SIGNATURE:**      **NOTE: Sign this form and include in the application.**

---

**SIGNATURE:**

By signing this assurances page, you certify that you agree to perform all actions and support all intentions in the Assurances section.

**Organization Name:**

**Program Name:**

**Name and Title of Authorized Representative:**

**Signature:**

**Date:**

**CERTIFICATION SIGNATURE:**      **NOTE: Sign this form and include in the application.**

---

**SIGNATURE:**

By signing this certification page, you certify that you agree to perform all actions and support all intentions in the Certification sections of this application. The three Certifications are:

- . Certification: Debarment, Suspension and Other Responsibility Matters
- . Certification: Drug-Free Workplace
- . Certification: Lobbying Activities

**Organization Name:**

**Program Name:**

**Name and Title of Authorized Representative:**

**Signature:**

**Date:**



**Department of Justice**

Office on Violence Against Women

September 12, 2013

Washington, D.C. 20531

Mr. Mark A. Emkes  
Tennessee Department of Finance and Administration  
Office of Criminal Justice Programs  
312 Rosa L. Parks Ave, Suite 1800  
Nashville, TN 37243-1102

Dear Mr. Emkes:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office on Violence Against Women has approved your application for funding under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program in the amount of \$900,000 for Tennessee Department of Finance and Administration. This award provides the opportunity for recipients to develop and strengthen effective responses to violence against women. The Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program encourages communities to treat sexual assault, domestic violence, dating violence and stalking as serious crimes by strengthening the criminal justice response to these crimes and promoting a coordinated community response. Victim safety and offender accountability are the center piece of projects funded under the program.

Enclosed you will find the award package. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact Sue Pugliese at (202) 305-1660. For financial grants management questions, contact the OVW Grants Financial Management Division at (202) 514-8556, or by e-mail at [ovw.gfmd@usdoj.gov](mailto:ovw.gfmd@usdoj.gov). For payment questions, contact the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or by email at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bea Hanson", is written over a horizontal line.

Bea Hanson  
Acting Director

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

Washington, D.C. 20531

September 12, 2013

Mr. Mark A. Emkes  
Tennessee Department of Finance and Administration  
Office of Criminal Justice Programs  
312 Rosa L. Parks Ave, Suite 1800  
Nashville, TN 37243-1102

Dear Mr. Emkes:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

### Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

### Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO Plan), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

#### 1) Meeting the EEO Plan Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEO Plan reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEO Plan and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEO Plan, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEO Plan specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEO Plan, but it does not have to submit the EEO Plan to OCR for review. Instead, your organization has to maintain the EEO Plan on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEO Plan requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

#### 2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

### Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEO Plan, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

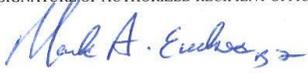
cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
**Office for Victims of Crime**

**Grant**

PAGE 1 OF 4

<b>I. RECIPIENT NAME AND ADDRESS (Including Zip Code)</b> Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102		<b>4. AWARD NUMBER:</b> 2012-VA-GX-0025																	
		<b>5. PROJECT PERIOD:</b> FROM 10/01/2011 TO 09/30/2015 <b>BUDGET PERIOD:</b> FROM 10/01/2011 TO 09/30/2015																	
		<b>6. AWARD DATE</b> 07/27/2012	<b>7. ACTION</b> Initial																
<b>IA. GRANTEE IRS/VENDOR NO.</b> 626001448		<b>8. SUPPLEMENT NUMBER</b> 00																	
		<b>9. PREVIOUS AWARD AMOUNT</b> \$ 0																	
<b>3. PROJECT TITLE</b> OVC FY 12 VOCA Victim Assistance Formula		<b>10. AMOUNT OF THIS AWARD</b> \$ 7,651,059																	
		<b>11. TOTAL AWARD</b> \$ 7,651,059																	
<b>12. SPECIAL CONDITIONS</b> THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).																			
<b>13. STATUTORY AUTHORITY FOR GRANT</b> This project is supported under 42 U.S.C. § 10603 (a)																			
<b>15. METHOD OF PAYMENT</b> GPRS																			
AGENCY APPROVAL		GRANTEE ACCEPTANCE																	
<b>16. TYPED NAME AND TITLE OF APPROVING OFFICIAL</b>  Joye E. Frost Acting Director		<b>18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL</b>  Mark Emkes Commissioner, Dept. of Finance & Administration																	
<b>17. SIGNATURE OF APPROVING OFFICIAL</b> 		<b>19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL</b> 	<b>19A. DATE</b> 8/7/12																
AGENCY USE ONLY																			
<b>20. ACCOUNTING CLASSIFICATION CODES</b> <table border="1"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>DIV. REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>G</td> <td>V2</td> <td>40</td> <td>00</td> <td>00</td> <td></td> <td>7651059</td> </tr> </tbody> </table>		FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT	X	G	V2	40	00	00		7651059	<b>21. LV2PGT0068</b>	
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT												
X	G	V2	40	00	00		7651059												

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
**Office for Victims of Crime**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 4

PROJECT NUMBER 2012-VA-GX-0025

AWARD DATE 07/27/2012

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -  
  
mail:  
  
Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530  
  
e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)  
  
hotline: (contact information in English and Spanish): (800) 869-4499  
  
or hotline fax: (202) 616-9881  
  
Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).
6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

*MTE 5/1*



Department of Justice  
Office of Justice Programs  
**Office for Victims of Crime**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 3 OF 4

PROJECT NUMBER 2012-VA-GX-0025

AWARD DATE 07/27/2012

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The Grantee authorizes Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant. The State will further ensure that all VOCA subgrantees will authorize representatives of OVC and OCFO access to and the right to examine all records, books, paper or documents related to the VOCA grant.
14. The Grantee agrees to submit a Subgrant Award Report (SAR) to OVC for each subgrantee of the VOCA victim assistance funds, within ninety (90) days of awarding funds to subgrantees. States and territories are required to submit this information through the automated system.

MAE 8/7

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 4

PROJECT NUMBER 2012-VA-GX-0025

AWARD DATE 07/27/2012

*SPECIAL CONDITIONS*

15. VOCA Requirements

The recipient assures that the State and its subrecipients will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 42 U.S.C. 10603(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the State certifies that funds under this award will:

- a) be awarded only to eligible victim assistance organizations, 42 U.S.C. 10603(a)(2);
- b) not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 42 U.S.C. 10603(a)(2); and
- c) be allocated in accordance with program guidelines or regulations implementing 42 U.S.C. 10603(a)(2)(A) and 42 U.S.C. 10603(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.

16. Demographic Data

The recipient agrees that information on race, sex, national origin, age, and disability of recipients of assistance will be collected and maintained, where such information is voluntarily furnished by those receiving assistance.

17. Discrimination Findings

The recipient assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a recipient of victim assistance formula funds under this award, the recipient will forward a copy of the findings to the Office for Civil Rights of OJP.

18. The recipient understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The recipient agrees to assist OJP in carrying out its responsibilities under NEPA and related laws, if the recipient plans to use VOCA funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The recipient also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

19. The Grantee agrees to provide information on the activities supported and an assessment of the effects that the VOCA victim assistance funds have had on services to crime victims within the State for a one year period October 1, through September 30 (The Federal Fiscal Year). This information will be submitted annually on the OVC "Performance Report," no later than December 30 of each year.

20. The recipient agrees to ensure that at least one key grantee official attends the annual VOCA National Training Conference. Any recipient unable to attend must get prior approval by OVC in writing.

21. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own operate in his or her name).

MAE 57



**Department of Justice**  
Office of Justice Programs  
*Office for Victims of Crime*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Linda Rost, Administrative Officer

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

The subject grant provides funds from the Victims of Crime Act of 1984 (VOCA) to enhance crime victim services in the State. These funds are awarded by the State to local community-based organizations that provide direct services to crime victims. None of the following activities will be conducted either under the OJP federal action or a related third party action: 1. New construction. 2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historical Places or (b) located within a 100-year floodplain. 3. A renovation which will change the basic prior use of a facility or significantly change its size. 4. Research and technology whose anticipated and future application could be expected to have an effect on the environment. 5. Implementation of a program involving the use of chemicals. Consequently, the subject federal action meets OJP's criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase or a segment of a project which when viewed in its entirety would not meet the criteria for a categorical exclusion.

	Department of Justice Office of Justice Programs Office for Victims of Crime		<b>GRANT MANAGER'S MEMORANDUM, PT. I:          PROJECT SUMMARY</b>  <b>Grant</b>	
	PROJECT NUMBER 2012-VA-GX-0025		PAGE 1 OF 1	
This project is supported under 42 U.S.C. § 10603 (a)				
1. STAFF CONTACT (Name & telephone number)  Shadine Jankovic (202) 305-7807		2. PROJECT DIRECTOR (Name, address & telephone number)  Linda LaRowe Program Manager 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102 (615) 253-5591		
3a. TITLE OF THE PROGRAM OVC FY 12 VOCA Victim Assistance Formula			3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)	
4. TITLE OF PROJECT OVC FY 12 VOCA Victim Assistance Formula				
5. NAME & ADDRESS OF GRANTEE  Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102		6. NAME & ADDRESS OF SUBGRANTEE		
7. PROGRAM PERIOD FROM: 10/01/2011 TO: 09/30/2015		8. BUDGET PERIOD FROM: 10/01/2011 TO: 09/30/2015		
9. AMOUNT OF AWARD \$ 7,651,059		10. DATE OF AWARD 07/27/2012		
11. SECOND YEAR'S BUDGET		12. SECOND YEAR'S BUDGET AMOUNT		
13. THIRD YEAR'S BUDGET PERIOD		14. THIRD YEAR'S BUDGET AMOUNT		
15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)  This grant award provides funds from the FFY 11 Crime Victims Fund to enhance crime victim services in the State. Victims of Crime Act (VOCA) assistance funds are competitively awarded by the State to local community-based organizations that provide direct services to crime victims. NC/NCF				

OJP FORM 4000/2 (REV. 4-88)



**Department of Justice**

Office of Justice Programs

Office for Victims of Crime

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Office of Justice Programs

Washington, D.C. 20531

September 6, 2013

Mr. Larry Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Martin:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 13 VOCA Victim Assistance Formula in the amount of \$8,583,097 for Tennessee Department of Finance and Administration.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Shadine Jankovic, Program Manager at (202) 305-7807; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joye E. Frost".

Joye E. Frost  
Director

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

Washington, D.C. 20531

September 6, 2013

Mr. Larry Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Martin:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations: Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfb.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

### Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

### Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO Plan), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

#### 1) Meeting the EEO Plan Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEO Plan reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEO Plan and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEO Plan, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eop.htm>. You may also request technical assistance from an EEO Plan specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEO Plan, but it does not have to submit the EEO Plan to OCR for review. Instead, your organization has to maintain the EEO Plan on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEO Plan requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eop.htm>.

#### 2) Submitting Findings of Discrimination

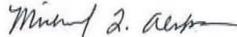
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

### Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEO Plan, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

Grant

PAGE 1 OF 5

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102		4. AWARD NUMBER: 2013-VA-GX-0010	
1A. GRANTEE IRS/VENDOR NO. 626001448		5. PROJECT PERIOD: FROM 10/01/2012 TO 09/30/2016 BUDGET PERIOD: FROM 10/01/2012 TO 09/30/2016	7. ACTION Initial
3. PROJECT TITLE OVC FY 13 VOCA Victim Assistance Formula		6. AWARD DATE 09/06/2013	8. SUPPLEMENT NUMBER 00
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTHON THE ATTACHED PAGE(S).		9. PREVIOUS AWARD AMOUNT \$ 0	
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. § 10603 (a)		10. AMOUNT OF THIS AWARD \$ 8,583,097	
15. METHOD OF PAYMENT GPRS		11. TOTAL AWARD \$ 8,583,097	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Joyce E. Frost Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Larry Martin Commissioner, Dept. of Finance & Administration	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 9-11-13
20. ACCOUNTING CLASSIFICATION CODES FISCAL YR FUND C BUD. A OFC. DIV. RE SUB. POMS AMOUNT EAR ODE CT. G. X G V2 40 00 00 8583097		21. MV2PGT0078	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 2 OF 5

PROJECT NUMBER 2013-VA-GX-0010

AWARD DATE 09/06/2013

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -  
mail:  
  
Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530  
  
e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)  
  
hotline: (contact information in English and Spanish): (800) 869-4499  
  
or hotline fax: (202) 616-9881  
  
Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).
6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

*RBH*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 3 OF 5

PROJECT NUMBER 2013-VA-GX-0010

AWARD DATE 09/06/2013

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The Grantee authorizes Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant. The State will further ensure that all VOCA subgrantees will authorize representatives of OVC and OCFO access to and the right to examine all records, books, paper or documents related to the VOCA grant.
16. The Grantee agrees to submit a Subgrant Award Report (SAR) to OVC for each subgrantee of the VOCA victim assistance funds, within ninety (90) days of awarding funds to subgrantees. States and territories are required to submit this information through the automated system.

*TBM 5/1*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 4 OF 5

PROJECT NUMBER 2013-VA-GX-0010

AWARD DATE 09/06/2013

*SPECIAL CONDITIONS*

17. **VOCA Requirements**  
The recipient assures that the State and its subrecipients will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 42 U.S.C. 10603(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the State certifies that funds under this award will:
- a) be awarded only to eligible victim assistance organizations, 42 U.S.C. 10603(a)(2);
  - b) not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 42 U.S.C. 10603(a)(2); and
  - c) be allocated in accordance with program guidelines or regulations implementing 42 U.S.C. 10603(a)(2)(A) and 42 U.S.C. 10603(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.
18. **Demographic Data**  
The recipient agrees that information on race, sex, national origin, age, and disability of recipients of assistance will be collected and maintained, where such information is voluntarily furnished by those receiving assistance.
19. **Discrimination Findings**  
The recipient assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a recipient of victim assistance formula funds under this award, the recipient will forward a copy of the findings to the Office for Civil Rights of OJP.
20. The recipient understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The recipient agrees to assist OJP in carrying out its responsibilities under NEPA and related laws, if the recipient plans to use VOCA funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The recipient also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.
21. The Grantee agrees to provide information on the activities supported and an assessment of the effects that the VOCA victim assistance funds have had on services to crime victims within the State for a one year period October 1, through September 30 (The Federal Fiscal Year). This information will be submitted annually on the OVC "Performance Report," no later than December 30 of each year.
22. The recipient agrees to ensure that at least one key grantee official attends the annual VOCA National Training Conference. Any recipient unable to attend must get prior approval by OVC in writing.
23. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
- TBM/2

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 5 OF 5

PROJECT NUMBER 2013-VA-GX-0010

AWARD DATE 09/06/2013

*SPECIAL CONDITIONS*

24. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the OJP's Office for Civil Rights at [CivilRightsMOA@usdoj.gov](mailto:CivilRightsMOA@usdoj.gov) within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by OJP or any other authorized persons. The required elements of the MOA are set forth at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm), under the heading, "Civil Rights Compliance Specific to State Administering Agencies."

*Handwritten signature/initials*

OJP FORM 4000/2 (REV. 4-88)



**Department of Justice**  
Office of Justice Programs  
*Office for Victims of Crime*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Zoe French, Grants Program Coordinator

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

The subject grant provides funds from the Victims of Crime Act of 1984 (VOCA) to enhance crime victim services in the State. These funds are awarded by the State to local community-based organizations that provide direct services to crime victims. None of the following activities will be conducted either under the OJP federal action or a related third party action: 1. New construction. 2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historical Places or (b) located within a 100-year floodplain. 3. A renovation which will change the basic prior use of a facility or significantly change its size. 4. Research and technology whose anticipated and future application could be expected to have an effect on the environment. 5. Implementation of a program involving the use of chemicals. Consequently, the subject federal action meets OJP's criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase or a segment of a project which when viewed in its entirety would not meet the criteria for a categorical exclusion.



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER  
2013-VA-GX-0010

PAGE 1 OF 1

This project is supported under 42 U.S.C. § 10603 (a)

1. STAFF CONTACT (Name & telephone number)

Shadine Jankovic  
(202) 305-7807

2. PROJECT DIRECTOR (Name, address & telephone number)

Linda LaRowe  
Program Manager  
312 Rosa L. Parks Avenue  
Suite 1800  
Nashville, TN 37243-1102  
(615) 253-5591

3a. TITLE OF THE PROGRAM

OVC FY 13 VOCA Victim Assistance Formula

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

OVC FY 13 VOCA Victim Assistance Formula

5. NAME & ADDRESS OF GRANTEE

Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue Suite 1200  
Nashville, TN 37243-1102

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2012 TO: 09/30/2016

8. BUDGET PERIOD

FROM: 10/01/2012 TO: 09/30/2016

9. AMOUNT OF AWARD

\$ 8,583,097

10. DATE OF AWARD

09/06/2013

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

This grant award provides funds from the Crime Victims Fund to enhance crime victim services in the State. Victims of Crime Act (VOCA) assistance funds are typically competitively awarded by the State to local community-based organizations that provide direct services to crime victims. NC/NCF

OJP FORM 4000/2 (REV. 4-88)



**Department of Justice**

Office on Violence Against Women

September 12, 2013

Washington, D.C. 20531

Mr. Mark A. Emkes  
Tennessee Department of Finance and Administration  
Office of Criminal Justice Programs  
312 Rosa L. Parks Ave, Suite 1800  
Nashville, TN 37243-1102

Dear Mr. Emkes:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office on Violence Against Women has approved your application for funding under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program in the amount of \$900,000 for Tennessee Department of Finance and Administration. This award provides the opportunity for recipients to develop and strengthen effective responses to violence against women. The Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program encourages communities to treat sexual assault, domestic violence, dating violence and stalking as serious crimes by strengthening the criminal justice response to these crimes and promoting a coordinated community response. Victim safety and offender accountability are the center piece of projects funded under the program.

Enclosed you will find the award package. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact Sue Pugliese at (202) 305-1660. For financial grants management questions, contact the OVW Grants Financial Management Division at (202) 514-8556, or by e-mail at [ovw.gfmd@usdoj.gov](mailto:ovw.gfmd@usdoj.gov). For payment questions, contact the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or by email at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bea Hanson".

Bea Hanson  
Acting Director

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

Washington, D.C. 20531

September 12, 2013

Mr. Mark A. Emkes  
Tennessee Department of Finance and Administration  
Office of Criminal Justice Programs  
312 Rosa L. Parks Ave, Suite 1800  
Nashville, TN 37243-1102

Dear Mr. Emkes:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

### Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

### Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO Plan), 28 C.F.R. § 42.301-308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

#### 1) Meeting the EEO Plan Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEO Plan reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEO Plan and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEO Plan, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEO Plan specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEO Plan, but it does not have to submit the EEO Plan to OCR for review. Instead, your organization has to maintain the EEO Plan on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEO Plan requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

#### 2) Submitting Findings of Discrimination

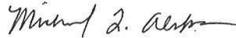
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

### Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEO Plan, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office on Violence Against Women

**Grant**

PAGE 1 OF 7

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration Office of Criminal Justice Programs 312 Rosa L. Parks Ave, Suite 1800 Nashville, TN 37243-1102		4. AWARD NUMBER: 2013-WE-AX-0026	
1A. GRANTEE IRS/VENDOR NO. 626001448		5. PROJECT PERIOD: FROM 10/01/2013 TO 09/30/2016 BUDGET PERIOD: FROM 10/01/2013 TO 09/30/2016	7. ACTION Initial
3. PROJECT TITLE Tennessee Sexual Assault Response Project		6. AWARD DATE 09/12/2013	8. SUPPLEMENT NUMBER 00
		9. PREVIOUS AWARD AMOUNT \$ 0	
		10. AMOUNT OF THIS AWARD \$ 900,000	
		11. TOTAL AWARD \$ 900,000	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTHON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. 3796hh - 3796hh-4 (OVW - Arrest)			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Bea Hanson Acting Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Mark A. Emkes Commissioner, Finance and Administration	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 9-19-13
20. ACCOUNTING CLASSIFICATION CODES FISCALY FUNDC BUD.A OFC. DIV.RE SUB. POMS AMOUNT EAR ODE CT. G.		21. W413D00048	
X A W4 29 00 00 900000			

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 2 OF 7

PROJECT NUMBER 2013-WE-AX-0026

AWARD DATE 09/12/2013

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office on Violence Against Women (OVW) Financial Grants Management Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audit of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of DOJ grant funds) are not satisfactorily and promptly addressed as further described in the current edition of the OVW Financial Grants Management Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government without the express prior written approval of OVW, in order to avoid violation of 18 USC § 1913. The recipient may, however, use federal funds to collaborate with and provide information to Federal, State, local, tribal and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 42 USC 13925(a)) when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OVW.

*LB*



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 3 OF 7

PROJECT NUMBER 2013-WE-AX-0026

AWARD DATE 09/12/2013

*SPECIAL CONDITIONS*

7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.
8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OVW). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office on Violence Against Women web site at <http://www.ovw.usdoj.gov/docs/sam-award-term.pdf> (Award condition: Registration with the System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OVW Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ovw.usdoj.gov/grantees.html>.
11. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
12. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
13. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (which is defined to include meetings, retreats, seminars, symposiums, trainings, and other events), including the provision of food and/ or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at <http://www.ovw.usdoj.gov/grantees.html>.
14. The grantee agrees to comply with all relevant statutory and regulatory requirements which may include, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against Women Act of 2000, P.L. 106-386, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C 3711 et seq., the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, and OVW's implementing regulations at 28 CFR Part 90.
15. The grantee must be in compliance with specifications outlined in the solicitation under which the approved application was submitted. The program solicitation is hereby incorporated by reference into this award.

*ZBM*



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 4 OF 7

PROJECT NUMBER 2013-WE-AX-0026

AWARD DATE 09/12/2013

*SPECIAL CONDITIONS*

16. The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.
17. The recipient understands and agrees that grant funds may be frozen if the recipient does not respond in a timely fashion to requests to address OIG audit findings and financial or programmatic monitoring findings.
18. Grant funds may be used only for the purposes in the recipient's approved application. The recipient shall not undertake any work or activities that are not described in the grant application, and that use staff, equipment, or other goods or services paid for with OVW grant funds, without prior written approval from OVW.
19. The Director of OVW, upon a finding that there has been substantial failure by the recipient to comply with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation, will terminate or suspend until the Director is satisfied that there is no longer such failure, all or part of the award, in accordance with the provisions of 28 CFR Part 18, as applicable mutatis mutandis.
20. The grantee agrees that if they receive any funding that is duplicative of funding received under this grant, they will notify their OVW grant manager as soon as possible and a Grant Adjustment Notice (GAN) will be issued changing the budget to eliminate the duplication, and the grantee agrees and understands that any duplicative funding will be deobligated from its award and returned to OVW.
21. The grantee agrees to submit semiannual progress reports that describe project activities during the reporting period. Progress reports must be submitted within 30 days after the end of the reporting periods, which are January 1 - June 30 and July 1 - December 31 for the duration of the award. Future awards may be withheld if progress reports are delinquent. Grantees are required to submit this information online, through the Grants Management System (GMS), on the semi-annual progress report for the relevant OVW grant programs.
22. Under the Government Performance and Results Act (GPRA) and VAWA 2000, grantees are required to collect and maintain data that measure the effectiveness of their grant-funded activities. Accordingly, the grantee agrees to submit semi-annual electronic progress reports on program activities and program effectiveness measures. Information that grantees must collect under GPRA and VAWA 2000 includes, but is not limited to: 1) number of persons served; 2) number of persons seeking services who could not be served; 3) number and percentage of arrests relative to the number of police responses to domestic violence incidents; 4) number of protection orders issued; and 5) number of victim advocates supported by grant funding.
23. A final report, which provides a summary of progress toward achieving the goals and objectives of the award, significant results, and any products developed under the award, is due 90 days after the end of the award. The Final Progress Report should be submitted to the Office on Violence Against Women through the Grants Management System with the Report Type indicated as "Final".
24. The recipient agrees that it will submit quarterly financial status reports to OVW on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form (available for viewing at [www.whitehouse.gov/omb/grants/standard\\_forms/ff\\_report.pdf](http://www.whitehouse.gov/omb/grants/standard_forms/ff_report.pdf)), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.
25. The grantee agrees to attend and participate in OVW-sponsored technical assistance. Technical assistance includes, but is not limited to, national and regional conferences, audio conferences, webinars, peer-to-peer consultations, and workshops conducted by OVW-designated technical assistance providers. All training will be coordinated by the OVW-sponsored technical assistance provider.

*LBell*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 5 OF 7

PROJECT NUMBER 2013-WE-AX-0026

AWARD DATE 09/12/2013

*SPECIAL CONDITIONS*

26. Funds allocated for OVW-sponsored technical assistance may not be used for any other purpose without prior approval by OVW. To request approval, grantees must submit a Program Office Approval Grant Adjustment Notice (GAN) via the Grants Management System (GMS). The grantee must include a copy of the event's brochure, curriculum and/or agenda, a description of the hosts or trainers, and an estimated breakdown of costs should be attached to the GAN. The GAN request must be submitted to OVW at least 20 days prior to registering for the event. Approval to attend non-OVW sponsored events will be considered on a case-by-case basis. This prior approval process also applies to requests for the use of OVW-designated technical assistance funds to pay an outside consultant or contractor to develop training.
27. First-time grantees must agree to send key staff members to the OVW grantee orientation seminar. Additionally, if there is a change in the project director/coordinator during the grant period, the grantee agrees, at the earliest opportunity, to send the new project director/coordinator, regardless of prior experience with this or any other federal award, to an OVW grantee orientation seminar.
28. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day or \$81.25 per hour. A detailed justification must be submitted to and approved by the Office on Violence Against Women prior to obligation or expenditure of such funds. Although prior approval is not required for consultant rates below these specified amounts, grantees are required to maintain documentation to support all daily or hourly rates.
29. The recipient agrees to submit one copy of all required reports and any other written materials or products that are funded under the project to OVW not less than twenty (20) days prior to public release. If the written material is found to be outside the scope of the program, or in some way to compromise victim safety, it will need to be revised to address these concerns or the grantee will not be allowed to use project funds to support the further development or distribution of the materials.
30. All materials and publications (written, visual, or sound) resulting from award activities shall contain the following statements: "This project was supported by Grant No. \_\_\_\_\_ awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.
31. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.

*RBell*  
57

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 6 OF 7

PROJECT NUMBER 2013-WE-AX-0026

AWARD DATE 09/12/2013

*SPECIAL CONDITIONS*

32. The grantee agrees that grant funds will not support activities that compromise victim safety and recovery, such as: procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or sex of their children; pre-trial diversion programs not approved by OVW or the placement of offenders in such programs; mediation, couples counseling, family counseling or any other manner of joint victim-offender counseling; mandatory counseling for victims, penalizing victims who refuse to testify, or promoting procedures that would require victims to seek legal sanctions against their abusers (e.g., seek a protection order, file formal complaint); the placement of perpetrators in anger management programs; or any other activities outlined in the solicitation under which the approved application was submitted.
33. The grantee agrees to submit for OVW review and approval any anticipated addition of, removal of, or change in collaborating partner agencies or individuals who are signatories of the Memorandum of Understanding, and if applicable, the Internal Memorandum of Agreement.
34. Pursuant to 28 CFR §66.34, the Office on Violence Against Women reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, in whole or in part (including in the creation of derivative works), for Federal Government purposes:
- (a) any work that is subject to copyright and was developed under this award, subaward, contract or subcontract pursuant to this award; and
  - (b) any work that is subject to copyright for which ownership was purchased by a recipient, subrecipient or a contractor with support under this award.
- In addition, the recipient (or subrecipient, contractor or subcontractor) must obtain advance written approval from the Office on Violence Against Women program manager assigned to this award, and must comply with all conditions specified by the program manager in connection with that approval before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyrighted work, or portion thereof, into a new work developed under this award.
- It is the responsibility of the recipient (and of each subrecipient, contractor or subcontractor as applicable) to ensure that this condition is included in any subaward, contract or subcontract under this award.
35. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office on Violence Against Women web site at: <http://www.ovw.usdoj.gov/docs/ffata-award-term.pdf> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own and/or operate in his or her name).
36. The grantee agrees to use grant funds to strengthen legal advocacy service programs for victims of domestic violence, dating violence, sexual assault and stalking, including strengthening assistance to such victims in immigration matters. Grant funds may not be used to provide long-term or short-term legal representation.

*J. Bull*  
5/1

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 7 OF 7

PROJECT NUMBER 2013-WE-AX-0026

AWARD DATE 09/12/2013

*SPECIAL CONDITIONS*

37. The grantee agrees that funds will not be used for prevention activities (e.g., outreach to elementary and secondary schools, implementation of educational programs regarding domestic and dating violence intervention, and public awareness campaigns). The grantee may use funds to provide outreach regarding the specific services offered under the grant.

38. Pursuant to 42 USC 3796hh(d), the grantee understands that 5% of this award is being withheld and that it may not obligate, expend or drawdown that 5% unless, by the period ending on the date on which the next session of the State legislature ends, the State or unit of local government:

(1) certifies that it has a law or regulation that requires -

(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented;

(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B).

The "next session of the State legislature" means the next session after the date on which the application for this award was submitted.

If the grantee submits a certification, a Grant Adjustment Notice (GAN) will be issued, and the funds will become available for drawdown. If, by the date on which the next session of the State legislature ends, the grantee is not in compliance with this provision, the withheld funds will be deobligated from the amount of funds awarded for this award period.

If the grantee is an Indian Tribe, it should contact OVW to determine whether it falls within the definition of -unit of local government- as defined by 42 USC § 3791. If it does not, a GAN will be issued and the condition will be removed.

39. The recipient's budget is pending review and approval. The recipient may obligate, expend and draw down funds for travel related expenses to attend OVW-sponsored technical assistance events up to \$10,000. Remaining funds will not be available for draw down until the Office on Violence Against Women, Grants Financial Management Division has approved the budget and budget narrative, and a Grant Adjustment Notice has been issued removing this special condition. Any obligations or expenditures incurred by the recipient prior to the budget being approved are made at the recipient's own risk.

*JBM 5/2*



**Department of Justice**

*Office on Violence Against Women*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Marnie Shiels, Attorney Advisor

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

The Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (Arrest Program) implements certain provisions of the Violence Against Women Act, which was enacted in September 1994 as Title IV of the Violent Crime Control and Law Enforcement Act of 1994, reauthorized in the Violence Against Women Act of 2000, 2005, and 2013. The program enhances victim safety and offender accountability in cases of domestic violence, dating violence, sexual assault and stalking by encouraging jurisdictions to implement pro-arrest policies as an effective intervention that is part of a coordinated community response. An integral component of the Arrest Program is the creation and enhancement of collaborative partnerships between criminal justice agencies, victim services providers, and community organizations which respond to sexual assault, domestic violence, dating violence and stalking.

None of the following activities will be conducted under the OVW federal action:

1. New construction.
2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year floodplain.
3. A renovation which will change the basic prior use of a facility or significantly change its size.
4. Research and technology whose anticipated and future application could be expected to have an effect on the environment.
5. Implementation of a program involving the use of chemicals. Consequently, the subject federal action meets the criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations (adopted by OVW at 28 CFR § 0.122(b)).

	Department of Justice Office on Violence Against Women		<b>GRANT MANAGER'S MEMORANDUM, PT. 1:          PROJECT SUMMARY</b>	
			<b>Grant</b>	
		PROJECT NUMBER 2013-WE-AX-0026	PAGE 1 OF 1	
This project is supported under 42 U.S.C. 3796hh - 3796hh-4 (OVW - Arrest)				
1. STAFF CONTACT (Name & telephone number) Sue Pugliese (202) 305-1660		2. PROJECT DIRECTOR (Name, address & telephone number) Justine C. Bass Program Manager Office of Criminal Justice Programs 312 Rosa L. Parks Ave, Suite 1800 Nashville, TN 37243 (615) 253-1983		
3a. TITLE OF THE PROGRAM OVW FY 2013 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program			3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)	
4. TITLE OF PROJECT Tennessee Sexual Assault Response Project				
5. NAME & ADDRESS OF GRANTEE Tennessee Department of Finance and Administration Office of Criminal Justice Programs 312 Rosa L. Parks Ave, Suite 1800 Nashville, TN 37243-1102		6. NAME & ADDRESS OF SUBGRANTEE		
7. PROGRAM PERIOD FROM: 10/01/2013 TO: 09/30/2016		8. BUDGET PERIOD FROM: 10/01/2013 TO: 09/30/2016		
9. AMOUNT OF AWARD \$ 900,000		10. DATE OF AWARD 09/12/2013		
11. SECOND YEAR'S BUDGET		12. SECOND YEAR'S BUDGET AMOUNT		
13. THIRD YEAR'S BUDGET PERIOD		14. THIRD YEAR'S BUDGET AMOUNT		
15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse) <p>The Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (Arrest Program) implements certain provisions of the Violence Against Women Act, which was enacted in September 1994 as Title IV of the Violent Crime Control and Law Enforcement Act of 1994, reauthorized in the Violence Against Women Act of 2000 and 2005. The program enhances victim safety and offender accountability in cases of domestic violence, dating violence, sexual assault and stalking by encouraging jurisdictions to implement pro-arrest policies as an effective intervention that is part of a coordinated community response. An integral component of the Arrest Program is the creation and enhancement of collaborative partnerships between criminal justice agencies, victim services providers, and community organizations which respond to sexual assault, domestic violence, dating violence and stalking.</p> <p>The State of Tennessee is comprised of 95 counties, with 58 being classified as rural. The estimated population in 2011 was 6,403,353. The population to be served under this Arrest award will be victims and survivors of sexual assault.</p>				

OJP FORM 4000/2 (REV. 4-88)

The Tennessee Department of Finance and Administration, in collaboration with its non-profit, non-governmental victim service partner, the Tennessee Coalition Against Domestic and Sexual Violence, will use this new award to improve the sexual assault response of the criminal justice system in the State of Tennessee, through the Tennessee Sexual Assault Response Project. Specifically, the project will: 1) develop Sexual Assault Response Teams (SARTS) and support Sexual Assault Nurse Examiners (SANE) by partnering with sexual assault advocates in 13 counties in Tennessee to actively respond to sexual assault; 2) distribute and implement statewide policies and protocols on forensic rape exams, sexual assault reporting, and evidence collection and retention in sexual assault cases; 3) develop and print a laminated flipbook with Tennessee's statewide sexual assault best practices; and 4) provide a one-day training, on SART Coordination for SART coordinators from the six partner programs.

CA/NCF



Department of Justice  
Office of Justice Programs

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Office of the Assistant Attorney General

Washington, D.C. 20531

September 12, 2014

Commissioner Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Commissioner Martin:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 14 Paul Coverdell Forensic Science Improvement Grants Program in the amount of \$145,479 for Tennessee Department of Finance and Administration. This funding is for the project titled, "FY 2014 Paul Coverdell Forensic Science Improvement Grants Program."

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Frances Scott, Program Manager at (202) 305-9950; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Karol V. Mason".

Karol Virginia Mason  
Assistant Attorney General

Enclosures



## OFFICE FOR CIVIL RIGHTS

Office of Justice Programs

Department of Justice

810 7th Street, NW  
Washington, DC 20531

Tel: (202) 307-0690

TTY: (202) 307-2027

E-mail: [askOCR@usdoj.gov](mailto:askOCR@usdoj.gov)

Website: [www.ojp.usdoj.gov/ocr](http://www.ojp.usdoj.gov/ocr)

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September 12, 2014

Commissioner Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Commissioner Martin:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

### **Ensuring Access to Federally Assisted Programs**

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

### **Enforcing Civil Rights Laws**

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

#### **Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

#### **Ensuring Equal Treatment for Faith-Based Organizations**

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

#### **Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

#### **Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

#### Meeting the EEOP Requirement

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOSubmission@usdoj.gov](mailto:EEOSubmission@usdoj.gov).

#### Meeting the Requirement to Submit Findings of Discrimination

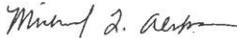
If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

#### Ensuring the Compliance of Subrecipients

SAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
National Institute of Justice

Grant

PAGE 1 OF 7

I. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102		4. AWARD NUMBER: 2014-CD-BX-0058	
		5. PROJECT PERIOD: FROM 10/01/2014 TO 09/30/2015 BUDGET PERIOD: FROM 10/01/2014 TO 09/30/2015	
IA. GRANTEE IRS/VENDOR NO. 626001448		6. AWARD DATE 09/12/2014	7. ACTION Initial
3. PROJECT TITLE State of Tennessee - FFY 2014 Paul Coverdell Forensic Science Improvement Grant - Formula and Competitive		8. SUPPLEMENT NUMBER 00	9. PREVIOUS AWARD AMOUNT \$ 0
		10. AMOUNT OF THIS AWARD \$ 145,479	11. TOTAL AWARD \$ 145,479
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY14(NIJ - Coverdell Forensic Science Improvement) 42 USC 3797j-3797o; 28 USC 530C			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Karol Virginia Mason Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Larry B. Martin Commissioner	
17. SIGNATURE OF APPROVING OFFICIAL <i>Karol V. Mason</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL <i>Larry B. Martin</i>	19A. DATE 10-17-14
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR FUND CODE BUD. ACT. DIV. OFC. REG. SUB. POMS AMOUNT X B CD 60 00 00 145479		21. NCDSTG0389	

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OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
National Institute of Justice

AWARD CONTINUATION  
SHEET  
Grant

PAGE 2 OF 7

PROJECT NUMBER 2014-CD-BX-0058

AWARD DATE 09/12/2014

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

VBM



Department of Justice  
Office of Justice Programs  
National Institute of Justice

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 3 OF 7

PROJECT NUMBER 2014-CD-BX-0058

AWARD DATE 09/12/2014

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available in the OJP Financial Guide Conference Cost Chapter.
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office of Justice Programs  
National Institute of Justice

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 7

PROJECT NUMBER 2014-CD-BX-0058

AWARD DATE 09/12/2014

*SPECIAL CONDITIONS*

16. A. Generally Accepted Laboratory Practices. The recipient shall ensure that any forensic laboratory, forensic laboratory system, medical examiner's office, or coroner's office that will receive any portion of the award uses generally accepted laboratory practices and procedures as established by accrediting organizations or appropriate certifying bodies.
- B. External Investigations. The recipient shall ensure that requirements associated with 42 U.S.C. section 3797k(4) (which relate to processes in place to conduct independent external investigations into allegations of serious negligence or misconduct by employees or contractors) are satisfied with respect to any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.
- C. Use of Funds; No Research. Funds provided under this award shall be used only for the purposes and types of expenses set forth in the fiscal year 2014 program solicitation. Funds shall not be used for general law enforcement functions or non-forensic investigatory functions, and shall not be used for research or statistical projects or activities. Use of award funds for construction of new facilities is restricted by statute. Any questions concerning this provision should be directed to the NIJ Program Manager prior to incurring the expense or commencing the activity in question.
- D. Performance Measures. To ensure compliance with the Government Performance and Results Act (Pub. L. No. 103-62) and the GPRA Modernization Act of 2010 (Pub. L. No. 111-352), program performance under this fiscal year 2014 award is measured by the following: (1) percent reduction in the average number of days from the submission of a sample to a forensic science laboratory to the delivery of test results to a requesting office or agency (calculated by reporting the average number of days to process a sample at the beginning of the grant period versus the average number of days to process a sample at the end of the grant period); (2) percent reduction in the number of backlogged forensic cases (calculated by reporting the number of backlogged forensic cases at the beginning of the grant period versus the number of backlogged forensic cases at the end of grant period), if applicable to the award; and (3) the number of forensic science or medical examiner personnel who completed appropriate training or educational opportunities with fiscal year 2014 Coverdell funds, if applicable to the award. Recipients are required to collect and report data relevant to these measures.
17. The recipient understands and agrees that gross income (revenues) from fees charged for forensic science or medical examiner services constitutes program income (in whole or in part), and that program income must be determined, used, and documented in accordance with the provisions of 28 C.F.R. 66.25, including as applied in the Office of Justice Programs (OJP) Financial Guide, as it may be revised from time to time. The recipient further understands and agrees that both program income earned during the award period and expenditures of such program income must be reported on the quarterly and final Federal Financial Reports (SF 425) and are subject to audit.
- The recipient understands and agrees that program income earned during the award period may be expended only for permissible uses of funds specifically identified in the solicitation for the FY 2014 Paul Coverdell Forensic Science Improvement Grants Program. The recipient further understands and agrees that program income earned during the award period may not be used to supplant State or local government funds, but instead may be used only to increase the amount of funds that would, in the absence of Federal funds or program income, be available from State or local government sources for the permissible uses of funds listed in the FY 2014 program solicitation.
- The recipient understands and agrees that program income that is earned during the final ninety (90) days of the award period may, if appropriate, be obligated (as well as expended) for permissible uses during the ninety-day (90-day) period following the end of the award period. The recipient further understands and agrees that any program income earned during the award period that is not obligated and expended within ninety (90) days of the end of the award period must be returned to OJP.

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Department of Justice  
Office of Justice Programs  
National Institute of Justice

**AWARD CONTINUATION  
SHEET**  
**Grant**

PAGE 5 OF 7

PROJECT NUMBER 2014-CD-BX-0058

AWARD DATE 09/12/2014

*SPECIAL CONDITIONS*

18. The recipient understands and agrees that, throughout the award period, it must promptly notify NIJ if it either starts or stops charging fees for forensic science or medical examiner services, or if it revises its method of allocating fees received for such services to program income. Notice must be provided in writing to the NIJ program manager for the award within ten (10) business days of implementation of the change.
19. The recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form (available for viewing at [www.whitehouse.gov/omb/grants/standard\\_forms/ff\\_report.pdf](http://www.whitehouse.gov/omb/grants/standard_forms/ff_report.pdf)), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.
20. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.
21. The recipient agrees to submit a final report, at the end of this award, documenting all relevant project activities during the entire period of support under this award. This report will include the following: (1) a summary and assessment of the program carried out with the fiscal year 2014 grant, which shall include a comparison of pre-grant and post-grant forensic science capabilities (and shall cite the specific improvements in quality and/or timeliness of forensic science or medical examiner services); (2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency; and (3) an identification of the number and type of cases currently accepted by the forensic science laboratory or forensic science laboratory system. The recipient is required to collect data necessary for this report. This report is due no later than 90 days following the close of the award period or the expiration of any extension periods. The report can be filed online through the Internet at: <https://grants.ojp.usdoj.gov/>.
22. The recipient acknowledges that, as stated in the solicitation for the FY 2014 Paul Coverdell Forensic Science Improvement Grants Program, NIJ assumes that recipients (and subrecipients) of Coverdell funds will make use of the process referenced in their certification as to external investigations and will refer allegations of serious negligence or misconduct substantially affecting the integrity of forensic results to government entities with an appropriate process in place to conduct independent external investigations, such as the government entity (or entities) identified in the grant application.

The recipient shall submit the following information as part of its final report: (1) the number and nature of any allegations of serious negligence or misconduct substantially affecting the integrity of forensic results received during the 12-month period of the award; (2) information on the referrals of such allegations (e.g., the government entity or entities to which referred, the date of referral); (3) the outcome of such referrals (if known as of the date of the report); and (4) if any such allegations were not referred, the reason(s) for the non-referral.

Should the project period for this award be extended, the recipient shall submit the above information as to the first twelve months of the award as part of the first semi-annual progress report that comes due after the conclusion of the first twelve months of the project period, and shall submit the required information as to subsequent twelve-month periods every twelve months thereafter (as part of a semi-annual progress report) until the close of the award period, at which point the recipient shall submit the required information as to any period not covered by prior reports as part of its final report.

The recipient understands and agrees that funds may be withheld (including funds under future awards), or other related requirements may be imposed, if the required information is not submitted on a timely basis.

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office of Justice Programs  
National Institute of Justice

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 6 OF 7

PROJECT NUMBER 2014-CD-BX-0058

AWARD DATE 09/12/2014

*SPECIAL CONDITIONS*

23. To assist in information sharing, the award recipient shall provide the NIJ program manager with a copy of publications (including those prepared for conferences and other presentations) resulting from this award, prior to or simultaneous with their public release. NIJ defines publications as any written, visual or sound material substantively based on the project, formally prepared by the award recipient for dissemination to the public. Submission of publications prior to or simultaneous with their public release aids NIJ in responding to any inquiries that may arise. Any publications - excluding press releases and newsletters - whether published at the recipient's or government's expense, shall contain the following statement: "This project was supported by Award No. \_\_\_\_\_, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice." This statement shall appear on the first page of written publications. For audio and video publications, it shall be included immediately after the title of the publication in the audio or video file.
24. The recipient shall transmit to the NIJ program manager copies of all official award-related press releases at least ten (10) working days prior to public release. Advance notice permits time for coordination of release of information by NIJ where appropriate and to respond to press or public inquiries.
25. The recipient acknowledges that the Office of Justice Programs (OJP) reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.  

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient, if applicable) to ensure that this condition is included in any subaward under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.
26. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.

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Department of Justice  
Office of Justice Programs  
National Institute of Justice

AWARD CONTINUATION  
SHEET  
Grant

PAGE 7 OF 7

PROJECT NUMBER 2014-CD-BX-0058

AWARD DATE 09/12/2014

*SPECIAL CONDITIONS*

27. The recipient agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

**Categorical Exclusion:** Based upon the information provided by the recipient in its application for these funds, NIJ has determined and the recipient understands that the proposed activities meet the definition of a categorical exclusion, as defined in the Department of Justice Procedures for Implementing the National Environmental Policy Act found at 28 CFR Part 61 (including Appendix D). A categorical exclusion is an action that because of the proposed activities' very limited and predictable potential environmental impacts, both on an individual and a cumulative basis, does not have a significant impact on the quality of the human environment. Consequently, no further environmental impact analysis is necessary under the requirements of the National Environmental Policy Act, 42 U.S.C. 4321, for these categorically excluded activities.

**Modifications:** Throughout the term of this award, the recipient agrees that for any activities that are the subject of this categorical exclusion, it will inform NIJ of-- (1) any change(s) that it is considering making to the previously assessed activities that may be relevant to the environmental impacts of the activities; or (2) any proposed new activities or changed circumstances that may require assessment as to environmental impact, such as new activities that involve the use of chemicals or involve construction or major renovation. The recipient will not implement a proposed change or new activity until NIJ, with the assistance of the recipient, has completed any applicable environmental impact review requirements necessitated by the proposed change or new activity (or changed circumstances) and NIJ has concurred in the proposed change or new activity. This approval will not be unreasonably withheld as long as any requested modification(s) is consistent with eligible program purposes and found acceptable under an NIJ-conducted environmental impact review process.

28. The recipient may not obligate, expend, or draw down any funds under this award until a revised budget reflecting the final award amount has been received and approved by the National Institute of Justice, and a Grant Adjustment Notice (GAN) has been issued removing this condition.

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Department of Justice  
Office of Justice Programs  
*National Institute of Justice*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Frances Scott, Program Manager

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

The recipient agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award. Categorical Exclusion: Based upon the information provided by the recipient in its application for these funds, NIJ has determined and the recipient understands that the proposed activities meet the definition of a categorical exclusion, as defined in the Department of Justice Procedures for Implementing the National Environmental Policy Act found at 28 CFR Part 61 (including Appendix D).

A categorical exclusion is an action that because of the proposed activities' very limited and predictable potential environmental impacts, both on an individual and a cumulative basis, does not have a significant impact on the quality of the human environment. Consequently, no further environmental impact analysis is necessary under the requirements of the National Environmental Policy Act, 42 U.S.C. 4321, for these categorically excluded activities. Modifications: Throughout the term of this award, the recipient agrees that for any activities that are the subject of this categorical exclusion, it will inform NIJ of-- (1) any change(s) that it is considering making to the previously assessed activities that may be relevant to the environmental impacts of the activities; or (2) any proposed new activities or changed circumstances that may require assessment as to environmental impact, such as new activities that involve the use of chemicals or involve construction or major renovation. The recipient will not implement a proposed change or new activity until NIJ, with the assistance of the recipient, has completed any applicable environmental impact review requirements necessitated by the proposed change or new activity (or changed circumstances) and NIJ has concurred in the proposed change or new activity. This approval will not be unreasonably withheld as long as any requested modification(s) is consistent with eligible program purposes and found acceptable under an NIJ-conducted environmental impact review process.



Department of Justice  
Office of Justice Programs  
National Institute of Justice

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER

2014-CD-BX-0058

PAGE 1 OF 1

This project is supported under FY14(NIJ - Coverdell Forensic Science Improvement) 42 USC 3797j-3797o; 28 USC 530C

1. STAFF CONTACT (Name & telephone number)

Frances Scott  
(202) 305-9950

2. PROJECT DIRECTOR (Name, address & telephone number)

Tom Pitt  
Program Manager  
312 8th Avenue North  
Wm. R. Snodgrass Tennessee Tower, 18th Floor  
Nashville, TN 37243-0294  
(615) 741-9954

3a. TITLE OF THE PROGRAM

NIJ FY 14 Paul Coverdell Forensic Science Improvement Grants Program

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

State of Tennessee - FFY 2014 Paul Coverdell Forensic Science Improvement Grant - Formula and Competitive

5. NAME & ADDRESS OF GRANTEE

Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue Suite 1200  
Nashville, TN 37243-1102

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2014 TO: 09/30/2015

8. BUDGET PERIOD

FROM: 10/01/2014 TO: 09/30/2015

9. AMOUNT OF AWARD

\$ 145,479

10. DATE OF AWARD

09/12/2014

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

Coverdell funds are to be used to improve the quality and timeliness of forensic science and medical examiner services and/or to eliminate backlogs in the analysis of forensic evidence, including controlled substances, firearms examination, forensic pathology, latent prints, questioned documents, toxicology, and trace evidence. nca/ncf.

OJP FORM 4000/2 (REV. 4-88)



STATE OF TENNESSEE  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
OFFICE OF CRIMINAL JUSTICE PROGRAMS

WILLIAM R. SNODGRASS TENNESSEE TOWER  
312 ROSA L PARKS AVENUE, SUITE 1800  
NASHVILLE, TENNESSEE 37243-1102

LARRY B. MARTIN  
COMMISSIONER

March 12, 2014

Administration on Children, Youth and Families  
Administration for Children and Families  
Family and Youth Services Bureau  
Family Violence Prevention and Services Program  
ATTN: Edna James  
1250 Maryland Avenue, SW., Suite 8214  
Washington D.C. 20024

Dear Ms. James:

The Tennessee Department of Finance and Administration, Office of Criminal Justice Programs is pleased to submit the attached Family Violence Prevention and Services Act grant application for the Federal FY 2014 project period. The Department of Finance and Administration, Office of Criminal Justice Programs is the state agency responsible for the administration of program activities carried out under this Act. Tennessee looks forward to receiving these funds to assist in providing services to prevent and/or reduce the incidences of family violence, dating violence and domestic violence in Tennessee.

Please contact William Scollon, Director of the Office of Criminal Justice Programs at (615) 532-2983 or [Bill.Scollon@tn.gov](mailto:Bill.Scollon@tn.gov) or Susan Canon at (615) 532-0058 or [Susan.Canon@tn.gov](mailto:Susan.Canon@tn.gov), if additional information is required. We appreciate your assistance and continued support of family, domestic and dating violence prevention programs.

Sincerely,

Larry B. Martin  
Tennessee Commissioner for the Department of  
Finance and Administration

William Scollon, Director  
Office of Criminal Justice Programs

Attachments

Tennessee Department of Finance and Administration  
Office of Criminal Justice Programs  
Family Violence Prevention and Services Act Application  
HHS-2014-ACF-ACYF-FVPS-0564  
March 12, 2014

- (1) The name and complete address of the State agency; the name and contact information for the official designated as responsible for the administration of FVPSA programs and activities relating to family violence, domestic violence, and dating violence that are carried out by the State and for coordination of related programs within the State; the name and contact information for a contact person if different from the designated official (Section 10407(a) (2) (G)).**

The Tennessee Department of Finance and Administration  
The Office of Criminal Justice Program  
William Snodgrass TN Tower  
312 Rosa L. Parks Avenue, 18<sup>th</sup> Floor  
Nashville, TN 37243-1102  
**EIN # 62-6001448**  
**DUNS # 103123290**

The Chief Program Official is Larry B. Martin, Commissioner of the Department of Finance and Administration. The Authorized Certifying Official is William Scollon, Director of the Office of Criminal Justice Programs. Mr. Scollon can be reached at (615) 532-2983 or [Bill.Scollon@tn.gov](mailto:Bill.Scollon@tn.gov). The contact person for this program is Susan E. Canon, Program Manager. She may be reached at (615) 253-0058 or [Susan.Canon@tn.gov](mailto:Susan.Canon@tn.gov)

- (2) A plan for describing how the State will involve community-based organizations whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State in identifying and addressing the unmet needs of such populations, including involvement in the State planning process and other ongoing communications (Section 10407(a) (2) (E)).**

FVPSA funded 30 Shelter Programs in Tennessee during Fiscal Year 2012-2013, including 34 shelter facilities and 67 outreach advocacy and non-residential program sites operated by these Shelter Programs. Each Shelter Program faces the unique challenge presented by the diversity of age, ethnicity, race, ability and geography when working to serve victims of family, domestic and dating violence. In order to provide appropriate services to the underserved populations, FVPSA funded programs must successfully partner and collaborate within their communities, including working closely with community based organizations.

Tennessee's Shelters currently provide services to limited and non-English speakers, to urban and rural victims, to victims living in poverty, to victims with disabilities and to victims with other barriers that could affect access to much needed services. Shelters are tailoring their services to the needs of their communities. While an urban agency may offer its clients bus passes or taxi fares, a suburban or rural agency will provide

Tennessee - FFY 2014 FVPSA Application

transportation to its clients in order to access social services, attend court dates, etc. Both urban and rural agencies are reaching out to victims through the use of technology: websites, email access, social networking sites, etc.

Tennessee's rural populations share a number of factors that can contribute to continuing the cycle of violence, including geographic and social isolation, poverty, substance abuse and lack of formal education. Lack of access to communication, transportation and housing all contribute to the social and psychological isolation making rural victims of violence particularly vulnerable.

FVPSA funded Shelter Programs that cover rural counties are prioritizing more funding than ever before to provide services to those who have never been served, and those who are the underserved in their service area. Agencies are establishing new office sites or office hours; advocates are establishing a greater presence in the community and in court.

FVPSA funded Shelter Programs reported at the end of fiscal 2012-2013 a total of 67 non-residential service sites. This reflects a trend in how Tennessee Shelter Programs are increasingly working to reach those victims who are geographically and socially isolated. Because there are not additional funds to support these needed non-residential service sites, Shelters are being creative in re-allocating staff hours or using volunteers where the need is greatest. Shelters are also meeting the challenge of simultaneously ensuring that all program activities are adequately being carried out.

Many Shelter Programs are hiring native Spanish speakers or bilingual speakers to assist with communicating with the rising numbers of the Hispanic population. Finding qualified interpreters in rural areas can be quite a challenge. Many of Tennessee's Shelter Programs are identifying and hiring bi-lingual staff by networking with their local community colleges and other organizations that employ or know about available interpreters. Other Shelter Programs also are contracting with Language Line and/or collaborating with other agencies to assist limited or non-English speaking victims. Shelters are partnering with Head Start, the Health Department, local court systems and churches that may serve culturally specific populations. FVPSA funded shelters are also connecting with agencies that serve the deaf and the hard of hearing population. These efforts to partner with community based organizations enhance service availability and delivery to underserved groups.

Additionally, the Tennessee Coalition to End Domestic and Sexual Violence (hereafter, The State Coalition) offers free legal assistance to immigrant victims of domestic, family and dating violence. The State Coalition also offers Cultural Competency Trainings to Shelter Program staff several times per year; many of Tennessee's Shelter Program staff have attended these trainings.

While it is highly unlikely that additional funding will be allocated to the States within the next year of this grant cycle, if it were to occur, OCJP would enhance and expand culturally appropriate services for the underserved populations in conjunction with community-based programs, as appropriate. Emphasis would be placed on seeking community based specialized counseling for non-English speaking victims if available, and supporting more

Tennessee - FFY 2014 FVPSA Application

wide-spread hiring of bilingual staff for residential and non-residential programs. In the meanwhile, OCJP, in coordination with The State Coalition will offer technical assistance and promote awareness of services currently available which can further meet the needs of those who are underserved.

**(3) A plan describing how the State will provide specialized services including trauma-informed services for children exposed to family violence, domestic violence or dating violence, underserved populations and victims who are members of racial and ethnic minority populations. (Section 10406(a) (3)).**

Shelter Programs funded under the Tennessee Office of Criminal Justice Programs and funded by FVPSA have been made aware, through various means, of the changes brought about by the Federal Legislative Authority and Reauthorizing (FVPSA) Legislation, 2010. Section 10406(a) (3) of this Legislation, as stated above, is an important mandate for shelter services. In order to educate FVPSA funded shelters of these changes and their responsibility to carry out these mandates, OCJP has provided and/or made known the many opportunities for shelter leadership and staff to learn about these expectations and requirements.

Additionally, Shelter Agencies are able to programmatically realize successful voluntary services throughout their organization by implementing Trauma Informed Services. OCJP and The State Coalition have collaborated very successfully in promoting and offering training events and direct technical assistance to Tennessee's 30 FVPSA funded Shelter Programs on the topic of Trauma Informed Care.

The following reflect the variety of training opportunities offered or to be offered, since the Reauthorizing (FVPSA) Legislation in 2010. These help to ensure that Voluntary Services and Trauma Informed Care are implemented and integrated into all FVPSA funded Tennessee Shelter Programs:

1. On October 6, 2011: OCJP mandated a Conference Call Training for FVPSA funded Shelter Executive Directors and/or Project Directors to introduce and review the new requirements as presented in the FVPSA Reauthorization legislation. All Shelter Programs represented.
2. On December 9, 2011: OCJP coordinated with The State Coalition to provide a one day training offered as a "Round Table Discussion" on key aspects of voluntary services and how to effectively implement the required program changes. This workshop was well attended and designed for Shelter Executive Directors. Twenty-three Shelter Programs attended this training. (Prior to the Round Table Training, OCJP developed and sent a survey to grantees to learn how many programs had already made progress towards implementing programs that could be considered compliant with the 2010 FVPSA Legislation. This information helped with the planning of the training, and provided information about those in the future who might need additional technical assistance.)
3. On February 15, 2012: OCJP staff participated in a two-part workshop at the Annual State-wide Coalition Conference that addressed key aspects of the Reauthorization, underlying philosophies of the requirements, and ways to successfully implement the programmatic changes defined in the Reauthorization. 19 Shelter Programs attended.

Tennessee - FFY 2014 FVPSA Application

4. On August 22, 2012: The State Coalition offered an all-day training on Trauma Informed Care; trainers included Coalition staff, the Nashville YWCA Shelter Director who has overseen full implementation of Trauma Informed Care in the YW Shelter, and a panel of Tennessee Shelter Directors who were in the process of full implementation. 14 Shelter Programs attended.
5. On October 1, 2012 the *2012 OCJP Administrators Manual*, which is written for OCJP Grantees and updated every year was posted on the OCJP website. The *Manual* reflected the changes that were brought about by the Reauthorization. A follow-up conference call was held mid-October with all FVPSA Subrecipients in order to review these changes. Staff from all 30 Shelter Programs participated in the call.
6. In September of 2012, The Tennessee State Coalition, in conjunction with the FVPSA State Administrator, and the Director of the Nashville YWCA Domestic Violence Shelter (who has implemented Trauma Informed Services in the YWCA Shelter) finalized a Trauma Informed Policy for Domestic and Sexual Violence Programs in Tennessee. The Coalition distributed this printed booklet to all FVPSA funded Shelter Programs.
7. Throughout fiscal year 2011-12, The State Coalition has traveled across the state to 9 FVPSA funded Shelter Programs to provide technical assistance on Trauma Informed Care.
8. On October 10, 2012: The State Coalition conducted a webinar on Trauma Informed Care, which was widely attended, including the FVPSA State Administrator. This webinar will be repeated.
9. On December 4, 2012: The State Coalition conducted a webinar entitled “Caught in the Fray—Vicarious Trauma” for shelter leaders and staff.
10. On March 18, 2013: OCJP funded a day long Tennessee FVPSA Funded Shelter Director’s Institute, which was planned and organized by The State Coalition. National speaker, Rene Renick, from the National Network to End Domestic Violence (NNEDV) presented to 28 of the 30 Tennessee Shelter Directors on Trauma Informed Care. This Institute was funded by State of Tennessee dollars and was the prelude to The State Coalitions Annual Conference, held on March 19 through March 21. There were also many opportunities, throughout the conference, for participants to learn more about Trauma Informed Care and the implementation of it in Shelter Programs.
11. The State Coalition, during calendar year 2013 reported the following additional trainings or webinars:
  - 3 onsite Technical Assistance trainings on Trauma Informed Care, with 31 shelter staff trained
  - 12 additional trainings that included Trauma Informed Care, with 417 shelter staff trained

- 6 trainings with the topic of “The ABC’s of Advocacy, Legal Advocacy and Safety Planning” that included Trauma Informed Care and culturally specific components, with 188 shelter staff trained.
12. For calendar year 2014, The State Coalition has scheduled the following trainings or webinars for Shelter Directors and Staff. This lists only those pertaining to Trauma Informed Care:
- March 12-13 (Nashville), July 9-10 (Memphis) and September 16-17 (Knoxville): The ABC’s of Advocacy: “Best Practices in Responding to Violence Against Women”. This two day training, repeated three times, in the three major cities of the three regions of Tennessee will offer training on Trauma Informed Care, which is the core of all Shelter Best Practices.
  - A Webinar will also be held on October 8<sup>th</sup> entitled “Best Practices for Domestic Violence Shelters”
13. The State Coalition’s 2014 Annual Conference to be held on April 11<sup>th</sup> and 12<sup>th</sup> also has many opportunities for Shelter staff and leadership. The Conference selections addressing Trauma Informed Care include:
- A two part workshop entitled: “Intro to Trauma Informed Legal Advocacy: Practice Scenarios Part I and Part II”
  - A workshop entitled: “Supporting Survivors in Contested Custody Cases: Trauma-Informed Strategies for Building on Parenting Strengths”
  - And a workshop entitled: “Accessible, Trauma-Informed, and ADA-Compliant Medication Policies: An Introduction for ED’s”
14. Ongoing Technical Assistance is provided to FVPSA Shelter Programs by OCJP Victim Services Program Managers. This may occur per a request from the Project Director of a Shelter Program. It may also occur if during the contract monitoring process a Shelter Program indicates difficulty in incorporating Trauma Informed Care Best Practices into their service delivery or written materials designed for Shelter residents or nonresidential clients. In these cases, the Program Manager will contact the Shelter and initiate Technical Assistance.
15. Presently, the Tennessee State Administrator forwards by email any notification of a training or webinar that would be helpful to Shelter Program leadership and staff, especially those pertaining to Trauma Informed Care and related topics.
- (4) A plan describing in detail how the needs of underserved populations will be met (Section 10406(a) (3). “Underserved populations” include populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, immigration status, or age), lesbian, gay bisexual, or transgender (LGBT) individuals; at risk youth; or victims with disabilities and any other population**

determined to be underserved by the State-wide needs assessment, the State planning process or the Secretary of HHS (Section 10402(14)).

The State Plan should:

- a) Identify which populations in the State are currently underserved, and the process used to identify underserved populations, describe those that are being targeted for outreach and services; and provide a brief explanation of why those populations were selected to receive outreach services.

Tennessee victims of family violence, domestic violence and dating violence that have been identified as underserved are: Latinos living in Tennessee and especially Latinos living in communities that offer employment opportunities for Latinos. Many Hispanics living in these areas may be more apt to have an illegal immigration status. Latino victims are unlikely to seek services or seek intervention by law enforcement if they or members of their family are illegal. Other groups of the underserved are urban dwellers who are from the Middle East, most notably the Kurdish Population in one Tennessee County, which claims the third largest population of Kurds in the world, as well as a concentration of Somalis, and other groups including Vietnamese. Overall, 53% of Tennessee Shelters reported in their FY 2013 Annual Narrative Report that the most prevalent underserved populations are those who are ethnically or culturally diverse and who have Limited English Proficiency. (Those specific groups mentioned above are only a sampling of the underserved by virtue of ethnicity, language barriers, or immigration status. There are many other immigrants who may be considered underserved but do not have the concentration of population as do those specifically mentioned above.)

36% of Tennessee Shelters in the 2013 Annual Narrative Report stated that their largest number of underserved are those who live in areas of deep rural poverty and are thereby doubly isolated and at risk for being a victim of family, domestic or dating violence. This would be the second largest number of underserved victims as reported by FVPSA subrecipients. Also, those who are disabled and those who suffer elder abuse were noted by Tennessee's Shelter Staff as underserved in their communities. Census information would substantiate those identified by Shelters as underserved due to immigrant status, ethnicity, language barriers, race, age, or geographic location.

Statistically less significant, but nevertheless increasingly reported, are those victims who are at-risk youth who can become victims of human trafficking. The Tennessee Human Sex Trafficking and Its Impact on Children and Youth, 2011 reports that 68 out of 95 Tennessee counties reported at least one case of minor human sex trafficking. Shelby County (Memphis), Davidson County (Nashville), Coffee County and Knox County (Knoxville) reported more than 100 cases of minor human sex trafficking within a 24 month period. Shelter Programs have partnered with law enforcement and in some cases the TBI or FBI, to address the needs of these victims.

The LGBTQ community is apt to be quite isolated and hence underserved in Tennessee due to how very conservative the state is. This is especially true in the rural areas of the State. The four main urban areas of Tennessee, which are Nashville, Memphis, Chattanooga and Knoxville, serve larger numbers from the LGBTQ community than do those in rural Tennessee. Tennessee takes very seriously the LGBTQ Community's need

Tennessee - FFY 2014 FVPSA Application

for accessibility and over the next 12 months will ensure that FVPSA funded Shelter Programs have policies in place prohibiting harassment based on sexual orientation, gender, gender identity or expression thereof. Further, OCJP will incorporate into its subrecipient monitoring a review of these policies, as well as each agency's ability to prevent and respond to harassment or bullying in any form. Please see Appendix B: LGBTQ Accessibility Policy.

(A Leadership Training Institute for FVPSA Funded Shelters will be provided by The State Coalition in partnership with the Office of Criminal Justice Programs. The training, to be held on April 9, 2014 will address Shelter policy and program development for prohibiting harassment based on sexual orientation, gender, gender identity or expression thereof. Each Tennessee Shelter Director and one key staff person from each shelter will attend the training. The training will be conducted by Shakira Cruz Roman of The Network/LaRed and will be free of charge to participants, with per diem and mileage expenses paid from Tennessee's Family Violence supplemental fund (marriage license fees and defendant fines).

Throughout the state of Tennessee, communities of underserved who have been identified for services have been chosen because they represent some of the State's most vulnerable potential victims of family violence.

- b) Describe the outreach plan, including domestic violence training to be provided, the means for providing technical assistance and support, and the leadership role played by those representing and serving the underserved populations in question.**

Shelter Programs throughout Tennessee have faced difficult times over the past 5 years with local funds scarce, and government funding remaining status quo or being reduced. The challenge for many Shelters has been to maintain a high quality of services with fewer resources for staff training and with no funds available to support cost increases. Additionally, Shelter Programs have worked hard to implement the non-mandatory services requirement of the FVPSA Reauthorization Legislation, as well as to ensure that Trauma Informed Care for victims and their dependents is a realized best practice. Shelter Directors have been called upon to provide the leadership necessary to assist staff to make the programmatic, philosophical and policy changes required. The State Coalition has done a stellar job in providing and continuing to offer trainings, webinars and on-site Technical Assistance referenced in Question #3 of this application to facilitate these changes.

- c) Describe the specific services to be provided or enhanced, including new shelters or services, improved access to shelters or services, or new services for underserved populations such as victims from communities of color; immigrant victims; LGBT individuals; adolescents; at-risk youth or victims with disabilities.**

Tennessee FVPSA funded Programs provide comprehensive services to victims of family, domestic and dating violence and to their dependents through the 30 Shelter Programs which offer residential and non-residential services. Currently the services that are being provided throughout the State of Tennessee include safe, secure and confidential emergency shelters, located across the state in 34 locations as well as 67

non-residential service sites. All FVPSA funded Shelter Programs offer the following voluntary supportive and preventive services:

- 24 hour crisis call hotline services
- assistance with safety planning and supportive efforts to facilitate victims in making decisions related to their ongoing safety and well-being
- provision of individual and group counseling, most of which are Trauma Informed
- peer support groups and referral to community based services to assist victims and their dependents in recovering from the effects of violence
- community outreach to increase awareness of family violence programming
- culturally and linguistically appropriate services, most of which are Trauma Informed
- provision of services for children exposed to family, domestic or dating violence, including age-appropriate and trauma informed group and individual counseling
- offerings of advocacy, case management services, information and referral, including legal, medical or social services advocacy
- transportation
- follow-up
- community outreach to underserved populations
- community education to adults and youth to raise awareness about dating, family and domestic violence and the services available to victims and to their children
- provisions for service animals within the shelter for any disabled victim of dating, domestic or family violence
- and any other service considered as allowable by FVPSA

**(5) Include a description of how the State plans to use the grant funds; a description of the target populations, the number of shelters to be funded, the number of non-residential programs to be funded; the services the State's subgrantees will provide; and the expected results from the use of the grant funds as required by Section 10407(a) (2) (F) and 10408(b).**

Tennessee will devote 95% of its FVPSA funding to the 30 Shelter Programs, which operate in Tennessee; 5% of the Funding is for the Administration of FVPSA funds through the Office of Criminal Justice Programs. Each of the 30 Shelter Programs offers residential and non-residential services to victims of family, domestic and dating violence, as well as to their

Tennessee - FFY 2014 FVPSA Application

dependents. As mentioned previously, there are 34 Shelter Facilities, and under the 30 Shelter Programs, there are 67 non-residential service delivery sites at which advocates or counselors, therapists or volunteers provide an array of victim prevention and supportive services.

**(6) Describe the plan to assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State. (Section 10407(a) (2) (C)).**

The Office of Criminal Justice Programs has a method to ensure the equitable distribution of grants and grant funds within the State and between urban and rural areas. Please see attached two maps, one map is titled: *Tennessee Map-Family Violence Prevention and Service Act (FVPSA) Emergency Shelter Locations in Tennessee*. The other map is titled: *Tennessee Map-Urban and Rural Counties* (based upon the 2009 US Census Bureau's county estimates of urban and rural populations). (See Attachments A and B)

As one can see, the Service Area map reflects counties with shelter coverage, as indicated by the purple dots, and counties with non-residential services which are shaded purple. Each non-residential service site county is under the umbrella of a shelter program, and provides an advocate and/or counselor within the county. Amongst the many services offered by the advocate and/or counselor at these sites, this person also can recommend shelters for victims seeking shelter in counties where there are none located.

By looking at the two maps side by side, one can see that Shelter Services are offered in 92 of Tennessee's 95 counties. Those seeking services who reside in the three counties not shaded are always granted shelter or advocacy upon request from neighboring advocates or shelter programs.

**(7) Provide complete documentation of consultation with and participation of the State Domestic Violence Coalition in the State planning and monitoring of the distribution of grants and the administration of grant programs and projects (Section 10407(a) (2) (D)).**

The Office of Criminal Justice Programs has a process that involves the State Coalition in the distribution of grant funds awarded to sub grantees. The Director of the State Coalition or her representative serves on the Family Violence Shelter Advisory Committee. This Committee meets annually to review the FVPSA funding. During the past four years, the funding amount has been level, and the Committee has agreed to maintain continued, status quo funding for all shelter programs. In this way, The State Coalition Director has ongoing input into recommendations of grants awarded to applicants. Funding for Tennessee Shelter Services remained level, even during the sequestration of Federal Fiscal Year 2013 as a result of sufficient state funds from marriage license fees and defendant fines which were able to offset the Federal reduction, as well as to continue the annual supplemental funds for FVPSA supported Shelter Programs.

**(8) Provide complete documentation of policies, procedures, and protocols that ensure personally identifying information will not be disclosed when providing statistical data on program activities and program services; the confidentiality of records pertaining to any individual provided family violence prevention services by any FVPSA-supported**

**program will be maintained; and the address or location of any FVPSA-supported shelter will not be made public without the written authorization of the person or persons responsible for the operation of such shelter (Sections 10407(a) (2) (A) and 10406(c)(5)).**

The Tennessee Office of Criminal Justice Programs confirms that procedures have been developed and implemented to assure the confidentiality of records pertaining to any individual provided family, domestic or dating violence prevention, shelter or support services assisted under FVPSA. The OCJP Administrator's Manual, mentioned previously, as well as the Tennessee Shelter Rules, (which serve as the State's Shelter Standards), grant documents, and the FVPSA Reauthorization Legislation of 2010 require confidentiality of records. OCJP's Monitoring Staff review Shelter Programs for compliance with Confidentiality Policy as set forth in the OCJP Administrator's Manual. Shelter agencies are monitored no less than once every three years. (See Attachments C, D and E)

- (9) Provide a copy of the law or procedures, such as a process for obtaining an order of protection that the State has implemented for the barring of an abuser from a shared household. (Section 10407(a) (2) (H)).**

Tennessee has a statute that provides for the eviction of an abusing spouse from a shared household. (See Attachment F)

- (10) Applicants must include a signed copy of the assurances as required by Section 10407 (a) (2) (B) (See Appendix A).**

**Appendix A: "Assurances of Compliance with Grant Requirements" (signed copy attached)**

**Appendix B: "LGBTQ Accessibility Policy" (signed copy attached)**

**Appendix C: "Certification Regarding Lobbying" (signed copy attached)**

## Appendix A

### Assurances of Compliance with Grant Requirements

The undersigned grantee certifies that:

(1) Grant funds under the Family Violence Prevention Services Act (FVPSA) will be distributed to local public agencies or nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations) that assist victims of family violence, domestic violence, or dating violence (as defined in Section 10402(2-4), and their dependents, and have a documented history of effective work concerning family violence, domestic violence, or dating violence (Section 10408(c)).

(2) Grant funds will be used for programs and projects within the State that are designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services and access to community-based programs for adult and youth victims, as well as specialized services for children exposed to domestic violence, underserved populations, and those who are members of racial and ethnic minority populations (as defined in Section 10406(a)(1-3)).

(3) In distributing the funds, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by non-profit, private organizations, and that have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents or those which provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents (Section 10407(a)(2)(B)(iii)).

(4) Not less than 70 percent of the funds distributed shall be for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents (Section 10408(b)(2)).

(5) Not less than 25 percent of the funds distributed shall be for the purpose of providing supportive services and prevention services as described in Section 10408(b)(2) to victims of family violence, domestic violence, or dating violence, and their dependents).

(6) Not more than 5 percent of the funds will be used for State administrative costs (Section 10407(a)(2)(b)(i)).

(7) The State grantee is in compliance with the statutory requirements of Section 10407(a)(2)(C), regarding the equitable distribution of grants and grant funds within the State and between urban and rural areas within the State.

(8) The State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grant funds and the administration of the grant programs and projects (Section 10407(a)(2)(D)).

- (9) Grant funds made available under this program by the State will not be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim (Section 10408(d)(1)).
- (10) No income eligibility standard will be imposed on individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out the FVPSA (Section 10406(c)(3)).
- (11) No fees will be levied for assistance or services provided with funds appropriated to carry out the FVPSA (Section 10406(c)(3)).
- (12) The address or location of any shelter or facility assisted under the FVPSA that otherwise maintains a confidential location will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public (Section 10406(c)(5)(H)).
- (13) The applicant has established policies, procedures, and protocols to ensure compliance with the provisions of Section 10406(c)(5) regarding non-disclosure of confidential or private information (Section 10407(a)(2)(A)).
- (14) Pursuant to Section 10406(c)(5), the applicant will comply with requirements to ensure the non-disclosure of confidential or private information, which include, but are not limited to: (1) grantees will not disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantee's funded activities or reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for the FVPSA-funded activities or any other Federal or State program and in accordance with Section 10406(c)(5)(B)(ii); (2) grantees will not release information compelled by statutory or court order unless adhering to the requirements of Section 10406(c)(5)(C); (3) grantees may share non-personally identifying information in the aggregate for the purposes enunciated in Section 10406(c)(5)(D)(i) as well as for other purposes found in Section 10406(c)(5)(D)(ii) and (iii).
- (15) Grants funded by the State in whole or in part with funds made available under the FVPSA will prohibit discrimination on the basis of age, disability, sex, race, color, national origin, or religion (Section 10406(c)(2)).
- (16) Funds made available under the FVPSA will be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the objectives of the FVPSA (Section 10406(c)(6)).
- (17) Receipt of supportive services under the FVPSA will be voluntary. No condition will be applied for the receipt of emergency shelter as described in Section 10408(d)(2)).
- (18) The State grantee has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures (Section 10407(a)(2)(H)).

Larry B. Matney  
Signature

Commissioner  
Title

Dept. of Finance and Administration - State of Tennessee  
Organization

## Appendix B

### LGBTQ Accessibility Policy

As the Authorized Organizational Representative (AOR) signing this application on behalf of  
[Insert full, formal name of applicant organization]

I hereby attest and certify that:

The needs of lesbian, gay, bisexual, transgender, and questioning program participants are taken into consideration in applicant's program design. Applicant considered how its program will be inclusive of and non-stigmatizing toward such participants. If not already in place, awardee and, if applicable, sub-awardees must establish and publicize policies prohibiting harassment based on race, sexual orientation, gender, gender identity (or expression), religion, and national origin. The submission of an application for this funding opportunity constitutes an assurance that applicants have or will put such policies in place within 12 months of the award. Awardees should ensure that all staff members are trained to prevent and respond to harassment or bullying in all forms during the award period. Programs should be prepared to monitor claims, address them seriously, and document their corrective action(s) so all participants are assured that programs are safe, inclusive, and non-stigmatizing by design and in operation. In addition, any sub-awardees or subcontractors:

- Have in place or will put into place within 12 months of the award policies prohibiting harassment based on race, sexual orientation, gender, gender identity (or expression), religion, and national origin;
- Will enforce these policies;
- Will ensure that all staff will be trained during the award period on how to prevent and respond to harassment or bullying in all forms, and;
- Have or will have within 12 months of the award, a plan to monitor claims, address them seriously, and document their corrective action(s).

Insert Date of Signature: March 10, 2014

Print Name and Title of the AOR: Larry B. Martin, Commissioner

Signature of AOR: Larry B. Martin, Jr.

## CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

*Larry B. Martin*

Title

Commissioner

Organization

TN Department of Finance and Administration

## ATTACHMENTS A THROUGH F

Attachment A: TENNESSEE MAP –FAMILY VIOLENCE  
PREVENTION AND SERVICES ACT SERVICE AREA

Attachment B: TENNESSEE MAP –URBAN/RURAL COUNTIES

Attachment C: OCJP ADMINISTRATIVE MANUAL GUIDES ON  
CONFIDENTIALITY

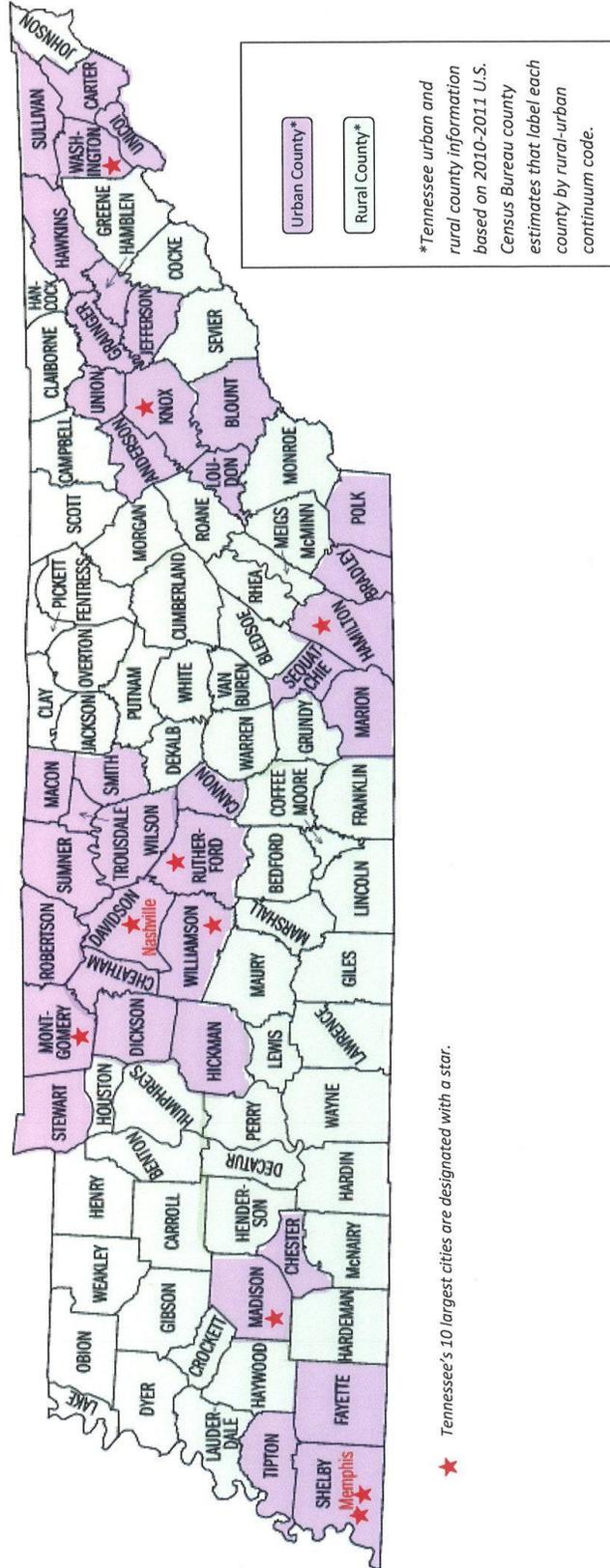
Attachment D: TENNESSEE CODE ANNOTATED 36-3-623

Attachment E: TENNESSEE’S FAMILY VIOLENCE SHELTER  
STANDARDS/RULES/CHAPTER 0620-3-6

Attachment F: TENNESSEE CODE ANNOTATED 36-3-606,  
EVICTION OF ABUSING SPOUSE LEGISLATION



## Tennessee Map - Urban/Rural Counties



★ Tennessee's 10 largest cities are designated with a star.

Tennessee Map – Urban/Rural Counties

**ATTACHMENT C**  
**TENNESSEE OFFICE OF CRIMINAL JUSTICE**  
**PROGRAMS (OCJP)**  
**ADMINISTRATIVE MANUAL GUIDES**  
**CONFIDENTIALITY**  
**2014**

## CHAPTER VIII CONFIDENTIALITY POLICY

### CONFIDENTIALITY POLICY

Each agency that receives a grant from the Office of Criminal Justice Programs (OCJP) to provide direct services to victims of domestic violence, sexual assault, dating violence or stalking should have a confidentiality policy in place. Confidentiality statements should be signed by all staff, volunteers, interns, board members, etc. and should state, at a minimum, that s/he will protect the personally identifying information of all persons contacting the agency for service, regardless of whether these persons actually receive services from the agency.

Personally identifying information includes any information that could reveal the identity or disclose the location of a victim of domestic violence, sexual assault, dating violence or stalking but would commonly include the following information:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone number, web address or postal address);
- Social security number, Driver's license number, Passport number, Student ID number;
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

**Agencies should ensure that all client information that contains personally identifying information is kept out of view from clients, visitors, volunteers and others who do not provide direct services to clients.**

Client information should be stored in a locked file when not in use by a service provider. Clients receiving non-residential services, including crisis callers, should also be included under the agency's confidentiality policy. Agencies should not use a log-in sheet to collect the names and other personally identifying information of crisis callers if this log will be in the view of clients, visitors, volunteers or others who do not provide direct services to clients. If an agency chooses to use a log-in sheet for crisis-callers that includes personally identifying information, then the log must be kept in a locked drawer, file cabinet, etc. when not in use by a service provider.

**Agencies should never ask support group participants to sign a log-in sheet with their first and last name or any other personally identifying information. Agencies should tell a support group participant that signing in is optional.**

Agencies may share non-personal identifying data **in the aggregate** regarding services to their clients and non-personal identifying demographic information in order to comply with Federal or State reporting, evaluation, or data collection requirements.

Agencies may share court-generated information and law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes. Agencies may share law enforcement and prosecution generated information necessary for law enforcement and prosecution purposes.

#### **A. RELEASE OF INFORMATION**

The agency must have in place procedures regarding the disclosure of personally identifying information. Information should never be released or shared with another individual or agency without the signed release by the client.

**A Release of Information must be written, informed, and reasonably time-limited, depending on the situation. As a rule, the Release of Information should not exceed a 15 to 30 day time period.** Agencies must write a specific date of expiration on the signed release of information form. **At a minimum**, the client should understand what information will be shared, why the information will be shared, and who will have access to the information. **A separate Release of Information should be signed by the client for each agency to which communication will be made on behalf of the client. A signed Release of Information must not be a condition of services.** A sample Release of Information can be found in [Appendix G](#).

The agency's confidentiality policy should prohibit the release of client's personally identifying information unless:

- Client has signed a written release of information
- Court order has been issued
- Statutory requirement (e.g. mandatory reporting of child abuse)

Staff, board members, and agency volunteers must understand that they cannot reveal personally identifying information about a client when communicating with another individual/agency unless the client has given written permission by signing a Release of Information

The client should sign the release unless s/he is an unemancipated minor or a disabled adult, defined as "any person eighteen (18) years of age or older, determined by the court to be in need of partial or full supervision, protection and assistance by reason of mental illness, physical illness or injury, developmental disability or other mental or physical incapacity." (See Tennessee Annotated Title 34, Guardianships, Chapter 1, and Section 101(7).) Minors who are permitted to receive services without parent or guardian consent are allowed to authorize their release of information without parent or guardian consent. In the case of a minor, the minor and a parent or guardian should sign the release; in the case of a disabled adult, a legally appointed guardian should sign it. The abuser of the minor or person with disabilities, or the abuser of the other parent of the minor, may not give consent.

If a release is compelled by statutory requirement or court order, then the agency must make reasonable attempts to notify affected victims and take steps necessary to protect the privacy and safety of such victims.

**NOTE:** Agencies may be requested to submit client stories to OCJP, federal funders for reporting to Congress, to board members, newspapers or other media outlets. Due to the details shared in a client's story, the client should sign a Release of Information pertaining to the content of their personal story, as well as to the ways in which the personal story will be used. Clients must be made aware that their stories are being shared publicly and that their name will remain confidential. Notation should be made at the end of all client stories that the names are fictitious. Finally, care must be taken never to inadvertently make a victim feel as though s/he is obliged to "help" the organization by sharing her/his personal story.

## **B. ACCESS TO CLIENT RECORDS**

The Office of Criminal Justice Programs generally conducts at least one monitoring visit to a subrecipient agency during any three-year grant contract period. In addition, from time to time, federal granting agencies may monitor the Office of Criminal Justice Programs and as part of this monitoring process may wish to visit and review files from some of OCJP's subrecipients. Federal agencies may include the Office on Violence Against Women, the Office for Victims of Crime, and the Department of Health and Human Services.

When client case files are reviewed by OCJP or a federal agency\*, appropriate steps must be taken by the agency to protect the identity of the client. OCJP has committed to strengthening its victim confidentiality policy; effective May 1, 2010 OCJP required that victim service agencies black-out (redact) all personally identifying information from client files that will be reviewed by OCJP monitors. (The only exceptions to this new policy are law enforcement, prosecutors and victim-witness programs.)

Personally identifying information includes:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone number, web address or postal address);
- Social security number; and
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

Agencies will no longer have an option to use the Release of Information for OCJP Monitors. Instead, all files chosen for review by the OCJP monitor must have personally identifying information blacked out before the monitor reviews the file.

Monitoring not only includes Programmatic Monitoring covering client services but also covers Fiscal Monitoring. There may be documents that will be reviewed by the Fiscal Monitor which would reveal client information. Subrecipients should be cautious when

providing the Fiscal Monitor such things as cancelled checks or general ledgers with victims' names who have received special assistance. The same process of covering the names should be followed for both Programmatic and Fiscal Monitoring as described in the paragraph below.

OCJP recommends the following process when preparing client files for an OCJP monitor's visit. Copy the file that has been designated for review or print a copy of the client data from an electronic file. Use a black Sharpie pen to black-out all personally identifying information from the file. Make a copy of the blacked-out paperwork to ensure that the personally identifying information cannot be read. If the personally identifying information is visible to the OCJP monitor, this may be cause for a finding.

OCJP Program Managers are available for any clarification about preparing confidential documents for monitoring or any other concerns about confidentiality. For more information on Victim Services and Confidentiality please see:

<http://www.nnedv.org/policy/issues/vawaconfidentiality.html>

<http://www.nnedv.org/policy/issues/confidentiality.html>

[http://nnedv.org/docs/SafetyNet/OVW/NNEDV\\_ConfidentialityReleasesFAQ\\_2011.pdf](http://nnedv.org/docs/SafetyNet/OVW/NNEDV_ConfidentialityReleasesFAQ_2011.pdf)

\* May include one or more of the federal agencies with whom OCJP contract

**ATTACHMENT D**  
**TENNESSEE CODE ANNOTATED 36-3-623**  
**CONFIDENTIALITY OF RECORDS OF SHELTERS**  
**OR CENTERS**

*Tenn. Code Ann. § 36-3-623*

TENNESSEE CODE ANNOTATED  
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\*\*\* CURRENT THROUGH THE 2011 REGULAR SESSION \*\*\*

Title 36 Domestic Relations  
Chapter 3 Marriage  
Part 6 Domestic Abuse

Tenn. Code Ann. § 36-3-623 (2012)

**36-3-623. Confidentiality of records of shelters or centers.**

The records of domestic violence shelters and rape crisis centers shall be treated as confidential by the records custodian of such shelters or centers, unless:

- (1) The individual to whom the records pertain authorizes their release; or
- (2) A court approves a subpoena for the records, subject to such restrictions as the court may impose, including in camera review.

**HISTORY:** Acts 1999, ch. 344, § 5; 2005, ch. 226, § 1.

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**ATTACHMENT E**  
**FAMILY VIOLENCE PERFORMANCE**  
**STANDARDS/RULES**

RULES  
OF  
DEPARTMENT OF FINANCE AND ADMINISTRATION

CHAPTER 0620-3-6  
FAMILY VIOLENCE SHELTER STANDARDS

TABLE OF CONTENTS

0620-3-6-.01	Background and Purpose	0620-3-6-.05	Minimum Requirements For Shelter Services
0620-3-6-.02	Individual Eligibility Requirements For Family Violence Shelter and/or Shelter Services	0620-3-6-.06	Counseling for Perpetrators
0620-3-6-.03	Program Requirements for Funding	0620-3-6-.07	Program Administration
0620-3-6-.04	Minimum Standards For Family Violence Shelters	0620-3-6-.08	Service Delivery Process
		0620-3-6-.09	Agency Requirements

**0620-3-6-.01 BACKGROUND AND PURPOSE.**

- (1) In July 1998, the Tennessee Department of Finance and Administration was designated the single state agency to administer the family violence programs funded with State monies under Public Chapter 930, Acts of 1984 (T.C.A. 71-6-201, et seq.) and for administering the Federal funds under the Family Violence Prevention and Services Act. The Department of Human Services previously administered these funds and had convened a subcommittee of the Family Violence and Child Abuse Prevention Advisory Committee to develop performance standards for family violence shelters and shelter services which obtained funding from this legislation.
- (2) These performance standards developed for family violence shelters and shelter services are stated as minimum requirements to be addressed in order to receive funding from State and Federal family violence sources. Services provided through other funding sources or to individuals deemed ineligible under State or Federal guidelines are not subject to these performance standards.
- (3) These performance standards:
  - (a) provide a framework within which family violence shelters can develop a secure environment for residents and within which quality shelter services can be organized, delivered and evaluated;
  - (b) define and describe the components of the service; and
  - (c) delineate requirements which must be met during the service delivery process.
- (4) Compliance with these standards is a condition of the contract between the Department and each agency which provides a family violence shelter and/or shelter services. Each agency must meet all the requirements established by the standards in order to be in full contractual compliance.

*Authority:* T.C.A. §§4-5-202, 71-6-203(7), and Public Acts of 1998, Chapter 1135, Section 41, Item 44.  
*Administrative History:* Original rule filed August 7, 2001; effective December 28, 2001.

**0620-3-6-.02 INDIVIDUAL ELIGIBILITY REQUIREMENTS FOR FAMILY VIOLENCE SHELTER AND/OR SHELTER SERVICES.**

- (1) To receive shelter and/or services, an individual (victim) must customarily reside in a household with the perpetrator; and be
- (2) An individual who has had his/her welfare put at risk by the perpetrator, or upon whom the perpetrator has caused or attempted to cause bodily injury or has established fear of imminent physical harm by threat or action.

December, 2001 (Revised)

1

(Rule 0620-3-6-.02, continued)

- (3) Individuals are eligible for services if they meet the above requirements, and are adults eighteen years of age or older or emancipated minors, regardless of sex, mental functioning, or handicap; or are
- (4) Children or dependent of the eligible individual.
- (5) Some eligible individuals may be subject to Referral Services, as provided in rule 0620-3-6-.05(2)(b).

*Authority:* T.C.A. §§4-5-202 and 71-6-203. *Administrative History:* Original rule filed August 7, 2001; effective December 28, 2001.

#### **0620-3-6-.03 PROGRAM REQUIREMENTS FOR FUNDING.**

Family violence programs funded with State monies under Title 71 Chapter 6 of Tennessee Code Annotated shall include, at minimum, a family violence shelter as defined below and a series of shelter services considered vital to the needs of the victim, children and dependents. Shelter services shall be available to eligible individuals whether or not residency in a shelter is required. Shelter services may be provided within a shelter facility and/or outside a shelter facility. Minimum standards for Family Violence Shelters and Shelter Services as stated in rule 0620-3-6-.04 and 0620-3-6-.05, must be met in order to receive State funding. Eight core services must be provided for victims of family violence in a family violence program: Shelter, Telephone Crisis Hotline, Referral, Counseling for Family Violence Victims, Advocacy for Family Violence Victims, Transportation Arrangements, Follow-up, and Community Education.

*Authority:* T.C.A. §§4-5-202 and 71-6-203. *Administrative History:* Original rule filed August 7, 2001; effective December 28, 2001.

#### **0620-3-6-.04 MINIMUM STANDARDS FOR FAMILY VIOLENCE SHELTERS.**

- (1) Definitions - For purposes of this chapter, a Family Violence Shelter is a place where only family violence victims, their children, and dependents can seek temporary refuge 24 hours a day, seven days a week, 365 days a year. This definition includes a program which operates a shelter under which safe homes or commercial lodgings are used as a refuge for family violence victims, their children and dependents. Commercial lodging is the least acceptable residential service to be provided. Standards which apply to safe homes and commercial lodging are outlined in paragraphs 3 and 4. Shelter facilities must have confidential locations and be located in separate facilities that exclusively serve family violence victims and their dependents. Eligible programs must have some form of shelter at the time of application with definite plans of opening a facility with a confidential location.
- (2) Physical Plant-Shelter
  - (a) The Department shall review shelter programs to determine compliance with certain requirements pertaining to fire, health and safety. Compliance with the requirements of Chapter 21 of the Life Safety Code (Fire Standards) to become effective July 1, 1992, incorporated herein by reference, however, shall not relieve the agency from the legal responsibility of complying with all other applicable health and safety codes and standards. The following requirements will be monitored by the Department.
    1. No lead paint or peeling paint in the shelter or on shelter walls, furniture, cabinets, doors, windows, stairs, and porches; and
    2. All hazardous material must be safely secured and stored away from the reach of children.
    3. All electrical outlets not in use must contain child proof plugs.

December, 2001 (Revised)

(Rule 0620-3-6-.04, continued)

- (b) A shelter program must have arrangements for the provision of food. In a shelter, this includes access to cooking facilities, refrigeration and utensils or equipment.
  - (c) A shelter program must have bathing, lavatory and toilet facilities available on the premises. The shelter program will provide access to laundry facilities.
  - (d) A shelter program must have sleeping beds available for each person in residence. Cribs or playpens must be available for infants and toddlers.
  - (e) A shelter program must provide a centrally located secure storage for medication belonging to residents.
  - (f) A shelter program must provide residents access to telephone communications.
  - (g) A shelter program must provide that all external entrances or exits, including doors, windows, skylights, cellars, etc., are securable.
  - (h) A shelter program must provide access to supplies for personal hygiene of the residents.
  - (i) A shelter program must provide a reasonably safe and comfortable environment in which to reside, which includes heat, ventilation, and cleanliness. A shelter must have adequate heating and equipment to be comfortable whenever necessary. A shelter must have carbon monoxide detectors installed and centrally located, if gas appliances are used.
  - (j) A shelter program must prohibit possession and use of weapons, alcohol or illegal drugs on its premises.
  - (k) A shelter program must have a secure play space for children and appropriate play equipment.
- (3) Program-Shelter, Safe Home, Commercial Lodging
- (a) A shelter program must provide all residents of their facility an orientation to the premises. This orientation will also include an explanation of facility rules, rights and responsibilities of the residents and the operating procedure of the facility.
  - (b) A shelter program must have a written policy which establishes 24 hour immediate access to staff or trained volunteers. This access may include an individual on the premises or on-call. This access must be available to residents in shelters, safe homes, or commercial lodging. This policy must be made available to all residents.
  - (c) A shelter program must have a written plan for fire and/or tornado evacuation. Evacuation plans must be posted; and reviewed during orientation. Fire and tornado drills must be held periodically.
  - (d) A shelter program must have a written policy concerning the security of resident's belongings.
  - (e) A shelter program must have a written policy which provides for security and confidentiality of residents' location. This policy must include procedures regarding intruders or trespassers, contact with law enforcement, and access to staff or the designated person 24 hours a day.
  - (f) A shelter program must provide access to a telephone and have a written policy for utilization of the telephone by residents.

(Rule 0620-3-6-.04, continued)

- (g) A shelter must have a written policy and procedure for emergency medical needs and routine medical needs of shelter residents.
- (h) A shelter program must have services for child residents which include:
  - 1. Staff or volunteers trained to meet needs of children.
  - 2. Provisions of counseling and/or advocacy for children.
  - 3. Provisions for adequate and secure indoor play space and recreational activities. Outdoor space, where available, should be adequate and secure.
  - 4. Age appropriate intervention activities based on needs of individual child.
  - 5. Written policy concerning educational plan for children in the shelter.
  - 6. Written policy concerning non-violent discipline to be practiced by staff and residents alike.
  - 7. Written policy regarding child care.
  - 8. Written policy and procedure regarding and requiring reporting of child abuse to the Department of Children's Services.
  - 9. Written policy regarding the rights and responsibilities of children and an orientation of these children, where age appropriate, to these rights and responsibilities.
  - 10. Provision of infant care seats when transporting young children.
- (4) Safe Homes/Commercial Lodging - Standards described in section 3 apply to shelter, safe homes, and commercial lodging as residential services. Additional standards specifically for safe homes and commercial lodging include:
  - (a) The shelter program must have a written process for the selection and continued evaluation of safe homes.
  - (b) The shelter program must provide adequate and appropriate training for safe home providers.
  - (c) Safe home providers must have a written statement of rights and responsibilities provided by the shelter program.
  - (d) Safe homes must provide sleeping privacy for guests and access to bathing and laundry facilities, food and telephone access.
  - (e) The shelter program will assure that residents of a safe home system or commercial lodging have equal access to all the core services including daily contact by staff or trained volunteer.
  - (f) Although commercial lodging is available for use by shelter programs, it is the least preferable type of residential service. Programs are encouraged to develop a safe home network system or ideally a shelter facility for permanent residential services to assure quality service delivery.

*Authority: T.C.A. §§4-5-202, 71-6-201, 71-6-203(7), 71-6-204, and Public Acts of 1998, Chapter 1135, Section 41, Item 44. Administrative History: Original rule filed August 7, 2001; effective December 28, 2001.*

**0620-3-6-.05 MINIMUM REQUIREMENTS FOR SHELTER SERVICES.**

- (1) Definitions - For purposes of this chapter, Shelter Services are activities which are provided to eligible victims of family violence, their children and dependents as part of an organized program which may or may not include residential services through a family violence shelter. The program of shelter services should be organized to include all of the described core services which are basic to the needs of the victim, their children and dependents.
- (2) Core Services
  - (a) Twenty-four Hour Access to Telephone Crisis Hotline. This service may be a contracted service, may be operated directly by staff or trained volunteers, or may be on call forwarding system if available. Answering machines may not be used, except in localities where call forwarding is not available. Then, the answering machine may be used only for restricted periods of time, up to a maximum of one hour per usage. The immediate return of calls received on an answering machine or through the contracted service is required.
  - (b) Referral. Appropriate linkage and access to community resources to meet the needs of the victims or their children or dependents is required. These linkages may include community services such as medical, legal, judicial, mental health, educational, housing, employment, financial and in-kind assistance, social, alcohol and drug rehabilitation and protective services for adults and children. Individuals who are eligible for shelter or shelter services, but who cannot be served in a program, shall receive referral services to a more appropriate program.
  - (c) Counseling for Family Violence Victims. This service may be provided on the telephone, or on an individual or group basis by the staff of the program or trained volunteers. This service must be provided to the victim. Children, dependents and significant family or support individuals may receive counseling on behalf of the victim. This service contrasts to therapy provided through a mental health service which is not a core service for intervention with victims of family violence. Individuals who require therapy in addition to counseling as part of their plan of service must be referred to mental health services within the community.
    1. The following types of counseling must be available:
      - (i) crisis intervention.
      - (ii) support counseling.
      - (iii) information sharing on domestic violence dynamics and other related issues.
      - (iv) individual planning to include assessment, goal and resource development, and evaluation.
      - (v) safety planning.
  - (d) Advocacy for Family Violence Victims. Advocacy for family violence victims shall occur at two levels in order to assure impact on the needs of the victims, children and dependents: individual advocacy and systems advocacy.
    1. Individual advocacy should include the following types of activities:
      - (i) preparation in using other community resources.
      - (ii) identification of significant individuals to contact.

(Rule 0620-3-6-.05, continued)

- (iii) establishing linkage with community resources.
  - (iv) facilitating provision of services.
  - (v) providing accompaniment and support to the victim.
2. Systems advocacy includes intervention with such organizations as medical, legal, judicial, educational, financial, social, mental health, transportation, law enforcement, religious, housing and employment.
  3. Advocacy activities within these organizations may include:
    - (i) establishing and maintaining linkage with community agencies and individuals.
    - (ii) training community agencies.
    - (iii) participating in appropriate professional organization and community services network.
- (e) Transportation Arrangements. This service may be provided by the most appropriate means for the area. Transportation arrangements may be provided by staff or volunteers in personal vehicles, commercial vehicles such as bus or cab, by local law enforcement officials, or by human service agency representatives. The client is encouraged to provide or arrange for transportation service when possible.
- (f) Follow-Up. Follow-up service is specifically designed for individuals who have been residents of a shelter, safe home or commercial lodging. Follow-up services may include any of the core services to assist in stabilizing the victim's circumstances. Continued involvement of the program, type of follow-up service, and length of time available shall be determined by the client whenever possible or appropriate. Programs, whose follow-up service formalized for research or data purposes, must respect the victim's safety and confidentiality. Recontact for any purpose may be conducted only with the victim's written prior approval.
- (g) Community Education. This service must be provided by staff or trained volunteers through public awareness campaigns, public speaking, training activities, and media messages with the following objectives in mind.
1. informing the community of the services available.
  2. educating the community or specific groups on the issues of family violence.

*Authority:* T.C.A. §§4-5-202 and 71-6-203. *Administrative History:* Original rule filed August 7, 2001; effective December 28, 2001.

**0620-3-6-.06 COUNSELING FOR PERPETRATORS.**

- (1) The primary focus of program services is to meet the needs of victims of family violence, their children or dependents. However, the law allows for the provision of services to the perpetrator. Programs may elect to provide services which target the perpetrator's needs only after all core services for the victims and their children and dependents are fully developed.
- (2) A shelter program may operate their own perpetrator's program or may contract with an independent program in the community. Program staff time may be used for the training of providers, referrals, court liaison work, and follow-up.

December, 2001 (Revised)

6

(Rule 0620-3-6-.06, continued)

- (3) Shelter programs which provide direct services to perpetrators or have staff linkage to perpetrator programs must:
  - (a) Operate with a philosophical base which recognizes battering as a crime, and as a responsibility of the perpetrator; which acknowledges battering as a complex issue which involves power struggles wherein one individual or group uses violence to exert control or maintain control over another; which recognizes that battering has been condoned and perpetrated by systems of discrimination in our society.
  - (b) Maintain a separate advisory committee for the perpetrator program and the victim program.
  - (c) Allow court mandated or voluntary program designs. A court mandated design shall maintain clearly enforceable consequences for non-compliance by the perpetrator.
  - (d) Operate the perpetrator program in a separate location from that which serves the victim, their children and/or dependents.
  - (e) Maintain direct contact with the victim's shelter program to ensure the continue safety of the victim, child and dependents.
  - (f) Assure the right of confidentiality of and between the perpetrator and victim.
  - (g) Assure that the provision of services to either the victim or the perpetrator is not conditional or contingent upon participation of either in the other's service plan.

*Authority:* T.C.A. §§4-5-202 and 71-6-203. *Administrative History:* Original rule filed August 7, 2001; effective December 28, 2001.

**0620-3-6-.07 PROGRAM ADMINISTRATION.**

- (1) The program must have a written non-discrimination policy with regard to sex, race, religion, sexual preference, national origin, disability, age or marital status in administering the program and in determining eligibility for the provision of service.
- (2) Each program must have written rules, regulations and statement of rights which are given to shelter residents and made available to non-residents as appropriate as part of the intake process. These should include:
  - (a) an explanation of services available;
  - (b) house rules, as appropriate;
  - (c) confidentiality;
  - (d) reasons and process for termination from program;
  - (e) program length of stay, availability of extension, and the process for re-entry to program;
  - (f) policy and procedures for child abuse reporting; and adult abuse reporting;
  - (g) grievance procedures.
- (3) Termination of Shelter/Services to Individuals. Program policy regarding termination must require:

December, 2001 (Revised)

7

(Rule 0620-3-6-.07, continued)

- (a) notification to the individual in writing and verbally of decision, reasons for termination and right and process of appeal;
  - (b) notification, in writing, of services available from program to facilitate termination process;
  - (c) the knowledge and approval of the program director or designee for all terminations.
- (4) Grievance Procedures. Program policy regarding grievances shall require:
- (a) procedures which clearly describe the lines of decision-making for appeals;
  - (b) appeals to be submitted in writing within 24 hours of the event;
  - (c) response to an appeal at each level to be within 24 hours and in writing;
  - (d) a copy of the grievance, supportive information and disposition of the appeal be maintained in the individual's file.
- (5) Confidentiality. Program policy regarding confidentiality must require:
- (a) The shelter program to have a written policy regarding the disclosure of information about any program participant. This policy will specify procedure regarding release of client information to include who may release information, what types of information may be released, to what resources the information may be released, and under what conditions information may be released.
  - (b) Prior written consent of the program participant to release any information is required except under four conditions:
    - 1. disclosure for medical emergency;
    - 2. disclosure to legal guardian of a program participant who has been legally declared incompetent;
    - 3. disclosure for reporting of child abuse or adult abuse; and
    - 4. disclosure required by subpoena or for monitoring and auditing purposes.
  - (c) No person can be compelled to provide testimony or documentary evidence in a criminal, civil or administrative proceedings which would identify the address or location of a shelter.
  - (d) In any proceeding involving the shelter or a person staying at a shelter, the sheriff shall serve any legal papers or process by contacting the shelter by telephone and making arrangements for service of the papers or process on the shelter or the person staying at the shelter.
  - (e) No records treated as confidential under T.C.A. 36-3-623 shall be disclosed except as permitted by that statute or other applicable law.
- (6) Evaluation
- (a) The shelter program must provide a mechanism for participant evaluation of services provided.

(Rule 0620-3-6-.07, continued)

- (b) The shelter program must provide for an annual evaluation of its established goals and objectives.

*Authority: T.C.A. §§4-5-202, 71-6-203(7), 71-6-208, and Public Acts of 1998, Chapter 1135, Section 41, Item 44. Administrative History: Original rule filed August 7, 2001; effective December 28, 2001.*

**0620-3-6-.08 SERVICE DELIVERY PROCESS.**

- (1) The goal of all service delivery is to provide for crisis intervention and continued safety for the victim, children and dependents and to empower the victim to meet self-determined goals. The service delivery process involve four areas: intake, assessment, case plans, and case records. Staff and supervised trained volunteers may provide services.
- (2) Intake. The shelter program must have written policy regarding intake procedures. The policy shall address:
  - (a) availability of intake 24 hours a day, seven days a week.
  - (b) type and extent of information required to determine and document eligibility.
  - (c) procedure to assess immediate needs, including safety, and to determine appropriate services or referral, and
  - (d) clarification of access to program services.
- (3) Assessment. The shelter program must provide on-going assessment of each eligible participant and their situation. This assessment constitutes the basis upon which the service plan and safety plan are developed with each of the participants. The assessment is influenced by the following factors:
  - (a) the circumstances of the victims such as their age, physical condition and emotional state, and their level of danger or risk.
  - (b) responsibilities for children or dependents and their needs.
  - (c) strength of and access to family relationships and support networks.
  - (d) educational and personal skills levels, and economic resources available to structure a level of service provision.
  - (e) progress in achieving goals established in service plan (relates to assessment prior to development of safety plan).
- (4) Case Plans
  - (a) Three plans are available to structure service provisions for the eligible victim. Each of these plans is developed with the full participation and involvement of the victim. Each is outlined below.
  - (b) The first plan is termed a service plan. The plan will identify a goal, and outline the services and resources necessary to meet the goal and facilitate the safety of the individual. In addition, the plan will identify the staff responsible for coordination of service provisions and estimate the time frames for provision of the services.

(Rule 0620-3-6-.08, continued)

- (c) The second plan is the safety plan. This plan is developed with the full participation of staff or trained volunteers. The victim does not have to be a resident of a shelter facility to develop a safety plan. This plan is designed to give the victim options, and a plan of action, once the victim leaves the shelter or is thinking about leaving their abuser. Children should also complete a safety plan, when age appropriate.
  - (d) The third plan is the exit plan. This plan is developed, if possible, at the time the victim leaves the shelter. Such a plan may also be in order at the time the victim completed a shelter service. The exit plan will contain a brief synopsis or checkoff indicating progress on service provided. It will designate additional services needed and potential resources for those services. The safety plan is an integral part of the exit plan. During the development of the exit plan, the victim shall be notified of the availability of continued or additional services if re-entry is required. The victim must be provided an opportunity to evaluate the program of services.
- (5) Case Records
- (a) Case records are required on each participant. The case record must reflect the range of services provided to the victim, including services provided to children, dependents and perpetrator. Documentation of services provided must be brief and concise; documentation should be recorded in a professional manner. Documentation may vary from a single page form which documents a hot-line call to a full case narrative.
  - (b) Each case record, residential and non-residential must contain, as appropriate:
    - 1. intake information.
    - 2. assessment.
    - 3. service plan.
    - 4. exit plan which includes follow-up.
    - 5. safety plan.
  - (c) In addition, residential records shall include:
    - 1. health releases for participants.
    - 2. release of information forms.
    - 3. a copy of the rules, rights and responsibility sheet of the shelter which reflects the signature of the resident(s).

*Authority:* T.C.A. §§4-5-202, 71-6-201, 71-6-203, and Public Acts of 1998, Chapter 1135, Section 41, Item 44.  
*Administrative History:* Original rule filed August 7, 2001; effective December 28, 2001.

**0620-3-6-.09 AGENCY REQUIREMENTS.**

- (1) Administration
  - (a) The program administration must assure, to the extent feasible, that any funds allocated for family violence shelter or shelter services will be used to provide services in addition to those already provided by the Department of Finance and Administration.

(Rule 0620-3-6-.09, continued)

- (b) The program administration must be incorporated as a not-for-profit corporation, and be tax-exempt under section 501 of the Internal Revenue Code.
  - (c) The program administration shall comply with T.C.A. §§37-1-403, 37-1-605 and 71-6-103 by reporting cases of suspected abuse of children to the Department of Children's Services and suspected cases of abuse of adults to the Department of Human Services.
  - (d) The program administration must submit an annual report of each service funded to include as a minimum the following: statistics on the number and type of persons requesting services; the number of persons served; the type of service rendered and a general description of the social and economic characteristics of the person served; the number and type of referrals, including medical, legal and education services, made to other community resources; and any other information as may be required by the Department. No information contained in the report shall identify any person served or enable any person to determine the identity of such a person.
  - (e) The program administration shall be in compliance with the Title VI and VII of the Civil Rights Act of 1964, as amended, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and the Pro-Children's Act of 1994 (Public Law 103-227, Part C. Environmental Tobacco Smoke).
- (2) Governing Boards
- (a) All agencies must have a governing board which meets regularly with staff.
  - (b) All shelter programs which are incorporated in umbrella agencies must have a separate advisory body in addition to the governing board.
  - (c) A designated member of the advisory body must serve on the governing boards.
  - (d) Membership on the governing board or the advisory body, in the case of a shelter program incorporated into an umbrella agency, must consist of individuals who reside in the community served by the shelter program, who have an understanding of the problem of family violence, who have an interest in the prevention of family violence and who have an interest in the development and provision of services to victims of family violence.
  - (e) Membership of the governing or advisory body should be broad based, must reflect the racial and ethnic composition of the community served and should include representative victims of family violence.
  - (f) Women should hold a significant proportion of key decision-making positions on the governing board or advisory body.
  - (g) Board members must not be related by blood or marriage to other board members or staff, and must use good judgement to avoid even the appearance of a conflict of interest.
- (3) Personnel Requirements
- (a) The governing body must adopt and have implemented written program personnel policies which are reviewed annually. These policies, which pertain to paid personnel only, must address:
    - 1. non-discrimination in regard to sex, race, religion, sexual preference, national origin, disability, age or marital status;

(Rule 0620-3-6-.09, continued)

2. recruitment, selection, promotion, and termination;
  3. benefits;
  4. vacation, sick leave and annual leave accrual, compensatory time;
  5. rules of conduct;
  6. disciplinary actions;
  7. grievances;
  8. supervision; and
  9. written work performance evaluation.
- (b) Written job descriptions for all program positions must be available. These written descriptions shall include but not be limited to:
1. job title;
  2. tasks and responsibilities of the job;
  3. required skills, knowledge and experience;
  4. salary range; and
  5. lines of authority.
- (4) Staff Requirements
- (a) All staff employed with a shelter should possess an understanding of the issues of family violence.
- (b) Qualifications
1. program director: minimum requirements include a high school diploma or GED certification and additional life, work or educational experiences which apply to the duties and responsibilities outlined in the job description.
  2. support staff: minimum requirements include life, work or educational experiences which apply to the duties and responsibilities outlined in the job description. Such support staff positions could include coordinators, direct service case workers, house managers secretarial, maintenance, bookkeepers, and other such professional service workers.
- (c) Wage and Hour Requirements. The shelter program positions must be compensated in compliance with applicable federal and state laws which include the Fair Labor Standards Act.
- (d) Orientation. The shelter program must provide for a staff orientation, to include:
1. insuring overall familiarization with the agency and program purpose, objectives, structure and policy; and
  2. specific exposure to and training in the duties of the position.

(Rule 0620-3-6-.09, continued)

- (e) Staff Development. The shelter program must provide a written plan for staff development and training, to include:
1. initial training for new staff;
  2. on-going training for personnel;
  3. policy for leaves for conferences, classes or institutes; and
  4. regular staff meetings for discussion of program, problems, policies and method of practice.
- (f) Volunteers. A shelter program must have written policy and a plan on the use of all volunteers (direct service, maintenance, and transportation) to include:
1. an application filed and individual screening;
  2. a full description of duties and rights, including confidentiality policy and practices;
  3. provision for supervision;
  4. provision of role appropriate orientation, initial training and on-going training;
  5. guidelines and policy for termination; and
  6. policies and procedures for contracting of volunteer services.

This policy shall assure non-discrimination in regard to sex, race, religion, sexual preference, national origin, disability, age or marital status in the recruitment, and selection of volunteers and in placement of assignment. Where possible, volunteers should be selected to reflect the racial and ethnic composition of the community served by the shelter program.

*Authority:* T.C.A. §§4-5-202, 71-6-201, 71-6-203(7), 71-6-204, and Public Acts of 1998, Chapter 1135, Section 41, Item 44. *Administrative History:* Original rule filed August 7, 2001; effective December 28, 2001.

**ATTACHMENT F**  
**TENNESSEE CODE ANNOTATED 36-3-606**  
**EVICITION OF ABUSING SPOUSE LEGISLATION**

*Tenn. Code Ann. § 36-3-606*

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\*\*\* CURRENT THROUGH THE 2011 REGULAR SESSION \*\*\*

Title 36 Domestic Relations  
Chapter 3 Marriage  
Part 6 Domestic Abuse

Tenn. Code Ann. § 36-3-606 (2012)

**36-3-606. Scope of protection order.**

(a) A protection order granted under this part to protect the petitioner from domestic abuse, stalking or sexual assault may include, but is not limited to:

(1) Directing the respondent to refrain from committing domestic abuse, stalking or sexual assault or threatening to commit domestic abuse, stalking or sexual assault against the petitioner or the petitioner's minor children;

(2) Prohibiting the respondent from coming about the petitioner for any purpose, from telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;

(3) Prohibiting the respondent from stalking the petitioner, as defined in § 39-17-315;

(4) Granting to the petitioner possession of the residence or household to the exclusion of the respondent by evicting the respondent, by restoring possession to the petitioner, or by both;

(5) Directing the respondent to provide suitable alternate housing for the petitioner when the respondent is the sole owner or lessee of the residence or household;

(6) Awarding temporary custody of, or establishing temporary visitation rights with regard to, any minor children born to or adopted by the parties;

(7) Awarding financial support to the petitioner and such persons as the respondent has a duty to support. Except in cases of paternity, the court shall not have the authority to order financial support unless the petitioner and respondent are legally married. Such order may be enforced pursuant to chapter 5 of this title;

(8) Directing the respondent to attend available counseling programs that address violence and control issues or substance abuse problems. A violation of a protection order or part of such order that directs counseling pursuant to this subpart may be punished as criminal or civil contempt. The provisions of § 36-3-610(a) apply with respect to a non-lawyer general sessions judge who holds a person in criminal contempt for violating this subdivision (a)(8);

(9) Directing the care, custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor residing in the household. In no instance shall the animal be placed in the care, custody, or control of the respondent, but shall instead be placed in the care, custody or control of the petitioner or in an appropriate animal foster situation;

(10) Directing the respondent to immediately and temporarily vacate a residence shared with the petitioner, pending a hearing on the matter, notwithstanding any provision of this part to the contrary; or

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**(11)** Directing the respondent to pay the petitioner all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property if the petitioner is a party to the lease or rental agreement and if the court finds that continuing to reside in the rented or leased premises may jeopardize the life, health and safety of the petitioner or the petitioner's children. Nothing in this subdivision (a)(11) shall be construed as altering the terms of, liability for, or parties to such lease or rental agreement.

**(b)** Relief granted pursuant to subdivisions (a)(4)-(8) shall be ordered only after the petitioner and respondent have been given an opportunity to be heard by the court.

**(c)** Any order of protection issued under this part shall include the statement of the maximum penalty that may be imposed pursuant to § 36-3-610 for violating such order.

**(d)** No order of protection made under this part shall in any manner affect title to any real property.

**(e)** If the petitioner is a victim as defined in § 36-3-601(10) or (11), the provisions of subdivisions (a)(4) and (5) shall not apply to such petitioner.

**(f)** An order of protection issued pursuant to this part shall be valid and enforceable in any county of this state.

**(g)** An order of protection issued pursuant to this part that fully complies with 18 U.S.C. § 922 (g)(8) shall contain the disclosures set out in § 36-3-625(a).

**HISTORY:** Acts 1979, ch. 350, §§ 6-8; T.C.A., §§ 36-1206 --36-1208; Acts 1987, ch. 270, §§ 7, 12; 1991, ch. 380, § 4; 1995, ch. 507, § 4; 1996, ch. 684, § 2; 1996, ch. 734, § 1, 2; 1997, ch. 459, §§ 2, 3; 2001, ch. 352, § 2; 2005, ch. 381, § 5; 2007, ch. 352, § 2; 2009, ch. 455, § 2; 2010, ch. 959, § 1; 2010, ch. 981, § 1; 2011, ch. 253, § 1; 2011, ch. 402, § 2.

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STATE OF TENNESSEE  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
OFFICE OF CRIMINAL JUSTICE PROGRAMS

WILLIAM R. SNODGRASS TENNESSEE TOWER  
312 ROSA L PARKS AVENUE, SUITE 1800  
NASHVILLE, TENNESSEE 37243-1102

LARRY B. MARTIN  
COMMISSIONER

January 28, 2015

Administration on Children, Youth and Families  
Administration for Children and Families  
Family and Youth Services Bureau  
Family Violence Prevention and Services Program  
ATTN: Ken Noyes  
1250 Maryland Avenue, SW., Suite 8214  
Washington D.C. 20024

Dear Mr. Noyes:

The Tennessee Department of Finance and Administration, Office of Criminal Justice Programs is pleased to submit the attached Family Violence Prevention and Services Act grant application for the Federal FY 2015 project period. The Department of Finance and Administration, Office of Criminal Justice Programs is the state agency responsible for the administration of program activities carried out under this Act. Tennessee looks forward to receiving these funds to assist in providing services to prevent and/or reduce the incidences of family violence, dating violence and domestic violence in Tennessee.

Please contact William Scollon, Director of the Office of Criminal Justice Programs at (615) 532-2983 or [Bill.Scollon@tn.gov](mailto:Bill.Scollon@tn.gov) or Susan Canon at (615) 532-0058 or [Susan.Canon@tn.gov](mailto:Susan.Canon@tn.gov), if additional information is required. We appreciate your assistance and continued support of family, domestic and dating violence prevention programs.

Sincerely,

Handwritten signature of Larry B. Martin in blue ink, with the initials "J.M.M." written below it.

Larry B. Martin  
Tennessee Commissioner for the Department of  
Finance and Administration

Handwritten signature of William Scollon in blue ink.

William Scollon, Director  
Office of Criminal Justice Programs

Attachments

Tennessee Department of Finance and Administration  
Office of Criminal Justice Programs  
Family Violence Prevention and Services Act Application  
HHS-2014-ACF-ACYF-FVPS-0564  
January 28, 2015

- (1) The name and complete address of the State agency; the name and contact information for the official designated as responsible for the administration of FVPSA programs and activities relating to family violence, domestic violence, and dating violence that are carried out by the State and for coordination of related programs within the State; the name and contact information for a contact person if different from the designated official (Section 10407(a) (2) (G)).**

The Tennessee Department of Finance and Administration  
The Office of Criminal Justice Program  
William Snodgrass TN Tower  
312 Rosa L. Parks Avenue, 18<sup>th</sup> Floor  
Nashville, TN 37243-1102  
**EIN # 62-6001448**  
**DUNS # 103123290**

The Chief Program Official is Larry B. Martin, Commissioner of the Department of Finance and Administration. The Authorized Certifying Official is William Scollon, Director of the Office of Criminal Justice Programs. Mr. Scollon can be reached at (615) 532-2983 or [Bill.Scollon@tn.gov](mailto:Bill.Scollon@tn.gov). The contact person for this program is Susan E. Canon, Program Manager. She may be reached at (615) 253-0058 or [Susan.Canon@tn.gov](mailto:Susan.Canon@tn.gov)

- (2) A plan describing how the State will involve community-based organizations whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State in identifying and addressing the unmet needs of such populations, including involvement in the State planning process and other ongoing communications (Section 10407(a) (2) (E)).**

FVPSA funded 30 Shelter Programs in Tennessee during Fiscal Year 2013-2014, including 34 shelter facilities and 55 outreach advocacy and non-residential program sites operated by the Shelter Programs. Each Shelter Program faces the unique challenge presented by the diversity of age, ethnicity, race, ability and geography when working to serve victims of family, domestic and dating violence. In order to provide appropriate services to the underserved populations, FVPSA funded programs successfully partner and collaborate within their communities, including working closely with community based organizations.

Tennessee's Shelters currently provide services to limited and non-English speakers, to urban and rural victims, to victims living in poverty, to victims with disabilities and to victims with other barriers that could affect access to much needed services. Shelters are tailoring their services to the needs of their communities. While an urban agency may offer its clients bus

Tennessee - FFY 2015 FVPSA Application

passes or taxi fares, a suburban or rural agency will provide transportation to its clients in order to access social services, attend court dates, etc. Both urban and rural agencies are reaching out to victims through the use of technology: websites, email access, social networking sites, etc.

Tennessee's rural populations share a number of factors that contribute to continuing the cycle of violence, including geographic and social isolation, poverty, substance abuse and lack of formal education. Lack of access to communication, transportation and housing also adds to the social and psychological isolation making rural victims of violence particularly vulnerable.

FVPSA funded Shelter Programs that cover rural counties are prioritizing more funding than ever before to provide services to those who have never been served, and those who are the underserved in their service area. Agencies are establishing new office sites or office hours; advocates are establishing a greater presence in the community and in court.

FVPSA funded Shelter Programs reported at the end of fiscal 2013-2014 a total of 55 non-residential service sites. This reflects a trend in how Tennessee Shelter Programs are increasingly working to reach those victims who are geographically and socially isolated. The Federal FY 2014 increase in FVPSA funds for the state of Tennessee combined with some additional State of Tennessee funds were devoted to shelter programs, through a competitive application process, resulting in a number of amended contracts for the current state fiscal year. The additional funds awarded to thirteen of the thirty funded shelters resulted in some greatly needed enhancements to existing programs. For example, one program was able to hire a part time Community Educator and a part time Children's Program Assistant; another shelter added cooking classes and financial literacy classes to their repertoire of services for victims; six of the thirteen shelters added part time victims' advocates to increase accessibility of services to victims isolated in extremely rural and poor areas; another shelter preparing to open a second shelter facility used funds to purchase supplies; and a part-time therapist was contracted for work with victims and their children. One shelter in one rural, mountainous service area that oversees six counties implemented a transportation program through this funding opportunity. Simply by transporting isolated victims to locations of services addressed in a most fundamental way the challenge of accessibility for this program's underserved population. The transportation project has served victims living in this area who are Latino victims, as well. Large numbers of Latinos work in the chicken processing industry located in one of these six counties. Latino victims of family, domestic, or dating violence are doubly isolated because of language barriers and the geographical and poverty factors. Volunteers who are bi-lingual accompany the advocate driver when working with Hispanic victims. Many shelters are being creative in re-allocating staff hours or using volunteers where the need is greatest. Shelters are also meeting the challenge of simultaneously ensuring that all program activities are adequately being carried out.

Many Shelter Programs are hiring native Spanish speakers or bilingual speakers to assist with communicating with the rising numbers of the Hispanic population, both in urban areas and in rural areas of Tennessee. Finding qualified interpreters in rural areas can be quite a challenge. Many of Tennessee's Shelter Programs are identifying and hiring bi-lingual staff by networking with their local community colleges and other organizations that employ or know about available interpreters. Many Shelter Programs contract with Language Line

Tennessee - FFY 2015 FVPSA Application

and/or collaborate with other agencies to assist limited or non-English speaking victims. Shelters are partnering with Head Start, the Health Department, local court systems and churches that may serve culturally specific populations. FVPSA funded shelters are also connecting with agencies that serve the deaf and the hard of hearing population. These efforts to partner with community based organizations enhance service availability and delivery to underserved groups.

Additionally, the Tennessee Coalition to End Domestic and Sexual Violence (hereafter, The State Coalition) offers free legal assistance to immigrant victims of domestic, family and dating violence. The State Coalition also offers Cultural Competency Trainings to Shelter Program staff several times per year; many of Tennessee's Shelter Program employees have attended these trainings.

OCJP will work with shelters to enhance and expand culturally appropriate services for the underserved populations in conjunction with community-based programs, especially if funding remains at the increased rate, or is expanded over the next few years. Emphasis would be placed on seeking community based specialized counseling for non-English speaking victims, and supporting more wide-spread hiring of bilingual staff for residential and non-residential programs. OCJP will work with the Tennessee Coalition to End Domestic and Sexual Violence to identify agencies seeking onsite technical assistance to further implement their LGBTQ policies and programs. In the meanwhile, OCJP, in coordination with The State Coalition will offer technical assistance and promote awareness of organizations that are available to enhance services to those who are underserved.

**(3) A plan describing how the State will provide specialized services including trauma-informed services for children exposed to family violence, domestic violence or dating violence, underserved populations and victims who are members of racial and ethnic minority populations. (Section 10406(a) (3)).**

Shelter Programs funded under the Tennessee Office of Criminal Justice Programs and funded by FVPSA have been made aware, through various means, of the changes brought about by the Federal Legislative Authority and Reauthorizing (FVPSA) Legislation, 2010. Section 10406(a) (3) of this Legislation, as stated above, is an important mandate for shelter services. In order to educate FVPSA funded shelters of these changes and their responsibility to carry out these mandates, OCJP has provided and/or made known the many opportunities for shelter leadership and staff to learn about these expectations and about implementing a trauma informed approach.

Shelter Agencies are able to programmatically realize successful voluntary services throughout their organization by implementing Trauma Informed Services. OCJP and The State Coalition have collaborated very successfully in promoting and offering training events and direct technical assistance to Tennessee's 30 FVPSA funded Shelter Programs on the topic of Trauma Informed Care. To this end, the Coalition has compiled a best practices document for shelters to use in conjunction with trainings and technical assistance, as well as in the ongoing process of providing technical assistance so that shelter programs will be able to integrate Trauma Informed Care into all aspects of their services.

During the monitoring of shelter programs by the OCJP Monitoring staff, each shelter is asked a series of questions about voluntary services and the incorporation of Trauma

Tennessee - FFY 2015 FVPSA Application

Informed Care into their programming. The monitors also review the agency's documents that are used with victims. Often it is revealed that shelters, while having been trained on the topics, have not gone quite deep enough in fully embracing voluntary services and Trauma Informed Care practices. The monitoring process opens opportunities for Program Managers at OCJP to provide some Technical Assistance or to call upon the Coalition to provide specific technical assistance with shelter staff.

The following reflect the variety of training opportunities that Tennessee's shelters have been afforded either by OCJP, or as in most cases, in conjunction with OCJP and the State Coalition. The goal has been to ensure that Voluntary Services and Trauma Informed Care are implemented and integrated into all FVPSA funded Tennessee Shelter Program components:

1. Ongoing Technical Assistance is provided to FVPSA Shelter Programs by OCJP Victim Services Program Managers. This may occur per request from the Project Director of a Shelter Program. As mentioned previously, it may also occur if during the contract monitoring process a Shelter Program indicates difficulty in incorporating Trauma Informed Care Best Practices into their service delivery or written materials designed for Shelter residents or nonresidential clients. In these cases, the Program Manager will contact the Shelter and initiate Technical Assistance or contact the State Coalition to provide the necessary technical assistance.
2. The State Coalition's **2014 Annual Conference** was held on April 10<sup>th</sup> and 11<sup>th</sup> and had several opportunities for Shelter staff and leadership to attend sessions addressing Trauma Informed Care. Please see these listed below. (It should also be noted that for the past two years OCJP and the State Coalition have collaborated in offering a pre-Coalition all-day conference, which has been titled "The Shelter Leadership Institute". The 2014 Institute was held on April 9<sup>th</sup> and was attended by over 60 shelter leaders and staff. While the topic was more specifically about how to implement LGBTQ Accessibility practices into shelter programming, the topic lent itself to thinking about what has been learned by Trauma Informed Care best practices, and how important the trauma informed approach is to informing ways to increase accessibility for the LGBTQ community.)
  - The State Coalition Annual conference: a two part workshop entitled: "Intro to Trauma Informed Legal Advocacy: Practice Scenarios Part I and Part II" had 18 shelter program staff in attendance.
  - The State Coalition Annual conference: a workshop entitled: "Supporting Survivors in Contested Custody Cases: Trauma-Informed Strategies for Building on Parenting Strengths" had 22 shelter program staff in attendance.
  - The State Coalition Annual conference: a workshop entitled: "Accessible, Trauma-Informed, and ADA-Compliant Medication Policies: An Introduction for ED's" was held with 7 shelter staff in attendance.
3. For calendar year 2014, The State Coalition conducted trainings or webinars for Shelter Directors and Staff. This lists only pertains to Trauma Informed Care:

- March 12-13 (Nashville), July 9-10 (Memphis) and September 16-17 (Knoxville): The ABC's of Advocacy: "Best Practices in Responding to Violence Against Women". This two day training offered in the three major cities of the three regions of Tennessee included training on Trauma Informed Care, which is the core of all Shelter Best Practices. A total of 32 Shelter leadership and advocates attended.
  - October 8<sup>th</sup> a webinar was held with 37 enrollees, and was entitled "Best Practices for Domestic Violence Shelters".
  - Throughout 2014, The State Coalition provided technical assistance on the topic of Trauma Informed Care onsite at three shelter programs, reaching 22 Shelter Program Staff and Leadership.
4. Prior to **The State Coalition's 2013 Annual Conference**, OCJP funded a day long Shelter Director's Institute, which was planned and organized by The State Coalition. National speaker, Rene Renick, from the National Network to End Domestic Violence (NNEDV) presented to 28 of the 30 Tennessee Shelter Directors on Trauma Informed Care. This Institute was funded by State of Tennessee dollars and was the prelude to The State Coalitions Annual Conference, held on March 19 through March 21. There were also many opportunities, throughout the conference, for participants to learn more about Trauma Informed Care and the implementation of it in Shelter Programs.
  5. The State Coalition, during calendar year 2013 reported the following trainings or webinars on the topic of Trauma Informed Care:
    - 3 onsite Technical Assistance trainings on Trauma Informed Care, with 31 shelter staff trained
    - 12 additional trainings that included Trauma Informed Care, with 417 shelter staff trained
    - 6 trainings with the topic of "The ABC's of Advocacy, Legal Advocacy and Safety Planning" that included Trauma Informed Care and culturally specific components, with 188 shelter staff trained.
  6. October 1, 2012 the *2012 OCJP Administrators Manual*, which is written for OCJP Grantees and updated every year was posted on the OCJP website. The *Manual* reflected the changes that were brought about by the Reauthorization. A follow-up conference call was held mid-October with all FVPSA Subrecipients in order to review these changes. Staff from all 30 Shelter Programs participated in the call.
  7. Throughout fiscal year 2011-12, The State Coalition traveled across the state to 9 FVPSA funded Shelter Programs to provide technical assistance on Trauma Informed Care.
  8. October 6, 2011: OCJP mandated a Conference Call Training for FVPSA funded Shelter Executive Directors and/or Project Directors to introduce and review the new requirements as presented in the FVPSA Reauthorization legislation. All Shelter Programs represented.

Tennessee - FFY 2015 FVPSA Application

9. December 9, 2011: OCJP coordinated with The State Coalition to provide a one day training offered as a "Round Table Discussion" on key aspects of voluntary services and how to effectively implement the required program changes. This workshop was well attended and designed for Shelter Executive Directors. Twenty-three Shelter Programs attended this training. (Prior to the Round Table Training, OCJP developed and sent a survey to grantees to learn how many programs had already made progress towards implementing programs that could be considered compliant with the 2010 FVPSA Legislation. This information helped with the planning of the training, and provided information about those in the future who might need additional technical assistance.)
  10. February 15, 2012: OCJP staff participated in a two-part workshop at the Annual State-wide Coalition Conference that addressed key aspects of the Reauthorization, underlying philosophies of the requirements, and ways to successfully implement the programmatic changes defined in the Reauthorization. 19 Shelter Programs attended.
  11. August 22, 2012: The State Coalition offered an all-day training on Trauma Informed Care; trainers included Coalition staff, the Nashville YWCA Shelter Director who has overseen full implementation of Trauma Informed Care in the YW Shelter, and a panel of Tennessee Shelter Directors who were in the process of full implementation. 14 Shelter Programs attended.
  12. In September of 2012, The State Coalition, in conjunction with the FVPSA State Administrator, and the Director of the Nashville YWCA Domestic Violence Shelter (who has implemented Trauma Informed Services in the YWCA Shelter) finalized a Trauma Informed Best Practices Policy for Domestic and Sexual Violence Programs. The Coalition distributed this printed booklet to all FVPSA funded Shelter Programs.
  13. October 10, 2012: The State Coalition conducted a webinar on Trauma Informed Care, which was widely attended, including the FVPSA State Administrator. This webinar will be repeated.
  14. December 4, 2012: The State Coalition conducted a webinar entitled "Caught in the Fray—Vicarious Trauma" for shelter leaders and staff.
  15. Presently, the Tennessee State Administrator forwards by email any notification of a training or webinar that would be helpful to Shelter Program leadership and staff, especially those pertaining to Trauma Informed Care and related topics.
- (4) **A plan describing in detail how the needs of underserved populations will be met (Section 10406(a) (3). "Underserved populations" include populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, immigration status, or age), lesbian, gay bisexual, or transgender (LGBT) individuals; at risk youth; or victims with disabilities and any other population determined to be underserved by the State-wide needs assessment, the State planning process or the Secretary of HHS (Section 10402(14)).**

**The State Plan should:**

Tennessee - FFY 2015 FVPSA Application

- a) **Identify which populations in the State are currently underserved, and the process used to identify underserved populations, describe those that are being targeted for outreach and services; and provide a brief explanation of why those populations were selected to receive outreach services.**

The following is an estimate of the groups who make up the underserved population in Tennessee. This is based on what FVPSA subrecipients report to OCJP and correlated with recent census data:

- People Living in Rural Settings, (2012, USDA) 23%
- People with Disabilities, (2008-2012, Census ) 15%
- Language other than English Spoken at Home, (many Latinos, but not exclusively), (2013 Census est.) 6.6%
- Persons below poverty, (2008-2012 Census) 17.3%

Tennessee victims of family violence, domestic violence and dating violence that have been identified by shelter programs, as underserved, are Latinos living in communities where employment opportunities are concentrated and available. Many Hispanics living in these areas may be more apt to have an illegal immigration status. Latino victims are unlikely to seek services or seek intervention by law enforcement if they or members of their family are illegal. Other groups of the underserved are urban dwellers who are from the Middle East, most notably the Kurdish Population in one Tennessee County, which claims the third largest population of Kurds in the world, as well as a concentration of Somalis, and other groups including Vietnamese. Tennessee Shelters reported in their FY 2014 Annual Narrative Report that one prevalent underserved population are those who are ethnically or culturally diverse and who have limited English proficiency. (Those specific groups mentioned above are only a sampling of the underserved by virtue of ethnicity, language barriers, or immigration status. There are many other immigrants who may be considered underserved but do not have the concentration of population as do those specifically mentioned above.)

Tennessee Shelters also stated in their 2014 Annual Narrative Reports that a large number of underserved are those who live in areas of deep rural poverty and are thereby doubly isolated and at risk for being a victim of family, domestic or dating violence. Also, those who are disabled and those who suffer elder abuse were noted by Tennessee's Shelter Staff as underserved in their communities. Census information would substantiate those identified by Shelters as underserved due to immigrant status, ethnicity, language barriers, race, age, or geographic location.

Statistically less significant, but nevertheless increasingly reported, are those victims who are at-risk youth who can become victims of human trafficking. The Tennessee Human Sex Trafficking and Its Impact on Children and Youth, 2011 reports that 68 out of 95 Tennessee counties reported at least one case of human sex trafficking, involving a minor. Shelby County (Memphis), Davidson County (Nashville), Coffee County and Knox County (Knoxville) reported more than 100 cases of minor human sex trafficking

within a 24 month period. Shelter Programs have partnered with law enforcement and in some cases the TBI or FBI, to address the needs of these victims.

The LGBTQ community is apt to be quite isolated and hence underserved in Tennessee due to how very conservative the state is. This is especially true in the rural areas of the State. The four main urban areas of Tennessee, which are Nashville, Memphis, Chattanooga and Knoxville, serve larger numbers from the LGBTQ community than do those in rural Tennessee. Tennessee takes very seriously the LGBTQ Community's need for accessibility to shelters and shelter services. OCJP and the State Coalition continue to work with FVPSA funded Shelter Programs to ensure that shelter policies and agency programs and practices prohibit harassment based on sexual orientation, gender, gender identity or expression thereof. Further, OCJP monitoring staff will begin subrecipient review of the LGBTQ shelter policies during FFY 2015, as well as a review of each agency's ability to prevent and respond to harassment or bullying in any form. (Please see Appendix B: LGBTQ Accessibility Policy.)

As mentioned earlier, a Leadership Training Institute for FVPSA Funded Shelters was offered by The State Coalition in partnership with the Office of Criminal Justice Programs. The training was held on April 9, 2014 and addressed Shelter policy and program development for prohibiting harassment based on sexual orientation, gender, gender identity or expression thereof. Each Tennessee Shelter Director and one key staff person from each shelter attended the training, with more than 60 shelter agency staff in attendance. The training was conducted by Shakira Cruz Roman of The Network/LaRed and was free of charge to participants, with per diem and mileage expenses paid from Tennessee's Family Violence state supplemental funds.

Throughout Tennessee, communities of underserved who have been identified for services have been chosen because they represent some of the State's most vulnerable potential victims of family violence.

**b) Describe the outreach plan, including domestic violence training to be provided, the means for providing technical assistance and support, and the leadership role played by those representing and serving the underserved populations in question.**

Shelter Programs throughout Tennessee have faced difficult times over the past 5 years with local funds scarce, and government funding remaining status quo or being reduced. However, the additional FVPSA funds granted in Federal FY 2014 were a welcome relief from the stagnant growth endured by Tennessee's shelters, their staff and perhaps experienced by victims and their dependents seeking shelter services. Shelter Programs have worked hard to implement the non-mandatory services requirement of the FVPSA Reauthorization Legislation and to ensure that Trauma Informed Care for victims and their dependents is a realized best practice. Most recently Shelter leadership has implemented policies, procedures and programming in compliance with LGBTQ Accessibility requirements. Shelter Directors have been called upon to provide the leadership necessary to assist staff to make the programmatic, philosophical and policy changes required. OCJP has coordinated with The State Coalition so that technical assistance and training for Shelter leadership and their staff is provided. (See Question #3 of this application for a listing of the various support offered to the Shelter Programs.)

Tennessee - FFY 2015 FVPSA Application

- c) **Describe the specific services to be provided or enhanced, including new shelters or services, improved access to shelters or services, or new services for underserved populations such as victims from communities of color; immigrant victims; LGBT individuals; adolescents; at-risk youth or victims with disabilities.**

Tennessee FVPSA funded Programs provide comprehensive services to victims of family, domestic and dating violence and to their dependents through the 30 Shelter Programs which offer residential and non-residential services. Currently the services that are being provided throughout the State of Tennessee include safe, secure and confidential emergency shelters, located across the state in 34 locations as well as 55 non-residential service sites. All FVPSA funded Shelter Programs offer the following voluntary supportive and preventive services:

- 24 hour crisis call hotline services
- assistance with safety planning and supportive efforts to facilitate victims in making decisions related to their ongoing safety and well-being
- provision of individual and group counseling, most of which are Trauma Informed
- peer support groups and referral to community based services to assist victims and their dependents in recovering from the effects of violence
- community outreach to increase awareness of family violence programming
- culturally and linguistically appropriate services, most of which are Trauma Informed
- provision of services for children exposed to family, domestic or dating violence, including age-appropriate and trauma informed group and individual counseling
- offerings of advocacy, case management services, information and referral, including legal, medical or social services advocacy
- transportation
- follow-up
- community outreach to underserved populations
- community education to adults and youth to raise awareness about dating, family and domestic violence and the services available to victims and to their children
- provisions for service animals within the shelter for any disabled victim of dating, domestic or family violence
- and any other service considered as allowable by FVPSA

Tennessee - FFY 2015 FVPSA Application

- (5) Include a description of how the State plans to use the grant funds; a description of the target populations, the number of shelters to be funded, the number of non-residential programs to be funded; the services the State's subgrantees will provide; and the expected results from the use of the grant funds as required by Section 10407(a) (2) (F) and 10408(b).**

Tennessee will devote 95% of its FVPSA funding to the Shelter Programs in Tennessee; 5% of the Funding is for the Administration of FVPSA funds through the Office of Criminal Justice Programs. Additionally, Tennessee ensures that not less than 70 percent of the funds distributed will be used for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence and their dependents; and not less than 25 percent of the funds will be used for the purpose of providing supportive services and prevention services.

The Office of Criminal Justice Programs (OCJP) serves as the state agency responsible for leveraging multiple State and Federal Funds that address the Shelter needs of victims in Tennessee. The current 30 Shelter Programs will receive continuation funding, with a portion of those funded by FVPSA. All shelters are compliant with the Tennessee Family Violence Shelter Standards and the Family Violence Prevention and Services Act Re-authorization of 2010. All Shelters will offer residential and non-residential services to victims of family, domestic and dating violence, as well as to their dependents. As mentioned previously, there are 34 Shelter Facilities, and under the 30 Shelter Programs, there are 55 non-residential service delivery sites at which advocates or counselors, therapists or volunteers provide an array of victim prevention and supportive services.

- (6) Describe the plan to assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State. (Section 10407(a) (2) (C)).**

The Office of Criminal Justice Programs has a method to ensure the equitable distribution of grants and grant funds within the State and between urban and rural areas. Please see attached two maps, one map is titled: *Tennessee Map-Family Violence Prevention and Service Act (FVPSA) Emergency Shelter Locations in Tennessee for 2014*. The other map is titled: *Tennessee Map-Urban and Rural Counties* (based upon the 2009 US Census Bureau's county estimates of urban and rural populations). **(See Attachments A and B)**

As one can see, the Service Area map reflects counties with shelter coverage, as indicated by the purple dots, and counties with non-residential services which are shaded purple. Each non-residential service site county is under the umbrella of a shelter program, and provides an advocate and/or counselor within the county. Amongst the many services offered by the advocate and/or counselor at these sites, this person also can recommend shelters for victims seeking shelter in counties where there are none located.

By looking at the two maps side by side, one can see that Shelter Services are offered in 92 of Tennessee's 95 counties. Those seeking services who reside in the three counties not shaded are always granted shelter or advocacy upon request from neighboring advocates or shelter programs.

- (7) Provide complete documentation of consultation with and participation of the State Domestic Violence Coalition in the State planning and monitoring of the distribution of grants and the administration of grant programs and projects (Section 10407(a) (2) (D)).**

The Office of Criminal Justice Programs has a process that involves the State Coalition in determining the distribution of grant funds awarded to sub grantees. The Director of the State Coalition or her representative serves on the Family Violence Shelter Advisory Committee. This Committee meets annually to review the FVPSA funding. During the past four years, the funding amount has been level, with the exception of the FFY 2014 Award. With the FFY 2014 FVPSA award increase, the Family Violence Advisory Committee met and agreed upon the competitive grant opportunity solicitation guides and process for shelters, which resulted in thirteen shelters receiving an additional award through a contract amendment. The State Coalition Director has ongoing input into recommendations of grants awarded to applicants. Fortunately funding for Tennessee Shelter Services had remained level, even during the sequestration of Federal Fiscal Year 2013. This was made possible because of sufficient state funds which were able to offset the Federal reduction.

During OCJP's and The State Coalition's work together this past year, there were discussions about the possibility of the increased funding from FVPSA being sustained. With this in mind, it was agreed that a joint effort should be made to conduct a needs assessment involving all shelters throughout the state. A comprehensive survey was developed and sent to all shelter programs. The surveys have recently been returned, and will soon be distilled into a Tennessee Domestic Violence Needs Assessment. We look forward to this information, and to using it in the strategic planning process that our agency will very soon conduct, as well as in coordination and ongoing collaboration with The State Coalition.

- (8) Provide complete documentation of policies, procedures, and protocols that ensure personally identifying information will not be disclosed when providing statistical data on program activities and program services; the confidentiality of records pertaining to any individual provided family violence prevention services by any FVPSA-supported program will be maintained; and the address or location of any FVPSA-supported shelter will not be made public without the written authorization of the person or persons responsible for the operation of such shelter (Sections 10407(a) (2) (A) and 10406(c)(5)).**

The Tennessee Office of Criminal Justice Programs confirms that procedures have been developed and implemented to assure the confidentiality of records pertaining to any individual provided family, domestic or dating violence prevention, shelter or support services assisted under FVPSA. The OCJP Administrator's Manual, mentioned previously, as well as the Tennessee Shelter Rules, (which serve as the State's Shelter Standards), grant documents, and the FVPSA Reauthorization Legislation of 2010 require confidentiality of records. OCJP's Monitoring Staff review Shelter Programs for compliance with Confidentiality Policy as set forth in the OCJP Administrator's Manual. Shelter agencies are monitored no less than once every three years. (See Attachments C, D and E)

- (9) Provide a copy of the law or procedures, such as a process for obtaining an order of protection that the State has implemented for the barring of an abuser from a shared household. (Section 10407(a) (2) (H)).**

Tennessee - FFY 2015 FVPSA Application

Tennessee has a statute that provides for the eviction of an abusing spouse from a shared household. (See **Attachment F**)

**(10) Applicants must include a signed copy of the assurances as required by Section 10407 (a) (2) (B) (See Appendix A).**

**Appendix A: “Assurances of Compliance with Grant Requirements” (signed copy attached)**

**Appendix B: “LGBTQ Accessibility Policy” (signed copy attached)**

**Appendix C: “Certification Regarding Lobbying” (signed copy attached)**

Tennessee - FFY 2015 FVPSA Application

## **APPENDICES**

- **Appendix A: ASSURANCES OF COMPLIANCE WITH GRANT REQUIREMENTS**
- **Appendix B: LGBTQ ACCESSIBILITY POLICY**
- **Appendix C: SIGNED CERTIFICATIONS**
  - **FILING AND PAYMENT OF FEDERAL TAXES**
  - **LOBBYING**
  - **DEBARMENT (PRIMARY)**
  - **DEBARMENT (LOWER TIER)**
  - **DRUG FREE WORK PLACE**
  - **ENVIRONMENTAL TOBACCO SMOKE**
  - **MAINTENANCE OF EFFORT CERTIFICATION**
- **Appendix D: SF-424**

**APPENDIX A**  
**“ASSURANCES OF COMPLIANCE WITH GRANT  
REQUIREMENTS”**

## Appendix A

### Assurances of Compliance with Grant Requirements

The undersigned grantee certifies that:

(1) Grant funds under the Family Violence Prevention Services Act (FVPSA) will be distributed to local public agencies or nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations) that assist victims of family violence, domestic violence, or dating violence (as defined in Section 10402(2-4), and their dependents, and have a documented history of effective work concerning family violence, domestic violence, or dating violence (Section 10408(c)).

(2) Grant funds will be used for programs and projects within the State that are designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services and access to community-based programs for adult and youth victims, as well as specialized services for children exposed to domestic violence, underserved populations, and those who are members of racial and ethnic minority populations (as defined in Section 10406(a)(1-3)).

(3) In distributing the funds, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by non-profit, private organizations, and that have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents or those which provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents (Section 10407(a)(2)(B)(iii)).

(4) Not less than 70 percent of the funds distributed shall be for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents (Section 10408(b)(2)).

(5) Not less than 25 percent of the funds distributed shall be for the purpose of providing supportive services and prevention services as described in Section 10408(b)(2) to victims of family violence, domestic violence, or dating violence, and their dependents).

(6) Not more than 5 percent of the funds will be used for State administrative costs (Section 10407(a)(2)(b)(i)).

(7) The State grantee is in compliance with the statutory requirements of Section 10407(a)(2)(C), regarding the equitable distribution of grants and grant funds within the State and between urban and rural areas within the State.

(8) The State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grant funds and the administration of the grant programs and projects (Section 10407(a)(2)(D)).

- (9) Grant funds made available under this program by the State will not be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim (Section 10408(d)(1)).
- (10) No income eligibility standard will be imposed on individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out the FVPSA (Section 10406(c)(3)).
- (11) No fees will be levied for assistance or services provided with funds appropriated to carry out the FVPSA (Section 10406(c)(3)).
- (12) The address or location of any shelter or facility assisted under the FVPSA that otherwise maintains a confidential location will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public (Section 10406(c)(5)(H)).
- (13) The applicant has established policies, procedures, and protocols to ensure compliance with the provisions of Section 10406(c)(5) regarding non-disclosure of confidential or private information (Section 10407(a)(2)(A)).
- (14) Pursuant to Section 10406(c)(5), the applicant will comply with requirements to ensure the non-disclosure of confidential or private information, which include, but are not limited to: (1) grantees will not disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantee's funded activities or reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for the FVPSA-funded activities or any other Federal or State program and in accordance with Section 10406(c)(5)(B)(ii); (2) grantees will not release information compelled by statutory or court order unless adhering to the requirements of Section 10406(c)(5)(C); (3) grantees may share non-personally identifying information in the aggregate for the purposes enunciated in Section 10406(c)(5)(D)(i) as well as for other purposes found in Section 10406(c)(5)(D)(ii) and (iii).
- (15) Grants funded by the State in whole or in part with funds made available under the FVPSA will prohibit discrimination on the basis of age, disability, sex, race, color, national origin, or religion (Section 10406(c)(2)).
- (16) Funds made available under the FVPSA will be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the objectives of the FVPSA (Section 10406(c)(6)).
- (17) Receipt of supportive services under the FVPSA will be voluntary. No condition will be applied for the receipt of emergency shelter as described in Section 10408(d)(2)).
- (18) The State grantee has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures (Section 10407(a)(2)(H)).

Larry B. Martin

Signature

Commissioner

Title

TN Department of FINANCE AND ADMINISTRATION

Organization

**APPENDIX B**  
**“LGBTQ ACCESSIBILITY POLICY”**

**Appendix B**

**LGBTQ Accessibility Policy**

As the Authorized Organizational Representative (AOR) signing this application on behalf of  
[Insert full, formal name of applicant organization]

I hereby attest and certify that:

The needs of lesbian, gay, bisexual, transgender, and questioning program participants are taken into consideration in applicant's program design. Applicant considered how its program will be inclusive of and non-stigmatizing toward such participants. If not already in place, awardee and, if applicable, sub-awardees must establish and publicize policies prohibiting harassment based on race, sexual orientation, gender, gender identity (or expression), religion, and national origin. The submission of an application for this funding opportunity constitutes an assurance that applicants have or will put such policies in place within 12 months of the award. Awardees should ensure that all staff members are trained to prevent and respond to harassment or bullying in all forms during the award period. Programs should be prepared to monitor claims, address them seriously, and document their corrective action(s) so all participants are assured that programs are safe, inclusive, and non-stigmatizing by design and in operation. In addition, any sub-awardees or subcontractors:

- Have in place or will put into place within 12 months of the award policies prohibiting harassment based on race, sexual orientation, gender, gender identity (or expression), religion, and national origin;
- Will enforce these policies;
- Will ensure that all staff will be trained during the award period on how to prevent and respond to harassment or bullying in all forms, and;
- Have or will have within 12 months of the award, a plan to monitor claims, address them seriously, and document their corrective action(s).

Insert Date of Signature: *January 29, 2015*

Print Name and Title of the AOR: *Larry B. Martin, Commissioner*

Signature of AOR: *Larry B. Martin*

**APPENDIX C**  
**SIGNED CERTIFICATIONS:**

- **FILING AND PAYMENT OF FEDERAL TAXES**
- **LOBBYING**
- **DEBARMENT (PRIMARY)**
- **DEBARMENT (LOWER TIER)**
- **DRUG FREE WORK PLACE**
- **ENVIRONMENTAL TOBACCO SMOKE**
- **MAINTENANCE OF EFFORT CERTIFICATION**

**Certification of Filing and Payment of Federal Taxes**

As required by the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 2008 (Public Law 110-161, Division G, Title V, section 523), as a prospective financial assistance recipient entering into a grant or cooperative agreement of more than \$5,000,000, I, as the duly authorized representative of the applicant, do hereby certify to the best of my knowledge and belief, that:

1.  The applicant has filed all Federal tax returns required during the three years preceding this certification;

**AND**

2.  The applicant has not been convicted of a criminal offense pursuant to the Internal Revenue Code of 1986 (U.S. Code – Title 26, Internal Revenue Code);

**AND**

3.  The applicant has not, more than 90 days prior to this certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

\_\_\_\_\_  
Signature of Authorized Certifying Official

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Grant/Cooperative Agreement Reference Number

NOT APPLICABLE



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## CERTIFICATION REGARDING LOBBYING

Listen

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

<http://www.acf.hhs.gov/grants/certification-regarding-lobbying>

1/21/2015

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Jay B. Ostrow

Title

Commissioner

Organization

Dept of Finance AND Administration, State of TN

BACK TO TOP

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## CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS (PRIMARY)

Listen

### **Certification Regarding Debarment, Suspension, and Other Responsibility Matters-- Primary Covered Transactions**

#### Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective

primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

\*\*\*\*\*

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**BACK TO TOP**

# **CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS (LOWER TIER)**

Listen

## **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-- Lower Tier Covered Transactions**

### Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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# CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Listen

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

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## **Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)**

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

*Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

*Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

*Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

*Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

### Certification Regarding Drug-Free Workplace Requirements

#### Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about --

1. The dangers of drug abuse in the workplace;
2. The grantee's policy of maintaining a drug-free workplace;
3. Any available drug counseling, rehabilitation, and employee assistance programs; and
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --

1. Abide by the terms of the statement; and
2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --

1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

---

---

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

**BACK TO TOP**

## CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE

Listen

The Pro-Children Act of 2001, 42 U.S.C. 7181 through 7184, imposes restrictions on smoking in facilities where Federally-funded children's services are provided. HHS grants are subject to these requirements only if they meet the Act's specified coverage. The Act specifies that smoking is prohibited in any indoor facility (owned, leased, or contracted for) used for the routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18. In addition, smoking is prohibited in any indoor facility or portion of a facility (owned, leased, or contracted for) used for the routine or regular provision of federally funded health care, day care, or early childhood development, including Head Start services to children under the age of 18. The statutory prohibition also applies if such facilities are constructed, operated, or maintained with Federal funds. The statute does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, portions of facilities used for inpatient drug or alcohol treatment, or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per violation and/or the imposition of an administrative compliance order on the responsible entity.

[BACK TO TOP](#)

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## **CERTIFICATION REGARDING MAINTENANCE OF EFFORT**

Listen

In accordance with the applicable program statute(s) and regulation(s), the undersigned certifies that financial assistance provided by the Administration for Children and Families, for the specified activities to be performed under the State of TN Program by Dept of Finance & Administration (Applicant Organization), will be in addition to, and not in substitution for, comparable activities previously carried on without Federal assistance.

Samy B. Martin  
Signature of Authorized Certifying Official

Commissioner  
Title

January 29, 2015  
Date

BACK TO TOP

**APPENDIX D**

**THE SF-242 FORM**

APPLICATION FOR FEDERAL ASSISTANCE SF-424 - MANDATORY			
<b>1.a. Type of Submission:</b> <input checked="" type="checkbox"/> Application <input type="checkbox"/> Plan <input type="checkbox"/> Funding Request <input type="checkbox"/> Other Other (specify): <input type="text"/>		<b>1.b. Frequency:</b> <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Quarterly <input type="checkbox"/> Other Other (specify): <input type="text"/>	
		<b>1.d. Version:</b> <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Resubmission <input type="checkbox"/> Revision <input type="checkbox"/> Update	
		<b>2. Date Received:</b> <input type="text" value="01/26/2015"/>	<b>STATE USE ONLY:</b>
		<b>3. Applicant Identifier:</b> <input type="text"/>	<b>5. Date Received by State:</b> <input type="text"/>
		<b>4a. Federal Entity Identifier:</b> <input type="text"/>	<b>6. State Application Identifier:</b> <input type="text"/>
		<b>4b. Federal Award Identifier:</b> <input type="text"/>	
<b>1.c. Consolidated Application/Plan/Funding Request?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <input type="button" value="Explanation"/>			
<b>7. APPLICANT INFORMATION:</b>			
<b>a. Legal Name:</b> <input type="text" value="Tennessee Department of Finance and Administration"/>			
<b>b. Employer/Taxpayer Identification Number (EIN/TIN):</b> <input type="text" value="62-6001448"/>		<b>c. Organizational DUNS:</b> <input type="text" value="1031232900000"/>	
<b>d. Address:</b>			
<b>Street1:</b> <input type="text" value="312 Rosa L. Parks Avenue, Suite 1800"/>		<b>Street2:</b> <input type="text"/>	
<b>City:</b> <input type="text" value="Nashville"/>		<b>County / Parish:</b> <input type="text"/>	
<b>State:</b> <input type="text" value="TN: Tennessee"/>		<b>Province:</b> <input type="text"/>	
<b>Country:</b> <input type="text" value="USA: UNITED STATES"/>		<b>Zip / Postal Code:</b> <input type="text" value="37243-1102"/>	
<b>e. Organizational Unit:</b>			
<b>Department Name:</b> <input type="text"/>		<b>Division Name:</b> <input type="text"/>	
<b>f. Name and contact information of person to be contacted on matters involving this submission:</b>			
<b>Prefix:</b> <input type="text" value="Mr."/>	<b>First Name:</b> <input type="text" value="Maher"/>	<b>Middle Name:</b> <input type="text"/>	
<b>Last Name:</b> <input type="text" value="Wasef"/>		<b>Suffix:</b> <input type="text"/>	
<b>Title:</b> <input type="text" value="Accountant"/>			
<b>Organizational Affiliation:</b> <input type="text"/>			
<b>Telephone Number:</b> <input type="text" value="615-253-7985"/>		<b>Fax Number:</b> <input type="text"/>	
<b>Email:</b> <input type="text" value="Maher.M.Wasef@tn.gov"/>			

APPLICATION FOR FEDERAL ASSISTANCE SF-424 - MANDATORY	
<b>8a. TYPE OF APPLICANT:</b>	
<input type="text" value="A: State Government"/>	
Other (specify): <input type="text"/>	
<b>b. Additional Description:</b>	
<input type="text" value="Family Violence Prevention and Services"/>	
<b>9. Name of Federal Agency:</b>	
<input type="text" value="Department of Health and Human Services,ACYF, FYSB"/>	
<b>10. Catalog of Federal Domestic Assistance Number:</b>	
<input type="text" value="93.671"/>	
CFDA Title: <input type="text"/>	
<b>11. Descriptive Title of Applicant's Project:</b>	
<input type="text" value="Family Violence Prevention and Services Grants to States for Domestic Violence Shelters and Supportive Services."/>	
<b>12. Areas Affected by Funding:</b>	
<input type="text"/>	
<b>13. CONGRESSIONAL DISTRICTS OF:</b>	
<b>a. Applicant:</b>	<b>b. Program/Project:</b>
<input type="text" value="TN05"/>	<input type="text"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
<b>14. FUNDING PERIOD:</b>	
<b>a. Start Date:</b>	<b>b. End Date:</b>
<input type="text" value="09/01/2015"/>	<input type="text" value="09/30/2016"/>
<b>15. ESTIMATED FUNDING:</b>	
<b>a. Federal (\$):</b>	<b>b. Match (\$):</b>
<input type="text" value="1,854,948.00"/>	<input type="text"/>
<b>16. IS SUBMISSION SUBJECT TO REVIEW BY STATE UNDER EXECUTIVE ORDER 12372 PROCESS?</b>	
<input type="checkbox"/> a. This submission was made available to the State under the Executive Order 12372 Process for review on: <input type="text"/>	
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by State for review.	
<input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.	

**APPLICATION FOR FEDERAL ASSISTANCE SF-424 - MANDATORY**

17. Is The Applicant Delinquent On Any Federal Debt?

Yes  No

18. By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

\*\* I Agree

\*\* This list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:

Mr.

First Name:

Maheer

Middle Name:

Last Name:

Wasef

Suffix:

Title:

Accountant

Organizational Affiliation:

Telephone Number:

615-253-7985

Fax Number:

Email:

Maheer.M.Wasef@tn.gov

Signature of Authorized Representative:

Maheer M. Wasef

Date Signed:

01/26/2015

Attach supporting documents as specified in agency instructions.

**APPLICATION FOR FEDERAL ASSISTANCE SF-424 - MANDATORY**

**Consolidated Application/Plan/Funding Request Explanation:**

[Empty text box for explanation]

**APPLICATION FOR FEDERAL ASSISTANCE SF-424 - MANDATORY**

**Applicant Federal Debt Delinquency Explanation:**

[Empty text box for explanation]

## **ATTACHMENTS A THROUGH F**

**Attachment A: TENNESSEE MAP –FAMILY VIOLENCE PREVENTION AND SERVICES ACT SERVICE AREA**

**Attachment B: TENNESSEE MAP –URBAN/RURAL COUNTIES**

**Attachment C: OCJP ADMINISTRATIVE MANUAL GUIDES ON CONFIDENTIALITY (FY 2015 Version)**

**Attachment D: TENNESSEE CODE ANNOTATED 36-3-623**

**Attachment E: TENNESSEE’S FAMILY VIOLENCE SHELTER STANDARDS/RULES/CHAPTER 0620-3-6**

**Attachment F: TENNESSEE CODE ANNOTATED 36-3-606, EVICTION OF ABUSING SPOUSE LEGISLATION**

**ATTACHMENT A**  
**TENNESSEE MAP OF FAMILY VIOLENCE  
PREVENTION AND SERVICES ACT (FVPSA)  
SERVICE AREA  
2015**



**ATTACHMENT B**  
**TENNESSEE MAP OF URBAN AND RURAL**  
**COUNTIES**  
**2015**



**ATTACHMENT C**  
**TENNESSEE OFFICE OF CRIMINAL JUSTICE**  
**PROGRAMS (OCJP)**  
**ADMINISTRATIVE MANUAL GUIDES**  
**CONFIDENTIALITY**  
**2015**

## CHAPTER VIII CONFIDENTIALITY POLICY

### CONFIDENTIALITY POLICY

Each agency that receives a grant from the Office of Criminal Justice Programs (OCJP) to provide direct services to victims of domestic violence, sexual assault, dating violence or stalking should have a confidentiality policy in place. Confidentiality statements should be signed by all staff, volunteers, interns, board members, etc. and should state, at a minimum, that s/he will protect the personally identifying information of all persons contacting the agency for service, regardless of whether these persons actually receive services from the agency.

Personally identifying information includes any information that could reveal the identity or disclose the location of a victim of domestic violence, sexual assault, dating violence or stalking but would commonly include the following information:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone number, web address or postal address);
- Social security number, Driver's license number, Passport number, Student ID number;
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

**Agencies should ensure that all client information that contains personally identifying information is kept out of view from clients, visitors, volunteers and others who do not provide direct services to clients.**

Client information should be stored in a locked file when not in use by a service provider. Clients receiving non-residential services, including crisis callers, should also be included under the agency's confidentiality policy. Agencies should not use a log-in sheet to collect the names and other personally identifying information of crisis callers if this log will be in the view of clients, visitors, volunteers or others who do not provide direct services to clients. If an agency chooses to use a log-in sheet for crisis-callers that includes personally identifying information, then the log must be kept in a locked drawer, file cabinet, etc. when not in use by a service provider.

**Agencies should never ask support group participants to sign a log-in sheet with their first and last name or any other personally identifying information. Agencies should tell a support group participant that signing in is optional.**

Agencies may share non-personal identifying data **in the aggregate** regarding services to their clients and non-personal identifying demographic information in order to comply with Federal or State reporting, evaluation, or data collection requirements.

Agencies may share court-generated information and law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes. Agencies may share law enforcement and prosecution generated information necessary for law enforcement and prosecution purposes.

### **RELEASE OF INFORMATION**

The agency must have in place procedures regarding the disclosure of personally identifying information. Information should never be released or shared with another individual or agency without the signed release by the client.

**A Release of Information must be written, informed, and reasonably time-limited, depending on the situation. As a rule, the Release of Information should not exceed a 15 to 30 day time period.** Agencies must write a specific date of expiration on the signed release of information form. **At a minimum**, the client should understand what information will be shared, why the information will be shared, and who will have access to the information. **A separate Release of Information should be signed by the client for each agency to which communication will be made on behalf of the client. A signed Release of Information must not be a condition of services.** A sample Release of Information form can be found in Appendix G.

The agency's confidentiality policy should prohibit the release of client's personally identifying information unless:

- Client has signed a written release of information
- Court order has been issued
- Statutory requirement (e.g. mandatory reporting of child abuse)

Staff, board members, and agency volunteers must understand that they cannot reveal personally identifying information about a client when communicating with another individual/agency unless the client has given written permission by signing a Release of Information

The client should sign the release unless s/he is an unemancipated minor or a disabled adult, defined as "any person eighteen (18) years of age or older, determined by the court to be in need of partial or full supervision, protection and assistance by reason of mental illness, physical illness or injury, developmental disability or other mental or physical incapacity." (See Tennessee Annotated Title 34, Guardianships, Chapter 1, and Section 101(7).) Minors who are permitted to receive services without parent or guardian consent are allowed to authorize their release of information without parent or guardian consent. In the case of a minor, the minor and a parent or guardian should sign the release; in the

case of a disabled adult, a legally appointed guardian should sign it. The abuser of the minor or person with disabilities, or the abuser of the other parent of the minor, may not give consent.

If a release is compelled by statutory requirement or court order, then the agency must make reasonable attempts to notify affected victims and take steps necessary to protect the privacy and safety of such victims.

**NOTE:** Agencies may be requested to submit client stories to OCJP, federal funders for reporting to Congress, to board members, newspapers or other media outlets. Due to the details shared in a client's story, the client should sign a Release of Information pertaining to the content of their personal story, as well as to the ways in which the personal story will be used. Clients must be made aware that their stories are being shared publicly and that their name will remain confidential. Notation should be made at the end of all client stories that the names are fictitious. Finally, care must be taken never to inadvertently make a victim feel as though s/he is obliged to "help" the organization by sharing her/his personal story.

#### **ACCESS TO CLIENT RECORDS**

The Office of Criminal Justice Programs generally conducts at least one monitoring visit to a subrecipient agency during any three-year grant contract period. In addition, from time to time, federal granting agencies may monitor the Office of Criminal Justice Programs and as part of this monitoring process may wish to visit and review files from some of OCJP's subrecipients. Federal agencies may include the Office on Violence Against Women, the Office for Victims of Crime, and the Department of Health and Human Services.

When client case files are reviewed by OCJP or a federal agency<sup>1</sup>, appropriate steps must be taken by the agency to protect the identity of the client. OCJP has committed to strengthening its victim confidentiality policy; effective May 1, 2010 OCJP required that victim service agencies black-out (redact) all personally identifying information from client files that will be reviewed by OCJP monitors. (The only exceptions to this new policy are law enforcement, prosecutors and victim-witness programs.)

Personally identifying information includes:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone number, web address or postal address);
- Social security number; and

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<sup>1</sup> May include one or more of the federal agencies with whom OCJP contracts.

- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

Agencies will no longer have an option to use the Release of Information for OCJP Monitors. Instead, all files chosen for review by the OCJP monitor must have personally identifying information blacked out before the monitor reviews the file.

Monitoring not only includes Programmatic Monitoring covering client services but also covers Fiscal Monitoring. There may be documents that will be reviewed by the Fiscal Monitor which would reveal client information. Subrecipients should be cautious when providing the Fiscal Monitor such things as cancelled checks or general ledgers with victims' names who have received special assistance. The same process of covering the names should be followed for both Programmatic and Fiscal Monitoring as described in the paragraph below.

OCJP recommends the following process when preparing client files for an OCJP monitor's visit. Copy the file that has been designated for review or print a copy of the client data from an electronic file. Use a black Sharpie pen to black-out all personally identifying information from the file. Make a copy of the blacked-out paperwork to ensure that the personally identifying information cannot be read. If the personally identifying information is visible to the OCJP monitor, this may be cause for a finding.

OCJP Program Managers are available for any clarification about preparing confidential documents for monitoring or any other concerns about confidentiality. For more information on Victim Services and Confidentiality please see:

<http://www.nnedv.org/policy/issues/vawaconfidentiality.html>

<http://www.nnedv.org/policy/issues/confidentiality.html>

[http://nnedv.org/docs/SafetyNet/OVW/NNEDV\\_ConfidentialityReleasesFAQ\\_2011.pdf](http://nnedv.org/docs/SafetyNet/OVW/NNEDV_ConfidentialityReleasesFAQ_2011.pdf)

**ATTACHMENT D**  
**TENNESSEE CODE ANNOTATED 36-3-623**  
**CONFIDENTIALITY OF RECORDS OF SHELTERS**  
**OR CENTERS**

Section 36-3-623 Confidentiality of records of shelters or centers

The records of domestic violence shelters and rape crisis centers shall be treated as confidential by the records custodian of such shelters or centers, unless:

- (1) The individual to whom the records pertain authorizes their release; or
- (2) A court approves a subpoena for the records, subject to such restrictions as the court may impose, including in camera review.

**HISTORY:** Acts 1999, ch. 344, § 5; 2005, ch. 226, § 1.

**ATTACHMENT E**  
**RULES OF TENNESSEE DEPARTMENT OF**  
**FINANCE AND ADMINISTRATION**  
**CHAPTER 0620-3-6**  
**FAMILY VIOLENCE SHELTER STANDARDS**

RULES  
OF  
DEPARTMENT OF FINANCE AND ADMINISTRATION

CHAPTER 0620-3-6  
FAMILY VIOLENCE SHELTER STANDARDS

TABLE OF CONTENTS

0620-3-6-.01	Background and Purpose	0620-3-6-.05	Minimum Requirements For Shelter Services
0620-3-6-.02	Individual Eligibility Requirements For Family Violence Shelter and/or Shelter Services	0620-3-6-.06	Counseling for Perpetrators
0620-3-6-.03	Program Requirements for Funding	0620-3-6-.07	Program Administration
0620-3-6-.04	Minimum Standards For Family Violence Shelters	0620-3-6-.08	Service Delivery Process
		0620-3-6-.09	Agency Requirements

**0620-3-6-.01 BACKGROUND AND PURPOSE.**

- (1) In July 1998, the Tennessee Department of Finance and Administration was designated the single state agency to administer the family violence programs funded with State monies under Public Chapter 930, Acts of 1984 (T.C.A. 71-6-201, et seq.) and for administering the Federal funds under the Family Violence Prevention and Services Act. The Department of Human Services previously administered these funds and had convened a subcommittee of the Family Violence and Child Abuse Prevention Advisory Committee to develop performance standards for family violence shelters and shelter services which obtained funding from this legislation.
- (2) These performance standards developed for family violence shelters and shelter services are stated as minimum requirements to be addressed in order to receive funding from State and Federal family violence sources. Services provided through other funding sources or to individuals deemed ineligible under State or Federal guidelines are not subject to these performance standards.
- (3) These performance standards:
  - (a) provide a framework within which family violence shelters can develop a secure environment for residents and within which quality shelter services can be organized, delivered and evaluated;
  - (b) define and describe the components of the service; and
  - (c) delineate requirements which must be met during the service delivery process.
- (4) Compliance with these standards is a condition of the contract between the Department and each agency which provides a family violence shelter and/or shelter services. Each agency must meet all the requirements established by the standards in order to be in full contractual compliance.

*Authority:* T.C.A. §§4-5-202, 71-6-203(7), and Public Acts of 1998, Chapter 1135, Section 41, Item 44.  
*Administrative History:* Original rule filed August 7, 2001; effective December 28, 2001.

**0620-3-6-.02 INDIVIDUAL ELIGIBILITY REQUIREMENTS FOR FAMILY VIOLENCE SHELTER AND/OR SHELTER SERVICES.**

- (1) To receive shelter and/or services, an individual (victim) must customarily reside in a household with the perpetrator; and be
- (2) An individual who has had his/her welfare put at risk by the perpetrator, or upon whom the perpetrator has caused or attempted to cause bodily injury or has established fear of imminent physical harm by threat or action.

December, 2001 (Revised)

1

(Rule 0620-3-6-.02, continued)

- (3) Individuals are eligible for services if they meet the above requirements, and are adults eighteen years of age or older or emancipated minors, regardless of sex, mental functioning, or handicap; or are
- (4) Children or dependent of the eligible individual.
- (5) Some eligible individuals may be subject to Referral Services, as provided in rule 0620-3-6-.05(2)(b).

*Authority: T.C.A. §§4-5-202 and 71-6-203. Administrative History: Original rule filed August 7, 2001; effective December 28, 2001.*

#### 0620-3-6-.03 PROGRAM REQUIREMENTS FOR FUNDING.

Family violence programs funded with State monies under Title 71 Chapter 6 of Tennessee Code Annotated shall include, at minimum, a family violence shelter as defined below and a series of shelter services considered vital to the needs of the victim, children and dependents. Shelter services shall be available to eligible individuals whether or not residency in a shelter is required. Shelter services may be provided within a shelter facility and/or outside a shelter facility. Minimum standards for Family Violence Shelters and Shelter Services as stated in rule 0620-3-6-.04 and 0620-3-6-.05, must be met in order to receive State funding. Eight core services must be provided for victims of family violence in a family violence program: Shelter, Telephone Crisis Hotline, Referral, Counseling for Family Violence Victims, Advocacy for Family Violence Victims, Transportation Arrangements, Follow-up, and Community Education.

*Authority: T.C.A. §§4-5-202 and 71-6-203. Administrative History: Original rule filed August 7, 2001; effective December 28, 2001.*

#### 0620-3-6-.04 MINIMUM STANDARDS FOR FAMILY VIOLENCE SHELTERS.

- (1) Definitions - For purposes of this chapter, a Family Violence Shelter is a place where only family violence victims, their children, and dependents can seek temporary refuge 24 hours a day, seven days a week, 365 days a year. This definition includes a program which operates a shelter under which safe homes or commercial lodgings are used as a refuge for family violence victims, their children and dependents. Commercial lodging is the least acceptable residential service to be provided. Standards which apply to safe homes and commercial lodging are outlined in paragraphs 3 and 4. Shelter facilities must have confidential locations and be located in separate facilities that exclusively serve family violence victims and their dependents. Eligible programs must have some form of shelter at the time of application with definite plans of opening a facility with a confidential location.
- (2) Physical Plant-Shelter
  - (a) The Department shall review shelter programs to determine compliance with certain requirements pertaining to fire, health and safety. Compliance with the requirements of Chapter 21 of the Life Safety Code (Fire Standards) to become effective July 1, 1992, incorporated herein by reference, however, shall not relieve the agency from the legal responsibility of complying with all other applicable health and safety codes and standards. The following requirements will be monitored by the Department.
    1. No lead paint or peeling paint in the shelter or on shelter walls, furniture, cabinets, doors, windows, stairs, and porches; and
    2. All hazardous material must be safely secured and stored away from the reach of children.
    3. All electrical outlets not in use must contain child proof plugs.

(Rule 0620-3-6-.04, continued)

- (b) A shelter program must have arrangements for the provision of food. In a shelter, this includes access to cooking facilities, refrigeration and utensils or equipment.
  - (c) A shelter program must have bathing, lavatory and toilet facilities available on the premises. The shelter program will provide access to laundry facilities.
  - (d) A shelter program must have sleeping beds available for each person in residence. Cribs or playpens must be available for infants and toddlers.
  - (e) A shelter program must provide a centrally located secure storage for medication belonging to residents.
  - (f) A shelter program must provide residents access to telephone communications.
  - (g) A shelter program must provide that all external entrances or exits, including doors, windows, skylights, cellars, etc., are securable.
  - (h) A shelter program must provide access to supplies for personal hygiene of the residents.
  - (i) A shelter program must provide a reasonably safe and comfortable environment in which to reside, which includes heat, ventilation, and cleanliness. A shelter must have adequate heating and equipment to be comfortable whenever necessary. A shelter must have carbon monoxide detectors installed and centrally located, if gas appliances are used.
  - (j) A shelter program must prohibit possession and use of weapons, alcohol or illegal drugs on its premises.
  - (k) A shelter program must have a secure play space for children and appropriate play equipment.
- (3) Program-Shelter, Safe Home, Commercial Lodging
- (a) A shelter program must provide all residents of their facility an orientation to the premises. This orientation will also include an explanation of facility rules, rights and responsibilities of the residents and the operating procedure of the facility.
  - (b) A shelter program must have a written policy which establishes 24 hour immediate access to staff or trained volunteers. This access may include an individual on the premises or on-call. This access must be available to residents in shelters, safe homes, or commercial lodging. This policy must be made available to all residents.
  - (c) A shelter program must have a written plan for fire and/or tornado evacuation. Evacuation plans must be posted; and reviewed during orientation. Fire and tornado drills must be held periodically.
  - (d) A shelter program must have a written policy concerning the security of resident's belongings.
  - (e) A shelter program must have a written policy which provides for security and confidentiality of residents' location. This policy must include procedures regarding intruders or trespassers, contact with law enforcement, and access to staff or the designated person 24 hours a day.
  - (f) A shelter program must provide access to a telephone and have a written policy for utilization of the telephone by residents.

(Rule 0620-3-6-.04, continued)

- (g) A shelter must have a written policy and procedure for emergency medical needs and routine medical needs of shelter residents.
- (h) A shelter program must have services for child residents which include:
  - 1. Staff or volunteers trained to meet needs of children.
  - 2. Provisions of counseling and/or advocacy for children.
  - 3. Provisions for adequate and secure indoor play space and recreational activities. Outdoor space, where available, should be adequate and secure.
  - 4. Age appropriate intervention activities based on needs of individual child.
  - 5. Written policy concerning educational plan for children in the shelter.
  - 6. Written policy concerning non-violent discipline to be practiced by staff and residents alike.
  - 7. Written policy regarding child care.
  - 8. Written policy and procedure regarding and requiring reporting of child abuse to the Department of Children's Services.
  - 9. Written policy regarding the rights and responsibilities of children and an orientation of these children, where age appropriate, to these rights and responsibilities.
  - 10. Provision of infant care seats when transporting young children.
- (4) Safe Homes/Commercial Lodging - Standards described in section 3 apply to shelter, safe homes, and commercial lodging as residential services. Additional standards specifically for safe homes and commercial lodging include:
  - (a) The shelter program must have a written process for the selection and continued evaluation of safe homes.
  - (b) The shelter program must provide adequate and appropriate training for safe home providers.
  - (c) Safe home providers must have a written statement of rights and responsibilities provided by the shelter program.
  - (d) Safe homes must provide sleeping privacy for guests and access to bathing and laundry facilities, food and telephone access.
  - (e) The shelter program will assure that residents of a safe home system or commercial lodging have equal access to all the core services including daily contact by staff or trained volunteer.
  - (f) Although commercial lodging is available for use by shelter programs, it is the least preferable type of residential service. Programs are encouraged to develop a safe home network system or ideally a shelter facility for permanent residential services to assure quality service delivery.

*Authority: T.C.A. §§4-5-202, 71-6-201, 71-6-203(7), 71-6-204, and Public Acts of 1998, Chapter 1135, Section 41, Item 44. Administrative History: Original rule filed August 7, 2001; effective December 28, 2001.*

## 0620-3-6-.05 MINIMUM REQUIREMENTS FOR SHELTER SERVICES.

- (1) Definitions - For purposes of this chapter, Shelter Services are activities which are provided to eligible victims of family violence, their children and dependents as part of an organized program which may or may not include residential services through a family violence shelter. The program of shelter services should be organized to include all of the described core services which are basic to the needs of the victim, their children and dependents.
- (2) Core Services
  - (a) Twenty-four Hour Access to Telephone Crisis Hotline. This service may be a contracted service, may be operated directly by staff or trained volunteers, or may be on call forwarding system if available. Answering machines may not be used, except in localities where call forwarding is not available. Then, the answering machine may be used only for restricted periods of time, up to a maximum of one hour per usage. The immediate return of calls received on an answering machine or through the contracted service is required.
  - (b) Referral. Appropriate linkage and access to community resources to meet the needs of the victims or their children or dependents is required. These linkages may include community services such as medical, legal, judicial, mental health, educational, housing, employment, financial and in-kind assistance, social, alcohol and drug rehabilitation and protective services for adults and children. Individuals who are eligible for shelter or shelter services, but who cannot be served in a program, shall receive referral services to a more appropriate program.
  - (c) Counseling for Family Violence Victims. This service may be provided on the telephone, or on an individual or group basis by the staff of the program or trained volunteers. This service must be provided to the victim. Children, dependents and significant family or support individuals may receive counseling on behalf of the victim. This service contrasts to therapy provided through a mental health service which is not a core service for intervention with victims of family violence. Individuals who require therapy in addition to counseling as part of their plan of service must be referred to mental health services within the community.
    1. The following types of counseling must be available:
      - (i) crisis intervention.
      - (ii) support counseling.
      - (iii) information sharing on domestic violence dynamics and other related issues.
      - (iv) individual planning to include assessment, goal and resource development, and evaluation.
      - (v) safety planning.
    - (d) Advocacy for Family Violence Victims. Advocacy for family violence victims shall occur at two levels in order to assure impact on the needs of the victims, children and dependents: individual advocacy and systems advocacy.
      1. Individual advocacy should include the following types of activities:
        - (i) preparation in using other community resources.
        - (ii) identification of significant individuals to contact.

(Rule 0620-3-6-.05, continued)

- (iii) establishing linkage with community resources.
  - (iv) facilitating provision of services.
  - (v) providing accompaniment and support to the victim.
2. Systems advocacy includes intervention with such organizations as medical, legal, judicial, educational, financial, social, mental health, transportation, law enforcement, religious, housing and employment.
  3. Advocacy activities within these organizations may include:
    - (i) establishing and maintaining linkage with community agencies and individuals.
    - (ii) training community agencies.
    - (iii) participating in appropriate professional organization and community services network.
- (e) Transportation Arrangements. This service may be provided by the most appropriate means for the area. Transportation arrangements may be provided by staff or volunteers in personal vehicles, commercial vehicles such as bus or cab, by local law enforcement officials, or by human service agency representatives. The client is encouraged to provide or arrange for transportation service when possible.
  - (f) Follow-Up. Follow-up service is specifically designed for individuals who have been residents of a shelter, safe home or commercial lodging. Follow-up services may include any of the core services to assist in stabilizing the victim's circumstances. Continued involvement of the program, type of follow-up service, and length of time available shall be determined by the client whenever possible or appropriate. Programs, whose follow-up service formalized for research or data purposes, must respect the victim's safety and confidentiality. Recontact for any purpose may be conducted only with the victim's written prior approval.
  - (g) Community Education. This service must be provided by staff or trained volunteers through public awareness campaigns, public speaking, training activities, and media messages with the following objectives in mind.
    1. informing the community of the services available.
    2. educating the community or specific groups on the issues of family violence.

*Authority: T.C.A. §§4-5-202 and 71-6-203. Administrative History: Original rule filed August 7, 2001; effective December 28, 2001.*

#### 0620-3-6-.06 COUNSELING FOR PERPETRATORS.

- (1) The primary focus of program services is to meet the needs of victims of family violence, their children or dependents. However, the law allows for the provision of services to the perpetrator. Programs may elect to provide services which target the perpetrator's needs only after all core services for the victims and their children and dependents are fully developed.
- (2) A shelter program may operate their own perpetrator's program or may contract with an independent program in the community. Program staff time may be used for the training of providers, referrals, court liaison work, and follow-up.

(Rule 0620-3-6-.06, continued)

- (3) Shelter programs which provide direct services to perpetrators or have staff linkage to perpetrator programs must:
  - (a) Operate with a philosophical base which recognizes battering as a crime, and as a responsibility of the perpetrator; which acknowledges battering as a complex issue which involves power struggles wherein one individual or group uses violence to exert control or maintain control over another; which recognizes that battering has been condoned and perpetrated by systems of discrimination in our society.
  - (b) Maintain a separate advisory committee for the perpetrator program and the victim program.
  - (c) Allow court mandated or voluntary program designs. A court mandated design shall maintain clearly enforceable consequences for non-compliance by the perpetrator.
  - (d) Operate the perpetrator program in a separate location from that which serves the victim, their children and/or dependents.
  - (e) Maintain direct contact with the victim's shelter program to ensure the continue safety of the victim, child and dependents.
  - (f) Assure the right of confidentiality of and between the perpetrator and victim.
  - (g) Assure that the provision of services to either the victim or the perpetrator is not conditional or contingent upon participation of either in the other's service plan.

*Authority: T.C.A. §§4-5-202 and 71-6-203. Administrative History: Original rule filed August 7, 2001; effective December 28, 2001.*

**0620-3-6-.07 PROGRAM ADMINISTRATION.**

- (1) The program must have a written non-discrimination policy with regard to sex, race, religion, sexual preference, national origin, disability, age or marital status in administering the program and in determining eligibility for the provision of service.
- (2) Each program must have written rules, regulations and statement of rights which are given to shelter residents and made available to non-residents as appropriate as part of the intake process. These should include:
  - (a) an explanation of services available;
  - (b) house rules, as appropriate;
  - (c) confidentiality;
  - (d) reasons and process for termination from program;
  - (e) program length of stay, availability of extension, and the process for re-entry to program;
  - (f) policy and procedures for child abuse reporting; and adult abuse reporting;
  - (g) grievance procedures.
- (3) Termination of Shelter/Services to Individuals. Program policy regarding termination must require:

(Rule 0620-3-6-.07, continued)

- (b) The shelter program must provide for an annual evaluation of its established goals and objectives.

*Authority:* T.C.A. §§4-5-202, 71-6-203(7), 71-6-208, and Public Acts of 1998, Chapter 1135, Section 41, Item 44.  
*Administrative History:* Original rule filed August 7, 2001; effective December 28, 2001.

**0620-3-6-.08 SERVICE DELIVERY PROCESS.**

- (1) The goal of all service delivery is to provide for crisis intervention and continued safety for the victim, children and dependents and to empower the victim to meet self-determined goals. The service delivery process involve four areas: intake, assessment, case plans, and case records. Staff and supervised trained volunteers may provide services.
- (2) Intake. The shelter program must have written policy regarding intake procedures. The policy shall address:
  - (a) availability of intake 24 hours a day, seven days a week.
  - (b) type and extent of information required to determine and document eligibility.
  - (c) procedure to assess immediate needs, including safety, and to determine appropriate services or referral, and
  - (d) clarification of access to program services.
- (3) Assessment. The shelter program must provide on-going assessment of each eligible participant and their situation. This assessment constitutes the basis upon which the service plan and safety plan are developed with each of the participants. The assessment is influenced by the following factors:
  - (a) the circumstances of the victims such as their age, physical condition and emotional state, and their level of danger or risk.
  - (b) responsibilities for children or dependents and their needs.
  - (c) strength of and access to family relationships and support networks.
  - (d) educational and personal skills levels, and economic resources available to structure a level of service provision.
  - (e) progress in achieving goals established in service plan (relates to assessment prior to development of safety plan).
- (4) Case Plans
  - (a) Three plans are available to structure service provisions for the eligible victim. Each of these plans is developed with the full participation and involvement of the victim. Each is outlined below.
  - (b) The first plan is termed a service plan. The plan will identify a goal, and outline the services and resources necessary to meet the goal and facilitate the safety of the individual. In addition, the plan will identify the staff responsible for coordination of service provisions and estimate the time frames for provision of the services.

(Rule 0620-3-6-.08, continued)

- (c) The second plan is the safety plan. This plan is developed with the full participation of staff or trained volunteers. The victim does not have to be a resident of a shelter facility to develop a safety plan. This plan is designed to give the victim options, and a plan of action, once the victim leaves the shelter or is thinking about leaving their abuser. Children should also complete a safety plan, when age appropriate.
  - (d) The third plan is the exit plan. This plan is developed, if possible, at the time the victim leaves the shelter. Such a plan may also be in order at the time the victim completed a shelter service. The exit plan will contain a brief synopsis or checkoff indicating progress on service provided. It will designate additional services needed and potential resources for those services. The safety plan is an integral part of the exit plan. During the development of the exit plan, the victim shall be notified of the availability of continued or additional services if re-entry is required. The victim must be provided an opportunity to evaluate the program of services.
- (5) Case Records
- (a) Case records are required on each participant. The case record must reflect the range of services provided to the victim, including services provided to children, dependents and perpetrator. Documentation of services provided must be brief and concise; documentation should be recorded in a professional manner. Documentation may vary from a single page form which documents a hot-line call to a full case narrative.
  - (b) Each case record, residential and non-residential must contain, as appropriate:
    - 1. intake information.
    - 2. assessment.
    - 3. service plan.
    - 4. exit plan which includes follow-up.
    - 5. safety plan.
  - (c) In addition, residential records shall include:
    - 1. health releases for participants.
    - 2. release of information forms.
    - 3. a copy of the rules, rights and responsibility sheet of the shelter which reflects the signature of the resident(s).

*Authority: T.C.A. §§4-5-202, 71-6-201, 71-6-203, and Public Acts of 1998, Chapter 1135, Section 41, Item 44.*  
*Administrative History: Original rule filed August 7, 2001; effective December 28, 2001.*

**0620-3-6-.09 AGENCY REQUIREMENTS.**

- (1) Administration
  - (a) The program administration must assure, to the extent feasible, that any funds allocated for family violence shelter or shelter services will be used to provide services in addition to those already provided by the Department of Finance and Administration.

(Rule 0620-3-6-.09, continued)

- (b) The program administration must be incorporated as a not-for-profit corporation, and be tax-exempt under section 501 of the Internal Revenue Code.
  - (c) The program administration shall comply with T.C.A. §§37-1-403, 37-1-605 and 71-6-103 by reporting cases of suspected abuse of children to the Department of Children's Services and suspected cases of abuse of adults to the Department of Human Services.
  - (d) The program administration must submit an annual report of each service funded to include as a minimum the following: statistics on the number and type of persons requesting services; the number of persons served; the type of service rendered and a general description of the social and economic characteristics of the person served; the number and type of referrals, including medical, legal and education services, made to other community resources; and any other information as may be required by the Department. No information contained in the report shall identify any person served or enable any person to determine the identity of such a person.
  - (e) The program administration shall be in compliance with the Title VI and VII of the Civil Rights Act of 1964, as amended, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and the Pro-Children's Act of 1994 (Public Law 103-227, Part C. Environmental Tobacco Smoke).
- (2) Governing Boards
- (a) All agencies must have a governing board which meets regularly with staff.
  - (b) All shelter programs which are incorporated in umbrella agencies must have a separate advisory body in addition to the governing board.
  - (c) A designated member of the advisory body must serve on the governing boards.
  - (d) Membership on the governing board or the advisory body, in the case of a shelter program incorporated into an umbrella agency, must consist of individuals who reside in the community served by the shelter program, who have an understanding of the problem of family violence, who have an interest in the prevention of family violence and who have an interest in the development and provision of services to victims of family violence.
  - (e) Membership of the governing or advisory body should be broad based, must reflect the racial and ethnic composition of the community served and should include representative victims of family violence.
  - (f) Women should hold a significant proportion of key decision-making positions on the governing board or advisory body.
  - (g) Board members must not be related by blood or marriage to other board members or staff, and must use good judgement to avoid even the appearance of a conflict of interest.
- (3) Personnel Requirements
- (a) The governing body must adopt and have implemented written program personnel policies which are reviewed annually. These policies, which pertain to paid personnel only, must address:
    - 1. non-discrimination in regard to sex, race, religion, sexual preference, national origin, disability, age or marital status;

(Rule 0620-3-6-.09, continued)

2. recruitment, selection, promotion, and termination;
  3. benefits;
  4. vacation, sick leave and annual leave accrual, compensatory time;
  5. rules of conduct;
  6. disciplinary actions;
  7. grievances;
  8. supervision; and
  9. written work performance evaluation.
- (b) Written job descriptions for all program positions must be available. These written descriptions shall include but not be limited to:
1. job title;
  2. tasks and responsibilities of the job;
  3. required skills, knowledge and experience;
  4. salary range; and
  5. lines of authority.
- (4) Staff Requirements
- (a) All staff employed with a shelter should possess an understanding of the issues of family violence.
- (b) Qualifications
1. program director: minimum requirements include a high school diploma or GED certification and additional life, work or educational experiences which apply to the duties and responsibilities outlined in the job description.
  2. support staff: minimum requirements include life, work or educational experiences which apply to the duties and responsibilities outlined in the job description. Such support staff positions could include coordinators, direct service case workers, house managers secretarial, maintenance, bookkeepers, and other such professional service workers.
- (c) Wage and Hour Requirements. The shelter program positions must be compensated in compliance with applicable federal and state laws which include the Fair Labor Standards Act.
- (d) Orientation. The shelter program must provide for a staff orientation, to include:
1. insuring overall familiarization with the agency and program purpose, objectives, structure and policy; and
  2. specific exposure to and training in the duties of the position.

(Rule 0620-3-6-.09, continued)

- (e) **Staff Development.** The shelter program must provide a written plan for staff development and training, to include:
1. initial training for new staff;
  2. on-going training for personnel;
  3. policy for leaves for conferences, classes or institutes; and
  4. regular staff meetings for discussion of program, problems, policies and method of practice.
- (f) **Volunteers.** A shelter program must have written policy and a plan on the use of all volunteers (direct service, maintenance, and transportation) to include:
1. an application filed and individual screening;
  2. a full description of duties and rights, including confidentiality policy and practices;
  3. provision for supervision;
  4. provision of role appropriate orientation, initial training and on-going training;
  5. guidelines and policy for termination; and
  6. policies and procedures for contracting of volunteer services.

This policy shall assure non-discrimination in regard to sex, race, religion, sexual preference, national origin, disability, age or marital status in the recruitment, and selection of volunteers and in placement of assignment. Where possible, volunteers should be selected to reflect the racial and ethnic composition of the community served by the shelter program.

*Authority: T.C.A. §§4-5-202, 71-6-201, 71-6-203(7), 71-6-204, and Public Acts of 1998, Chapter 1135, Section 41, Item 44. Administrative History: Original rule filed August 7, 2001; effective December 28, 2001.*

**ATTACHMENT F**  
**TENNESSEE CODE ANNOTATED 36-3-606**  
**EVICTON OF ABUSING SPOUSE LEGISLATION**

Section 36-3-606 Scope of protection order

(a) A protection order granted under this part to protect the petitioner from domestic abuse, stalking or sexual assault may include, but is not limited to:

- (1) Directing the respondent to refrain from committing domestic abuse, stalking or sexual assault or threatening to commit domestic abuse, stalking or sexual assault against the petitioner or the petitioner's minor children;
- (2) Prohibiting the respondent from coming about the petitioner for any purpose, from telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;
- (3) Prohibiting the respondent from stalking the petitioner, as defined in § 39-17-315;
- (4) Granting to the petitioner possession of the residence or household to the exclusion of the respondent by evicting the respondent, by restoring possession to the petitioner, or by both;
- (5) Directing the respondent to provide suitable alternate housing for the petitioner when the respondent is the sole owner or lessee of the residence or household;
- (6) Awarding temporary custody of, or establishing temporary visitation rights with regard to, any minor children born to or adopted by the parties;
- (7) Awarding financial support to the petitioner and such persons as the respondent has a duty to support. Except in cases of paternity, the court shall not have the authority to order financial support unless the petitioner and respondent are legally married. Such order may be enforced pursuant to chapter 5 of this title;
- (8) Directing the respondent to attend available counseling programs that address violence and control issues or substance abuse problems. A violation of a protection order or part of such order that directs counseling pursuant to this subpart may be punished as criminal or civil contempt. The provisions of § 36-3-610(a) apply with respect to a non-lawyer general sessions judge who holds a person in criminal contempt for violating this subdivision (a)(8);
- (9) Directing the care, custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor residing in the household. In no instance shall the animal be placed in the care, custody, or control of the respondent, but shall instead be placed in the care, custody or control of the petitioner or in an appropriate animal foster situation;
- (10) Directing the respondent to immediately and temporarily vacate a residence shared with the petitioner, pending a hearing on the matter, notwithstanding any provision of this part to the contrary; or
- (11) Directing the respondent to pay the petitioner all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property if the petitioner is a party to the lease or rental agreement and if the court finds that continuing to reside in the rented or leased premises may jeopardize the life, health and safety of the petitioner or the petitioner's children. Nothing in this subdivision (a)(11) shall be construed as altering the terms of, liability for, or parties to such lease or

rental agreement.

**(b)** Relief granted pursuant to subdivisions (a)(4)-(8) shall be ordered only after the petitioner and respondent have been given an opportunity to be heard by the court.

**(c)** Any order of protection issued under this part shall include the statement of the maximum penalty that may be imposed pursuant to § 36-3-610 for violating such order.

**(d)** No order of protection made under this part shall in any manner affect title to any real property.

**(e)** If the petitioner is a victim as defined in § 36-3-601(10) or (11), the provisions of subdivisions (a)(4) and (5) shall not apply to such petitioner.

**(f)** An order of protection issued pursuant to this part shall be valid and enforceable in any county of this state.

**(g)** An order of protection issued pursuant to this part that fully complies with 18 U.S.C. § 922(g)(8) shall contain the disclosures set out in § 36-3-625(a).

**HISTORY:** Acts 1979, ch. 350, §§ 6-8; T.C.A., §§ 36-1206 --36-1208; Acts 1987, ch. 270, §§ 7, 12; 1991, ch. 380, § 4; 1995, ch. 507, § 4; 1996, ch. 684, § 2; 1996, ch. 734, § 1, 2; 1997, ch. 459, §§ 2, 3; 2001, ch. 352, § 2; 2005, ch. 381, § 5; 2007, ch. 352, § 2; 2009, ch. 455, § 2; 2010, ch. 959, § 1; 2010, ch. 981, § 1; 2011, ch. 253, § 1; 2011, ch. 402, § 2.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

Grant

PAGE 1 OF 7

I. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102		4. AWARD NUMBER: 2014-MU-BX-0804	
		5. PROJECT PERIOD: FROM 10/01/2013 TO 09/30/2017 BUDGET PERIOD: FROM 10/01/2013 TO 09/30/2017	
		6. AWARD DATE 09/30/2014	7. ACTION
IA. GRANTEE IRS/VENDOR NO. 626001448		8. SUPPLEMENT NUMBER 00	Initial
		9. PREVIOUS AWARD AMOUNT	\$ 0
3. PROJECT TITLE Tennessee's Strategy for the FY 14 Edward Byrne Memorial Justice Assistance Grant		10. AMOUNT OF THIS AWARD	\$ 5,095,990
		11. TOTAL AWARD	\$ 5,095,990
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY14(BJA - JAG) 42 USC 3750, et seq.			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Larry B. Martin Commissioner	
17. SIGNATURE OF APPROVING OFFICIAL <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL <i>Larry B. Martin</i>	19A. DATE 10-3-14
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES			21. NMUUGT1765
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC. REG. SUB. POMS AMOUNT
X	B	DJ	80 00 00 5011625
X	B	DS	80 00 00 84365

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 7

PROJECT NUMBER 2014-MU-BX-0804

AWARD DATE 09/30/2014

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

AWARD CONTINUATION  
SHEET  
Grant

PAGE 3 OF 7

PROJECT NUMBER 2014-MU-BX-0804

AWARD DATE 09/30/2014

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available in the OJP Financial Guide Conference Cost Chapter.
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

*Handwritten signature/initials*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

AWARD CONTINUATION  
SHEET  
Grant

PAGE 4 OF 7

PROJECT NUMBER 2014-MU-BX-0804

AWARD DATE 09/30/2014

*SPECIAL CONDITIONS*

16. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
17. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.
18. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the OJP's Office for Civil Rights at [CivilRightsMOA@usdoj.gov](mailto:CivilRightsMOA@usdoj.gov) within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by OJP or any other authorized persons. The required elements of the MOA are set forth at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm), under the heading, "Civil Rights Compliance Specific to State Administering Agencies."
19. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)  
  
This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.
20. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [http://www.it.ojp.gov/gsp\\_grantcondition](http://www.it.ojp.gov/gsp_grantcondition). Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
21. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

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OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 5 OF 7

PROJECT NUMBER 2014-MU-BX-0804

AWARD DATE 09/30/2014

*SPECIAL CONDITIONS*

22. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.

23. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

24. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the grant funds in the trust fund (including any interest earned) during the period of the grant and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to the Office of Justice Programs at the time of closeout.

25. JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.

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Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 6 OF 7

PROJECT NUMBER 2014-MU-BX-0804

AWARD DATE 09/30/2014

*SPECIAL CONDITIONS*

26. The recipient agrees to submit a signed certification that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.
27. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
28. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
29. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).
30. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
31. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
32. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
33. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

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OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

AWARD CONTINUATION  
SHEET  
Grant

PAGE 7 OF 7

PROJECT NUMBER 2014-MU-BX-0804

AWARD DATE 09/30/2014

*SPECIAL CONDITIONS*

34. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
35. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
36. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
37. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
38. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
39. No JAG funds may be expended on the purchase of unmanned aircraft, unmanned aircraft systems or unmanned aerial vehicles (UA/UAS/UAV), unless the BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order. Any state or local jurisdiction receiving BJA approval to utilize JAG funds for this type of purchase must certify to DOJ that it received Federal Aviation Administration (FAA) approval to operate a UA/UAS/UAV and that it is legal to operate a UA/UAS/UAV in the proposed jurisdiction or geographic area. The recipient must submit a statement on the goals and objectives for the use of a UA/UAS/UAV, the anticipated specific uses, and policy regarding privacy considerations. BJA may require additional reporting requirements that will be stipulated post award.
40. BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to your My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If you do not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the new BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.

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OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

PAGE 1 OF 7

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102		4. AWARD NUMBER: 2012-DJ-BX-0280	
		5. PROJECT PERIOD: FROM 10/01/2011 TO 09/30/2015 BUDGET PERIOD: FROM 10/01/2011 TO 09/30/2015	
		6. AWARD DATE 06/29/2012	7. ACTION
1A. GRANTEE IRS/VENDOR NO. 626001448		8. SUPPLEMENT NUMBER 00	Initial
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Tennessee's Strategy for the FY12 Edward Byrne Memorial Justice Assistance Grant		10. AMOUNT OF THIS AWARD \$ 5,131,525	
		11. TOTAL AWARD \$ 5,131,525	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY12(BJA - JAG) 42 USC 3750, et seq.			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL <del>M.D. Goetz</del> Mark A. Emkes Commissioner	
17. SIGNATURE OF APPROVING OFFICIAL <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL <i>Mark A. Emkes</i>	
		19A. DATE 7/2/12	
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR FUND CODE BUD. ACT. DIV. OFC. REG. SUB. POMS AMOUNT X B DJ 80 00 00 5131525		21. LDJUGT0126	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 7

PROJECT NUMBER 2012-DJ-BX-0280

AWARD DATE 06/29/2012

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

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Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 3 OF 7

PROJECT NUMBER 2012-DJ-BX-0280

AWARD DATE 06/29/2012

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).
11. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
12. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.
13. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

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Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 7

PROJECT NUMBER 2012-DJ-BX-0280

AWARD DATE 06/29/2012

*SPECIAL CONDITIONS*

14. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

15. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
16. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [http://www.it.ojp.gov/gsp\\_grantcondition](http://www.it.ojp.gov/gsp_grantcondition). Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

MAC 52



PROJECT NUMBER 2012-DJ-BX-0280

AWARD DATE 06/29/2012

*SPECIAL CONDITIONS*

17. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
18. JAG funds may be used to purchase bulletproof vests for an agency, but may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
19. The recipient agrees to submit a signed certification that that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for bulletproof vest purchases. This policy must be in place for at least all uniformed officers before any FY 2012 JAG funding can be used by the agency for bulletproof vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.
20. Bulletproof vests purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards. In addition, bulletproof vests purchased with JAG funds must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
21. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
22. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
23. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).
24. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 6 OF 7

PROJECT NUMBER 2012-DJ-BX-0280

AWARD DATE 06/29/2012

*SPECIAL CONDITIONS*

25. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
26. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
27. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
28. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
29. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
30. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
31. The grantee agrees that within 120 days of award acceptance, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). All current and new task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
32. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.

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Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 7 OF 7

PROJECT NUMBER 2012-DJ-BX-0280

AWARD DATE 06/29/2012

*SPECIAL CONDITIONS*

33. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance through the Grants Management System within 90 days of the grant award, and to make supporting documentation available for review upon request by OJP or any other authorized persons. The required elements of the MOA are set forth on OJP's website at: [www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm) under the heading, "Civil Rights Compliance Specific to State Administering Agencies."

MACBZ



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

PAGE 1 OF 7

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite #1200 Nashville, TN 37243-1102		4. AWARD NUMBER: 2013-MU-BX-0019																									
1A. GRANTEE IRS/VENDOR NO. 626001448		5. PROJECT PERIOD: FROM 10/01/2012 TO 09/30/2016 BUDGET PERIOD: FROM 10/01/2012 TO 09/30/2016																									
3. PROJECT TITLE Tennessee FY 2013 Justice Assistance Grant Program		6. AWARD DATE 09/05/2013	7. ACTION Initial																								
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTHON THE ATTACHED PAGE(S).		8. SUPPLEMENT NUMBER 00																									
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY13(BJA - JAG) 42 USC 3750, et seq.		9. PREVIOUS AWARD AMOUNT \$ 0																									
15. METHOD OF PAYMENT GPRS		10. AMOUNT OF THIS AWARD \$ 5,247,029																									
AGENCY APPROVAL		GRANTEE ACCEPTANCE																									
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Larry B. Martin Commissioner																									
17. SIGNATURE OF APPROVING OFFICIAL <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL <i>Larry B. Martin</i>	19A. DATE 9-11-13																								
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OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 2 OF 7

PROJECT NUMBER 2013-MU-BX-0019

AWARD DATE 09/05/2013

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -  
mail:  
Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530  
e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)  
hotline: (contact information in English and Spanish): (800) 869-4499  
or hotline fax: (202) 616-9881  
Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).
6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

*ZBM/5/13*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 3 OF 7

PROJECT NUMBER 2013-MU-BX-0019

AWARD DATE 09/05/2013

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

*JMB*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 4 OF 7

PROJECT NUMBER 2013-MU-BX-0019

AWARD DATE 09/05/2013

*SPECIAL CONDITIONS*

16. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
17. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.
18. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the OJP's Office for Civil Rights at [CivilRightsMOA@usdoj.gov](mailto:CivilRightsMOA@usdoj.gov) within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by OJP or any other authorized persons. The required elements of the MOA are set forth at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm), under the heading, "Civil Rights Compliance Specific to State Administering Agencies."
19. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)  
  
This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.
20. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
21. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [http://www.it.ojp.gov/gsp\\_grantcondition](http://www.it.ojp.gov/gsp_grantcondition). Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

*ZBM*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 5 OF 7

PROJECT NUMBER 2013-MU-BX-0019

AWARD DATE 09/05/2013

*SPECIAL CONDITIONS*

22. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

23. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
24. JAG funds may be used to purchase bulletproof vests for an agency, but may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
25. The recipient agrees to submit a signed certification that that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any FY 2013 funding can be used by the agency for vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.

*JBM 5/1*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 6 OF 7

PROJECT NUMBER 2013-MU-BX-0019

AWARD DATE 09/05/2013

*SPECIAL CONDITIONS*

26. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
27. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
28. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
29. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).
30. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
31. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
32. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
33. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

*JBM/g*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 7 OF 7

PROJECT NUMBER 2013-MU-BX-0019

AWARD DATE 09/05/2013

*SPECIAL CONDITIONS*

34. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
35. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
36. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
37. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
38. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
39. No JAG funds may be expended on unmanned aircraft, unmanned aircraft systems, or aerial vehicles (US, UAS, or UAV) unless the BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order. Additionally, any JAG funding approved for this purpose would be subject to additional reporting, which would be stipulated by BJA post-award.
40. BJA strongly encourages the recipient submit annual (or more frequent) JAG success stories at [JAG.Showcase@ojp.usdoj.gov](mailto:JAG.Showcase@ojp.usdoj.gov) or via the online form at <https://www.bja.gov/contactus.aspx>. JAG success stories should include the: name and location of program/project; point of contact with phone and e-mail; amount of JAG funding received and in which fiscal year; and a brief summary describing the program/project and its impact.
41. Recipient may not expend, or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Budget Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.

*ABM/gv*

OJP FORM 4000/2 (REV. 4-88)



**Department of Justice**

Office of Justice Programs

Bureau of Justice Assistance

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Office of Justice Programs

Washington, D.C. 20531

September 5, 2013

Commissioner Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite #1200  
Nashville, TN 37243-1102

Dear Commissioner Martin:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 13 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: State in the amount of \$5,247,029 for Tennessee Department of Finance and Administration.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Yolaine Faustin, Program Manager at (202) 353-1720; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denise O'Donnell".

Denise O'Donnell  
Director

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

Washington, D.C. 20531

September 5, 2013

Commissioner Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite #1200  
Nashville, TN 37243-1102

Dear Commissioner Martin:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

### Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

### Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO Plan), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

#### 1) Meeting the EEO Plan Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEO Plan reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEO Plan and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEO Plan, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eop.htm>. You may also request technical assistance from an EEO Plan specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEO Plan, but it does not have to submit the EEO Plan to OCR for review. Instead, your organization has to maintain the EEO Plan on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEO Plan requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eop.htm>.

#### 2) Submitting Findings of Discrimination

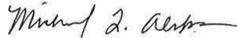
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

### Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEO Plan, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



**Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Orbin Terry, NEPA Coordinator

**Subject:** Incorporates NEPA Compliance in Further Developmental Stages for Tennessee  
Department of Finance and Administration

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER

2013-MU-BX-0019

PAGE 1 OF 1

This project is supported under FY13(BJA - JAG) 42 USC 3750, et seq.

1. STAFF CONTACT (Name & telephone number)

Yolaine Faustin  
(202) 353-1720

2. PROJECT DIRECTOR (Name, address & telephone number)

David Lewis  
Program Manager  
312 Rosa L. Parks Avenue  
Suite #1800  
Nashville, TN 37243-1102  
(615) 532-2988

3a. TITLE OF THE PROGRAM

BJA FY 13 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: State

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

00, 00

4. TITLE OF PROJECT

Tennessee FY 2013 Justice Assistance Grant Program

5. NAME & ADDRESS OF GRANTEE

Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue Suite #1200  
Nashville, TN 37243-1102

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2012 TO: 09/30/2016

8. BUDGET PERIOD

FROM: 10/01/2012 TO: 09/30/2016

9. AMOUNT OF AWARD

\$ 5,247,029

10. DATE OF AWARD

09/05/2013

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).

The Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, will use the JAG award to assist in carrying out a multi-faceted response to crime and victimization in Tennessee by supporting the improvement of the infrastructure of the criminal justice system and by enabling innovation and

OJP FORM 4000/2 (REV. 4-88)

funding new ideas and strategies to combat crime. The goal is to improve and enhance programs in the areas of prevention and education; law enforcement planning, evaluation and technology; prosecution and court; corrections and community corrections; and victim services.

NCA/NCF



STATE OF TENNESSEE  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
OFFICE OF CRIMINAL JUSTICE PROGRAMS  
WILLIAM R. SNODGRASS TENNESSEE TOWER  
312 ROSA L PARKS AVENUE, SUITE 1800  
NASHVILLE, TENNESSEE 37243-1102

LARRY B. MARTIN  
COMMISSIONER

**MEMORANDUM**

**TO:** Buddy Lea, Assistant Commissioner for Administration

**FROM:** Bill Scollon, Director  
Office of Criminal Justice Programs

**CC:** Daina Moran, Deputy Director  
Jennifer Brinkman, Assistant Director

**DATE:** September 6, 2013

**SUBJECT:** FY 13 Byrne/JAG Award

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Enclosed are the original signature documents for Tennessee's Award for Department of Justice funds for the **2013 Edward Byrne Memorial Justice Assistance Grant (JAG)**. Tennessee's allocation for Byrne JAG is \$5,247,029 and **OCJP will draw down \$524,703.00 in Administrative Funds.**

Please secure Commissioner Martin's signature and date on the Award document and his initials on the bottom right hand corner of the six Special Conditions pages (all have been flagged).

Your assistance is appreciated. Please return all documents to me when signed.

Thank you.



Department of Justice  
Office of Justice Programs

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Office of the Assistant Attorney General

Washington, D.C. 20531

September 2, 2014

Commissioner Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Commissioner Martin:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 14 Solicited - PREA in the amount of \$111,755 for Tennessee Department of Finance and Administration.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Linda Hill-Franklin, Program Manager at (202) 514-0712; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Karol V. Mason".

Karol Virginia Mason  
Assistant Attorney General

Enclosures



## OFFICE FOR CIVIL RIGHTS

Office of Justice Programs

Department of Justice

810 7th Street, NW  
Washington, DC 20531

Tel: (202) 307-0690  
TTY: (202) 307-2027  
E-mail: [askOCR@usdoj.gov](mailto:askOCR@usdoj.gov)  
Website: [www.ojp.usdoj.gov/ocr](http://www.ojp.usdoj.gov/ocr)

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September 2, 2014

Commissioner Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Commissioner Martin:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

### **Ensuring Access to Federally Assisted Programs**

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

### **Enforcing Civil Rights Laws**

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

#### **Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

#### **Ensuring Equal Treatment for Faith-Based Organizations**

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

#### **Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

#### **Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

#### **Meeting the EEOP Requirement**

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOSubmission@usdoj.gov](mailto:EEOSubmission@usdoj.gov).

#### **Meeting the Requirement to Submit Findings of Discrimination**

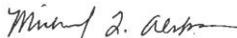
If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

#### **Ensuring the Compliance of Subrecipients**

SAAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

Grant

PAGE 1 OF 5

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102		4. AWARD NUMBER: 2014-XT-BX-0002	
		5. PROJECT PERIOD: FROM 10/01/2014 TO 09/30/2015 BUDGET PERIOD: FROM 10/01/2014 TO 09/30/2015	
		6. AWARD DATE 09/02/2014	7. ACTION
IA. GRANTEE IRS/VENDOR NO. 626001448		8. SUPPLEMENT NUMBER 00	Initial
		9. PREVIOUS AWARD AMOUNT	\$ 0
3. PROJECT TITLE FY 2014 State of Tennessee JAG PREA Reallocation Grant Application		10. AMOUNT OF THIS AWARD	\$ 111,755
		11. TOTAL AWARD	\$ 111,755
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY14(BJA - PREA Reallocation) 42 USC 3750, et seq.; 42 USC 15607(e)			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Karol Virginia Mason Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Larry B. Martin Commissioner	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 10-17-14
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR FUND CODE BUD. ACT. DIV. OFC. REG. SUB. POMS AMOUNT X B XT 80 00 00 111755		21. NXTUGT1446	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 5

PROJECT NUMBER 2014-XJ-BX-0002

AWARD DATE 09/02/2014

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -  
  
mail:  
  
Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530  
  
e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)  
  
hotline: (contact information in English and Spanish): (800) 869-4499  
  
or hotline fax: (202) 616-9881  
  
Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).
6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

*VAM*



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 3 OF 5

PROJECT NUMBER 2014-XT-BX-0002

AWARD DATE 09/02/2014

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available in the OJP Financial Guide Conference Cost Chapter.
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to OJP all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 5

PROJECT NUMBER 2014-XT-BX-0002

AWARD DATE 09/02/2014

*SPECIAL CONDITIONS*

16. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
17. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
18. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [http://www.it.ojp.gov/gsp\\_grantcondition](http://www.it.ojp.gov/gsp_grantcondition). Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
19. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
20. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
21. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).

UBM



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 5 OF 5

PROJECT NUMBER 2014-XT-BX-0002

AWARD DATE 09/02/2014

*SPECIAL CONDITIONS*

22. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
23. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
24. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
25. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
26. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the OJP's Office for Civil Rights at CivilRightsMOA@usdoj.gov within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by OJP or any other authorized persons. The required elements of the MOA are set forth at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm), under the heading, "Civil Rights Compliance Specific to State Administering Agencies."
27. Recipient may not obligate, expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Program Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
28. The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.

UBM



**Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Assistance*

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*Washington, D.C. 20531*

**Memorandum To:** Official Grant File

**From:** Orbin Terry, NEPA Coordinator

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

FY 2014 PREA Reallocation awards direct funds withheld from jurisdictions as a result of 42 U.S.C. § 15607 back to the jurisdiction from which they were withheld to be used solely for PREA implementation purposes. None of the following activities will be conducted either under the OJP federal action or a related third party action:

- 1) New construction;
- 2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species;
- 3) A renovation which will change the basic prior use of a facility or significantly change its size;
- 4) Research and technology whose anticipated and future application could be expected to have an effect on the environment; or
- 5) Implementation of a program involving the use of chemicals.

Additionally, the proposed action is neither a phase nor a segment of a project which when reviewed in its entirety would not meet the criteria for a categorical exclusion. Consequently, the subject federal action meets OJP's criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER

2014-XT-BX-0002

PAGE 1 OF 1

This project is supported under FY14(BJA - PREA Reallocation) 42 USC 3750, et seq.; 42 USC 15607(c)

1. STAFF CONTACT (Name & telephone number)

Linda Hill-Franklin  
(202) 514-0712

2. PROJECT DIRECTOR (Name, address & telephone number)

Tom Pitt  
Program Manager  
312 Rosa L. Parks Avenue  
Suite 1800  
Nashville, TN 37243-1102  
(615) 741-9954

3a. TITLE OF THE PROGRAM

BJA FY 14 Solicited - PREA

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

FY 2014 State of Tennessee JAG PREA Reallocation Grant Application

5. NAME & ADDRESS OF GRANTEE

Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue Suite 1200  
Nashville, TN 37243-1102

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2014 TO: 09/30/2015

8. BUDGET PERIOD

FROM: 10/01/2014 TO: 09/30/2015

9. AMOUNT OF AWARD

\$ 111,755

10. DATE OF AWARD

09/02/2014

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The State of Tennessee proposes to use 2014 PREA reallocation funds to support the Tennessee Department of Correction in its efforts to maintain compliance with PREA standards through PREA audit training for the PREA Coordinator, PREA certified facilitator training for local facility PREA coordinators and outside agency staff, the purchase of supplies and equipment such as cameras and mirrors to eliminate blind spots in prison facilities, and the purchase of PREA related signs at prison facilities.  
NCA/NCF

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs

National Institute of Justice

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Office of Justice Programs

Washington, D.C. 20531

September 11, 2014

Mr. Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Ave., Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Martin:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the BJS FY 14 National Criminal History Improvement Program (NCHIP) in the amount of \$427,242 for Tennessee Department of Finance and Administration.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Stephanie L. Burroughs, Program Manager at (202) 514-9012; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Sabol".

William J. Sabol, Ph.D.  
Acting Director

Enclosures



## OFFICE FOR CIVIL RIGHTS

Office of Justice Programs  
Department of Justice  
810 7th Street, NW  
Washington, DC 20531

Tel: (202) 307-0690  
TTY: (202) 307-2027  
E-mail: [askOCR@usdoj.gov](mailto:askOCR@usdoj.gov)  
Website: [www.ojp.usdoj.gov/ocr](http://www.ojp.usdoj.gov/ocr)

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September 11, 2014

Mr. Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Ave., Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Martin:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

### **Ensuring Access to Federally Assisted Programs**

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

### **Enforcing Civil Rights Laws**

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

#### **Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

#### **Ensuring Equal Treatment for Faith-Based Organizations**

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

#### **Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

#### **Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

#### Meeting the EEOP Requirement

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOSubmission@usdoj.gov](mailto:EEOSubmission@usdoj.gov).

#### Meeting the Requirement to Submit Findings of Discrimination

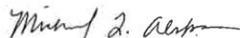
If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

#### Ensuring the Compliance of Subrecipients

SAAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Statistics**

**Cooperative Agreement**

PAGE 1 OF 7

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Ave., Suite 1200 Nashville, TN 37243-1102		4. AWARD NUMBER: 2014-RU-BX-K015	
		5. PROJECT PERIOD: FROM 10/01/2014 TO 03/31/2016 BUDGET PERIOD: FROM 10/01/2014 TO 03/31/2016	
		6. AWARD DATE 09/11/2014	7. ACTION Initial
1A. GRANTEE IRS/VENDOR NO. 626001448		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE FY 2014 Tennessee National Criminal History Improvement Program		10. AMOUNT OF THIS AWARD \$ 427,242	
		11. TOTAL AWARD \$ 427,242	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. 3732 (BJS - general)			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL William J. Sabol, Ph.D. Acting Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Larry B. Martin Commissioner	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 10-17-14
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES		21. NRURGT0086	
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC. REG. SUB. POMS AMOUNT
X	B	RU	50 00 00 427242

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Statistics

AWARD CONTINUATION  
SHEET  
Cooperative Agreement

PAGE 2 OF 7

PROJECT NUMBER 2014-RU-BX-K015

AWARD DATE 09/11/2014

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

OJP FORM 4000/2 (REV. 4-88)

*WMM*



Department of Justice  
Office of Justice Programs  
Bureau of Justice Statistics

**AWARD CONTINUATION  
SHEET**

**Cooperative Agreement**

PAGE 3 OF 7

PROJECT NUMBER 2014-RU-BX-K015

AWARD DATE 09/11/2014

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available in the OJP Financial Guide Conference Cost Chapter.
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. Recipient agrees that AFIS (Automated Fingerprint Identification System) equipment purchased under this award will conform to the American National Standards Institute (ANSI) Standard, "Data Format for the Interchange of Fingerprint, Facial & Other Biometric Information" (ANSI/NIST-ITL 1-2007 PART 1) and other reporting standards of the FBI.

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office of Justice Programs  
Bureau of Justice Statistics

AWARD CONTINUATION  
SHEET  
Cooperative Agreement

PAGE 4 OF 7

PROJECT NUMBER 2014-RU-BX-K015

AWARD DATE 09/11/2014

*SPECIAL CONDITIONS*

16. Recipient is or will be following a comprehensive strategy for information sharing systems to improve the functioning of the criminal justice system, with an emphasis on integration of all criminal justice components, law enforcement, courts, prosecution, corrections, and probation and parole. Further, the strategy must be developed in consultation with State and local officials with emphasis on the recommendation of officials whose duty it is to oversee, plan, and implement integrated information technology systems, and contain-- (a) a definition and analysis of integration in the State and localities developing integrated information sharing systems; (b) an assessment of the criminal justice resources being devoted to information technology; (c) State and local resource needs; (d) Federal, State, regional, and local information technology coordination requirements; and (e) statewide priorities for planning and implementation of information technology systems.
17. This NCHIP/NARIP related project is to be funded as a cooperative agreement. The basis for using a cooperative agreement is the substantial involvement of the Bureau of Justice Statistics (BJS) in providing information, guidance, and direction relative to criminal history records improvements within the states. BJS will exercise general approval over the entire project. In addition, the substantial involvement of BJS will include, but not be limited to:
  - a. Determining the types of criminal history record information that will be useful to Federal, state, and local agencies.
  - b. Identifying Federal information reporting standards and guidelines and making them available to the recipient or providing access to them.
  - c. Providing technical assistance to the recipient to enhance state criminal history records, identify convicted felons, and improve the quality and timeliness of criminal history information.
  - d. Informing the recipient of the status of Federal program requirements, specifications, and funding levels.
  - e. Requesting and obtaining statistical data as needed to monitor and assess performance with respect to criminal records improvement goals.
18. Recipient agrees that activities supported under this award will be coordinated with Federal, State, and local activities relating to homeland security and presale firearm checks, as appropriate.
19. In order to ensure that the National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP) are realizing the objectives in the most productive manner, the recipient agrees to participate in a comprehensive evaluation effort. It is anticipated that the evaluation will take place during the course of the program and will likely involve each participating state. It is expected that the evaluation will have a minimal impact on state program personnel and resources.
20. Recipient agrees that criminal justice information systems designed, implemented, or upgraded with NCHIP or NARIP funds will be compatible, where applicable, with the National Incident-Based Reporting System (NIBRS), the National Crime Information Center system (NCIC 2000), the National Criminal Instant Background Check System (NICS), the Integrated Automated Fingerprint Identification System (IAFIS), and applicable national, statewide or regional criminal justice information sharing standards and plans.
21. The recipient agrees to provide performance-related data, as outlined in the program announcement, to be used to measure the results of the project.
22. Protective order systems developed with funds awarded under this cooperative agreement will be designed to permit interface with the National Protective Order file maintained by the FBI.
23. Recipient has or intends to establish a program that enters into the National Crime Information Center (NCIC) records of: (a) Protection orders for the protection of persons from stalking or domestic violence; (b) Warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence; and (c) Arrests or convictions of persons violating protection orders intended to protect victims from stalking or domestic violence.

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office of Justice Programs  
Bureau of Justice Statistics

**AWARD CONTINUATION  
SHEET**  
**Cooperative Agreement**

PAGE 5 OF 7

PROJECT NUMBER 2014-RU-BX-K015

AWARD DATE 09/11/2014

*SPECIAL CONDITIONS*

24. Recipient agrees that activities funded under this award will be closely coordinated with related activities supported with OJP, State, local, or tribal funds.
25. Grant funds may be used only for the purposes in the recipient's approved application. The recipient shall not undertake any work or activities that are not described in the grant application, and that use staff, equipment, or other goods or services paid for with OJP grant funds, without prior written approval from OJP.

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office of Justice Programs  
Bureau of Justice Statistics

**AWARD CONTINUATION  
SHEET**  
**Cooperative Agreement**

PAGE 6 OF 7

PROJECT NUMBER 2014-RU-BX-K015

AWARD DATE 09/11/2014

*SPECIAL CONDITIONS*

26. Within 45 calendar days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;
- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;
- 13) costs of event facilitators; and
- 14) any other costs associated with the event.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
- 4) local transportation (e.g., rental car, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

Further instructions regarding the submission of this data, and how to determine costs, are available in the OJP Financial Guide Conference Cost Chapter.

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office of Justice Programs  
Bureau of Justice Statistics

AWARD CONTINUATION  
SHEET  
Cooperative Agreement

PAGE 7 OF 7

PROJECT NUMBER 2014-RU-BX-K015

AWARD DATE 09/11/2014

*SPECIAL CONDITIONS*

27. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.
28. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
29. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)  
  
This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.
30. All procurement (contract) transactions under this award must be conducted in a manner that is consistent with applicable Federal and State law, and with Federal procurement standards specified in regulations governing Federal awards to non-Federal entities. Procurement (contract) transactions should be competitively awarded unless circumstances preclude competition. Noncompetitive (e.g., sole source) procurements by the award recipient in excess of the Simplified Acquisition Threshold (currently \$150,000) set out in the Federal Acquisition Regulation must receive prior approval from the awarding agency, and must otherwise comply with rules governing such procurements found in the current edition of the OJP Financial Guide.
31. The recipient agrees to submit a final report at the end of this award documenting all relevant project activities during the entire period of support under this award. This report will include detailed information about the project(s) funded, including, but not limited to, information about how the funds were actually used for each purpose area, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts. The final report is due no later than 90 days following the close of this award period or the expiration of any extension periods. This report will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.
32. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.
33. The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.

OJP FORM 4000/2 (REV. 4-88)

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**Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Statistics*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Gerard F. Ramker, Deputy Director

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

None of the following activities will be conducted either under the OJP Federal action or a related third party action:

- 1) New construction.
- 2) Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year floodplain.
- 3) A renovation which will change the basic prior use of a facility or significantly change its size.
- 4) Research and technology whose anticipated and future application could be expected to have an effect on the environment.
- 5) Implementation of a program involving the use of chemicals.

Consequently, the subject Federal action meets OJP's criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase nor a segment of a project which when viewed in its entirety would not meet the criteria for a categorical exclusion.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Statistics

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY  
Cooperative Agreement**

PROJECT NUMBER

2014-RU-BX-K015

PAGE 1 OF 1

This project is supported under 42 U.S.C. 3732 (BJS - general)

1. STAFF CONTACT (Name & telephone number)

Stephanie L. Burroughs  
(202) 514-9012

2. PROJECT DIRECTOR (Name, address & telephone number)

Tom Pitt  
Program Manager  
Office of Criminal Justice Programs  
312 Rosa L. Parks Ave., Suite 1800  
Nashville, TN 37243  
(615) 741-9954

3a. TITLE OF THE PROGRAM

BJS FY 14 National Criminal History Improvement Program (NCHIP)

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

FY 2014 Tennessee National Criminal History Improvement Program

5. NAME & ADDRESS OF GRANTEE

Tennessee Department of Finance and Administration  
312 Rosa L. Parks Ave., Suite 1200  
Nashville, TN 37243-1102

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2014 TO: 03/31/2016

8. BUDGET PERIOD

FROM: 10/01/2014 TO: 03/31/2016

9. AMOUNT OF AWARD

\$ 427,242

10. DATE OF AWARD

09/11/2014

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The goal of the National Criminal History Improvement Program (NCHIP) is to improve the Nation's safety and security by enhancing the quality, completeness, and accessibility of criminal history record information and by insuring the nationwide implementation of criminal justice and noncriminal justice background check systems. BJS provides direct financial and technical assistance to the states to improve criminal history and other related records and to build their infrastructure to connect to national record check systems both to supply information and to conduct the requisite checks.

Under this award, the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs will transfer funds to the Tennessee Bureau of Investigation (TBI) to aid in the state's efforts to improve criminal history records.

Phase I of TBI's 5-year Criminal History Record Improvement Project is an effort to modernize and standardize the method that original charge data is collected

OJP FORM 4000/2 (REV. 4-88)

from the primary booking agencies and reported to the repository. Tasks will include: 1) development of the arrest charge and livescan data collection standards; 2) replacement of the designated county booking agency's livescan equipment that has aged past the end of life; 3) replacement of firewalls installed with each livescan, as well as replacement of additional firewalls at local and state law enforcement agencies, and those at termination stations; and 4) purchase of a 12-month maintenance agreement for the new livescan devices. A drop down menu of standardized charge information will be developed in the livescan machines to improve how the information is presented on the rap-sheet and to make faster determinations of disqualifying arrests. Funds will also be used to develop a statewide stakeholders group to help create and propose legislation for implementing a Relief from Disabilities Program, a requirement states must fulfill to be eligible for a grant under the NICS Act Record Improvement Program.

Travel funds are being requested to have two staff members attend the National Association for Justice Information Systems (NAJIS) Conference, an event that focuses on criminal history record management. (CA/NCF)



**Department of Justice**  
Office of Justice Programs

Bureau of Justice Assistance

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Office of Justice Programs

Washington, D.C. 20531

July 10, 2012

Mr. Mark Emkes  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Emkes:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 12 Residential Substance Abuse Treatment (RSAT) for State Prisoners Program in the amount of \$165,764 for Tennessee Department of Finance and Administration.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- 
- Program Questions, LaShawn Benton, Program Manager at (202) 514-5057; and
  - Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

*Denise O'Donnell*

Denise O'Donnell  
Director

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

Washington, D.C. 20531

July 10, 2012

Mr. Mark Emkes  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Emkes:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

### Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

### Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

#### 1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

#### 2) Submitting Findings of Discrimination

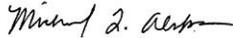
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

### Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

PAGE 1 OF 4

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102		4. AWARD NUMBER: 2012-RT-BX-0011	
		5. PROJECT PERIOD: FROM 10/01/2011 TO 09/30/2015 BUDGET PERIOD: FROM 10/01/2011 TO 09/30/2015	
		6. AWARD DATE 07/10/2012	7. ACTION
1A. GRANTEE IRS/VENDOR NO. 626001448		8. SUPPLEMENT NUMBER 00	Initial
		9. PREVIOUS AWARD AMOUNT	\$ 0
3. PROJECT TITLE Tennessee Residential Substance Abuse Treatment Program		10. AMOUNT OF THIS AWARD	\$ 165,764
		11. TOTAL AWARD	\$ 165,764
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. 3796ff(a) (BJA - RSAT)			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Mark Emkes Commissioner	
17. SIGNATURE OF APPROVING OFFICIAL <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL <i>Mark A. Emkes</i>	19A. DATE 7/12/12
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR FUND CODE BUD. ACT. DIV. OFC. REG. SUB. POMS AMOUNT X B J2 80 00 00 165764		21. LJ2UGT0213	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 4

PROJECT NUMBER 2012-RT-BX-0011

AWARD DATE 07/10/2012

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

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OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 3 OF 4

PROJECT NUMBER 2012-RT-BX-0011

AWARD DATE 07/10/2012

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).
11. The recipient agrees that federal funds under this award will be used to supplement but not supplant state or local government funds.
12. The State/Territory (State) will coordinate the design and implementation of treatment programs between State correctional representatives and the State alcohol and drug abuse agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency).
13. The State/Territory (State) will implement or continue to require urinalysis or other proven reliable forms of testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.
14. The recipient agrees that grant funds may be used to pay for data collection, analysis, and report preparation only if that activity is associated with federal reporting requirements. Other data collection, analysis, and evaluation activities are not allowable uses of grant funds.
15. The recipient agrees to make available at least 10 percent of this year's allocation to local correctional and detention facilities (provided such facilities exist) for programs that are allowable under the current Fiscal Year Guidance. Such programs include, but are not limited to, residential substance abuse treatment programs, jail-based substance abuse treatment programs and aftercare services for offenders who remain on community supervision.
16. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
17. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.

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52

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 4

PROJECT NUMBER 2012-RT-BX-0011

AWARD DATE 07/10/2012

*SPECIAL CONDITIONS*

18. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own operate in his or her name).
19. The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. 2012-RT-BX-0011 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, the Community Capacity Development Office, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the OJP Financial Guide provides guidance on allowable printing and publication activities.
20. Approval of this award does not indicate approval of any consultant rate in excess of \$450 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.
21. All contracts under this award should be competitively awarded unless circumstances preclude competition. When a contract amount exceeds \$100,000 and there has been no competition for the award, the recipient must comply with rules governing sole source procurement found in the current edition of the OJP Financial Guide.
22. Recipient understands and agrees that it must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through GMS (<https://grants.ojp.usdoj.gov>), and that it must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other requirements, refer to BJA's website. Failure to submit required reports by established deadlines may result in the freezing of grant funds and High Risk designation.
23. Recipient may not obligate, expend, or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Budget Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
24. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance through the Grants Management System within 90 days of the grant award, and to make supporting documentation available for review upon request by OJP or any other authorized persons. The required elements of the MOA are set forth on OJP's website at: [www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm) under the heading, "Civil Rights Compliance Specific to State Administering Agencies."

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OJP FORM 4000/2 (REV. 4-88)



**Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Orbin Terry, NEPA Coordinator

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

The Residential Substance Abuse Treatment (RSAT) Formula Grant Program provides funds to the states, territories, and the District of Columbia for use by the state and units of local government in developing and implementing residential substance abuse treatment programs within correctional and detention facilities in which prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment.

None of the following activities will be conducted whether under the Office of Justice Programs federal action or a related third party action:

- (1) New construction.
- (2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species.
- (3) A renovation that will change the basic prior use of a facility or significantly change its size.
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment.
- (5) Implementation of a program involving the use of chemicals.

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

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER

2012-RT-BX-0011

PAGE 1 OF 1

This project is supported under 42 U.S.C. 3796ff(a) (BJA - RSAT)

1. STAFF CONTACT (Name & telephone number)

LaShawn Benton  
(202) 514-5057

2. PROJECT DIRECTOR (Name, address & telephone number)

Liz Ledbetter  
Program Manager  
312 Rosa L. Parks Avenue  
12th Floor, Tennessee Tower  
Nashville, TN 37243-1102  
(615) 532-5822

3a. TITLE OF THE PROGRAM

BJA FY 12 Residential Substance Abuse Treatment (RSAT) for State Prisoners Program

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

Tennessee Residential Substance Abuse Treatment Program

5. NAME & ADDRESS OF GRANTEE

Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue Suite 1200  
Nashville, TN 37243-1102

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2011 TO: 09/30/2015

8. BUDGET PERIOD

FROM: 10/01/2011 TO: 09/30/2015

9. AMOUNT OF AWARD

\$ 165,764

10. DATE OF AWARD

07/10/2012

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Residential Substance Abuse Treatment (RSAT) for State Prisoners Program assists states and local governments to develop and implement substance abuse treatment programs in state and local correctional and detention facilities and to create and maintain community-based aftercare services for offenders. The goal of the RSAT Program is to break the cycle of drugs and violence by reducing the demand for, use, and trafficking of illegal drugs. RSAT enhances the capability of states and units of local government to provide residential substance abuse treatment for incarcerated inmates; prepares offenders for their reintegration into the communities from which they came by incorporating reentry planning activities into treatment programs; and assists offenders and their communities through the reentry process through the delivery of community-based treatment and other broad-based aftercare services.

The Tennessee Department of Finance and Administration, Office of Criminal Justice Programs (OCJP) will implement up to three types of programs: residential, jail-based, and aftercare. At least 10 percent of the total state allocation for FY 2012 will be made available to local correctional and detention facilities-provided

OJP FORM 4000/2 (REV. 4-88)

such facilities exist-for either residential substance abuse treatment programs or jail-based substance abuse treatment programs.

NCA/NCF



Department of Justice  
Office of Justice Programs

Bureau of Justice Assistance

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Office of Justice Programs

Washington, D.C. 20531

July 8, 2014

Commissioner Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Commissioner Martin:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 14 Residential Substance Abuse Treatment for State Prisoners (RSAT) Program in the amount of \$179,107 for Tennessee Department of Finance and Administration.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, LaShawn Benton, Program Manager at (202) 514-5057; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

Denise O'Donnell  
Director

Enclosures



## OFFICE FOR CIVIL RIGHTS

Office of Justice Programs

Department of Justice

810 7th Street, NW  
Washington, DC 20531

Tel: (202) 307-0690  
TTY: (202) 307-2027  
E-mail: [askOCR@usdoj.gov](mailto:askOCR@usdoj.gov)  
Website: [www.ojp.usdoj.gov/ocr](http://www.ojp.usdoj.gov/ocr)

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July 8, 2014

Commissioner Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Commissioner Martin:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

### **Ensuring Access to Federally Assisted Programs**

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

### **Enforcing Civil Rights Laws**

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

#### **Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

#### **Ensuring Equal Treatment for Faith-Based Organizations**

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

#### **Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

#### **Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(e), .205(c)(5)).

#### **Meeting the EEOP Requirement**

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/ceop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOSubmission@usdoj.gov](mailto:EEOSubmission@usdoj.gov).

#### **Meeting the Requirement to Submit Findings of Discrimination**

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

#### **Ensuring the Compliance of Subrecipients**

SAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst

 Department of Justice Office of Justice Programs <b>Bureau of Justice Assistance</b>		<b>Grant</b>		PAGE 1 OF 5
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102		4. AWARD NUMBER: 2014-RT-BX-0033		
		5. PROJECT PERIOD: FROM 10/01/2013 TO 09/30/2017 BUDGET PERIOD: FROM 10/01/2013 TO 09/30/2017		
1A. GRANTEE IRS/VENDOR NO. 626001448		6. AWARD DATE 07/08/2014	7. ACTION Initial	
		8. SUPPLEMENT NUMBER 00		
		9. PREVIOUS AWARD AMOUNT	\$ 0	
3. PROJECT TITLE Tennessee's 2014 State RSAT Program		10. AMOUNT OF THIS AWARD	\$ 179,107	
		11. TOTAL AWARD	\$ 179,107	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).				
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY14(BJA - RSAT) 42 USC 3796ff				
15. METHOD OF PAYMENT GPRS				
AGENCY APPROVAL		GRANTEE ACCEPTANCE		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL  Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL  Larry B. Martin Commissioner		
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 10-17-14	
AGENCY USE ONLY				
20. ACCOUNTING CLASSIFICATION CODES FISCAL YR. FUNDC. BUD. A. OFC. DIV. RE. SUB. POMS. AMOUNT EAR ODE CT. G.		21. NJ2UGT0123		
X B J2 80 00 00 179107				

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OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 2 OF 5

PROJECT NUMBER 2014-RT-BX-0033

AWARD DATE 07/08/2014

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -  
mail:  
  
Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530  
  
e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)  
  
hotline: (contact information in English and Spanish): (800) 869-4499  
  
or hotline fax: (202) 616-9881  
  
Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).
6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

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Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 3 OF 5

PROJECT NUMBER 2014-RT-BX-0033

AWARD DATE 07/08/2014

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available in the OJP Financial Guide Conference Cost Chapter.
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The recipient agrees that federal funds under this award will be used to supplement but not supplant state or local government funds.
16. The State/Territory (State) will coordinate the design and implementation of treatment programs between State correctional representatives and the State alcohol and drug abuse agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency, especially where there is opportunity to coordinate with initiatives funded through the Justice Assistance Grant (JAG) program).

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 4 OF 5

PROJECT NUMBER 2014-RT-BX-0033

AWARD DATE 07/08/2014

*SPECIAL CONDITIONS*

17. The recipient agrees that grant funds may be used to pay for data collection, analysis, and report preparation only if that activity is associated with federal reporting requirements. Other data collection, analysis, and evaluation activities are not allowable uses of grant funds.
18. The State/Territory (State) will implement or continue to require urinalysis or other proven reliable forms of testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.
19. The recipient agrees to make available at least 10 percent of this year's allocation to local correctional and detention facilities (provided such facilities exist) for programs that are allowable under the current Fiscal Year Guidance. Such programs include, but are not limited to, residential substance abuse treatment programs, jail-based substance abuse treatment programs and aftercare services for offenders who remain on community supervision.
20. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
21. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.
22. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
23. The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. 2014-RT-BX-0033 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the OJP Financial Guide provides guidance on allowable printing and publication activities.
24. Recipient understands and agrees that it must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through GMS (<https://grants.ojp.usdoj.gov>), and that it must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other requirements, refer to BJA's website. Failure to submit required reports by established deadlines may result in the freezing of grant funds and High Risk designation.

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 5 OF 5

PROJECT NUMBER 2014-RT-BX-0033

AWARD DATE 07/08/2014

*SPECIAL CONDITIONS*

25. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.

USM



**Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File  
**From:** Orbin Terry, NEPA Coordinator  
**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

The Residential Substance Abuse Treatment (RSAT) Formula Grant Program provides funds to the states, territories, and the District of Columbia for use by the state and units of local government in developing and implementing residential substance abuse treatment programs within correctional and detention facilities in which prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment.

None of the following activities will be conducted whether under the Office of Justice Programs federal action or a related third party action:

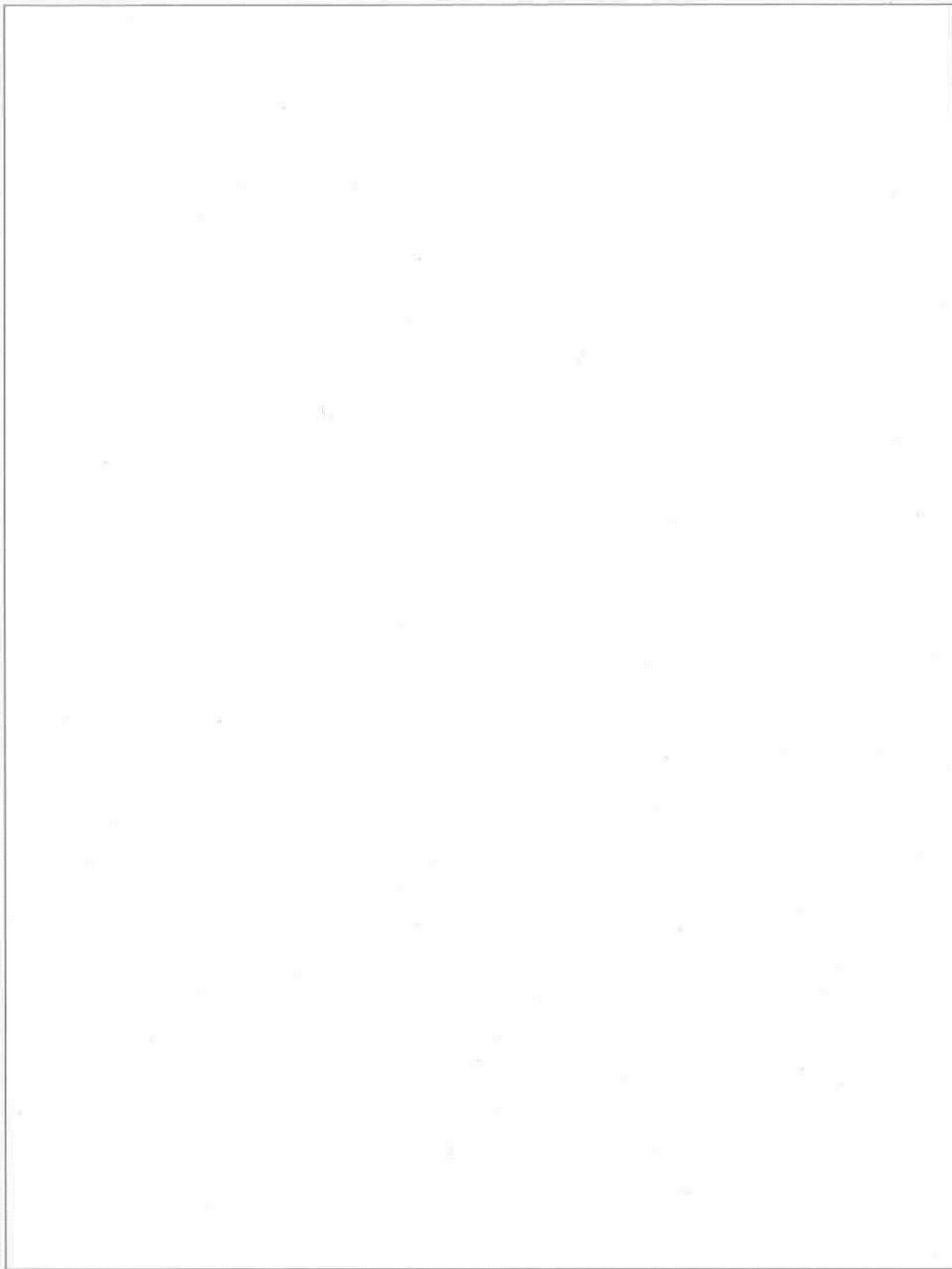
- (1) New construction.
- (2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species.
- (3) A renovation that will change the basic prior use of a facility or significantly change its size.
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment.
- (5) Implementation of a program involving the use of chemicals.

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

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.

 <p>Department of Justice Office of Justice Programs Bureau of Justice Assistance</p>	<b>GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY</b>	
	<b>Grant</b>	
PROJECT NUMBER 2014-RT-BX-0033	PAGE 1 OF 1	
This project is supported under FY14(BJA - RSAT) 42 USC 3796ff		
1. STAFF CONTACT (Name & telephone number)  LaShawn Benton (202) 514-5057	2. PROJECT DIRECTOR (Name, address & telephone number)  Susan French Program Manager 312 Rosa L. Parks Avenue Suite 1800 Nashville, TN 37243-0000 (615) 532-5822	
3a. TITLE OF THE PROGRAM  BJA FY 14 Residential Substance Abuse Treatment for State Prisoners (RSAT) Program	3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)	
4. TITLE OF PROJECT  Tennessee's 2014 State RSAT Program		
5. NAME & ADDRESS OF GRANTEE  Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102	6. NAME & ADDRESS OF SUBGRANTEE	
7. PROGRAM PERIOD FROM: 10/01/2013 TO: 09/30/2017	8. BUDGET PERIOD FROM: 10/01/2013 TO: 09/30/2017	
9. AMOUNT OF AWARD \$ 179,107	10. DATE OF AWARD 07/08/2014	
11. SECOND YEAR'S BUDGET	12. SECOND YEAR'S BUDGET AMOUNT	
13. THIRD YEAR'S BUDGET PERIOD	14. THIRD YEAR'S BUDGET AMOUNT	
15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)  The Residential Substance Abuse Treatment (RSAT) for State Prisoners Program assists states and local governments to develop and implement substance abuse treatment programs in state and local correctional and detention facilities and to create and maintain community-based aftercare services for offenders. The goal of the RSAT Program is to break the cycle of drugs and violence by reducing the demand for, use, and trafficking of illegal drugs. RSAT enhances the capability of states and units of local government to provide residential substance abuse treatment for incarcerated inmates; prepares offenders for their reintegration into the communities from which they came by incorporating reentry planning activities into treatment programs; and assists offenders and their communities through the reentry process through the delivery of community-based treatment and other broad-based aftercare services. The Tennessee Department of Finance and Administration will use the RSAT funds to implement up to three types of programs: residential, jail-based, and aftercare. At least 10 percent of the total state allocation for FY 2014 will be made available to local correctional and detention facilities, provided such facilities exist, for either residential substance abuse treatment programs or jail-based substance abuse treatment programs. NCA/NCF		

OJP FORM 4000/2 (REV. 4-88)





**Department of Justice**  
Office of Justice Programs

Bureau of Justice Assistance

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Office of Justice Programs

Washington, D.C. 20531

September 6, 2013

Mr. Mark A. Emkes  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Emkes:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 13 Residential Substance Abuse Treatment (RSAT) for State Prisoners Program in the amount of \$217,782 for Tennessee Department of Finance and Administration.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, LaShawn Benton, Program Manager at (202) 514-5057; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise O'Donnell".

Denise O'Donnell  
Director

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

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Washington, D.C. 20531

September 6, 2013

Mr. Mark A. Emkes  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Emkes:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations: Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

### **Enforcing Civil Rights Laws**

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

### **Complying with the Safe Streets Act or Program Requirements**

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

#### **1) Meeting the EEOP Requirement**

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

#### **2) Submitting Findings of Discrimination**

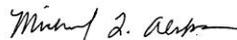
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

### **Ensuring the Compliance of Subrecipients**

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

PAGE 1 OF 5

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102		4. AWARD NUMBER: 2013-RT-BX-0004	
		5. PROJECT PERIOD: FROM 10/01/2012 TO 09/30/2016 BUDGET PERIOD: FROM 10/01/2012 TO 09/30/2016	
		6. AWARD DATE 09/06/2013	7. ACTION
1A. GRANTEE IRS/VENDOR NO. 626001448		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Tennessee's 2013 State RSAT Application		10. AMOUNT OF THIS AWARD \$ 217,782	
		11. TOTAL AWARD \$ 217,782	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTHON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. 3796ff(a) (BJA - RSAT)			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Mark A. Emkes Commissioner	
17. SIGNATURE OF APPROVING OFFICIAL <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL <i>Mark A. Emkes</i>	19A. DATE 9-11-13
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL Y FUND C BUD. A OFC. DIV. RE SUB. POMS AMOUNT EAR ODE CT. G.		21. MJ2UGT1401	
X B J2 80 00 00 205030			
X B J2 80 00 00 12752			

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OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 2 OF 5

PROJECT NUMBER 2013-RT-BX-0004

AWARD DATE 09/06/2013

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

*LBW 57*



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 3 OF 5

PROJECT NUMBER 2013-RT-BX-0004

AWARD DATE 09/06/2013

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The recipient agrees that federal funds under this award will be used to supplement but not supplant state or local government funds.
16. The State/Territory (State) will coordinate the design and implementation of treatment programs between State correctional representatives and the State alcohol and drug abuse agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency, especially where there is opportunity to coordinate with initiatives funded through the Justice Assistance Grant (JAG) program).

*ZBM 5/2*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 4 OF 5

PROJECT NUMBER 2013-RT-BX-0004

AWARD DATE 09/06/2013

*SPECIAL CONDITIONS*

17. The recipient agrees that grant funds may be used to pay for data collection, analysis, and report preparation only if that activity is associated with federal reporting requirements. Other data collection, analysis, and evaluation activities are not allowable uses of grant funds.
18. The State/Territory (State) will implement or continue to require urinalysis or other proven reliable forms of testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.
19. The recipient agrees to make available at least 10 percent of this year's allocation to local correctional and detention facilities (provided such facilities exist) for programs that are allowable under the current Fiscal Year Guidance. Such programs include, but are not limited to, residential substance abuse treatment programs, jail-based substance abuse treatment programs and aftercare services for offenders who remain on community supervision.
20. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
21. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.
22. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
23. The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. 2013-RT-BX-0004 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the OJP Financial Guide provides guidance on allowable printing and publication activities.
24. Approval of this award does not indicate approval of any consultant rate in excess of \$450 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.

*JBM 5/2*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 5 OF 5

PROJECT NUMBER 2013-RT-BX-0004

AWARD DATE 09/06/2013

*SPECIAL CONDITIONS*

25. All contracts under this award should be competitively awarded unless circumstances preclude competition. When a contract amount exceeds \$100,000 and there has been no competition for the award, the recipient must comply with rules governing sole source procurement found in the current edition of the OJP Financial Guide.
26. Recipient understands and agrees that it must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through GMS (<https://grants.ojp.usdoj.gov>), and that it must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other requirements, refer to BJA's website. Failure to submit required reports by established deadlines may result in the freezing of grant funds and High Risk designation.
27. Recipient may not obligate, expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Program Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.

*ZBM 5/27*



**Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Orbin Terry, NEPA Coordinator

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

The Residential Substance Abuse Treatment (RSAT) Formula Grant Program provides funds to the states, territories, and the District of Columbia for use by the state and units of local government in developing and implementing residential substance abuse treatment programs within correctional and detention facilities in which prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment.

None of the following activities will be conducted whether under the Office of Justice Programs federal action or a related third party action:

- (1) New construction.
- (2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species.
- (3) A renovation that will change the basic prior use of a facility or significantly change its size.
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment.
- (5) Implementation of a program involving the use of chemicals.

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

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER

2013-RT-BX-0004

PAGE 1 OF 1

This project is supported under 42 U.S.C. 3796ff(a) (BJA - RSAT)

1. STAFF CONTACT (Name & telephone number)

LaShawn Benton  
(202) 514-5057

2. PROJECT DIRECTOR (Name, address & telephone number)

Tom Pitt  
Program Manager  
312 Rosa Parks Ave.  
18th Floor, Tennessee Tower  
Nashville, TN 37243-1102  
(615) 741-9954

3a. TITLE OF THE PROGRAM

BJA FY 13 Residential Substance Abuse Treatment (RSAT) for State Prisoners Program

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

00

4. TITLE OF PROJECT

Tennessee's 2013 State RSAT Application

5. NAME & ADDRESS OF GRANTEE

Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue Suite 1200  
Nashville, TN 37243-1102

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2012 TO: 09/30/2016

8. BUDGET PERIOD

FROM: 10/01/2012 TO: 09/30/2016

9. AMOUNT OF AWARD

\$ 217,782

10. DATE OF AWARD

09/06/2013

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Residential Substance Abuse Treatment (RSAT) for State Prisoners Program assists states and local governments to develop and implement substance abuse treatment programs in state and local correctional and detention facilities and to create and maintain community-based aftercare services for offenders. The goal of the RSAT Program is to break the cycle of drugs and violence by reducing the demand for, use, and trafficking of illegal drugs. RSAT enhances the capability of states and units of local government to provide residential substance abuse treatment for incarcerated inmates; prepares offenders for their reintegration into the communities from which they came by incorporating reentry planning activities into treatment programs; and assists offenders and their communities through the reentry process through the delivery of community-based treatment and other broad-based aftercare services.

The Tennessee Department of Finance and Administration will use the RSAT funds to implement up to three types of programs: residential, jail-based, and aftercare. At least 10 percent of the total state allocation for FY 2013 will be made available to local correctional and detention facilities, provided such facilities

OJP FORM 4000/2 (REV. 4-88)

exist, for either residential substance abuse treatment programs or jail-based substance abuse treatment programs.

NCA/NCF



Department of Justice  
Office on Violence Against Women

August 27, 2014

Washington, D.C. 20531

Mr. Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1800  
Nashville, TN 37243-1102

Dear Mr. Martin:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office on Violence Against Women has approved your application for funding under the SASP Formula Program in the amount of \$339,999 for Tennessee Department of Finance and Administration. The Sexual Assault Services Formula Grant Program (SASP Formula Program) directs grant dollars to states and territories to assist them in supporting rape crisis centers and other nonprofit, nongovernmental organizations that provide core services, direct intervention, and related assistance to victims of sexual assault, regardless of age.

Enclosed you will find the award package. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact Kim Cortez at (202) 353-3923. For financial grants management questions, contact the OVW Grants Financial Management Division at (202) 514-8556, or by e-mail at [ovw.gfmd@usdoj.gov](mailto:ovw.gfmd@usdoj.gov). For payment questions, contact the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or by email at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Bea Hanson", is written over a horizontal line.

Bea Hanson  
Principal Deputy Director

Enclosures



## OFFICE FOR CIVIL RIGHTS

Office of Justice Programs  
Department of Justice  
810 7th Street, NW  
Washington, DC 20531

Tel: (202) 307-0690  
TTY: (202) 307-2027  
E-mail: [askOCR@usdoj.gov](mailto:askOCR@usdoj.gov)  
Website: [www.ojp.usdoj.gov/ocr](http://www.ojp.usdoj.gov/ocr)

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August 27, 2014

Mr. Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1800  
Nashville, TN 37243-1102

Dear Mr. Martin:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

### **Ensuring Access to Federally Assisted Programs**

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

### **Enforcing Civil Rights Laws**

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

#### **Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

#### **Ensuring Equal Treatment for Faith-Based Organizations**

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

#### **Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOPs) (see below).

#### **Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

#### Meeting the EEO Requirement

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEO requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEO Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEO Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEO requirements, you may request technical assistance from an EEO specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOsubmission@usdoj.gov](mailto:EEOsubmission@usdoj.gov).

#### Meeting the Requirement to Submit Findings of Discrimination

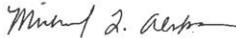
If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

#### Ensuring the Compliance of Subrecipients

SAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston  
Director

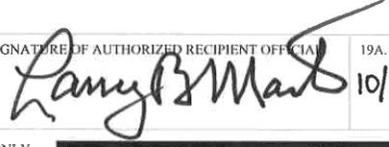
cc: Grant Manager  
Financial Analyst



Department of Justice  
Office on Violence Against Women

**Grant**

PAGE 1 OF 7

<b>I. RECIPIENT NAME AND ADDRESS (Including Zip Code)</b> Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1800 Nashville, TN 37243-1102		<b>4. AWARD NUMBER:</b> 2014-KF-AX-0037																	
		<b>5. PROJECT PERIOD: FROM</b> 08/01/2014 <b>TO</b> 07/31/2016 <b>BUDGET PERIOD: FROM</b> 08/01/2014 <b>TO</b> 07/31/2016																	
		<b>6. AWARD DATE</b> 08/27/2014	<b>7. ACTION</b> Initial																
<b>I.A. GRANTEE IRS/VENDOR NO.</b> 626001448		<b>8. SUPPLEMENT NUMBER</b> 00																	
		<b>9. PREVIOUS AWARD AMOUNT</b> \$ 0																	
<b>3. PROJECT TITLE</b> Tennessee Sexual Assault Services Program		<b>10. AMOUNT OF THIS AWARD</b> \$ 339,999																	
		<b>11. TOTAL AWARD</b> \$ 339,999																	
<b>12. SPECIAL CONDITIONS</b> THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).																			
<b>13. STATUTORY AUTHORITY FOR GRANT</b> This project is supported under 42 U.S.C. 14043g																			
<b>15. METHOD OF PAYMENT</b> GPRS																			
AGENCY APPROVAL		GRANTEE ACCEPTANCE																	
<b>16. TYPED NAME AND TITLE OF APPROVING OFFICIAL</b>  Bea Hanson Principal Deputy Director		<b>18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL</b>  Larry B. Martin Commissioner																	
<b>17. SIGNATURE OF APPROVING OFFICIAL</b>  		<b>19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL</b>  	<b>19A. DATE</b> 10/17/14																
AGENCY USE ONLY																			
<b>20. ACCOUNTING CLASSIFICATION CODES</b> <table border="1"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>A</td> <td>KF</td> <td>29</td> <td>00</td> <td>00</td> <td></td> <td>339999</td> </tr> </tbody> </table>		FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT	X	A	KF	29	00	00		339999	<b>21.</b> KF14D00043	
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT												
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OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 7

PROJECT NUMBER 2014-KF-AX-0037

AWARD DATE 08/27/2014

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office on Violence Against Women (OVW) Financial Grants Management Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audit of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of DOJ grant funds) are not satisfactorily and promptly addressed as further described in the current edition of the OVW Financial Grants Management Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government without the express prior written approval of OVW, in order to avoid violation of 18 USC § 1913. The recipient may, however, use federal funds to collaborate with and provide information to federal, state, local, tribal and territorial public officials and agencies to develop and implement policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 42 USC 13925(a)) when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OVW.

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET**  
**Grant**

PAGE 3 OF 7

PROJECT NUMBER 2014-KF-AX-0037

AWARD DATE 08/27/2014

*SPECIAL CONDITIONS*

7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.
8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OVW). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office on Violence Against Women web site at <http://www.ovw.usdoj.gov/docs/sam-award-term.pdf> (Award condition: Registration with the System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OVW Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ovw.usdoj.gov/grantees.html>.
11. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
12. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
13. The Violence Against Women Reauthorization Act of 2013 added a new civil rights provision that applies to all OVW grants issued in FY 2014 or after. This provision prohibits OVW grantees from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW. The grantee acknowledges that it will comply with this provision.
14. The grantee agrees that funds will be used to supplement, not supplant, non-federal funds that would otherwise be available for the activities under this grant.
15. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (which is defined to include meetings, retreats, seminars, symposiums, trainings, and other events), including the provision of food and/ or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at <http://www.ovw.usdoj.gov/grantees.html>.

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Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 7

PROJECT NUMBER 2014-KF-AX-0037

AWARD DATE 08/27/2014

*SPECIAL CONDITIONS*

16. The grantee agrees to comply with all relevant statutory and regulatory requirements which may include, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against Women Act of 2000, P.L. 106-386, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C 3711 et seq., the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, and OVW's implementing regulations at 28 CFR Part 90.
17. The grantee must be in compliance with specifications outlined in the solicitation under which the approved application was submitted. The program solicitation is hereby incorporated by reference into this award.
18. The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.
19. The recipient understands and agrees that grant funds may be frozen if the recipient does not respond in a timely fashion to requests to address Office of the Inspector General audit findings and financial or programmatic monitoring findings.
20. Grant funds may be used only for the purposes in the recipient's approved application. The recipient shall not undertake any work or activities that are not described in the grant application, and that use staff, equipment, or other goods or services paid for with OVW grant funds, without prior written approval from OVW.
21. The Director of OVW, upon a finding that there has been substantial failure by the recipient to comply with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation, will terminate or suspend until the Director is satisfied that there is no longer such failure, all or part of the award, in accordance with the provisions of 28 CFR Part 18, as applicable mutatis mutandis.
22. The grantee agrees that if they receive any funding that is duplicative of funding received under this grant, they will notify their OVW grant manager as soon as possible so that a Grant Adjustment Notice (GAN) can be issued modifying the budget and project activities to eliminate the duplication. Further, the grantee agrees and understands that any duplicative funding that cannot be re-programmed to support non-duplicative activities within the program's statutory scope will be deobligated from this award and returned to OVW.
23. The grantee agrees to comply with the provisions of 42 U.S.C. 13925(b)(2), nondisclosure of confidential or private information, which includes creating and maintaining documentation of compliance, such as policies and procedures for release of victim information. The grantee also agrees to ensure that any subgrantees meet these requirements.
24. The recipient agrees to provide OVW with specific information regarding subgrants made under this program. The recipient agrees to submit an annual report that includes (a) an assessment of whether stated goals and objectives were achieved; (b) information on the effectiveness of the activities carried out with the amounts made available to carry out the program, including number of persons served and the numbers of persons seeking services who could not be served; (c) information on each subgrant awarded; and (d) such other information as the Attorney General may prescribe. (Grantees are required to submit this report after the end of each calendar year but no later than March 30 each year. Grantees are required to submit this information on the Annual SASP Administrators' Report form (which is to be completed by State Administrator) and the Annual Progress Report for the SASP Formula Grant Program form (which is to be completed by subgrantees)).

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 5 OF 7

PROJECT NUMBER 2014-KF-AX-0037

AWARD DATE 08/27/2014

*SPECIAL CONDITIONS*

25. Under the Government Performance and Results Act (GPRA), VAWA 2000 and subsequent legislation, grantees and subgrantees are required to collect and maintain data that measure the effectiveness of their grant-funded activities. Accordingly, the grantee agrees to submit annual electronic progress reports on program activities and program effectiveness measures and to require submission of reports by subgrantees. Grantees and subgrantees are required to collect the information that is included on the Measuring Effectiveness Progress Reports for the OVW Program under which this award is funded.
26. A final report, which provides a summary of progress toward achieving the goals and objectives of the award, significant results, and any products developed under the award, is due 90 days after the end of the award. The Final Progress Report should be submitted to the Office on Violence Against Women through the Grants Management System with the Report Type indicated as "Final".
27. The recipient agrees that it will submit quarterly financial status reports to OVW on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form (available for viewing at [www.whitehouse.gov/omb/grants/standard\\_forms/ff\\_report.pdf](http://www.whitehouse.gov/omb/grants/standard_forms/ff_report.pdf)), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.
28. The grantee agrees to attend and participate in OVW-sponsored technical assistance. Technical assistance includes, but is not limited to, national and regional conferences, audio conferences, peer-to-peer consultations, and workshops conducted by OVW-designated technical assistance providers. The recipient's participation is critical for effective administration of the SASP Formula Grant program and to ensure adherence to statutory provisions.
29. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day or \$81.25 per hour. A detailed justification must be submitted to and approved by the Office on Violence Against Women prior to obligation or expenditure of such funds. Although prior approval is not required for consultant rates below these specified amounts, grantees are required to maintain documentation to support all daily or hourly rates.
30. The recipient agrees to submit one copy of all required reports and any other written materials or products that are funded under the project to OVW not less than twenty (20) days prior to public release. If the written material is found to be outside the scope of the program, or in some way to compromise victim safety, it will need to be revised to address these concerns or the grantee will not be allowed to use project funds to support the further development or distribution of the materials.
31. All materials and publications (written, visual, or sound) resulting from subgrant award activities shall contain the following statements: "This project was supported by subgrant No. \_\_\_\_\_ awarded by the state administering office for the SASP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women."
32. All materials and publications (written, visual, or sound) resulting from award activities shall contain the following statements: "This project was supported by Grant No. \_\_\_\_\_ awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women."

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 6 OF 7

PROJECT NUMBER 2014-KF-AX-0037

AWARD DATE 08/27/2014

*SPECIAL CONDITIONS*

33. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.
34. The grantee agrees that grant funds will not support activities that compromise victim safety and recovery, such as: procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or sex of their children; pre-trial diversion programs not approved by OVW or the placement of offenders in such programs; mediation, couples counseling, family counseling or any other manner of joint victim-offender counseling; mandatory counseling for victims, penalizing victims who refuse to testify, or promoting procedures that would require victims to seek legal sanctions against their abusers (e.g., seek a protection order, file formal complaint); the placement of perpetrators in anger management programs; or any other activities outlined in the solicitation under which the approved application was submitted.
35. Pursuant to 28 CFR §66.34, the Office on Violence Against Women reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, in whole or in part (including in the creation of derivative works), for Federal Government purposes:
  - (a) any work that is subject to copyright and was developed under this award, subaward, contract or subcontract pursuant to this award; and
  - (b) any work that is subject to copyright for which ownership was purchased by a recipient, subrecipient or a contractor with support under this award.

In addition, the recipient (or subrecipient, contractor or subcontractor) must obtain advance written approval from the Office on Violence Against Women program manager assigned to this award, and must comply with all conditions specified by the program manager in connection with that approval before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyrighted work, or portion thereof, into a new work developed under this award.

It is the responsibility of the recipient (and of each subrecipient, contractor or subcontractor as applicable) to ensure that this condition is included in any subaward, contract or subcontract under this award.
36. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office on Violence Against Women web site at: <http://www.ovw.usdoj.gov/docs/ffata-award-term.pdf> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own and/or operate in his or her name).

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Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 7 OF 7

PROJECT NUMBER 2014-KF-AX-0037

AWARD DATE 08/27/2014

*SPECIAL CONDITIONS*

37. The recipient agrees that the amount of grant funding used for administrative purposes will not exceed 5%. Furthermore, the recipient agrees that no amount of administrative funding of this grant will be used for dues or membership fees to an organization conducting any type of lobbying, including advocating with government agencies for policy change.
38. The grantee acknowledges that funds may only be used for the provision of direct intervention and related assistance to victims of sexual violence, including 24-hour crisis line services, medical and criminal justice/civil legal accompaniment, advocacy, and short term individual and group support counseling. Funds cannot be used towards prevention education efforts, projects focused on training allied professionals and/or communities, or the establishment or maintenance of Sexual Assault Response Teams.
39. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the Office of Justice Program's Office for Civil Rights at [CivilRightsMOA@usdoj.gov](mailto:CivilRightsMOA@usdoj.gov) within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by the Office of Justice Program's Office for Civil Rights or any other authorized persons. The required elements of the MOA are set forth at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm), under the heading, "Civil Rights Compliance Specific to State Administering Agencies."
40. The state will verify that subgrantees, except governmental rape crisis centers and tribal governmental programs, will be organizations that are described in section 501(c)(3) of the Internal Revenue Code of 1986 and are exempt from taxation under section 501(a) of that Code.
41. The grantee agrees to provide OVW, within ten (10) days of release, a copy of its announcement of the availability of funding under this program (e.g., the request for applications, announcement of general funding availability, or announcement of program priorities issued in connection with this program).

LBM



**Department of Justice**

*Office on Violence Against Women*

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*Washington, D.C. 20531*

**Memorandum To:** Official Grant File

**From:** Marnie Shiels, Attorney Advisor

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

The Sexual Assault Services Formula Grant Program (SASP Formula Program) directs grant dollars to states and territories to assist them in supporting rape crisis centers and other nonprofit, nongovernmental organizations that provide core services, direct intervention, and related assistance to victims of sexual assault, regardless of age.

None of the following activities will be conducted under the OVW federal action:

1. New construction.
2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year floodplain.
3. A renovation which will change the basic prior use of a facility or significantly change its size.
4. Research and technology whose anticipated and future application could be expected to have an effect on the environment.
5. Implementation of a program involving the use of chemicals. Consequently, the subject federal action meets the criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations (adopted by OVW at 28 CFR § 0.122(b)).



Department of Justice  
Office on Violence Against Women

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER

2014-KF-AX-0037

PAGE 1 OF 1

This project is supported under 42 U.S.C. 14043g

1. STAFF CONTACT (Name & telephone number)

Kim Cortez  
(202) 353-3923

2. PROJECT DIRECTOR (Name, address & telephone number)

Justine Bass  
Program Manager  
312 Rosa L. Parks Avenue  
Suite 1800  
Nashville, TN 37243-1102  
(615) 253-1983

3a. TITLE OF THE PROGRAM

OVW FY 2014 Sexual Assault Services Formula Grant Program

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

Tennessee Sexual Assault Services Program

5. NAME & ADDRESS OF GRANTEE

Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue Suite 1800  
Nashville, TN 37243-1102

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 08/01/2014 TO: 07/31/2016

8. BUDGET PERIOD

FROM: 08/01/2014 TO: 07/31/2016

9. AMOUNT OF AWARD

\$ 339,999

10. DATE OF AWARD

08/27/2014

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Sexual Assault Services Program (SASP) was created by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), 42 U.S.C. §14043g, and is the first federal funding stream solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault. The SASP encompasses five different funding streams for states and territories, tribes, state sexual assault coalitions, tribal sexual assault coalitions, and culturally specific organizations. The Sexual Assault Services Formula Grant Program (SASP Formula Program) directs grant dollars to states and territories to assist them in supporting rape crisis centers and other nonprofit, nongovernmental organizations that provide core services, direct intervention, and related assistance to victims of sexual assault, regardless of age. Funds provided through the SASP Formula Program are designed to supplement other funding sources directed at addressing sexual assault on the state and territorial level.

Rape crisis centers and other nonprofit organizations such as dual programs providing both domestic violence and sexual violence intervention services play a vital

OJP FORM 4000/2 (REV. 4-88)

role in assisting sexual assault victims through the healing process, as well as assisting victims through the medical, criminal justice, and other social support systems. In order to provide comprehensive services to victims of sexual assault, the SASP Formula Program will assist states and territories in supporting rape crisis centers and other nonprofit organizations in the provision of direct intervention and related assistance. The Office on Violence Against Women, Department of Justice will award \$17,643,245 in Fiscal Year 2014 in SASP Formula grants. Each state, the District of Columbia, and the Commonwealth of Puerto Rico will receive a base amount of \$261,731; the four remaining U.S. territories will receive a base amount of \$44,062. All grantees will also receive a portion of the remaining funds in amounts determined by their population.

NC/NCF



**Department of Justice**

Office on Violence Against Women

September 11, 2013

Washington, D.C. 20531

Mr. Mark A. Emkes  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1800  
Nashville, TN 37243-1102

Dear Mr. Emkes:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office on Violence Against Women has approved your application for funding under the STOP Violence Against Women Formula Grant Program in the amount of \$2,501,683 for Tennessee Department of Finance and Administration. This award provides the opportunity for recipients to develop and strengthen effective responses to violence against women. The Services\*Training\*Officers\*Prosecutors (STOP) Violence Against Women Formula Grant Program supports communities in their efforts to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services in cases involving violent crimes against women.

Enclosed you will find the award package. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact Paule Tessier at (202) 353-8408. For financial grants management questions, contact the OVW Grants Financial Management Division at (202) 514-8556, or by e-mail at [ovw.gfmd@usdoj.gov](mailto:ovw.gfmd@usdoj.gov). For payment questions, contact the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or by email at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bea Hanson".

Bea Hanson  
Acting Director

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

Washington, D.C. 20531

September 11, 2013

Mr. Mark A. Emkes  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1800  
Nashville, TN 37243-1102

Dear Mr. Emkes:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

### Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

### Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

#### 1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

#### 2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

### Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office on Violence Against Women

**Grant**

PAGE 1 OF 7

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1800 Nashville, TN 37243-1102		4. AWARD NUMBER: 2013-WF-AX-0004	
		5. PROJECT PERIOD: FROM 07/01/2013 TO 06/30/2015 BUDGET PERIOD: FROM 07/01/2013 TO 06/30/2015	
1A. GRANTEE IRS/VENDOR NO. 626001448		6. AWARD DATE 09/11/2013	7. ACTION Initial
		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT	S 0
3. PROJECT TITLE 2013 Tennessee S.T.O.P Violence Against Women Grant		10. AMOUNT OF THIS AWARD	S 2,501,683
		11. TOTAL AWARD	S 2,501,683
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTHON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. 3796gg - 3796gg-5 (OVW - Stop Formula)			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Bea Hanson Acting Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Mark A. Emkes Commissioner, Dept. of Finance & Administration	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 9-19-13
20. ACCOUNTING CLASSIFICATION CODES FISCALY FUNDC BUD.A OFC. DIV.RE SUB. POMS AMOUNT EAR ODE CT. G.		21. W213D00043	
X A W2 29 00 00 2501683			

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 2 OF 7

PROJECT NUMBER 2013-WF-AX-0004

AWARD DATE 09/11/2013

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office on Violence Against Women (OVW) Financial Grants Management Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audit of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of DOJ grant funds) are not satisfactorily and promptly addressed as further described in the current edition of the OVW Financial Grants Management Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government without the express prior written approval of OVW, in order to avoid violation of 18 USC § 1913. The recipient may, however, use federal funds to collaborate with and provide information to Federal, State, local, tribal and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 42 USC 13925(a)) when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OVW.

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OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 3 OF 7

PROJECT NUMBER 2013-WF-AX-0004

AWARD DATE 09/11/2013

*SPECIAL CONDITIONS*

7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.
8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OVW). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office on Violence Against Women web site at <http://www.ovw.usdoj.gov/docs/sam-award-term.pdf> (Award condition: Registration with the System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OVW Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ovw.usdoj.gov/grantees.html>.
11. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
12. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
13. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (which is defined to include meetings, retreats, seminars, symposiums, trainings, and other events), including the provision of food and/ or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at <http://www.ovw.usdoj.gov/grantees.html>.
14. The grantee agrees to comply with all relevant statutory and regulatory requirements which may include, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against Women Act of 2000, P.L. 106-386, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C 3711 et seq., the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, and OVW's implementing regulations at 28 CFR Part 90.
15. The grantee must be in compliance with specifications outlined in the solicitation under which the approved application was submitted. The program solicitation is hereby incorporated by reference into this award.

*LB m/s*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 4 OF 7

PROJECT NUMBER 2013-WF-AX-0004

AWARD DATE 09/11/2013

*SPECIAL CONDITIONS*

16. The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.
17. The recipient understands and agrees that grant funds may be frozen if the recipient does not respond in a timely fashion to requests to address OIG audit findings and financial or programmatic monitoring findings.
18. Grant funds may be used only for the purposes in the recipient's approved application. The recipient shall not undertake any work or activities that are not described in the grant application, and that use staff, equipment, or other goods or services paid for with OVW grant funds, without prior written approval from OVW.
19. The Director of OVW, upon a finding that there has been substantial failure by the recipient to comply with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation, will terminate or suspend until the Director is satisfied that there is no longer such failure, all or part of the award, in accordance with the provisions of 28 CFR Part 18, as applicable mutatis mutandis.
20. The grantee agrees that if they receive any funding that is duplicative of funding received under this grant, they will notify their OVW grant manager as soon as possible and a Grant Adjustment Notice (GAN) will be issued changing the budget to eliminate the duplication, and the grantee agrees and understands that any duplicative funding will be deobligated from its award and returned to OVW.
21. The recipient agrees to provide OVW with specific information regarding subgrants made under this program. The recipient agrees to submit an annual report that includes (a) an assessment of whether stated goals and objectives were achieved; (b) information on the effectiveness of the activities carried out with the amounts made available to carry out the program, including number of persons served and the numbers of persons seeking services who could not be served; (c) information on each subgrant awarded; and (d) such other information as the Attorney General may prescribe. (Grantees are required to submit this report after the end of each calendar year but no later than March 30 each year. Grantees are required to submit this information on the Annual STOP Administrators' Report form (which is to be completed by State Administrator) and the Annual Progress Report for STOP Violence Against Women Formula Grant Program form (which is to be completed by subgrantees)).
22. Under the Government Performance and Results Act (GPRA) and VAWA 2000, grantees are required to collect and maintain data that measure the effectiveness of their grant-funded activities. Accordingly, the grantee agrees to submit an annual electronic progress report on program activities and program effectiveness measures. Information that grantees must collect under GPRA and VAWA 2000 includes, but is not limited to: 1) number of victims receiving requested services; 2) number of persons seeking services who could not be served; 3) number and percentage of arrests relative to the number of police responses to domestic violence incidents; 4) number of sexual assault nurse examiners trained; and 5) number of victim advocates supported by grant funding.
23. A final report, which provides a summary of progress toward achieving the goals and objectives of the award, significant results, and any products developed under the award, is due 90 days after the end of the award. The Final Progress Report should be submitted to the Office on Violence Against Women through the Grants Management System with the Report Type indicated as "Final".
24. The recipient agrees that it will submit quarterly financial status reports to OVW on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form (available for viewing at [www.whitehouse.gov/omb/grants/standard\\_forms/ff\\_report.pdf](http://www.whitehouse.gov/omb/grants/standard_forms/ff_report.pdf)), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.

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OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 5 OF 7

PROJECT NUMBER 2013-WF-AX-0004

AWARD DATE 09/11/2013

*SPECIAL CONDITIONS*

25. The grantee agrees to attend and participate in OVW-sponsored technical assistance. Technical assistance includes, but is not limited to, national and regional conferences, audio conferences, peer-to-peer consultations, and workshops conducted by OVW-designated technical assistance providers. The recipient's participation is critical for effective administration of the STOP Formula Grant program and to ensure adherence to statutory provisions.
26. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day or \$81.25 per hour. A detailed justification must be submitted to and approved by the Office on Violence Against Women prior to obligation or expenditure of such funds. Although prior approval is not required for consultant rates below these specified amounts, grantees are required to maintain documentation to support all daily or hourly rates.
27. The recipient agrees to submit one copy of all required reports and any other written materials or products that are funded under the project to OVW not less than twenty (20) days prior to public release. If the written material is found to be outside the scope of the program, or in some way to compromise victim safety, it will need to be revised to address these concerns or the grantee will not be allowed to use project funds to support the further development or distribution of the materials.
28. All materials and publications (written, visual, or sound) resulting from award activities shall contain the following statements: "This project was supported by Grant No. \_\_\_\_\_ awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.
29. All materials and publications (written, visual, or sound) resulting from subgrant award activities shall contain the following statements: "This project was supported by subgrant No. \_\_\_\_\_ awarded by the state administering office for the STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women.
30. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.
31. The grantee agrees that grant funds will not support activities that compromise victim safety and recovery, such as: procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or sex of their children; pre-trial diversion programs not approved by OVW or the placement of offenders in such programs; mediation, couples counseling, family counseling or any other manner of joint victim-offender counseling; mandatory counseling for victims, penalizing victims who refuse to testify, or promoting procedures that would require victims to seek legal sanctions against their abusers (e.g., seek a protection order, file formal complaint); the placement of perpetrators in anger management programs; or any other activities outlined in the solicitation under which the approved application was submitted.

*Bill*

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 6 OF 7

PROJECT NUMBER 2013-WF-AX-0004

AWARD DATE 09/11/2013

*SPECIAL CONDITIONS*

32. Pursuant to 28 CFR §66.34, the Office on Violence Against Women reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, in whole or in part (including in the creation of derivative works), for Federal Government purposes:
- (a) any work that is subject to copyright and was developed under this award, subaward, contract or subcontract pursuant to this award; and
  - (b) any work that is subject to copyright for which ownership was purchased by a recipient, subrecipient or a contractor with support under this award.
- In addition, the recipient (or subrecipient, contractor or subcontractor) must obtain advance written approval from the Office on Violence Against Women program manager assigned to this award, and must comply with all conditions specified by the program manager in connection with that approval before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyrighted work, or portion thereof, into a new work developed under this award.
- It is the responsibility of the recipient (and of each subrecipient, contractor or subcontractor as applicable) to ensure that this condition is included in any subaward, contract or subcontract under this award.
33. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office on Violence Against Women web site at: <http://www.ovv.usdoj.gov/docs/ffata-award-term.pdf> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own and/or operate in his or her name).
34. The recipient agrees that no amount of the 10% administrative funding of this grant will be used for dues or membership fees to an organization conducting any type of lobbying, including advocating with government agencies for policy change.
35. The recipient understands and agrees that compliance with the statutory certification requirements is an ongoing responsibility during the award period and that, at a minimum, a hold may be placed on recipient's funds for noncompliance with any of the requirements of 42 U.S.C. 3796gg-4 (regarding rape exam payments), 42 U.S.C. 3796gg-4(c) (regarding judicial notification), 42 U.S.C. 3706gg-5 (regarding certain fees and costs), and 42 U.S.C. 3796gg-8 (regarding polygraphing of sexual assault victims). Non-compliance with any of the foregoing may also result in termination or suspension of the grant or other remedial measures, in accordance with applicable laws and regulations.
36. The recipient acknowledges that the federal share of a grant made under the state formula program may not exceed 75 percent of the total costs of the total projects described in the application, including administrative costs. The recipient further acknowledges that non-profit, non-governmental victim services programs receiving STOP subgrants under the victim services allocation cannot be required by the State to provide matching dollars. The State, however, must provide no less than 25 percent matching funds unless granted a waiver or partial waiver by OVW.

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OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 7 OF 7

PROJECT NUMBER 2013-WF-AX-0004

AWARD DATE 09/11/2013

*SPECIAL CONDITIONS*

37. The recipient agrees to submit a current Implementation Plan developed in consultation and coordination with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence services programs in accordance with the following guidelines:

Within 120 days of the date of the award, the grantee must submit one of the following: an update of the most recent implementation plan, an entirely new implementation plan, or a letter indicating there was no change to the implementation plan.

Regardless if changes were made to the implementation plan, all states and territories must submit a copy of the state's or territory's most recent census data relating to underserved populations and submit this information along with the letter, new or revised implementation plan, as applicable. The recipient acknowledges that it may not obligate, expend, or draw down more than 10 percent of the award amount until it has submitted a letter, revised or new Implementation Plan, and a Grant Adjustment Notice has been issued removing this special condition.

38. The grantee agrees that of the 30 percent of funds allocated to victim services, 10 percent will be distributed to culturally specific community-based organizations. Further, the grantee agrees to recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among those populations.
39. The grantee agrees to provide OVW, within ten (10) days of release, a copy of its announcement of the availability of funding under this program (e.g., the request for applications, announcement of general funding availability, or announcement of program priorities issued in connection with this program).
40. The recipient agrees in making subgrants under this award to give priority to areas of varying geographic size with the greatest demonstration of need; to take into consideration the population of the geographic area to be served; to distribute monies equitably on a geographic basis, including nonurban and rural areas of various geographic sizes; and to identify and address the needs of underserved populations.
41. The grantee agrees that grant funds will not be used to support the development or presentation of a domestic violence, sexual assault, dating violence and/or stalking curriculum for primary or secondary schools. The grantee further agrees that grant funds will not be used to teach primary or secondary school students from an already existing curriculum.
42. The grantee agrees that grant funds will not be used to support the purchase of standard issued law enforcement items, such as, uniforms, safety vests, shields, weapons, bullets, and armory or to support chemical dependency or alcohol abuse programs that are not an integral part of a court-mandated batterer intervention program.
43. The grantee agrees that grant funds will not be used to conduct public awareness or community education campaigns or related activities. Grant funds may be used to support, inform, and outreach to victims about available services.
44. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the Office of Justice Program's Office for Civil Rights at [CivilRightsMOA@usdoj.gov](mailto:CivilRightsMOA@usdoj.gov) within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by the Office of Justice Program's Office for Civil Rights or any other authorized persons. The required elements of the MOA are set forth at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm), under the heading, "Civil Rights Compliance Specific to State Administering Agencies."

*26 Oct 13*

OJP FORM 4000/2 (REV. 4-88)



**Department of Justice**

*Office on Violence Against Women*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Marnie Shields, Attorney Advisor

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

The STOP Violence Against Women Formula Grant Program implements certain provisions of the Violence Against Women Act, which was enacted in September 1994 as Title IV of the Violent Crime Control and Law Enforcement Act of 1994 and reauthorized in the Violence Against Women Act of 2000. The Program encourages the development and implementation of effective, victim-centered law enforcement, prosecution, and court strategies to address violent crimes against women and the development and enhancement of victim services in cases involving violent crimes against women.

None of the following activities will be conducted under the OVW federal action:

1. New construction.
2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year floodplain.
3. A renovation which will change the basic prior use of a facility or significantly change its size.
4. Research and technology whose anticipated and future application could be expected to have an effect on the environment.
5. Implementation of a program involving the use of chemicals. Consequently, the subject federal action meets the criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations (adopted by OVW at 28 CFR § 0.122(b)).



Department of Justice  
Office on Violence Against Women

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER

2013-WF-AX-0004

PAGE 1 OF 1

This project is supported under 42 U.S.C. 3796gg - 3796gg-5 (OVW - Stop Formula)

**1. STAFF CONTACT (Name & telephone number)**

Paule Tessier  
(202) 353-8408

**2. PROJECT DIRECTOR (Name, address & telephone number)**

Lanette Mumford  
Program Manager  
312 Rosa L. Parks Avenue  
Suite 1800  
Nashville, TN 37243-1102  
(615) 253-8622

**3a. TITLE OF THE PROGRAM**

OVW FY 2013 STOP Violence Against Women Formula Grant Program

**3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)**

**4. TITLE OF PROJECT**

2013 Tennessee S.T.O.P Violence Against Women Grant

**5. NAME & ADDRESS OF GRANTEE**

Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue Suite 1800  
Nashville, TN 37243-1102

**6. NAME & ADDRESS OF SUBGRANTEE**

**7. PROGRAM PERIOD**

FROM: 07/01/2013 TO: 06/30/2015

**8. BUDGET PERIOD**

FROM: 07/01/2013 TO: 06/30/2015

**9. AMOUNT OF AWARD**

\$ 2,501,683

**10. DATE OF AWARD**

09/11/2013

**11. SECOND YEAR'S BUDGET**

**12. SECOND YEAR'S BUDGET AMOUNT**

**13. THIRD YEAR'S BUDGET PERIOD**

**14. THIRD YEAR'S BUDGET AMOUNT**

**15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)**

The STOP Violence Against Women Formula Grant Program (STOP Program) was reauthorized and amended on January 5, 2006 by the Violence Against Women Act of 2005 (VAWA 2005). The STOP Program continues to encourage the development and implementation of effective, victim-centered law enforcement, prosecution, and court strategies to address violent crimes against women and the development and enhancement of victim services in cases involving violent crimes against women. It envisions a partnership among law enforcement, prosecution, courts, and victim services organizations to enhance victim safety and hold offenders accountable for their crimes against women.

The Office on Violence Against Women, U.S. Department of Justice will award \$126,747,985 in Fiscal Year 2013 STOP formula grants. Each state, territory, and the District of Columbia will receive a base award of \$600,000 and a portion of the remaining funds in amounts determined by the size of the states' populations. In compliance with VAWA 2005, each STOP grant recipient must allocate not less than 30 percent of its STOP funding to nonprofit, nongovernmental victim services

OJP FORM 4000/2 (REV. 4-88)

programs; not less than 25 percent to law enforcement; not less than 25 percent to prosecution; and not less than 5 percent to courts. The remaining 15 percent may be awarded at the state/territory's discretion within the statutory parameters of VAWA, VAWA 2000, and VAWA 2005.

NC/NCF



Department of Justice  
Office on Violence Against Women

September 26, 2014

Washington, D.C. 20531

Mr. Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Nashville, TN 37243-1102

Dear Mr. Martin:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office on Violence Against Women has approved your application for funding under the STOP Violence Against Women Formula Grant Program in the amount of \$2,798,888 for Tennessee Department of Finance and Administration. The Services\*Training\*Officers\*Prosecutors (STOP) Violence Against Women Formula Grant Program supports communities in their efforts to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services in cases involving violent crimes against women.

Enclosed you will find the award package. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact Paule Tessier at (202) 353-8408. For financial grants management questions, contact the OVW Grants Financial Management Division at (202) 514-8556, or by e-mail at [ovw.gfmd@usdoj.gov](mailto:ovw.gfmd@usdoj.gov). For payment questions, contact the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or by email at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

Bea Hanson  
Principal Deputy Director

Enclosures



## OFFICE FOR CIVIL RIGHTS

Office of Justice Programs  
Department of Justice  
810 7th Street, NW  
Washington, DC 20531

Tel: (202) 307-0690  
TTY: (202) 307-2027  
E-mail: [askOCR@usdoj.gov](mailto:askOCR@usdoj.gov)  
Website: [www.ojp.usdoj.gov/ocr](http://www.ojp.usdoj.gov/ocr)

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September 26, 2014

Mr. Larry B. Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Nashville, TN 37243-1102

Dear Mr. Martin:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

### **Ensuring Access to Federally Assisted Programs**

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

### **Enforcing Civil Rights Laws**

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

#### **Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

#### **Ensuring Equal Treatment for Faith-Based Organizations**

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

#### **Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

#### **Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

#### Meeting the EEOP Requirement

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOSubmission@usdoj.gov](mailto:EEOSubmission@usdoj.gov).

#### Meeting the Requirement to Submit Findings of Discrimination

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

#### Ensuring the Compliance of Subrecipients

SAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office on Violence Against Women

Grant

PAGE 1 OF 8

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Nashville, TN 37243-1102		4. AWARD NUMBER: 2014-WF-AX-0022	
		5. PROJECT PERIOD: FROM 07/01/2014 TO 06/30/2016 BUDGET PERIOD: FROM 07/01/2014 TO 06/30/2016	
		6. AWARD DATE 09/26/2014	7. ACTION
1A. GRANTEE IRS/VENDOR NO. 626001448		8. SUPPLEMENT NUMBER 00	Initial
		9. PREVIOUS AWARD AMOUNT	\$ 0
3. PROJECT TITLE Tennessee's STOP Violence Against Women Grant Program		10. AMOUNT OF THIS AWARD	\$ 2,798,888
		11. TOTAL AWARD	\$ 2,798,888
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. 3796gg to 3796gg-5, 3796gg-8			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Bea Hanson Principal Deputy Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Larry B. Martin Commissioner, Dept. of Finance & Administration	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 10/17/14
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES		21. W214D00043	
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC. REG. SUB. POMS AMOUNT
X	A	W2	29 00 00 2798888

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OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 8

PROJECT NUMBER 2014-WF-AX-0022

AWARD DATE 09/26/2014

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office on Violence Against Women (OVW) Financial Grants Management Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audit of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of DOJ grant funds) are not satisfactorily and promptly addressed as further described in the current edition of the OVW Financial Grants Management Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government without the express prior written approval of OVW, in order to avoid violation of 18 USC § 1913. The recipient may, however, use federal funds to collaborate with and provide information to federal, state, local, tribal and territorial public officials and agencies to develop and implement policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 42 USC 13925(a)) when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OVW.

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 3 OF 8

PROJECT NUMBER 2014-WF-AX-0022

AWARD DATE 09/26/2014

*SPECIAL CONDITIONS*

7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.
8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OVW). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office on Violence Against Women web site at <http://www.ovw.usdoj.gov/docs/sam-award-term.pdf> (Award condition: Registration with the System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OVW Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ovw.usdoj.gov/grantees.html>.
11. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
12. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
13. The Violence Against Women Reauthorization Act of 2013 added a new civil rights provision that applies to all OVW grants issued in FY 2014 or after. This provision prohibits OVW grantees from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW. The grantee acknowledges that it will comply with this provision.
14. The grantee agrees that funds will be used to supplement, not supplant, non-federal funds that would otherwise be available for the activities under this grant.
15. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (which is defined to include meetings, retreats, seminars, symposiums, trainings, and other events), including the provision of food and/ or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at <http://www.ovw.usdoj.gov/grantees.html>.

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 8

PROJECT NUMBER 2014-WF-AX-0022

AWARD DATE 09/26/2014

*SPECIAL CONDITIONS*

16. The grantee agrees to comply with all relevant statutory and regulatory requirements which may include, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against Women Act of 2000, P.L. 106-386, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C 3711 et seq., the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, and OVW's implementing regulations at 28 CFR Part 90.
17. The grantee must be in compliance with specifications outlined in the solicitation under which the approved application was submitted. The program solicitation is hereby incorporated by reference into this award.
18. The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.
19. The recipient understands and agrees that grant funds may be frozen if the recipient does not respond in a timely fashion to requests to address Office of the Inspector General audit findings and financial or programmatic monitoring findings.
20. Grant funds may be used only for the purposes in the recipient's approved application. The recipient shall not undertake any work or activities that are not described in the grant application, and that use staff, equipment, or other goods or services paid for with OVW grant funds, without prior written approval from OVW.
21. The Director of OVW, upon a finding that there has been substantial failure by the recipient to comply with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation, will terminate or suspend until the Director is satisfied that there is no longer such failure, all or part of the award, in accordance with the provisions of 28 CFR Part 18, as applicable mutatis mutandis.
22. The grantee agrees that if they receive any funding that is duplicative of funding received under this grant, they will notify their OVW grant manager as soon as possible so that a Grant Adjustment Notice (GAN) can be issued modifying the budget and project activities to eliminate the duplication. Further, the grantee agrees and understands that any duplicative funding that cannot be re-programmed to support non-duplicative activities within the program's statutory scope will be deobligated from this award and returned to OVW.
23. The grantee agrees to comply with the provisions of 42 U.S.C. 13925(b)(2), nondisclosure of confidential or private information, which includes creating and maintaining documentation of compliance, such as policies and procedures for release of victim information. The grantee also agrees to ensure that any subgrantees meet these requirements.
24. The recipient agrees to provide OVW with specific information regarding subgrants made under this program. The recipient agrees to submit an annual report that includes (a) an assessment of whether stated goals and objectives were achieved; (b) information on the effectiveness of the activities carried out with the amounts made available to carry out the program, including number of persons served and the numbers of persons seeking services who could not be served; (c) information on each subgrant awarded; and (d) such other information as the Attorney General may prescribe. (Grantees are required to submit this report after the end of each calendar year but no later than March 30 each year. Grantees are required to submit this information on the Annual STOP Administrators' Report form (which is to be completed by State Administrator) and the Annual Progress Report for STOP Violence Against Women Formula Grant Program form (which is to be completed by subgrantees)).

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Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 5 OF 8

PROJECT NUMBER 2014-WF-AX-0022

AWARD DATE 09/26/2014

*SPECIAL CONDITIONS*

25. Under the Government Performance and Results Act (GPRA), VAWA 2000 and subsequent legislation, grantees and subgrantees are required to collect and maintain data that measure the effectiveness of their grant-funded activities. Accordingly, the grantee agrees to submit annual electronic progress reports on program activities and program effectiveness measures and to require submission of reports by subgrantees. Grantees and subgrantees are required to collect the information that is included on the Measuring Effectiveness Progress Reports for the OVW Program under which this award is funded.
26. A final report, which provides a summary of progress toward achieving the goals and objectives of the award, significant results, and any products developed under the award, is due 90 days after the end of the award. The Final Progress Report should be submitted to the Office on Violence Against Women through the Grants Management System with the Report Type indicated as "Final".
27. The recipient agrees that it will submit quarterly financial status reports to OVW on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form (available for viewing at [www.whitehouse.gov/omb/grants/standard\\_forms/ff\\_report.pdf](http://www.whitehouse.gov/omb/grants/standard_forms/ff_report.pdf)), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.
28. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day or \$81.25 per hour. A detailed justification must be submitted to and approved by the Office on Violence Against Women prior to obligation or expenditure of such funds. Although prior approval is not required for consultant rates below these specified amounts, grantees are required to maintain documentation to support all daily or hourly rates.
29. The recipient agrees to submit one copy of all required reports and any other written materials or products that are funded under the project to OVW not less than twenty (20) days prior to public release. If the written material is found to be outside the scope of the program, or in some way to compromise victim safety, it will need to be revised to address these concerns or the grantee will not be allowed to use project funds to support the further development or distribution of the materials.
30. All materials and publications (written, visual, or sound) resulting from award activities shall contain the following statements: "This project was supported by Grant No. \_\_\_\_\_ awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women."
31. All materials and publications (written, visual, or sound) resulting from subgrant award activities shall contain the following statements: "This project was supported by subgrant No. \_\_\_\_\_ awarded by the state administering office for the STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women."
32. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 6 OF 8

PROJECT NUMBER 2014-WF-AX-0022

AWARD DATE 09/26/2014

*SPECIAL CONDITIONS*

33. The grantee agrees that grant funds will not support activities that compromise victim safety and recovery, such as: procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or sex of their children; pre-trial diversion programs not approved by OVW or the placement of offenders in such programs; mediation, couples counseling, family counseling or any other manner of joint victim-offender counseling; mandatory counseling for victims, penalizing victims who refuse to testify, or promoting procedures that would require victims to seek legal sanctions against their abusers (e.g., seek a protection order, file formal complaint); the placement of perpetrators in anger management programs; or any other activities outlined in the solicitation under which the approved application was submitted.
34. Pursuant to 28 CFR §66.34, the Office on Violence Against Women reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, in whole or in part (including in the creation of derivative works), for Federal Government purposes:
- (a) any work that is subject to copyright and was developed under this award, subaward, contract or subcontract pursuant to this award; and
  - (b) any work that is subject to copyright for which ownership was purchased by a recipient, subrecipient or a contractor with support under this award.
- In addition, the recipient (or subrecipient, contractor or subcontractor) must obtain advance written approval from the Office on Violence Against Women program manager assigned to this award, and must comply with all conditions specified by the program manager in connection with that approval before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyrighted work, or portion thereof, into a new work developed under this award.
- It is the responsibility of the recipient (and of each subrecipient, contractor or subcontractor as applicable) to ensure that this condition is included in any subaward, contract or subcontract under this award.
35. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office on Violence Against Women web site at: <http://www.ovw.usdoj.gov/docs/ffata-award-term.pdf> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own and/or operate in his or her name).

OJP FORM 4000/2 (REV. 4-88)

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Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 7 OF 8

PROJECT NUMBER 2014-WF-AX-0022

AWARD DATE 09/26/2014

*SPECIAL CONDITIONS*

36. The grantee agrees that the legal assistance eligibility requirements, as set forth below, are a continuing obligation on the part of the grantee. The legal assistance eligibility requirements are: (1) any person providing legal assistance through a program funded under this Grant Program (A) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or (B) (i) is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and (ii) has completed or will complete training in connection with domestic violence, stalking or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide; (2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, territorial, or tribal domestic violence, dating violence, sexual assault or stalking victim service provider or coalition, as well as appropriate State, local, territorial and tribal law enforcement officials; (3) any person or organization providing legal assistance through this Program has informed and will continue to inform State, local, territorial or tribal domestic violence, dating violence, stalking or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and (4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, dating violence, domestic violence, stalking or child sexual abuse is an issue.
37. The state agrees that victim service providers will not be required to provide match. The state will verify that victim service providers that are nonprofit organizations will be organizations that are described in section 501(c)(3) of the Internal Revenue Code of 1986 and are exempt from taxation under section 501(a) of that Code.
38. The recipient agrees that no amount of the 10% administrative funding of this grant will be used for dues or membership fees to an organization conducting any type of lobbying, including advocating with government agencies for policy change.
39. The recipient understands and agrees that compliance with the statutory certification requirements is an ongoing responsibility during the award period and that, at a minimum, a hold may be placed on recipient's funds for noncompliance with any of the requirements of 42 U.S.C. 3796gg-4 (regarding rape exam payments), 42 U.S.C. 3796gg-4(e) (regarding judicial notification), 42 U.S.C. 3706gg-5 (regarding certain fees and costs), and 42 U.S.C. 3796gg-8 (regarding polygraphing of sexual assault victims). Non-compliance with any of the foregoing may also result in termination or suspension of the grant or other remedial measures, in accordance with applicable laws and regulations.
40. The recipient acknowledges that the federal share of a grant made under the state formula program may not exceed 75 percent of the total costs of the total projects described in the application, including administrative costs. The costs of projects awarded to victim service providers for the purpose of providing victim services, and the cost of projects for tribes, do not count toward the total cost of the projects in calculating the match. The recipient further acknowledges that non-profit, non-governmental victim services programs receiving STOP subgrants under the victim services allocation cannot be required by the State to provide matching dollars. The State, however, must provide no less than 25 percent matching funds unless granted a waiver or partial waiver by OVW.
41. The grantee agrees that by March 7, 2015, not less than 20 percent of the amount granted shall be allocated for programs and projects in 2 or more allocations (victim services, law enforcement, prosecution, courts) that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.
42. The grantee agrees to attend and participate in OVW-sponsored technical assistance. Technical assistance includes, but is not limited to, national and regional conferences, audio conferences, peer-to-peer consultations, and workshops conducted by OVW-designated technical assistance providers. The recipient's participation is critical for effective administration of the STOP Formula Grant program and to ensure adherence to statutory provisions.

OJP FORM 4000/2 (REV. 4-88)

UBM



Department of Justice  
Office on Violence Against Women

**AWARD CONTINUATION  
SHEET**  
**Grant**

PAGE 8 OF 8

PROJECT NUMBER 2014-WF-AX-0022

AWARD DATE 09/26/2014

*SPECIAL CONDITIONS*

43. The grantee agrees to provide OVW, within ten (10) days of release, a copy of its announcement of the availability of funding under this program (e.g., the request for applications, announcement of general funding availability, or announcement of program priorities issued in connection with this program).
44. The recipient agrees in making subgrants under this award to give priority to areas of varying geographic size with the greatest demonstration of need; to take into consideration the population of the geographic area to be served; to distribute monies equitably on a geographic basis, including nonurban and rural areas of various geographic sizes; and to identify and address the needs of underserved populations.
45. The grantee agrees that grant funds will not be used to support the purchase of standard issued law enforcement items, such as, uniforms, safety vests, shields, weapons, bullets, and armory or to support chemical dependency or alcohol abuse programs that are not an integral part of a court-mandated batterer intervention program.
46. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the Office of Justice Program's Office for Civil Rights at CivilRightsMOA@usdoj.gov within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by the Office of Justice Program's Office for Civil Rights or any other authorized persons. The required elements of the MOA are set forth at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm), under the heading, "Civil Rights Compliance Specific to State Administering Agencies."
47. The grantee agrees that of the 30 percent of funds allocated to victim services, 10 percent will be distributed to culturally specific community-based organizations. The grantee understands that "culturally specific" means "primarily directed toward racial and ethnic minority groups," which are defined by 42 USC 300u-6(g) as "American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans; Native Hawaiians and other Pacific Islanders; Blacks; and Hispanics." Further, the grantee agrees to recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among those populations.
48. The grantee agrees that no more than 5 percent of the state's award may be used to conduct public awareness or community education campaigns or related activities to broadly address domestic violence, dating violence, sexual assault or stalking. Grant funds may be used without limit to support, inform, and outreach to victims about available services.
49. The recipient jurisdiction has submitted an Assurance to Utilize Department of Justice Grants to Achieve Full Compliance with the National Standards to Prevent, Detect, and Respond to Prison Rape. The recipient agrees to abide by the terms of that assurance, including notifying DOJ of any inaccuracy if the Chief Executive checked box 2 on the form. If the Chief Executive did not select box 2, then the state agrees that 4.75 percent of the award will be used to come into full compliance with the standards issued under the Prison Rape Elimination Act. The state will submit a plan for how the reallocated funds are to be spent, using a form supplied by OVW. The state agrees to follow the submitted plan unless a Grant Adjustment Notice (GAN) is approved for a deviation.
50. Funds are withheld in the amount of 4.75 percent of the state's allocated funds, which is the amount reallocated under the Prison Rape Elimination Act for the state to dedicate towards coming into full compliance with the standards issued under that act. This condition will be released when the state submits a plan, on a form provided by OVW, for how the funds will be allocated and spent, and the plan is approved by OVW.

OJP FORM 4000/2 (REV. 4-88)

Ubm



**Department of Justice**

*Office on Violence Against Women*

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*Washington, D.C. 20531*

**Memorandum To:** Official Grant File

**From:** Marnie Shiels, Attorney Advisor

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

The STOP Violence Against Women Formula Grant Program was authorized by the Violence Against Women Act in 1994 and reauthorized and amended by the Violence Against Women Act of 2000, the Violence Against Women and Department of Justice Reauthorization Act of 2005, and the Violence Against Women Reauthorization Act of 2013. The STOP Program continues to encourage the development and implementation of effective, victim-centered law enforcement, prosecution, and court strategies to address violent crimes against women and the development and enhancement of victim services in cases involving violent crimes against women. It envisions a partnership among law enforcement, prosecution, courts, and victim services organizations to enhance victim safety and hold offenders accountable for their crimes against women.

None of the following activities will be conducted under the OVW federal action:

1. New construction.
2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year floodplain.
3. A renovation which will change the basic prior use of a facility or significantly change its size.
4. Research and technology whose anticipated and future application could be expected to have an effect on the environment.
5. Implementation of a program involving the use of chemicals. Consequently, the subject federal action meets the criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations (adopted by OVW at 28 CFR § 0.122(b)).

	Department of Justice Office on Violence Against Women		<b>GRANT MANAGER'S MEMORANDUM, PT. I:          PROJECT SUMMARY</b>	
			<b>Grant</b>	
		PROJECT NUMBER 2014-WF-AX-0022	PAGE 1 OF 1	
This project is supported under 42 U.S.C. 3796gg to 3796gg-5, 3796gg-8				
1. STAFF CONTACT (Name & telephone number)  Paule Tessier (202) 353-8408		2. PROJECT DIRECTOR (Name, address & telephone number)  Justine Bass Program Manager 312 Rosa L. Parks Avenue Suite 1800 Nashville, TN 37243-1102 (615) 253-1983		
3a. TITLE OF THE PROGRAM OVW FY 2014 STOP Violence Against Women Formula Grant Program			3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)	
4. TITLE OF PROJECT  Tennessee's STOP Violence Against Women Grant Program				
5. NAME & ADDRESS OF GRANTEE  Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Nashville, TN 37243-1102		6. NAME & ADDRESS OF SUBGRANTEE		
7. PROGRAM PERIOD FROM: 07/01/2014 TO: 06/30/2016		8. BUDGET PERIOD FROM: 07/01/2014 TO: 06/30/2016		
9. AMOUNT OF AWARD \$ 2,798,888		10. DATE OF AWARD 09/26/2014		
11. SECOND YEAR'S BUDGET		12. SECOND YEAR'S BUDGET AMOUNT		
13. THIRD YEAR'S BUDGET PERIOD		14. THIRD YEAR'S BUDGET AMOUNT		
15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)  The STOP Violence Against Women Formula Grant Program was authorized by the Violence Against Women Act in 1994 and reauthorized and amended by the Violence Against Women Act of 2000, the Violence Against Women and Department of Justice Reauthorization Act of 2005, and the Violence Against Women Reauthorization Act of 2013. The STOP Program continues to encourage the development and implementation of effective, victim-centered law enforcement, prosecution, and court strategies to address violent crimes against women and the development and enhancement of victim services in cases involving violent crimes against women. It envisions a partnership among law enforcement, prosecution, courts, and victim services organizations to enhance victim safety and hold offenders accountable for their crimes against women.  The Office on Violence Against Women, U.S. Department of Justice will award \$141,958,891 in Fiscal Year 2014 STOP formula grants. Each state, territory, and the District of Columbia will receive a base award of \$600,000 and a portion of the remaining funds in amounts determined by the size of the states' populations.				

OJP FORM 4000/2 (REV. 4-88)

Each STOP grant recipient must allocate 30 percent of the award for victim services (of which 10 percent must be allocated to culturally specific community-based organizations), 25 percent each for law enforcement and prosecution, and five percent to courts. The remaining 15 percent may be awarded at the state/territory's discretion within the statutory parameters of the program.

NC/NCF



Department of Justice  
Office of Justice Programs

Office for Victims of Crime

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Office of Justice Programs

Washington, D.C. 20531

September 15, 2014

Mr. Larry Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Martin:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 14 VOCA Victim Assistance Formula in the amount of \$9,198,421 for Tennessee Department of Finance and Administration.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Shadine Jankovic, Program Manager at (202) 305-7807; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

Joye E. Frost  
Director

Enclosures



## OFFICE FOR CIVIL RIGHTS

Office of Justice Programs  
Department of Justice  
810 7th Street, NW  
Washington, DC 20531

Tel: (202) 307-0690  
TTY: (202) 307-2027  
E-mail: [askOCR@usdoj.gov](mailto:askOCR@usdoj.gov)  
Website: [www.ojp.usdoj.gov/ocr](http://www.ojp.usdoj.gov/ocr)

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September 15, 2014

Mr. Larry Martin  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Martin:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

### **Ensuring Access to Federally Assisted Programs**

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

### **Enforcing Civil Rights Laws**

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

#### **Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

#### **Ensuring Equal Treatment for Faith-Based Organizations**

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

#### **Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

#### **Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

#### **Meeting the EEOP Requirement**

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOSubmission@usdoj.gov](mailto:EEOSubmission@usdoj.gov).

#### **Meeting the Requirement to Submit Findings of Discrimination**

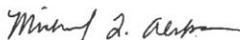
If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

#### **Ensuring the Compliance of Subrecipients**

SAAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

Grant

PAGE 1 OF 5

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Tennessee Department of Finance and Administration 312 Rosa L. Parks Avenue Suite 1200 Nashville, TN 37243-1102		4. AWARD NUMBER: 2014-VA-GX-0008																	
		5. PROJECT PERIOD: FROM 10/01/2013 TO 09/30/2017 BUDGET PERIOD: FROM 10/01/2013 TO 09/30/2017																	
1A. GRANTEE IRS/VENDOR NO. 626001448		6. AWARD DATE: 09/15/2014	7. ACTION Initial																
3. PROJECT TITLE OVC FY 14 VOCA Victim Assistance Formula		8. SUPPLEMENT NUMBER 00	9. PREVIOUS AWARD AMOUNT \$ 0																
		10. AMOUNT OF THIS AWARD \$ 9,198,421	11. TOTAL AWARD \$ 9,198,421																
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).																			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. § 10603 (a)																			
15. METHOD OF PAYMENT GPRS																			
AGENCY APPROVAL		GRANTEE ACCEPTANCE																	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Joye E. Frost Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Larry Martin Commissioner, Dept. of Finance & Administration																	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 10-17-14																
20. ACCOUNTING CLASSIFICATION CODES		21. NV2PGT0154																	
<table border="1"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>DIV. REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>G</td> <td>V2</td> <td>40</td> <td>00</td> <td>00</td> <td></td> <td>9198421</td> </tr> </tbody> </table>		FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT	X	G	V2	40	00	00		9198421		
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT												
X	G	V2	40	00	00		9198421												

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 5

PROJECT NUMBER 2014-VA-GX-0008

AWARD DATE 09/15/2014

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -  
  
mail:  
  
Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530  
  
e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)  
  
hotline: (contact information in English and Spanish): (800) 869-4499  
  
or hotline fax: (202) 616-9881  
  
Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).
6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

*UBM*



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 3 OF 5

PROJECT NUMBER 2014-VA-GX-0008

AWARD DATE 09/15/2014

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available in the OJP Financial Guide Conference Cost Chapter.
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The recipient agrees to ensure that at least one key grantee official attends the annual VOCA National Training Conference. Any recipient unable to attend must get prior approval by OVC in writing.
16. **Demographic Data**  
The recipient assures that its subrecipients will 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.

UBM



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 5

PROJECT NUMBER 2014-VA-GX-0008

AWARD DATE 09/15/2014

*SPECIAL CONDITIONS*

17. **Discrimination Findings**  
The recipient assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a recipient of victim assistance formula funds under this award, the recipient will forward a copy of the findings to the Office for Civil Rights of OJP.
18. **VOCA Requirements**  
The recipient assures that the State and its subrecipients will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 42 U.S.C. 10603(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the State certifies that funds under this award will:
  - a) be awarded only to eligible victim assistance organizations, 42 U.S.C. 10603(a)(2);
  - b) not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 42 U.S.C. 10603(a)(2); and
  - c) be allocated in accordance with program guidelines or regulations implementing 42 U.S.C. 10603(a)(2)(A) and 42 U.S.C. 10603(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.
19. The Grantee authorizes Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant. The State will further ensure that all VOCA subgrantees will authorize representatives of OVC and OCFO access to and the right to examine all records, books, paper or documents related to the VOCA grant.
20. The Grantee agrees to submit a Subgrant Award Report (SAR) to OVC for each subgrantee of the VOCA victim assistance funds, within ninety (90) days of awarding funds to subgrantees. States and territories are required to submit this information through the automated system.
21. The Grantee agrees to provide information on the activities supported and an assessment of the effects that the VOCA victim assistance funds have had on services to crime victims within the State for a one year period October 1, through September 30 (The Federal Fiscal Year). This information will be submitted annually on the OVC "Performance Report," no later than December 30 of each year.
22. The recipient understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The recipient agrees to assist OJP in carrying out its responsibilities under NEPA and related laws, if the recipient plans to use VOCA funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The recipient also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.
23. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the OJP's Office for Civil Rights at [CivilRightsMOA@usdoj.gov](mailto:CivilRightsMOA@usdoj.gov) within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by OJP or any other authorized persons. The required elements of the MOA are set forth at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm), under the heading, "Civil Rights Compliance Specific to State Administering Agencies."

OJP FORM 4000/2 (REV. 4-88)

*UPM*



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 5 OF 5

PROJECT NUMBER 2014-VA-GX-0008

AWARD DATE 09/15/2014

*SPECIAL CONDITIONS*

24. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

UBM



**Department of Justice**  
Office of Justice Programs  
*Office for Victims of Crime*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Zoe French, Grants Program Coordinator

**Subject:** Categorical Exclusion for Tennessee Department of Finance and Administration

The subject grant provides funds from the Victims of Crime Act of 1984 (VOCA) to enhance crime victim services in the State. These funds are awarded by the State to local community-based organizations that provide direct services to crime victims. None of the following activities will be conducted either under the OJP federal action or a related third party action: 1. New construction. 2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historical Places or (b) located within a 100-year floodplain. 3. A renovation which will change the basic prior use of a facility or significantly change its size. 4. Research and technology whose anticipated and future application could be expected to have an effect on the environment. 5. Implementation of a program involving the use of chemicals. Consequently, the subject federal action meets OJP's criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase or a segment of a project which when viewed in its entirety would not meet the criteria for a categorical exclusion.



Department of Justice  
Office of Justice Programs  
Office for Victims of Crime

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER

2014-VA-GX-0008

PAGE 1 OF 1

This project is supported under 42 U.S.C. § 10603 (a)

1. STAFF CONTACT (Name & telephone number)

Shadine Jankovic  
(202) 305-7807

2. PROJECT DIRECTOR (Name, address & telephone number)

Katie Powell  
Program Manager  
312 Rosa L. Parks Avenue  
Suite 1800  
Nashville, TN 37243-1102  
(615) 253-7820

3a. TITLE OF THE PROGRAM

OVC FY 14 VOCA Victim Assistance Formula

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

OVC FY 14 VOCA Victim Assistance Formula

5. NAME & ADDRESS OF GRANTEE

Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue Suite 1200  
Nashville, TN 37243-1102

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2013 TO: 09/30/2017

8. BUDGET PERIOD

FROM: 10/01/2013 TO: 09/30/2017

9. AMOUNT OF AWARD

\$ 9,198,421

10. DATE OF AWARD

09/15/2014

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

This grant award provides funds from the Crime Victims Fund to enhance crime victim services in the State. Victims of Crime Act (VOCA) assistance funds are typically competitively awarded by the State to local community-based organizations that provide direct services to crime victims. NC/NCF

OJP FORM 4000/2 (REV. 4-88)



**Department of Justice**

Office of Justice Programs

Office for Victims of Crime

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Office of Justice Programs

Washington, D.C. 20531

July 27, 2012

Mr. Mark Emkes  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Emkes:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 12 VOCA Victim Assistance Formula in the amount of \$7,651,059 for Tennessee Department of Finance and Administration.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Shadine Jankovic, Program Manager at (202) 305-7807; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joye E. Frost".

Joye E. Frost  
Acting Director

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

Washington, D.C. 20531

July 27, 2012

Mr. Mark Emkes  
Tennessee Department of Finance and Administration  
312 Rosa L. Parks Avenue  
Suite 1200  
Nashville, TN 37243-1102

Dear Mr. Emkes:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

## **Chapter 04 – ORGANIZATION OF THE CIVIL RIGHTS OFFICE/CIVIL RIGHTS COORDINATOR**

### **THRC DIRECTIVES**

#### **Purpose:**

To explain how the department's civil rights office or Title VI program is organized with respect to its enforcement activities.

#### **Required (EMPHASIZING BREVITY. A LIST OF THE RESPONSIBLE PARTIES):**

- Describe the organization and staffing of the department's Civil Rights/Title VI Unit. Organizational charts may be utilized; and,
- Outline the duties and responsibilities of the Title VI Director/Coordinator.

### **DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE**

This section describes how the Department of Finance and Administration's civil rights function is organized to implement its Title VI and Title IX responsibilities. The Plan takes a proactive approach to preventing discrimination by focusing on planning, follow-through and performance management.

#### **Planning and Implementation**

Planning and implementation of F&A's efforts with regard to *Title VI and Title IX* compliance is an ongoing process addressed throughout the year.

Because the strategies for success with both *Title VI and Title IX* are similar, this effort consolidates the planning, implementation, and compliance review associated with both. This plan is intended to proactively achieve the intents and the positive business results of *Title VI and Title IX* requirements. *Title VI and Title IX* focus not only on nondiscrimination, but also equity, access, diverse perspectives, quality of service, employee and community involvement, and a positive, professional way to act and interact with one another. Recognizing this means that F&A is committed to implementation, follow-through and performance measurement. The department and its subrecipients shall make available any compliance report to be reviewed by THRC upon request.

Broadly speaking, the four primary goals encompassed by this plan include:

- To ensure that grants and contracts are awarded without regard to race, color, national origin or gender;
- To ensure equality in the delivery of services to contract and grant beneficiaries;
- To ensure equality in all employment practices within F&A as well as by grantees and vendors; and
- To resolve any complaints arising from allegations of inequality.

#### **Responsibilities and Resources Committed to Title VI and Title IX Compliance**

The Commissioner of Finance and Administration is responsible for departmental compliance with the provisions of *Title VI of the Civil Rights Act of 1964* and *Title IX of the Education Amendments Act of 1972*. As the chief corporate office of state government, F&A has responsibilities with bearing on statewide compliance as well as those with departmental compliance. Each F&A Division Executive is responsible for *Title VI and Title IX* plan goals, implementation and related performance, within each of the operational areas of the department.

### **Statewide Approach**

The Department of Finance and Administration has committed significant resources to program areas with a direct impact on Title VI and Title IX implementation planning and compliance review efforts as well as the intents and purposes of those mandates. General Services' Central Procurement Office Policy 2013-007, Grant Management and Subrecipient Monitoring Policy and Procedures, requires subrecipient contract monitoring to be conducted by all state agencies with such contractual relationships. The policy is structured to create consistency in monitoring activities across various state agencies and to ensure that core-monitoring areas are reviewed by monitoring groups. Title VI is a required core monitoring area, meaning that, when applicable, tests to ensure Title VI compliance must occur during subrecipient monitoring reviews. State agencies conducting this monitoring will refer to guidance issued by the Tennessee Human Rights Commission, on how to effectively monitor the compliance efforts of their subrecipients. State agencies are advised to seek guidance from the Title VI Coordinator for their agency on implementing an effective program to monitor their subrecipients' compliance with Title VI.

While the monitoring of subrecipient contracts is the responsibility of those state agencies with such contractual relationships, agency monitoring plans are also evaluated by a review agency to help ensure that all policy requirements, including subrecipient Title VI compliance, are addressed.

### **Departmental Approach**

The individual designated as the Title VI/Title IX Coordinator for the department is:

Title VI/Title IX Coordinator	David Sledge, Title VI IX Coordinator
Phone Number:	(615) 532-4595
Facsimile:	(615) 741-3470
Email:	David.Sledge@tn.gov

The Coordinator's responsibilities include, but are not limited to, the following:

- Developing and monitoring implementation of F&A Title VI/Title IX compliance plan
- Coordinating periodic evaluations of all aspects of F&A activities to ensure programs and services are being conducted without discrimination on the basis of race, color, national origin or gender
- Contributing to policy relating to nondiscrimination
- Ensuring proper notice is given to employees and outside parties regarding F&A's policy of nondiscrimination
- Coordinating the review and investigation of complaints.

## **Chapter 05 – DATA COLLECTION AND ANALYSIS** **(including total number of complaints received)**

### **THRC DIRECTIVES**

#### **Purpose:**

State departments and agencies must establish a system for collecting and reporting data which shows the extent to which members of protected groups are participating in federally assisted programs and activities. Please note: Federal assisted programs include programs that may receive state funding but have benefited from federal assistance (e.g., computer software, equipment).

#### **Required (Data in an Excel format and quantified where applicable):**

- Include a brief description of how the agency collects its data;
- Include racial and ethnic data demonstrating the extent to which members of minority groups are beneficiaries of the department's federally assisted programs and/or services;
- Minority representation of agency staff - Identify the racial/national origin composition of all of the department's staff. Provide total numbers and percentages of employees by race, color and/or national origin. Also delineate whether staff is executive service or preferred service.

#### **To meet minimum standards, agencies should:**

- Collect participation data by race, color and national origin (Excel Format TO RECORD NUMERICAL DATA).
- Identify potential beneficiaries and applicants.
- Analyze applicable census data to determine the eligible population to be served.
- Include any of the demographic data such as maps, the composition of affected neighborhoods or census tracts concerning respective beneficiaries.

### **DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE**

#### **DATA COLLECTION**

##### **Complaints, Lawsuits**

F&A received no complaints regarding Title VI and was a party to no Lawsuits.

##### **Service Provider Registry System**

F&A no longer maintains the Service Provider Registry System. The Department of General Services now keeps the state's registry for contractors of all types. The registry offers state agencies a database of potential contractors and gives service providers who are disadvantaged, minority, or small business entrepreneurs an additional opportunity to be known within state government.

##### **Tracking**

The records and data is tracked and summarized in Edison and thru reporting and query retrieval by the divisions responsible for their contracts. Information is provided to the Title VI Coordinator upon request. The policies and procedures for tracking this information are reviewed annually with modifications being made during the year as deemed appropriate. Contracts are awarded after a competitive process commenced with advertising via city newspapers throughout the state, the State Web Page, Nashville Minority Business Developmental Center, and Minority Business Enterprises/Department of Economic and Community Development as appropriate.

## **PROGRAM BENEFICIARY DIVERSITY**

The two divisions within Finance and Administration with beneficiaries are the Office of Criminal Justice Programs and Volunteer Tennessee.

### **Diversity of Criminal Justice Beneficiaries**

The majority of criminal justice grants (Byrne/JAG and Criminal History Grants) do not deal directly with beneficiaries, but more the public at large. For programs with individual beneficiaries, OCJP collects statistical data regarding subrecipient agency clients using annual reports designed to capture demographic information on clients served as well as the numbers and types of activities provided to those clients.

OCJP is committed to funding programs that demonstrate effectiveness and meet the needs of the population. OCJP strives to maintain open communication with subrecipients and stakeholders to gather information regarding the needs in their communities, gaps in services, and specific issues surrounding underserved populations. This information is used for strategic planning designed to fund programs that serve the populations most in need. OCJP has funded special programs that are specifically designed to meet the needs of diverse populations requiring these services. OCJP continues to review the data collected from the subrecipient agencies annually, from the required reports as well as the needs assessments, in order to best determine funding and to improve the capacity of the programs funded.

The Office of Criminal Justice Programs annually collects data related to diversity of clients served by its STOP Violence Against Women, Family Violence Prevention and Services Act (FVPSA), Victims of Crime Act (VOCA) and Sexual Assault Services Program (SASP) grant funded agencies.

Data also demonstrate a rise in the number of ethnically diverse women and children seeking services marking a need for culturally competent services. Cultural competency is defined as the capacity of an organization or individual to recognize and address issues of cultural dominance, privilege, and access; value and accommodate diversity; and overcome barriers to services faced by clients of diverse cultural backgrounds. While agencies have continued to provide services to all populations they have found that services to the immigrant population demanded a more in-depth look at how they were being delivered and received.

In an effort to make programs more culturally competent, the Cultural Competency Committee was formed in 2005 to develop Best Practices for victim services. All OCJP subrecipients can access the Best Practices through the online OCJP Administrative Manual.

OCJP uses population and demographic distributions data together with crime statistics to illustrate how gaps in services have created patterns of under-served populations in Tennessee. EXHIBIT 2 illustrates the diversity of the clients served this fiscal year in Victim of Crime Act (VOCA), Services Training Officers & Prosecution (STOP), Family Violence Prevention and Services Act (FVPSA) and Sexual Assault Services Program (SASP) programs across Tennessee.

## Diversity of Beneficiaries Served in OCJP Funded Programs

September 2014 – September 2015

	VOCA	STOP	FVPSA <sup>1</sup>	SASP
<b>Total Clients</b>	<b>35,226</b>	<b>2,617</b>	<b>22,373</b>	<b>548</b>
<b>Race</b>				
African-American	<b>10,930</b> 31.03%	<b>462</b> 17.65%	<b>4,849</b> 21.67%	<b>67</b> 12.23
American Indian/Native Alaskan	<b>51</b> .14%	<b>1</b> .04%	<b>33</b> .15%	<b>2</b> .36%
Asian	<b>224</b> .64%	<b>21</b> .08%	<b>118</b> .53%	<b>3</b> .55%
Native Hawaiian/Pacific Islander	Combined w/ Asian <sup>2</sup>	<b>3</b> .08%	<b>40</b> .18%	<b>1</b> .18%
Hispanic	<b>2,161</b> 6.13%	<b>250</b> 10%	<b>1,297</b> 5.8%	<b>23</b> 4.2%
White	<b>21,255</b> 60.34%	<b>1,841</b> 70.62%	<b>15,659</b> 70%	<b>427</b> 77.92%
Unknown	<b>605</b> 1.72%	<b>39</b> 1.5%	<b>377</b> 1.67%	<b>25</b> 4.56%
<b>Total Race</b>	<b>35,226</b>	<b>2,617</b>	<b>22,373</b>	<b>548</b>
<b>Gender</b>				
Female	<b>27,208</b> 77.24%	<b>2,199</b> 84.03%	<b>18,210</b> 81.39%	<b>518</b> 94.53%

<sup>1</sup> Every shelter program that receives FVPSA funding must annually report 100% of the residential and non-residential clients served by the shelter program and report on the services received by those clients. The totals presented represent 100% of the clients served by 30 shelter programs across Tennessee.

<sup>2</sup> VOCA combines Native Hawaiian/Pacific Islander with Asian.

Male	<b>7,982</b> 22.66%	<b>416</b> 15.89%	<b>4,131</b> 18.61%	<b>29</b> 5.29%
Gender Unknown	<b>36</b> .10%	<b>2</b> .08%	<b>0</b> n/a	<b>0</b> n/a
<b>Total Gender</b>	<b>35,226</b>	<b>2,617</b>	<b>22,373</b>	<b>548</b>
<b>Age</b>				
12 or under	<b>5,777</b> 16.40%	Not provided <sup>3</sup>	Combined w/ 13-17 <sup>4</sup>	<b>10</b> 1.82%
13-17	<b>2,658</b> 7.55%	<b>78</b> 2.98%	<b>3,651</b> 16.31%	<b>119</b> 21.72%
18-24	<b>5,523</b> 15.68%	<b>502</b> 19.18%	<b>3,547</b> 15.85%	<b>133</b> 24.27%
25-40	<b>11,787</b> 33.49%	Combined w/ 41-59 <sup>5</sup>	Combined w/ 41-59 <sup>6</sup>	Combined w/ 41-59 <sup>7</sup>
41-59	<b>7,349</b> 20.86%	<b>1,801</b> 68.81%	<b>14,056</b> 62.82%	<b>244</b> 44.53%
60+	<b>1,747</b> 4.96%	<b>155</b> 5.92%	<b>934</b> 4.17%	<b>18</b> 3.28%
Age Unknown	<b>385</b> 1.09%	<b>81</b> 3.11%	<b>185</b> 0.85%	<b>24</b> 4.38%

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3 STOP doesn't serve children 12 and under.

4 FVPSA combines 0-12 and 13-17 into one age bracket of 0-17.

5 STOP combines 25-40 and 41-59 into one age bracket of 25-59.

6 FVPSA combines 25-40 and 41-59 into one age bracket of 25-59.

7 SASP combines 25-40 and 41-59 into one age bracket of 25-59.

<b>Total Age</b>	<b>35,226</b>	<b>2,617</b>	<b>22,373</b>	<b>548</b>
<b>Other</b>				
Disabled	<b>3,245</b> 9.21%	<b>149</b> 5.69%	<b>2,136</b> 9.55%	<b>103</b> 18.8%
English as Second Language	n/a	<b>211</b> 8.06%	n/a	<b>19</b> 3.47%
Immigrant/Refugee	n/a	<b>219</b> 8.36%	n/a	<b>12</b> 2.19%
Rural	n/a	<b>1,166</b> 44.55%	n/a	<b>188</b> 34.31%

Note: Federal agencies do not require the State to collect information in boxes marked 'n/a.'

### AmeriCorps Program Enrollees

Because each agency recruits members from diverse backgrounds and provides different services to meet locally identified community needs in the areas of education, environment, public safety, housing and health, data on AmeriCorps members and beneficiaries is maintained at the local level. Volunteer Tennessee currently gathers demographic data on AmeriCorps members in the state by asking programs to report data on race, ethnicity specifically for this report.

Volunteer Tennessee uses the AmeriCorps member data to determine whether active enrollment in Tennessee reasonably approximates the representation of minorities in the overall population. Detailed below is the diversity of AmeriCorps members for the most recent fiscal year.

### AMERICORPS ENROLLMENT DIVERSITY

ETHNICITY/ GENDER/DISABILITY	NUMBER OF PARTICIPANTS	PERCENT OF TOTAL
Black/African American	207	25%
American Indian/Native Alaskan	2	0%
Asian	20	2%
Native Hawaiian/Other Pacific Islander	1	0%
Hispanic/Latino	32	3%
White/Caucasian	529	64%
Other/Unknown	26	4%
Female	602	73%
Male	226	27%
Members with Disabilities	12	1%

NOTE: These numbers represent the possibility of multiple characteristics identification, resulting in percentages that may add up to more than 100%.

## STATEWIDE DEMOGRAPHICS

The U.S. Census Bureau provides current estimates of the nation's population, broken down for each state. The following statistics help place the beneficiary diversity achieved by the programs reported above, as well as the general grantee/contractor ownership characteristics reported, into context.

### AMERICAN COMMUNITY SURVEY STATISTICS: DIVERSITY OF STATE OF TENNESSEE POPULATION

ACS Demographic Estimates	Estimate	Percent	Margin of Error
Total population	6,495,978	100	*****
Male	3,174,148	48.9	+/-0.1
Female	3,321,830	51.1	+/-0.1
<u>Median age</u> (years)	38.3	(X)	+/-0.1
Under 5 years	397,208	6.1	+/-0.1
18 years and over	5,003,897	77.0	+/-0.1
65 years and over	950,190	14.6	+/-0.1
<u>One race</u>	6,372,755	98.1	+/-0.1
White	5,060,129	77.9	+/-0.1
Black or African American	1,102,455	17.0	+/-0.1
American Indian and Alaska Native	16,101	0.2	+/-0.1
Asian	98,746	1.5	+/-0.1
Native Hawaiian and Other Pacific Islander	2,990	0.0	+/-0.1
Some other race	92,334	1.4	+/-0.1
Two or more races	123,223	1.9	+/-0.1
Hispanic or Latino (of any race)	309,224	4.8	+/-0.1

'(X)' - The value is not applicable or not available.

Source: U.S. Census Bureau, 2011 American Community Survey,

[http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_11\\_1YR\\_DP05&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_DP05&prodType=table)

(accessed 9/24/2015).

## **WORKFORCE DIVERSITY**

F&A recognizes that workforce diversity is an asset to the organization. Ideally, the department's workforce would reflect a variety of race, color, national origin, and gender across all classifications and at all salary levels. This, of course, is significantly dependent upon the availability of potential, qualified employees reflecting such diversity.

To succeed in achieving the goal of workforce diversity, F&A is focused upon two aspects of departmental workforce diversity—recruitment and retention. F&A's Human Resources Office, seeing these needs, has developed a departmental recruitment package to introduce potential employees to the opportunities and benefits offered by F&A employment.

F&A divisions will implement recruitment efforts (in addition to the traditional Department of Human Resources register system) to meet business needs. These efforts will focus on seeking qualified applicants and meeting the department's business needs in the area of diversity. This focus can be executed in the following ways:

- recognize and articulate diversity as an important business need of the department;
- concentrate and direct recruitment communications to organizations and institutions having either historical or mission-driven associations with protected beneficiary groups;
- practice a commitment to interview a significant proportion of qualified people representing protected beneficiary groups; and
- collect and review divisional data focusing on the issues of recruitment and diversity.

Retention of valued employees can enhance F&A's responsiveness to an increasingly diverse world of customers and expand the ability of the organization to cope with change and creatively address emerging issues and opportunities. F&A's long-term retention strategies include such efforts as:

- communicating the value of workforce diversity by recognizing that our strength is in our differences;
- sending all new hires and newly promoted supervisory staff to respectful workplace (workplace harassment) training;
- emphasizing diversity in the nomination of candidates for Tennessee Government Executive Institute (TGEI) and Tennessee Government Management Institute (TGMI);
- reviewing and assessing key processes and practices to achieve workforce diversity;
- emphasizing diversity in the annual employee appreciation program, monthly newsletters, and highlights of program achievements; and
- considering diversity implications in any succession planning or mentoring programs.

To ensure success in departmental workforce diversity, continued data collection regarding actual workforce diversity is also crucial. The department's Executive Leadership Team must then use this data to continually hone F&A's recruitment and retention efforts (through periodic reviews and analysis).

It is also very important that, along with employing a diverse workforce, F&A ensure diversity of participation in the department's key decision making. To execute this commitment, F&A divisions will continue to consider and emphasize diversity in the make-up of committees and work groups.

As of September 2015 the senior staff responsible for F&A consists of the following individuals:

Title	Individual	Demographics
Commissioner	Larry B. Martin	White, Male
Business Process Transformation Director	Terry Cowles	White, Male
Executive Administrative Assistant	Luke Ashley	White, Male
Executive Administrative Assistant	Emily Mitchell	White, Female
Executive Administrative Assistant	Lauren Ridenour	White, Female
Deputy Commissioner	Eugene Neubert	White, Male
Director, Human Resources	Renee Jackson	White, Female
General Counsel	Martha Nichols	White, Female
Chief Information Officer	Mark Bengel	White, Male
Director, Business Solutions Delivery	Stephanie Dedmon	White, Female
Assistant Commissioner, Administration	Buddy Lea	White, Male
Information Officer	Lola Potter	White, Female
Director, Budget	David Thurman	White, Male
Director, Benefits Administration	Laurie Lee	White, Female
Chief of Accounts	Mike Corricelli	White, Male
Inspector General	Emmanuel Tyndall	White, Male
Director, Enterprise Resource Planning	Sandy Graf	White, Female
State Architect	Peter Heimbach	White, Male

#### F&A MINORITY REPRESENTATION OF AGENCY STAFF\*

\* as of September 2015, provided by the Human Resources Office, TN Dept. of Finance & Administration

Employee Ethnic Group Description	Executive	Non-Competitive	Non-Preferred	Preferred	Totals
Asian	9			10	19
Black or African American	38	1	2	59	100
Hispanic or Latino	4			1	5
Not Specified	5			10	15
White (Not Hispanic or Latino)	329		10	312	651
<b>Grand Total</b>	<b>385</b>	<b>1</b>	<b>12</b>	<b>392</b>	<b>790</b>

Employee Ethnic Group Description	Executive	Non-Competitive	Non-Preferred	Preferred	Totals
Asian	2.34%	0.00%	0.00%	1.27%	2.41%
Black or African American	9.87%	100.00%	0.25%	7.47%	12.66%
Hispanic or Latino	1.04%	0.00%	0.00%	0.13%	0.63%
Not Specified	1.30%	0.00%	0.00%	1.27%	1.90%
White (Not Hispanic or Latino)	85.45%	0.00%	1.27%	39.49%	82.41%
<b>Grand Total</b>	<b>48.73%</b>	<b>0.13%</b>	<b>1.52%</b>	<b>49.62%</b>	<b>100.00%</b>

## Chapter 06 – *DISCRIMINATORY PRACTICES*

### THRC DIRECTIVES

#### Purpose:

To set forth examples of prohibited discriminatory practices specific to the agency for the staff's knowledge as well as to increase public awareness.

#### Required:

- Specify prohibited discrimination practices under Title VI and where applicable, provide examples of prohibited discrimination practices in relation to department activities and business line.

### DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE

#### PROHIBITED PRACTICES

Prohibited practices (either by departmental or contract/grantee staff) include but are clearly not limited to:

- denying any individual any services, opportunity, or other benefit for which he or she is otherwise qualified;
- providing any individual with any service or other benefit, which is different or is provided in a different manner from that which is provided to others under the program;
- subjecting any individual to segregated or separate treatment in any manner related to his or her receipt of service;
- restricting any individual in any way in the enjoyment of services; facilities; or any other advantage, privilege, or other benefit provided to others under the program;
- adopting methods of administration that would limit participation by any group of recipients or subject them to discrimination;
- addressing an individual in a manner that denotes inferiority because of race, color, national origin or gender;
- subjecting any individual to incidents of racial, ethnic or sexual harassment, the creation of a hostile work environment, and a disproportionate burden of environmental health risks on minority communities.

Some examples of potential prohibited practices might include denying a person participation in a service learning training event because of their race, or denying a person participation in a domestic violence shelter program because of their race.

#### ENCOURAGED PRACTICES

The Department of Finance and Administration is committed to establishing the highest quality working relationships that we share with each other, our service providers and citizens. We believe that maximum and proactive effort in the area of diversity and non-discrimination will prove conducive to the achievement of those quality relationships. The following are values upon which we base this effort:

- **Honesty**—We place a great deal of worth on the importance of honesty and integrity. The success of an effective implementation plan is contingent upon the establishment of productive relationships in which truth and honesty are paramount.
- **Commitment/Dedication**—The success and effectiveness of this implementation plan and any program lies largely with the level of commitment and dedication that those fostering its growth possess. We in the Department of Finance and Administration are dedicated to the successful daily implementation of this plan and these stated values as well as the achievement of our program mission.

- **Appreciation**—We believe that in order to truly serve as an advocate and a catalyst for improvement that you must first develop an appreciation for the worth of the improvement that you seek to achieve. We appreciate the value of diversity and the infinite potential for advancement that diverse contributions represent.
- **Awareness**—The development of improved working relationships depends upon the knowledge and awareness that improvement is warranted. We strive to be ever cognizant of the need to improve and to the development of innovative mechanisms to effectuate that improvement.
- **Progressiveness**—We value the importance of diversity and different perspectives. We strive to be a herald in Tennessee State Government for the recognition and appreciation of innovative and different mechanisms for building and maintaining quality relationships with all people.

## **Chapter 07 – LIMITED ENGLISH PROFICIENCY (LEP)**

### **THRC DIRECTIVES**

#### **Purpose:**

Recipients of Federal financial assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

#### **Required:**

- Include the entity's LEP policy and procedure and/or Language Assistance Plan;
- List translator and interpreter services (bilingual staff and/or contractors) utilized by the department. If none, then state that "the department or agency does not utilize translator or interpreter services." If not applicable, explain;
- Provide a breakdown of the various languages confronted by the department or agency as a result of in person, written and telephonic encounters from the public. Include the number of languages encountered, the number encountered in person, and the number encountered in written correspondence and the number encountered telephonically. If not applicable, explain (Excel Format).
- Include a listing of departmental documents that have been translated and in which languages; and,
- Identify other steps and goals toward breaking down barriers to LEP challenges, if applicable.

### **DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE**

The Department of Finance & Administration conducted a survey of its divisions to assess the need for LEP services throughout the department. The survey requested that division and office directors report on their contacts with LEP persons in FY 2012, the number of LEP persons included in the population served by the division or office, and whether or not denial or delay of access to their services or information might have serious or life threatening implications for LEP persons. The nature of the business of most divisions and offices of F&A involves services provided to other state agencies, and therefore does not involve contacts with LEP persons or the provision of services to potential LEP persons. Two exceptions are the Office of Inspector General (OIG), which investigates fraud in the TennCare program, and the Division of Benefits Administration, which coordinates the provision of state employee benefits statewide.

Because the Office of Inspector General's business involves law enforcement duties to a small segment of the TennCare enrollee population, and not provision of any services or benefits, there are no serious or life threatening implications for those impacted by the division. OIG does provide a Spanish interpreter through their hotline, through which citizens may report TennCare fraud or abuse. Their law enforcement duties are conducted in cooperation with local law enforcement agencies, which provide translation services as necessary.

The Division of Benefits Administration, specifically the benefits call center, reported LEP contacts during FY2014. In the past 24 months, the call center has not had contact with anyone requiring translation services over the phone. However, the division occasionally receives documents in foreign languages required to verify the eligibility of dependents for benefits. In the past year, they received documents requiring translation to English from different languages as seen in the charts below. The division has utilized the services of the Tennessee Foreign Language Institute as necessary to translate these documents.

All divisions of F&A are covered by the department's LEP Policy, included in Chapter 7 of this report. Included with the policy are contact information for translator and interpreter services.

Language	Number of Encounters		
	In Person	By Telephone	In Writing
Chinese			12
Japanese			2
Arabic			1
Farsi			4
Spanish		20	3
Portugese			3
Korean			3

A Listing of all documents translated and into what language	
Language	Document Title
Chinese	Birth Certificate
Japanese	Birth Certificate
Arabic	Birth Certificate
Chinese	Marriage document
Japanese	Birth Certificate
Chinese	Marriage Document and 2 passports
Chinese	Marriage Documents
Farsi	Marriage Documents
Spanish	Marriage Documents
Portugese	Birth Certificate
Spanish	Birth Certificate
Korean	Marriage Documents
Chinese	Passports

# Tennessee Department of Finance and Administration

## Title VI Program

### Limited English Proficiency Guidelines

Authority: Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; Executive Order 13166

Policy: The Department of Finance and Administration does not discriminate against anyone with Limited English Proficiency (LEP), who participates in our programs and/or services and steps have been taken to ensure that all individuals will be able to communicate, either through written or oral language services, with members of our staff.

Purpose: To take reasonable steps to ensure that LEP individuals are provided meaningful access to our programs and/or services.

Responsibility: Each division/program in conjunction with the Title VI Coordinator will ensure that each division has properly trained staff to assist LEP individuals.

Definitions: As used in this policy include the following:

- Limited English Proficiency (LEP): Person that does not speak English as their primary language, and has a limited ability to read, speak, write or understand English.
- Meaningful Access: Requires the Department to conduct an assessment of their service population by using the four factor analysis. (1) Number or proportion of LEP persons; (2) Frequency of contact LEP persons have with the program or activity; (3) Nature and importance of the program; and (4) Resources available to the recipient.
- Interpretation: The oral or spoken transfer of a message from one language into another language.
- Translation: The written transfer of a message from one language into another language.

Procedures: Any individual eligible for programs/services at the Department of Finance and Administration who cannot speak, write, or understand the English language at a level that permits them to interact effectively with our staff has the following rights: (1) A right to qualified interpreter services at no cost to them; (2) A right to not be required to rely on their minor children, other relatives, or friends as interpreters; (3) A right to file a grievance about the language access services provided them.

Each division/program director will be responsible for ensuring that all LEP individuals are able to communicate effectively, either through written or oral languages, with respective program and/or activity staff members.

The Title VI Coordinator will conduct an annual review of LEP compliance efforts undertaken by each division to ensure that the following has occurred:

- Perform a Needs Assessment – Each appropriate division will assess the language assistance needs of the population they serve by identifying the languages likely to

be encountered and the number of LEP persons likely to be directly affected by its program.

- Train Staff – All appropriate division staff that may encounter a LEP person have received training. This training should include how to obtain language assistance services and communication with interpreters and translators
- Each appropriate division will provide LEP persons with oral language assistance at reception or customer service desks or when telephone contact is made. Telephonic (over the phone) interpretation services are available, through statewide contract with Avaza Language Services Corp., for non-English speaking individuals. Each office shall have a designated person to request LEP services from the authorized contractor.
- Notify LEP Customers of Language Assistance Availability – Each division will inform the public of the availability of LEP services by posting signs or providing written materials in public areas notifying them of this service.

Monitor Access to Language Assistance – Each division will continuously monitor their language assistance process to ensure that policies and practices are consistent.



How to set-up a new Avaza account:

1. Complete the Access Code Registration Form (ACRF) and email to [info@avaza.co](mailto:info@avaza.co).
2. If you already have an existing code, email the code to Sales Department.  
Verification will need to be made before usage.
3. Upon receipt of ACRF, a new access code will be assigned to each department.
4. Once the access code is registered, your Avaza Training Packet will be sent to you.

Avaza Training Packet will include:

- *Avaza Training Manual*
- *Dual Handset Telephone Flyer*
- *Language Identification Guide Chart (18 x 24)*
- *Language Identification Guide (8 x 10)*
- *Quick Guide Postcard*
- *Service Flyers*
- *Tri fold Language Brochure*

5. After receiving your Training Packet, begin utilizing our services (see Quick Guide Postcard).

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Nashville, TN 37203

Phone: 615.534.3400  
Fax: 615.810.8506

[www.avaza.co](http://www.avaza.co)



## ACCESS CODE REGISTRATION FORM

**Agency Information:**

Date: \_\_\_\_\_

Agency Name	Account Number	Access Code <small>See Below for Access Codes</small>	Agency SS#/ EIN#/ TIN#	
Agency Rep	Title	Agency Rep Tel #		Fax #
Address	City	State	Zip	E-mail

**Billing Information:**

Billing Rep	Title	Billing Rep Tel #	Fax #	
Address	City	State	Zip	E-mail

**Service Information:**

<b>Contract Start Date :</b>	<b>Contract End Date:</b>
<b>Over-the-Phone Interpreting</b> <input type="checkbox"/> Premium User <input type="checkbox"/> Standard User <input type="checkbox"/> Non-Profit <input type="checkbox"/> State	<b>On-Site Interpreting</b> <input type="checkbox"/> Consecutive <input type="checkbox"/> Simultaneous <input type="checkbox"/> Voice-Overs <input type="checkbox"/> Sight Translations
<b>Professional Interpreter Training</b> <input type="checkbox"/> Medical <input type="checkbox"/> Legal <input type="checkbox"/> Social	<b>Translations</b> <input type="checkbox"/> Sight Translations <input type="checkbox"/> Document Translations <input type="checkbox"/> Transcriptions

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## Chapter 08 – COMPLAINT PROCEDURES

### THRC DIRECTIVES

#### Purpose:

Any person who believes that a department or agency receiving Federal financial assistance has discriminated against someone on the basis of race, color or national origin may file a complaint.

#### Required:

- List the total number of complaints received for the most recent State Fiscal Year (SFY) in this section (Excel Format).
  - Include, as subcategories of the total number of complaints:
    - Number of complaints closed for the following reasons:
      - Administratively (e.g. timeliness, failure to cooperate, etc.);
      - Failure to meet a prima facie case; and,
      - Settlement and/or resolution reached.
    - Number of complaints immediately referred to another state or federal department or agency, and the reason.
- List any lawsuits during the most recent SFY filed against the department or agency alleging discrimination on the basis of race, color or national origin under any federally funded or federally assisted state program or activity. If none, then state that "there were no lawsuits filed alleging discrimination on the basis of race, color or national origin under any federally funded program or activity."
- Describe complaint procedures followed by the department or agency;
- Attach a copy of the complaint form utilized by the department or agency; and,
- Describe agency procedures related to investigations, report of findings, hearings and appeals, if applicable.
- All plans should note complaints can also be filed with the THRC.
- Include a copy of the agency's complaint log with the plan.

### DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE

Employee, subrecipient, and program beneficiary involvement is integral to the F&A's compliance with Title VI and Title IX intents and requirements. A high level of participation and recognition of the importance in these areas of nondiscrimination is a major way in which greatest success can be achieved. Consequently, while the maintenance of complaint processes is important, F&A will strive toward implementation of a broader concept—Issues Resolution. Through this broader perspective, employees, Subrecipients, and program beneficiaries can be encouraged to share ideas, issues, suggestions, thoughts, and improvements regarding Title VI and Title IX compliance in a receptive environment in which every issue is seen as an opportunity.

#### DEPARTMENTAL COMPLAINT PROCEDURES

A complaint alleging discrimination against a division or entity of the Finance and Administration program delivery system may be filed internally with management of the subject division, the Director of Human Resources, the Deputy

Commissioner for Operations, or the Commissioner. A complaint may also be filed externally with the Tennessee Human Rights Commission or with the U.S. Department of Justice, Civil Rights Division.

Complaints must be filed in writing. Using the F&A COMPLAINT DOCUMENTATION FORMAT form found in this chapter as a guide, any F&A supervisor may assist in the necessary documentation.

Any complaint filed within the Department of Finance and Administration will be remanded to the appropriate F&A Division Executive. The Division Executive has the primary responsibility for investigating complaints and reporting findings to the Commissioner and the Title VI and Title IX Coordinator. All findings of discrimination must be reported to the U.S. Department of Justice, Civil Rights Division.

A complainant may appeal a finding made by the F&A Division Executive to the Deputy Commissioner of Operations. This appeal constitutes the second level in the department's internal complaint process. Additionally, a complainant may appeal a finding made by the Deputy Commissioner of Operations to the Commissioner. An appeal to the Commissioner constitutes the third and last level in the department's internal complaint system.

Upon an appeal, the Director of Human Resources, the Title VI and Title IX Coordinator, and the F&A General Counsel will assist the Deputy Commissioner of Operations and the Commissioner in reviewing the matter and making determinations. Procedures can include, but are not limited to discussing the complaint with the complainant, the alleged offender, the initial recipient of the complaint, and the F&A authority whose finding is appealed.

According to federal regulations, a complaint to the U.S. Department of Justice, Civil Rights Division must be filed no later than 180 calendar days after the alleged discrimination occurred. Thus, to accommodate sequential external complaint filing should the complainant wish to file a complaint with the federal authority; the following schedule of time limits must be followed in the filing, appeal, and disposition of a complaint. A subrecipient or client may file a complaint with the Office of Civil Rights (OCR).

no later than 180 calendar days after the alleged discrimination occurred— a complainant must file a written complaint within F&A:

no later than 30 calendar days after the written complaint is filed within F&A—the subject Division Executive shall review and investigate the complaint and issue a written determination of findings and, if there is a finding of Title VI or Title IX violation, proposed remedial action (information regarding appeal rights shall also be provided at that time);

no later than 20 calendar days after the Division Executive's written determination—the complainant may file a written appeal, with the Deputy Commissioner of Operations, of a Division Executive's findings or proposed remedial action;

no later than 30 calendar days after the appeal is filed with the Deputy Commissioner of Operations -- the Deputy Commissioner of Operations shall review and investigate the complaint and issue a written determination regarding the appeal;

no later than 20 calendar days after the Deputy Commissioner of Operation's written determination—the complainant may file a written appeal, with the Commissioner, of the Deputy Commissioner of Operation's findings or proposed remedial action;

no later than 30 calendar days after the appeal is filed with the Commissioner—the Commissioner shall review and investigate the complaint and issue a written determination in the matter; and

if a complainant remains unsatisfied with the findings or the proposed remedial action, the complainant will still have time to file externally, with the U.S. Department of Justice, Civil Rights Division, within the stated time limit of 180 calendar days.

Throughout the complaint process, it shall be the responsibility of the complainant, the subject Division Executive, and the appellate authority to ensure that the complainant, the F&A General Counsel, the Director of Human Resources, and the Title VI and Title IX Coordinator have copies and a complete record of all documents, proceedings, findings, appeals, and dispositions related to a complaint. The F&A General Counsel, the Director of Human Resources and the Title VI and Title IX Coordinator shall have responsibilities as repositories of such information as well as advisors to departmental authorities regarding complaints.

**SUBRECIPIENT/SERVICE PROVIDER COMPLAINT PROCEDURES**

In accordance with the terms of all contracts, each subrecipient shall, upon request, show proof of nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination. Proof of nondiscrimination may require documentation of standard complaint processes (along with the records resulting from such) for both Subrecipient employees and Subrecipient program beneficiaries.

All subrecipients contracting with the department have been directed to the department website where a copy of the plan is available detailing departmental complaint procedures. For those who do not have Internet access, a copy of the plan will be provided.

<b>Department of Finance and Administration</b>								
<b>Title VI Complaint Log</b>								
<b>Complaint #</b>	<b>Complainant's</b>		<b>Respondent's</b>		<b>Date Filed</b>	<b>Description of Complaint</b>	<b>Status</b>	<b>Disposition</b>
<i>(YYYYMMDD-#)</i>	<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>	<i>(MM/DD/YYYY)</i>		<i>(What's Happening)</i>	<i>(What was the result)</i>
20131015-01	Sample							
20131015-02	Sample							
20140403-01	Sample							
20140403-02	Sample							
20140403-03	Sample							
20140620-01	Sample							
20140621-01	Sample							

<b>DEPARTMENT OF FINANCE AND ADMINISTRATION</b> <b>DOCUMENTATION OF COMPLAINT</b> <i>pursuant to Title VI of the Civil Rights Act of 1964 or Title IX of the Education Amendments Act of 1972</i>		
NAME (of person making the complaint)		
	ADDRESS	
	TELEPHONE (business)	
	TELEPHONE (home)	
DESCRIPTION OF THE COMPLAINT: (describe what happened and who you believe was responsible)		
APPARENT BASIS OF THE DESCRIBED SITUATION: (select all that apply and explain) <input type="checkbox"/> race <input type="checkbox"/> national origin <input type="checkbox"/> gender <input type="checkbox"/> visual impairment		
DATE DESCRIBED SITUATION OCCURRED:		
NAME OF ORGANIZATION INVOLVED IN THE COMPLAINT:		
	ADDRESS	
	TELEPHONE (business)	
	TELEPHONE (home)	
PERSON INVOLVED (if other than complainant)		
	ADDRESS	
	TELEPHONE (business)	
	TELEPHONE (home)	
HAS THE COMPLAINT BEEN FILED THROUGH ANOTHER GRIEVANCE OR COMPLAINT PROCESS? IF SO, EXPLAIN AND PROVIDE CURRENT STATUS OF SUCH:  <input type="checkbox"/> YES <input type="checkbox"/> NO		
Signature		Date
* attach any written materials or other information relevant to the complaint		

## Chapter 09 – COMPLIANCE REVIEW

### THRC DIRECTIVES

#### Purpose:

All departments or agencies shall conduct periodic reviews to determine compliance with the Title VI regulations by subrecipients and contractors. This section is for the purpose of identifying procedures used by the department to monitor subrecipients, contractors, and/or vendors for Title VI compliance.

#### Required:

- Subrecipients, Contractors, Vendors  
*Departments and agencies should provide to THRC the following:*
  - A statement that the department or agency, its subrecipients or contractors shall make available any compliance report to be reviewed by THRC upon request;
  - List each subrecipient, contractor and/or vendor of the department or agency. If the department or agency did not have any subrecipients, contractors or vendors for the most recent SFY, then it should state this fact. The following information should be included for each subrecipient, contractor, or vendor:
    - a) Name of subrecipient, contractor, vendor
    - b) Begin and end date of contract
    - c) Amount of contract
    - d) MWBE designation of the entity
    - e) Description of services provided
    - f) Location of subrecipient, contractor, vendor
    - g) Whether the contract is paid federal, state or a hybrid of funding
    - h) Whether the contract a subrecipient, contractor (e.g., contract employee), or vendor;
    - i) Whether the contract was competitive or non-competitive.
  - List the total number of all contractors. Provide the total number and percentage of minority contractors and the dollar amount and percentage awarded to minority contractors by race, color and/or national origin for all federally funded programs and activities, to include procurement of materials and equipment (Excel Format).
  - List any new subrecipients, contractors, and/or vendors (Excel Format).
  - Include excerpts of the contractual provisions prohibiting discrimination, which is agreed to by subrecipients, contractors and/or vendors of the department or agency.
  - Identify any Federal financial assistance applications pending with other federal and/or state departments and/or agencies.
- Pre-award Procedures  
*Briefly discuss the procedures utilized by the department or agency to assess subrecipient and/or contractor compliance prior to awarding funding.*

- Attach a copy of any pre-assessment or self-survey provided by the department or agency to subrecipients and/or contractors. Include the number of pre-assessments or surveys reviewed by the department during the most recent SFY, if applicable;
  - List each subrecipient; contractor and/or vendor that has signed "statement of assurance" provided by the department or agency for the most recent SFY.
  - Field or on-site compliance reviews. State the number of field reviews of subrecipients and/or contractors conducted during the most recent SFY. If not applicable, then explain why the department does not conduct field or on-site reviews;
  - Title VI Training. Describe any standards requiring a subrecipient and/or contractor of the department to provide training to its staff, to include the extent and content of training prior to the receipt of federal funding; and,
  - Identify any other pre-award procedures not mentioned above that are utilized by the department or agency.
- **Post-Award Procedures**  
*Briefly discuss the procedures utilized by the department or agency to assess subrecipient and/or contractor compliance after awarding funding.*
- Attach a copy of any annual compliance report, assessment or self-survey provided by the department or agency to subrecipients and/or contractors. Include the number of reports or surveys reviewed by the department during the most recent SFY, if applicable;
  - Field or on-site reviews. State the number of field compliance reviews of subrecipients and/or contractors conducted during the most recent SFY. If not applicable, then explain why the department does not conduct field or on-site reviews;
  - Title VI Training. Describe any standards requiring that a subrecipient and/or contractor of the department provide documentation of staff training and dates offered to its staff, to include the extent and content of the training; and,
  - Identify any other procedures not mentioned above that are utilized by the department or agency.
- **Public Notice and Outreach**  
*Subrecipients and contractors must identify methods and/or procedures utilized for public outreach.*
- This section should contain an acknowledgment that the department or agency monitors all subrecipients and/or contractors concerning the dissemination of information about the following to the public:
    - (i) Nondiscrimination policy;
    - (ii) Programs and services;
    - (iii) Complaint procedures; and,
    - (iv) Minority participation on planning boards and advisory bodies.
- **Procedures for Noncompliance**  
*Procedures or steps taken to first seek voluntary compliance whenever a subrecipient or contractor is determined to be in noncompliance.*
- Identify actions to be taken by your department or agency upon a finding of noncompliance of a subrecipient or contractor, including: (I) Processing; (II) Reporting; (III) Resolution; (IV) Enforcement of corrective actions; (V) Monitoring of programs; and (VI) Sanctions.

- If there were agency subrecipients or contractors that were found to be in noncompliance with Title VI by another state or federal agency. Include the agency name, finding (s) and corrective action measures.

## **DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE**

### **DEPARTMENTAL REVIEW**

The Department of Finance and Administration, its subrecipients, or contractors shall make available any compliance report to be reviewed by the Tennessee Human Rights Commission (THRC) upon request.

Methods for reviewing Title VI and Title IX compliance include: periodic data review, self-assessment and audits. These are tools to assist the Commissioner and Division Executives in executing Title VI and Title IX compliance.

Each F&A Division Executive is responsible for conducting divisional reviews of activities to ensure compliance with Title VI and Title IX. Accordingly, the Division Executives are also responsible for the resolution of any identified noncompliance within his or her purview.

Standard audit practices (internal and state audit) also provide Title VI and Title IX compliance evaluation. Each year, the Comptroller's Division of State Audit conducts and publishes a financial and compliance audit of the Department of Finance and Administration for the previous fiscal year. Components of such address F&A's compliance with Title VI and Title IX requirements.

Further, F&A's Internal Audit section is positioned to investigate or audit the department's compliance with Title VI and Title IX requirement either upon request or the appearance of non-compliance. Internal Audit reports to the F&A Commissioner and has total access to the department and its program areas. Thus, Internal Audit provides an ongoing control with regard to compliance.

Refer to Appendix 6 near the end of this document for the attached F&A Professional Service Contractors and Grantees.

### **SUBRECIPIENT/SERVICE PROVIDER COMPLIANCE REVIEW PRE-AWARD REVIEW**

F&A's subrecipients (571) and contract vendors are required to provide Statements of Assurances that address Title VI and Title IX compliance. Statements of Assurances can be effectively used for pre-award review.

#### **EXHIBIT 6– Standard Fee-For-Service Contract Language Regarding Nondiscrimination**

##### ***Professional Services Contract Language Regarding Nondiscrimination:***

##### **D. STANDARD TERMS AND CONDITIONS:**

- D.7. **Nondiscrimination.** The Contractor hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the Contractor on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Contractor shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

##### ***Grant Contract Language Regarding Nondiscrimination:***

- D.8. **Nondiscrimination.** The Grantee hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or

statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

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## **POST-AWARD REVIEW (DIVISION MONITORING)**

In addition to standard contract monitoring, the divisions within F&A awarding grants are required to annually monitor a subset of their subrecipient contract population. Each affected division has program and/or fiscal staff dedicated to conducting this monitoring. A summary of contractor diversity for all contract/grants this fiscal year can be found in APPENDIX 4.

### **Scheduling Criteria**

An agency's scheduling criteria for subrecipient monitoring takes into account factors such as: federal requirements dictating the frequency of monitoring; number of subrecipient contracts; value of subrecipient contracts; subrecipient risk; period of time since last monitoring review; and any prior review findings that indicate serious deficiencies.

### **Nature and Criteria of Compliance Review Monitoring**

In addition to state and/or federal program specific monitoring requirements, all monitoring reviews must address certain core areas. . The scope of reviews and the techniques used may vary based on factors such as the risk level of the subrecipient, the value of the contract/s, the result of prior reviews and audits, etc.

The core monitoring areas include as applicable: Title VI; activities allowed or unallowed; allowable cost/cost principles; eligibility; matching, level of effort, earmarking; program income; cash management; Davis-Bacon Act; equipment and real property management; period of availability of funds; procurement, suspension, and debarment; real property acquisition and relocation assistance; reporting; and special tests and provisions.

The monitoring of a subrecipient should include testing of the financial/program data and reporting. For high-risk subrecipients, the sample size should be larger than that of medium risk and the level of testing should be more intense.

With respect to Title VI, the monitors review whether the subgrantee can document that it adheres to nondiscrimination requirements in its employment practices and delivery of services, specifically considering such issues as:

1. Was the contract signed by Agency representative indicating Assurance of Compliance with the standard Non-discrimination clause? This clause is not found in contracts with other state agencies.
2. Are notices of non-discrimination, including all applicable civil rights laws, posted in conspicuous places available to employees and applicants?
3. Are agency policies and procedures relevant to Civil Rights available for review?
4. Does the agency provide and document training to staff on non-discriminatory issues and policies?
5. Have any formal discrimination complaints been filed against the agency? If so, what action was taken?
6. Based on client record review, does it appear that eligibility requirements are applied uniformly; services are provided to all participants equally based on need; outside referrals are made on a non-discriminatory basis; and records are maintained uniformly for all individuals?
7. Do staff interviews confirm the agency's non-discriminatory practices? For example, "Are services and employment provided by agency in a non-discriminatory fashion?" If issues or concerns are indicated, explain.
8. Does the agency have racial, ethnic, gender and disability data regarding staff and service recipients?

9. Are procedures in place for filing discrimination complaints within the agency?
10. Did the agency enter into a subcontract for any of the services performed under this grant contract? If yes, did the subcontract contain a section on non-discrimination?

The monitors or the OCJP Title VI Coordinator use the above information to confirm subrecipient agency compliance, and issue a report to each agency. The report either confirms compliance with Title VI or notifies the agency of failure to comply. If compliance with Title VI is found to be lacking, the subrecipient agency report states the area of non-compliance, defines the manual and contractual obligations for compliance in that specific area, and requires the filing of a Corrective Action Plan (CAP). After approving a CAP, staff may follow up the next year with another monitoring review to confirm that the corrective action has been put into place.

**Compliance Review Monitoring Results**

At the beginning of the fiscal year there were no Title VI or Title IX complaints in inventory. Three (3) complaints of Title VI discrimination were reported by OCJP subrecipients agencies. All were resolved with no findings. One complaint of possible Title VI discrimination against a subrecipient agency was received by OCJP. OCJP followed up to resolve. See the attached notice sent to the TNHRC. Fifteen (15) Complaints of discrimination in employment practices were reported and are being handled by the subrecipient agencies.

Compliance reviews conducted for F & A involved both onsite reviews and desk-audits, as described earlier. In FY 2014/15 56 OCJP subrecipients out of 176 (32%) were monitored for compliance with Title VI requirements. There were 2 findings related to Title VI. Findings involved not notifying OCJP of civil rights complaints and not posting Title VI notice. The two subrecipients submitted corrective action plans within 30 days of the finding reports. There were no findings related to Title IX during the fiscal year.

<b>Compliance Numbers</b>	<b>Volunteer TN</b>	<b>OCJP</b>	<b>F&amp;A</b>
Number of contracts	22	302	
Total dollar value of contracts	\$4,729,134.00	\$23,125,371.47	
Number of Post-award reviews conducted/scheduled	8 to be conducted	110	
Dollar value of Post-award reviews conducted	\$2,040,001.00	\$10,929,681.76	
Reviews with findings in the area of Title VI	0	2	
Non-compliance reviews related to Title VI resulting in conditioned or corrective action or the denial of award or judicial or administrative enforcement	0	2	
Reviews with findings in the area of Title IX	0	0	
Non-compliance reviews related to Title IX resulting in conditioned or corrective action or the denial of award or judicial or administrative enforcement	0	0	
Title VI complaints in inventory at beginning of fiscal year	0	0	0
Title VI complaints received during fiscal year	0	4	0
Title VI complaints resolved during fiscal year	0	4	0
Title IX complaints in inventory at beginning of fiscal year	0	0	0
Title IX complaints received during fiscal year	0	0	0
Title IX complaints resolved during fiscal year	0	0	0

**ENFORCEMENT – FINDINGS OF NONCOMPLIANCE**

F&A recognizes that enforcement with regard to Title VI and Title IX must be, at least, two fold. Since responsibilities are carried out both through departmental administration and through contracts, enforcement processes must be tailored to each.

With regard to departmental employees, standard state human resources regulations govern and are considered adequate for purposes of enforcement. Nevertheless, this process must be coupled with continuously improving communication directed to supervisors and non-supervisors so that there is a clear priority and accountability process with regard to implementation.

Regarding contracts, F&A is committed to maintaining all aspects of contract management at a high, professional level. In doing so, special attention is focused on not only the requirement and encouragement of Title VI and IX compliance but also its enforcement. Current processes for compliance include attempting to obtain voluntary compliance, taking action to mandate compliance, and seeking termination of federal funding.

**OFFICE OF CRIMINAL JUSTICE (OCJP) METHODS OF ADMINISTRATION (MOA) FOR THE DEPARTMENT OF JUSTICE**

**Methods of Administration (MOA)**  
for ensuring civil rights compliance of subrecipients.

The Tennessee Office of Criminal Justice Programs (OCJP) ensures civil rights compliance of subrecipients in the following ways.

**I. Policy for Addressing Discrimination Complaints**

The Tennessee Department of Finance and Administration (F & A), in which the OCJP is located, provides access to civil rights policy on the intranet site and periodic training to all employees. F & A provides training on the intranet and required employees to complete the training in May 2013. Below is an excerpt from the website concerning complaints:

“A complaint alleging discrimination against a division or entity of the Finance and Administration program delivery system may be filed internally with management of the subject division, the Director of Human Resources, the Chief Operating Officer, or the Commissioner. A complaint may also be filed externally with the Tennessee Human Rights Commission or with the Department of Justice, Office for Civil Rights. Instructions for filing a discrimination complaint with the Department of Justice can be found on the Office of Justice Programs website.

Complaints must be filed in writing. The F&A Complaint Documentation Format, located in the Forms section, can be used as a guide in filing Title VI or Title IX complaints.

Any complaint filed within the Department of Finance and Administration will be remanded to the appropriate F&A Division Executive. The Division Executive has the primary responsibility for investigating complaints and reporting findings to the Commissioner and the Title VI and Title IX Coordinator.”

The intranet website includes a form along with the instructions.

The OCJP provides guidance to subrecipients in *The Tennessee Office of Criminal Justice Programs Administrative Manual* and in periodic training. Below is the excerpt from the manual concerning complaints:

**“C. DISCRIMINATION COMPLAINTS**

1. All subrecipient agencies must have written procedures for responding to complaints alleging unlawful discrimination in the delivery of services or benefits on the basis of race, color, religion, national origin, age, sex or disability. The

agency policy may provide for discrimination complaints to be forwarded to OCJP or the US Office for Civil Rights (OCR) for processing. (See below for submitting complaints directly to the OCR.)

2. Agencies may file complaints of discrimination in the delivery of services or benefits directly with the US Department of Justice, Office for Civil Rights (OCR). Instructions for filing a complaint may be found on the OCR website at <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>.

## II. Notifying Subrecipients of Civil Rights Requirements

- a. Every subrecipient must submit a Certification of Regulations Compliance signed by the Authorized Official. All applicants for grant funds must include this certification with their application. The certification includes assurance of non-discrimination and the identification of a Civil Rights Coordinator. The potential subrecipient assures and certifies that they comply with all applicable civil rights non-discrimination requirements as set forth in the application packet. In the event that a Federal or State court or Federal or State Administrative agency makes a finding of discrimination after a due process hearing on the basis of race, color, religion, national origin, age, sex, or disability against a subrecipient, the subrecipient is required to forward a copy of such findings to the OCJP.
- b. The OCJP contract signed by the Subrecipient Agency Authorized Official includes the following assurance.

D.8. Nondiscrimination. The Grantee hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

- c. *The Tennessee Office of Criminal Justice Programs Administrative Manual* informs subrecipients of nondiscrimination laws and responsibilities in various places. A list with links of all applicable laws, statues, and policies is provided in Chapter XXII. Below are excerpts from the manual and location.

Chapter XXII: Civil Rights Compliance

“PROHIBITION OF DISCRIMINATION FOR RECIPIENTS OF  
FEDERAL FINANCIAL ASSISTANCE:

1. The federal civil rights laws that may apply to OCJP subrecipients collectively prohibit discrimination in both employment and the delivery of services or benefits based on race, color, national origin, sex, religion, or disability. In addition, the Age Discrimination Act of 1975 prohibits discrimination on the basis of age in the delivery of services or benefits.
2. All subrecipient agencies must identify a compliance coordinator and a procedure for responding to discrimination complaints. Each agency must submit the name and contact information of the person responsible for reporting all civil rights complaints and findings to OCJP by completing the Certification of Regulations Compliance form as an attachment to its grant contract.
3. In accordance with Title VI requirements, all subrecipient agencies must make available to participants, beneficiaries, and other interested persons information regarding the provisions of Title VI and its applicability to the program under which the recipient receives Federal financial assistance. To assist agencies in complying with this federal requirement OCJP is providing signage to be posted in an area accessible to the public. See Appendix C. Agencies are required to post this or similar signage regarding Title VI compliance and procedures for filing a discrimination complaint.

MAINTAIN CIVIL RIGHTS INFORMATION.

In order for OCJP monitors to determine whether the subrecipient agency is complying with applicable civil rights laws, the subrecipient must maintain statutorily required civil rights statistics on race, national origin, sex, age, and disability for all clients served. Agencies must permit the monitors reasonable access to the books, documents, paper, and records.

LIMITED ENGLISH PROFICIENCY (LEP)

Each subrecipient agency should have a plan to assist clients who do not speak English as their primary language and have a limited ability to read, speak, write

or understand English. Subrecipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs and services. Providing meaningful access will generally involve some combination of oral interpretation services and written translation of vital documents. Meaningful access may entail providing language assistance services, including telephone interpreter lines, bilingual staff and volunteers, oral interpretation services and written language services, where necessary. Subrecipient agencies should evaluate their current practices in providing language-access services to LEP beneficiaries, including the following:

- Determine the size and linguistic demographics of the LEP service population;
- Collect data on the frequency of contacts with LEP beneficiaries;
- Identify the most significant services or benefits that will require language-access services;
- Assess the resources that are available both inside and outside the agency for providing language-access services;
- Make an inventory of existing written materials, especially vital documents, that need to be available to beneficiaries in translation;
- Establish quality-control measures to ensure the linguistic competency of interpreters and translators;
- Develop a language-access plan consistent with federal guidelines; and
- Train staff members in public-contact positions on the legal obligation to provide appropriate language-access services to LEP beneficiaries.

For information on providing services to LEP persons and for detailed agency-specific guidance on language-access services, see [www.LEP.gov](http://www.LEP.gov).

#### “FUNDING FAITH-BASED ORGANIZATIONS

As a condition for receiving financial assistance from DOJ, OCJP subrecipient agencies agree to comply with the DOJ regulation Equal Treatment for Faith-Based Organizations, [28 C.F.R. pt. 38](#). This regulation states that DOJ financial assistance may not support inherently religious activities, such as worship, religious instruction, or proselytization. Faith-based subrecipients may still engage in inherently religious activities, but the activities must be separate either in time or in place from the federally funded program *and* any participation in the inherently religious activities by program beneficiaries must be voluntary. Under federal law, all subrecipients, including faith-based organizations, must not discriminate in the provision of grant-funded services on the

basis of a participant's religious practice or belief, or the lack of them. Contrary to the general rule under federal law that prohibits employment discrimination based on religion, funded faith-based organizations may, in some circumstances, take religion into account in making hiring decisions. Subrecipient faith-based organizations that have employment policies favoring co-religionists should contact their OCJP program manager for additional information. To qualify for an exemption from the prohibition against employment discrimination based on religion, faith-based subrecipients must complete a certification of exemption as provided by DOJ's Office of Justice Programs.

Additionally, OCJP refers to the OJP website for guidance and technical assistance to subrecipients. A link to 28 C.F.R. pt 38 is provided in *The Tennessee Office of Criminal Justice Programs Administrative Manual*. OCJP requires an FBO to complete a certification of exemption as provided by OJP, if the organization does require religious affiliation or statement of belief for employment. The agency must justify the exemption from nondiscrimination based on religion to OCJP if the organization requires religious affiliation in its hiring practices.

#### STOP Section, Chapter I: Eligible Subrecipients

##### **Funding to Faith-based and Community organizations**

Consistent with Executive Order 13279, December 12, 2002 and 28 CFR Part 38, it is OVW's policy that faith-based and community organizations that statutorily qualify as eligible applicants under OVW programs are invited and encouraged to apply for assistance awards to fund eligible grant activities. Faith-based and community organizations will be considered for awards on the same basis as other eligible applicants and, if they receive assistance awards, will be treated on an equal basis with all other grantees in the administration of such awards. No eligible applicant or grantee will be discriminated against on the basis of its religious character or affiliation, religious name, or the religious composition of its board of directors or persons working in the organization. Faith-based and community organizations are required to abide by the same regulations and requirements specifically associated with the program under which you were awarded a grant as any other agency awarded funding.

### **III. Monitoring for Compliance with Civil Rights Requirements**

- a. The OCJP monitors the compliance of subrecipients with their civil rights obligations under Title VI of the Civil Rights Act of 1964, the Omnibus Crime Control and Safe Streets Act of 1968, the Victims of Crime Act of 1984, the Juvenile Justice and Delinquency Prevention Act of 1974, Section 504 of the Rehabilitation Act of 1973, and other applicable legal authorities that relate to federal financial assistance. Title VI/civil rights compliance is considered a Core Monitoring Area for specific monitoring in the *Tennessee Subrecipient Monitoring Manual* (Policy 22).
- b. Monitors use a compliance checklist to ensure test work of all applicable components including but not limited to: 1) Posting of notices of Nondiscrimination, 2) Development and submission of an Equal Employment Opportunity Plan (EEO), 3) Civil Rights and non-discrimination training 4) Designation of an Agency Compliance Coordinator, and 5) A complaint process.
- c. OCJP uses an annual risk assessment of each subrecipient to determine monitoring schedules. Tennessee Policy 22 guidelines require that an agency “must monitor a minimum of 1/3 of all subrecipient contracts executed by the agency” and “2/3 of the current year aggregate maximum liability value of the agency’s entire subrecipient grant populations” each year. In general most contracts will be monitored at least once during the term of that contract. All subrecipients are monitored at least once every three years.

#### **IV. Training Subrecipients on Civil Rights Requirements**

- a. The Office of Criminal Justice Programs (OCJP) provides online Title VI training and assessment for all staff of grantee organizations. The OCJP online training includes the Department of Justice (DOJ) training video. The grant project directors were required to complete the online training in August 2011 and print the certificate of completion for their files. A record of all persons completing the assessment is accessible by OCJP. New project directors are required to complete the training within 90 days of their appointment. All OCJP subrecipients are required to provide periodic civil rights training for all employees.
- b. Links to the Office for Civil Rights (OCR) training are available on the OCJP website.
- c. The Department of Finance and Administration (F & A) provides Civil Rights training to all employees during new hire orientation and online. All OCJP employees were required to complete the online training annually. The last such requirement was May 2013. This training includes the DOJ training video.

## Chapter 10 – COMPLIANCE/NONCOMPLIANCE REPORTING

### THRC DIRECTIVES

#### Purpose:

Compliance records and other information are designed to show compliance with Title VI and should be maintained and reported on a regular basis. Each agency needs to furnish compliance reports to THRC upon request.

#### Required:

- List any federal or state departments/agencies (other than THRC) to which the department or agency furnishes or shares Title VI compliance reports. If none, please state "N/A."
- Identify and list any and all federal reporting requirements of which the state department or agency is responsible by citing the applicable Code of Federal Regulations (CFR) citation and/or federal departmental circular that governs each program, activity or federal funds. If none, please state "N/A" and provide an explanation.
- List any Title VI and discrimination related audits and/or finding(s) the department/agency received from a federal or state monitoring agency (including the THRC). Include any corrective action measures to which the agency must comply.

### DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE

In addition to the Tennessee Human Rights Commission, the Department of Finance & Administration has traditionally provided its Title VI/IX Implementation Plan and Compliance Review to the Division of State Audit, Comptroller of the Treasury, in addition to posting on the Department's website. Also, Finance & Administration's Policy 22 requires that state agencies and departments with subrecipient relationships address through their monitoring activities all requirements of Title VI of the Civil Rights Act of 1964. In addition, any reports resulting from monitoring activities shall be distributed to the subrecipient entity, as well as the Comptroller of the Treasury, Division of State Audit, and a copy retained by the state agency or department conducting the monitoring review.

No F&A recipients of federal funds that have subrecipient relationships are required to report on Title VI to any other federal or state agencies. However, as a recipient of Department of Justice grant funds any findings of discrimination against a subrecipient of these funds must be reported to the Department of Justice, Office for Civil Rights.

## **Chapter 11 – TITLE VI TRAINING PLAN**

### **THRC DIRECTIVES**

#### **Purpose:**

Title VI regulations require departments and agencies to provide civil rights training for staff and assign sufficient personnel to ensure effective enforcement. **Annual** training in civil rights should be designed to develop awareness and sensitivity in carrying out federally funded programs and activities.

#### **Required:**

- Describe the agency's Title VI training program; and/or include agenda or printed slides of PowerPoint presentation of the topics covered in training. If a quiz is part of the training, include a sample.
- Provide the number of total staff of the department, total number of subrecipients and/or contractors, and the actual number and percentage trained;
- Include dates that training was offered;
- List proposed dates for future training programs that will be offered to staff, subrecipients and contractors.

### **DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE**

In order to ensure compliance with the Title VI and Title IX plan and to maximize effectiveness, it is critical that staff and Subrecipients receive regular training and have a clear understanding of the requirements of Title VI and Title IX.

#### **SUPPORT FOR EMPLOYEES**

F&A began a new Title VI training initiative in June 2012. The department's Title VI Coordinator developed a Title VI training presentation covering the essential elements of Title VI that apply to all department staff members. This presentation was established as an on-line training. 100% of the employees in F&A were enrolled in Edison for this course and also notified by e-mail to complete the course. In 2014-2015 the department continued using the training and tracking mechanisms of its training program to include a required question/answer section with a minimum percentage of accuracy requirements. Edison tracks the completion of all training setup in this manner. All new and transferring to F&A employees complete this training as part of the orientation session. The training activity code each year is established at the first of the calendar year in Edison and all F&A state employees are notified by Edison of enrollment. The Training Coordinator monitors completion and reports progress to division heads during the year. In 2015, the training program was modified to contain more detailed information and better descriptions of the LEP and reporting processes. The training and question slides are included in Chapter 11 of this report.

In addition to the training initiative discussed above, briefings and updates are provided to staff responsible for ensuring Title VI and Title IX compliance and to key program and project management staff as part of regular in-service training. Whenever available, staff takes advantage of training programs offered by other government agencies, such as the federal Department of Justice workshops. This training is aimed at educating new and existing staff and recipients in the area of Title VI and Title IX compliance, keeping staff abreast of legal developments which affect Title VI and Title IX as well as making them aware of new civil rights legislation.

Also, the Department of Finance and Administration Employee Orientation Training Session offered by the Human Resources Office (HRO) briefly addresses the policy and the issues resolution process. Every newly hired F&A employee, during an orientation session, usually conducted on the first day of work, receives an employee manual, which contains the policy, forms and complaint procedures related to both Title VI and Title IX.

Training is offered approximately once a month to new employees and at the beginning of each calendar year, all F&A employees are enrolled and notified to complete the annual online session.

<b>2015 Employee Training</b>				<b>As of 9/22/2015</b>	
<b>Number of Employees</b>		823			
<b>Total Receiving Training</b>		823			
<b># of Employees</b>	<b>Date Completed</b>		<b># of Employees</b>	<b>Date Completed</b>	
4	4/28/2015		3	6/5/2015	
176	4/29/2015		2	6/8/2015	
71	4/30/2015		1	6/10/2015	
50	5/1/2015		2	6/12/2015	
3	5/2/2015		1	6/16/2015	
1	5/3/2015		2	6/19/2015	
31	5/4/2015		1	6/25/2015	
43	5/5/2015		1	6/26/2015	
29	5/6/2015		1	7/3/2015	
22	5/7/2015		1	7/15/2015	
15	5/8/2015		1	7/20/2015	
5	5/9/2015		1	8/4/2015	
1	5/10/2015		1	8/11/2015	
23	5/11/2015		1	8/14/2015	
22	5/12/2015		12	8/21/2015	
35	5/13/2015		39	8/24/2015	
31	5/14/2015		10	8/25/2015	
47	5/15/2015		7	8/26/2015	
17	5/18/2015		1	8/27/2015	
7	5/19/2015		3	8/28/2015	
3	5/20/2015		4	8/31/2015	
3	5/21/2015		1	9/1/2015	
6	5/26/2015		2	9/2/2015	
3	5/27/2015		36	9/3/2015	
3	5/28/2015		7	9/4/2015	
2	5/29/2015		3	9/8/2015	
3	6/1/2015		1	9/9/2015	
1	6/2/2015		1	9/21/2015	
1	6/3/2015		18	9/23/2015	
1	6/4/2015				

**SUBRECIPIENT/SERVICE PROVIDER SUPPORT**

In order to appropriately challenge F&A's Subrecipient contractors to join the department in seeking to achieve the intents of Title VI and Title IX, departmental program staff must provide them with information and support. Currently, contract provisions and Statements of Assurances are the major information resources regarding Title VI and Title IX compliance that F&A provides its Subrecipients.

In addition Volunteer Tennessee includes Title VI training for new program directors as part of the original orientation to their duties. 7 of 20 Volunteer TN sub-recipients received this training. Volunteer TN training agendas for FY2015 do not specifically reflect Title VI training, although the subject is addressed with all subrecipients. Volunteer Tennessee includes language in its Assurances and Certification regarding compliance with non-discrimination regulations, including Title VI.

OCJP includes a Civil Rights Compliance chapter in its Administrative Manual. OCJP also offers an online Title VI training presentation through its website. Every grant project director is required to complete the training and save/print a certificate of completion for the grant files. New project directors must complete the training within 90 days of employment. This training is available to anyone who accesses the OCJP website. Fifty five (55) subrecipients out of 176 (32%) were monitored, with no (0) findings of noncompliance for Title VI training.

Finally, program monitoring of subrecipients includes the specific question, "Does the agency provide and document training to staff on non-discriminatory issues and policies?" This is verified in personnel files. Technical assistance is offered as needed.

### TRAINING FOR EMPLOYEES

Compliance with Title VI of the Civil Rights Act of 1964

State of Tennessee

Title VI Web-Based Training Page 2 of 36 Next

Purpose of Training

- To ensure all management, staff, subrecipients, contractors, and service beneficiaries are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.
- Title VI regulations require agencies to provide civil rights training for staff and assign sufficient personnel to ensure effective enforcement. Periodic training should be designed to develop awareness and sensitivity in carrying out federally funded programs.

Title VI Web-Based Training Back Page 3 of 36 Next

**What is Title VI?  
Federal Law**  
Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)

- No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.



 Title VI Web-Based Training **Back** Page 4 of 36 **Next**

**Workplace Discrimination and Harassment**

Workplace harassment is any unwelcome or unwanted conduct that denigrates or shows hostility or an aversion toward another person on the basis of any characteristic protected by law, which includes an individual's race, color, gender, ethnic or national origin, age, religion, disability, marital status, genetic information or other personal characteristic protected by law. A conduct is unwelcome if the employee did not solicit, instigate or provoke it, and the employee regarded the conduct as undesirable or offensive.

[DOHR Policy on Workplace Discrimination and Harassment](#)



 Title VI Web-Based Training **Back** Page 5 of 36 **Next**

**What is one of the purposes of training for this course?**

- A. So that all employees have an idea of what Title XXVII is.
- B. To help identify areas of needed improvement within our workforce.
- C. To ensure all management, staff, subrecipients, contractors, and service beneficiaries are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.
- D. All of the above



 Title VI Web-Based Training **Back** Page 6 of 36

What is one of the purposes of training for this course?

- A. So that all employees have an idea of what Title XXVII is.
- B. To help identify areas of needed improvement within our workforce.
- ✓ C. To ensure all management, staff, subrecipients, contractors, and service beneficiaries are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.
- D. All of the above

Correct - Click the Next button to Continue.

### Title VI Program Compliance

Purpose: To verify that all federal fund recipient state entities comply with Title VI of the Civil Rights Act of 1964.

- TCA §4-21-203 requires the Tennessee Human Rights Commission to review Title VI monitoring and enforcement procedures, and
- Periodically audit, review, evaluate and report on Title VI compliance efforts and outcomes for each executive branch department and agency

### True/False

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

- ✓ A. True
- B. False

Correct - Click the Next button to Continue.

## Definitions

- Federal Financial Assistance (FFA) – Award or grant money; loans below fair market value or subsidies; any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.
- Recipient – Primary recipients include state entities required or authorized to extend FFA to another recipient or subrecipient for the purpose of carrying out a program.
- Sub recipient – any entity or individual that receives FFA from a primary recipient to carry out a program. Sometimes assistance distributed to an ultimate beneficiary.
- Contractor – any entity or individual who provides any function or service that requires the performance or delivery of assistance to beneficiaries under the terms of a contract with a state entity.



## To Comply with Title VI

- Appoint a Title VI Coordinator
- Obtain Title VI Training
- Provide Title VI Employee Training for employees
- Develop a Title VI Policy Statement and post in visible areas
- Acquire signed Title VI Assurances
- Monitor ethnicity and gender of contractors and subcontractors
- Include Title VI Assurances in all contracts



The definition of a contractor according to this course is:

- A. Someone that works with the state and has an office in another state
- B. A company that builds or modifies work space
- C. Any entity or individual who provides any function or service that requires the performance or delivery of assistance to beneficiaries under the terms of a contract with a state entity.
- D. The person that signs an agreement to work for any government agency for monetary compensation over \$25 per hour only.

Correct - Click the Next button to Continue.



## Discriminatory Practices Under Title VI

- Denying an individual any program services, financial aid, or benefits;
- Providing a different service, aid, or benefit, or providing them in a manner different than they are provided to others; or
- Segregating or treating individuals separately in any matter related to receiving any program service, aid, or benefit.



## What do I do?

- If you have someone contact you who feels that they have been discriminated against,
- If you feel that you have been discriminated against, or
- If you feel that you witnessed someone being discriminated against,

Contact your Title VI Coordinator, your Human Resource Office,  
or the TN Human Rights Commission.

Tennessee Human Rights Commission  
312 Rosa L Parks Ave, 23rd Floor  
Nashville, TN 37243  
(800) 251-3589  
[www.tn.gov/humanrights](http://www.tn.gov/humanrights)



## Disparate Treatment vs. Disparate Impact

- Disparate treatment means discrimination against an individual.
- Disparate impact means discrimination that occurs as a result of a neutral policy which appears harmless on the surface, but negatively affects a group of people. An example would be deciding to repair parks in a Hispanic part of town based on policy in terms of years since last rehab as opposed to considering other factors such as population density and amount of use.



### True/False

"FFA" stands for Federal Financial Assistance

- A. True
- B. False

Correct - Click the Next button to Continue.

### Retaliation

- Retaliation occurs when a recipient or another person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any right or privilege secured by Title VI, or because a person made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under Title VI.

THRC Rule 1500-01-03-.06(3)(c) & 28 CFR 42.107

To comply with Title VI, we have to:

- A. Ensure that Title VI posters are visible in all break rooms
- B. Provide Title VI Employee Training for employees
- C. Provide Title VI training to all department managers and supervisors only
- D. Answer A and B seen above

Correct - Click the Next button to Continue.

## Promote Certified Disadvantaged Business Enterprises (DBEs) and other small, minority and women-owned utilization

Provide the opportunity to participate on federally funded contracts by means of:

- Outreach to Certified DBEs and other small, minority and women-owned\* businesses on both goal and non-goal projects;
- Soliciting Certified DBEs and other small, minority and women-owned businesses through all reasonable and available means (e.g. pre-bid meetings, advertisement, DBE list, etc.);
- Arranging times for presentation of bids, quantities, specifications and delivery schedules in ways that facilitate DBEs participation;
- Ensuring that bid notices and requests for proposals are available to DBEs in a timely manner, and
- Advertising with local media resources and minority newspapers.

\*Laws other than Title VI prohibit discrimination based on gender; we include women-owned businesses here because of their classification as disadvantaged businesses.



## True/False

Disparate treatment means discrimination against an individual.

- A. True
- B. False

Correct - Click the Next button to Continue.



## Develop a Public Participation Plan

Engage the Public with the opportunity to make them aware of projects or services and to provide input in the decision-making process through:

- Public Meetings/Hearings in centralized locations;
- Advertisement with Local Media Resources and Minority Newspapers;
- Direct Mailings;
- Public Service Announcements;
- Website, and
- Radio and Television.



### Ensure your Contractors and Sub-Contractors follow the same guidelines

- Sub-recipients must ensure that all contractors and sub-contractors awarded funded contracts adhere to Title VI and all other applicable civil rights laws and regulations.



Per the guidance of Title VI, we must provide the opportunity to participate on F&A federally funded contracts by means of:

- A. Outreach to Certified DBEs and other small, minority and women-owned\* businesses on both goal and non-goal projects
- B. Arranging times for presentation of bids, quantities, specifications and delivery schedules in ways that facilitate DBEs participation
- C. Advertising with local media resources and minority newspapers
- ✓ D. All of the above

Correct - Click the Next button to Continue.



### Minority and Women Representation on Planning Boards & Commissions

- The inclusion of minorities and women\* on planning boards and commissions is critical in establishing an equal access planning system. Sub-recipients cannot “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

\*Laws other than Title VI prohibit discrimination based on gender; we include women here due to their protected status under those laws.



## Have a Written Title VI Complaint Process and Complaint Log

To Include:

- How to file a complaint;
- The complaint must be filed within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant;
- The complaint should be in writing and signed;
- Determining the jurisdiction, acceptability, and the need for additional information upon receipt to investigate the merit;
- Complaints filed against the sub-recipient should be forwarded to F&A Title VI funding entity for investigation;
- Take final action within 60 days, and
- Provide appeal instructions.



Title VI Web-Based Training

[Back](#)

Page 24 of 36

[Next](#)

## True/False

One way to engage the public with the opportunity to make them aware of projects or services and to provide input in the decision-making process of the Public Participation Plan is through advertisement with local media resources and minority newspapers.

- A. True
- B. False

Correct - Click the Next button to Continue.



Title VI Web-Based Training

[Back](#)

Page 25 of 36

[Next](#)

## Have a Limited English Proficiency (LEP) Plan

How do you assist customers that do not speak English?

- **Who are LEP Persons?**

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter. Federal laws particularly applicable to language access include Title VI of the Civil Rights Act of 1964, and the Title VI regulations, prohibiting discrimination based on national origin, and Executive Order 13166 issued in 2000. Many individual federal programs, states, and localities also have provisions requiring language services for LEP individuals. An Executive Order is an order given by the President to federal agencies. The LEP Executive Order (Executive Order 13166) says that people who are LEP should have meaningful access to federally conducted and federally funded programs and activities.

[F&A Limited English Proficiency Guidelines](#)



Title VI Web-Based Training

[Back](#)

Page 26 of 36

[Next](#)

## Have a Limited English Proficiency (LEP) Plan

### What To Do If You Have Someone That is LEP Contact You?

If you have a situation, while at work, where someone is trying to communicate with you and they have Limited English Proficiency (LEP), contact someone in your Human Resource Office for assistance or guidance using the AVAZA contract.

F&A – Human Resource Office  
20th Floor, TN Tower  
(615) 741-3478 main phone number

 Title VI Web-Based Training

[Back](#)

Page 27 of 36

[Next](#)

## Take Reasonable Steps to ensure meaningful access to programs and activities of LEP persons

Conduct an assessment of the population by using the:

### Four Factor Analysis

1. Number or proportion of LEP persons;
2. Frequency of contact with the program or activity;
3. Nature and importance of the program; and
4. Resources available.

 Title VI Web-Based Training

[Back](#)

Page 28 of 36

[Next](#)

## What should be included in a written Title VI complaint process and complaint log?

- A. The complaint should be in writing and signed
- B. How to file a complaint
- C. Appeal instructions
- D. All of the above

Correct - Click the Next button to Continue.

 Title VI Web-Based Training

[Back](#)

Page 29 of 36

[Next](#)

## Evaluate Current Practices

- Identify actions already being taken and existing tools that can be used to provide meaningful access
- Inventory existing materials that have been translated into other languages
- Staff awareness
- Response Plan



Title VI Web-Based Training

[Back](#)

Page 30 of 36

[Next](#)

## Executive Order 13166

- **Limited English Proficiency (LEP)** – EO 13166 requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.



Title VI Web-Based Training

[Back](#)

Page 31 of 36

[Next](#)

## Non-Compliance

Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable Civil Rights Laws, and implementing departmental regulations.



Title VI Web-Based Training

[Back](#)

Page 32 of 36

[Next](#)

### Sanctions for Non-Compliance

- **Withholding** of payments to the recipient under the contract until the recipient complies, and/or
- **Cancellation, termination or suspension** of the contract, in whole or in part



### True/False

Executive Order 13166 requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

- A. True
- B. False

Correct - Click the Next button to Continue.

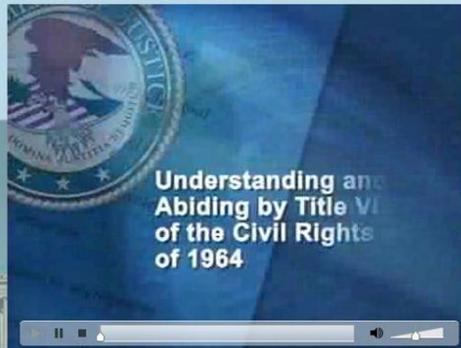


### Title VI Related Videos

Included is the U.S. Department of Justice video for optional learning.

#### Understanding and Abiding by Title VI Video

You can watch the video or click the Next button to skip it.



## F&A Title VI Contact Information

If you have questions or need additional information regarding Title VI compliance, please contact your agency's Title VI Coordinator or:

Tennessee Human Rights Commission  
312 Rosa L Parks Ave, 23rd Floor  
Nashville, TN 37243  
(800) 251-3589

[www.tn.gov/humanrights](http://www.tn.gov/humanrights)

You have reached the end of this training.  
You can close this browser window.



Title VI Web-Based Training

[Back](#)

Page 36 of 36



## Chapter 12 – PUBLIC NOTICE AND OUTREACH

### THRC DIRECTIVES

#### Purpose:

Agencies should make certain that eligible persons who have been previously or traditionally deprived of equal opportunity are adequately encouraged to participate fully in agency programs and have access to planning boards and advisory bodies. Title VI regulations require agencies to make available and distribute Title VI regulations, guidelines and policy for use by employees, applicants for federal assistance, subrecipients, beneficiaries, and other interested persons.

#### Required:

- Identify how the department or agency disseminates information about the following to its clients, constituents and the public:
  - Title VI implementation plan;
  - Complaint procedures;
  - Nondiscrimination policy;
  - Programs and services; and,
  - Minority participation on planning boards and advisory bodies.
- Does the agency utilize minority media? In what instances does the department disseminate information using minority media? Identify what percentage of information disseminated by agency involved minority media.
- Minority representation on planning boards or advisory bodies:
  - List and describe all internal and external advisory boards or bodies for the department or agency. Include the goals and duties of the board as well as the impact of board decisions on the public and agency. If the agency does not have any boards or advisory bodies then list none, explain the reason(s) for not utilizing advisory bodies and omit (ii) – (vii) below;
  - Is there a published list of the boards or advisory bodies issued by the agency? Y or N. If yes, where is this information published?
  - Identify the total number of persons on any planning or advisory board and the percentage of minority representation. Include the ethnic/racial (e.g., African- American, Native American, Asian, Hispanic, etc.) composition of each boards/advisory bodies;
  - How are the members of each planning/advisory board selected or appointed and by whom?
  - For boards that are appointed, indicate whether appointment is by virtue of office (e.g. statutory/constitutional officer, agency head, etc...) or if members of the public may be appointed to the board.
  - Describe how information about board and/or advisory body vacancies is disseminated to the public.
  - If there is no minority representation on a planning/advisory board, discuss any strategy or policy that the department or agency plans to adopt for the purpose of ensuring minority participation.
- Documentation of minority input. Where and/or when minority input is solicited by the agency, describe how this input is documented? If there is no documentation of minority input, discuss plans to correct this issue?

- List the methods used by the department or agency to inform the public about the process for obtaining grants or bidding on contracts of which the agency has oversight.

## **DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE**

### **OUTREACH**

Because F&A does not provide direct services to clients, the primary aspect of this responsibility to be undertaken with respect to Title VI and Title IX is that of notifying public and non-profit agencies of the availability of opportunities for contracts and grant funds. Notices of availability of funding are disseminated through the media and posted on the department's website. OCJP and Volunteer Tennessee post their grant opportunities on their websites:

<http://www.tn.gov/finance/adm/ocjp> and <http://www.tn.gov/finance/adm/vt> respectively.

It should also be noted, however that as discussed further below, all service providers awarded grants or contracts are required to ensure that appropriate outreach to program beneficiaries is undertaken as appropriate. OCJP offers an on-line administrative manual for subrecipients which is updated annually with subrecipients receiving updates in the form of a memo for any significant mid-year changes. Furthermore, F&A provides any and all information sent from the Federal Government -- brochures, manuals, directives, memos, and the like -- directly to subrecipient agencies, who in turn provide this information to the consumers/clients of their federally funded projects. Such efforts are monitored in the monitoring site visit. Monitors routinely discuss Title VI/Title IX compliance with subrecipient agencies and contract vendors.

#### **OCJP Grant Notification process:**

Grants will be awarded to State, Local Government, Non-profit Organizations, and/or the University of Tennessee or a Board of Regents college or university. Availability of funds will be made known to eligible organizations and/or agencies by the State of Tennessee by means of a posting of the solicitation on the OCJP website or electronic mail (Email) from the Department of Finance and Administration, Office of Criminal Justice Programs. Applications are completed on-line on the website. Throughout the application process, technical assistance is available related to application requirements.

#### **OCJP Grant Award Process:**

Each application will be rated, utilizing a "weighted" review tool, based on the applicant agency's ability to provide a logical description of how their project theoretically works to benefit the target group. The project description must tie goals, activities, outputs, and outcomes together in a logical fashion. Applications will be reviewed for financial and programmatic completeness by OCJP staff with expertise in grant requirements and program design. The applications will be rated and funding will be determined through a competitive review process by a review team of professionals knowledgeable in applicable subject material. Grants will be awarded based on current funding patterns, the availability of funds, and the above cited criteria.

### **NOTIFICATIONS**

F&A must take appropriate steps to communicate the Title VI and Title IX Policy and Issues Resolution Process throughout the entire Department of Finance and Administration, its sub-recipients, vendors and the general public. The following are methods that are currently used as well as others that the department will use to communicate the Title VI and Title IX Policy and information about the Issues Resolution Process.

#### **Employee Notification**

The Department of Finance and Administration Employee Orientation Training Session offered by the Human Resources Office (HRO) briefly addresses the policy and the issues resolution process. Every newly hired F&A employee, during an orientation session, usually conducted on the first day of work, receives an employee manual, which contains the policy, forms and complaint procedures related to both Title VI and Title IX.

In addition, the information, as well as the most recent plan itself, can be found on the Department of Finance and Administration Website. Policy, procedures and forms are on the intranet (<http://intranet.tn.gov/finance/employeeInfo/empInfo.html>) with links from the Employee Information page. The report itself is on the department's public website.

The policy as well as notification about the issues resolution process is posted in conspicuous places throughout department workspaces.

Occasionally, during periodic organizational employee improvement retreats, the policy is further discussed and explained and any results of efforts discussed.

### **Service Provider/Subrecipient Notification**

All grants/contracts with Subrecipients of federal funds currently must include language which stipulates that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the delivery of the program for which the funds will be used or in the employment practices of the subrecipient on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee state constitutional, or statutory law.

Subrecipients have received information from the grantor division detailing the Title VI and Title IX policy and stipulating that cooperation and support are expected.

Subrecipients will be expected to develop a Title VI and Title IX plan and a complaint resolution process to govern the program(s) for which the funds will be used.

The national E-grants application system for AmeriCorps includes a survey on ensuring equal opportunity for applicants. While Tennessee does not have access to that data, if we were out of compliance, presumably we would be contacted.

Each application for funds must include a written assurance that the program(s) for which the funds will be used will be carried out in a manner so as to comply with Title VI and Title IX requirements.

All Subrecipients shall designate those responsible for handling Title VI and Title IX compliance and complaint resolution.

### **Public Notification**

The Title VI and Title IX policy and issues resolution process is available on the Department of Finance and Administration Website <http://tennessee.gov/finance/rds/t6.pdf>.

All Subrecipients and service providers are required to post notices of the Title VI and Title IX policy and their issues resolution process in a conspicuous location available to the general public.

### **Internal and External Planning or Advisory Boards**

Several internal and external planning or advisory bodies influence the operations of various divisions of F&A. Below is a list of those bodies, the F&A division to which they are attached, the makeup of the bodies, and descriptions of how the members are chosen.

#### **Benefits Administration**

Benefits Administration currently has no formal process for collecting information about minority representation on the committees associated with their operations. Minority representation described below is based on staff observation.

#### ***State Insurance Committee***

There are 11 members, composed of seven males (63.6%) and four females (36.4%). When either of the two Constitutional Officers is unable to attend Committee meetings, their designees are Caucasian females.

When the Commissioner of Human Resources is unable to attend, her designee is an African American female.

The State Insurance Committee composition is dictated by TCA 8-27-201. This TCA dictates that the Board be comprised of:

- Commissioner of Human Resources
- State Treasurer
- Commissioner of Commerce and Insurance
- Comptroller of the Treasury
- Commissioner of Finance and Administration
- Chair of the Senate Finance, Ways and Means Committee
- Chair of the House of Representatives Finance, Ways and Means Committee
- A member to be appointed by the Board of Directors of the Tennessee State Employees Association
- Three state employees
  - Two of the state employees shall be selected in accordance with a procedure adopted by the State Insurance Committee. The two state employees have been selected by a vote of State employees.
  - One state employee shall be an employee of either the University of Tennessee or the State University and Community College System selected under a procedure developed by the Tennessee higher Education Commission and approved by the State Insurance Committee.

#### ***Local Education Committee***

There are 9 members, composed of four males (44.4%) and five females (55.5%). When either of the two Constitutional Officers is unable to attend Committee meetings, their designees are Caucasian females. The Commissioner of Education has a female designee, who attends the meetings in her place.

The Local Education Committee composition is dictated by TCA 8-27-301. This TCA dictates that the Board be comprised of:

- The Governor or the Governor may designate the Commissioner of Education
- A representative of local schools boards to be selected by the Tennessee Schools Boards Association
- State Treasurer
- Commissioner of Commerce and Insurance
- Comptroller of the Treasury
- Commissioner of Finance and Administration
- Two (2) teachers appointed by the speaker of the senate and one (1) teacher appointed by the speaker of the house of representatives to represent the three grand divisions

#### ***Local Government Committee***

There are five members, composed of four males (80.0%) and one female (20.0%). When either of the two Constitutional Officers is unable to attend Committee meetings, their designees are Caucasian females.

The composition of the Local Government Committee is dictated by TCA 8-27-701. This TCA dictates that the Board be comprised of:

- Commissioner of Finance and Administration
- Comptroller of the Treasury
- State Treasurer
- A member to be appointed by the Tennessee Municipal League
- A member to be appointed by the Tennessee County Services Association

## **Volunteer Tennessee**

### ***Volunteer Tennessee Board***

Volunteer Tennessee has 25 board members who are appointed by the Governor. There are currently 4 African-American (17%) members and 1 Native American (4%) member for a total of 20% minority representation.

The Volunteer Tennessee Board was created by Executive Order #55 by Governor McWherter, and reconstituted by Executive Order #42 by Governor Bredesen, as authorized under 42 USC, Sec. 12638.

## **Office of Criminal Justice Programs**

### ***Community Services Agency Advisory Board***

This panel was established by TCA 37-5-305. It was created by Tennessee General Assembly in 1989 with a legislated mission to serve Tennesseans in need. In July 2012, the Board was reduced in size from 95 members to 13 members. It is comprised of one member from each of the nine prior CSA regions, one from each of the three grand divisions of the state, and the Commissioner's designee. Currently there are 11 members, 6 are female (55%) and 0 African American.

### ***Family Violence Advisory Committee***

This seven (7) member committee established by TCA 71-6-203 reviews all program criteria adopted by the department and advises the commissioner relative to the allocation of funds. Members are appointed by the Commissioner with one being a former client of a family violence shelter, and one nominated by the Tennessee Coalition to End Domestic and Sexual Violence. Of the current members, all are female and one is a minority.

### ***Sexual Assault Program Advisory Committee***

This five member committee established in 2003 by TCA 71-6-303 reviews all program criteria adopted by the department and advises the commissioner relative to the allocation of funds. The funds are required to be distributed statewide with the exclusive purpose of funding sexual assault services. Each committee member shall be selected for a four-year term and may be selected to serve successive terms. The Committee is currently comprised of three local experts in the sexual assault field, one from each grand division of the state. One member is the Executive Director of the Tennessee Coalition to End Domestic and Sexual Violence. The final member is required to be a sexual assault survivor; this position is currently vacant. Of the current members, 4 are female (100%).

Race/Gender:

White Female - 100% (4 members)

### ***Domestic Violence Coordinating Council***

The Goals of the Domestic Violence State Coordinating Council are to:

- Increase the awareness and understanding of domestic and family violence and its consequences
- Reduce the incidence of domestic and family violence within the state through the creation and dissemination of model policies and training curricula for law enforcement and the courts
- Certification and monitoring of court-ordered batterer's intervention programs.

Pursuant to Tenn. Code Ann. § 38-12-103, the membership of the Council consists of the Commissioner of Labor and Workforce Development; Attorney General and Reporter; Director of the Administrative Office of the Courts; Executive Director of the District Public Defenders Conference; Executive Director of the Tennessee Association of Criminal Defense Lawyers; Executive Director of the District Attorneys General Conference; President of the Tennessee Sheriffs' Association; President of the State Court Clerks

Conference; President of the Tennessee Chiefs of Police Association; Executive Director of the Tennessee Coalition to End Domestic and Sexual Violence; Executive Director of the Peace Officers Standards and Training Commission; four judges; two members of the General Assembly; four members appointed by the Coalition; one legal services attorney; one victim witness coordinator; Chair of the Board of Probation and Parole; and one Probation and Parole Officer. The Council also appoints additional members that assist the Council in fulfilling its duties. There are currently 19 members, 1 is African American female, 1 is Asian, 17 are white of which 12 are female.

### **The Office of the State Architect**

#### ***State Building Commission***

The State Building Commission is created by TCA 4-15-101 and composed of seven (7) ex officio members: the Governor, the Secretary of State, the Comptroller of the Treasury, the State Treasurer, the Commissioner of Finance and Administration, and the Speakers of the Senate and the House of representatives. For FY2015, there was no minority representation on the Commission.

### **General Counsel**

#### ***Protest Committee***

The Review Committee no longer exists because of a change in statute. Its successor, which is known as the Protest Committee (established in T.C.A. 4-56-103) is established to hear protests related to state procurements, but does not have any other policymaking authority. The members of the Protest Committee are the Commissioner of F&A, the Commissioner of General Services, and the Treasurer, or their designees.

## AMERICORPS NOTICE OF FUNDING OPPORTUNITY

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We have posted the 2015-2016 Notice of Funding Opportunity and Application Instructions on [our website](#).

### Important Dates for Formula Applicants

- 12/3/14 AmeriCorps Formula Letter of Intent due to Volunteer Tennessee from applicants
- 1/28/15 Grant Application Technical Assistance Session - Webinar
- **2/20/15 Formula applications due via eGrants to Volunteer Tennessee by 3:00 p.m. CST**
- 5/18/15 Volunteer Tennessee informs applicants of Formula funding decision

The language regarding eligible applicants included in the Notice of Funding Opportunity is as follows:

The following entities are eligible to apply: public or private nonprofit organizations, including faith-based and other community organizations; institutions of higher education; government entities within states or territories (e.g., cities, counties); labor organizations; partnerships and consortia; and Indian Tribes. Receiving funding previously from CNCS or another Federal agency is not a prerequisite to applying under this *Notice*.

In addition to being eligible to apply under this *Notice*, federally recognized Indian Tribes will also be eligible to apply under a separate Notice of Federal Funding Opportunity for Indian Tribes for operating or planning grants released later in the fall with an application deadline of spring 2015.

Organizations that have been convicted of a federal crime are disqualified from receiving the assistance described in this *Notice*. Pursuant to the Lobbying Disclosure Act of 1995, an organization described in Section 501 (c)(4) of the Internal Revenue code of 1986, 26 U.S.C. § 501 (c)(4), that engages in lobbying activities is not eligible to apply.

### ***New Applicants***

CNCS and Volunteer Tennessee encourage organizations that have never received funding from CNCS to apply. The general practice is to award no more than 20 member positions to organizations receiving an AmeriCorps grant for the first time.

New applicants are eligible to apply for Cost Reimbursement and Education Award Program (EAP) grants but not eligible to apply for Fixed Amount grants. Existing sub grantees/operating sites of Fixed Amount grantees that can demonstrate a track record and capacity to manage a Fixed Amount grant are considered to have AmeriCorps experience and therefore can apply for Fixed Amount grants.

### ***Applicants that must apply through Volunteer Tennessee***

Organizations that are proposing a new project that operates in solely in Tennessee must apply to this competition through Volunteer Tennessee.

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# AMERICORPS ENROLLMENT FORM



Completion of this form is required to enroll an AmeriCorps member in the National Service Trust, making the member eligible for an education award upon successful completion of his or her term of service. It also provides the Corporation for National and Community Service with basic demographic data.

**DIRECTIONS TO MEMBER:**

- 1. Use blue or black ink.
- 2. Print clearly.
- 3. Please complete and sign Part 1 and Part 2.
- 4. Return the completed form to your **Program Director**.

## PART 1 Member: Please Complete and Sign

1. **Name** \_\_\_\_\_  
Last First MI
2. **Date of Birth** \_\_\_\_\_ **3. Social Security Number** \_\_\_\_\_  
Month Day Year
4. **Citizenship Status**  I am a U.S. Citizen or National \*  I am a Lawful Permanent Resident Alien of the United States \*\*
- \*Citizens of the US include persons born in Puerto Rico, Guam, the US Virgin Islands, and the Northern Mariana Islands. Nationals of the US include persons born in America Samoa, including Swains Island.
- \*\*Generally, you are a Lawful Permanent Resident Alien of the US if you are a US permanent resident with (i) a Permanent Resident Card, INS Form I-551; (ii) an Alien Registration Receipt Card, INS Form I-551, (iii) a passport indicating that the INS has approved it as temporary evidence of lawful admission for permanent residence; or (iv) an I-94 indicating that the INS has approved it as temporary evidence of lawful admission for permanent residence. NOTE: A student visa does not confer eligibility to enroll in an AmeriCorps program.
5. **High School Status:**  I have received a high school diploma or its equivalent  
**OR**  
 I agree to obtain a high school diploma or its equivalent before using my education award, and I did not drop out of elementary or secondary school to enroll in the program.
6. **Males 18-26 years old not yet registered with the Selective Service System:** If you would like the Corporation for National and Community Service to provide the information on this page to the Selective Service System so that the agency may register you, please check this box.
7. **Current Address** (All information will be sent to you at this address until you notify the Corporation of a change of address.)  
 Number and Street \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Email Address \_\_\_\_\_  
 Home Phone \_\_\_\_\_ Business Phone \_\_\_\_\_ Ext \_\_\_\_\_
8. **Permanent Address** (Name and address of person through whom you can always be reached once you leave the program.)  
 Last \_\_\_\_\_ First \_\_\_\_\_ MI \_\_\_\_\_  
 Number and Street \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Email Address \_\_\_\_\_  
 Home Phone \_\_\_\_\_ Business Phone \_\_\_\_\_ Ext \_\_\_\_\_
9. Have you ever previously enrolled in an AmeriCorps program? No  Yes . If Yes, how many times: \_\_\_\_\_
10. Have you ever been released 'for cause' from a term of service by this or any other AmeriCorps program? No  Yes .

By signing this enrollment form I agree, if asked, to provide information to verify the accuracy of my completed form. I understand that a knowing and willful false statement on this form can be punished by one or more of the following: a fine or imprisonment or both under Section 1001 of Title 18, U.S.C., exclusion from participation in federal programs, and forfeiture of benefits I may receive as a result of my enrollment or other actions authorized by the Civil Fraud Remedies Act.

**Member's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_  
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**PART 2**

**Member: Please Answer the Following Questions**

1. What is your gender?
  - Female
  - Male
2. Are you registered to vote?
  - Yes
  - No
  - Not sure
  - Not eligible
  - Prefer not to respond
3. (Optional) Which of the following categories best describes your racial or ethnic origins? (Mark one or more from A and one from B)
  - A. Race**
    - American Indian or Alaska Native
    - Native Hawaiian or Other Pacific Islander
    - Black or African American
    - White
    - Asian
    - Other
  - B. Ethnicity**
    - Hispanic origin
    - Not of Hispanic origin
4. Which one of the following best describes your marital status?
  - Single, never married
  - Married, living with husband/wife
  - Married, not living with spouse/legally separated
  - Widowed
  - Divorced
  - Prefer not to respond
5. What is the highest level of education you have completed?
  - Less than high school completed
  - GED
  - High school graduate
  - Technical school/apprenticeship/vocational
  - Some college
  - Associates degree (AA)
  - College graduate
  - Some graduate school
  - Graduate degree
  - Professional degree (medical, law)
6. Do you have a disability?
  - Yes (Specify: \_\_\_\_\_)
  - No
  - Prefer not to respond
7. Are you a veteran of the United States Armed Forces?
  - Yes
  - No
8. What are the two most important reasons why you decided to join this program?
  - To get an education award
  - To help other people/perform a community service
  - To be part of a national movement
  - To get a job/earn money
  - Friends have joined
  - To make friends
  - To learn about or work with different ethnic/cultural groups
  - Parents/teachers wanted me to join
  - To explore future job/education interests
  - To get involved in health issues
  - To get involved in education issues
  - To get involved in environment issues
  - To get involved in public safety issues
  - Other (Specify: \_\_\_\_\_)
9. How did you hear about this program? (Mark all that apply.)
  - Article
  - Advertisement in a newspaper/magazine
  - Guidance counselor/teacher
  - Parent/relative
  - Current or former AmeriCorps Member
  - Friend told me/friend applied
  - TV commercial
  - Radio commercial
  - The internet
  - AmeriCorps recruiter/representative
  - Received information in the mail
  - AmeriCorps program poster
  - Other (Specify: \_\_\_\_\_)
10. Privacy Act Information Release
  - Yes, I give the Corporation for National and Community Service permission to release my name, address, email and telephone number to the AmeriCorps alumni association.

Public reporting burden -- Estimated time to complete this form, including time for reviewing instructions and gathering and providing the information needed to complete the form, is 3 minutes for the Member section and 4 minutes for the Certifying Official section. Send comments regarding this burden or the content of this form to: Corporation for National and Community Service, National Service Trust, 1201 New York Avenue, NW, Washington, DC 20525. The Corporation informs the potential persons who are to respond to this collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number on this page of the form (see 5CFR 1320.5(b)(2)(1))

Privacy Statement -- In compliance with the Privacy Act of 1974, the following information is provided: The collection of this information is authorized by the provisions of the National and Community Service Act as amended by the National and Community Service Trust Act of 1993. The primary purpose of the information is to obtain from AmeriCorps program representatives their data to successfully enroll a member in a term of service and the education award program. The evaluative information will help the Corporation improve its programming and services to members. Information may also be provided to federal, state, and local agencies for law enforcement purposes. Information will not otherwise be disclosed outside the Corporation without written permission. The Internal Revenue Service has determined that the education award is taxable in the year it is used. Your Social Security Number (SSN) is solicited under the authority of the Internal revenue Code (28 U.S.C. 6011© and 6109) for use as a taxpayer identification number. Failure to disclose the SSN or any other information may result in a denial of your receiving an education award or it may delay the processing of your education award. In furtherance of the Corporation's efforts to ensure that the programs are inclusive of persons with disabilities, your Social Security Number may be released to the Social Security Administration to measure aggregate statistical data on the number of AmeriCorps members receiving disability-based benefits. If you do not wish your personal information to be included in this research, mark "prefer not to respond" under question 6.

OMB Approval No.: 3045-0006 Expires 07/31/2010

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Member Social Security Number \_\_\_\_\_

**DIRECTIONS TO CERTIFYING OFFICIAL:**

- 1. Use blue or black ink.
- 2. Please complete and sign Part 3.
- 3. Print clearly.
- 4. If you are using WBRS or eSPAN, please provide the form to whoever enters data into that database for your program.

**PART 3 Certifying Official: Please Complete and Sign**

This section must be signed by an authorized certifying official. The program must designate certifying officials.

- 1. **Type of Enrollment** (Mark only one.)
  - Full-time (1700 hours per year or 365 days for VISTA)
  - Half-time (900 hours in up to 2 years)
  - Reduced half-time 675 hours
  - Quarter time 450 hours
  - Minimum time/Summer 300 hours
- 2. **Is the member enrolling in an AmeriCorps education award only position (i.e. received no Corporation-funded living allowance or benefits)?**
  - Yes
  - No
- 3. **Will the member receive a living allowance?**
  - Yes
  - No
- 4. **Date of Enrollment:** \_\_\_\_\_  
mm/dd/yyyy
- 5. **Type of Program**
  - AmeriCorps National Direct
  - AmeriCorps State
  - AmeriCorps Tribe
  - AmeriCorps Territory
  - AmeriCorps National Civilian Community Corps
  - AmeriCorps Education Award Program
  - AmeriCorps Promise Fellows
  - AmeriCorps America Reads
  - AmeriCorps Governor's Initiative
  - Other (Specify): \_\_\_\_\_

**6. Program Information**

Name of Program or AmeriCorps NCCC Campus \_\_\_\_\_

Operating Site I.D. Number \_\_\_\_\_

Number and Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Phone \_\_\_\_\_ Ext \_\_\_\_\_

**Signature of Certifying Official** \_\_\_\_\_ **Date** \_\_\_\_\_

**Name of Certifying Official (Please Print):** \_\_\_\_\_

I understand that a knowing and willful false statement on this form can be punished by a fine or imprisonment or both under Section 1001 of Title 18, U.S.C.

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## **Chapter 13 – EVALUATION PROCEDURES OF TITLE VI IMPLEMENTATION**

### **THRC DIRECTIVES**

#### **Purpose:**

Evaluation enables the department or agency to reach the ultimate purposes or ends for which the programs or activities exist. The execution of this section will maximize the number of subrecipients and contractors in compliance with civil rights requirements through preventive outreach, technical assistance, and the monitoring of beneficiaries.

#### **Required:**

- Describe how the agency evaluates its access to programs and activities by beneficiaries, including minorities; and,
- Provide a narrative of how the agency makes a comparison of the quality of services after the data is collected?
- Describe how the agency plans to address any existing Title VI Compliance deficiencies; and,
- Provide a timeline for meeting the above plans.

Example: Department A will plan, design, and implement a compliance strategy for B and C programs funded under U.S. Department or Funds. Anticipated date for draft of the compliance strategy will be on Month-Day-Year. Department A will provide THRC with a copy of the draft compliance strategy upon completion for review and input.

### **DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE**

While F&A has made improvements in Title VI implementation in FY2015, we recognize that further improvements are needed and will continue improvement efforts with regard to employee and subrecipient training. F&A began a new Title VI training initiative in June 2013. The department's Title VI Coordinator developed a Title VI training presentation covering the essential elements of Title VI that apply to all department staff members. This presentation was established as an on-line training. 100% of the employees in F&A were enrolled in Edison for this course and also notified by e-mail to complete the course. Edison tracks the completion of all training setup in this manner. We also established a policy to include this training as part of employee orientation to have each new employee enrolled within 2 weeks of beginning employment with F&A. All new and transferring to F&A employees complete this training as part of the orientation session. Moving forward, the department plans to continue to strengthen the training and tracking mechanisms of its training program as guidance is received from the Tennessee Human Rights Commission.

Regarding subrecipients, compliance reviews by F&A involved both onsite reviews and desk-audits, as described earlier. In FY 2014/15 55 OCJP subrecipients out of 176 (32%) were monitored for compliance with Title VI requirements. There were two (2) findings related to Title VI. Corrective action plans were submitted within 30 days of the finding reports.

Also, Volunteer Tennessee recognized that training agendas for Fiscal Year 2013 did not specifically reflect Title VI training, although it is a subject addressed with all subrecipients. Volunteer Tennessee since then conducts mandatory Title VI specific webinars for all of its subrecipients. To ensure full participation in the webinar, a screen shot of the participant list will be obtained both at the beginning of the training and then again at the end of the training. An agenda and power point of the webinar will be maintained as confirmation that all subrecipients completed the training.

## Chapter 14 – RESPONSIBLE OFFICIALS

### THRC DIRECTIVES

**Purpose:**

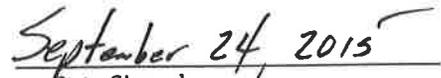
To have a designated location within the implementation plan where the responsible officials are listed.

**Required:**

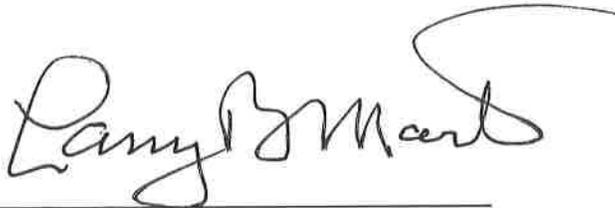
- Provide the name, title, address and signature of both:
  - the responsible State official charged with ensuring that the department or agency complies with Title VI; and,
  - The Title VI Director/Coordinator or other designated person assigned with the task of developing and drafting the annual implementation plan.

### DEPARTMENT OF FINANCE & ADMINISTRATION RESPONSE

  
\_\_\_\_\_  
**David Sledge**  
Title VI & Title IX Coordinator

  
\_\_\_\_\_  
Date Signed

Human Resource Office  
20<sup>th</sup> Floor, Tennessee Tower  
312 Rosa L. Parks Avenue  
Nashville, Tennessee 37243

  
\_\_\_\_\_

**Larry B. Martin**  
Commissioner

  
\_\_\_\_\_  
Date Signed

First Floor, State Capitol  
600 Charlotte Avenue  
Nashville, Tennessee 37219

## **ACKNOWLEDGEMENTS**

This report was compiled by staff in the F&A - Human Resource Office.

Data input from each of the program areas were provided and verified by:

- Adeniyi Bakare
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