



U.S. Department of Veterans Affairs

Veterans Health Administration

***Fundamental Principles and Policymaking
Criteria for Partnerships with Faith-Based
and Other Neighborhood Organizations***
(Executive Order 13559)



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I. Background & Summary



- Executive Order (E.O.) 13559, Fundamental Principles and Policymaking Criteria for Partnerships with Faith-based and Other Neighborhood Organizations was issued on November 17, 2010
- Amends E.O. 13279, Equal Protection of the Laws for Faith-Based and Community Organizations issued on December 12, 2003
- Describes the Federal government's obligation to monitor and enforce constitutional, statutory, and regulatory requirements relating to the use of Federal financial assistance by faith-based organizations



Summary Expectations for Faith-Based Organizations

- Allow faith-based providers to compete for federal grants and contracts while maintaining their religious identity
- Funding decisions are made on the basis of merit, not religious affiliation, or lack thereof
- Clarifies that explicitly (replaces “inherently”) religious activities cannot be directly supported with federal grant or contract funds
- Affirms that the federal government has an obligation to monitor and enforce standards regarding the relationship between faith-based and governmental entities



Summary Safeguards for Program Participants

- Beneficiary participation in explicitly religious activities offered by faith-based organizations as part of a program receiving federal funds is voluntary
- Organization cannot discriminate against a beneficiary based on religious belief or refusal to attend a religious activity
- If beneficiary or prospective beneficiary objects to religious character of organization, reasonable efforts will be made to find an alternative provider



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II. Rights of Faith-Based Organizations



- A faith-based organization is eligible to apply for and to receive a grant or contract under a program on the same basis as any eligible organization
- VA, grantees, contractors, and pass-through entities may not discriminate for or against an organization on the basis of its religious character or affiliation
- VA, grantees, contractors, and pass-through entities must ensure all award decisions are based on merit and free from actual or perceived political interference, not on the basis of religion or religious belief



- A faith-based organization that applies for and receives Federal financial assistance may retain its religious identity
- Maintain religious terms in its name
- Continue carrying out its mission including the definition, development, practice, and expression of its religious beliefs



- Use its facilities to provide services without removing or altering religious art, icons, scriptures, or other symbols
- Select its board members on religious grounds
- Include religious references in mission statement and other governing documents



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III. Organizational Responsibilities To Beneficiaries



Separate Time and/or Location

- Grantees and sub grantees (and contractors that provide program services) that engage in explicitly religious activities, such as religious worship, instruction, or proselytization, must offer those activities separately in time or location from any programs or services supported by a grant or contract from VA



- Attendance or participation in any such explicitly religious activities by beneficiaries of the programs and services supported by the grant or contract must be voluntary



Grant agreements and contracts must impose the following requirements:

- No program funds used for religious worship, instruction or proselytizing or use equipment for those purposes
- Must notify beneficiaries of rights, make reasonable referral efforts, maintain records of referrals, and promptly notify of referral failure
- May not discriminate against a beneficiary or prospective beneficiary in the provision of program goods or services on the basis of religion or religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice



- A faith-based organization that receives a grant, sub grant, or contract to provide program services under a VA grant or contract program must provide prospective beneficiaries with a written notice of their rights and protections
 - Prior to the time they enroll in or receive services from the organization, or
 - When not practical, to provide written notice at the earliest available opportunity
 - Written notice OMB Form No. 2900-0828



- Faith-based organizations who receive a grant, sub grant or contract may not:
 - Discriminate against a beneficiary or prospective beneficiary on the basis of religion or religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice
 - Require a beneficiary to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by the beneficiaries in such activities must be purely voluntary;



- A beneficiary or prospective beneficiary may report a violation of these protections to, or file a written complaint regarding a denial of services or benefits with the involved grantee, sub-grantee, contractor, or VA under which the violation or denial occurred



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IV. Offering Alternative Care



- If a beneficiary or prospective beneficiary of a faith-based organization objects to the religious character of a faith-based organization, then the organization must promptly undertake reasonable efforts to identify and refer the beneficiary or prospective beneficiary to an alternative provider to which the beneficiary or prospective beneficiary has no objection.



Referrals must be made to an alternative provider that:

- Is in reasonable geographic proximity (except for services provided by telephone, internet, or similar means)
- Offers services comparable in substance and quality
- Has the capacity to accept additional beneficiaries



- Referrals may be to another faith-based organization if the beneficiary or prospective beneficiary does not object to that provider
- However, if beneficiary requests a secular provider and one is available, the faith-based organization must make a referral to that provider



- Faith-based organizations must document all referrals to an alternative provider
- Referral records must be maintained with official grant records and include:
 - Date of the referral
 - Name of the alternative provider
 - Address and contact information of the alternate
 - Provider
- Record can consist of copy of notice with notes about referral information



- When a faith-based organization determines that it is unable to identify an alternative provider and make a referral, it must:
 - **Promptly notify the entity that made the award—either VA, the grantee, sub grantee, and/or contractor**
- The grantee or sub grantee, working as necessary with the local VA Medical Center, must determine whether there is a suitable alternative provider to which the beneficiary or prospective beneficiary can be referred