

**RULES
OF
THE TENNESSEE ARTS COMMISSION**

**CHAPTER 0140-1
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TABLE OF CONTENTS

0140-1-.01	Definitions	0140-1-.04	Grantsmaking Power of the Tennessee Arts Commission
0140-1-.02	Summary and Purpose	0140-1-.05	Powers of Commission Staff
0140-1-.03	Qualifications of Grant Applicants	0140-1-.06	Administrative Review

0140-1-.01 DEFINITIONS.

As used in these regulations, the following definitions shall apply.

- (1) An "appeal" shall mean the procedure for bringing grievances that cannot be resolved in the local office of the Tennessee Arts Commission by Commission staff.
- (2) An "applicant" shall mean an individual or organization that has submitted or will submit an application for a grant award.
- (3) The "Chairman" shall mean the Chairman of the Tennessee Arts Commission.
- (4) The "Commission" shall mean the Tennessee Arts Commission.
- (5) The "Executive Committee" shall mean the Officers of the Tennessee Arts Commission.
- (6) The "Executive Director" shall mean the Executive Director of the Tennessee Arts Commission.
- (7) "His", "Hers," and "Its" shall be interchangeable.

Authority.- T.C.A. §4-20-105. Administrative History: Original rule filed July 6, 1989; effective October 29, 1989.

0140-1-.02 SUMMARY AND PURPOSE

The Tennessee Arts Commission, an independent agency of the State of Tennessee, was created in 1967. Its duties and objectives are: (1) to stimulate and encourage throughout the State the study and presentation of performing, visual, and literary arts and public interest and, participation therein, (2) to encourage participation in, appreciation of, and education in the arts to meet the legitimate needs and aspirations of persons in all parts of the State; (3) to take such steps as may be necessary and appropriate to encourage public interest in the cultural heritage of our State, to expand the State's cultural resources, and to promote the use of art in the State government's activities and facilities; and (4) to encourage excellence and assist freedom of artistic expression essential for the well-being of the arts. In addition to its responsibility for and to the arts and artists in Tennessee, the Commission has supervision and administrative responsibility for the Tennessee State Museum located in the James K. Polk Building at 505 Deaderick Street in Nashville.

Authority: T.C.A. §4-20-105. Administrative History: Original rule filed July 6, 1989; effective October 29, 1989.

0140-1-.03 QUALIFICATIONS OF GRANT APPLICANTS.

- (1) To be eligible, an applicant must:

(Rule 0140-1-.03, continued)

- (a) Be an individual artist who is a legal resident of Tennessee, or
- (c) Be a not-for-profit organization chartered in the state of Tennessee. Organizations qualifying for this status must meet the following criteria.
 - 1. Be tax-exempt.
 - (i) No part of net earnings may benefit a private stockholder or Individual.
 - (ii) Donations to the organization must be allowable as a charitable contribution under Section 170 (c) of the Internal Revenue Code of 1954, as amended. A copy of the U.S. Department of Treasury, Internal Revenue Service Division determination letter for tax-exempt status or of the official document identifying the application organization as a unit of either state or local government or religious organization must be on file with the Tennessee Arts Commission. A copy of an application for such exemption under Section 170 (c) or 501 (c) (3) may be submitted to the Arts Commission. However, no funds will be awarded until a copy of the actual letter of income tax-exemption status has been filed with the Arts Commission. Unless income tax-exemption status is verified by September of the fiscal year in which the grant has been awarded, the award may be cancelled and the funds reallocated.
 - 2. Comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1971, the Age Discrimination Act of 1975, the Drug-Free Workplace Act of 1988, and where applicable, Title IX of the Education Amendments of 1972, Title VI and Section 504 bar discrimination on the basis of race, color, national origin, or personal handicap in Federally assisted projects. The Drug-Free Workplace Act of 1988 requires that recipients of Federal grants certify that they will provide a drug-free work place. Title IX prohibits discrimination on the basis of sex in federally assisted education programs and activities. Requests for information pertinent to these laws should be addressed to the Tennessee Arts Commission.
 - 3. Compensate professional personnel, laborers, and mechanics on Arts Commission supported projects at no less than prevailing minimum compensation as defined by the U.S. Secretary of Labor in parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations. A copy of these regulations is available from the National Endowment for the Arts' Grants Office upon request. The address is 1100 Pennsylvania Avenue, N. W., Washington, D.C. 20506.
 - 4. Conform to the labor standards as described on the U.S. Department of Labor's Form 1-297, i.e. no part of any project or production which is financed in whole or in part under a grant from the Tennessee Arts Commission will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production. Where appropriate, the grantee shall furnish adequate assurances as to the labor standards by obtaining and signing Form 1-297 and submitting it to the Arts Commission,
 - 5. Provide all requested information.
 - (i) In compliance with the Privacy Act of 1974, Section Five (5) of the National Foundation of the Arts and Humanities Act of 1965, as amended, authorizes the Endowments to solicit information to be used in processing applications, for statistical research, analysis of trends, and legislative oversight. Failure to provide: all requested information to the Tennessee Arts Commission could result in rejection of your application.

(Rule 0140-1-.03, continued)

- (ii) In connection with Title VI of the Civil Rights Act of 1964, the National Endowment for the Arts and the Tennessee Arts Commission seek pertinent information and thoughtful advice concerning minority (Including but not limited to American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic Origin, Hispanic; other ethnic groups) participation in the arts. As part of this effort, the application forms for most grant categories request information about audience, artists, and applicant characteristics. The Commission welcomes information about the racial and ethnic composition of communities served by your organization, special programs and services provided to those communities, and the present or proposed membership in any planning or advisory body connected with your organization. In addition, the Commission welcomes ideas or suggestions which might assist efforts to strength and expand community participation in the arts at all levels.
- (c) If an otherwise qualified organization does not have the appropriate legal status, a nonprofit organization with that status may apply on the group's behalf. Such an organization must agree to sponsorship and must submit the application. The application organization must work closely with the group on whose behalf it is applying and must undertake full, accurate accounting of and full legal responsibility for grant funds. Persons who have questions in this area can contact the Director of Grants Management, Tennessee Arts Commission, 401 Charlotte Avenue, Nashville, Tennessee (615) 741-1701.

Authority: T.C.A. §4-20.-105, **Administrative History:** Original rule filed July 6, 1989, effective October 29, 1989.

0140-1-.04 GRANTSMAKING POWER OF THE TENNESSEE ARTS COMMISSION.

The Commission establishes guidelines for all grant programs including categories for community arts development, dance, folk arts, literature, music theater, touring /presenting, and the visual arts. The guidelines establish procedures on application, funding criteria, and review process. The Commission shall evaluate these grant programs and revise the guidelines from time to time. Copies of guidelines are available to the public by writing or calling the Commission.

Authority: T.C.A. §4-20-105. **Administrative History:** Original rule filed July 6, 1989; effective October 29, 1989.

0140-1-.05 POWERS OF COMMISSION STAFF.

The staff of the Commission, including the Executive Director, has powers limited to executing and carrying out Commission policy.

Authority: T.C.A. §4-20-105. **Administrative History:** Original rule filed July 6, 1989; effective October 29, 1989.

0140-1-.06 ADMINISTRATIVE REVIEW

- (1) An applicant or his authorized representative on his behalf has a right to appeal any decision denying his application for a grant in whole or in part and/or his request for an exception and/or change to the grant's guidelines.
- (2) Any request for an appeal shall be in writing addressed to the Executive Director and shall specifically state the reason(s) why the grant should have been awarded and/or an exception or change to the guidelines permitted.
- (3) Any appeal which contests the Commission's guidelines, and/or the denial of an exception to the guidelines must be filed no later than forty-five (45) days before the applicant deadline of the grant category at issue. The appeal will be reviewed by the Commission and the appeal will be decided by

(Rule 0140-1-.06, continued)

majority vote of those members constituting the appeal. The applicant will be notified of the Commission's decision no later than two (2) weeks or ten (10) working days before the application deadline.

- (4) Any appeal which contests the denial of a grant in whole or in part must be filed no later than August 1 of the calendar year in which the grant was applied. The Executive Director shall review the appeal and issue a decision in writing no later than September 1 of the calendar year in which the grant in issue was applied. If the applicant is not satisfied with the Executive Director's response, he or his representative can appeal to the Executive Committee no later than October 1 of the calendar year in which the grant in issue was applied. The appeal should be addressed to the Executive Director who will forward the appeal to the Executive Committee. The applicant or his representative may request a personal appearance before the Executive Committee. The applicant or his representative will be notified as to the request of a personal appearance no later than November 1 of the calendar year in which the grant in issue was applied. The Executive Committee may ask on its own initiative that the applicant or his representative make a personal appearance before the Executive Committee. If the applicant or his representative declines to appear, the Executive Committee may proceed to decide the appeal. The Executive Committee will make a recommendation on the appeal by majority vote by those committee members constituting a quorum attending the Executive Committee meeting reviewing the appeal. The Commission will act on the Executive Committee's recommendation and will issue a final decision to the applicant or his representative no later than January 1 of the following calendar year in which the grant in issue was applied. The Commission has the power to reduce or increase a grant award.
- (5) The ruling of the Commission shall be the last administrative remedy and there shall be no further right of appeal.

Authority: T.C.A. §4-20-105, Administrative History; Original rule filed July 6, 1989; effective October 29, 1989.