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Civil Rights FAQs for Applicants and Grantees

All applicants for funding from the National Endowment for the Arts (NEA) are required to certify that they are in compliance with the civil rights statutes that govern nondiscrimination in Federally assisted programs. In other words, your organization can not discriminate or prevent participation in your program or activity on the basis of race, color, national origin (including limited English proficiency), disability, age and sex. NEA's Civil Rights Office's responsibility is to determine the civil rights compliance status of applicants for and recipients of Federal financial assistance from the NEA. Listed for your information are Frequently Asked Questions (FAQs) commonly asked by NEA applicants grantees.

COMPLIANCE:

1. What is an "Assurance of Compliance"?

An Assurance of Compliance is a written agreement with a Federal agency in which an institution/organization agrees to comply with the statutes that govern nondiscrimination in Federally assisted programs. The NEA's [Assurance of Compliance](#) covers all applicants for Federal financial assistance in connection with any grant or cooperative agreement awarded. Electronic signature on an NEA application form assures and certifies that the applicant will comply with these statutes.

2. What are the civil rights statutes?

Organizations receiving Federal funding will not discriminate:

On the grounds of race, color, or national origin (including limited English proficiency), in accordance with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.).

On the grounds of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the Americans with Disabilities Act of 1990 ("ADA") (42 U.S.C. 12101-12213). The ADA's requirements apply regardless of whether you receive federal funds.

On the basis of age, in accordance with the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

On the basis of sex, in any education program or activity, in accordance with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

3. How do the civil rights statutes impact my program and activity?

As an applicant for NEA funding or NEA grantee, you are required to comply with all civil rights statutes that govern Federal financial assistance. In other words, your program or activity should not create

barriers to or prevent participation for individuals on the basis of race, color, national origin, disability, age or sex.

4. How long must I comply with the civil rights statutes?

Each time you receive funding from the NEA, you must comply with the above statutes through the entire period of support. If you purchase equipment or other tangible items with NEA funds, your organization must comply as long as the stated purchase is used by your organization.

5. What are "Pre-Award and Post Award Reviews"

Prior to and after approval of funding, the NEA may request information from you to determine whether your organization is in compliance with the nondiscrimination statutes. Information may be requested in the form of checklists, questionnaires or surveys.

Typical questions asked during a pre-award or post award review include:

Does the applicant/grantee offer its benefits or services without regard to race, color, national origin, sex, age, or disability?

Has the applicant/grantee announced through various public media outlets its program and activity?

Does your facility deny access to persons on the basis of race, color, national origin, sex, age or disability?

504 SELF-EVALUATION

1. What is a Section 504 self-evaluation?

A review of an organization's programs, activities, and facility for the purpose of access for people with disabilities. The NEA's Section 504 Self-Evaluation Workbook is available on NEA's website and it is periodically emailed.

2. I have the 504 Workbook, what is the next step?

Conduct a self-evaluation using the Workbook and keep it on file. Various resource tools are available for completing the self-evaluation, including [the Section 504 of the Rehabilitation Act regulations](#), [Design for Accessibility: A Cultural Administrator's Handbook](#), and the [ADA National Network](#). If you require further assistance, please contact the NEA's Accessibility Office at (202) 682-5532 (voice), (202) 682-5496 (TTY) or at <https://arts.gov/impact/accessibility>.

3. Should my completed Section 504 Self-Evaluation Workbook be submitted to the NEA?

No, the Workbook is your organization's internal accessibility planning and compliance tool. The workbook should be maintained on file with your organization for a period of three years following receipt of funding. During this period the book should be made available to the public and NEA upon request. Note that the NEA's Office of Inspector General requests this document as part of the overall audit process.

For more information, please contact NEA's Civil Rights Office at (202) 682-5454 or at www.arts.gov/about/civil-rights-office

CIVIL RIGHTS COMPLAINTS

1. I am an applicant, what happens if a civil rights complaint is filed against my organization?

As an applicant (applying for funding from NEA), the NEA does not have jurisdiction to investigate the allegation but may reserve the right to conduct a pre-award review. If the information requested reveals a possible civil rights issue, we will work with your organization to address the problem. Depending upon the status of your application, we may defer action or not make an award on the application until corrective action has taken place.

2. I am a grantee, what happens if a civil rights complaint is filed against my organization?

As a grantee (funding has been awarded), once NEA determines jurisdiction, the NEA's Civil Rights Office will investigate the allegation(s). If the investigation reveals a violation, we will work with your organization to help bring it into compliance through a written agreement between your organization and the NEA. Failure to adhere to the agreement could result in the NEA taking enforcement action, such as suspending funding or return of funds.

COMMON QUESTIONS FROM ARTS ORGANIZATIONS:

Below are answers to frequently asked questions from arts organizations related to civil rights compliance with federal funding. Responses are generally very fact specific. If you have additional questions, feel free to reach out to us at civilrights@arts.gov or grants@arts.gov.

1. As a cultural organization we often host events with a specific demographic or cultural focus. Is this a civil rights issue?

A: The NEA has a history of funding culturally specific and/or culturally celebratory and educational programs. In the federal funding context, a focus or an emphasis on a specific culture or demographic is permissible, but exclusion is not.

2. If the performance character list for a stage production lists characters as certain ethnicities or ages, would that raise a civil rights review?

A: Generally, in the federal funding context, a focus or an emphasis on a specific culture or demographic is permissible, but exclusion is not. However, for narrative/storytelling and/or historical accuracy purposes in an arts production, specific age range and/or racial demographic for casting is generally not viewed as a civil rights issue.

3. How should programs that wish to implement policies around vaccination status and/or mask wearing of participants operate? Is this a civil rights issue?

A: Vaccination status and/or mask wearing is currently not a matter of federal civil rights law and is not at issue in a civil rights review. It is recommended to follow current CDC guidance in relation to arts programs and activities.

4. Our arts program is specifically intended for adults with developmental disabilities. Can we apply for NEA funds for our program?

A: The requirements under NEA regulations are that you cannot exclude people from participating and that you must allow anyone to audition or apply to your program. However, you may set specific criteria for selection or participation as a focus.

5. Our theater is applying for funding for multiple performances of a specific play. Do we need to provide ASL, captions, audio description, etc., at every performance?

A: The requirements under NEA regulations require that you provide *effective communication* and *auxiliary aids* to enable people with disabilities to access funded programs, which can include American Sign Language, captions, audio description, assisted listening systems and devices, large print, and Braille materials. Best practices for accessibility include providing large print programs and assistive listening systems and devices at *every* performance; sign language interpretation, open captions, and audio description at *specific, advertised* performances; and accommodations such as Braille and additional sign language-interpreted, captioned, or audio-described performances *upon request*.

6. Our arts center will hold a program on the second floor of our building, but we do not have an elevator to the second floor. Can we hold our program on the second floor if we offer to also show the program in a separate room on the accessible first floor for those who cannot use the stairs?

A: The requirements under NEA regulations require funded programs to be in an *integrated* setting. That is, you cannot provide a fully accessible, integrated experience if you put people with mobility disabilities in a space separated from the rest of your viewing audience. If there were an equal number of people in each space, however, you could use two spaces.

7. We offer tours of our museum by one of our museum guides. Is it allowable to offer a separate museum tour in ASL for deaf audiences?

A: Yes, you can offer a separate tour in ASL as long as you allow anyone to participate in either tour.

8. Our arts council will sponsor a tour of community galleries, studios, and other art spaces. Not all of them are ADA compliant. Can we receive NEA funding for this art tour?

A: The requirements under NEA regulations require that people with disabilities must be able to access the spaces in which funded programming takes place. If venues are not physically accessible, you must provide alternate access to the programming in those spaces, such as online galleries or virtual tours. However, the number of inaccessible spaces must be kept to a bare minimum, with a majority of the spaces accessible to all audiences. Best practice is to limit the tour(s) funded by the NEA grant to only accessible locations.