

Chapter 30-12 WAC

GENERAL RULES

WAC

30-12-010	Scope of this chapter.
30-12-015	Grants.
30-12-016	Rosters.
30-12-017	Applications.
30-12-030	Panels.
30-12-035	Conflict of interest in panels and program committees.
30-12-036	Appeal procedure—Request for review of denied applications.
30-12-037	Accessibility complaints.
30-12-160	Credits and endorsements of local programs.
30-12-170	Budget line items.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

30-12-020	Definitions. [Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-020, filed 4/1/86.] Repealed by WSR 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
30-12-040	Support of individual artists. [Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-040, filed 4/1/86.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-12-050	Support of arts institutions. [Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-12-050, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-050, filed 4/1/86.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-12-060	Support of Washington artists and organizations. [Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-12-060, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-060, filed 4/1/86.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-12-070	Commissioning or purchase—Works of art. [Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-070, filed 4/1/86.] Repealed by WSR 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
30-12-080	Special populations. [Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-12-080, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-080, filed 4/1/86.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-12-090	Native American arts. [Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-12-090, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-090, filed 4/1/86.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-12-100	Ethnic communities. [Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-12-100, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-100, filed 4/1/86.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-12-110	Geographic distribution of services. [Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-110, filed 4/1/86.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-12-120	School, college and university activities. [Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-120, filed 4/1/86.] Repealed by WSR 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.

30-12-130	Continuing support. [Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-130, filed 4/1/86.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-12-140	Conflict of interest—Subcontractor's board members. [Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-140, filed 4/1/86.] Repealed by WSR 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
30-12-150	Complimentary tickets requested for the purpose of evaluation. [Statutory Authority: RCW 43.46.040. WSR 98-24-073, § 30-12-150, filed 11/30/98, effective 12/31/98; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-150, filed 4/1/86.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.

WAC 30-12-010 Scope of this chapter. This chapter is to establish rules that apply generally to programs and services of the Washington state arts commission. Additional rules for specific programs are established in application guidelines, and in chapters 30-40 WAC (Art in public places program), 30-41 WAC (Poet laureate program), and 30-44 WAC (Governor's arts and heritage awards).

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-12-010, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-12-010, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-010, filed 4/1/86.]

WAC 30-12-015 Grants. (1) The commission provides grants through a competitive process to organizations or individuals for the purpose of developing, sponsoring, and promoting the growth and development of the arts in the state of Washington.

(2) Application cycles, forms, guidelines, eligibility requirements, and review criteria are established and published by staff.

(3) The application process is managed pursuant to WAC 30-12-017 (Applications) and applications are reviewed by a panel pursuant to WAC 30-12-030 (Panels).

(4) The board reviews panel recommendations and approves grants, except as noted below.

(a) The executive director may approve grants which do not exceed three thousand dollars. Such actions are reviewed and ratified at the next meeting of the board.

(b) The board may delegate to the executive director approval of grants which exceed three thousand dollars. Such actions are reviewed and ratified at the next meeting of the board.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-12-015, filed 11/16/10, effective 12/17/10.]

WAC 30-12-016 Rosters. (1) Staff may establish and manage a roster to address program needs.

(2) Application cycles, forms, guidelines, eligibility requirements, and review criteria are established and published by staff.

(3) The application process is managed pursuant to WAC 30-12-017 (Applications) and applications are reviewed by a panel pursuant to WAC 30-12-030 (Panels).

(4) Staff may eliminate a roster due to changes in priorities, program needs, or resources, subject to the review and approval of the board.

(5) Removal from a roster.

(a) Staff have the authority to remove individuals from a roster for the following reasons:

(i) Individual on the roster fails to inform staff of new contact information;

(ii) Individual on the roster requests to be removed;

(iii) Individual on the roster is deceased;

(iv) Expiration of roster term limit, as published in application guidelines;

(v) Violation of the terms of a commission-related contract;

(vi) If artists are accepted onto a roster as a team and subsequently dissolve the team, all individuals on the team are removed from the roster;

(vii) Any other reason specified in published application guidelines.

(b) Removed individuals may apply to the next roster competition, except if removed for violation of the terms of a commission-related contract or for other reasons as specified in application guidelines.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-12-016, filed 11/16/10, effective 12/17/10.]

WAC 30-12-017 Applications. (1) Application cycles, forms, guidelines, eligibility requirements, and review criteria are established and published by staff.

(2) Application forms and guidelines are published on the commission web site no fewer than twenty calendar days prior to the deadline for submitting applications, pursuant to RCW 34.05.413.

(3) Applications that arrive or are postmarked by the published deadline as specified in application guidelines are reviewed by staff to determine if the application meets published eligibility requirements.

(4) Staff convene a panel to review eligible applications pursuant to WAC 30-12-030 (Panels).

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-12-017, filed 11/16/10, effective 12/17/10.]

WAC 30-12-030 Panels. (1) Panels are convened by staff and are authorized to serve by the executive director.

(2) Panels may include members of the public, commissioners, and staff and will be three to seven members.

(a) Panelists are selected in order to achieve a balance of relevant expertise, and representation of diverse geographic and cultural communities, as appropriate to the program and review criteria.

(b) Panel members may be reimbursed for their services and/or their travel expenses. Commissioners and staff are not reimbursed for their panel services, but may be reimbursed for their travel expenses.

(3) Staff provide panel members an orientation, including conflict of interest rules pursuant to WAC 30-12-035 (Conflict of interest in panels and program committees).

[Ch. 30-12 WAC p. 2]

(4) Panel members are instructed to apply their critical judgment and expertise to evaluate applications, nominations, or staff recommendations based on the review criteria.

(5) The record of the panel process includes: The names and qualifications of the panel members; panel orientation materials; declared conflicts of interest or recusals; scoring sheets; and the panel's recommendations to the board.

(6) Panels may refrain from scoring an application, nomination, or staff recommendation, if they find there is insufficient information in the material under review.

(7) All panel recommendations are subject to the review and approval or ratification of the board.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-12-030, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-12-030, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-030, filed 4/1/86.]

WAC 30-12-035 Conflict of interest in panels and program committees. (1) The requirements of state ethics laws apply to all panels and program committees, including prohibitions against conflicts of interest, pursuant to chapter 42.52 RCW.

(2) When a member of a panel or program committee will benefit, directly or indirectly, from a grant, project, or other matter before the panel or committee, he/she shall notify the staff convening the panel or committee. Indicators of a conflict include financial or management ties to a specific application, proposal, submission or other matter, such as salary, ownership, hands-on management or directorship by the panelist or a member of the panelist's household or immediate family.

(3) Panel and program committee members who have a conflict of interest must recuse themselves from the decision by taking the following actions:

(a) Recuse himself/herself from panel/committee discussion regarding the specific application, proposal, submission or other matter;

(b) Recuse himself/herself from the panel/committee vote on the specific application, proposal, submission or other matter;

(c) Refrain from attempting to influence the remaining panel/committee members in their discussion and vote regarding the specific application, proposal, submission or other matter.

(4) In a panel/program committee meeting, recusal shall include leaving the room for the discussion and vote on the item with which the panel/committee member has a conflict of interest. The panel/committee members may participate in discussion that leads to preparation of the list of recommendations, including scoring of other applications, nominations, or staff recommendations.

(5) Perceived conflict of interest at a panel/committee meeting.

Any member of the panel/committee who feels that he/she has no prohibited conflict of interest but does have a personal or professional interest which the public might misconstrue in the particular situation, may either voluntarily recuse, as identified above, or disclose the interest to those present and, if there is no objection from anyone present, proceed to discuss and vote on the item. If there is an objection, the panel/committee member shall recuse himself/herself.

(11/16/10)

(6) Panel recommendations presented to the board for approval shall identify all conflicts of interest stated during the panel process.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-12-035, filed 11/16/10, effective 12/17/10.]

WAC 30-12-036 Appeal procedure—Request for review of denied applications. (1) By this section, the commission adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for the use of brief adjudicative proceedings when an application for a commission program has been denied and the applicant requests review of the denial.

(2) Brief adjudicative proceeding. If the board denies an application for a commission program, the applicant may challenge the board's decision by requesting a brief adjudicative proceeding.

(a) A request for a brief adjudicative proceeding must be filed in writing to the executive director within twenty-one calendar days of the date the denial was sent to the applicant, and must state the reason(s) for the request.

(b) The executive director or his/her designee acts as the presiding officer in the brief adjudicative proceeding.

(c) The presiding officer provides an opportunity for both the applicant and the commission to explain their views of the board's decision.

(i) The applicant and presiding officer may consult with staff to examine the application and panel process, including: Application guidelines, the names and qualifications of the panel members, panel orientation materials, declared conflicts of interest or recusals; scoring sheets; and the panel's recommendations to the board.

(ii) The presiding officer may rely on his/her examination of the application and panel process, additional information provided by the applicant and the commission, and any other relevant information resulting from the presiding officer's inquiries.

(d) Initial order. When the presiding officer has reached a decision, the presiding officer will notify the applicant and the commission in a brief written statement explaining the reasons for the decision and advising the parties of the right to seek administrative review of the presiding officer's decision.

(e) The presiding officer's brief written statement is an initial order. If neither party requests review of the initial order as authorized by RCW 34.05.488 and 34.05.491, the presiding officer's initial order automatically becomes the final order.

(3) Administrative review of the initial order. The chair will conduct an administrative review of the presiding officer's initial order if the chair receives a written or oral request for review from either the applicant or the commission within twenty-one days after service of the initial order.

(a) The chair or the chair's designee acts as the reviewing officer in administrative review of an initial order.

(b) If neither party requests review, the reviewing officer may nonetheless review an initial order without notice to the parties, but the reviewing officer will not take any action on review that is less favorable to either party than the initial order, without giving that party notice and an opportunity to explain that party's view of the matter;

(c) The reviewing officer ensures that the matter meets the criteria in RCW 34.05.482(1) for brief adjudicative proceedings and that both the applicant and the commission have the additional opportunity, as part of the review, to explain their views of the matter to the reviewing officer;

(d) The reviewing officer may rely on the record of the application and panel process, additional explanations provided by the parties, and any other relevant information resulting from the reviewing officer's inquiries;

(e) The reviewing officer enters a written order within twenty-one calendar days of the request for review, or, if the review was conducted without a request from either party, the reviewing officer enters a written order within twenty-one days of service of the presiding officer's initial order. The reviewing officer's order is a final order containing a brief statement of the reasons for the decision and notifying the parties of the availability of judicial review by a superior court pursuant to RCW 34.05.510 through 34.05.598;

(f) If the reviewing officer does not enter a written order within twenty-one calendar days after the request for review, the request is deemed to have been denied, and the initial order from the presiding officer becomes the final order subject to judicial review by a superior court pursuant to RCW 34.05.510 through 34.05.598.

(4) Record of review. The commission maintains, as its official record of the matter, all documents that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer if an administrative review was conducted.

(a) The presiding officer for the brief adjudicative proceeding, the reviewing officer on administrative review, and the superior court on judicial review may consider matters outside the commission's official record, subject to the limitations of RCW 34.05.558 and 34.05.562.

(b) If a party files a petition for judicial review by a superior court pursuant to RCW 34.05.510 through 34.05.598, staff will prepare and transmit the official record to the superior court as required by RCW 34.05.566.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-12-036, filed 11/16/10, effective 12/17/10.]

WAC 30-12-037 Accessibility complaints. (1) If a person believes an event, service, or facility funded by the commission has discriminated based upon a disability, he/she may do one of the following:

(a) File an informal complaint directly with the commission;

(b) File a complaint with the Washington state human rights commission; or

(c) Seek private legal counsel.

(2) If a person believes an event, service, or facility funded by the commission has discriminated for a reason other than disability, he/she should contact the Washington state human rights commission.

(3) If a person believes the commission has directly discriminated against him/her for any reason, he/she is advised to contact the Washington state human rights commission.

(4) Responding to informal complaints submitted to the commission. Staff will respond to complaints of discrimination based upon disability at/within/by a commission-funded event, service, or facility. Staff will work with its grantees to

address the complaint. If access or an access plan is not satisfactorily attained within thirty days, staff will encourage the complainant to contact the Washington state human rights commission, to which staff will forward the complaint and any relevant records as determined by staff.

(5) If the complaint is verified and the grantee organization is found to be in noncompliance by the Washington state human rights commission, staff may put a hold on pending payment of any grant funds from the commission as well as withhold final decisions on any pending applications until that organization has addressed its noncompliance issues.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-12-037, filed 11/16/10, effective 12/17/10.]

WAC 30-12-160 Credits and endorsements of local programs. The commission's logo or other credits may be used to indicate commission support for organizations or individuals who have received grants, membership on a roster, or sponsorship.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-12-160, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-12-160, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-160, filed 4/1/86.]

WAC 30-12-170 Budget line items. The commission will not endorse state budget line items and legislative provisos requested by individual arts organizations.

[Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-170, filed 4/1/86.]