



GUIDELINES FY 2019

Introduction and Overview

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oac.ohio.gov

TTY Ohio Relay Service
1-800-750-0750

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To our constituents,

The staff of the Ohio Arts Council (OAC) is pleased to present *Guidelines 2019*, the agency's grantmaking instruction manual. Thanks to strong support from the Ohio General Assembly and Governor John R. Kasich, our agency has the ability to invest in a large number of projects, programs, awards, and experiences in Ohio in the coming year. The *Guidelines* outline the agency priorities that will guide these investments. To help you understand why we do what we do, here are a few things that we believe:

We believe Ohio is home to an incredible variety of world-class arts institutions of all shapes and sizes that generate valuable economic activity year in and year out, and whose operations deserve to be supported in a predictable and stable way, so we fund the Sustainability and Arts Access operating support programs.

We believe in the life-changing power of arts education, and think every student in Ohio should have access to quality arts learning opportunities in their schools and communities, so we support programs including Arts Partnership, the Big Yellow School Bus, and the TeachArtsOhio residency program.

We believe that calculated risk-taking spurs innovation and helps define Ohio as an exciting place to be creative, so we fund a program called ArtsNEXT. We believe that every corner of Ohio – and each of its 88 counties – deserves direct public funding for its arts activities, and that helping emerging organizations gain their footing strengthens the state's overall arts ecosystem, so we manage a program called ArtSTART.

We believe organizations that can spend time working *on* their business rather than *in* their business can improve their practices and better serve their communities, so we fund a Capacity Building program. We believe serving all groups of Ohioans using the arts is important, and that diversity and inclusion matter, so we fund a program called Building Cultural Diversity. And we believe that artists with disabilities are vibrant, innovative assets in our communities, so we fund the Artists with Disabilities Access Program.

Finally we believe that individual artists themselves sit at the very center of the creative hearts of each of our communities, enriching lives and making the state the vital and unique place that it is, so we support both a program that recognizes their artistic achievements, called Individual Excellence Awards, as well as one that helps them carry on their cultural traditions, called Traditional Arts Apprenticeships.

Like you, each of us loves Ohio, loves the arts and culture, and believes in the ability of the Ohio Arts Council to meaningfully support this good work through grant programs. We show up for work each day eager to find new ways to meet your needs, support your passions, understand your challenges, and work with you to use the power of the arts to fuel Ohio's growth and make it the best place to live, work, learn, and visit.

Thanks for reading about these programs, and we can't wait to hear about your upcoming work.

Warmly,
The Ohio Arts Council staff



Handwritten signatures of the Ohio Arts Council staff members:

- Kim
- Ken
- Shequita
- Jim
- Amanda
- Dia
- Donna
- Janelle
- Kathy
- Fel
- Quiana
- Dan
- Carla
- Justin

LEGAL REQUIREMENTS

Applicants for OAC funding are required to read this section, which will help them understand the specific requirements that must be met in order to enter the OAC funding process. However, because all OAC programs are competitive, meeting these requirements does not guarantee that an application will be funded. Applications are scored and ranked according to how well they meet the criteria listed in the *Guidelines* under each program area. For more information, please refer to the section about the program for which you are requesting funds.

OAC GUIDELINES

The OAC is governed by Chapter 3379 of the Ohio Revised Code and the Ohio Administrative Code. Information regarding these codes is available at codes.ohio.gov.

The information contained in the *Guidelines* is meant to explain agency programs, services, and policies. The information is not a set of rules that is intended to be, or can be, legally binding upon the OAC, nor does it create any rights for persons or organizations dealing with the OAC. The *Guidelines* contain written assistance for applicants that will be applied so far as it is practical to do so.

The OAC may expand, abolish, or suspend any part of these *Guidelines* to advance the business of the council. The OAC board makes all determinations as to what information should be in the *Guidelines* and how the information is to be administered and used. The OAC board, by the actions of its members, is the only body empowered to award or deny grants. The board retains the right to adjust, amend, or cancel grant awards to ensure the proper administration of the OAC's business and purpose.

NONDISCRIMINATION

The OAC complies with all local, state, and federal laws and regulations concerning civil and human rights. OAC programs, grants, and employment practices are free of discrimination based on race, gender, color, religion, national origin, disability, sexual orientation, sex, gender identity, military status, and age. Applicants receiving funding from the OAC must comply with rules including, but not limited to, the following:

- All federally funded programs, services and benefits that are administered, authorized, and participated in by OAC sub-grantees, delegate agencies, contractors, providers, or other participants shall be operated in accordance with the nondiscriminatory requirements pursuant to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; as amended, the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990; and, where applicable, the Omnibus Budget Reconciliation Act of 1981.
- No individual shall, on the grounds of race, gender, color, national origin, disability, sexual orientation, gender identity, military status, age, sex, or religion, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program, service, or benefit advocated, authorized, or provided by the state of Ohio.

Beyond these statutes, the OAC further believes that all persons deserve the right to take part in the arts and culture and all other aspects of living a vibrant and creative life in an environment of tolerance, equity, and inclusion. Historically underrepresented groups including but not limited to those identified above deserve full access to, and representation within, organizations and institutions seeking to provide arts and cultural services and experiences in Ohio. The OAC will continue to work to ensure that it models such inclusiveness, devotes time and energy to this ongoing dialogue, and remains open to expanding its understanding of and response to these critical issues over time.

DISCLOSURE

Information solicited through the OAC grant application form is crucial for policy development and planning for the state of Ohio and for the federal government. Please supply the requested information. Here are two important requirements and ways the information is used:

- Collected information is shared as required by law with the National Endowments for the Arts (NEA) and National Endowment for the Humanities (NEH) to determine trends and to establish statistical data. Section Five of the National Foundation on the Arts and the Humanities Act of 1965, as amended, authorizes the endowments, which comply with the Privacy Act of 1974 to request information for use in application processing, trend analysis, and statistical research. OAC records are public, with a few exceptions noted in law.
- The OAC, as a grantee of the NEA, must comply with Title VI of the Civil Rights Act of 1964 by requesting information and advice about specific constituencies. For the OAC, these constituencies include, but are not limited to: Black/African Americans, Appalachians, Asians, Latinos/Hispanics, Native American Indians/Alaskan Natives, Native Hawaiian/Pacific Islanders, persons with disabilities, and seniors aged 62 or older.

OWNERSHIP OF INTELLECTUAL PROPERTY

The OAC does not own, collect royalties on, or hold copyrights to artistic products resulting from its grants, nor will it take any action on behalf of the grantee to protect the grantee's intellectual property rights. The OAC does, however, have legal authority to reproduce and use submitted documentation (electronically and in print) of such artistic products for educational, promotional, official, or noncommercial purposes.

AMERICANS WITH DISABILITIES ACT POLICY

The Americans with Disabilities Act (ADA) is a federal civil rights law designed to prevent discrimination and enable individuals with disabilities to participate fully in all aspects of society. The OAC requires that all grant recipients comply with the ADA.

The OAC is committed to making the arts accessible to all Ohioans. The agency believes that accessible buildings and spaces, programs, and creative opportunities enrich the artistic experiences of all and enhance a community's cultural climate.

Section 504 of the Rehabilitation Act of 1973, as amended, states in part that, "no otherwise qualified person with a disability ... shall solely by reason of their disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." To this end, organizations that receive funding from the OAC must be fully accessible and inclusive to every individual, including people with disabilities and older adults. The OAC also requires an ADA transition plan for applying organizations that are not yet in compliance with the ADA. (For examples of ADA transition plans, please contact your program coordinator.)

Helpful Accessibility Links

People with disabilities have the legal right to access OAC-supported programs. All programs and facilities of grant applicants must be accessible to everyone. A helpful tool available on the National Endowment for the Arts (NEA) website is the *Accessibility Planning and Resource Guide for Cultural Administrators*, located here: [arts.gov/accessibility/accessibility-resources/publications-checklists/accessibility-planning-and-resource](https://www.arts.gov/accessibility/accessibility-resources/publications-checklists/accessibility-planning-and-resource). The companion to the publication *Design for Accessibility: A Cultural Administrator's Handbook* can be found here: [arts.gov/publications/design-accessibility-cultural-administrators-handbook](https://www.arts.gov/publications/design-accessibility-cultural-administrators-handbook). Each of these resources provides guidance to cultural administrators on how to achieve accessible and inclusive programming for everyone.

To review a detailed self-evaluation process that can help your arts and cultural organization comply with Section 504 and the ADA, visit: arts.gov/sites/default/files/Step6_0.pdf.

Finally, another useful checklist is the Americans with Disabilities Act Checklist for Readily Achievable Barrier Removal. Use it to assess your accommodations for people with disabilities. The checklist is available as a downloadable PDF document at: ada.gov/racheck.pdf.

Contact your program coordinator for more information on how to make your programs accessible at 614-466-2613, or for people who are deaf, deaf-blind, hard-of-hearing, or have speech disabilities contact the Ohio Relay Service; information can be found at puco.ohio.gov/be-informed/consumer-topics/ohio-relay-service/.

For more suggestions on how to make your arts and cultural organization accessible to all citizens, visit the accessibility section on our website at: oac.ohio.gov/About/About-the-Council/Accessibility.

FUNDING RESTRICTIONS

The OAC cannot fund the following activities, organizations, and expenditures:

Activity Restrictions – General

1. Applications to eliminate or reduce existing deficits.
2. Interest expenses paid on loans or debts.
3. Hospitality expenses (e.g., food and beverages for openings, receptions, or benefits).
4. Fundraising efforts (e.g., social events, benefits, and entrepreneurial activities).
5. United Fund drives or joint arts funding campaigns.
6. Applications for projects that primarily present political, denominational, religious, or sectarian ideas or projects that enhance the property of religious institutions.
7. Arts activities that are essentially recreational or therapeutic, except when the focus of the activities is on art-making led by professional artists and includes a public component, when appropriate.
8. Applications for arts activities that have already begun or have already occurred.
9. Applications that use funds from other OAC programs or funds from re-grant programs supported by the OAC as a match.
10. Applications for out-of-state travel, except for professional development, conferences, or workshops.
11. Requests for artists' fees when information about the artists and samples of the artists' work have not been included in the support materials.
12. Applications to cover costs related to filing for 501(c)(3) tax-exempt status with the Internal Revenue Service.

Academic Activities Restrictions

1. Scholarship assistance for academic credit.
2. Programs of public and private schools, including school districts, affiliates, colleges, and universities that are not designed to involve the general public (this restriction does not affect Arts Partnership).
3. Applications to support salaries and overhead of public and private schools, college, university, and government agency staff and faculty and operations.
4. Projects that are primarily for academic credit.

Organization Restrictions – Specific Situations

1. Applications from for-profit corporations, including S corporations and other entities.
2. Applications from organizations not incorporated in or located in Ohio.
3. Applications from organizations whose membership and participation policies do not comply with nondiscrimination laws.
4. Applications from organizations that are requesting or receiving funds from other OAC programs to operate the same or a similar program in the same fiscal year.
5. Applications from organizations that did not submit final reports within the time required for the preceding fiscal year.
6. Applications from organizations acting purely as fiscal agents for individual artists.
7. Applications from organizations where programming and facilities do not meet or exceed federal ADA requirements.
8. Applications for operating support from arts organizations that are receiving operating support from the Ohio legislature through a line item or earmark in the state budget during the same fiscal year in which the organization applies to receive operating support from the OAC.

Equipment and Capital Expense Restrictions

1. Brick and mortar activities and capital improvements, except in the Individual Excellence Awards.
2. Equipment purchases exceeding \$1,000, except in the Individual Excellence Awards.

Restrictions for Applications from Colleges, Universities, and Government Agencies

All applications from colleges, universities, and government agencies must:

1. Show how the applicant will involve the community outside the college, university, or agency in planning or scheduling committees and in implementing the project.
2. Show how the project will be marketed to the general community beyond college or university students, faculty, and staff or the agency.
3. Demonstrate a broad financial base of support and contain a cash match from other outside sources; that is, a match beyond staff time and overhead provided by the college, university, or agency.

If a college, university, agency development office, or research foundation prohibits departments or programs from raising other (non-OAC) outside funds, the applicant must submit a statement of that policy signed by the development office along with the application, which can then be shared with panelists during their review. The OAC recommends that all applicants build a broad financial base for their projects and programs. Indirect costs may not be used to match OAC funds if a grant is awarded; they should not be shown in the cash section of the application. Indirect costs, if listed, should be shown only in the in-kind section of the application.

Fiscal Agent Project Restrictions

Unincorporated nonprofit groups – and incorporated nonprofit organizations that lack administrative or fiscal capability – planning to produce a project ("project producers") may submit grant applications to the OAC through a **fiscal agent**. A fiscal agent is defined as an incorporated, nonprofit, tax-exempt organization that provides administrative and financial services in support of a project that it does not itself produce. Project producers should choose an organization that is located in Ohio and eligible to receive OAC funding, with a proven record of financial and administrative stability, to use as a fiscal agent. Consult the OAC staff about your fiscal agent before submitting your application. You may not submit a proposal through a fiscal agent that employs a staff or board member of the project producer. Individual artists may not apply through a fiscal agent.

The OAC reserves the authority to determine if an application qualifies as a fiscal agent project and if the representative organization qualifies as a fiscal agent. The project producer and the fiscal agent must sign a letter of agreement or a contract that clearly details the legal responsibilities and obligations of each party. A copy of the signed agreement is required for any fiscal agent application and must be submitted by the application deadline for the appropriate program. You may want to consult an attorney when drawing up this agreement.

It is common practice for fiscal agents to charge a fee, often a percentage of the anticipated income of the project. The fiscal agent fee should be included as an expense item in the project budget on the application. You may request OAC funds for all or part of the fiscal agent fee.

If a fiscal agent project is awarded an OAC grant, the grant agreement is made between the OAC and the fiscal agent, not the project producer. The fiscal agent is responsible for all OAC paperwork and reporting, including revised budgets, grant agreements, partial payment requests, and final reports. If documents are prepared by the project producer, they must be reviewed and signed by the authorized official of the fiscal agent.

Any correspondence regarding a fiscal agent-sponsored application or grant award must be submitted either by the fiscal agent or jointly by the fiscal agent and the project producer. The OAC strongly recommends that the fiscal agent maintain separate financial accounts for each project producer they represent. The OAC will not act as an arbiter for disputes between parties in grant applications or awards through a fiscal agent.