

CHAPTER 305
OPERATING AND GRANTING POLICIES

[Prior to 11/15/23, see Arts Division[222] Ch 2]

261—305.1(15) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 261—Chapter 304 shall apply to this chapter.
[Editorial change: IAC Supplement 11/15/23]

261—305.2(15) Operating policies. The following operating policies shall apply to authority arts programs and services except where noted:

305.2(1) Annually, the authority appoints advisory panels or reviewers to assist in any aspect of authority arts programs or services. The authority shall accept nominations from the general public of qualified individuals to serve in these capacities.

305.2(2) Recommendations of advisory panels or reviewers on any aspect of administration or programs constitute advice and shall not be binding on the director. In the case of grants, final awarding authority rests with the director or the director's designee.

305.2(3) The authority shall provide information on arts activities in Iowa to the general public and may charge a fee for the dissemination of such information. Individuals and organizations may request a copy of information collected and maintained by the authority.

305.2(4) Organizations or individuals requesting information may be charged for time and materials used in producing lists or reports. A list of fees for services is available from the authority upon request.
[Editorial change: IAC Supplement 11/15/23]

261—305.3(15) Funding policies. The following policies apply to all programs outlined in 261—Chapters 306 to 308 except where noted:

305.3(1) All authority arts programs shall be conducted according to published guidelines that outline the goals of the programs, eligibility requirements, funding priorities, review criteria, application forms, adjudication processes and recipient requirements.

305.3(2) Grant programs shall require formal application and review prior to the award or denial of any funds. The application, review, and award process will vary with the nature and design of each grant program and will occur according to published guidelines.

305.3(3) A nonprofit organization that has not yet achieved federal tax-exempt status may apply through a fiscal agent.

305.3(4) A tax-exempt, nonprofit organization located in a border city shall be eligible to apply to the authority for projects that serve Iowa audiences.

305.3(5) An individual applying for and receiving grant funds shall be a legal resident of the United States, or be in the process of becoming a legal resident as evidenced by certified documentation, and be 18 years of age or older unless otherwise noted in program guidelines.

305.3(6) An application from an individual must support a project designed solely to benefit the individual and must not be a project of an organization with which the individual applicant has a formal affiliation such as employment or continued volunteer service.

305.3(7) An application shall not be considered unless submitted on a current authority application form with support materials as required.

305.3(8) The authority shall issue a service contract for all funds awarded unless otherwise noted in program guidelines.

305.3(9) No authority funds shall be used by a recipient to meet the recipient's obligation to match other authority grants or programs.

305.3(10) Review criteria scores shall be the official record of the proceedings of an advisory panel meeting. Authority staff shall, upon request, provide an applicant with a written record of these scores.

305.3(11) An advisory panel member who has an affiliation in any grant application and who fails to withdraw from all discussion and voting on such an application shall be recommended for removal from the panel. Affiliated interests shall be interpreted to include an employee, board or trustee relationship

with the applicant, and shall be extended to include the spouse and dependent children of the advisory panel member.

305.3(12) The authority shall not consider an application for funding a previous year's deficit.

305.3(13) A recipient shall not utilize authority funds for any lobbying purpose.

305.3(14) Unless otherwise contracted for in writing prior to surrender, any and all patents, copyrights, or other legal interest of relevance to programs or projects supported by the authority shall be the sole and exclusive property of the artist or the artist's designee.

305.3(15) A recipient shall credit the arts council in all promotion, publicity, advertising, and in any printed materials relating to the grant-supported project with the following credit line or a reasonable facsimile: "This program is supported in part by the Iowa Arts Council." Noncompliance with this guideline shall jeopardize future funding of the recipient by the arts division.

305.3(16) An applicant is not eligible to apply for or receive new funds if authority records show an outstanding late final report or contract-mandated requirement from a previous grant award.

305.3(17) A recipient that does not successfully complete an authority contract within authority guidelines may be required to return all or part of the authority funds; such determination will be made at the sole discretion of the director in consultation with authority staff.

305.3(18) Informal appeals. An informal appeals process shall be made available only to an applicant whose application was declined on procedural impropriety or error as evidenced by one or more of the following reasons:

a. Application declined on the basis of review criteria other than those appearing in the relevant guidelines;

b. Application declined based on influence of a reviewer willfully or unwillfully failing to disclose a conflict of interest; or

c. Application declined based on highly erroneous information provided by staff, reviewers, or council members at the time of review despite the fact that the applicant provided the authority staff with accurate and complete information on authority forms as part of the standard application process.

An incomplete or ineligible application is specifically denied any appeals process.

All requests for appeals shall be made in writing and shall be postmarked or received in the authority office within 30 calendar days of notification of the decision. Requests for appeals should be directed to the Iowa Arts Council, Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315. A successful informal appeal shall be determined at the sole discretion of the director, whose discretion may include full or partial funding of the application at the earliest occasion. The director shall have the authority to appoint an appeals committee to assist in the review of any request from an applicant whose application was denied funding. The appeals committee shall have representation from the discipline of the aggrieved applicant.

305.3(19) Formal appeals. Decisions by the director may be appealed through the contested case process as set out in Iowa Code sections 17A.10 to 17A.19.

[Editorial change: IAC Supplement 11/15/23]

These rules are intended to implement Iowa Code sections 15.436 and 15.465 to 15.467 as transferred by 2023 Iowa Acts, Senate File 514, section 2125.

[Filed 8/30/91, Notice 6/26/91—published 9/18/91, effective 10/9/91]

[Filed 8/26/94, Notice 7/20/94—published 9/14/94, effective 10/19/94]

[Filed 6/28/95, Notice 3/15/95—published 7/19/95, effective 8/23/95]

[Filed 9/2/98, Notice 7/29/98—published 9/23/98, effective 10/28/98]

[Filed 1/13/06, Notice 11/23/05—published 2/1/06, effective 3/8/06]

[Editorial change: IAC Supplement 11/15/23]