



RHODE ISLAND STATE COUNCIL ON THE ARTS PROCEDURES AND REGULATIONS

Introduction

Description and Object of Agency

The Rhode Island State Council on the Arts (RISCA), an entity of state government, is a state commission within the executive branch of state government established in 1967 to serve as the official agency in Rhode Island to expand the state cultural resources by receiving and disbursing funding from the National Endowment for the Arts, as well as arts funding from other federal sources and from the state. The Council is charged in Sections 42-75-7 & 8 of the General Laws of the State of Rhode Island with stimulating the growth of the state's arts and the public's participation in them; with assessing and making recommendations regarding the needs of the state's arts community; with providing educational opportunities in the arts; with taking such steps as may be necessary and appropriate to expand the state's cultural resources; and with protecting artistic freedom.

The commission is authorized to further its objectives by (1) entering into contracts with individuals; and local and regional organizations; (2) holding hearings; (3) accepting gifts, contributions, and bequests of unrestricted funds; (4) creating panels of advisors; and (5) making and signing any agreements and doing and performing any acts that may be necessary to carry out the purposes of the commission.

I. Board Membership

A. Selection

The commission shall consist of thirteen (13) members appointed by the Governor subject to the advice and consent of the Senate from among citizens of Rhode Island as stated in Section 42-75-3 of the General Laws of the State of Rhode Island. Members should be widely recognized for their interest, competence, and experience in connection with the performing, visual and environmental arts. Such appointments shall be made without regard to party, but due consideration shall be given to the recommendations of representative civic, education, and professional associations and groups, concerned with or engaged in the production or presentation of the performing, visual and environmental arts generally.

B. Terms

1. The term of office of each member shall be three (3) years. In the month of February of any year when there are vacancies, the Governor shall appoint members to hold office until the first day of March in the third year after their appointment, and until their successors shall have been appointed and qualified.

2. Any vacancy, which may occur in said commission, shall be filled by the Governor for the remainder of the unexpired term.

3. Any member of the commission shall be eligible to succeed himself for one (1) full term, but shall not thereafter be eligible for reappointment during a one (1) year period following the expiration of his second term.

C. Roles and Responsibilities

Board members, as members of the commission, represent the people of the state and shall:

1. interpret the statute under which the agency operates;
2. establish agency policies, including administrative policy and strategies for implementing policies;
3. set agency goals and objectives, and adopt short- and long-range plans;

4. approve action regarding distribution of funds;
5. monitor the administration of the agency;
6. approve selection of the Executive Director and annually evaluate the performance of the Executive Director;
7. approve establishment of Council committees and members of advisory panels;
8. attend all regular and special Council meetings and other events, serve on committees of the Council and accept committee assignments. Although neither the Council nor its Chair has the authority to remove a Council member, a member who misses more than two (2) regular meetings of the full Council in any one year may be requested to resign by the Chair;
9. prepare for meetings by reviewing available materials in advance;
10. evaluate and act upon staff recommendations as to policy recommendations, operation and program guidelines;
11. acquaint themselves to the fullest extent possible with the state's spectrum of arts resources;
12. be an advocacy group for the arts within state government and throughout the state generally;
13. strive to attain sufficient funds to meet agency goals and objectives;
14. strive to ensure the long-term welfare of the agency overall;
15. prepare and submit (as stated in Section 42-75-10 of the General Laws of the State of Rhode Island) a report of agency activities to the Governor and the General Assembly every February, which may also include Council recommendations for legislative action.

II. Officers

A. Roles and Responsibilities

1. Chair

a) The Chair shall be the Chief Executive Officer of the agency as stated in Section 42-75-5 of the Enabling Legislation of the State of Rhode Island (refer to pages 40-41 & 70-73 Legislation Section) and shall:

- (1) serve as the presiding officer at board meetings, executive committee meetings and public hearings;
- (2) serve ex officio on all Council committees except for the nominating committee;
- (3) appoint the chairman of standing and ad hoc committees subject to the recommendations and approval of the Council;
- (4) inform all board members fully and in a timely fashion of all matters under the Chair's consideration;
- (5) act as the official spokesperson for the agency as required and appropriate;
- (6) ensure a close working relationship with the Executive Director and with board members;
- (7) represent (with the Executive Director) the agency to NASAA, NEA, NEFA and to any other agency as the Council deems appropriate;
- (8) perform such duties applicable to the office as prescribed by Robert's Rules.

2. Vice Chair

a) In agreement with Robert's Rules of Order, the Vice Chair shall, in the absence of the Chair, perform the duties of the Chair.

3. Secretary

- a) The Secretary shall review minutes, to insure accuracy, prior to their being submitted to Council for approval.
- b) The Secretary shall prepare a summary of motions, including the names of the persons introducing and seconding motions, and the result of the votes.

of each motion.

c) The Secretary shall record during the meeting the precise wording

III. Elections

The Council shall elect annually a Chair, a Vice Chair and a Secretary from within its body, as stated in the Enabling Legislation of the RI State Council on the Arts Section 42-75-5. Elections should be held prior to the beginning of the new fiscal year. In the event of a vacancy in the position of Chair or Vice Chair through resignation, death or any other cause, the Council shall elect a replacement within 60 days.

IV. Meetings

A. Regular Meetings

1. The Council shall give written notice of their regular scheduled meetings at the beginning of each calendar year as stated in Section 42-46-6c of the General Laws of the State of Rhode Island.
2. Meetings of the Council shall be held at stated times, and upon one (1) week's notice, in writing, at the call of the Chair.
3. Other meetings may be called by the Chair provided one (1) week's notice is given in writing.
4. Five members shall be necessary for any action taken by the Council as stated in the Enabling Legislation of the Rhode Island State Council on the Arts Section 42-75-5.
5. All meetings shall comply with the state's Open Meetings Law as stated in Section 42-46-3 of the General Laws of the State of Rhode Island.

B. Executive Sessions

1. The Chair may convene the Council in executive session or private hearing, as part of a regular meeting or as a separate meeting, for the purpose of conducting Council business which may deal with privileged fiscal or personnel information, in compliance with provisions of 42-46-1 - 5 of the General Laws of the State of Rhode Island.
 - a) When the Council wishes to go into executive session, a motion should be placed on the floor that the Council go into executive session under Exceptions to the Open Meetings Law, Section 42-46-5 (1) of the General Laws of the State of Rhode Island to discuss job performance and personalities.
 - b) This should be a roll call vote, and a motion to go into executive session is adopted by a majority vote.

C. Public Hearings on Policies, Priorities and Procedures

1. Public hearings must be held if changes are recommended by the Council in guidelines, or in policies and procedures. Those meetings shall be published in compliance with the Administrative Procedures Act, Section 42-35-3 of the General Laws of the State of Rhode Island.

V. Executive Committee

The Chair, Vice Chair and Secretary of the Council and the chairmen of the Council's standing committees shall form the Executive Committee. This committee shall be empowered to act for the Council between regular meetings as necessary and annually evaluate the Executive Director.

VI. Committees

A. The Council may by resolution at any meeting of the Council designate standing and/or ad hoc committees of the Council. Such committees may include, for example, planning, communications, finance, executive, art in public places, personnel, affirmative action, etc.

B. Each standing committee shall consist of at least three members, at least two of whom shall be a member of the Council. The chairman of each standing and ad hoc committee shall be appointed by the Council's Chair, with the approval of the Council. The committee chairman shall then be responsible for naming their committee members.

1. The Chair shall in concert with the Executive Director select at least one staff member to act as a close advisor and liaison to each committee.

C. At the time of a committee's creation, the function, responsibilities and status as a standing or ad hoc committee shall be defined and approved by the Council. Committees will be subject to annual review at the beginning of each fiscal year.

1. Functions and responsibilities of committees shall include but not be limited to:

- a) in depth study and discussion of policy issues; agency goals, objectives and needs; strategy; and other issues identified by the Council;
- b) formulation of recommendations for review considered by the Executive Committee prior to their submission to the full Council;
- c) Committee chairmen or their designates shall maintain close liaison with the Council Chair and with agency staff.

D. Nominating Committee

1. The Executive Committee shall appoint a nominating committee, subject to approval of a majority of the Council. The nominating committee shall propose a slate of officers for the annual election at the Council's June meeting.

VII. Appointments to National and Regional Committees

A. National Assembly of State Arts Agencies (NASAA)

The National Assembly of State Arts Agencies is the nonprofit membership organization of the state arts agencies in the fifty states and six special jurisdictions of the United States. It exists to enhance the growth of the arts, develop an informed membership, represent the collective needs and concerns of the member agencies and provide forums for the review and development of national arts policy.

Each state arts agency is represented in NASAA by its Chair and its Executive Director.

B. New England Foundation for the Arts (NEFA)

The New England Foundation for the Arts is a Massachusetts-based, private, nonprofit corporation which provides regional arts programming for the state arts agencies of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. The Foundation is supported by grants from the six New England state arts agencies, the National Endowment for the Arts, other public and private institutions, and New England corporations.

Each year the Chair, in consultation with the Executive Director and the Council, shall appoint a representative from the Council to NEFA.

VIII. Personnel

A. Executive Director

The Executive Director, employed and removed by the Chair in consultation and with the approval of the majority of the Council, acts under the direction of the Executive Committee and the Council. As the agency's chief administrative officer, the Executive Director manages the day-to-day operations of the agency, including its financial operations, and oversees its staff and programs.

1. Roles and Responsibilities

- a) hire and dismiss staff according to state law, personnel policy and the Union contract upon approval of the Council (see RISCA Personnel Handbook, state Personnel Policy Manual, Union Contract). The Council may regulate this function by adopting personnel policies;
- b) supervise and annually evaluate staff;

- c) engage, supervise and terminate consultants, independent contractors, evaluators, interns, volunteers, and other personnel, upon approval of the Council, for projects and tasks within programs and budget levels previously approved by the Council and in accordance with state rules, regulations and administrative policy;
- d) determine job assignments and responsibilities of staff, panelists and contractual services;
- e) develop the agency's budget, as the chief fiscal officer of the agency for the consideration of and approval of the Council;
- f) administer the budget, as the chief fiscal officer of the agency;
- g) submit and/or monitor applications for funds to other grant-making agencies;
- h) frame questions of policy, in concert with the Chair or appropriate committees, to present to the Council for discussion and resolution;
- i) implement short- and long-term policies of the Council;
- j) develop programs for Council approval;
- k) monitor and evaluate all agency programs;
- l) represent the agency to national, regional, state and local agencies, organizations, governmental branches and officials as appropriate or required;
- m) act as a liaison between the agency and outside parties;
- n) provide relevant information about the arts at the state, regional, national and international levels to the Council and to the public;
- o) make recommendations to the Chair concerning appointments to agency committees;
- p) ensure a close working relationship with the Chair and with other members of the Council.

B. Staff

1. Staff shall be hired by the Executive Director as needed to fulfill the functions of the agency and its programs, upon approval of the Council. Staff shall report to the Executive Director;
2. For details of specific jobs, refer to the appropriate job description.
3. Working conditions are covered by RISCA's Personnel Handbook, the state's Personnel Policy Manual and the Union Contract.

IX. Advisory Panels

A. Agency-Wide Panels

Agency-wide panels decide on such matters as eligibility of artists for the Arts in Education and Folk Arts roster, all grant recommendations and selection of finalists for Fellowships.

B. Procedures for Agency-Wide Panels

1. Selection

- a) Panel selection is based on the following criteria:
 - (1) professional qualifications;
 - (2) broad-based knowledge of a specific arts field;
 - (3) community, minority or geographic representation;
 - (4) support for and interest in improving the arts in Rhode Island.
- b) Recommendations for potential panel members will be made by staff, board members, and the community.
- c) Annual recruitment will be made by letter solicitations, suggestions from previous panelists and through board members.
- d) In most cases panels will be staffed by Rhode Island residents. However, in some instances out-of-state panelists may be recruited.
- e) Potential panelists will be asked to submit a resume and complete the National Information Systems Project (NISP) form.

f) Recommendations will be made by staff review and then given to the Council for final approval.

2. Roles and Responsibilities

a) Panelists will be expected to participate in an orientation session regarding their function as panel members.

b) Panelists, other than board members, may be compensated for their services and may be asked to conduct site visits, according to the needs of the agency.

c) Panelists will review all application materials from applicants.

d) Panelists may be asked to recommend policies concerning use of advisory panels within the agency.

3. Council Involvement

a) Board members who serve on panels have the right to vote on all panels except for Individual Artists Fellowships

4. Staff Service on Panels

a) Staff will participate as non-voting members of panels and serve as panel facilitators.

X. Constituencies

A. Public Access

1. Meetings

Meetings of the Rhode Island State Council on the Arts and its committees are open to the public according to state laws affecting public proceedings and freedom of access as stated in Section 42-46-1 - 7 of the General Laws of the State of Rhode Island. Prior to the adoption, amendment or appeal of any rule, the agency shall give at least twenty (20) days notice of its intended action under the procedure outlined in Section 42-35-3 of the Administrative Procedures Act of the General Laws of the State of Rhode Island.

2. Redress

Any member of the general public wishing to make a presentation to the Council at a regularly scheduled meeting on matters of Council consideration, concern or arbitration, shall submit a written request to the Chair ten (10) working days prior to a regularly scheduled Council meeting which describes the facts and purpose of the presentation and identifies who will make the presentation. The Chair and the Executive Director shall reply to all such written requests prior to the meeting and if denying the request, shall clearly state the reason for such denial.

3. Records

As a public body, the records of the Rhode Island State Council on the Arts shall be available for inspection as outlined in Section 42-46-7, Chapter 36 of the General Laws of the State of Rhode Island. Council rules and all other written statements of policy, final orders, decisions, opinions or interpretations formulated, adopted or used by the agency in the discharge of its functions shall be available at RISCA's office and are on file at the office of the Secretary of State. Among the exceptions are all records which are identifiable to an individual applicant as outlined in Section 38-2-2-, 1 & 22(e) of the General Laws of the State of Rhode Island.

4. Grievances

a) **Procedure for Handling Grievances for Grant Applicants Not Resolved at Staff Level:**

(1) If an applicant can establish that the Council's procedures for awarding grants were not upheld, a letter of grievance should be sent to the Chair and RISCA's Executive Director no later than two weeks from the date on the letter of notification from the Council.

(2) The Chair and staff collect all materials pertinent to the case.

(3) The Chair and staff submit the letter of grievance and pertinent materials to all panelists who served on the granting panel for their review and response. Preparations are made for a meeting with the applicant.

(4) The Chair and staff collate all responses prior to setting up a meeting to review and discuss the case. The meeting will include appropriate staff and board members, the Chair and Executive Director, the organization's board president and their designated board members and staff members.

(5) Final recommendations will result from this meeting.

(6) Every effort will be made to notify applicants within 30 days or as deemed reasonable.

b) Procedure for Handling Program Grievances at the Staff Level:

(1) In reviewing grievances associated with a specific program, the program directors should be certain that the designated board members serving on their advisory panel be present at the review meeting.

XI. Conflict of Interest Statement

Members of the Rhode Island State Council on the Arts are often professionally involved in the arts, and such persons may be subject to possible conflicts of interest.

Board members should avoid any action which could be interpreted as a use of board membership to further their own interests or those of any organization with which they are affiliated.

The application of these two basic principles may be illustrated by the following examples but are not all inclusive:

A. A board member shall not submit an application for Council funds or a report required by the Council on behalf of himself/herself or an organization which employs him/her or with which he/she is affiliated, nor shall he/she participate in support of such applications.

B. If a board member is to be a participant in a Council-supported activity, the request to the Council for support shall clearly indicate the nature of participation.

C. A board member shall not vote nor participate in any discussion or determination of an application from any organization with which he/she is affiliated; and may be asked to withdraw from the room when such discussion and voting take place.

XII. Release of Mailing Lists

As a public agency, the Rhode Island State Council on the Arts provides mailing list information from its computer database for a nominal fee as outlined in Section 38-2-6 of the General Laws of the State of Rhode Island. Requests must be made in writing, stating how the information will be used. Information will not be released for commercial purposes which are unrelated to the arts or humanities. (The term "commercial purpose" means any purpose which has financial gain as a major objective.)

XIII. Parliamentary Authority

For any situations not specifically covered in these Procedures and Regulations, Robert's Rules of Order (current edition) shall apply.

XIV. Amendment of Procedures and Regulations

These procedures and regulations may be amended at any regular meeting of the Council by a two-third vote provided they have been submitted in writing beforehand to the Council.

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PROCEDURES AND REGULATIONS**

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