

AMERICORPS PLANNING GRANT PROVISIONS
Effective January 1, 2009

These AmeriCorps Grant Provisions are binding on the grantee. By accepting funds under this grant, the grantee agrees to comply with, and include in all subgrants, the AmeriCorps Provisions, all applicable federal statutes, regulations and guidelines, and any amendments thereto. The grantee agrees to operate the funded program in accordance with the approved grant application and budget, supporting documents, and other representations made in support of the approved grant application. For the purposes of these Provisions, “AmeriCorps” refers to AmeriCorps State and National grantees only. The term grantee is used to connote either grantee or subgrantee, as appropriate, throughout these Provisions.

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I. INTRODUCING THE 2009 AMERICORPS PLANNING GRANT PROVISIONS

This is a new set of Provisions designed for AmeriCorps National Direct Planning and Indian Tribes Planning Grants. These Provisions have been created to align with the characteristics of the AmeriCorps planning grants, i.e. planning grants do not support AmeriCorps members.

II. LEGISLATIVE AND REGULATORY AUTHORITY

This grant is authorized by and subject to the National and Community Service Act of 1990 as amended, codified as 42 U.S.C. 12501 *et seq.*, and 45 CFR 2510 *et seq.* Grantees must comply with the requirements of the Act and its implementing regulations.

III. OTHER APPLICABLE STATUTORY AND ADMINISTRATIVE PROVISIONS

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

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

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

1. OMB Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments – 45 CFR Part 2541.
2. OMB Circular A-87, Cost Principles for State and Local Governments – 2 CFR Part 225.
3. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

B. NONPROFIT ORGANIZATIONS

The following circulars and their implementing regulations apply to nonprofit organizations:

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

C. EDUCATIONAL INSTITUTIONS

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

1. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.

2. OMB Circular A-21, Cost Principles for Educational Institutions – 2 CFR Part 220.
3. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

These documents can be found here:

http://www.access.gpo.gov/nara/cfr/waisidx_07/2cfrv1_07.html#215 and here:

<http://ecfr.gpoaccess.gov/cgi/t/text/text->

[idx?sid=1289932cf6539210eb14f3d8d3052a8b&c=ecfr&tpl=/ecfrbrowse/Title02/2cfrv1_02.tpl#200](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=1289932cf6539210eb14f3d8d3052a8b&c=ecfr&tpl=/ecfrbrowse/Title02/2cfrv1_02.tpl#200)

D. OTHER APPLICABLE STATUTES AND REGULATIONS

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

E. ORDER OF PRECEDENCE

Any inconsistency in the Grant Award shall be resolved by giving precedence in the following order (a) Applicable Federal Statutes, (b) Corporation and other Federal regulations, (c) Special Provisions, (d) General Provisions, (e) Notice of Funding Opportunity, and (f) the approved Grant Application including all assurances, certifications, attachments, and pre-award negotiations.

IV. AMERICORPS SPECIAL PROVISIONS

A. DEFINITIONS

For purposes of this grant the following definitions apply:

1. **Grantee**, for the purposes of this agreement, means the direct recipient of this grant (45 CFR Part 2542.510). The grantee is legally accountable to the Corporation for the use of grant funds and is bound by the provisions of the grant. The grantee is responsible for ensuring that subgrantees or other organizations carrying out activities under this award comply with these provisions, including regulations and OMB circulars incorporated by reference.
2. **Subgrantee** refers to an organization receiving AmeriCorps grant funds from a grantee of the Corporation. See 45 CFR Part 2541.370.

B. AFFILIATION WITH THE AMERICORPS NATIONAL SERVICE NETWORK

1. **Identification as an AmeriCorps Program.** The grantee must identify the program as an AmeriCorps program.
2. **The AmeriCorps Name and Logo.** AmeriCorps is a registered service mark of the Corporation for National and Community Service.

To establish the relationship between the program and AmeriCorps, the grantee must use the phrase “The AmeriCorps National Service Network” or “an AmeriCorps program” and may use the slogan “Getting Things Done”™ on public materials in accordance with Corporation guidelines and requirements.

The grantee may not alter the AmeriCorps logo, and must obtain the written permission of the Corporation before using the AmeriCorps name or logo on materials that will be sold, or permitting donors to use the AmeriCorps name or logo in promotional materials. The grantee may not use or display the AmeriCorps name or logo in connection with any activity prohibited in these grant provisions.

C. REASONABLE ACCOMMODATION

Programs and activities must be accessible to persons with disabilities, and the grantee must provide reasonable accommodation to the known mental or physical disabilities of otherwise qualified staff. All selections must be made without regard to the need to provide reasonable accommodation. See the AmeriCorps State and National FAQ entitled Reasonable Accommodation for more information.

D. LIABILITY INSURANCE

The grantee is responsible for ensuring adequate general liability coverage for the organization and its employees.

E. BUDGET AND PROGRAMMATIC CHANGES

1. **Programmatic Changes.** The grantee must first obtain the prior written approval of the AmeriCorps Program Office before making the following changes:
 - a. Changes in the scope, objectives or goals of the program, whether or not they involve budgetary changes.
 - b. Entering into additional subgrants or contracts for AmeriCorps activities funded by the grant, but not identified or included in the approved application and grant budget.
2. **Budgetary Changes.** The grantee must obtain the prior written approval of the Corporation’s Office of Grants Management before amending the approved budget in any of the following ways:
 - a. Specific Costs Requiring Prior Approval before Incurrence under OMB Circulars A-21 (2 CFR Part 220), A-87 (2 CFR Part 225) or A-122 (2 CFR Part 230). For certain cost items, the cost circulars require approval of the awarding agency for the cost to be allowable. Examples of these costs are overtime pay, rearrangement and alteration costs, and pre-award costs.
 - b. Purchases of Equipment over \$5,000 using grant funds, unless specified in the approved application and budget.

- c. Unless the Corporation share of the award is \$100,000 or less, changes to cumulative and/or aggregate budget line items that amount to 10 per cent or more of the total budget must be approved in writing in advance by the Corporation. The total budget includes both the Corporation and grantee shares. Grantees may transfer funds among approved direct cost categories when the cumulative amount of such transfers does not exceed 10 percent of the total budget.
3. **Approvals of Programmatic and Budget Changes.** Programmatic changes also require final approval of the Corporation’s Office of Grants Management after written recommendation for approval is received from the Program Office. The Grants Office will execute written amendments, and grantees should not assume approvals have been granted unless documentation from the Grants Office has been received.

F. REPORTING REQUIREMENTS

1. **Grantee Progress Reports.** Each grantee must submit an annual progress report due to the Corporation 30 days after the close of the project period. The report is submitted through the appropriate electronic system.
2. **Financial Reports.** The grantee must submit semi-annual cumulative financial reports, summarizing expenditures during the reporting period. These reports will be submitted through the appropriate electronic system. Financial report deadlines are as follows:

<u>Due Date</u>	<u>Reporting Period Covered</u>
April 30	Start of grant through March 31
October 31	April 1 – September 30

A grantee must set its own submission deadlines for its respective subgrantees sufficient to enable the grantee to report on-time.

All grantees must submit cash transaction reports on a quarterly basis to the Department of Health and Human Services Payment Management System per the Electronic Funds Transfer Agreement.

3. **Requests for Extensions.** Requests for extensions of reporting deadlines will be granted when 1) the report cannot be furnished in a timely manner for reasons legitimately beyond the control of the grantee and 2) the Corporation receives a request explaining the need for an extension before the due date of the report.

Extensions of deadlines for financial reports may only be granted by the Office of Grants Management, and extensions of deadlines for Progress Reports may only be granted by the AmeriCorps Program Office.

4. **Final Financial Reports.** A grantee must submit, in lieu of the last semi-annual financial report, a final financial report that is due within 90 days after the end of the grant.

G. GRANT PERIOD AND INCREMENTAL FUNDING

For the purpose of the grant, a project period is the complete length of time the grantee is proposed to be funded to complete approved activities under the grant. A project period may contain one or more budget periods. A budget period is a specific interval of time for which Federal funds are being provided to fund a grantee's approved activities and budget.

Unless otherwise specified, the planning grant covers a one-year project period. The project period and the budget period are noted on the award document.

V. GENERAL PROVISIONS

A. RESPONSIBILITIES UNDER GRANT ADMINISTRATION

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

B. FINANCIAL MANAGEMENT STANDARDS

- 1. General.** The grantee must maintain financial management systems that include standard accounting practices, sufficient internal controls, a clear audit trail, and written cost allocation procedures, as necessary. Financial management systems must be capable of distinguishing expenditures attributable to this grant from expenditures not attributable to this grant. The systems must be able to identify costs by programmatic year and by budget category and to differentiate between direct and indirect costs or administrative costs. For further details about the grantee's financial management responsibilities, refer to OMB Circular A-102 and its implementing regulations (45 CFR§2541) or A-110 (2 CFR Part 215) and its implementing regulations (45 CFR§2543), as applicable.
- 2. Consistency of Treatment.** To be allowable under an award, costs must be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the organization. Furthermore, the costs must be accorded consistent

treatment in both federally financed and other activities, as well as between activities, supported by different sources of federal funds.

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

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

4. **Consultant Services.** Payments for consultant services under this grant will not exceed \$540.00 per day (exclusive of any indirect expenses, travel, supplies and so on) unless procured consistent with 45 CFR Part 2543.44.

C. THE OFFICE OF INSPECTOR GENERAL

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

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

The OIG is available to offer assistance to AmeriCorps grantees that become aware of suspected criminal activity in connection with the AmeriCorps program. Grantees should immediately contact OIG when they first suspect that a criminal violation has occurred. The OIG

investigative staff is available to provide guidance and ensure that the appropriate law enforcement agency is notified, if required. The OIG may be reached by email at hotline@cnsolg.gov or by telephone at (800) 452-8210.

D. PROGRAM INCOME

1. **General.** Income including fees for service earned as a direct result of the grant-funded program activities during the award period must be retained by the grantee and used to finance the grant's non-Corporation share.
2. **Excess Program Income.** Program income earned in excess of the amount needed to finance the grantee share must follow the appropriate requirements of 45 CFR §2541.250, 2 CFR Part 225, 2 CFR Part 215, or 2 CFR Part 220 and be deducted from total claimed costs. Grantees that earn excess income must specify the amount of the excess in the comment box on the Financial Report.

E. NON-DISCRIMINATION PUBLIC NOTICE AND RECORDS COMPLIANCE

1. **Public Notice of Non-discrimination.** The grantee must notify grant staff, and the public, including those with impaired vision or hearing, that it operates its program or activity subject to the nondiscrimination requirements of the applicable statutes. The notice must summarize the requirements, note the availability of compliance information from the grantee and the Corporation, and briefly explain procedures for filing discrimination complaints with the Corporation.

Sample language is:

It is against the law for organizations that receive federal financial assistance from the Corporation for National and Community Service to discriminate on the basis of race, color, national origin, disability, sex, age, political affiliation, or, in most cases, religion. It is also unlawful to retaliate against any person who, or organization that, files a complaint about such discrimination. In addition to filing a complaint with local and state agencies that are responsible for resolving discrimination complaints, you may bring a complaint to the attention of the Corporation for National and Community Service. If you believe that you or others have been discriminated against, or if you want more information, contact:

*(Name, address, phone number – both voice and TTY, and preferably toll free – FAX number and e-mail address of the grantee) or
Office of Civil Right and Inclusiveness
Corporation for National and Community Service
1201 New York Avenue, NW
Washington, D.C. 20525
(202) 606-7503 (voice); (202) 565-2799 (TTY)
(202) 565-3465 (FAX); eo@cns.gov (e-mail)*

The grantee must include information on civil rights requirements, complaint procedures and the rights of beneficiaries in contracts, handbooks, manuals, pamphlets, and post in prominent locations, as appropriate. The grantee must also notify the public in recruitment material and application forms that it operates its program or activity subject to the nondiscrimination requirements. Sample language, in bold print, is “This program is available to all, without regard to race, color, national origin, disability, age, sex, political affiliation, or, in most instances, religion.” Where a significant portion of the population eligible to be served needs services or information in a language other than English, the grantee shall take reasonable steps to provide written material of the type ordinarily available to the public in appropriate languages.

2. **Records and Compliance Information.** The grantee must keep records and make available to the Corporation timely, complete and accurate compliance information to allow the Corporation to determine if the grantee is complying with the civil rights statutes and implementing regulations. Where a grantee extends federal financial assistance to subgrantees, the subgrantees must make available compliance information to the grantee so it can carry out its civil rights obligations.
3. **Obligation to Cooperate.** The grantee must cooperate with the Corporation so that the Corporation can ensure compliance with the civil rights statutes and implementing regulations. The grantee shall permit access by the Corporation during normal business hours to its books, records, accounts, staff, facilities, and other sources of information as may be needed to determine compliance.

F. GRANT PRODUCTS

1. **Sharing Grant Products.** To the extent practicable, the grantee agrees to make products produced under the grant available at the cost of reproduction to others in the field.
2. **Acknowledgment of Support.** Publications created by the program or grant-funded staff must be consistent with the purposes of the grant. The AmeriCorps logo may be included on such documents. The grantee is responsible for assuring that the following acknowledgment and disclaimer appears in any external report or publication of material based upon work supported by this grant.

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

G. SUSPENSION OR TERMINATION OF GRANT

Regulations related to the Corporation’s authority to suspend or terminate this grant are contained in 45 CFR§2540.400. In addition, a grantee may suspend or terminate assistance to one of its subgrantees, provided that such action affords the subgrantee, at a minimum, the notice and hearing rights described in 45 CFR§2540.400.

H. TRAFFICKING IN PERSONS

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

1. Provisions applicable to a recipient that is a private entity.
 - a. You as the grantee, your employees, subgrantees under this grant, and subgrantee's employees may not:
 - i. Engage in severe forms of trafficking in persons during the period of time that the grant is in effect;
 - ii. Procure a commercial sex act during the period of time that the grant is in effect; or
 - iii. Use forced labor in the performance of the grant or subgrants under the grant.
 - b. We as the Federal awarding agency may unilaterally terminate this grant, without penalty, if you or a subgrantee that is a private entity –
 - i. Is determined to have violated a prohibition in paragraph a.1 of this grant term; or
 - ii. Has an employee who is determined by the agency official authorized to terminate the grant to have violated a prohibition in paragraph a.1 of this grant term through conduct that is either:
 - A. Associated with performance under this grant; or
 - B. Imputed to you or the subgrantee using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement)," as implemented by our agency at 2 CFR Part 2200.
2. Provisions applicable to a grantee other than a private entity. We as the Federal awarding agency may unilaterally terminate this grant, without penalty, if a subgrantee that is a private entity –
 - a. Is determined to have violated an applicable prohibition of paragraph a.1 of this grant term; or
 - b. Has an employee who is determined by the agency official authorized to terminate the grant to have violated an applicable prohibition in paragraph a.1 of this grant term through conduct that is –
 - i. Associated with performance under this grant; or
 - ii. Imputed to the subgrantee using the standards and due process for imputing conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 2200.
3. Provisions applicable to any grantee.
 - a. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this grant term.
 - b. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

- i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this grant.
 - c. You must include the requirements of paragraph a.1 of this grant term in any subgrant you make to a private entity.
- 4. Definitions. For purposes of this grant term:
 - a. “Employee” means either:
 - i. An individual employed by you or a subgrantee who is engaged in the performance of the project or program under this grant; or
 - ii. Another person engaged in the performance of the project or program under this grant and not compensated by you including, but not limited to, a volunteer or individual whose service are contributed by a third part as an in-kind contribution toward cost sharing or matching requirements.
 - b. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 - c. “Private entity”:
 - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR Part 175.25.
 - ii. Includes:
 - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR Part 175.25(b).
 - B. A for-profit organization.
 - d. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).



Grant Program Civil Rights and Non-Harassment Policy

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

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

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

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

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

10/01/2008
Date

David Eisner, Chief Executive Officer



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