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## Briefing Book: National Endowment for the Arts (1994): Report 01

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**Fact Sheet on the Appeal by  
The National Alliance for Media Arts and Culture (NAMAC)**

**September 2, 1993**

**Background:** The National Endowment for the Arts provides support to the National Alliance for Media Arts and Culture (NAMAC), based in Oakland, CA, to administer the Media Arts Fund. The fund is a subgranting program that supports artistic excellence and merit, providing assistance for small, emerging, and culturally diverse media arts organizations and projects. Applications from these organizations are received and processed by NAMAC staff and reviewed by a panel of experts in the media arts field selected by NAMAC in consultation with the Endowment. Guidelines are developed jointly by NAMAC and the Endowment. The Endowment reviews the NAMAC panel's recommended applications and approves applications for funding. NAMAC then notifies applicants of subgrant award or rejection, dispenses all funds, and administers the subgrants.

The 1992 guidelines for the Media Arts Fund stated that applicants would be notified of subgrant decisions by April 30, 1992; NAMAC submitted a list of 53 panel recommendations well in advance of that date. In September 1992, 50 of the 53 recommended subgrants were approved by the Endowment's then-Acting Chair. It was not until November 1992, some seven months after NAMAC had submitted its recommended subgrants, that the remaining three were rejected (The Gay and Lesbian Media Coalition, Los Angeles; The New Festival, New York; and the Pittsburgh International Lesbian and Gay Film Festival).

**Appeal:** NAMAC appealed the denial of the three subgrants in early December 1992, but no action was taken prior to the then-Acting Chair's departure on January 20, 1993. Subsequently, in February 1993, NAMAC restated its appeal to the current Acting Senior Deputy Chair. In response to the appeal, the Acting Senior Deputy Chair undertook an administrative review of the process by which funding to the festivals was determined. Artistic judgment was outside the scope of this administrative review.

The review determined that there was an error in procedure in the 1992 decision due to the lengthy delay in making the decision to deny funding to the festivals. The delay could not be justified on administrative grounds nor in terms of timely and equitable treatment of applicants. The review also determined that NAMAC was itself in compliance with then-existing guidelines. The announced April 30, 1992 deadline for notifying applicants was reasonably relied on by the applicants, and the festivals had in fact concluded before they were notified that their applications had been rejected.

The Endowment has a responsibility to ensure that its administrative procedures are applied fairly and properly. Based on its administrative review, the Endowment is releasing \$17,500 to NAMAC, the amount originally recommended for funding of the festivals. The funds are available to NAMAC in fiscal year 1993 for distribution in accordance with the terms and conditions of its current grant.