

JENNIFER KAPLAN: My name is Jennifer Kaplan. I am the General Counsel here at the Office on Violence Against Women. Thank you to the STOP unit for inviting me here today, and to all of you for showing up to listen. Obviously, the topic of today's conversation is Legal Issues for State Coalition Directors, or other coalition staff. So, this first slide is really the starting point for any question that I received about the use of Violence Against Women Act funds or any of my fellow attorneys received, which is, "Where did the money come from?" When we're starting to figure out the answer to a question, "Can I do this with my funds? Is this permissible?" We can't answer a legal question without first knowing which grant program is the source of the funds, which one is going to pay for the activity that you're considering. And I asked for a virtual show of hands. I don't know if that's possible. I don't think I can see your hands. But what I'm going to be interested in knowing is who has a State Coalitions award? Is it a dual or sexual assault only coalition and therefore also has Sexual Assault Services Program Coalition funding? Or is it just a DV Coalition? Because that's going to affect the answer to any legal question. Is it coalition that receives STOP Formula funds to pass through the subgrantees? Are you a coalition that is a pass-through entity for SASP Formula funds? And then, I know many coalitions have funding under other OVW programs -- Abuse in Later Life, Disability, Justice for Families, Legal Assistance for Victims, Rural, Transitional Housing, ICJR. Again, the answer to any question is going to depend on the funding source on the program statute.

Just a little bit about the underlying statutes for the State Coalitions Program, which is the umbrella we talked about, but there are two statutory programs. We're talking about State Coalitions and Sexual Assault Program or SASP Coalitions. Two authorizing statutes, two appropriations, two funding sources, and two sets of eligible entities. Domestic violence coalitions are only eligible for State Coalition, or what you might think of as the STOP funding, the STOP set aside. Sexual assault coalitions and dual coalitions are eligible for both the State Coalitions funding and for funding under the SASP Coalition funding stream. The way that OVW administers this funding, of course, is through one solicitation and one award, but there are different statutory purpose areas under each of these programs. And if you are a sexual assault or dual coalition receiving funding from both sources, you're going to track which funding is being used for which activities.

So, what are the purpose areas, the statutory purpose areas under each of these programs? For State Coalitions, the statute is very brief. It says that the purpose of the grants for each state domestic violence and sexual coalition is for the purposes of coordinating state victim services activities and collaborating and coordinating with federal, state, and local entities engaged in violence against women activities. So, the first thought if we're thinking about, is this an activity that can be funded under the State Coalitions Program is always, "Does it fit within the rubric here?" If you look at the fiscal year 2022 solicitation, there are examples of activities that can be supported with State Coalitions funding. And I'm going to go through this list because I think it's really helpful when you're thinking about, "What are the type of projects that the Office on Violence Against Women expects to be funding under the State Coalitions Program?" You can provide training and technical assistance to your member organizations. You can use

the funding for a technological project -- a tech project to expand the capacity of the coalition itself or your member organizations. You might be using the funding to develop or enhance appropriate standards of service for member programs, including culturally appropriate services for underserved populations, conducting statewide, regional and/or community-based meetings or workshops for victim advocates, survivors, legal service providers, and criminal justice representatives. Bringing local programs together to identify gaps in services and to coordinate activities, again, what's the key purpose of this funding? It is to coordinate victim services and to work with the different actors in your community and your state who are engaged in violence against women response. Increasing the representation of underserved populations in coordination activities, including providing financial assistance to organizations that serve underserved communities, so that they're able to participate in planning meetings, task forces, committees, things like that. Engaging in activities that promote coalition building at the local and/or state level and then coordinating with at the federal, state, and territorial level with judicial or local law enforcement agencies to develop or enhance strategies to address the identified problems in the field of violence against women.

And then you've got the purpose areas under SASP Coalition statute. And they are more diverse, I would say, and more specific. The statute provides that the grants to sexual assault coalitions may be used, A. To work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the state or territory. B. To work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases. C. To work with courts, Child Protective Service agencies, and children's advocates to develop appropriate responses to child custody and visitation when sexual assault has been determined to be a factor. Continuing on, D. Design and conduct public education campaigns. E. Plan and monitor the distribution of grants and grant funds to their State or territory. And F. Collaborate with an informed federal, state, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault. And you'll see that D and E here are highlighted, and we'll talk a little bit more about them, I think, on the next slide or two, because they are different from the STOP Coalitions Program statute, and they encompass activities that domestic violence coalitions alone are not authorized to engage in with our funds.

So, first of all, that D., public education and awareness campaigns. It's out of scope for State Coalition funding. It's not coordinating victim activities or working with your local and state partners. It is permissible with the SASP Coalitions funding. So, no domestic violence awareness campaigns or materials with State Coalitions funding. With that being said, you may conduct sexual assault awareness campaigns or create prevention materials with the SASP Coalitions funding, but then the question we always receive is, "What about outreach activities?" And we understand outreach activities, not to be for the purpose of public education or awareness generally on the topic of domestic violence, but to be doing the outreach to the community so that victims know what services are available and how to access them. And outreach activities are permissible under the State Coalitions funding. So, I think sometimes there is a fine line and it's

difficult to distinguish, "Well, is this an outreach activity or a prevention activity?" But that's always something that you can discuss with your OVW Program Specialist.

I wanted to call your attention to the award condition that's on all of your awards about prevention activities. And what it says is, "In reference to funding provided under 34 U.S.C. 10441(c)," -- I don't think I have to read that out loud, but that's the state--the STOP state coalition funding, set aside from the STOP Program -- "the recipient agrees not to produce publications, including brochures, advertisements, and internet broadcasts related to the prevention of sexual assault, domestic violence, dating violence, and stalking, and agrees not to facilitate trainings or presentations related to the prevention of sexual assault, domestic violence, dating violence, and/or stalking." So, there it is, right in your award document. This State Coalition, STOP Coalitions, whatever we want to call it, funding -- not available for prevention activities. Recipients may use grant funds to support outreach, including developing materials regarding services for victims of sexual assault, domestic violence, dating violence, and/or stalking. And then, public education efforts related to sexual assault only are permissible with funding provided under 34 U.S.C. 12511(d), again, the SASP state coalition funding. I guess what I'm saying is, I didn't make all of this up. This isn't news from the presentation and certainly isn't news to any of you who have been working with this program for any period of time, but there it is on the face of your award documents.

Another difference, again, highlighted in the purpose areas from the statute, is pass-through activities and issues related to that. Planning and monitoring distribution of sub-grants. That's out of scope for the State Coalitions funding. It's not something that can be done with funding from the State Coalitions Program. It is a permissible statutory activity under the SASP Coalitions funding. Now, it may be that you are a State Domestic Violence Coalition and you're a pass-through entity for your STOP state administrator but you're not doing that work with your coalitions' award, and that obviously is permissible. So, we wanted to flag for you all, that when coalitions are acting as pass-through identities, there are some things you will want to know. Under the STOP Formula award that goes to state administering agencies, there's a 10% cap on funding that can be used for administrative costs, which means that up to 10% of the award can be used for the cost of administering the award. The cap under the SASP statute, the Formula Funding, only five percent of the funds can be used for administrative costs. So, if you are administering funds for your State Administrator, you're going to need to negotiate with them what portion of the administrative set aside you can use versus what portion they may be using. The statute is silent, all the statute cares about is that the cap isn't exceeded. But if the pass-through entity and the state administering agency want to share those administrative costs, that's something you guys have to work out yourself. I note here that the STOP regulations have some discussion about administrative cost, what constitute administrative cost, and I provide the citations there.

Another thing to keep in mind is that SASP funding addresses sexual assault across the lifespan. It addresses child sexual assault, it addresses adult survivors of child sexual abuse, but STOP funding doesn't. The focus of STOP funding is entirely on youth and

adult victims, youth being defined as 11 and older. So, that's going to be a difference in the way that the funding can be used. I also just wanted to brag to those of you who are pass-through entities, the real challenges of administering the STOP allocation for culturally specific organizations. The STOP statute provides that at least 35% of a STOP award has to go for victim services and of that 35%, 10% must go to culturally specific organizations. So, there is an obligation on the administering agency and on you all as pass-throughs to make sure that you have the connections within your state with culturally specific organizations who serve victims to find them and enable them to receive this funding, and the sub-grants, and to use it.

So, unallowable activity under of course both the state coalitions and the SASP Coalitions funding is lobbying. I think when I went over these materials in advance with the STOP unit. The coalitions know perfectly well that lobbying with federal funding is prohibited. So, I will not focus too much on the prohibition, but those activities that you can engage in with SASP Coalitions funding without violating the anti-lobbying prohibition. You can, with SASP funding, collaborate with and provide information to federal, state, and local and territorial public officials and agencies to develop and implement policies to reduce or eliminate sexual assault. It's right there, it's a purpose area of the statute. I note here that it's a limited exception, a statutory exception to interactions that would otherwise be prohibited by the anti-lobbying statute, 18 USC 1913. There has to be, like, collaboration and a mutual willingness to cooperate. You can't force your information onto these public officials. At a certain point, that's lobbying. As opposed to having a collaborative relationship where you're providing them with information.

Other things that you can do with both the state and SASP Coalition funds without violating the anti-lobbying prohibition, you could identify state and model laws that embody best practices, you could educate policymakers about options for revisions. These are all things that fall short of actually endorsing a piece of legislation, testifying on behalf of a piece of legislation, reaching out your members and urging them to lobby elected officials on behalf of certain legislation, again, all those kinds of things are outright forbidden by the anti-lobbying prohibition. Of course, I don't mean that your coalition can't do those activities. I am just saying it can't be done with federal funds. So, again, to reiterate these points, you can't address the merits of specific legislation with your coalition funding, you can't advocate specific legislative changes at the state, Tribal, or federal level, and you can't encourage grassroots lobbying for legislative change. And I make a note here because it's a question that's come up before. Does it matter if a piece of legislation is currently pending before the legislature? And the answer is no. It could be something that's, I don't know, from the previous session, already died in committee, it could be something that you're hoping will be reintroduced. It doesn't matter. That's not important. The bottom line is not to be advocating the merits of specific legislation. As I said before, of course you can lobby with non-federal funds. If you're doing agent lobbying and I know many of you do, I would urge you to keep detailed records of the non-federal funds that are used to lobby, so, you know, in the event that you're audited, you're able to explain to the auditor the source of the funding that you used. And, again, if you have any questions, you should contact your Program

Specialist. If you think you're teetering on the line between lobbying and education, then I would say you should talk to your Program Specialist, and we can help you sort that out. One thing to note here is, again, I know you all often have funding from other OVW programs and some other OVW program statutes contain purpose areas that specifically authorize the use of grant funding to develop or promote legislation and policies that promote best practices corresponding to the four VAWA crimes. And this gives funding recipients a little more flexibility. So, for example, if you have an ICJR grant which does have such a purpose area, that's essentially an exception to the anti-lobbying provision. And so, if you were working on implementing legislative changes or working with government officials to implement policies that fall within the scope of that purpose area, it might be okay. But, again, it's something that is good to talk about with your program specialist. So, some lobbying or potential lobbying scenarios here about what can be done with grant funds and what would be impermissible.

Let us say that your coalition Executive Director has been invited by a state senate committee to testify about coercive control and domestic violence. Is that permissible? Well, I might be a little nervous because it does involve a state senate committee, but if truly what you're going to testify about is not tied to any legislation but is to educate legislatures about the issues, which will be permissible. Let's say that your coalition and many of your community partners have signed a statement supporting the Black Lives Matters movement and then, you posted it on your website in a show of support. Is that statement lobbying? I would again, say no. It's more just a general policy statement, not directed towards any particular piece of legislation, or enactment, or implementation of some kind of policy. Now, let's say your coalition posts a banner on your website urging readers to contact their state representatives to oppose a particular state bill, that's called the Fathers' Bill of Rights. If OVW is funding your website in any way, you've got a problem, because that is clearly grassroots lobbying and that would be impermissible. Let's say you develop a PowerPoint for your coalition membership that summarizes violence against women legislation that was considered during the past session of the state legislature. In that case, I would say you're just educating your membership about what happened at a state level in your field, and it would be permissible. Another unallowable activity for both types of coalitions is fundraising with federal funds. That is not something you can do with your grant money.

One of the things that we always recommend both because of the fundraising prohibition and the lobbying prohibition is when you submit a budget under the coalition program, or really any OVW program, do not fund your Executive Director's salary exclusively with federal funds. Of course, he or she is going to want to have the flexibility to testify about legislation or engage in fundraising, it's just you can't be doing it on the federal time. Another recommendation is to consider the funding source of your website because there may be fundraising that you would like to do on your website. For example, having a "Donate Now" button that would turn that OVW-funded project into fundraising, and that would be problematic. So, you want to be careful about including "Donate Now" buttons on anything – it could be a newsletter, a website, a social media page that you're using OVW funds for. And my takeaway from all of this, and the takeaway from my entire presentation, is that you should be using State and

SASP Coalition funding for a project, not for various random expenses. It enables you to stay within the statutory purpose areas, it enables you to stay away from impermissible activities, unallowable activities, and I think it also fulfills kind of the purpose of all federal grants, which is that you've got to have a project that has goals and objectives, that are then measurable, that you can report to us on. If you're audited, you can explain to the auditor how you achieved your goals and objectives. So, really, grant funding is project-based funding.

Now, can funds be used for staff salaries? And the general answer is yes, of course. But if you're looking at a particular staff person, you want to ask yourself, "Does the staffing support the activities of the project that OVW's funding needed to do?" So, it may be that it's appropriate to say, "I've got administrative staff that supports the grant project. Five percent of my bookkeeper's time is spent related to the OVW grant." And then, you could charge a portion of the salary that is related to the grant. You could request it in your budget. If you're funding a trainer or a coordinator under your coalition's grant, and the Executive Director supervises that individual, then again, yes, it might be appropriate to fund a portion of the Executive Director's salary. That is directly related to that project. Here, I would just urge those of you who do not have a federal indirect cost rate that I think the simplest, the cleanest way to capture those kinds of expenses is through an indirect cost rate, right? As opposed to trying to figure out what portion of your utility bill can be allocated to the OVW grant or what portion of your rent or any of those things, or your administrative staff, but to have to negotiate an indirect cost rate and have it in your budget that way. I think it's probably obvious that the purpose of the coalition's funding is to address domestic violence and sexual assault. But I think that we've been more and more hearing questions about using funds to address some issues that are really gender-based violence adjacent as opposed to always necessarily involving gender-based violence. And I wanted to flag a couple of those for you on this slide.

The question about whether the coalition's funding can be used to address human trafficking. The answer there is that it can address the intersection between domestic violence and sexual violence, and trafficking. Obviously, there are victims of domestic and sexual violence who have been trafficked. And that is an issue that you can address with your membership. But again, I would caution you about getting involved in projects that are, you know, sometimes that are just trafficking projects. You should always be looking at that point where it intersects with the VAWA crimes. And sometimes it's a matter of framing. If you are looking at sex trafficking, obviously many individuals who have been sex trafficked are victims of sexual assault and sometimes domestic violence. And even labor trafficking often there are individuals who have been victims of domestic violence or sexual violence. But again, it's the domestic violence and sexual violence that enables us to use the funding to reach them, so you just want to be careful about that distinction. I think that more and more we've been seeing questions about the use of funds to address Missing or Murdered Indigenous People, MMIP. And, again, we all know there are a lot of overlaps and intersections between MMIP and domestic and sexual violence. And you can work in that area of intersection, but just like a project about MMIP, you need to maintain your focus on the VAWA

crimes. Can coalition funds be used for batterers intervention programs? No. I mean, that doesn't fall within the purpose areas of either the statement coalitions or the SASP coalitions fund extremes. So, you would not be using coalition's funding for operating, or certifying, and monitoring batterers intervention programs. Is that work that can be done with other OVW funding? Yes, some OVW funding, not all. But it would have to be with a different grant, not the coalition's.

LATONYA EADDY: "What about working on the state standards for BIP programs?" Is the question.

JENNIFER KAPLAN: I don't see how you could work on the state standards for BIP -- for Batterer Intervention Programs because State Coalitions funding just isn't available for what I might call offender accountability activities or certainly for offender treatment activities. I guess my short answer is no. It couldn't be an activity that falls within the really narrow scope of activities available under the state coalitions program.

LATONYA EADDY: Thank you, Jen. Elizabeth has a question.

ELIZABETH BAUER: Hey, Jen. So, I have a question that came in. "If a coalition records a training funded with coalition funds and posted on their website, would that then be a product that needs to be approved?"

JENNIFER KAPLAN: So, the webinar was funded with a different source. But--can you read me the question again?

ELIZABETH BAUER: Yeah. "If a coalition records a training funded with coalition funds and posted on their website, would that then be a product that needs to be approved?"

JENNIFER KAPLAN: Yeah, I guess I'm missing the relevance of posting it on your website because if it was funded with coalition funding, then it's already a product that needed to be approved. I don't think the posting of it makes it the second product that needs to be approved. But you've developed the training, the webinar, with OVW funding. So, yeah, it would have to be approved, and it would have to have our disclaimer.

LATONYA EADDY: Yes. "Was the answer to the question about posting to the website be different if the training was funded by a different source?"

JENNIFER KAPLAN: I believe so. Yes. So, what you're saying is that if we fund the website which, by the way, I think is kind of a terrible idea if I may tell you guys -- to use our funding for your website. But if we fund the website, and then you have content that you produce with another source and you posted on the website, I would not necessarily expect that you get OVW approval. If Amy wants to disagree with me, she should jump in and do so.

AMY LODER: I never disagree with you, Jen. I rarely disagree with you.

JENNIFER KAPLAN: But I think it's not that it's not allowable to use OVW funding for a website. I just think that even when we're entertaining this discussion, it shows that it's not a great idea. Like, you probably want to have free reign over what you post on your website, including information that I would consider lobbying or fundraising, which is going to be problematic, and it's much harder to see how a website is part of a discreet project that you're using the grant fund.

AMY LODER: This is Amy. And I'm not seeing any questions in the chat right now, but I might put you, Jen, and Suheyla from GFMD, who's also here on the spot a little bit. One of the things that I think that we see that can be a little bit complicated is actually for dual coalitions having the money for the domestic violence, the DV money, and then also the SA money, and the SASP money, and can you just talk a little bit about what that actually looks like regarding spending the money and the activities? I think that sometimes it's a little bit hard for people to tease out a bit and really how much of the money should actually be going to the sexual assault activities and then the domestic violence activities. Does that make sense?

JENNIFER KAPLAN: So, I'm going to try to answer, and then Suheyla can correct me. But it doesn't exactly matter if you're a dual coalition or a sexual assault coalition. You're in the same spot, which is you've got a chunk of your award that has come from the STOP set aside -- what I called in my presentation, State Coalition Funding. And then, you've got a chunk of your award that's come from the pretty narrow purpose area for the STOP funding. And then you've got a chunk of your award and you know how much that is, which is from the Sexual Assault Services Program. So, if, for example, in your budget, you're going to do a big statewide project on sexual assault prevention and education campaign. Okay. That's fine. That's permissible. But you're going to know that all of the costs associated with that prevention activity are going to have to be attributable to the portion of your award that came from the SASP funding. But maybe, Suheyla, you can speak a little more specifically.

SUHEYLA LASKY: I think you did a great job explaining that. I would say, maybe I would add from an accounting perspective, that you should definitely have some sort of mechanism in place internally in your accounting system to segregate those funds so that you can account for them separately. Even though they are the same funding source, they do carry two different types of requirements and you are required to have allocated a specific portion of funds for like SASP, the sexual assault portion versus like the coalition portion. So, definitely so you'll budget for them. You'll budget for them separately. Or you'll identify the sexual assault portion, and when you're implementing your award, you want to make sure that you have something in place that you can identify what of the funds that you spent are for this purpose and that purpose, because they are going to want to see that figure audited or anything that you did meet that requirement.

JENNIFER KAPLAN: And I think the only thing I would add is there are some activities like victim service coordination activities that you could do under either one. You have



some flexibility, but you might want to assign those to the STOP portion of your budget because you know that's most of what you can do with that funding is...

AMY LODER: Great

LATONYA EADDY: Two questions. Oops, I'm sorry, Amy.

AMY LODER: Oh, no. Go ahead.

LATONYA EADDY: First, "Can you say more about what might be allowable in terms of addressing the intersection of human trafficking and domestic violence?"

JENNIFER KAPLAN: Sure. I think that one of the things that we have heard a lot about is sexual exploitation of minors, sex trafficking -- I mean, prostitution of minors is, of course, sex trafficking -- is that it's often done by a boyfriend. And I think that minor who is being prostituted may well be in a dating violence situation. So, it wouldn't be at all surprising to me if there are victims of sex trafficking in their community who are also experiencing dating violence or domestic abuse. That's just one example. So, if you had a project that was focusing on that intersection, I think that would be entirely appropriate.

LATONYA EADDY: Thank you. The next question, "Can SASP funds be used for public information campaign that is focused on prevention of sexual assault? I think I've heard yes and no, so can you clarify please what can be used for the SASP funding portion please?"

JENNIFER KAPLAN: Oh, and thank you for that question, because if I wasn't clear about it, I certainly intended it to be. Yes. Your SASP funding -- your SASP coalitions funding may be used for prevention or education campaign about sexual assault.

LATONAY EADDY: And we have another question. "Can SASP be used to pay for the transfer of client's personal identifying data from one database to another? Not the actual database, just the transfer of the individual client data."

JENNIFER KAPLAN: So, I'll be honest, I guess I need a little more context for that question because I don't understand why you would be doing that. Can somebody explain? The idea is that you would be using SASP funding to transfer data from one database to another. Why? Can somebody give this question another try with a little more detail?

LATONYA EADDY: The person...

PARTICIPANT: Hi...

LATONYA EADDY: Okay. Thank you.

PARTICIPANT: Hi. This is Alexandria. And I apologize, I'm not in a quiet place right now. And I realize the context of this conversation is more around SASP coalition funding. This would more relate to the funding that's then sub-granted to program...

JENNIFER KAPLAN: Okay.

PARTICIPANT: ...SASP program funding. So, we have...

JENNIFER KAPLAN: So, I...

PARTICIPANT: ...a direct--yeah. Okay.

JENNIFER KAPLAN: I violated my own first rule, which was to ask where the funding was coming from. So, this is money that's been given to a rape crisis center?

ALEXANDRIA: That's correct.

JENNIFER KAPLAN: Okay. So, the SASP formula money that's sub-granted to rape crisis centers can only be used for direct intervention and assistance for sexual assault victims. So, it's hard for me to conceive of how this kind of data transfer would fall into the category of direct assistance to a victim.

PARTICIPANT: I mean, I think part of the justification, which is why I just wanted to ask because it's so hard for us to get a clear answer. For the direct client, all of the records that would be transferred are the direct client service records and in order to maintain direct client services, you would want whole records.

JENNIFER KAPLAN: Yes. So, might this be something, like, you have one program that's closing down and they need to transfer their records to another program that is going to be serving those victims?

PARTICIPANT: It's a program that is not closing down but it's moving from one outdated database system to an updated system that programs are beginning to use. And so, they would be ending their service with the old database in order to not lose that client data. And so, we're not asking to pay for the actual database with federal funds, just the client data file.

JENNIFER KAPLAN: I mean, to me, that sounds like just one little piece of your larger technology project, which we would not be funding.

PARTICIPANT: Okay. Thank you. We had just been trying to get to the answer, so thank you.

JENNIFER KAPLAN: I guess, if you force me to give you an answer, I'm going to say no.

PARTICIPANT: Thank you.

LATONYA EADDY: There's another question in the chat and it says, "If the rape crisis center is changing data management system..." --can we get a little more information?

PARTICIPANT: Hi. Yeah. Hi.

LATONYA EADDY: Okay. Thank you.

PARTICIPANT: Yeah. This Jennifer with the Florida Council Against Sexual Violence. I assume the question was related to transferring data, to what Niecy said, which is the direct service provider is changing databases. And some of the SASP client information is in the database and they have to transfer that database, that information over. So, I was just adding to that before Niecy responded.

JENNIFER KAPLAN: And I do understand, Jennifer, that the data transfer facilitates victim services, but that's true of the entire new database itself, or the new technology that's being purchased, but we could not fund it with the SASP formula funding.

PARTICIPANT: Okay. Thank you.

LATONYA: Then, I have two questions. "Can you go back and speak to why supporting the website with OVW funding for the coalition is a bad idea? And then, can you speak to why being a hundred percent OVW-funded is also pros and cons?" Thank you.

JENNIFER KAPLAN: Sure. The answer is similar for both. So, the reason I said I thought that funding the website with OVW or federal funding is not a great idea is because there are probably activities that you would like to engage in on your website that are not allowable with federal funds. And the two that I singled out, the two that I'm aware of, are fundraising and lobbying. So, if, for example, you wanted to have a "Donate Now" button on a nonprofit's website, you will see at the top, "About," "Contact," "Donate." There's a fundraising element to the website. But if OVW funding is paying for the website and the OVW funding can't be used for fundraising, that means you can't have that "Donate" button. So, similarly, one of the examples that I gave in the lobbying discussion was that you could not have a banner on your website that says Contact Your State Legislator, to say that he or she should vote against, you know, SB 1044 or the Father's Rights Bill. That might be a really important message to your membership and your constituents, but it's not something important on an OVW-funded website because it's lobbying and that's prohibited. So, I was suggesting that it's a bad idea, although not unallowable to use OVW funding for your website, because then you're not going to be able to use it for fundraising or lobbying. Similarly, with your executive director's salary. Let's say your executive director's salary is 100% paid with OVW funding, but the coalition wants to, you know, organize a gala for its 50th anniversary and raise money, and that gala is going to be a fundraiser. Well, the executive director can't spend any of her time working and organizing that gala because it's a fundraiser. And if she is a hundred percent federally funded, none of her time can be spent on

fundraising. So, she's just walled off from participating in what's probably going to be an important activity for the executive director of a nonprofit organization, which is fundraising. Again, let's say that the executive director really thinks that it's important to testify to the state legislature about a bill that's being considered about, you know, parental alienation and child custody proceedings. But that executive director cannot do it because all of her time is funded by OVW, and she's barred from engaging in lobbying. I hope that helped.

LATONYA EADDY: Yes. Thank you. Suheyla popped on the screen, and Stephanie has a question.

JENNIFER KAPLAN: Suheyla...

STEPHANIE: I just want to--go ahead.

JENNIFER KAPLAN: I just wasn't sure. Suheyla, did you have anything to add on the website and executive director issue?

SUHEYLA LASKY: No. It just sounded like there might be a little bit of overlap on the financial side, so I just wanted to be available, but you covered everything perfectly. Thank you, Jen.

JENNIFER KAPLAN: And Stephanie?

STEPHANIE: Yeah. Jen, I just had a quick question to follow up to what you were talking about. If that--if any part of the website is covered by--is financed by COAL SASP [SASP Coalitions]?

JENNIFER KAPLAN: Right. Why don't I let--Suheyla raised her hand, so I'll let her answer.

SUHEYLA LASKY: So, I'm thinking of other scenarios with other types of awards also. If there is a specific portion of the website--I don't know. And, Jen, correct me if I'm wrong, there's a portion of the website that you can identify and know the cost separately from the rest of it and if it's charged separately. But I don't know if that is even something where you can identify that specific cost for that specific part of your website or because it still is under the parent umbrella of the main website. Does that rule it out from being allowable?

JENNIFER KAPLAN: I don't have a good answer for that, except that I think it's hard to separate out like, "Oh, this is the page we funded with our OVW money and this is the page that we funded with, you know..."

SUHEYLA LASKY: Yeah. That's okay.

JENNIFER KAPLAN: "...our membership dues."

SUHEYLA LASKY: Yeah. Right.

JENNIFER KAPLAN: Yeah. I'm not...

SUHEYLA LASKY: I don't see how unless it was specifically a different website for another program or project that you have that is funding that. If it's a separate website, but it's still owned by your organization, then maybe I can see because that you'd be paying for separately and it would be apparent how that was being segregated separately. But if it's still on the same main website and you can navigate to it by clicking from the main website, and it's still part of the main website, I don't see how that would be identifiable as something separate enough that you could pay for it.

JENNIFER KAPLAN: So, I see that there is a fascinating question in the chat, which is, "Can we participate in meetings and discussions with systems around restorative justice approaches? A critical part of restorative justice is focused on offender accountability." And I did make that point about batterers' interventions program and offender accountability. So, my inclination is to say that that is a conversation you could be involved in. And that, I would say, it was collaborating and coordinating with maybe local entities engaged in violence against women activities. So, I think that that is something-- obviously, it's important that restorative justice programs be survivor-centered. But I think such a strong purpose of restorative justice approaches is responding to the victims' needs and desires for being made whole that I would be inclined to see that as something that's permissible.

LATONYA EADDY: Jen, I received another question. "With the gala example, could the executive director volunteer their time to work on the gala and not charge it to the State Coalitions grant?"

JENNIFER KAPLAN: Sorry. Was the question to attend the gala?

LATONYA EADDY: To work on it.

JENNIFER KAPLAN: Yeah, I think that sometimes...

TONYA EADDY: To work on the gala, right.

JENNIFER KAPLAN: Yeah, I think that that is a risky proposition just because conceptually, when the OIG comes to audit, they see your workweek as being a 40-hour workweek, even if you're working 80 hours a week. And I think it will be hard to argue that you were like only working on the gala from, you know, 9:00 at night to 10:00 at night. So, it's much easier and cleaner -- I tell this to technical assistance providers as well -- the majority of their budget comes from federal funding. Even if your salaries are paid ninety-five percent instead of a hundred percent, it gives you a lot more flexibility. And again, it would be my recommendation as a best practice. This is not one of those

"it's not allowable" things. It's more, "Jen Kaplan, after 20 years of doing this, is saying it's not a great idea."

AMY LODER: Jen, this is Amy. I have a question that is kind of a follow-up to the hundred percent covered by our grant.

JENNIFER KAPLAN: Yeah.

AMY LODER: How do writing grants fall into that?

JENNIFER KAPLAN: Thank you. That was a softball for me from Amy Loder. So, obviously, there are other unallowable activities, one of which is grant writing. So, if you are an executive director and you want to write the grant or have a hand in editing the application and you're a hundred percent funded, then there is no time left in your day. And, again, I realize that your day may be longer than 9:00 to 5:00, but there's no spot for you to be doing that work.

AMY LODER: Great. Thanks for that.

JENNIFER KAPLAN: No, thank you.

AMY LODER: And, LaTonya, I think you're up in the chat box.

LATONYA EADDY: Thank you. "From a labor law standpoint, is it legal for an exempt employee to volunteer for the organization, doing work that might normally fall under their typical responsibilities?"

JENNIFER KAPLAN: So, even if I were a labor lawyer and thought myself qualified to answer this question in whatever state you're in, I wouldn't. I would say, this is a question for your counsel to answer, not for OVW to answer.

LATONYA EADDY: Thank you.

JENNIFER KAPLAN: Sorry to be unhelpful.

AMY LODER: Jen, I actually have a question.

JENNIFER KAPLAN: Oh, okay.

AMY LODER: It goes back to the question that was about the intersection between domestic violence and human trafficking. And what I'd like to talk about is working on MMIP. I know that under STOP, we get that question quite a bit, and the way that we have always answered it -- Marnie has always answered it, so we are Marnie in that instance -- is that to do the work you would actually have to know that the individuals that you are focusing on. You would have to know that they were missing or murdered because of a domestic violence incident or a sexual assault incident. Is that the same

for the coalitions when you're talking about MMIP, and can you flush that out a little bit? Do you understand what I'm saying?

JENNIFER KAPLAN: So, is that...

AMY LODER: Are there parameters around it? Engaging in MMIP activities or having conversations about MMIP, is there a limit that the coalitions would have to know that somebody is missing or murdered because of our crimes?

JENNIFER KAPLAN: So, I guess I'm conceptualizing the coalition's work as more policy-oriented and less like individual services, at least in terms of what we fund. So, let's say a coalition came in with an application that was just like a hundred percent, "We want to, you know, have a project that does trainings about MMIP in our state." I would see that as highly problematic because we know that women are missing and murdered -- Indigenous people, generally, are missing and murdered for different reasons -- but only some of which involve the VAWA crimes. So, I would think a one hundred percent MMIP project would be problematic. You couldn't fund it one hundred percent. But if what you said was, "Well, we have this individual who's going to attend quarterly MMIP coordination meetings within our state and we've been invited to bring the perspective of sexual assault, domestic violence victims to that discussion," that's something that would make sense under your coalition funding.

AMY LODER: Okay. Thank you for clarifying that. And LaTonya, I don't mean to steal your thunder, but I think there was a follow-up question in the chat to what I posed to you and it's "What about attending an MMIP conference where the coalition will be tabling and presenting on DBSA in Tribal communities?"

JENNIFER KAPLAN: Yeah. I have no problem with that. That's the coalition -- that's a conference. You've identified a good venue for presenting your information and I can certainly understand why you've made that determination.

AMY LODER: Okay.

JENNIFER KAPLAN: There was a previous question here. A question that I didn't see. "Is it allowable to use coalition grant funds for the work needed to resolve audit findings from an OIG audit?" I guess, potentially, but I think that you also--this is where I'd like Suheylya to jump on because I think that you also might need to do some kind of budget modification.

SUHEYLA LASKY: I'm just rereading it. "Is it allowable to use coalition grant funds with the work..."

JENNIFER KAPLAN: Assuming that the audit has to do with the coalition grant itself, not with another grant. Because I would not say that you could use funding from a coalition grant to help out on the audit of a different federal grant.

SUHEYLA LASKY: I'm thinking about it, Jen. Sorry.

JENNIFER KAPLAN: So, for example, if the accountant who worked -- whose hours are signed -- or a bookkeeper to the coalition grant needed to pull receipts or information for the OIG auditor, could that time be assigned to the grant?

SUHEYLA LASKY: I'm just looking through a couple of things. I'm trying to figure out if it should be recovered indirectly or if it could be...

JENNIFER KAPLAN: Well, I would think it would be, but say they don't have an indirect cost rate, but they instead have staff that are funded directly.

SUHEYLA LASKY: That would be the tough part. I mean, especially if it was findings for different types of funders too because then...

JENNIFER KAPLAN: Right. Right. No, I think it would have to be directly related to this coalition grant.

SUHEYLA LASKY: I would say that it would have to be very minimal. And if that did specifically come up, I would advise working with GFMD and OVW and GFMD to try to figure out what portion could be attributed to that.

AMY LODER: This is Amy. And clearly not GFMD and not an attorney, but I experienced working with the coalition around this very issue. That is exactly what we did is that the grantee and GFMD and the audit liaisons within OVW and then also the program manager had a conversation about what funds could be used and how much to address the audit, because you have to balance addressing the audit findings and trying to resolve them but still, simultaneously, using your OVW award to complete the activities that you were funded to do in the first place.

JENNIFER KAPLAN: Right.

AMY LODER: So, at least, from my perspective -- and Jen and Suheylya, please push back on me -- it is allowable but it's also on a case-by-case basis, and you can't just use your whole award to address the audit findings.

JENNIFER KAPLAN: Right.

AMY LODER: It really is going to have to be a conversation and individualized and because it would be an OVW award where the audit finding came from, you would be working with the audit liaisons at OVW trying to help you remedy those findings. So, you'd have to speak to us basically.

JENNIFER KAPLAN: Yeah. No, I one hundred percent agree, Amy. And the State Coalition-only grants, they're not very big. It's not like we can have a grant that becomes the grant project is getting through the audit. You still have another grant project where



you have to meet your goals and objectives. Well, I put my email in the chat and the email was also on the PowerPoint slides. I genuinely welcome any email questions you want to send me. You're also always welcome to go through your OVW program specialist. I'm sure I will move them in if you do not do so. But if you think about something after this presentation, I certainly am still available by email.

LATONYA EADDY: Jen, I had one more follow-up to the gala example.

JENNIFER KAPLAN: Okay.

LATONYA EADDY: "If directors or other staff are using timesheets that track their actual time to funding source and the time working on the gala is charged elsewhere, to a miscellaneous or unrestricted, would that be okay?"

JENNIFER KAPLAN: Absolutely okay. Yes. And that's exactly what I urge and what you should be doing, which is you should have some other funding source for the executive director or whatever employee you have who's working on the gala. Yeah, I don't mean that you can't be doing fundraising. I don't mean that you can't be doing lobbying. Not with OVW funds. Just like Amy said, it doesn't mean you can't be doing grant writing, just not with OVW funds.

LATONYA EADDY: Thanks, Jen.

JENNIFER KAPLAN: Great. Thank you everybody for showing up and listening. And, again, let me know if you have any follow-up questions. I will return the rest of the day to you.