

Grants under the Indigenous Justice Program Terms and Conditions

The following terms and conditions apply to financial grants made under the Department of Justice's (the "Department") Indigenous Justice Program ("IJP"), which will subsequently be referred to as the "Program". These terms and conditions are drafted in accordance with Treasury Board's *Policy on Transfer Payments*.

1. Program and Legislative Authority

The *Department of Justice Act* (R.S.C., 1985) confers federal powers to the Minister of Justice related to the superintendence of all matters connected with the administration of justice in Canada not within the jurisdiction of the governments of the provinces and to the administration of public affairs to ensure that it is in accordance with law. The Minister has the legislative authority to manage funds relevant to the administration of justice.

2. Description, Purpose and Objectives of the Indigenous Justice Program (IJP)

2.1 Purpose and Objectives

Generations of colonization and its detrimental effects have led to the disproportionate incarceration and victimization of Indigenous people in Canada. Redress calls for the increased use of Indigenous justice, based on Indigenous laws and healing practices. The Indigenous Justice Program aims to advance this work by supporting Indigenous community-based justice programs and partnerships between Indigenous communities and the mainstream justice system.

The overall objectives of the IJP are to

- assist Indigenous people in assuming greater responsibility for the administration of justice in their communities;
- reflect and include Indigenous values within the justice system; and
- contribute to a decrease in the rate of victimization, crime and incarceration among Indigenous people in communities with community-based justice programs funded by the IJP.

2.2 Description of the Funding Components

Capacity-Building Fund

The Capacity-Building Fund supports capacity-building efforts in Indigenous communities, particularly as they relate to building increased knowledge and skills for the establishment and management of community-based justice programs. Other priority areas include developing partnerships with justice system stakeholders; and improving mainstream justice processes.

Indigenous Engagement Fund

The Indigenous Engagement Fund supports recipients to participate in engagement activities on topics and issues related to the justice system.

2.3 Alignment with Departmental and Government Objectives

The IJP is in line with the Department of Justice's strategic outcome to provide a fair, relevant and

accessible Canadian justice system.

The federal government holds the policy mandate for Indigenous justice, while the administration of justice largely is the responsibility of the provinces and territories. The IJP is delivered in a manner consistent with this constitutional division of powers, as this federally led program funds the establishment and delivery of community-based justice programs in the area of Indigenous justice.

2.4 Expected Results, Performance Measures and Indicators for Monitoring and Reporting

The effectiveness of the IJP will be monitored on an ongoing basis. The program will continue to be evaluated on a five-year cycle.

The short-term outcomes and indicators for the IJP are:

Expected Outcomes	Indicators
<ul style="list-style-type: none"> Increased capacity to deliver community-based justice programs. 	<ul style="list-style-type: none"> Number of IJP programs that received funding for a capacity building project. Percentage of programs that indicate knowledge and skills to deliver community-based justice programming.
<ul style="list-style-type: none"> Increased capacity of Indigenous community programs and organizations to participate in Indigenous justice related engagement activities. 	<ul style="list-style-type: none"> Number of Indigenous recipients receiving funding for justice-related engagement activities.

3. Eligibility Criteria

3.1 Eligible Recipients

Capacity-Building Fund

Any of the following may be eligible for grant funding under the Capacity-Building Fund:

- a. Inuit, Métis, First Nations, bands, Tribal Councils, local, regional and national Indigenous organizations;
- b. regional/municipal governments including their agencies and institutions;
- c. non-profit community organizations, societies, and associations which have voluntarily associated themselves for a non-profit purpose;
- d. provincial and territorial governments; and
- e. individuals.

Indigenous Engagement Fund

Any of the following may be eligible for grant funding under the Indigenous Engagement Fund:

- a. Inuit, Métis, First Nations, bands, Tribal Councils, local, regional and national Indigenous organizations.

3.2 Eligible Initiatives or Activities

Capacity-Building Fund

The Capacity-Building Fund is designed to support capacity-building efforts in Indigenous communities, particularly as they relate to building increased knowledge and skills for the establishment and management of community-based justice programs.

Initiatives or activities that are eligible for grant funding under the Capacity-Building Fund include those that:

- supplement the ongoing training and capacity needs of current community-based justice programs, including supporting evaluation activities, data collection, and the development and sharing of promising practices and useful models;
- support one-time or annual events and initiatives (as opposed to ongoing projects and programs) that build bridges, trust and partnerships with the justice system and Indigenous communities;
- support the training and/or developmental needs of Indigenous communities that currently do not have community-based justice programs; and
- support the development of new justice programs.

Based on Departmental priorities and resources, emphasis may be placed on certain eligible initiatives or activities over others.

Indigenous Engagement Fund

Time-limited initiatives or activities that are eligible for funding under the Indigenous Engagement Fund include activities focussed on the organization, development and implementation of engagement activities such as:

- workshops, conferences, meetings, interviews and surveys on Indigenous justice related issues or topics.

3.3 Eligible Expenditures

Funds may be used only for expenditures directly related to the activities of the project/program identified in either the original budgetary submission or a subsequent budget approved by the Department. When required, the recipient must budget for audits of financial statements.

Expenditures that are eligible for grant funding under the Capacity-Building Fund and the Indigenous Engagement Fund include:

- a. fees and disbursements;
- b. salaries and Employee Benefit Plans;
- c. honoraria including Elder Fees;
- d. liability insurance;
- e. fees for professional services;
- f. rent, utilities, maintenance of offices and other buildings, and taxes;
- g. office equipment and minor capital acquisitions net of disposal (Less than \$5,000 per acquisition);
- h. insurance on buildings, equipment and materials and fidelity bonds;
- i. supplies and materials, shipping charges, stationery, postage, printing, licenses and other fees;
- j. culturally relevant expenditures, including, but not limited to, gifts, community feasts, and ceremonial meals;

- k. travel and living expenses related to IJP projects or IJP funded engagement activities;
- l. training;
- m. computer services, library expenses, research costs and collection and analysis of statistics;
- n. advertising the availability of IJP project services or IJP funded engagement activities;
- o. continuing legal education, training and professional development for staff;
- p. facility and audio-visual rental expenses (including technology costs for hosting virtual events); and
- q. administration costs (limited to no more than 20% of the total value of the funding agreement).

The following expenditures are ineligible:

- a. costs or debts incurred prior to the effective date of the agreement, unless agreed to by the parties;
- b. capital costs such as buildings, land and vehicles; and
- c. purchase of capital assets with a market value in excess of \$5,000 per acquisition (such as, but not limited to: videoconference equipment, tools to facilitate virtual court, temporary structures like healing cabins, tipis, and ceremonial structures), unless pre-authorized in writing, and excluding vehicles.

4. Funding Applications and Assessment Criteria

4.1 Where appropriate, applications for funding should include:

- a. name, address, telephone and e-mail address of the applicant's authorized representative(s), and legal status;
- b. background history of the applicant including its mandate and a description of the programs and services it provides;
- c. demonstrated links to the objectives of the IJP and/or clear alignment with the criteria of the funding opportunity;
- d. detailed project/program description including title, identified need, goals and objectives, identification of the target groups (beneficiaries), anticipated impacts, results (service or product) and deliverables;
- e. detailed project/program budget including: amount requested from the Department, other proposed sources of revenue including in-kind support (if applicable) and a detailed list of proposed expenditures;
- f. any disclosure of the involvement of prospective recipients who are subject to the *Values and Ethics Code for the Public Service*, the *Conflict of Interest Code for Members of the House of Commons* and the *Parliament of Canada Act*; and,
- g. any additional material deemed relevant, as requested by the Department.

4.2 Criteria Used to Assess Funding Applications

Grant funding made under the Capacity-Building and the Indigenous Engagement Fund will be used to support low-risk, discrete time-limited projects.

In reviewing and recommending applications for funding under the Capacity-Building and Indigenous Engagement Funds, the assessment will also take into consideration the following factors, where appropriate:

- a. The *Canadian Charter of Rights and Freedoms* and criminal law will apply;
- b. The applicant has demonstrated that the goals, objectives and anticipated results outlined in their application can be met;

- c. The applicant has demonstrated that their application links to the objectives of the IJP and the specific priorities of the component (i.e., Fund) from which it is requesting funding;
- d. Reasonableness of overall budget and costs given proposed activities and the specific circumstances of the community, including remoteness, available infrastructure, etc.;
- e. The applicant has demonstrated how their project/program links to other programs and services in the community;
- f. The project/programs is distinctive from ongoing implementation of a governance agreement;
- g. The applicant has clearly demonstrated the need for the requested funding;
- h. The capacity of the applicant to deliver the project/program;
- i. Previous performance and previous experience with funding agreement management; and
- j. The applicant has provided all additional material deemed relevant and requested by the Department.

5. Method to Determine the Amount of a Grant

Grant funding will be determined based on estimated expenditures submitted by the recipient and the availability of funds. The Department will evaluate if proposed costs are reasonable.

6. Total Canadian Government Funding and Stacking Limits

When reviewing proposals, Departmental officials will ensure that grants made under the Fund will not cover expenses already covered through another federal funding program or strategy. When applying for funding, applicants will be required to indicate what, if any, other funds a project is expected to receive.

Total government assistance (federal, provincial and municipal assistance for the same eligible expenditures) will not exceed 100% of eligible expenditures. This stacking limit must be respected when funding is provided. If the actual total Canadian government funding to a recipient exceeds the stacking limit, Department will adjust its level of funding (and seek reimbursement, if necessary) so that the stacking limit is not exceeded. The Department will require all potential recipients to disclose all sources of funding.

The federal government may cover up to 100% of the eligible expenditures for the Capacity-Building Fund and Indigenous Engagement Fund.

7. Maximum Amount Payable

Grants under the Capacity-Building Fund shall not exceed \$150,000 per fiscal year, per recipient.

Grants under the Indigenous Engagement Fund shall not exceed \$2,000,000 per fiscal year, per recipient.

8. Basis of Payment

Where appropriate, payments to grant recipients will be made in instalments, in accordance with the Treasury Board *Policy on Transfer Payments*.

9. Repayment

In the event that a recipient receives more funding than anticipated from other sources, it may be necessary for the Department to adjust its level of assistance. The Department will negotiate specific

terms of repayment to suit the particular capacities and concerns of recipients within the context of the Treasury Board *Policy on Transfer Payments*. The Department is accountable for ensuring that reasonable recoveries are made.

10. Monitoring and Reporting Mechanisms

Recipients may be required to submit confirmation that project activities have been completed. Grant results may be used to support the IJP's performance management strategy and departmental reporting.

11. Official Language Minority Communities

All materials and services for applicants and recipients are available in the official language of their choice. The program will ensure that all necessary measures are put in place to support the development of official language minority communities in Canada, as well as to promote the full recognition and use of English and French in Canadian society.

Applicants will be required to provide information on whether the project/activity will lead to services being provided in both official languages and the impact the project/activity may have on official language minority communities. Recipients receiving funding will be required to respect the spirit and intent of Canada's *Official Languages Act* when providing services to the public as part of a funding agreement.

The Program also supports recipients that deliver community programming and services in Indigenous languages or the language of their clients' choice.

12. Intellectual Property

Intellectual property created by a recipient under a transfer payment normally remains with the recipient. A standard clause will continue to be included in the contribution agreement, which provides the Minister with a royalty-free, permanent and exclusive license to produce, reproduce or publish, in any way, the original work or an adaptation, in any language, for use within the federal public service and for non-commercial distribution. If shared rights are negotiated with the recipient, the understanding will be articulated in the transfer payment agreement.