

# NEVADA ARTS COUNCIL GRANT POLICIES

Fiscal Year 2022 (FY22): July 1, 2021 – June 30, 2022



## **GENERAL ELIGIBILITY REQUIREMENTS**

Please refer to individual grant guidelines for specific eligibility requirements for each grant.

### **INDIVIDUALS**

- Must be at least 21 years old (must provide proof of age in the form of a driver's license/ID or other official document such as a passport or birth certificate)
- Must be a current Nevada resident and have been in residence for at least one year prior to the date the grant application is submitted (must provide proof of residency in the form of a Nevada driver's license or ID renewed at least one year prior or other official document such as a utility bill, paystub, or lease dated at least one year prior with applicant's name and address listed)
- Must be a U.S. citizen or have legal permanent resident status
- Must not be enrolled as a degree-seeking student
- Must not be currently incarcerated

### **NONPROFIT ORGANIZATIONS (including nonprofit private schools)**

- Must have federal tax-exempt status under Section 501(c)(3) of the Internal Revenue Code (Fiscal Agents are not accepted in FY22)
- Must have active incorporation status with the Nevada Secretary of State showing evidence of good standing at the time of application. An indication of active status confirms that the nonprofit corporation exists, is authorized to conduct business in the State of Nevada and has met all licensing and corporation requirements. Applicant organizations can check their status here: <https://esos.nv.gov/EntitySearch/OnlineEntitySearch>
- Must have a DUNS number. A Data Universal Numbering System (DUNS) number is a unique nine-character identification number required of all federal grant recipients. DUNS numbers are provided by the company Dun & Bradstreet and can be obtained for free at [www.dnb.com](http://www.dnb.com)
- Organizations located in states that border Nevada may apply for a grant if they are incorporated in Nevada with 501(c)(3) tax-exempt status. However, the application must clearly demonstrate that the majority of the proposed project (at least 75%) serves Nevada communities, and all awarded grant funds must be used to support Nevada communities
- Must be in compliance with all applicable Nevada state laws

### **PUBLIC INSTITUTIONS**

- **GOVERNMENT AGENCIES (including federally recognized tribes):** Agencies that exist within the same governmental entity are eligible to apply independently when they have different/distinct mission statements and their own separate advisory boards. Multiple departments/facilities within one agency may not apply independently; each agency must collectively determine the programs or projects for which to request funding
- **COLLEGES/UNIVERSITIES:** Limited to no more than one grant to the same academic department per fiscal year. Projects must serve a broad community outside the institution and generate area-wide arts involvement. Grants may not support the institution's internal programs
- **PUBLIC SCHOOLS AND PUBLIC LIBRARIES:** Individual schools and libraries within the same district/system may apply independently as long as they have their own budget and facility

*Current Nevada Arts Council staff members, board members, and immediate family members or individuals sharing the household of current staff or board members are not eligible for Nevada Arts Council grants.*

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## **GENERAL FUNDING RESTRICTIONS**

In addition to the list below, other costs may or may not be allowable depending on the grant program. If in doubt about a particular cost, please contact Nevada Arts Council staff. The following costs are non-allowable:

- Any portion of a project that duplicates costs in grants pending with, or received directly from, the National Endowment for the Arts
- Any portion of the same project in multiple grant applications
- Any portion of completed projects
- Anything specifically forbidden by Nevada state law or federal law
- Capital expenditures for land or general-purpose equipment with a cost over \$2,500
- Cash prizes
- Competition awards
- Fees for filing for 501(c)(3) tax-exempt status with the Internal Revenue Service
- Fines, penalties, or debt collection costs
- Travel outside Canada, Mexico, the United States, and its territories and possessions
- Fundraising efforts or the money spent in order to raise additional funds (such as social events and benefits)
- Hospitality or entertainment expenses (including food, beverages and gratuities for openings, receptions, parties or other hospitality functions)
- Journalism, historical or academic documentary film, and electronic media arts that do NOT demonstrate significant artistic emphasis, consideration, and distinction
- Legal fees or litigation costs
- Lobbying expenses
- Performances of a prurient nature
- Preparation for, or travel to, competitions (except for Poetry Out Loud participants)
- Projects with implicit religious content that may be perceived as advancing a religious purpose
- Publication subvention
- Reduction of debt including interest expenses paid on loans, debts, or borrowed capital
- Renovation, remodeling, restoration, or new construction
- Reserve funds
- Salaries and overhead of government agencies, public institutions, and public and private schools, colleges, and universities
- Student scholarships for academic credit or awards for student work

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## **GRANT REVIEW PROCESS**

### **PANEL REVIEW**

Nevada Arts Council staff reviews applications for eligibility and completeness. Applications that meet all requirements are accepted for further review. Applications are then reviewed and evaluated in an impartial environment by panels of in-state and/or out-of-state arts specialists, artists, and educators. The panelists score grant applications and make funding recommendations to the Nevada Arts Council Board. Not all applications are funded, and grant awards may vary from requested amounts. During panel meetings, only the panelists participate in the discussion and scoring of applications. Panelists are required to disclose all known conflicts of interest with any grant applicant(s) and abstain from the discussion and scoring of the specified applicant(s). A conflict of interest shall be deemed to exist if a panelist or any member of a panelist's immediate family:

1. Has direct involvement in the operation, management, or serves on a board of directors or trustees of an applicant
2. Has a direct ownership interest or investment interest in an applicant
3. Is employed by or volunteers for an applicant
4. Receives or has the right to receive, directly or indirectly, remuneration pursuant to any arrangement for compensation with an applicant

After panel meetings are completed, the Nevada Arts Council Board convenes in a public meeting to discuss the grant panel review and to vote on final grant allocations. Per Nevada Arts Council Board decision on September 20, 2019, grant applications with an average score of less than 70 will not be funded. Applicants are encouraged to observe panel meetings in person or to listen via internet or teleconference options as panel discussions provide insights to effective grant writing and program evaluation. However, applicants are not required to attend grant panels, nor will absence from these meetings prejudice application review. Applicants are asked to refrain from contacting panel members before or during the panel meeting process.

### **INTERNAL REVIEW**

Nevada Arts Council staff reviews applications for eligibility, completeness, and adherence to the program requirements. Applications that meet all eligibility and program requirements are awarded in the order in which they are received while funds remain available. A record of the review process is maintained for all applications. Grants are contingent on available funding as approved by the Nevada Arts Council Board.

### **APPEALS PROCESS**

An applicant who disputes a review panel's recommendation on grounds of procedural errors may request a review of that recommendation by the Nevada Arts Council board. Procedural errors might include a technical error preventing panelists from properly viewing the application or a failure of a panelist with a known conflict of interest to abstain from the discussion. Disagreement with the judgment of the panel or the amount of the award is not grounds for an appeal. Incomplete applications are not eligible to appeal. To file an appeal, the applicant must submit a letter to the Nevada Arts Council's Executive Director within 30 days of the panel meeting stating the reason(s) for the appeal

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request. Appeals will be reviewed and acted on by the Nevada Arts Council Board after consultation with staff. The decision of the Nevada Arts Council Board is final. The Nevada Arts Council does not tolerate any form of verbal abuse, harassment or intimidation toward its board or staff.

## **GRANTEE RESPONSIBILITIES/REQUIREMENTS**

### **1. TERMS AND CONDITIONS**

To accept and receive a Nevada Arts Council grant, the Terms and Conditions document in the award packet must be signed by the individual or authorizing official within 30 days of the Grant Award Letter date. All grant documents may be signed with an electronic or physical signature.

**DECLINING GRANT: If the awardee cannot meet the deadline or does not intend to accept the grant, it is their responsibility to contact the Nevada Arts Council in writing immediately.**

### **2. GRANT PAYMENTS AND VENDOR REGISTRATION**

Per Nevada state law, a State of Nevada Vendor Number is required to receive grant funds from the Nevada Arts Council, and all grant payments must be made via direct deposit. If grantees do not have a current Nevada Vendor Account or if their bank account or mailing address has changed since the account was set up, grantees must complete the Vendor Registration Form:

<https://controller.nv.gov/Buttons/ElectronicVendorReg/>

Grantees may check their vendor status by contacting “Vendor Database Services” at the NV State Controller’s Office at [vendordesk@controller.state.nv.us](mailto:vendordesk@controller.state.nv.us) or (702) 486-3895.

### **3. THANKING ELECTED OFFICIALS**

All grantees are required to thank their state and federal elected officials\* for supporting the Nevada Arts Council and the National Endowment for the Arts. The letters should convey their appreciation of support for arts funding and include details about the grant award such as the name of the grant program, awarded amount, and the project/activity the funds supported. In the Final Report, grantees must provide proof/confirmation that the Thank You Letters were sent. The required Thank You Letters may be sent via U.S. mail or email. Grantees may utilize the website below to find their elected officials and send thank you letters via email: <https://votervoice.net/fb/NVARTS/home>

*\*State Officials include the Governor, Lieutenant Governor, and State Representatives from your registered district (Senate and Assembly). Federal Officials include the President, Vice President and Congressional Representatives from grantee’s registered district (Senate and House of Representatives)*

### **4. CREDIT ACKNOWLEDGEMENT**

Nevada Arts Council grants are made possible primarily through public dollars—appropriations from the State of Nevada and grants from the National Endowment for the Arts. It is required that acknowledgement of this support be prominently posted on grantee websites (if applicable) and included in all applicable grantee publicity and printed materials such as programs, catalogues, posters, news releases, and advertisements. It is the grantee’s responsibility to contact the Nevada Arts Council if they do not have a website or cannot display the required logos and text on their website or printed materials. Nevada Arts Council logos may remain on past grantee material;

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however, National Endowment for the Arts credits must be removed from all materials upon completion of the grant period.

- Please use only the approved versions of the Nevada Arts Council and National Endowment for the Arts logos which are available to download at: <https://www.nvartscouncil.org/nac-nea-logos/>
- When using the logos on a website, please link to the corresponding websites:  
NEVADA ARTS COUNCIL: <http://nvartscouncil.org>  
NATIONAL ENDOWMENT FOR THE ARTS: <https://www.arts.gov/>
- When no printed information is distributed, verbal credit must be given prior to each performance or presentation. Required Credit Language: “This program/project was supported, in part, by the Nevada Arts Council, a state agency, which receives support from the National Endowment for the Arts, a federal agency, and the state of Nevada.”

## 5. PROJECT AMENDMENTS

If the awarded project is altered substantially (over 20% change in any item) from the approved application, or if there are substantial financial, programmatic or personnel changes within the organization, the grantee must submit a Grant Amendment Request Form to the Nevada Arts Council (included in the award packet). This form must be submitted within 30 days of the requested change and grantees must receive Nevada Arts Council approval for proposed changes to stay in compliance

## 6. FUNDING SOURCES AND MATCH REQUIREMENTS

The Nevada Arts Council receives both federal funding through the National Endowment for the Arts and state funding through the Nevada State Legislature. The grant award letter will detail which funding source(s) constitute each grant award.

In some grant categories, grantees must match the awarded grant funds in cash and/or in-kind depending on the grant program. Matching funds must be current income from no earlier than 6 months prior to the date of the award. **Other state general funds or federal funds may not be used as a match for Nevada Arts Council grants.**

## 7. ACCESSIBILITY & ADA/504 COMPLIANCE

Making the arts accessible to Nevadans of all cultures and abilities, without prejudice to geographic or economic status, is a priority for the Nevada Arts Council. By making Nevada’s arts and cultural programs, activities, information, and facilities accessible to all people—with and without disabilities—we open the door to an expanded audience of participants, patrons, and advocates.

Grant recipients must comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The Rehabilitation Act of 1973, Section 504 mandates that no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The ADA requires that all arts organizations make

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their programs, services, and activities (including employment) accessible to qualified persons with disabilities. ADA applies whether or not an arts organization receives federal funds. Grantees must have a current Organization Accessibility Checklist, Self-Evaluation, or Plan on file during the grant period. The organization must review and update this document every three years to be current. For information on requirements of the ADA or how to make programming and facilities more accessible, download the *Design for Accessibility Handbook* along with an *Arts Accessibility Checklist* on the National Endowment for the Arts' Accessibility Resources homepage at: <https://www.arts.gov/impact/accessibility/publications-checklists-and-resources>

## 8. FINAL REPORTS

All Nevada Arts Council grantees are required to complete and submit Final Reports on our online grant management system by the deadline stated in the award packet, or by June 30 of the fiscal year, whichever is sooner. If the funded project occurs in June, grantees have until July 15 to submit their Final Report. Information on reporting requirements for each grant category are included in the associated Grant Award Packets.

## 9. OUT OF COMPLIANCE

If grantees expect to miss the Final Report deadline, they may send a written request for an extension. If approved, grantees must submit all required Final Report paperwork by the extended deadline or be out of compliance and forfeit any remaining grant funds. Extended deadlines for annual grants can be no later than July 31 of the grant year. The grantee will remain out of compliance and unable to apply for or receive future Nevada Arts Council grants until the Nevada Arts Council receives all delinquent paperwork.

## 10. RECORD KEEPING

All Nevada Arts Council grant recipients are required to keep copies of the original grant application, associated financial records, supporting documents, and all other records pertinent to any Nevada Arts Council grants for a minimum of three years after the end of the project. Grant funds may be considered taxable income. Per Nevada Arts Council and National Endowment for the Arts requirements, all grantees must permit the Nevada Arts Council to access their records and financial statements as necessary during the fiscal year of the award to ensure compliance with federal award requirements.

## 11. AUDITS

Organizational grant recipients may be subject to an on-site audit performed by Nevada Arts Council staff. Nevada Arts Council staff will notify grantees of the audit date at least 45 days in advance.

If a recipient receives \$750,000 or more in federal funds within the fiscal year from any source, the federal government requires recipients to submit a Single Audit report to the Nevada Arts Council for the year in which Nevada Arts Council funds were received and spent.

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## **OTHER GRANT POLICIES**

### **AVAILABILITY OF FUNDS FOR THE CURRENT FISCAL YEAR**

All Nevada Arts Council grants are subject to, and contingent upon, sufficient funds being appropriated, budgeted, and otherwise made available by the Nevada Legislature and/or federal and other sources. The Nevada Arts Council, as the granting authority, may reduce or terminate grant(s), and the grantee waives any and all claim(s) for damages, effective immediately upon receipt of written notice (or any date specified therein) if for any reason the granting agency's funding from state and/or federal sources is not appropriated or is withdrawn, limited, or impaired.

### **LEGAL REQUIREMENTS**

The Nevada Arts Council complies with all state and federal laws and regulations concerning civil and human rights, including Title IV of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972 and the Age Discrimination Act of 1975. The Nevada Arts Council ensures that its programs, grants and employment practices are free of any discrimination based on race, national origin, disability, sex, sexual orientation or age.

### **DATA DISCLOSURE**

The information requested of all Nevada Arts Council grant applicants (in grant applications and Final Report forms) is critical for state and national cultural policy development and planning. Both the National Endowment for the Arts and the Nevada Arts Council use this data to determine trends, establish statistical data, and develop budget requests. This data is the foundation for the Nevada Arts Council budget request, presented to the Governor's Office and the Nevada State Legislature every biennium. Section Five of the National Foundation for the Arts and Humanities Act of 1965, as amended, authorizes these national endowments to request such information for use in application processing and in trend analysis and statistical research. As this complies with the Privacy Act of 1974, the Nevada Arts Council responds to National Endowment for the Arts requests for information.

### **INDIRECT COSTS**

Indirect costs are defined as the expenses of doing business that are not readily identified with a particular grant or project. They may include administration, personnel, or other allowable expenses. If indirect costs are requested, they must be presented in the application budget. A federally negotiated rate agreement must be provided in the support materials. If no federally negotiated rate agreement is in place, organizations may request an indirect costs rate of 10% of the grant request. Indirect costs may not be requested in Operational Support Grants.

### **OWNERSHIP OF INTELLECTUAL PROPERTY**

The Nevada Arts Council 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 Nevada Arts Council does, however, request from all its grantees the right to reproduce and use documentation of such products for educational, promotional, official or noncommercial purposes, both electronically and in print.