

Ohio Arts COUNCIL



GUIDELINES FY 2017 **Introduction and Overview**

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Dear Constituents,

We are thrilled to present the revised *Guidelines 2017*, the agency's primary grant-making policy document. As described in the *State Arts Plan*, the programs and services offered by the Ohio Arts Council (OAC) are now divided into two broad categories: those focused on *innovation*, and those that involve *investment*. Our innovation activities include the resources we provide, the professional development we offer, the research we conduct, and the leadership and voice we provide for the arts. This document describes our investment work.

The revised *Guidelines 2017* is different from its recent predecessors in three important ways: it is streamlined in length and content, it is aligned to the agency's strategic plan, and it takes full advantage of up-to-date technology.

First, this version of the *Guidelines* is laser-focused on grant-making. The OAC is first and foremost a grant-maker, and we know the organizations and individuals we fund are primarily art-making institutions or artists. So while we believe going through the process of researching, applying for, and managing public funding makes arts organizations and artists better at what they do, we know that getting back to what they do as quickly as possible is important! So these *Guidelines* are clean, uncluttered, and less than one-third the length of prior documents. You'll find the information you need – who is eligible, how to apply, what you'll be evaluated on, and how to get help if you need it – so you can prepare and manage your OAC grant-writing efficiently and effectively.

This version of the *Guidelines* emphasizes the things Ohioans told us they wanted us to emphasize, as expressed in our *State Arts Plan 2015-2017*. You wanted help improving your businesses, so we've created a new standalone Capacity Building program. You told us you wanted to see artists rewarded for their creativity, and the creation of innovative new work incentivized, so the new ArtsNEXT program has been created to accommodate those projects. You told us the operating support reporting burden was difficult, so we've lessened that burden for small organizations while streamlining as many items as possible for mid-size and large organizations. And you told us that the scoring criteria and application questions had grown stale, so we've reworked them, revamped the scoring process, and simplified the criteria. These and many other changes make these *Guidelines* a better expression of your wishes, and a perfect companion to the agency's current strategic plan.

Finally, these *Guidelines* bring the agency fully into the modern world of online grant-making, as they align with the OAC's launch of its new ARTIE (Arts Resources Through Innovation and Engagement) system. Online support materials, electronic signatures, intuitive navigation, rich text editing, improved security – the list of improvements goes on and on. We know you'll love using ARTIE (almost as much as we will!), and these *Guidelines* are designed to make sure the system and the programs it supports work in perfect harmony.

Guidelines 2017 describes how funds entrusted to the Ohio Arts Council by the Governor and Ohio Legislature are to be invested in arts and culture, as well as the expected returns on those investments: quality arts experiences that strengthen Ohio artistically, educationally, and culturally. Organizational awards will be made in operating and project support programs. Individual artists will be supported through programs that recognize excellence, preserve cultural traditions, and offer developmental support. And Arts learning programs will fund a variety of purpose-driven experiences for educators and learners of all ages. We are proud to support these investments in arts and culture with a team of professional OAC staff members committed to providing responsive customer service. We encourage you to engage with us as the arts and cultural sector evolves, innovates, and continues to power Ohio's economy.

Thank you for reading, and best of luck with your coming work.



Jeffrey A. Rich
Chair



Donna S. Collins
Executive Director

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.

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 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 or spaces, programs, and creative opportunities enrich the artistic experiences of all and enhance a community's cultural climate. To that 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 organizations that are not in compliance with the ADA. For examples of ADA transition plans, please contact your regional program coordinator. For more information on accessibility, please visit our website.

Section 504 of the Rehabilitation Act 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."

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: www.nea.gov/resources/Accessibility/Planning/index.html.

The aforementioned guide is an online companion to the printed and online publication, *Design for Accessibility: A Cultural Administrator's Handbook*, which can be found here: www.nea.gov/resources/Accessibility/pubs/DesignAccessibility.html.

Both of the above resources provide guidance to cultural administrators on how to achieve accessible and inclusive programming for everyone, including individuals with disabilities and older adults. A hardcopy of the handbook is also available upon request at the OAC.

To learn more about a self-evaluation process that can help your arts and cultural organization comply with Section 504 and the ADA, visit: www.arts.gov/resources/Accessibility/Planning/Step6.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: www.ada.gov/racheck.pdf

CONTACT US

For more information on how to make your programs accessible, contact us at 614-466-2613; for TTY/TDD, use the Ohio Relay Service at 1-800-750-0750. For more suggestions on how to make your arts and cultural organization accessible to all citizens, visit the accessibility section on our website at: <http://www.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.

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 organizations not incorporated in or located in Ohio.
2. Applications from organizations whose membership and participation policies do not comply with nondiscrimination laws.
3. 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.
4. Applications from organizations that did not submit final reports within the time required for the preceding fiscal year.
5. Applications from organizations acting purely as fiscal agents for individual artists.
6. Applications from organizations where programming and facilities do not meet or exceed federal ADA requirements.
7. 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.

Restrictions for Multiple Projects

No organization with a budget of less than \$1.75 million may receive more than \$40,000 in a fiscal year through any combination of grants from the Sustainability and other programs. This cap excludes additional funding from Arts Learning programs and special initiatives. Direct any questions to the OAC staff before you submit an application. If you submit more than one application, OAC staff may ask that you submit a budget spreadsheet describing how income and expenses are divided among each request.

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 an incorporated, nonprofit, tax-exempt organization that provides administrative and financial services. Individual artists may not apply through a fiscal agent. Project producers should choose an organization with a proven record of financial and administrative stability. 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.

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.