

Appeals Process

An applicant may appeal the Council's funding decision. The appeals procedure is set forth in Part 6401 of the New York Codes, Rules and Regulations. Appeals are decided by an Appeals Panel with a minimum of seven members. No members of the Appeals Panel will have participated on the panels which reviewed the applications being appealed. The recommendations of the Appeals Panel are presented to the full Council to be reviewed and decided upon. The Council's decision on an appeal is final and not appealable.

In summary: the process requires that the applicant obtain a verbal statement of the basis for the Council's decision. Requests for statements should be made to the program referred to in the letter notifying the applicant of the Council's decision. If, after reviewing the statement, the organization wishes to pursue an appeal, the appeal must be made in writing to the Council's Executive Director, and the letter must be received no later than 5:00pm on the 21st calendar day after the date of the Council's notification letter to the applicant. If the applicant has not been able to consult with the appropriate program within the time limitation, a written request to appeal must still be submitted within the 21 calendar day time period.

Thereafter, the applicant will receive a written response and in that response, a deadline for the submission of all allowable material supporting the appeal will be established. No deadline date will be set earlier than seven days from the date of the written response. Failure to meet any deadline date in the appeals process results in the loss of the right to appeal the Council decision.

The Appeals Panel evaluates the review process by which the initial grant decision was made and reviews the application and panel notes. The panel does not review the artistic merit of the application.

Dissatisfaction with the denial of a grant or with the amount of the grant is not a valid ground for appeal. One or more of the following are valid grounds for appeal:

1. Non-presentation of information

Information known to the Council staff prior to the Council's decision that was not presented and that might have altered the decision.

2. Misrepresentation of information

Information known to the Council staff prior to the Council's decision that was changed in its presentation and that, if presented differently, might have altered the decision.

3. Improper procedure

Contention by the applicant that: 1) the review of the funding request by the appropriate panel was biased; 2) the decision by the Council was arbitrary and capricious.

If the appeal request is successful, the funding decision will be reconsidered by the appropriate program and panel and then by the Council committee and the Council. In the case that the appeal is upheld based on panel bias, the decision will be reconsidered directly by the appropriate Council committee and then by the Council.

All appeals panel meetings are open to the public and are webcast. The Appeals Panel meeting agenda and discussion materials are posted on <http://www.arts.ny.gov/> in advance of the meeting and are available for review by the public.