

GRANT ADMINISTRATION GUIDE



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OREGON.GOV/CJC

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Section 1: Introduction

1.1 Oregon Criminal Justice Commission

The mission of the Oregon Criminal Justice Commission (CJC) is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems. To help accomplish this mission, CJC disburses state and federal funds through the administration of multiple public safety grant programs intended for eligible local or state agencies, tribal governments, and community-based organizations.

1.2 Grant Administration Guide

CJC's Grant Administration Guide is designed to provide guidance related to grant application processes, as well as to assist recipients of grant awards in complying with state and federal requirements.

Sections 2 through 4 address a variety of general policies and procedures that apply to all grant programs administered by CJC.

Section 5 describes each of CJC's grant programs including specific eligibility requirements and funding priorities. Other details, such as project periods, availability of funding, and application questions are outlined in a separate grant solicitation document for each program, which is made available upon release on CJC's website.

Sections 6 and 7 outlines additional state and/or federal regulations applicable to grant funds and recipients.

Section 2: Grant Applications

An application for CJC grant programs includes the submission of written narratives, proposed budgets, and other supplemental materials outlined in the specific grant solicitation.

Applications must be submitted online through CJC's grant management system: <https://cjc-grants.smapply.io>.

For technical assistance contact CJC staff at contact@cjc.oregon.gov.

2.1 Allowable Uses

Grant applications may request funding for expenses associated with achieving specific grant program goals and/or requirements. Funding request prohibitions are outlined in Section 2.2.

Funds may be requested within the following budget categories:

- *Personnel:* Salaries, wages, and fringe benefits costs for personnel employed by the grant recipient
- *Contractual Services:* An individual or organization providing a service or programmatic

aspect of the work that is not provided directly by the grant recipient

- *Housing and Facilities*: Eligible expenses for space or utilities necessary to complete program work, short- or long-term housing support for program participants, or programs within correctional facilities
- *Equipment*: Permanent or non-expendable equipment with a purchase price of \$5,000 or more, or a useable life of two or more years, for a single item
- *Supplies*: Consumable materials or supplies, including the cost of small items of equipment that do not meet the threshold for the Equipment category
- *Training and Associated Travel*: Eligible expenses for transportation, lodging, per diem, and registrations for trainings that support grant purposes
- *Administrative Costs*: Activities associated with administering the grant such as purchasing, budgeting, payroll, accounting, and staff services

2.2 Prohibited Uses

Applications for grant funding may request support for most program needs, with some general exceptions. Grant funds may not be used for any of the following:

- Alcohol
- Compensation of federal employees, including salary, consulting fees, travel, or other compensation
- Drones
- Fines and penalties
- Fundraising or donations
- Lobbying, membership to lobby organizations, or political activities, including political contributions
- Marketing or branding intended to generate profit
- Performance or merit-based bonuses
- Rewards for tip lines or surveys
- Supplanting existing funding for programs, services, or supports already in operation
- Weapons, including firearms and ammunition

The following are generally not allowed except with the written approval of CJC staff:

- Entertainment, including amusement, social activities, and any associated costs
- Food or drink, except for client stability and support or per diem in accordance with Oregon's Statewide Travel Policy
- Land acquisition or construction of buildings or other physical facilities
- Lease or rental agreements that exceed the grant project period

- Physical facility improvements, restoration, or remodeling
- Polygraphs
- Single item or object that costs over \$500,000
- Tactical Equipment
- Taxes

2.3 Additional Limitations

Administrative Costs: Administrative costs must not exceed 10 percent of the overall amount of grant funds awarded. Exceptions to this limitation may be granted by the CJC upon sufficient showing by the applicant.

Tribal government applicants may request up to the tribal government's federally negotiated indirect cost rate for the applicant.

Travel Expenses: Travel expenses must not exceed those allowed by Oregon's [Statewide Travel Policy \(OAM 40.10.00\)](#) and the [Federal Travel Regulation](#). Travel expenses for personnel include costs for private vehicle mileage, lodging, per diem expenses, motor pool fees, commercial transportation, conference registration fees, airfare, tolls, and parking fees. Rates and requirements can be found on the federal General Services Administration (GSA) [website](#).

Section 3: Application Review Process

CJC staff will conduct an initial review of all applications received. Each application will be examined for general responsiveness to the guidelines outlined in the grant solicitation. If staff determine that modifications to an application are required before advancing the application to the reviewing body, the applicant's primary contact person will receive electronic notice requesting revisions be made within a specified time frame.

CJC staff may provide applicants with guidance related to the solicitation and application, such as clarity on stated goals, priorities, preferences, or the review process, as well as assistance with technical issues related to the submission of the application. Staff cannot answer questions as to the veracity or quality of applicant's responses or divulge information about other applicants.

Applications that meet the requirements of the grant solicitation will be provided to the appropriate entity for review and evaluation. Decisions and/or recommendations for funding will focus on the application's adherence to goals, priorities, or preferences outlined by legislation or administrative rule, CJC policy, or grant review committees. Funding requests may be approved in whole or in part, or as a provisional award with continued funding contingent on program performance and progress.

CJC staff will notify applicants electronically of all award decisions.

3.1 Award Protests

An applicant may protest an award decision if the applicant is able to articulate specific reasons the application review or award processes were in error based on applicable law, rule, or specific language in the grant solicitation.

The affected applicant shall have ten (10) business days from the date of the award notification to file a written protest. Protests must meet all the following requirements:

- Delivered to CJC via email to contact@cjc.oregon.gov;
- Reference the specific grant solicitation by name;
- Identify the applicant's name and contact information;
- Signed by an authorized representative; and
- Specify the reason(s) for the protest.

CJC will aim to address all timely submitted protests within forty-five (45) business days and issue a written decision to the affected applicant.

Section 4: Grant Awards

Following award decisions and receipt of any outstanding or requested items, a Grant Agreement will be issued. The Grant Agreement serves as a legal contract and contains the terms and conditions of the grant award. All grant recipients, and subrecipients, are governed by the Grant Agreement and must comply with its requirements.

CJC staff may negotiate the terms of the Grant Agreement with the recipient. Modifications to the Grant Agreement must be requested in writing. If mutually agreeable terms cannot be reached within a reasonable time, as determined by CJC staff, CJC reserves the right to cancel the grant award.

The Grant Agreement will be considered fully executed when all parties have signed the document. The fully executed Grant Agreement will be returned to the grant recipient electronically and should be retained by all parties.

Upon execution of the Grant Agreement, the grant recipient will receive disbursements on a schedule established in the agreement. In most cases, funds are disbursed as advance payments, meaning before costs are incurred. A schedule for reporting expenditures will also be established in the Grant Agreement.

NOTE: Grant recipients receiving federal funds are required to maintain advance payments in interest-bearing accounts. Specific details are outlined in the Grant Agreement.

4.1 Monitoring and Reporting

In accordance with the Grant Agreement, CJC staff will monitor whether recipients are operating grant-funded programs and using grant funds as intended, as well as demonstrating progress toward the objectives of the grant program.

Grant recipients are required to:

- Collect and submit program information to the CJC upon request which may include, but is not limited to, qualitative progress reports, program data points, outcome measures, program evaluations, and data collected in partnership with a research entity; and
- Submit financial reports to the CJC on a regular basis, as determined by CJC staff, detailing expenditure of grant funds.

Additionally, CJC will engage with grant recipients through regular correspondence and virtual or in-person meetings to assist both CJC and grant recipients with the monitoring process.

4.2 Program and Budget Modifications

All modifications to the Grant Agreement or approved funding allocations require a written adjustment request and may require an amendment to the Grant Agreement. All adjustments must adhere to any grant-specific requirements outlined in statute or rule. Adjustment requests must be approved, as follows, prior to any changes to grant-funded programs or use of grant funds:

- Requests to add, remove, or make substantive changes to a grant-funded program must receive formal approval from the Commission.
- Requests to reallocate any portion of approved grant funds, both within and between budget categories, may be administratively approved by CJC staff.

Only one adjustment request will be accepted per quarter. The last opportunity to submit a request will be April 25th of the closeout of year of a Grant Agreement.

CJC staff will aim to internally process or bring requests to the Commission within 45 days of the submission due date or final receipt of all pertinent information. Timelines are contingent upon the responsiveness of grant recipients to requests by CJC staff for clarification or supplemental information.

4.3 Close Out Procedures

To close out a Grant Agreement, CJC staff will verify that the recipient has completed all applicable administrative actions and required paperwork. All program and financial reports will be reviewed to ensure the recipient has (1) complied with all terms and conditions of the award, and (2) spent down funds in accordance with the finalized expense tracker, Grant Agreement, and/or approved program or budget modifications. Please reference Section 4.2 for more information regarding program and budget modifications.

Any unspent funds are required to be returned to CJC within **14 days of the closing of the recipient's final reporting period**. Should a recipient have funds to return across multiple CJC grant programs, a separate check and supporting documents for each grant program are required for close-out.

4.4 Termination

It is the CJC's role as grant administrator to ensure that grant funds as awarded comply with federal and state laws, rules, regulations, or guidelines, as well as the goals of the grant program. Following reasonable notice to recipients and attempts to resolve problems informally, the CJC may suspend funding in whole or in part, terminate funding, or impose another sanction should a recipient fail to comply.

Section 5: Individual Grant Programs and Eligibility

This section describes CJC's primary grant programs including specific eligibility requirements and funding priorities. Other details, such as project periods, availability of funding, and application questions are outlined in a separate grant solicitation document for each program, which is made available upon release on CJC's website.

5.1 Behavioral Health Deflection Grant Program (BHD)

The purpose of the Oregon Behavioral Health Deflection Grant Program is to provide funds to counties and tribal governments to address the need for more deflection programs. These collaborative programs between law enforcement agencies and behavioral health agencies are aimed at assisting individuals who may have a substance use disorder, another behavioral health disorder, or co-occurring disorders that may lead to interactions with the criminal legal system by creating community-based pathways to treatment, recovery support services, housing, case management, or other services.

Awarded funds may be used for expenses such as deflection program operation, law enforcement employees, deputy district attorneys, behavioral health treatment workers, behavioral health workforce development, and capital construction of behavioral health treatment infrastructure.

Eligibility: Eligible applicants include Oregon county governments or their designee, and Oregon's federally recognized tribal governments, or their designee. Only one application may be submitted per entity.

5.2 Illegal Marijuana Market Enforcement Grant Program (IMMEGP)

The purpose of the Illegal Marijuana Market Enforcement Grant Program is to help local communities address the harmful impacts of large-scale illegal marijuana operations in Oregon, such as organized crime, labor trafficking, and environmental degradation. The program makes funds available to local government entities, such as sheriff's offices, city police departments, and prosecutor's offices, as well as to community-based organizations, to pay for things such as hiring new staff, purchasing specialized equipment, attending trainings, and offering supports and services to victims of crimes. The grant program prioritizes providing resources to under-resourced rural areas, jurisdictions

combating large-scale operations and organized crime, and assistance for people escaping dangerous working conditions associated with the illegal marijuana market.

Eligibility: Eligible applicants include units of local government and community-based organizations. Applicants may apply jointly with other eligible agencies or organizations for awards or as an individual applicant.

5.3 Improving People's Access to Community-based Treatment, Supports, and Services Grant Program (IMPACTS)

The purpose of the Improving People's Access to Community-based Treatment, Supports and Services grant program is to support counties and tribal governments through a competitive grant process in developing stronger community-based supports and services available to specific groups of individuals identified as high utilizers of the criminal justice system, emergency health services, and/or institutional placements. IMPACTS programs serve some of Oregon's highest risk, highest needs individuals to reduce the frequency with which they utilize emergency services.

The IMPACTS grant programs are designed to address the shortage of comprehensive community-based treatment, supports, and services for individuals with behavioral health conditions that lead to their involvement with the criminal justice system, hospitalizations, and institutional placements.

Eligibility: Eligible applicants include Oregon counties and the nine federally recognized tribal governments within Oregon. Applicants may apply jointly with other eligible agencies or organizations for awards or as an individual applicant.

5.4 Jail-based Medications for Opioid Use Disorder Grant Program (JMOUD)

The purpose of the Jail-based Medications for Opioid Use Disorder Grant Program is to provide opioid use disorder treatment and transitional planning services to persons in custody in local correctional facilities and tribal correctional facilities.

Eligibility: Eligible applicants include cities and counties that operate a local correctional facility and federally recognized tribes in Oregon that operate a tribal correctional facility. Applicants may submit an individual application or a joint application in partnership with other local correctional facilities or tribal correctional facilities.

5.5 Justice Reinvestment Program (JRP)

The purpose of the Justice Reinvestment Program is to provide funding for counties to plan, implement, and expand initiatives that establish a process to assess individuals charged with crimes and provide a continuum of community-based sanctions, services, and programs. Grant funded initiative must be designed to reduce recidivism and decrease the county's utilization of imprisonment in a Department of Corrections institution while protecting public safety and holding individuals accountable.

Grant-funded initiatives throughout Oregon include treatment services and supports and reentry services such as peer mentoring, housing assistance, education, and job-seeking assistance. A county's Local Public Safety Coordinating Council, the county's governing body, the presiding judge, the district attorney, and the community corrections director of the local district must support the initiative.

The JRP primarily includes a standard formula grant based on community corrections supervision populations available to all 36 Oregon counties. Ten percent of the formula portion of JRP is dedicated to funding victim services programs. A portion of the JRP is also set aside to support downward departure programs, through which persons convicted of crimes may receive sentences, including community-based supervision, constituting a departure from presumptive sentencing guidelines, under certain circumstances.

Eligibility: Eligible applicants include Oregon county governments through their local public safety coordinating councils.

5.6 Organized Retail Theft Grant Program (ORT)

The purpose of the Organized Retail Theft Grant Program is to financially assist local law enforcement agencies, and the Oregon Department of Justice, with costs associated with addressing and prosecuting organized retail theft.

The primary intended outcomes for the program include disrupting, deterring, or reducing organized retail theft over time by identifying and addressing fencing networks and addressing organized retail theft that places retail employees, the public or both at risk of physical injury.

Eligibility: Eligible applicants include units of local government, and the Oregon Department of Justice. An applicant may apply individually or jointly with other agencies or organizations.

5.7 Restorative Justice Grant Program (RJ)

The purpose of the Restorative Justice Grant is to establish an alternative, community-based approach to Oregon's traditional criminal and juvenile legal system processes. The grant program serves individuals who have engaged in the "front end" of the criminal legal system, meaning before conviction of a crime or incarceration. Collaboration between organizations in the community and agencies that are part of the criminal justice system, such as law enforcement, and courts, is key in ensuring that the aims of the program are met.

Grant funded initiatives must focus on centering the experiences of those that have been harmed, along with encouraging those that caused the harm to take responsibility and repair the harm, with the purpose of identifying solutions that promote healing and mutual agreement. The program prioritizes providing resources to initiatives that accept cases of person crime and historically underserved regions in Oregon, among others.

Eligibility: Eligible applicants include any public or private entity. A public entity, for the purposes of the RJGP, means a tribal government or an Oregon public body, as defined in

ORS 174.109. A private entity, for the purposes of the RJGP, means any corporation, trust, association, cooperative, or other organization that is not a public entity or any entity that operates within the Oregon criminal and juvenile legal systems.

5.8 Treatment Court Grant Program (TCGP)

The purpose of the Treatment Court Grant Program is to support the operations of Oregon's treatment courts. These courts operate under a model that provides an alternative to incarcerations through court-directed supervision and mandated treatment to non-violent individuals with substance use or mental health disorders underlying their criminal behavior. Treatment courts rely on consistent interactions between the participant and judge and require collaboration among a multidisciplinary team made up of a judge, treatment providers, probation, district attorneys, and defense attorneys. Common types of treatment courts include Adult Drug Courts, Mental Health Courts, Family Treatment Courts, Juvenile Drug Treatment Courts, DUII Courts, and Veteran Treatment Courts.

Oregon's treatment courts strive to adhere to consistent practices as described through the [Oregon Specialty Court Standards](#) (Standards). The Standards are a collaborative effort between CJC and the Oregon Judicial Department to provide statewide guidance by which treatment courts can be held accountable in a manner to achieve the outcomes promised by each component. They are intended to serve as ideal expectations with a focus on continuous improvement.

Eligibility: Eligible applicants include counties with existing Oregon circuit court treatment courts serving adults, juveniles, or families. Additionally, applicant programs must use Oregon's Specialty Court Management System (SCMS) and must include a treatment provider that accepts the Oregon Health Plan.

Section 6: Additional State Regulations

Awards funded with state general funds dollars must adhere to the [Oregon Accounting Manual](#) (OAM) for the accounting of state government fiscal operations.

6.1 Supplanting

Funds must be used to supplement existing funds and not replace (supplant) funds that have been appropriated for the same purpose. Grant funds may not be used to pay for program activities the grant recipient is already obligated to pay or has already funded. Grant funds must be used to increase the total amount of funds available to deliver program services. The rules governing supplanting also apply to any funds used as a match.

Supplanting will be a subject of post-award monitoring and audit. If there is a potential presence of supplanting, the grant recipient will be required to supply documentation demonstrating that the reduction in resources occurred for reasons other than the receipt or expected receipt of funds.

6.2 Accounting Requirements

Accounting systems: Grant recipients must maintain accounting systems that accurately account for grant and match funds. Recipients must maintain detailed records as supporting documentation for all expenditures listed by category, separated by match (if applicable) and grant expenses. In addition, backup documentation and invoices must be maintained with the grant file and are subject to review upon request.

Commingling of funds: The accounting of grant recipients and subrecipients must ensure that grant funds are not commingled with funds from other sources. Each grant award must be accounted for separately. Recipients and subrecipients are prohibited from commingling funds on both a program-by-program and project-by-project basis.

Funds specifically awarded to one program may not be used to support another. If accounting cannot comply with this requirement, the recipient or sub-grantee shall establish a system to provide adequate fund accountability for each program awarded.

Gift cards, Vouchers, and Other Similar Items: Programs that use gift cards, vouchers, bus passes, and similar items for participants must establish internal controls through written policies and procedures that, at minimum, do the following:

- Ensure the security of the item(s); and
- Address appropriate distribution to participants.

Programs must use a log and track distribution, and use of all items purchased. The log must track the following:

- Card, voucher, or pass number;
- Date issued to participant;
- Name of participant;
- Purpose of pass or description of items to be purchased with the card; and
- For gift cards, the participant must return a receipt to the program that is kept in the participant's file.

NOTE: It is the grant recipient's responsibility to identify the purpose of pass or description of items to be purchased with the card. Gift cards, vouchers, and other items may not be used for **any** unallowable expense.

6.3 Insurance Requirements

All grant recipients that employ subject workers who provide services in the State of Oregon shall comply with ORS 656.017 and provide the required Worker's Compensation coverage, unless such employers are exempt under ORS 656.126. Employer's liability insurance with coverage limits of not less than \$500,000 must be included. It is also a grant recipients' responsibility to ensure that each of its subcontractors and subrecipients comply with these requirements.

Grant recipients shall maintain, or cause to be maintained, insurance policies with responsible insurers or self-insurance programs, insuring against liability and risk of direct physical loss, damage or destruction, at least to the extent that similar insurance is customarily carried by similar entities engaged in similar activities.

Section 7: Additional Federal Regulations and Guidance

Federally funded awards must adhere to guidelines in the [US Department of Justice \(DOJ\) Grants Financial Guide](#), in addition to the OAM. The DOJ Grants Financial Guide provides essential information specific to federal grant funding and incorporates the regulatory requirements of the Uniform Guidance (2 CFR 200). This information includes:

- required pre-approvals for certain costs;
- use of federal agency budget categories; and
- federal subrecipient monitoring requirements.

7.1 Pre-Approvals for Certain Costs

Pre-approval from the source federal funding agency is required for the following costs:

- Pass-through funding to any subrecipient, regardless of tier;
- Compensation of overtime;
- Consultant rates exceeding \$650/day or \$81.25/hour; and
- Conference costs more than established thresholds.

For a full list of costs requiring pre-approval from the source federal funding agency, please refer to the DOJ Grants Financial Guide.

7.2 Use of Federal Agency Budget Categories

Federal grant program funds may be spent within the following budget categories:

- *Personnel:*
Salaries and wages for all grant-funded personnel.
- *Fringe Benefits:*
Fringe benefits for all grant-funded personnel (in whole or in part).
- *Travel/Training:*
Eligible expenses for transportation, lodging, and per diem.
- *Equipment:*
Permanent or non-expendable equipment with a useful life of more than one year and a per-unit acquisition cost (or cost required to make the item operational) that equals or exceeds \$10,000.
- *Contractual Services:*
Organizations or entities providing goods, technical expertise or equipment to the

Subrecipient for purposes related to the project (typically performing defined tasks).

- **Consultants:**
Generally an individual or firm who provides professional advice or services for an hourly fee, but not as an employee of the Subrecipient.
- **Subawards:**
Organizations or entities responsible for part or all of the program objectives and subject to federal grant regulations.
- **Supplies:**
Consumable materials or supplies, including the cost of small items of equipment that do not meet the useful life or cost threshold for the “Equipment” category.
- **Other:**
Other allowable expenses, including participant support costs and meeting room rental space.

Administrative costs associated with grant administration activities including reporting, subrecipient monitoring, subcontract management, purchasing, budgeting, and accounting *are limited to 10% of the total proposed grant amount* and must be directly allocable to the proposed project. All administrative costs must be attributed to an OJP-approved budget line item such as personnel, fringe, travel, etc., and must be substantiated by supporting documentation to be eligible for reimbursement.

7.3 Subrecipient Monitoring

As indicated in the DOJ Grants Financial Guide and 2 CFR 200, CJC is responsible for monitoring the programmatic and financial activities of its Subrecipients to ensure proper stewardship and effective management of federal funds. Subrecipient management is incorporated into all stages of the subaward life cycle (i.e. pre-award, award and post-award). All elements of each subaward stage must be documented and retrained in the Subrecipient’s award file.

7.31 Subrecipient Monitoring--Pre-Award Stage

Subcontractor vs. Contractor Determination:

As the Prime Recipient and pass-through entity of federal funds, CJC makes a case-by-case determination whether each agreement made for the disbursement of funds casts the receiver in the role of a Subrecipient or a Contractor (2 CFR 200.331). Accordingly, CJC will facilitate and document a preliminary determination of the subrecipient to ensure the activity is correctly classified as a subaward activity, as opposed to a procurement (i.e. contractor or vendor) action, following the Subrecipient vs Contractor Determination Guidance.

Evaluation of Subrecipient Non-Compliance Risk:

Once CJC has documented a Subrecipient determination, it must evaluate the Subrecipient’s risk level prior to the obligation of federal funding and determine the appropriate actions needed to mitigate elevated risk. The following steps will be taken to evaluate Subrecipient risk and documented in a Subrecipient Capacity Assessment

Questionnaire:

- Ensure the Subrecipient has a Unique Entity Identifier (UEI) number, which is required for all recipients of federal grant funding.
- Ensure the Subrecipient is not suspended or disbarred from receiving Federal funding.
- Require the Subrecipient to provide sufficient organizational information to assess potential risk of non-compliance with federal grant regulations.
- Review the Subrecipient's most recent Single Audit (required for recipients with \$1 million or more of federal grant expenditures in a given fiscal year), or other organizational audits in the absence of a Single Audit and document any findings and related corrective actions.
- Perform a risk analysis for each Subaward to determine the risk level of non-compliance.
- Develop measures to mitigate the risk of non-compliance, when appropriate, using the Subrecipient Risk Analysis and Mitigation Tool for guidance.

CJC is required to notify the federal funding agency of the ranking of any Subrecipient as high-risk as part of the Subrecipient authorization process.

7.32 Subrecipient Management—Award Stage *Federal Award Identification*:

CJC will issue a subaward (or amendment if adding or increasing federal funding) that is compliant with 2 CFR 200.332(a)(1) and includes:

- Subrecipient name (which must match the name associated with its Unique Identity Identifier (UEI) Number
- Subrecipient's UEI
- Federal Award Identification Number (FAIN)
- Federal Award Date
- Subaward Period of Performance Start and End Dates
- Subaward Budget Period Start and End Dates
- Amount of Federal Funds Obligated through the Subaward by CJC to the Subrecipient
- Total Amount of Federal Funds under Current Fiscal Year Obligated to the Subrecipient by CJC, including the Current Subaward
- Total Amount of the Federal Award committed to the Subrecipient by CJC
- Federal Award Project Description (as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA)
- Name of Federal Awarding Agency, Pass-Through Entity (PTE) and PTE Awarding Official Contact Information
- Federal Award Assistance Listings Number and Title
- Statement of whether the award is Research and Development (R&D)
- Indication of the Indirect Cost Rate being charged to the Federal Award

Risk Monitoring Plan:

In addition to the required applicable flow-down provisions from the Prime Federal Award, any risk mitigation measures identified in the pre-award stage should be imposed as a condition of the subaward when appropriate. Such mitigation measures may include:

- Requiring additional project monitoring.
- Performing on-site reviews of subrecipient's program operations.
- Requiring additional, more detailed, financial reports.
- Requiring the Subrecipient to obtain technical or management assistance.
- Establishing additional prior approvals.
- Requiring status reports on corrective actions identified as part of a Single Audit Corrective Action Plan.
- Requiring updates on any organizational system gaps or capacity issues that impact compliance with 2 CFR 200.

Lobbying Certification and Disclosure:

If the subaward is over \$100,000 in cumulative amount, the subrecipient is required to complete and submit a Lobbying Certification and Disclosure of Lobbying Activities (SF-LLL) form.

7.33 Subrecipient Monitoring—Post-Award Stage

Monitoring of Programmatic and Financial Progress:

CJC is responsible for ensuring that a Subrecipient's risk of non-compliance identified in the pre-award stage and progress against mitigation measures recorded in the award stage are monitored throughout the performance period through:

- Review of progress reports and required BJA performance measure data.
- Review of invoices and supporting documentation to ensure allocability and allowability of costs.
- Holding of regular meetings or check-ins with key Subrecipient contacts to address any compliance or performance issues.

Annual Review:

A Subrecipient's risk of non-compliance is required to be evaluated at least annually for the lifetime of the Subaward. An Annual Review should include:

- Review of most recent Single Audit (or other organizational audit in the absence of a Single Audit).
- Review of any corrective action taken on audit findings or pre-obligation risks that were

previously identified.

- Identification of any new audit findings or required corrective actions.
- Addition of new risk mitigation measures to Subaward, when appropriate.

Non-Compliance Enforcement Action:

CJC should consider the taking of enforcement action in cases of non-compliance and communicate, in writing, the potential for any such action with the Subrecipient. Possible enforcement actions include:

- Disallowing any funding or match for all or part of the cost of the activity or action not in compliance.
- Wholly or partly suspending or terminating the Subaward.
- Withholding future federal funding to the Subrecipient.

Appendix A: Civil Rights Policy and Procedures

Pursuant to *Department of Justice Grants and Cooperative Agreements: Statutes and Regulations related to Civil Rights and Nondiscrimination*, this policy is to establish:

1. Procedures for responding to discrimination complaints from employees and applicants for employment of grant recipients and subrecipients receiving funding from the U.S. DOJ.
2. Procedures for responding to service discrimination complaints from clients, customers, consumers, or participants against CJC grant subrecipients.

The CJC strives to create an inclusive environment that welcomes and values the diversity of the people we serve. The agency fosters fairness, equity, and inclusion to create a workplace environment where everyone is treated with respect and dignity.

Section 1: Complaint Alleging Employment Discrimination

Policy

Employees and applicants for employment of grant recipients and subrecipients shall be treated equally regardless of race, color, religion, sex (including pregnancy or gender identity), national origin, age, military or veteran status, disability, sexual orientation, or any other basis prohibited by state or federal law.

It is a discriminatory or prohibited employment practice to refuse to hire, promote, discharge, demote, terminate, or to retaliate against, or to discriminate in matters of compensation, or in terms, privileges, and conditions of employment against any persons otherwise qualified, because of race, color, sex, pregnancy or pregnancy-related conditions, age (40 and over), religion, national origin, or disability.

No person shall intimidate, threaten, coerce, discriminate, or retaliate against an individual for taking action or participating in an action to secure rights protected by these laws.

The CJC will address complaints to ensure compliance with applicable state and federal laws regarding employment discrimination.

Complaint Procedure

The CJC and grant recipients will provide the *Civil Rights Discrimination by Grantee Complaint Form* (Form) and contact information for the Complaint Coordinator to any person who raises civil rights compliance by grant recipient concerns.

- Employment discrimination complaints against grant recipients or subrecipients may be filed using the Form.
- Individuals who have questions about the complaint process or need assistance with the complaint paperwork may contact the Complaint Coordinator.
- A complainant must submit a completed Form to the Complaint Coordinator at contact@cjc.oregon.gov or mail to:

Criminal Justice Commission
Attn: Complaint Coordinator
885 Summer St. NE
Salem, Oregon 97301

NOTE: A complainant may request assistance from the CJC to complete the Form or through dictation if a disability impairs the ability to file a complaint.

- The CJC employees who receive a discrimination complaint will forward the complaint to the Complaint Coordinator to be addressed.
- The complaint should be submitted as soon as possible but no later than 60 days following the alleged offense. The date the Form is received by the CJC will be considered the filing date.
- The Complaint Coordinator will provide a copy of the complaint to the Executive Director. The Executive Director and Compliant Coordinator will evaluate whether the complaint alleges a valid claim against a grant recipient or sub-grantee.
 - a. If a complaint's validity cannot be determined, it may be forwarded to the United States Department of Justice Office of Civil Rights (OCR) for preliminary review.
 - b. The Complaint Coordinator will administratively close the complaint if it is determined that it does not contain a claim of employment discrimination by a CJC grant recipient or sub-grantee.
- Within ten calendar days of receiving a complaint, the Complaint Coordinator will notify the complainant about the status of the complaint, specifically whether the complaint has been referred to BOLI, the OCR, or been administratively closed.
- Complaints that allege a violation of federal civil rights law are forwarded to the Oregon Civil Rights Division:

Oregon Civil Rights Division,
Bureau of Labor and Industries
800 NE Oregon St., Suite 1045
Portland, Oregon 97232

~ and/or ~

Office of Justice Programs
U.S. Department of Justice
810 7th Street NW
Washington, DC 20531

NOTE: If the complaint is referred to BOLI or the OCR, the Complaint Coordinator will notify the complainant of the contact information for BOLI or OCR and the date the complaint is considered filed.

Grant Recipient and Subrecipient Obligations

Grant recipients and subrecipients must review this policy and certify compliance with civil rights laws upon acceptance of a CJC grant award. Procedures must be in place for responding to discrimination complaints alleging employment discrimination filed directly

with the grant recipient. At a minimum, these processes should include forwarding the Form to the Complaint Coordinator.

Section 2: Complaint Alleging Client/Customer Discrimination

Policy

Clients, customers, participants, or consumers of services provided by grant recipients and subrecipients shall be afforded an equal opportunity to participate in programs and activities regardless of race, color, religion, sex (including pregnancy or gender identity), national origin, age, military or veteran status, disability, sexual orientation, or any other basis prohibited by state or federal law.

It is a discriminatory delivery of services to exclude an individual from participation in, deny the benefits to, or subject an individual to discrimination under any DOJ-funded program or activity based upon race, color, national origin, sex, religion, age, or disability.

No person shall intimidate, threaten, coerce, discriminate, or retaliate against an individual for taking action or participating in an action to secure rights protected by these laws.

Compliance with all applicable state and federal laws regarding discrimination is required as a condition of funding.

Civil Rights Laws: Apply to any entity that receives an award of federal financial assistance—regardless of which federal agency awards the grant or cooperative agreement—and encompass the “program or activity” funded in whole or in part with the federal financial assistance.

- *28 C.F.R. Part 42, Subpart C and D Section 601 of Title VI of the Civil Rights Act of 1964* (42 U.S.C. § 2000d): “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.”
- *28 C.F.R. Part 42, Subpart G Section 504 of the Rehabilitation Act of 1973* (29 U.S.C. 794): “No otherwise qualified individual with a disability in the United States, as defined in [29 U.S.C. 705(20)], shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance [.]”
- *28 C.F.R. Part 42, Subpart D; 28 C.F.R. part 54 Section 901 of Title IX of the Education Amendments of 1972* (20 U.S.C. 1681): “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.”
- *28 C.F.R. Part 42 Subpart I Section 303 of the Age Discrimination Act of 1975* (42 U.S.C. 6102): “No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.”

Nondiscrimination Provisions: Apply to all CJC federal financial awards.

- 28 C.F.R. Part 42, Subpart D Section 815(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (codified at 42 U.S.C. 3789d(c); see also 42 U.S.C. 5672(b)): “No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this chapter.”
- 28 C.F.R. Part 94, Subpart B Section 1407(e) of the Victims of Crime Act of 1984 (codified at 42 U.S.C. 10604(e)): “No person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this chapter.”
- 28 C.F.R. Part 38 Partnerships with Faith-Based and Other Neighborhood Organizations: “No person or organization shall be discriminated against on the basis of religion in the delivery of services or benefits and ensures that faith-based or religious organizations are able to participate in such programs on an equal basis with other organizations.”

The CJC will address complaints to ensure compliance with applicable state and federal laws regarding violations to these laws and regulations.

Complaint Procedure

The CJC and grant recipients will provide the Form and contact information for the Complaint Coordinator to any person who raises concerns regarding grant recipient civil rights compliance.

- Employment discrimination complaints against grant recipients or subrecipients may be filed using the Form.
- Individuals who have questions about the complaint process or need assistance with the complaint paperwork may contact the Complaint Coordinator.
- A complainant must submit a completed Form to the Complaint Coordinator at contact@cjc.oregon.gov or mail to:

Criminal Justice Commission
Attn: Complaint Coordinator
885 Summer St. NE
Salem, Oregon 97301

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