

## NEBRASKA ADMINISTRATIVE CODE

### TITLE 73 – OFFICE OF VIOLENCE PREVENTION

#### CHAPTER 1 – DISTRIBUTION OF OFFICE OF VIOLENCE PREVENTION GRANT FUNDS

##### **001** PURPOSE AND SCOPE

**001.01** PURPOSE: To establish procedures governing the distribution and management of Office of Violence Prevention Grant Funds by the Nebraska Commission on Law Enforcement and Criminal Justice.

**001.02** SCOPE: Applicable to organizations requesting and receiving funds distributed by the Commission with the intent to provide services to the community aligned with evidence-based practices outlined by Neb. Rev. Stat. §81-1450.02

**002** REFERENCE: Neb. Rev. Stat. §81-1447 – 1451

**003** DEFINITIONS: The following terms and definitions will be utilized for purposes of this chapter:

**003.01** OFFICE OF VIOLENCE PREVENTION GRANT FUND was created to assist communities and organizations seeking to implement violence prevention programs which appear to have the greatest benefit to the state and which have, as goals, the reduction of street and gang violence, the reduction of homicides and injuries caused by firearms, and the creation of youth employment opportunities in high-crime areas.

**003.02** APPLICANT refers to community-based agency or organization, a state agency, a unit of local government (i.e., city, county, town), school district, federally or state recognized Indian tribe within the state of Nebraska that have applied for Office of Violence Prevention Grant funds.

**003.03** CASH REPORT is a document prepared by the subgrantee that reports quarterly expenditures and serve as a request for funds.

**003.04** COMMISSION is the Nebraska Commission on Law Enforcement and Criminal Justice.

**003.05** COMMISSION FUNDING PANEL is a three-person panel that makes final funding decisions, and shall consist of three Commission members approved by the Commission.

**003.06** CONTINGENCY is a condition(s) required by the Commission that must be fulfilled by the applicant prior to the awarding of a grant.

**003.07** DIRECTOR OF THE OFFICE OF VIOLENCE PREVENTION (Director) is the individual appointed by the Executive Director of the Commission who shall perform duties as provided in §81-1450.

003.08 EVIDENCE-BASED PRACTICE is a program, service, or practice with strong evidence to indicate it achieves or will achieve its intended outcomes. Such evidence may include randomized field experiments, clinical or non-clinical research, quasi-experimental research designs or other forms of evaluation that demonstrate program success.

003.09 EXECUTIVE DIRECTOR is the individual who is responsible for the supervision of the policies as established by the Commission and has the powers and duties as outlined in §81-1425.

003.10 GRANT AWARD PACKET is an agreement between the Commission and the subgrantee that awards funds, specifies terms, sets conditions on the receipt, usage, and documentation of funds, and specifies other conditions deemed necessary by the Director.

003.11 OFFICE OF VIOLENCE PREVENTION BOARD is an Advisory Group tasked with reviewing grant applications for the Commission, oversight of the grant review process, and reporting to the Commission.

003.12 OFFICE OF VIOLENCE PREVENTION GRANT FUND provides aid to communities and organizations as outlined in §81-1450.02.

003.13 REQUEST FOR APPLICATION is the announcement and solicitation of the Office of Violence Prevention Grant Program that is apportioned as aid by the Commission as outlined in this chapter. The Request for Application includes, but is not limited to, program specifications, application procedures, evidence-based practice requirements, and predetermined allocation amounts. The information included in the Request for Application is subject to change contingent upon statutory requirements, agency requirements, evaluation outcomes, and evidence-based practices and principles.

003.14 STAFF REVIEW TEAM can be comprised of members from the Community, staff from the Commission, research experts, and other individuals deemed necessary to review grant applications for compliance with use of funding restrictions as outlined in Nebraska Revised Statute §81-1450 and appropriately determine the effectiveness of the program(s) in the grant applications.

003.15 SUBGRANTEE refers to applicants which have accepted the grant award packet for the Office of Violence Prevention Grant Program.

**004 ELIGIBILITY FOR FUNDING:** To be eligible for Office of Violence Prevention Grant Funds, an applicant must be one of the following: community-based agency or organization, including faith-based organizations, community team, a state agency, a unit of local government (i.e., city, county, town), school district, or a federally or state recognized Indian tribe. If an applicant, without a 501(c)(3) designation is interested in applying, an eligible applicant listed above must be found to apply on their behalf to act as fiscal agent. The applicant would then be required to collaborate with the community team to operate the project.

## **005 FUNDING APPLICATION PROCESS**

005.01 Notification of the availability of funds shall be announced annually by the Director through a Request for Application. Such notification will include application requirements and instructions.

005.02 Applicants must submit an application for funds that shall:

005.02A Align with the priorities identified by the Office of Violence Prevention;

005.02B Identify how the funds will be used to implement programs identified in the application; and

005.02C Demonstrate that the use of funds shall be limited to developing policies and practices that are supported by evidence-based practice, research, or are standardized and have reliably demonstrated positive outcomes in other areas outlined by the Office of Violence Prevention. 005.03 Office of Violence Prevention funding is awarded on an annual basis. Applicants receiving funds shall be required to reapply annually for funding, pursuant to requirements outlined in the Request for Application and this chapter.

## **006 FUND MATCHING**

006.01 Subgrantees may be required to provide a match of the designated grant award amount. The mandatory match requirement will be outlined in the Request for Application.

006.02 Subgrantees must provide documentation of the match amount to the Office of Violence Prevention. Any organizational expenditures for programs, including funds directly associated with the grant application, may be applied toward the match requirement. Subgrantees must include documentation of these match expenditures in their cash report. Instructions are subject to change and will be outlined in the conditions that are included in the grant award packet.

006.03 Subgrantees contracting with non-profit agencies or service providers cannot require the contracting agency to provide the required matching fund amount.

## **007 REVIEW OF GRANT APPLICATION**

007.01 All applications for funding that are received by the appropriate deadline outlined in the Request for Application shall receive initial review by the Staff Review Team. Upon completion of staff review, funding recommendations and summary comments will be sent to the Office of Violence Prevention Board.

007.02 Evaluation and funding decisions by all reviewing entities will be determined based on the following criteria:

007.02A Eligibility of the applicant;

007.02B Adherence to federal and state requirements and guidelines;

007.02C Completeness, clarity, continuity, and consistency of the written application which shall include all sections and information as outlined in the Request for Application;

007.02D Ability and capacity of the proposed program to make an impact on the priorities identified by the Office of Violence Prevention;

007.02E Assessment of the relationship between the proposed program and existing models or analyses of evidence-based practices. If the program is not aligned with evidence-based practices, the review process will consider how the applicant's proposal will move the program closer to such an alignment;

007.02F Other resources available to address the problem including an explanation of how the grant applicant's proposal will work with or coordinate with existing resources;

007.02G Cost effectiveness of the proposed project;

007.02H Amount of funds available; and

007.02I If previously funded, the performance and ability of the applicant to manage a grant program, including the timely submission of required reports to the Office of Violence Prevention.

007.03 The Office of Violence Prevention Board will conduct a review of the applications for funding, taking into consideration the criteria listed in 007.02 of this chapter, and recommendations from the Staff Review Team. The Office of Violence Prevention Board will submit a funding recommendation to the Commission Funding Panel.

007.04 The Commission Funding Panel will conduct a final review of the funding applications. In reaching its funding determination, the Commission Funding Panel shall consider the grant proposal and recommendations from the Staff Review Team and the Office of Violence Prevention Board.

007.04A Final funding determinations will be made by a majority vote of the Commission Funding Panel. The Commission Funding Panel may:

007.04A (1) Vote to adopt the funding recommendations and contingencies of the Office of Violence Prevention Board;

007.04A (2) Modify the recommendations of the Office of Violence Prevention Board which may include additional contingencies or requirements that the applicant must meet in order to receive funding; or

007.04A (3) Reject any recommendation made by the Office of Violence Prevention Board and establish its own funding determination. Any funding determinations contrary to the recommendations of the Office of Violence Prevention Board shall include a written justification.

007.04B Upon issue of its final decision, the Director or his/ her designee will notify applicants within (10) working days of the final decision in the following manner:

007.04B (1) For applicants who receive funding, the notification will inform the applicant of the final status of the application, the requirement to meet any contingencies, and the steps necessary to obtain the grant award packet.

007.04B (2) For applicants who were denied funding or funding use, the notification will inform the applicant of the final status of the application, the reason(s) for the denial, and the appeal process.

## **008 ACCEPTANCE OF FUNDS AND CONDITIONS**

008.01 Applicants who are approved to receive aid from the Commission will be required to accept the grant award packet subject to the conditions outlined in this chapter and specified by the Commission.

008.02 Applicants who are required to meet contingencies articulated by the Commission Funding Panel will have thirty (30) days from the notification of application approval to satisfy the requirements. Exceptions to the 30 day deadline may be allowed on a case by case basis, approved by the Director.

008.03 After contingencies have been approved by the Director, the applicant will be required to accept the grant award packet within 30 days. Acceptance requires the appropriate signatures of all documents included in the grant award packet and the original documents returned to the Office of Violence Prevention. Exceptions to the 30 day deadline may be allowed on a case by case basis, approved by the Director. In the event that the grant award packet is not received by the deadline and three contacts of the project personnel listed on the application have been attempted and documented, the applicant will be considered to have withdrawn their application for funding. The Director will notify the applicant of said withdraw.

008.04 Once all the steps have been taken to accept the grant award packet and all necessary documents are received by the Office of Violence Prevention, the subgrantee will be eligible to receive funds as outlined in the grant award packet.

008.04A Subgrantees receiving funds will submit to all reporting and monitoring requirements as outlined in this chapter and the grant award packet.

008.04B Failure to satisfactorily meet any of the conditions outlined in the grant award packet or to submit the required reports or documents by the deadlines may result in the suspension of the subgrantee's funds. Such suspension can be rescinded upon resolving the identified deficiencies. Reasonable efforts will be made by the Director to work with the subgrantee prior to the suspension of funds.

008.05 Funds received from the grant program shall be used exclusively in accordance with the statutory obligations of the Office of Violence Prevention.

008.06 Subgrantees who misuse funds for unallowable expenses are subject to suspension or termination by the Commission. The Commission may require the subgrantee to return misused funds.

## **009 SUSPENSION AND TERMINATION OF FUNDS**

009.01 Suspension of funds may occur when the subgrantee is not in compliance with any state or federal laws, guidelines or requirements, or fails to comply with the conditions stated in the grant award packet, or specified by this chapter. In order to suspend funds, the following procedures shall be followed:

009.01A The Director or his/ her designee shall notify the subgrantee of the suspension of funds and provide conditions of reinstatement;

009.01B The Director or his/ her designee may reinstate a suspension if the subgrantee has taken steps to correct non-compliant activities; and

009.01C If the subgrantee has not taken steps to become compliant within 90 days, the suspended funds shall be considered terminated.

009.02 Termination of funds shall occur for failure to comply with the conditions of reinstatement. A termination of funds may be appealed pursuant to this chapter.

009.03 Subgrantees that have spent money contrary to the grant award packet may be required to repay misspent funds to the Commission. Any funds returned shall be handled in accordance with state and federal law.

## **010 APPEALS PROCESS**

010.01 Applicants or subgrantees may appeal an adverse funding decision to the Commission. Appeals are limited to the following grounds:

010.01A Partial denial of funding amount requested;

010.01B Denial of proposed use of funds;

010.01C Full denial of application that results in refusal of funding; or

010.01D Grant funds have been terminated.

010.02 The basis for an appeal shall be limited to one or more of the following grounds:

010.02A The appealed decision was biased, arbitrary or prejudiced against the applicant;

010.02B The appealed decision was reached without following procedures outlined in this chapter; or

010.03C The appealed decision was reached without adherence to statutory requirements.

010.03 Notice of an appeal must be made in writing and submitted to the Director or his/her designee within ten (10) working days of receipt of final funding decision or termination of funding notification. Notice of an appeal shall identify the basis for the appeal, and will inform the Director of the intent to file a full written appeal.

010.04 A full written appeal will detail the basis for the appeal, and include an explanation of why the proposed use of funds satisfies the requirements of this chapter. The full written appeal will be submitted to the Director within (10) working days of the notice of appeal.

010.04A All proceedings shall be conducted in accordance with the Administrative Procedures Act, Nebraska Revised Statute 84-901 et seq. and with Title 53 of the Nebraska Administrative Code, Chapter 4, as they relate to the pleadings, notice, ex parte communications, prehearing conferences, discovery and the progression of the actual contested case at hearing.

010.04B The burden of demonstrating that an appealed decision should be reversed is on the party filing the appeal. The burden of proof shall be by a preponderance of the evidence.

010.04C Should the applicant or subgrantee filing the appeal fail to meet deadlines to submit either the notice of appeal or the full written appeal, then the appeal will be considered waived and the funding decision shall be final.

010.05 The hearing shall be conducted before the Crime Commission at its next available quarterly meeting. On appeal, the Crime Commission will take into consideration the written appeal of the appellant, all recommendations for funding made during the application review process, and testimony from parties made during the appeal hearing. The final appeal decision shall be determined by a majority vote of the Crime Commission.

## **011 REPORTING OF FUNDING AWARDS**

### **011.01 REPORTING PROCEDURES**

011.01A Subgrantees will be required to submit quarterly reports on program activity, financial expenditures, and data that shall be maintained by the Commission. Subgrantees shall report according to requirements outlined in the Request for Application, and grant award packet.

011.01B If the subgrantee does not submit quarterly reports by the required deadlines, or submits a report that demonstrates failure to meet funding requirements, the Director will provide notice to the subgrantee of the steps necessary to correct deficiencies in satisfying reporting requirements.

011.01C The subgrantee will have ten (10) working days from the date of notification from the Director to respond with a plan to correct program deficiencies.

011.01D Should the subgrantee fail to respond to correct the deficiencies in reporting requirements, the matter will be referred to the Commission for possible termination of the funding award.

## 011.02 FINANCIAL REPORTING REQUIREMENTS

011.02A All subgrantees shall be required to submit financial reports as prescribed by the grant award packet and this chapter.

011.02B Financial reports shall be submitted quarterly to the Office of Violence Prevention. Funding is subject to suspension if:

011.02B (1) The Director does not receive quarterly reports by required deadlines.

011.02B (2) The Director finds discrepancies between financial reports and permissible uses of funding described in the grant award packet or this chapter, and the subgrantee fails to provide a plan for corrective action within ten (10) working days of receiving notification of discrepancy.

011.02C If reasonable efforts have been made by the Director to address deficiencies in reporting and the subgrantee continues to be found out of compliance with the financial reporting requirements, the funds will be deemed terminated.

## 011.03 ACTIVITY REPORTING REQUIREMENTS

011.03A All subgrantees shall be required to submit activity reports as prescribed by the grant award packet and this chapter.

011.03B Activity reports shall be submitted quarterly to the Director. Activity reports shall provide a narrative that addresses the following:

011.03B (1) Explanation of each program or process funded by the Office of Violence Prevention. This section will include information on program operation, community staff involvement, and how programs impacted the community;

011.03B (2) Additional information deemed necessary by the Director as outlined in the grant award packet.

011.04 REPORTING PROCESS FOR THE COMMISSION TO THE GOVERNOR AND LEGISLATURE: The Commission shall report annually to the Governor and the

Legislature on the distribution and use of funds appropriated under the Office of Violence Prevention Nebraska Revised Statute.

## **012 PROGRAM EVALUATION**

012.01 Evaluation of the use of the funds and the evidence of effectiveness of the programs shall be completed, specifically whether program participants enrolled in the funded programs have achieved a successful outcome.

012.02 Evaluation of the Program will be used to ensure ongoing alignment with evidence-based practices. A plan for ongoing evaluation of programs shall be developed by an evaluation party and the Commission.

## **013 CONFLICT OF INTEREST**

013.01 COMMISSION CONFLICT OF INTEREST: Recipients of grant awards, recipients of contracts associated with grants, personnel involved in the Staff Review Team, Office of Violence Prevention Board, Commission Funding Panel and members of the Commission and staff that have a potential of a conflict of interest or an actual conflict of interest are required to file a written disclosure of a conflict of interest with the Executive Director. Anyone who is required to file a written disclosure shall recuse themselves from participating in any review of grants pursuant to section 007 or appeal hearings pursuant to section 010 that directly involve their agency, institution, or personnel. Additionally, such an individual shall refrain from discussion with other members of the Staff Review Team, Office of Violence Prevention Board, Commission Funding Panel, or the Commission.

013.01A Any member of the Crime Commission may raise the issue of a conflict of interest.

013.01B Conflict of Interest defined. A conflict of interest shall include situations where the individual would be required to take any action or make any decision that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business or organization with which he or she is associated, or a community which he or she represents.

013.01C Conflict of Interest Disclosure Form: the Crime Commission shall develop and approve a Conflict of Interest Disclosure Form that shall be submitted annually to the Executive Director and shall be retained by the Commission and may be forwarded to outside state or federal agencies as required by law.