



GUIDELINES

FY 2024-2025

To Our Constituents,

The Ohio Arts Council (OAC) has supported the arts in Ohio since its founding in 1965. Thanks to strong continuing support from the Ohio General Assembly and Governor Mike DeWine, over the next biennium the OAC will invest directly in arts education, arts organizations, individual artists, and others creating innovative and engaging arts experiences in every county in our state. These *Guidelines* spell out the priorities that will guide those investments, and serve as our grantmaking “instruction manual” and rule book, all based on what we know about the arts in Ohio:

We know Ohio is home to an incredible variety of world-class arts institutions that generate invaluable 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** operating support program.

We know arts education is powerful and life-changing, and we believe every Ohio student – and learners of all ages – 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 know that supporting Black and indigenous voices and the voices of other people of color, the voices of people with disabilities, and the voices of other historically underrepresented communities is critical to elevating all of Ohio’s arts communities, so we support the **ArtsRISE** program, which invests in and expands access to programs celebrating the arts in and of these communities. We know projects centered on the arts will impact communities and the people who live there, as well as visitors from other places. We support the **ArtsNEXT** and **ArtSTART** project grant programs that empower artists and arts leaders to be forward-thinking and far-reaching in their creative efforts. And we know that organizations are working to improve staff skills and plan their futures, so we support the **Capacity Building** program to help them do it.

Finally, we know that individual artists themselves sit at the very center of the creative hearts of our communities, working to enrich lives and make Ohio the unique and welcoming place that it is, so we support a program that recognizes their outstanding artistic achievements, called the **Individual Excellence Awards**, as well as one that helps them preserve and pass down their cultural traditions, called **Traditional Arts Apprenticeships**. We also know that artists with disabilities are vibrant assets in our communities, so we support the **Artists with Disabilities Access Program** so they can further their careers.

Together, these investments tell the story of what we know and believe about the arts in Ohio: that they remain vital, that they come in many different forms, and that they are deserving of prudent, professionally administered public funding. The arts have always mattered to Ohio, and for more than 50 years the Governor and General Assembly have called upon the Ohio Arts Council – as your one and only state arts agency – to support them; indeed, we “shall administer any state funds appropriated” for their development. We take this charge seriously, as does our gubernatorially appointed board. OAC staff work each day to find new and better 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 a great place to live, work, learn, and visit. We have always believed that the arts are stronger when we all work together.

The Ohio Arts Council staff

A collection of handwritten signatures in various colors (blue, black, red) arranged in three rows. The first row contains six signatures: Donna, Dan, Dia, Justin, Carla, and Kathy. The second row contains seven signatures: Kim, Chiz, CAT, Susana, Patrick, Phiquita, and Fel. The third row contains five signatures: Andrew, Katie, Janel, Jim, and Meredith.

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. [BIPOC](#) and other 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.

Learn more about the agency's commitment to this work [here](#).

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 older adults aged 62 or over.

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.

NONPROFIT INTENT

Where specified in individual program eligibility criteria below, the phrase "nonprofit intent" is used to describe those organizations set up to operate in a nonprofit rather than for-profit manner for tax purposes, even in situations where they have not obtained designation as a 501(c)(3) nonprofit corporation from the Internal Revenue Service (IRS). In lieu of this designation, or while it is being sought, evidence of nonprofit intent is generally evidenced by: 1) organizational bylaws, 2) articles of incorporation, 3) a checking account in the organization's name, and 4) a series of published meetings by the organization's board of directors. Your OAC program coordinator can help you determine if your organization meets this definition. Learn more about gaining 501(c)(3) status at the [IRS website](#).

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 and Equity 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/impact/accessibility/publications-checklists-and-resources. 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. 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.

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.

The National Assembly of State Arts Agencies' [Inclusive Language Guide](#) is an excellent online compilation of resources, including guidance on choosing language that includes rather than excludes; that accepts and celebrates differences; and that is welcoming to everyone. Style guides, definitions, tools, and other resources are also provided specific to race and ethnicity, ability, age, gender and sexual orientation, and socioeconomic status.

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. To discuss making your programs accessible, contact the OAC at 614-466-2613 or reach out to your program coordinator directly: oac.ohio.gov/About/Staff-Directory.

Funding Restrictions

Before submitting each application to the Ohio Arts Council for funding, all applicants should review the following:

Overall Eligibility Guidelines for Organizations

To be eligible to apply for OAC funding, organizations must be both incorporated in and physically operating in Ohio. (This includes local chapters or affiliates of national organizations based out-of-state; local chapters without an EIN number associated with an Ohio address may apply only via an eligible in-state fiscal agent.) Organizations must either be 501(c)(3) nonprofits or nonprofit in intent (as described above); this excludes applications from for-profit corporations, including S corporations and other entities. Organizations' membership and participation policies must comply with nondiscrimination laws, and all programming must be offered in facilities that meet or exceed federal and state accessibility (ADA/504) requirements. OAC funds can only be used for activities that occur within the fiscal year for which funding is awarded, and funds cannot be regranted to other organizations or for other purposes. Finally, organizations must be up-to-date in reporting and in "good standing" with the OAC to be eligible to apply for funding, meaning that final reports for prior fiscal years' funding have been completed and submitted on time, and no other information or documentation requested by the agency is currently outstanding.

Other specific funding restrictions are in place as well:

1. OAC funds cannot be used to **reduce or eliminate existing deficits**, or to pay down interest expenses on debts or loans.
2. OAC funds cannot be used for **hospitality expenses** (e.g., food and beverage costs).
3. OAC funds cannot be used for **fundraising efforts** (e.g., benefits, United Fund drives, etc.) or cash prizes.
4. OAC funds cannot be used for **staff out-of-state travel** (except for approved professional development activities).
5. OAC funds cannot be used for projects whose primary purpose is to present **political or religious ideas**, or those that will enhance the property of religious or political institutions.
6. Organizations accepting funding via a **line item or earmark from the Ohio legislature** in the state's biennial *operating* budget – either directly or via a third-party or pass-through entity – are ineligible to receive competitive OAC grant awards during the same fiscal year(s).
7. OAC funds *can* be used for arts activities that are primarily **recreational or therapeutic**, but only if the focus of the activities is artmaking led by a professional artist(s) and the project includes a public component.
8. OAC funds cannot be used to carry out "**brick and mortar**" **capital improvements**, or for equipment purchases exceeding \$1,500 (excluding Individual Excellence Awards).
9. OAC funds cannot be used to cover costs related to **filing for 501(c)(3) tax-exempt status** with the Internal Revenue Service.
10. An organization receiving OAC funds from one program to operate a given program(s) or activity(s) cannot receive funds **from another OAC program** to operate the same or a similar program in the same fiscal year.
11. OAC funds received via one program cannot be used **as part of a cash match** required to apply to another OAC program.

12. OAC funds cannot be used to support **individual artists applying via an organizational fiscal agent** to carry out a specific project.
13. OAC funds cannot be used for **scholarship assistance** for academic credit.
14. OAC funds cannot be used to **pay students** enrolled in any high school, undergraduate, or graduate degree-granting program, or for **staff salaries or operational overhead of public or private schools**, colleges, universities, or government agencies.
15. OAC funds can only support **programs offered by public and private schools** – including school districts, affiliates, colleges, and universities – if they will involve and be explicitly marketed to the public (excluding TeachArtsOhio). College, university, and government agency programming must also involve the public in both planning and implementing programming, and must show financial support that includes a nominal cash match from outside sources (i.e., beyond staff time and overhead provided by the applying school or agency). Or, if a college, university, agency development office, or research foundation expressly *prohibits* departments or programs from raising outside (non-OAC) funds, the applicant must submit a statement of that policy signed by the development office along with the application. NOTE: Indirect costs may not be used as a cash match if a grant is awarded and should be shown in the in-kind section of the budget.

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 a fiscal agent that is eligible to receive OAC funding, with a proven record of financial and administrative stability. Consult the OAC staff about your fiscal agent before starting 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, submitted in ARTIE, and electronically 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.



OHIO ARTS COUNCIL

30 EAST BROAD STREET, 33RD FLOOR
COLUMBUS, OHIO 43215-3414

614-466-2613

TTY OHIO RELAY SERVICE
1-800-750-0750

OAC.OHIO.GOV



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Cover Artwork:
Mel Rae, "Dream so Big," 48" x 48," Acrylic on Canvas, 2020
Ohio Arts Beacon submission