

New York State Council on the Arts

Please read these guidelines carefully. Please also read the guidelines specific to the programs for which your application is planned. The Council on the Arts strongly advises applicant organizations to contact **program staff** before beginning the application process to ensure that the application is submitted to the appropriate program and category.

All grants are subject to the approval of the Council. Previous Council grant funding does not guarantee support in any succeeding year, and past grant award amounts are not indicative of future grant award amounts. To be eligible for a grant, an applicant must meet all eligibility requirements at the time of application and during the grant period.

Information on applicant eligibility; the application process and criteria for application review is presented in these guidelines.

What types of organizations are eligible to apply for grant support from New York State Council on the Arts?

The New York State Council on the Arts awards grants to 501(3)(c) nonprofit organizations incorporated and doing business in New York State, Indian tribes in New York State, and units of government in municipalities in New York State.

Individuals and unincorporated groups may not apply but an eligible nonprofit organization, known as a fiscal sponsor, may apply on behalf of an individual or unincorporated group. Please see the definition of *fiscal sponsor* in the [glossary](#) for more information. In FY13 Fiscal Sponsors may submit no more than 20 applications total on behalf of individuals or unincorporated groups.

What are the eligibility requirements for applicants?

Applicants must meet all of the following eligibility requirements at the time of their application for funding from the Council as well as during the grant award contracting and payment process. Organizations may be required to provide proof of compliance related to eligibility requirements at any point in the grant application and review process and the grant award contract and payment process.

1. Nonprofit Status

All first time applicants must provide proof of their nonprofit status. In New York State, a nonprofit corporation may be formed through either of two departments: the NYS Department of State or the NYS Department of Education (many museums, arts centers, historic houses, and education and service nonprofits, for example, are formed through the NYS Department of Education).

Either one of the following documents is acceptable as proof of applicant nonprofit status:

- a. Filing receipt from the NYS Department of State
- b. Charter document from the NYS Department of Education

[Click here for examples of these documents \(PDF\).](#)

2. Federal Employee Identification (FEI) Number

Organizations with salaried employees or organizations that pay fees to artists, consultants, or contractors are required to have a Federal Employee Identification ("FEI") number issued by the Federal Internal Revenue Service (visit <http://www.irs.gov> for further information). The Council uses the FEI number to identify applicant organizations and grantees. No grant payments can be authorized to organizations without a FEI number.

3. NY State Charities Registration Number

Nearly all nonprofit organizations must register with the Charities Registration Bureau at the NYS Attorney General's Office. Visit www.charitiesnys.com to learn more about this registration requirement.

Some educational and religious organizations may be exempt from this requirement. The Council cannot authorize payments to an organization without a Charities Registration number unless the organization is exempt from the registration requirement. Applicant organizations unsure of their Charities Registration status should consult legal counsel or the Charities Registration Bureau.

If an applicant organization's Charities Registration is not in good standing, the applicant will be notified by e-mail at the address provided in the Organizational Info Form portion of the application. If the applicant cannot resolve the issue (s) within 14 calendar days after the date of the e-mail, the organization will become ineligible for an award from the Council and will remain ineligible until such time as the registration is in good standing.

4. NY State Commission on Tax and Finance

Organizations with outstanding liabilities with the NYS Commission on Tax and Finance are not eligible for funding from the Council. Applicants may be required to provide proof that any such liability has been paid.

5. Final Reports

For all current grantees, the timely submission and staff approval of all mandated Final Reports is required before an application can be made to the Council and before a new Cultural Services Contract can be issued to an organization. Please log onto the NYSICA website and visit the Organization Home page on the online grant application system to review the report(s) that are due or overdue or incomplete.

Does the Council have any funding restrictions?

New York State law and Council policy restrict the types of activities and expenditures that the Council may fund. The Council is unable to fund the following:

Accumulated deficits and debt reductions

Activities not open to the public, for example, activities restricted to an organization's membership. Funded activities must be open to the public and promoted as such.

Competitions and contests

Components of an organization's budget to be used towards programs taking place outside of New York State

Hospitality and entertainment costs for receptions, openings, and fundraising benefits/events

Major expenditures for the establishment of a new organization

Operating expenses and fellowships at professional training schools that are not open to the public

Operating expenses of privately owned facilities (such as homes or studios)

Out-of-state travel expenses

Programs of public school districts and their components and affiliates

Programs which are essentially recreational, rehabilitative, or therapeutic

Public colleges and universities except in limited circumstances. Entities with close public college or university affiliations will be examined on a case-by-case basis to determine eligibility. Please download and complete *this form* to help determine eligibility. Such applicants are strongly advised to contact Council program staff in advance of the registration deadline to determine eligibility.

Requests for amounts that are greater than an organization's total operating expenses minus its total operating income

How many grants can an organization apply for?

In FY13, organizations are limited to two grant requests each. Each ongoing multi-year grant counts as one request. The following categories are exempt from the two request limit (in other words, they do not count towards an organization's limit of two requests).

- All Programs: Regrants and Partnerships category

- *Architecture & Design* Program: *Independent Projects* category
 - *Dance* Program: *Long-Term Residencies* and Rehearsal Space categories
 - *Facilities* Program: All categories
 - *Folk Arts* Program: *Apprenticeships* category
 - *Individual Artists* Program: All categories
 - *Literature* Program: *Translation* category
 - *State and Local Partnership* Program: *Decentralization* category
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When are the deadlines for Grant Applications?

For FY13 grant applications, the online registration and application system will open on Wednesday, May 16, 2012 and will close on Wednesday, June 20, 2012 at 11:59 PM. Organizations will not be able to register or apply after Wednesday, June 20, 2012.

The online system for uploading support materials is not yet open. Once it is made available, you will have ample time to upload all required support materials.

Deadlines will be strictly enforced and incomplete applications will not be considered. Applicants are responsible for making sure to allow adequate time to complete the registration, application and uploading process.

Please remember, an applicant must complete the Organizational Information Form, Cultural Data Project Funder Report and Registration before the application can be started. However, applicants may update the Organization Information Form and *Cultural Data Project Funder Report* at any time.

Grant award amounts

The Council's overall funding is determined annually in the State's budget. There is no assurance that the Council's funding awards will remain the same over an annual or multi-year term.

Previous grant funding from the Council does not guarantee support in any succeeding year, and past grant funding amounts are not indicative of future funding levels.

The Council does not make grants in amounts less than \$2,500, nor does it make grants that would constitute the sole source of financial support for an organization.

The Council rarely funds more than 50% of a project's entire budget, and in the case of requests for general support, the Council rarely funds more than 25% of an organization's budget.

Single-year and multi-year grants

Some Council grants are awarded on a single-year basis, and some grants are awarded on a multi-year basis and are renewable for up to three years.

Organizations with a continuing multi-year grant or grants must register each of those grants for each year they are in effect. Failure to register a continuing multi-year grant will result in cancellation of the grant.

Multi-year support is awarded when the panel, staff, and Council agree that a similar level of service or activity will be sustained by the applicant organization over successive years. Multi-year grants represent the Council's agreement to offer successive years of support without requiring a full application and review of the grantee in the succeeding years. Annually, multi-year grantees are required to: update the Organizational Information Profile, complete the NYS Cultural Data Project, register for continued multi-year support, notify Council staff of their programming, activities and any major institutional changes, and file annual final reports.

Electronic applicant files

The Council's grant application process is completed online. Returning applicants must update or amend information in the organization's electronic applicant file each year an application is made to the Council.

First-time applicants to the Council begin the electronic applicant file process by creating an Organization Information Profile. When ready to begin, click the *First-time Users Start Here* button. After an organization establishes an electronic applicant file, organizations can begin the grant application process.

Every organization that applies to the Council establishes and maintains an electronic applicant file. The file contains information to process and track grant requests and funding history. Applicants gain access to electronic applicant files by using a username and password combination.

Organizations' electronic files can be established at any time. If an organization has applied to the Council in any year since 2000, an electronic applicant file already exists. Contact the Council's *help desk* to recover a username or password.

How does an organization apply for a grant?

The Council's grant application process can be accessed at www.arts.ny.gov. The online information an applicant organization completes is referred to as the electronic applicant file. It is essential that an applicant's Organization Information Profile lists the full name and email of the contact person designated to receive official communication from the Council. Because the contact person may or may not be the same person completing the on-line application, please confirm the correct contact person is listed in the Organization Information Profile. This important information can be updated at any time.

The electronic applicant file requires detailed project narrative and a project budget for the proposed activity. This information and the required support materials are evaluated by the program staff, panels, and the Council. The grant application process has four steps.

1. Complete (or, where applicable, update) an Organization Information Profile and Budget Form (until these forms are complete, a grant cannot be registered nor can an application be started). To begin working, go to the NYSCA *login page*, log in to the system using the username and password issued to the applicant by the Council, click the 'Organizational Info' link on the left navigation bar and complete or update the form. Click the 'Submit' button when complete.
2. Annual registration of all grant requests with the Council.

While logged into the system, click the 'Registration Form' link and follow the instructions. When registering a grant request, state the program and category in which the organization is applying and how much funding you will be requesting. Please also include a brief overview of the proposed activity.

3. Submit the organization's last two years of financial and other data using the New York State *Cultural Data Project Funder Report*
 4. Complete an online application and provide the required support materials by the applicable deadline.
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What criteria are used to evaluative grant applications?

The following statutory requirements are utilized by the Council, program staff and panelists to evaluate all grant applications.

SERVICE TO THE PUBLIC

As a public funder, NYSCA must ensure that its grants support a broad array of cultural activity that fully represents the diversity of the state and that the supported events are accessible to the broadest possible public in every region of the state. In addition, it must ensure that the organizations and events supported comply with public safety and accessibility laws. The following are considered elements of service to the public. Applicants will be evaluated based on their strength in these areas.

Promotion and Outreach: an organization demonstrates that it makes significant efforts to reach a broad and diverse audience through marketing and public relations efforts.

Audience Development: the organization offers thoughtful and well-designed educational and interpretive activities that help build audience appreciation and understanding of the organization and its work.

Audience/Visitor Participation: the organization's public commitment to its programs and activities as demonstrated through attendance data (relevant to the population of the community served) as well as customer satisfaction surveys (if available and appropriate).

Safety & Accessibility: the activities and events that support is being sought for will take place in venues that are fully accessible to the public and comply with all safety and accessibility standards.

Diversity of Programming: programming reflects significant efforts to reach a broad array of artists and audiences.

Community Service: the organization brings value to its community through partnerships with local businesses and schools, free and low-cost events, and in other appropriate ways.

ARTISTIC/PROGRAMMATIC EXCELLENCE

NYSCA believes in artistic excellence without boundaries, and its evaluation process embraces the widest variety of cultural and artistic expression being offered to the public in a broad array of settings and contexts, including classrooms and community centers, parks, open spaces, and traditional venues.

NYSCA considers four dimensions of proposals when evaluating applications:

Idea – the concept or artistic impetus behind the artistic work or services proposed.

Practice – the effectiveness of how the artistic work and the impact it has on those experiencing it, or in the case of services the effectiveness of the services in practice and their impact on the community served.

Development – the contribution the artistic work makes to the development of the artists involved, the art form, and the arts more widely, or for services, the contribution the services make to the development of a vibrant arts and cultural community in the state.

Context – the context in which the work or services are being presented and the appropriateness of the work or services in that context.

MANAGERIAL/FISCAL COMPETENCE

As a public funder, NYSCA must ensure that funded organizations are capable of carrying out their proposals and will be ethical and effective stewards of public funds.

NYSCA considers four dimensions of managerial competence when evaluating applicant organizations.

Mission

The organization's activities must relate directly to its written mission statement. A mission statement should (1) define the organization's purpose for being and core values, (2) determine its structure, functions and purpose, (3) be approved by the organization's board, and (4) be reviewed regularly and updated when appropriate.

Governance

The organization should have a governing board of directors or trustees, and that group should be diverse and appropriate to the mission of the organization. The board should provide administrative, financial, and ethical oversight for the organization by:

- Adopting enabling documents, including by-laws and a mission statement, both of which are reviewed at regular intervals
- Selecting a chief executive and annually reviewing her/his performance
- Reviewing and approving the annual budget and ensuring that proper financial controls are in place
- Engaging in adequate fundraising for the organization by making a personal contribution to the organization and actively soliciting support on its behalf
- Ensuring fiscal and programmatic integrity and maintaining accountability by upholding legal standards and ethical norms
- Maintaining and enforcing a conflict of interest policy
- Ensuring effective organizational planning by participating in an overall planning process and monitoring its implementation
- Recruiting and orienting new board members and assessing board performance
- Enhancing the organization's public standing and value
- Understanding, monitoring, and strengthening the organization's core programs and services

Organizational Management

Organizational management will be assessed based on the extent to which the leaders of the organization comprehend their roles, advance the mission, and plan for the future.

Responsible management hinges on the:

- Existence of a professional staff appropriate to the size and mission of the organization
- Implementation of board policies by professional staff
- Comprehension, review, and revision of policies by staff and with the board as needed
- Preparation of a year-end statement of the organization's financial condition and program activities
- Offering of competitive compensation and health benefits to employees

- Appropriate compensation of artists
- Existence of personnel policies that include job descriptions and performance evaluations for board members, staff, and volunteers
- Development and implementation of a strategic plan incorporating input from the board, staff, community and other stakeholders.

Financial Management

The organization will be evaluated based on whether it provides adequate human and financial resources to enable the organization to work toward fulfilling its mission and managing those resources appropriately.

Successful financial management includes:

- Raising adequate financial resources for operating costs, cash reserve, endowment, and short and long-term capital needs
- Developing a balanced operating budget which includes contingencies, contains realistic projections of revenues and expenses, and is approved by the board
- Reviewing revenues and expenses in relation to budget at regular intervals and taking steps to raise funds or cut costs when necessary to balance the budget
- Establishing a finance committee that meets regularly to review financial statements and that reports directly to the board
- Engaging an independent financial auditor that reports directly to board
- Engaging in cost-effective fundraising activities.

Written financial policies exist that govern:

- Investment of assets, internal control procedures, purchasing practices, reserve funds, compensation expense account reporting, and earned income
- Internal financial processes are monitored, including handling of checks, petty cash, cash disbursements, and payroll management, in order to prevent errors and misuse of funds
- The use of restricted funds is monitored
- Reports comparing Adopted Budget to actual revenue and expense are made available to appropriate staff in a timely manner
- There is a fund development plan that ensures a diversified funding base
- Financials demonstrate diversified funding base
- Budget variances of more than 10% are noted and explained
- Operating deficits are explained and there is a deficit reduction plan for accumulated deficits.

EDUCATIONAL IMPACT

The nature and extent of the applicant's planned efforts to educate and orient the public about the proposed project or activities of an organization

GEOGRAPHIC LOCATION

The scarcity or availability of comparable services or activities in the geographic region in which services or activities will take place.

FUNDING AVAILABILITY

The nature and extent of the availability of other public and private funds to support comparable activities.

How does the Council review grant applications?

The Council uses a multi-step process involving program staff, peer review panels, a committee of Council members, and the full Council, as described in more detail below.

Staff Review

The Council’s program and administrative staff verify applicant eligibility and review application materials according to the Council’s *primary criteria* and program- and category-specific guidelines. Staff may meet with representatives of the organization, visit facilities, and attend programs to become familiar with the organization and its work. Staff review may be supplemented by reports from field representatives who have expertise in a particular art form.

Peer Review Panels and the Rating System

In each program category, the *peer panel* convenes with program staff present. The panel is composed of at least seven people and represents a diverse group of professionals from across the state. Each member has relevant and specific expertise. NYSCA accepts nominations for panelists from the general public. To nominate an individual for panel service consideration, visit the *panelist nomination* page. The panel discusses, evaluates and rates each request according to the Council’s *criteria*.

The panel ratings form the basis for staff funding recommendations to the designated Council Committee.

Rating System

Rating	Descriptor	Strengths/Weaknesses
9	Exceptional	Exceptionally strong (model and standard for field or discipline with essentially no weaknesses)
8	Outstanding	Extremely strong with negligible weaknesses
7	Excellent	Very strong with some minor weaknesses
6	Very Good	Strong with numerous minor weaknesses
5	Good	Strong but with at least one moderate weakness
4	Satisfactory	Some strengths but with some moderate weaknesses
3	Fair	Some strengths but with at least one major weakness
2	Marginal	A few strengths and a few major weaknesses
1	Poor	Very few strengths and numerous major weaknesses

Minor Weakness: An easily addressable weakness that does not substantially lessen impact.

Moderate Weakness: A weakness that lessens impact.

Major Weakness: A weakness that severely limits impact.

Council Committees and the Council

There are two committees composed of Council Members: (1) Multi-Arts and (2) Performing, Literary Arts and Visual Arts. Funding recommendations and panel ratings are presented to the designated Committee for review and discussion.

After review and discussion, the Committees make funding recommendations to the full Council. All Council Committee meetings and Council meetings are open to the public and are *webcast*. The Council's meeting agenda is posted at <http://www.arts.ny.gov/> in advance of all meetings and is available for review by the public.

The full Council reviews the Council Committees' funding recommendations and votes on the grant award recommendations. Upon Council approval of a grant and subsequent grantee notification, Cultural Service Contracts are issued to the organizations awarded funding.

Grant Award Notice

All applicants are notified by e-mail of the Council's funding decision within 30 days of the Council's decision. This notification is sent to the e-mail address of the person designated as the contact on the Organization Profile.

It is essential that the applicant Organization Information Profile specifies the correct name and e-mail of the person designated to receive official communication from the Council. This information can be updated and checked at any time.

Cultural Services Contract

Grantees receive a Cultural Services Contract that details one or more grants awarded to the organization. The Cultural Services Contract is a binding legal agreement that requires the grantee to carry out certain activities or provide services, paid for, in part, with funding received from the Council. Noncompliance with the terms of the Cultural Services Contract may require the return of funds to the state, and may affect eligibility for future requests for Council support.

Crediting the New York State Council on the Arts

Grantees are required to acknowledge funding from New York State. It is essential that the public is informed that public funds are used to support arts programs and services available to New York State residents, students and visitors. Therefore it is stipulated in the Cultural Services Contract that grantees must credit the Council in press releases, advertisements, programs, and other materials offered to the public. Failure to comply with crediting requirements may jeopardize future funding from the Council.

In FY13 the required crediting language is:

New York State Council on the Arts with the support of Governor Andrew Cuomo and the New York State Legislature.

For organizations receiving General Support, acknowledgement of Council support is required for all public programs and services occurring within New York State. If the grant funded projects or services the acknowledgement of Council support is required on all materials related to the specific funded activities.

Any questions about proper acknowledgement of Council support may be directed to the *Help Desk*.

The Council on the Arts Logo

For organizations wishing to incorporate the Council's logo in their print or online materials, the logo is available in various *EPS, TIFF, and GIF* formats. The logo may not be substituted for the required crediting language but may be used in addition to the required language.

Final Reports

All grantees are required to submit a Final Report for each grant received from the Council. The Final Report must be received by the required deadline, should demonstrate compliance with the terms of the Cultural Services Contract, and must be approved by the Council.

Final Report forms are part of the organization's electronic file and are completed and submitted online. Once the online Final Report form is completed, a Certification Page must be printed, signed and mailed to the Council to complete the process. Final Reports that do not include a Certification Page are considered incomplete.

An organization is not eligible to register for new or ongoing (multi-year) funding nor to be issued new Cultural Services Contract(s) if no Final Report is submitted or if the Final Report submitted is incomplete or if the Council does not approve the Final Report.

The final report due dates are [September 30](#), [December 31](#), and [March 31](#). The due date for Final Reports is printed on the award notification and Cultural Services Contract and is displayed on the Organization Home Page in the Council's web site. An e-mail reminder will be sent to every grantee no later than two weeks before the final report is due. Please confirm that the email for the organization is up to date on the grantee's Organization Information Profile form.

Can an organization appeal a funding decision?

An applicant may appeal the Council's funding decision. The appeals procedure is set forth in Part 6401 of the New York Codes, Rules and Regulations. To review the Appeals Rules [click here](#). Appeals are decided by an Appeals Panel with a minimum of seven members. No members of the Appeals Panel will have participated on the panels which reviewed the applications being appealed. The recommendations of the Appeals Panel are presented to the full Council to be reviewed and decided upon. The Council's decision on an appeal is final and not appealable.

In summary: the process requires that the applicant obtain a verbal statement of the basis for the Council's decision. Requests for statements should be made to the program referred to in the letter notifying the applicant of the Council's decision. If, after reviewing the statement, the organization wishes to pursue an appeal, the appeal must be made in writing to the Council's Executive Director, and the letter must be received no later than 5:00pm on the 21st calendar day after the date of the Council's notification letter to the applicant. If the applicant has not been able to consult with the appropriate program within the time limitation, a written request to appeal must still be submitted within the 21 calendar day time period.

Thereafter, the applicant will receive a written response and in that response, a deadline for the submission of all allowable material supporting the appeal will be established. No deadline date will be set earlier than seven days from the date of the written response. Failure to meet any deadline date in the appeals process results in the loss of the right to appeal the Council decision.

The Appeals Panel evaluates the review process by which the initial grant decision was made and reviews the application and panel notes. The panel does not review the artistic merit of the application.

Dissatisfaction with the denial of a grant or with the amount of the grant is not a valid ground for appeal. One or more of the following are valid grounds for appeal:

Nonpresentation of information

Information known to the Council staff prior to the Council's decision that was not presented and that might have altered the decision.

Misrepresentation of information

Information known to the Council staff prior to the Council's decision that was changed in its presentation and that, if presented differently, might have altered the decision.

Improper procedure

Contention by the applicant that: 1) the review of the funding request by the appropriate panel was biased; 2) the decision by the Council was arbitrary and capricious.

If the appeal request is successful, the funding decision will be reconsidered by the appropriate program and panel and then by the Council committee and the Council. In the case that the appeal is upheld based on panel bias, the decision will be reconsidered directly by the appropriate Council committee and then by the Council.

All appeals panel meetings are open to the public and are **webcast**. The Appeals Panel meeting agenda and discussion materials are posted on <http://www.arts.ny.gov> in advance of the meeting and are available for review by the public.

Transparency

The Freedom of Information Law, N.Y. Public Officers Law §§ 84–90, grants the right of access to many public documents, including those of the Council on the Arts.

Pursuant to New York’s Open Meetings Law, N.Y. Public Officers Law §§ 100–111, meetings of the Council on the Arts are open to the public and are announced in advance.