

DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHILD WELFARE PROGRAMS

CHAPTER 413
DIVISION 55

SEXUAL ASSAULT VICTIMS FUND

Effective 08/01/05

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Sexual Assault Victims Fund

413-055-0100

Policy

(Effective 01/01/05)

These rules (OAR 413-055-0100 to 413-055-0165) establish the policies of the Department of Human Services (Department) relating to the funding of sexual assault crisis centers and crisis lines authorized by ORS 409.279. This program was established to provide intervention on behalf of and support for victims of sexual offenses. The Department is authorized to enter into grant agreements with private, non-profit agencies to support the delivery by those agencies of intervention and support services to victims of sexual offenses and their families.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.270 to 409.285

413-055-0105

Definitions

(Effective 08/01/05)

As used in OAR 413-055-0100 to 413-055-0165:

- (1) "Crisis Center" means a location in which there are paid personnel or crisis volunteers who are trained to provide crisis services, including but not limited to intervention, peer support, information and referral, advocacy, outreach, and community education to survivors of sexual assault and their families.
- (2) A "grantee" is a proposer that has been awarded a grant by the Department from the Sexual Assault Victims Fund to support the delivery of services to victims of sexual assault and their families.
- (3) A "proposer" is a private, non-profit agency that meets the minimum criteria contained in OAR 413-055-0120 and makes an application to the Department for a grant from the Sexual Assault Victims Fund to support the operation of qualified programs as described in OAR 413-055-0110.
- (4) "Sexual Assault" means any touch or act for which informed consent is not given that is sexual in content or used for sexual gratification or stimulation of the perpetrator by either threat of force, force, intimidation, trickery, coercion, or bribery where an imbalance exists because of size, strength, authority, age, development, or knowledge. It includes rape, oral and anal sodomy, exhibitionism, voyeurism, obscene phone calls, sexual pictures, and prostitution.

(5) "Sexual Assault Victims Fund" means the fund created by ORS 409.285.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.270 to 409.285

413-055-0110

Qualified Services

(Effective 01/01/05)

- (1) The Department uses the Sexual Assault Victims Fund to fund grants to private, non-profit agencies to support the delivery of intervention and support services to victims of sexual offenses and their families. The agencies receiving funds must be either crisis lines or sexual assault centers.
- (2) The support and intervention services supported in whole or in part with grant funds from the Sexual Assault Victims Fund must be made accessible and available to all persons who reside in the area served by the agency who may need the services without regard to whether criminal charges were filed. If the grantee is unable to provide necessary services to a client, it must refer the client to alternative community resources.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.270 to 409.285

413-055-0120

Criminal History Checks

(Effective 01/01/05)

- (1) A grantee must obtain a criminal history record check on each potential employee or volunteer who will work with victims of sexual assault.
- (2) A grantee must develop a written policy or procedure that governs the review of the criminal history record of potential employees and volunteers and the determination of whether a potential employee or volunteer, if there is a criminal history, poses a risk to working safely with victims of sexual assault. The policy or procedure must provide that the review include an examination of—
 - (a) The severity and nature of crime that appears in the criminal history;
 - (b) The number of criminal offenses;
 - (c) The time elapsed since commission of each crime;
 - (d) The circumstances surrounding each crime;

- (e) The subject individual's participation in counseling, therapy, education, or employment evidencing rehabilitation or a change in behavior, and
 - (f) The police or arrest report and whether that report confirms the employee's or volunteer's explanation of the crime.
- (3) If the grantee determines that the potential employee or volunteer does not pose a risk to working safely with victims of sexual assault and chooses to hire the employee or volunteer, the grantee must explain in writing the reasons for hiring the individual. The written explanation must address how the potential employee or volunteer is presently suitable or able to work with victims of sexual assault in a safe and trustworthy manner, based on the policy or procedure described in section (2) of this rule. The grantee must place the written explanation in the personnel file of the employee or volunteer along with the employee's or volunteer's criminal history record.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.270 to 409.285

413-055-0140

Application Process

(Effective 01/01/05)

The Department will conduct periodically, at least once every five years, an application process for grants from the Sexual Assault Victims Fund. The Department may conduct the application process jointly with other agencies of the State of Oregon who also award grants or provide financial assistance to nonprofit organizations that provide intervention and support services to victims of sexual offenses and their families. The application process will include but not necessarily be limited to—

- (1) Public notification of the availability of financial assistance from the Sexual Assault Victims Fund.
- (2) Issuance of a request for grant proposals.
- (3) Evaluation of the proposals and the award of grants from the Sexual Assault Victims Fund in accordance with the process and criteria set forth in the request for grant proposals and this division of administrative rules.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.270 to 409.285

413-055-0145

Proposals for Funding

(Effective 01/01/05)

To be considered for funding, a proposer must include the following minimum information in its proposal:

- (1) Official business name of the proposer
- (2) Business address of the proposer
- (3) Name of the persons authorized to represent the proposer in any negotiations and to sign grant agreement documents
- (4) Geographic areas the proposer is proposing to serve
- (5) A statement that no attempt has been made or will be made by the proposer to induce any other person or firm to submit or not submit a proposal, except through efforts to submit collaborative proposals
- (6) A statement that the proposer accepts all of the terms and conditions contained in the request for grant proposals
- (7) A statement that the proposer is a private, non-profit organization
- (8) A written narrative describing how the proposer will provide services and meet the requirements of these rules
- (9) All other information required by the request for grant proposals

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.270 to 409.285

413-055-0150

Proposal Evaluation Process

(Effective 01/01/05)

Proposals are reviewed by an evaluation committee of the Department in accordance with the process and criteria set forth in the request for grant proposals and this division of administrative rules. The Department will approve, approve in part and reject in part, or reject each received proposal within 60 days after the submission deadline. Written notification is mailed to the proposer no later than five working days after the final actions are taken on the proposals. Because the State of Oregon wishes to fund programs to deal with victims of sexual offenses in all geographic areas of the state, the Department considers, as part of the evaluation process, the geographic area of the state that will be served by the proposer.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.270 to 409.285

413-055-0160

Confidentiality

(Effective 01/01/05)

- (1) If a grantee keeps the location of premises used to provide services under these rules confidential, the Department will not release that information.
- (2) Grantees must keep all individual information relating to people served by programs operating under these rules confidential.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.270 to 409.285

413-055-0165

Advisory Committee

(Effective 01/01/05)

The Advisory Committee on Domestic and Sexual Violence established in OAR 413-050-0530 advises the Department regarding its use of the Sexual Assault Victims Fund.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.270 to 409.285