

2010 Provisions for State Administrative, Program Development and Training, and Disability Placement Grants

Effective January 1, 2010

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A. CHANGES FROM THE 2009 ADMIN/PDAT/DISABILITY PROVISIONS

1. Revised the Purpose of the PDAT grant to include Senior Corps and Learn and Serve America programs in Section D. 2.
2. Revised the Purpose of the Disability grant to include Senior Corps and Learn and Serve America program in Section D.3.
3. Increased the Consultant rate from \$540 to \$617 in Section E. 11 d.
4. Corrected the OIG hotline email address in Section E. 12.

B. LEGISLATIVE AND REGULATORY AUTHORITY

These Provisions are binding on the Grantee. By accepting funds under this Grant, the Grantee agrees to comply with the Provisions and all applicable federal statutes, regulations, and guidelines. The Grantee agrees to administer the grant in accordance with the approved Grant application and budget, supporting documents, and other representations made in support of the approved Grant application. The Grantee agrees to include in all sub-Grants the applicable terms and conditions contained in this award.

All applicable Provisions of the Grant, including regulations and OMB circulars that are incorporated by reference, shall apply to any Grantee, sub-Grantee, or other organization carrying out activities under this award. This Grant is authorized by and subject to the National and Community Service Act of 1990, 42 U.S.C. 12501 *et seq.*, and the Corporation for National and Community Service's (the Corporation) implementing regulations at 45 CFR 2510 *et seq.*

C. OTHER APPLICABLE STATUTORY AND ADMINISTRATIVE PROVISIONS

The following applicable federal cost principles, administrative requirements, and audit requirements are incorporated by reference:

1. STATES, INDIAN TRIBES, U.S. TERRITORIES, AND LOCAL GOVERNMENTS

The following circulars and their implementing regulations apply to states, Indian tribes, U.S. territories, and local governments:

- a. OMB Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments – 45 CFR Part 2541.

- b. OMB Circular A-87, Cost Principles for State and Local Governments – 2 CFR Part 225.
- c. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

2. NONPROFIT ORGANIZATIONS

The following circulars and their implementing regulations apply to non-profit organizations:

- a. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-profit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
- b. OMB Circular A-122, Cost Principles for Non-profit Organizations – 2 CFR Part 230.
- c. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

3. EDUCATIONAL INSTITUTIONS

The following circulars and their implementing regulations apply to educational institutions:

- a. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-profit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
- b. OMB Circular A-21, Cost Principles for Educational Institutions – 2 CFR Part 220.
- c. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

These documents can be found here:

http://www.access.gpo.gov/nara/cfr/waisidx_07/2cfrv1_07.html#215 and here:
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=1289932cf6539210eb14f3d8d3052a8b&c=ecfr&tpl=/ecfrbrowse/Title02/2cfrv1_02.tpl#200

Other Applicable Statutes and Regulations. The Grantee must comply with all other applicable statutes, executive orders, regulations, and policies governing the Program, including but not limited to those cited in these Grant Provisions, the Grant Assurances and Certifications, and those cited in 45 CFR Parts 2541 and 2543.

Order of Precedence. Any inconsistency in the Grant Award shall be resolved by giving precedence in the following order (a) Applicable Federal Statutes, (b) Corporation and other Federal regulations, (c) Special Provisions, (d) General Provisions, (e) Notice of Funding Opportunity (NOFO), and (f) the approved Grant

Application including all assurances, certification, attachments, and pre-award negotiations.

D. SPECIAL PROVISIONS

1. PURPOSE OF THE STATE ADMINISTRATIVE GRANT

The duties of state commissions are described in 45 CFR 2550.80. Composition requirements and other requirements, restrictions and guidelines are described in 45 CFR 2550.50.

2. PURPOSE OF THE PROGRAM DEVELOPMENT ASSISTANCE AND TRAINING (PDAT) GRANT

Grant funds are for capacity building, infrastructure development and training and Technical Assistance (T/TA) for programs in the state. We expect commissions to support collaboration and maximize the impact of resources provided to national service programs in the state. The following kinds of activities are appropriate uses for PDAT funds:

- a.** Leadership development, training and technical assistance activities to enhance the effectiveness of AmeriCorps programs and program staff.
- b.** Joint cross-program training events that include AmeriCorps and other national service programs (Senior Corps, AmeriCorps, and Learn and Serve America).
- c.** Statewide or regional events for member training when conducted collaboratively among multiple programs or organized by multiple states.
- d.** Evaluation, performance measurement, and accountability activities for AmeriCorps programs.
- e.** Travel costs for program staff to state-sponsored, cluster-wide, regional, and national-provider training events.
- f.** Travel costs for member/participant attendance at regional and national training events to increase member/participant effectiveness (such as service-learning and youth-service conferences and/or events in support of local capacity building).
- g.** Cost-sharing with national T/TA provider(s) as appropriate.
- h.** Funding for up to 1.0 full-time equivalent staff person, contractor, or consultant to conduct a successful Training and Technical Assistance program. Activities may include conducting needs assessments; planning, implementing and managing the state's T/TA effort; providing for on-site training and technical assistance; connecting programs to resources;

identifying and developing local T/TA resources; and promoting peer exchanges.

- i. Travel by staff whose positions are funded through PDAT when such travel involves the performance of T/TA functions, or to attend CNCS-sponsored training that strengthens the training function. (Administrative funds must be used for travel to conduct administrative functions, such as monitoring and compliance review.) When travel costs are shared, expenditures must be documented separately for financial control purposes.
- j. Preparation and implementation of joint cross-program training plans to the extent that such expenditures are consistent with other PDAT policies.
- k. Communication equipment and systems that link programs for T/TA purposes (for example, newsletters, and Internet discussion groups). (Administrative funds are to be used for communication equipment and systems for operational and monitoring activities.) Sharing costs for systems that meet both needs is allowable with appropriate documentation for financial control purposes.
- l. Outreach and public education to potential grantees, subgrantees, and sites to promote and strengthen the national service infrastructure in the state.

3. PURPOSE OF THE DISABILITY GRANT

Grant funds are for the placement, reasonable accommodation, and auxiliary services for members and potential members with disabilities, serving in AmeriCorps State, AmeriCorps National Direct, Senior Corps, and Learn and Serve America programs and any other national service program assisted by the Corporation with the exception of AmeriCorps NCCC and VISTA. State commissions can provide disability funds to any AmeriCorps State, AmeriCorps National, Senior Corps, and/or Learn and Serve America program funded under the 2009 Kennedy Serve America Act. This includes AmeriCorps State Competitive, State Formula, and National Direct, as well as Education Award Programs, Indian Tribes, U.S. Territories, Senior Corps, and Learn and Serve America.

- a. **Use of Grant Funds.** Commissions may use grant funds to provide reasonable accommodations and auxiliary aids to members and potential members in circumstances including, but not limited to the following:
 - i. Provide reasonable accommodations for AmeriCorps State, National, and Senior Corps members and Learn and Serve participants.
 - ii. Purchase reasonable accommodation and auxiliary aid equipment that an AmeriCorps State, National, Senior Corps, or Learn and

Serve America program uses to assist in the placement of AmeriCorps members with disabilities.

- iii. Partner with disability organizations to develop action plans that result in increases in referrals, member applications, and member support strategies.
- iv. Engage disability inclusion experts to review and provide feedback on existing recruitment, outreach, and programmatic materials on inclusions and accessibility.
- v. Provide funds to programs for the development of materials in alternative formats.
- vi. Support the costs associated with the development of a state-wide working group made up of representatives from the commission, Corporation State Office, University Center for Excellence in Disabilities, disability organizations, and self-advocacy groups to develop and implement plans to recruit and retain individuals with disabilities in service positions and to ensure positive experiences.
- vii. Pay for a disability coordinator, disability inclusion expert consultant, or contractor (which may be a disability-related organization) to assist with outreach, recruitment, and training and technical assistance on disability inclusion issues including outreach, recruitment, reasonable accommodation, and retention. The time apportioned to this Grant cannot exceed 1.0 FTE.
- viii. Travel by commission staff whose position is funded through the disability grant, AmeriCorps members, or members of state-wide disability inclusion working groups when such travel is integrally related to facilitating the placement, recruitment, and retention of individuals with disabilities in AmeriCorps State, National, Senior Corps, and Learn and Serve America programs, including attending CNCS-sponsored trainings that strengthen the commission's disability inclusion function.
- ix. Sponsor training sessions for and with AmeriCorps State, National, Senior Corps, and Learn and Serve America programs to educate program staff (and/or members) as to how they can increase the participation of individuals with disabilities.
- x. To modify or enhance an activity or deliverable (e.g., training, brochure, or website) that is intended to achieve objectives outside the scope of these grant funds, prorate the costs accordingly. For example, if a training event has 10 modules, one of which falls within the purposes of the grant funds, the grant funds may be used to defray 10% of the total cost of the training event.

- b. **Restrictions on Use of Funds.** Commissions may not use these funds to support the following activities:

- i. Costs attributable to programs that are not funded under subtitle C of Title 1 of the National and Community Service Act such as AmeriCorps VISTA, and NCCC.
- ii. Reasonable accommodations and auxiliary aids for program or commission staff, for commissioners, or for community beneficiaries of programs.
- iii. Making the commission's facilities accessible (unless doing so is integrally related to increasing the placement of individuals with disabilities in AmeriCorps State, National, Senior Corps, or Learn and Serve America programs).
- iv. Training of members concerning disability related issues (unless this activity is integrally related to increasing the placement of individuals with disabilities in AmeriCorps State, National, Senior Corps, or Learn and Serve America programs).
- v. Research or evaluation (unless this activity is integrally related to increasing the placement of individuals with disabilities in AmeriCorps State, National, Senior Corps, or Learn and Serve America programs).

4. PROHIBITIONS ON THE USE OF FUNDS

While charging time to either the Administrative, PDAT, and/or Disability Grant, the Grantee, and anyone acting under the supervision or authority of the Grantee, may not engage in the following activities:

- a. Attempting to influence legislation.
- b. Organizing or engaging in protests, petitions, boycotts, or strikes.
- c. Assisting, promoting or deterring union organizing.
- d. Impairing existing contracts for services or collective bargaining agreements.
- e. Engaging in voter registration activities.
- f. Engaging in partisan political activities or other activities designed to influence the outcome of an election to any public office.
- g. Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political

candidates, proposed legislation, or elected officials.

- h.** Engaging in religious instruction; conducting worship services; providing instruction as part of a program that includes mandatory religious instruction or worship; constructing or operating facilities devoted to religious instruction or worship; maintaining facilities primarily or inherently devoted to religious instruction or worship; or engaging in any form of religious proselytization.
- i.** Providing a direct benefit to:
 - i.** A for-profit entity;
 - ii.** A labor union;
 - iii.** A partisan political organization;
 - iv.** An organization engaged in the religious activities described in the preceding sub-clause, unless Grant funds are not used to support the religious activities; or
 - v.** A nonprofit entity that fails to comply with the restrictions contained in section 501(c)(3) of U.S.C. Title 26.
- j.** Grant funds may not be used for international travel or projects where the primary beneficiaries of an activity are outside the United States.
- k.** Other activities as the Corporation determines will be prohibited, upon notice to the Grantee.

5. BUDGET AND PROGRAMMATIC CHANGES

- a. Programmatic Changes.** The Grantee must obtain the prior written approval of the Corporation before making the following changes:
 - i.** Changes in the scope, objectives or goals of the Program, whether or not they involve budgetary changes.
 - ii.** Entering into sub-Grants or contracting out any activities funded by the Grant and not specifically identified in the approved application and/or Grant.
- b. Changes in the Budget.** The Grantee must obtain the prior written approval of the Corporation's Office of Grants Management before deviating from the approved budget in any of the following ways:
 - i. Specific Costs Requiring Prior Approval Before Incurrence** under OMB Circulars A-21, A-87 or A-122. For certain cost items, the cost circulars require approval of the awarding agency for the cost to be allowable. Examples of these costs are overtime pay, rearrangement and alteration costs, and pre-award costs.

- ii. **Purchases of Equipment over \$5,000** using Grant funds, unless specified in the approved application and budget.
- c. **Approvals of Programmatic and Budget Changes.** The Corporation's Grants Officers are the only officials who have the authority to alter or change the provisions or requirements of the Grant. The Grants Officers will execute written amendments or changes to the Grant, and Grantees should not assume approvals have been granted unless documentation from the Grants Office has been received.

6. REPORTING REQUIREMENTS

Financial reporting requirements in these Provisions apply only to the Grantee. The Grantee is responsible for timely submission of periodic financial and progress reports during the project period and a final financial report.

- a. **Financial Reports.** The Grantee shall complete and submit financial reports in eGrants (Financial Status Reports on menu tree) to report the status of all funds. Grantees must submit timely cumulative financial reports in accordance with Corporation guidelines according to the following schedule:

<u>Due Date</u>	<u>Reporting Period Covered</u>
July 31	Start of grant through June 30
January 31	July 1 – December 31

- b. **Progress Reports.** The Grantee shall report progress on its Administrative grant in its annual application.

The Grantee shall submit a single annual progress report for the State Disability and Program Development and Training grants through the appropriate electronic system.

- c. **Final Financial Reports.** Grantees completing the final year of their grant must submit, in lieu of the last financial report, a final financial report. This financial report is due within 90 days after the end of the project period.
- d. **Request for Extensions.** Each Grantee must submit a financial report by the given dates. Extensions of reporting deadlines will be granted only when 1) the report cannot be furnished in a timely manner for reasons legitimately beyond the control of the Grantee, and 2) the Corporation receives a request explaining the need for an extension before the deadline passes. Extensions of deadlines for financial reports may only be granted by the Office of Grants Management.

7. GRANT PERIOD AND INCREMENTAL FUNDING

Under this Grant, the project period is the complete length of time the Grantee is proposed to be funded in order to complete the approved program activities. A project period may contain one or more budget periods. A budget period is a specific interval of time for which federal funds are provided to finance a Grantee's approved activities and budget.

Unless otherwise specified, the Grant covers a three-year project period. In approving a multi-year project period, the Corporation generally makes an initial award covering the first budget period. Additional funding is contingent upon satisfactory progress and the availability of funds. The project period and the budget period are noted on the award document.

8. MATCH REQUIREMENTS FOR STATE ADMINISTRATIVE GRANTS

The amount of grant funds provided to a State Commission, together with other Federal funds available to establish or operate the State Commission, may not exceed:

- a. Eighty-five percent of the total cost to establish or operate the State Commission for the first year.
- b. A smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years.
- c. The Federal share will not exceed 50 percent of such costs for the fifth year and any subsequent year.

9. MATCH REQUIREMENTS FOR PDAT AND DISABILITY PLACEMENT GRANTS

There are no match requirements for the Program Development and Training and State Disability Placement Grants.

E. GENERAL PROVISIONS

10. RESPONSIBILITIES UNDER GRANT ADMINISTRATION

- a. **Accountability of Grantee.** The Grantee has full fiscal and programmatic responsibility for managing all aspects of Grant and Grant-supported activities, subject to the oversight of the Corporation. The Grantee is accountable to the Corporation for its use of Corporation Grant funds. It must expend Grant funds in a judicious and reasonable manner. Although Grantees are encouraged to seek the advice and opinion of the Corporation on special problems that may arise, such advice does not diminish the Grantee's responsibility for making sound judgments and does not mean that the responsibility for operating decisions has shifted to the Corporation.
- b. **Notice to Corporation.** The Grantee will notify the appropriate Corporation's Program or Grants Officer immediately of any developments or delays that have a significant impact on funded activities, any significant problems relating to the administrative or financial aspects of the Grant, or any suspected misconduct or malfeasance related to the Grant or Grantee. The Grantee will inform the Corporation official about the corrective action taken or contemplated by the Grantee and any assistance needed to resolve the situation.

11. FINANCIAL MANAGEMENT STANDARDS

- a. **General.** The Grantee must maintain financial management systems that include standard accounting practices, sufficient internal controls, a clear audit trail, and written cost allocation procedures, as necessary. Financial management systems must be capable of distinguishing expenditures attributable to this Grant from expenditures not attributable to this Grant. This system must be able to identify costs by program year and by budget category, and to differentiate between direct and indirect costs, or administrative costs. For further details about the Grantee's financial management responsibilities, refer to OMB Circular A-102 and its implementing regulations (45 CFR Part 2543) or A-110 and its implementing regulations (45 CFR Part 2541), as applicable.
- b. **Consistency of Treatment.** To be allowable under an award, costs must be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the organization. Furthermore, the costs must be accorded consistent treatment in both federally financed and other activities, as well as between activities, supported by different sources of federal funds.

- c. **Audits.** Grantee organizations that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act, as amended, 31 U.S.C. 7501, et seq., and OMB Circular A-133. (If the Grantee expends federal awards under only one federal program, it may elect to have a program specific audit, if it is otherwise eligible.) A Grantee that does not expend \$500,000 in Federal awards is exempt from the single audit requirements of OMB Circular A-133 for that year. However, it must continue to conduct financial management reviews of its programs, and records must be available for review and audit.

A recipient of a Federal Grant (pass-through entity) is required in accordance with paragraph 400(d) of OMB Circular A-133 to do the following with regard to its sub-recipients: (1) identify the Federal award and funding source; (2) advise sub-recipients of all requirements imposed on them; (3) monitor sub -recipient activities and compliance; (4) ensure sub-recipients have A-133 audits when required; (5) issue decisions and ensure follow-up on audit findings in a timely way; (6) where necessary, adjust its own records and financial statements based on audits; and (7) require sub-recipients to permit access by the pass-through entity and auditors to records and financial statements as necessary for the pass-through entity to comply with A-133.

- d. **Consultant Services.** Payments for consultant services under this Grant will not exceed \$617.00 per day (exclusive of any indirect expenses, travel, supplies and other non-fee costs) unless procured consistent with 45 CFR Part 2543.44.
- e. **Equipment and Supplies.** Equipment and supplies will be handled in accordance with OMB Circular A-102 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government or with 2 CFR Part 215 – Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations.

12. THE OFFICE OF INSPECTOR GENERAL

The Corporation’s Office of Inspector General (OIG) conducts and supervises independent and objective audits, evaluations, and investigations of Corporation programs and operations. Based on the results of these audits, reviews, and investigations, the OIG recommends policies to promote economy and efficiency and to prevent and detect fraud, waste, and abuse in the Corporation’s programs and operations.

The OIG conducts and supervises audits of Corporation Grantees, as well as legislatively mandated audits and reviews. The legislatively mandated audits include the annual financial statement audit, and fulfilling the requirements of the Government Information Security Reform Act and its successor, the Federal Information Security Management Act. A risk-based approach, along with input received from Corporation management, is used to select Grantees and Grants for audit. The OIG hires audit firms to conduct some of its audits. The OIG audit staff is available to discuss its audit function, and can be reached at (202) 606-9390.

The OIG is available to offer assistance to AmeriCorps grantees that become aware of suspected criminal activity in connection with the AmeriCorps program. The Grantee must notify the Office of Inspector General immediately of losses of federal funds, or goods/services supported with federal funds, or when information discovered by someone at a program indicates that there has been waste, fraud or abuse, or any violation of criminal law in connection with the Grant, at the Grantee level or at a sub-Grantee. The OIG investigative staff is available to provide guidance and ensure that the appropriate law enforcement agency is notified, if required. The OIG may be reached by email at hotline@cncsig.gov or by telephone at (800) 452-8210.

13. PROGRAM INCOME

- a. **General.** Income, including fees for service earned as a direct result of the grant-funded program activities during the award period, must be retained by the Grantee and used to finance the Administrative grant's non-Corporation share.
- b. **Excess Program Income.** Program income earned in excess of the amount needed to finance the Grantee share must follow the appropriate administrative requirements of 45 CFR Part 2541 or 45 CFR Part 2543, and cost principles of 2 CFR Parts 220, 225, 230 (formerly OMB Circulars A-87, A-122, and A-21) or 48 CFR Part 31, and be deducted from total claimed costs, or with approval from the Corporation through a budget amendment be used to enhance the program (additive process). Grantees that earn excess income must specify the amount of the excess in the comment box on the financial report.
- c. **Income under PDAT and Disability Grants.** Although PDAT and Disability grants have no share requirements, any program income, such as registration fees, must be applied to program costs and must be used to enhance or expand the activities under the grant.

14. SITE VISITS

The Corporation reserves the right to make site visits to review and evaluate Grantee records, accomplishments, organizational procedures, and financial control systems, to conduct interviews, and to provide technical assistance as necessary.

15. NON-DISCRIMINATION PUBLIC NOTICE AND RECORDS COMPLIANCE

- a. **Public Notice of Non-discrimination.** The Grantee must notify service recipients, applicants, Program staff, and the public, including those with impaired vision or hearing, that it operates its program or its activity subject to the non-discrimination requirements of the applicable statutes. The notice must summarize the requirements, note the availability of compliance information from the Grantee and the Corporation, and briefly explain procedures for filing discrimination complaints with the Corporation. Sample language is:

It is against the law for organizations that receive federal financial assistance from the Corporation for National Service to discriminate on the basis of race, color, national origin, disability, sex, age, political affiliation, or, in most programs, religion. It is also unlawful to retaliate against any person who, or organization that, files a complaint about such discrimination.

In addition to filing a complaint with local and state agencies that are responsible for resolving discrimination complaints, you may bring a complaint to the attention of the Corporation for National Service. If you believe that you or others have been discriminated against, or if you want more information, contact:

(Name, address, phone number – both voice and TDD, and preferably toll free – FAX number and e-mail address of the Grantee) or

*Office of Civil Rights and Inclusiveness
Corporation for National Service
1201 New York Avenue, NW
Washington, D.C. 20525
(202) 606-7503, (voice); (202) 606-3472 (TDD)
(202) 606-3465 (FAX); eo@cns.gov (e-mail)*

The Grantee must include information on civil rights requirements, complaint procedures and the rights of beneficiaries in contracts, handbooks, manuals, pamphlets, and post in prominent locations, as appropriate. The Grantee must also notify the public in recruitment

material and application forms that it operates its program or activity subject to the nondiscrimination requirements.

Sample language, in bold print, is “This program is available to all, without regard to race, color, national origin, sex, sexual orientation, religion, age, disability, political affiliation, marital or parental status, military service, community, or social affiliations, or, in most instances, religion.”

Where a significant portion of the population eligible to be served needs services or information in a language other than English, the Grantee shall take reasonable steps to provide written material of the type ordinarily available to the public in appropriate languages.

- b. Records and Compliance Information.** The Grantee must keep records and make available to the Corporation timely, complete, and accurate compliance information to allow the Corporation to determine if the Grantee is complying with the civil rights statutes and implementing regulations. The Corporation will provide specific guidance regarding records and compliance information.
- c. Obligation to Cooperate.** The Grantee must cooperate with the Corporation so that the Corporation can ensure compliance with the civil rights statutes and implementing regulations. The Grantee shall permit access by the Corporation during normal business hours to its books, records, accounts, staff, facilities, and other sources of information as may be needed to determine compliance.

16. GRANT PRODUCTS

- a. Sharing Grant Products.** To the extent practicable, the Grantee agrees to make products produced under the Grant available at the cost of reproduction to others in the field.
- b. Acknowledgment of Support.** Publications created may include an AmeriCorps logo if they are consistent with the purposes of the Grant. The Grantee is responsible for assuring that the following acknowledgment and disclaimer appears in any external report or publication of material based upon work supported by this Grant.

“This material is based upon work supported by the Corporation for National Service under AmeriCorps Grant No. _____. Opinions or points of view expressed in this document are those of the authors and do not necessarily reflect the official position of, or a position that is endorsed by, the Corporation or the AmeriCorps Program.”

17. SUSPENSION OR TERMINATION OF THE GRANT

- a. Suspension of the Grant.** In an emergency situation the Corporation may suspend a Grant for not more than 30 calendar days. Examples of such situations may include, but are not limited to:
- i.** Serious risk to persons or property;
 - ii.** Violations of federal, state or local criminal statutes; and
 - iii.** Material violation(s) of the Grant or contract that are sufficiently serious that they outweigh the general policy in favor of advance notice and opportunity to show cause.
- b. Termination of the Grant.** Pursuant to 45 CFR Part 2540.400, the Corporation may terminate payments under the grant or recover Grant funds for failure to comply with applicable provisions of this Grant. However, the Corporation will provide the Grantee reasonable notice and opportunity for a full and fair hearing, subject to the following conditions:
- i. Notice.** The Corporation will notify the Grantee by letter or telegram that it intends to terminate payments, revoke positions or recover Grant funds, either in whole or in part, unless the Grantee shows good cause why such assistance should not be terminated, revoked or recovered. In this notice, the grounds and the effective date for the proposed termination or revocation will be described. The Grantee will be given at least seven calendar days to submit written material in opposition to the proposed action.
 - ii. Right to a hearing.** The Grantee may request a hearing on a proposed termination, revocation or recovery. Upon five days notice to the Grantee, the Corporation may authorize the conduct of a hearing or other meetings at a location convenient to the Grantee to consider the proposed action. A transcript or recording must be made of a hearing.

18. TRAFFICKING IN PERSONS

This Grant is subject to requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104).

- a.** Provisions applicable to a recipient that is a private entity.
- i.** You as the Grantee and your employees may not:
 - (a.) Engage in severe forms of trafficking in persons during the period of time that the Grant is in effect;
 - (b.) Procure a commercial sex act during the period of time that the Grant is in effect; or
 - (c.) Use forced labor in the performance of the Grant.
 - ii.** We as the Federal awarding agency may unilaterally terminate this Grant, without penalty, if it,
 - (a.) Is determined you have violated a prohibition in paragraph a.i. of this Grant term; or

- (b.) Has an employee who is determined by the agency official authorized to terminate the Grant to have violated a prohibition in paragraph a.i. of this Grant term through conduct that is either:
 - 1. Associated with performance under this Grant; or
 - 2. Imputed to you using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement),” as implemented by our agency at 2 CFR Part 2200.

- b.** Provisions applicable to a Grantee other than a private entity. We as the Federal awarding agency may unilaterally terminate this grant, without penalty, if it –
 - i.** Is determined to have violated an applicable prohibition of paragraph a.i. of this Grant term; or
 - ii.** Has an employee who is determined by the agency official authorized to terminate the Grant to have violated an applicable prohibition in paragraph a.i. of this Grant term through conduct that is –
 - (a.) Associated with performance under this Grant; or
 - (b.) Imputed to you using the standards and due process for imputing conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 2200.

- c.** Provisions applicable to any Grantee.
 - i.** You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.i. of this grant term.
 - ii.** Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - (a.) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - (b.) Is in addition to all other remedies for noncompliance that are available to us under this Grant.
 - iii.** You must include the requirements of paragraph a.1 of this Grant term in any sub-Grant you make to a private entity.

- d.** Definitions. For purposes of this grant term:
 - i.** “Employee” means either:

- (a.) An individual employed by you or a sub-Grantee who is engaged in the performance of the project or program under this Grant; or
 - (b.) Another person engaged in the performance of the project or program under this Grant and not compensated by you including, but not limited to, a volunteer or individual whose service are contributed by a third part as an in-kind contribution toward cost sharing or matching requirements.
- ii.** “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- iii.** “Private entity”:
- (a.) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR Part 175.25.
 - (b.) Includes:
 - 1. A non-profit organization, including any non-profit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR Part 175.25(b).
 - 2. A for-profit organization.
- iv.** “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

F. Attachments

Grant Program Civil Rights and Non-Harassment Policy



Grant Program Civil Rights and Non-Harassment Policy

The Corporation for National and Community Service (CNCS) has zero tolerance for the harassment of any individual or group of individuals for any reason. CNCS is committed to treating all persons with dignity and respect. CNCS prohibits all forms of discrimination based upon race, color, national origin, gender, sexual orientation, religion, age, disability, political affiliation, marital or parental status, or military service. All programs administered by, or receiving Federal financial assistance from CNCS, must be free from all forms of harassment. Whether in CNCS offices or campuses, in other service-related settings such as training sessions or service sites, or at service-related social events, such harassment is unacceptable. Any such harassment, if found, will result in immediate corrective action, up to and including removal or termination of any CNCS employee or volunteer. Recipients of Federal financial assistance, be they individuals, organizations, programs and/or projects are also subject to this zero tolerance policy. Where a violation is found, and subject to regulatory procedures, appropriate corrective action will be taken, up to and including termination of Federal financial assistance from all Federal sources.


Slurs and other verbal or physical conduct relating to an individual's gender, race, ethnicity, religion, sexual orientation or any other basis constitute harassment when it has the purpose or effect of interfering with service performance or creating an intimidating, hostile, or offensive service environment. Harassment includes, but is not limited to: explicit or implicit demands for sexual favors; pressure for dates; deliberate touching, leaning over, or cornering; offensive teasing, jokes, remarks, or questions; letters, phone calls, or distribution or display of offensive materials; offensive looks or gestures; gender, racial, ethnic, or religious baiting; physical assaults or other threatening behavior; or demeaning, debasing or abusive comments or actions that intimidate.

CNCS does not tolerate harassment by anyone including persons of the same or different races, sexes, religions, or ethnic origins; or from a CNCS employee or supervisor; a project, or site employee or supervisor; a non-employee (e.g., client); a co-worker or service member.

I expect supervisors and managers of CNCS programs and projects, when made aware of alleged harassment by employees, service participants, or other individuals, to immediately take swift and appropriate action. CNCS will not tolerate retaliation against a person who raises harassment concerns in good faith. Any CNCS employee who violates this policy will be subject to discipline, up to and including termination, and any grantee that permits harassment in violation of this policy will be subject to a finding of non-compliance and administrative procedures that may result in termination of Federal financial assistance from CNCS and all other Federal agencies.

Any person who believes that he or she has been discriminated against in violation of civil rights laws, regulations, or this policy, or in retaliation for opposition to discrimination or participation in discrimination complaint proceedings (e.g., as a complainant or witness) in any CNCS program or project, may raise his or her concerns with our Office of Civil Rights and Inclusiveness (OCRI). Discrimination claims not brought to the attention of OCRI within 45 days of their occurrence may not be accepted in a formal complaint of discrimination. No one can be required to use a program, project or sponsor dispute resolution procedure before contacting OCRI. If another procedure is used, it does not affect the 45-day time limit. OCRI may be reached at (202) 606-7503 (voice), (202) 606-3472 (TTY), eo@cns.gov, or through www.nationalservice.gov.

10/01/2008
Date


David Eisner, Chief Executive Officer



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