



ATTACHMENT A VOCA SUBRECIPIENT ELIGIBILITY REQUIREMENTS

The Victims of Crime Act (VOCA) has clearly established eligibility criteria that must be met by all organizations receiving VOCA funds. In addition, all sub-recipient programs must follow any additional criteria or reporting requirements established by CDVSA during the entire subaward period.

Federal Eligibility Requirements:

A victim assistance program is eligible to receive VOCA funds if it is operated by a public agency or a nonprofit organization, or a combination of such programs, and provides services to victims of crime. Programs must:

- Demonstrate a record of effective services
- Meet program match requirements
- Use volunteers
- Promote coordinated efforts to help crime victims
- Help victims apply for crime victim compensation
- Provide services free of charge
- Not discriminate
- Provide services regardless of immigration status
- Protect victim confidentiality and privacy
- Provide services regardless of victim's participation in criminal justice system
- Provide services to victims of federal crime
- Keep research information confidential
- Maintain civil rights information
- Provide proof of DUNS number and SAM registration
- Meet terms of certified assurances and other federal rules

I. RECORD OF EFFECTIVE SERVICES

Agencies must demonstrate a record of providing effective services to crime victims. This includes:

- having the support and approval of the community for its services,
- demonstrating a history of providing direct services in a cost-effective manner,
- having financial support from other sources, and
- meeting the eligibility requirements provided in this Section.

II. MATCH REQUIREMENTS

VOCA requires matching contributions of 25% (cash or in-kind) of the total Federal VOCA funds (VOCA subaward) for each VOCA funded subaward. The match requirement allows programs to leverage federal funding and increase the amount of resources available to the projects supported with VOCA funds. It also encourages local investment and engagement

with the VOCA-funded project. The term “VOCA proposal” or “subaward” refers to **both** federal VOCA funds and the associated non-federal match required in the approved VOCA budget.

The match must be derived from non-federal sources. **All funds designated as match are restricted to the same uses as the VOCA subaward funds and must be expended within the subaward period.** Please note that each subaward funded through CDVSA must have a match and that match must be specific to, and solely reported for, only one subaward

Calculating the Match

The match requirement is 25% of the federal VOCA funds requested. One way to double check the required match is to multiply the total VOCA project funds requested (federal funds *PLUS* match) by 20%. The resulting figures are the required match amount.

Example A		Example B	
Total Project Cost	\$50,000	Federal funds you want to receive	\$40,000
Match: 20% of \$50K	-10,000	Match: 25% of \$40K	+ 10,000
Federal Funds Needed	\$40,000	Total Project Cost	\$50,000

Exceptions to the 25% match requirement:

- Sub-recipients may request a full or partial waiver of the match requirement.
 - Per OVC process, waiver requests are made to CDVSA at the time of application. CDVSA will then seek approval from OVC.
 - OVC typically considers the following factors:
 - Local resources
 - Annual budget changes
 - Past ability to provide match
 - Whether the funding is for new or additional activities requiring additional match versus continuing activities where match is already provided.
- **There is no match requirement for VOCA sub-recipients that are:**
 - Federally-recognized American Indian or Alaska Native Tribes or
 - Projects that operate on tribal lands.

III. VOLUNTEERS

All sub-recipients must use volunteers to provide or support direct victim services unless compelling reasons exist to waive this requirement. A “compelling” reason may include a statutory or contractual provision that bars the use of volunteers for certain positions or the inability to recruit and maintain volunteers after a sustained and determined effort. This is a program-wide requirement. Programs are not required to tie the use of volunteers to every VOCA subaward unless volunteer hours are used as match on that subaward. Volunteers may include student interns.

IV. PROMOTION OF COMMUNITY EFFORTS TO AID CRIME VICTIMS

Agencies must promote coordinated public and private efforts to help crime victims in order to ensure continuity of support for victims and to avoid duplication of effort. Coordination may include, but is not limited to, serving on federal, state, local, or Native American task forces, commissions and/or working groups or developing written agreements that contribute to better and more comprehensive services.

V. CRIME VICTIMS' COMPENSATION PROGRAM ASSISTANCE

The Violent Crimes Compensation Board (VCCB) is operated by the State of Alaska Department of Administration. VCCB works to ease the financial burden many crime victims experience as a result of their victimization. They cover expenses such as counseling, medical expenses, rehabilitation expenses, funeral costs, and/or lost wages. VOCA sub-recipients are required to ensure that all agency service staff are familiar with VCCB. VOCA sub-recipients must establish agency policies and procedures to identify clients who may be eligible for benefits and must assist clients in completing applications, along with gathering necessary information and documentation. Agencies are required to maintain a supply of VCCB brochures and applications. Information and materials can be obtained by calling the VCCB office at (907) 465-3040 or by visiting the VCCB website at:

<http://doa.alaska.gov/vccb/contactUs.html>

VI. NO CHARGE TO VICTIMS

Programs are required to provide services to crime victims through the VOCA subaward at no charge to the victim.

VII. VICTIMS OF FEDERAL CRIMES

Agencies must offer services to victims of federal crimes on the same basis as victims of crime under state or local law. A victim of a federal crime is defined as a victim of an offense that violates a federal criminal statute or regulation. Federal crimes also include crimes that occur in an area where the federal government has jurisdiction, such as some Native American reservations, national parks, some federal buildings and military installations. Examples of other federal crimes are terrorism, bank robbery, some drug-related crimes, interstate or international kidnapping, mail or wire fraud, violation of a qualifying protection order under federal law and human trafficking.

VIII. CONFIDENTIALITY OF PERSONAL INFORMATION

In order to ensure the safety of adult, youth, and child victims of crime, a sub-recipient shall protect the confidentiality and privacy of people they serve. A sub-recipient shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through sub-recipient's programs.

IX. BREACH OF PERSONALLY IDENTIFIABLE INFORMATION

All sub-recipients must have written procedures in place to respond in the event of an actual or imminent breach of personally identifiable information (PII) if the sub-recipient creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of personally identifiable information within the scope of the subaward activities. The breach

procedures must include a requirement to report actual or imminent breach of PII to the sub-recipient's fund coordinator no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

X. COMPLIANCE WITH THE FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) OF 2006

All recipients of Federal VOCA funds, and their sub-contractors, must comply with the Federal Funding Accountability and Transparency Act (FFATA) of 2006. The FFATA requires a single searchable website for each federal award of \$25,000 or more over the life of any sub-award (i.e., VOCA subaward period) that must be accessible by the public without cost. To satisfy this requirement, sub-recipients are required to have a Data Universal Numbering System (DUNS) number and to maintain a current registration in the System for Award Management (SAM). CDVSA will register your organization with FFATA as part of the subaward process; however, agencies are responsible for maintaining their current registration with SAM.gov.

XI. CERTIFIED ASSURANCES & OTHER CERTIFICATIONS

VOCA subaward recipients must assure and certify that they comply with all applicable provisions of the Victims of Crime Act of 1984, as amended, and all other applicable federal rules regulating subawards. This includes VOCA, the Office for Victims of Crime Program Guidelines, and the Office for Justice Programs Financial Guide. When a sub-recipient signs a subaward agreement, they are agreeing to comply with the subaward contract terms for the funds for which they applied. CDVSA will provide you with the VOCA Conditions that correspond with the federal award year you are granted in the beginning of the year award packet. It is the responsibility of the Authorized Signor to read and sign the conditions as confirmation you will comply with each standard.

A. Non-supplantation:

Federal funds must be used to **supplement** existing funds for program activities **and must not replace** funds that have been appropriated for the same purpose. Supplanting will be the subject of application review, as well as pre-award review, post-award monitoring, and audit. If there is an appearance of supplanting, the applicant or subrecipient will be required to supply documentation demonstrating that the reduction in non-Federal resources occurred for reasons other than the receipt/expected receipt of Federal funds. The Federal Administrator of VOCA Funds or CDVSA staff may request a written certification stating that Federal funds will not be used to supplant State or local funds. **Nonprofit agencies are not bound by non-supplantation rules.**

B. Whistleblower Protection

Sub-recipients must comply with federal whistleblower protections (41 U.S.C. 4712). This includes provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to:

- gross mismanagement of a federal grant,

- a gross waste of federal funds,
- an abuse of authority relating to a federal grant,
- a substantial and specific danger to public health or safety, or
- a violation of law, rule, or regulation related to a federal grant.

Sub-recipients must inform their employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under the subaward should be reported to the Office of the Inspector General by:

1) mail directed to:

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

2) e-mail to: oig.hotline@usdoj.gov; and/or

3) the DOJ OIG hotline: (contact information in English and Spanish) at
 (800) 869 - 4499 (phone) or
 (202) 616 - 9881 (fax)

Sub-recipients must be in compliance with federal whistleblower protection requirements (41 U.S.C. 4712). This specifically includes informing employees of their rights and remedies when situations arise. Whistleblower policies shall be kept in employee personnel files, and will reviewed at the time of CDVSA site visits.

C. Civil Rights Compliance

Upon award, each sub-recipient is required to review and sign a “Certification of Compliance with Regulations” federal form from the Office for Civil Rights, Office of Justice Programs and comply with any of the applicable certification requirements. **Each sub-recipient is required to maintain statutorily required civil rights statistics on victims’ services by race, national origin, sex, age, and disability.** Sub-recipients must also permit access to documents and records to determine whether the sub-recipient is complying with applicable civil rights laws. This requirement is waived when the subrecipient is providing a service such as telephone counseling where soliciting the information may be inappropriate or offensive to the crime victim. Civil rights statistics must be kept on file with other VOCA subaward documentation and must correspond with each subaward period. The information will be reviewed during onsite visits or at the request of the Federal Administrator of VOCA Funds of the Office for Victims of Crime.

Civil Rights Non-Discrimination Requirements

All VOCA sub-recipients must assure and certify that they comply with all applicable civil rights non-discrimination requirements of **Title VI of the Civil rights Act of 1964**, as

amended, 42 U.S.C. § 2000d et seq. (prohibiting discrimination in programs or activities on the basis of race, color, and national origin); **Omnibus Crime Control and Safe Streets Act of 1968**, as amended, 34 U.S.C. § 10228(c)(1) (prohibiting discrimination in employment practices or in programs and activities on the basis of race, color, religion, national origin, and gender); **Section 504 of the Rehabilitation Act of 1973**, 29 U.S.C. § 794 et seq. (prohibiting discrimination in employment practices or in programs and activities on the basis of disability); **Title II of the Americans with Disabilities Act of 1990**, 42 U.S.C. § 12131 (prohibiting discrimination in services, programs, and activities on the basis of disability); **The Age Discrimination Act of 1975**, 42 U.S.C. § 6101-07 (prohibiting discrimination in programs and activities on the basis of age); and **Title IX of the Education Amendments of 1972**, 20 U.S.C. § 1681 et seq. (prohibiting discrimination in educational programs or activities on the basis of gender).

Title VI of the Civil Rights Act of 1964, prohibits recipients from discriminating on the basis of national origin in the delivery of services or benefits. Compliance requires taking reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to funded programs or activities. A person with limited English proficiency is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. To assist sub-recipients in meeting their obligation to serve people with limited English proficiency, the Department of Justice (DOJ) has published a guidance document, which is available on the <https://www.lep.gov/> web site.

VOCA requires that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving funds under VOCA on the basis of race, color, religion, national origin, sex, age, or disability. If, after a due process hearing, a federal or state court or federal or state administrative agency makes a finding of discrimination against a sub-recipient on the grounds of race, color, national origin, sex, or disability, a copy of such findings must be forwarded to CDVSA and to the Office for Civil Rights (OCR) for the Office of Justice Programs.

Federal processes that are federally mandated include:

- Civil rights laws and regulations prohibiting discrimination in federally assisted programs or activities;
- Limited English Proficiency (LEP) guidelines; and
- Equal Employment Opportunity Plans (EEO). *Non-profit organizations and Tribal Nations are exempt from the EEO requirements, but must complete the EEO form online per instructions in your beginning of the year subaward packet.*

These processes are required and include notification of nondiscrimination policy, responding to discrimination complaints, and civil rights training.

XII. DEMONSTRATES ACCESS TO EFFECTIVE SERVICES

To ensure meaningful access to services for all victims of crime across the State, programs must be able to appropriately respond to requests for assistance (e.g. completion of compensation claims, emergency housing, child abuse medical assessments, etc.). In addition, those agencies whose primary services are focused on a specific area of victim assistance must be able to directly link victims whose needs may be beyond their expertise to the appropriate community partner agency.

XIII. MAINTAINS GOOD FISCAL MANAGEMENT

Agencies must be able to maintain adequate funding, expend funds according to submitted budgets, keep financial records, and comply with subaward reporting requirements. Agencies with deficiencies in any of these good fiscal practices may receive conditional subawards. Agencies may also be required to submit additional information addressing those deficiencies before a subaward is awarded.

XIV. COMPLIES WITH FINANCIAL, DATA AND OUTCOME REPORTING

All agencies must comply with CDVSA reporting requirements including the timely submission of quarterly statistical, financial, and programmatic reports.

XV. PROVIDES CULTURALLY RESPONSIVE AND ACCESSIBLE SERVICES

Applicants will provide services that are culturally responsive and accessible to the populations in their communities. Applicants will continue or begin an assessment and planning process to identify and prioritize community needs and agency responses.