

Executive Committee Meeting Minutes

May 20, 2019

LF: Liesel Fenner

JR: Jack Rasmussen

DP: Dana Parsons

CB: Chad Buterbaugh

BB: Barbara Bershon

KS: Ken Skrzysz

SM: Shelley Morhaim

TR: Tom Rifford

SSD: Steven Skerritt-Davis

JL: Joan Lyon

JM: Julie Madden

MARYLAND STATE ARTS COUNCIL
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KS: Looking at agenda, first request was for update about Urban Arts Leadership fellow. With EEO officer and HR. Spoke to rep, hope to have update for council within a week. Can't say more beyond that.

KS: Leadership Training Update

I have been willing, and remain willing, to meet with any professionals who can offer leadership coaching and advice. I acknowledge that the path to great leadership is never concluded and it requires ongoing learning, coaching, mentoring and self-evaluation to identify new opportunities for development.

I met with Michele Walter at AMS for one-on-one coachings relative to the issues raised by former MSAC board chairs in a letter to the governor and the recent issues with the Grants for Organizations funding recommendations.

I also met with Adar Ayira of Baltimore Social Justice Action. One-on-one executive coaching and staff coaching are both being scheduled through this organization.

In addition, one-on-one and staff coachings have been requested with Dan Leonard, Equal Employment Opportunity officer for the Department of Commerce.

To gain a more strategic national perspective and in search of relevant insights from similarly situated arts organizations across the country, I met with Pam Breaux, executive director of the National Assembly of State Arts Agencies, for a one-on-one coaching. Ms. Breaux has worked with state arts organizations for many years, having led her own organization in Louisiana, and observed that efforts to revise the process for the allocation of public funds for arts support to align with principles of equity,

diversity and inclusion often are met with resistance, which not surprisingly often arise of self-interest. After reviewing the letter sent to the governor by former MSAC chairs and my response, Ms. Breaux concluded that the letter was a familiar “attempt to reject change,” and a response to step away from the difficult work of equitable access. Similar tactics have been used by legacy organizations across the country that have been in the position of receiving the largest state benefits. Ms. Breaux’s assessment of the current climate at MSAC is that I am being asked to serve as the public target for a strategic decision of the Council I did not make unilaterally. (She specifically spoke to staff departures as a common occurrence across state agencies when procedures and programs begin to receive attention after years of “business as usual.”) Essentially, this is an issue of change management. If the Council really is behind the change, I am certainly willing to take training that will help me further develop my change management and change leadership skills. In fact, I will receive multiple, one-on-one coaching sessions with NASAA’s Kelly Barsdate through a change management curriculum and will also attend governance training. Ms. Breaux also recommended immediate training for the Council in board governance and a commitment to professional development for legacy organizations so that both the Council and large institutions can understand how advancing equity is in their best interest.

It’s worth noting that the hard work being done by MSAC is recognized by our peers across the country. I have been asked by NASAA to present on a panel at the upcoming national leadership conference sharing best practices for aligning arts agencies with authorizers using the strengthened relationship between MSAC and the rest of the Department of Commerce as a national model. Several states have requested our editor process overview and the new grants for organizations application. (The GFO application was mentioned as a model for 21st Century grant making at a recent conference of art education leaders.)

Are there questions or comments about leadership training before moving into the Grants for Organizations portion of this meeting?

JR: Great idea to include council in training.

JL: Echo Jack’s comment. Helpful for board to have training.

BB: Need to work as a team.

KS: Onto GFO. **Grants for Organizations**

We are reviewing this information so that the Executive Committee can make a decision about next steps in the Grants for Organizations funding procedure based on facts.

The information is a demonstration of formalized best practices for grant making that are transparent and equitable to replace ad hoc discretionary decision making that has led in the past to inflated funding for some organizations that occurred without oversight, transparency or accountability.

It has never been the intention of the MSAC staff to implement these funding formula changes in a way that did not provide for ample time to allow recipients to understand the new process and adjust their budget planning accordingly. And, since the concerns of the executive committee seem to focus on organizations receiving less funding than in previous years, we will spend more time on those figures so that the committee understands the calculation. (The BSO funding decision has been presented to the Secretary of Commerce for guidance.)

Moreover, understanding that pace of change has been a consistent complaint among some, the recommendations presented include a 3-year implementation plan. In the year of full application review (FY20, FY21, FY22), each organization is funded at an adjusted panel rating that allows them to remain within 5% of the previous year's adjusted rating for the three year cycle. (Because of the fluctuation in the budget of any organization, it is not now, nor has it ever been, possible to offer an adjustment that falls within 5% of the previous year's grant amount.) Throughout the three years before the next full application review, MSAC will offer multiple opportunities for professional development and technical assistance based on panel feedback outlining specific recommendations for each organization to strengthen the upcoming full application. During the next full application review (FY23, FY24, FY25), each organization will be funded at the true panel rating level.

The panel ratings may be adjusted during the annual Grants Committee meeting in conversation with the staff discipline experts. If a rating is adjusted, both the adjustment and the justification will be documented as public record.

Each of these decisions is based upon statewide constituent feedback which stated that equitable funding surpasses all others as the top priority for MSAC and, that there is an opportunity for MSAC to consider the mix, reach, and clarity of grant making programs. This feedback is clearly reflected in the new strategic plan.

After reviewing the actual information in the FY20 Grants for Organizations funding recommendations, the executive committee may decide to allow the Grants Committee to convene on Wednesday in support of the funding procedures or to cancel the Grants Committee meeting and recommend a clearly detailed alternative plan to the staff.

We will now review the funding information for each organization in the Grants for Organization program.

BB: Doesn't include old Basic Grants?

KS: Correct. Maryland's comparison to other states' operating funding ["National Perspective" slide and following] Dana, want to say anything?

DP: Graphic created to compare last and this years' GFO budgets in comparison to other granting programs. GFO decreased by 3 percent. Highlighted, other MSAC programs increased. Diversity of programming seen through equity lens. Budgets developed through FY 2022.

JL: Change minuses to pluses or colons.

BB: Noticed same thing

KS: Because moved Basics to Creativity, sum differences in GFO must account for funds that would have gone to Basics

BB: How much went to Basics and how much did not?

KS: Creativity may apply for funding at any time in upcoming fiscal year.

BB: If funds are available.

KS: Right. To talk about at next PP&E committee, whether to divide funding by month, or open whole pot of funding at start of fiscal year. Use AEMS award to understand calculation. Explanation of determining figure, panel rating, and staff adjustment. Commitment to allow for years of transition holds panel rating within 5% of last year's award.

JR: Why is determining figure lower?

KS: That's what organizations reported.

SM: Was lower panel rating communicated to AEMS?

KS: If they attended, they would know their panel rating. Otherwise would not know until award letter is sent. But again, award letter will say, here is panel rating, here is what we're doing during transition.

JL: This is for three years? Or step down 5% each year?

KS: Staff recommendation to hold this for three years. What we're offering in meantime is to look at recommendations made by panel. We offer professional development to help strengthen those areas before applying again. GBCA went up. Everyone comfortable with how to read charts? Dana has put justifications on bottom of each slide. Two audits are still with Dept. of Commerce audits. Still missing GBCA's. Award assumes audit will pass. Maryland Citizens for the Arts. Great example of how to move forward in a transparent way. Staff member and council monitor comes into play. Panel discussion was at the highest level. Not sure any negative statements made. However, panel rated them at 78%. At Grants Committee meeting, staff or council monitor will say: discrepancy between panel conversation and rating. MVLA, grant increased.

DP: Significant budget increase. Deeply impact award number, because determining figure went up. Based in growth rather than honoring huge increased. Parentheses was number submitted. After going through significant growth formula, lower number.

KS: An old policy staff refers to as ramping up. Apparently occurred for many years at arts council. Total amount funding for arts services, move on to next category. How is comprehension?

BB: Sounds good.

JM: Sounds good. No visuals, but appreciate work.

DP: Share online and follow by computer?

KS: Move along quickly, but will stop for any questions. Carpe Diem a new organization. Part of ramping up formula. Use 40 percent of FY 2020 determining figure. Next year 60 percent. Then 80, then 100.

SM: What is justification for ramping up?

KS: New large organizations would upset balance for ongoing organizations. Major adjustments in what able to give everyone else if funding starting at 100%.

CB: Can speak to Ward if questions.

DP: Ward Museum has been resubmitted for additional internal audit.

KS: Total for folk and traditional.

SM: What happened at Ward?

CB: Explained internal audit results increasing determining figure last year, ending of capital campaign.

BB: Discrepancy in Ann's Circle?

KS: Conversation in panel did not reflect rating. Recommend raising it.

DP: Total for Visual Arts. Now moving to Theater category. Appeal for Annapolis Shakespeare.

KS: In the case of an appeal, all notes shared with grants committee. Staff or council monitor recommendation. Will look at numbers with grants committee and see what to do next.

BB: Question on FY 2020 panel rating

KS: Assume every organization may have an off year. Hold at 70% for one year.

BB: Support in meantime.

KS: Clear in application. Vote taken in appeal process, specifically to organization. Another appeal, Lumina Studio Theatre.

DP: Theatre total. Next on year Music.

BB: Some for Basic. Was Basic, now not? Londontowne Symphony.

KS: Correct. Peabody Institute. Asked for data, seemed to be requesting funding for programs benefitting tuition paying students. Looked like two of programs contained 50 % community, others did not. Will need to be discussed by PPE. Do we need a policy around this or not?

DP: On year Multidiscipline

BB: Appeal for Columbia Festival?

KS: Yes. Did not feel that panel picked up on commitment to equity. FY 2019 original panel rating, 78%. Based on that, this year's panel did a good job. But will come up for discussion.

DP: Multidiscipline total. Move to Large.

BB: Surprised at BMA panel rating. Looks like they're doing so many good things.

KS: Agreed. BSO, has gone to Secretary of Commerce.

BB: Because of extra money they have asked for.

KS: Need to go with what Secretary is comfortable with.

BB: Have gone in past to say money from MSAC should be what their government funding is. No administration has supported that. Olney Theatre, rating went down?

KS: Even with adjusted transition, down by 5%

BB: Because of panel rating.

KS: Right.

BB: Question on Roundhouse. Trying to figure numbers.

JL: Determining figure went way up.

BB: Got it.

JR: Determining figure and ratings for Strathmore went down.

JL: Seeing that panel ratings going down in same areas?

KS: Great question. Noticed that is all over the map, but theatre category seems to be most consistent.

BB: What looking at to make it most consistent?

KS: Most of theatre companies community based. Different level of connection. More consistent as organizations.

DP: Also information can pull from panelists' rubrics for Wednesday's meeting.

BB: Panel rating for Lyrics went up.

KS: Real panel rating went up, but inflated FY 2019 staff rating. This will only occur in next three years.

DP: Large organizations total. One literary arts organizations reviewed in on year.

KS: All organizations that are in off year.

DP: Followed by total for each of off year categories. No panel review

BB: Question on rating. If 100% rating, stays?

Dana: Correct.

BB: No 100% ratings.

KS: No panel 100% ratings.

BB: Will work with them to explain how evaluating organizations.

DP: Yes. Fly through off years unless asked to stop.

JL: Lower panel ratings in the past. Looking to next on year, be addressing to them the fact that in the past ratings were adjusted by staff? Pay attention and do a lot of work in preparation for next cycle.

KS: Notes from panel meetings, can accompany suggestions with actual recommendations from panel. Offer technical assistance and professional development.

DP: Total for off year music, dance, and multidiscipline, and visual. Totals for each category, and GFO total in general, which would then require a vote.

SM: Grants committee have access to PPT before meeting? If people want to look at in advance.

KS: We can do whatever you want. Same concern about sharing with everyone ahead of time. Without stopping to say how to read. But if committee things it's wise, can certainly send ahead.

SM: Doesn't have to be sent ahead.

KS: Where are we with this moving forward?

SM: A lot of questions have been answered by going through. Hope grants committee can move through.

BB: Did grants committee have ratings to look at? Helpful or committee to see?

JL: Think had all of it, could cross reference to previous reviews for reference.

BB: Have for Wednesday?

KS: Define that? What is meant by rating?

BB: Packet with panelists?

JL: Had ratings aggregated and average of ratings. Could see which specific characteristics were marked down.

BB: Might be helpful. In new one, different rating system.

KS: That info can be at fingertips on Wednesday.

BB: Might help reduce questions.

JR: Good idea. Heard complaints about panelists. Surprised. Good idea to walk people through how they're selected, criteria using, make process more transparent. Might help things. Done very well. To answer questions, a little walkthrough of what process we use, and why effective and fair.

SM: Agree. As a start to meeting. Before, just three things people were graded on. Now more nuanced.

KS: Great.

BB: Good.

KS: Anything else about GFO?

JR: Tom Rifford here. Talked to folks in community feeling dissatisfied can answer here?

TR: Going through process at board meeting, open and public, extremely valuable. No questions. Think you're doing fine. Clear and defensible. Assume everybody on phone would say same thing right now. Thank you for letting me be here. What time is board meeting Wednesday?

DP: Grants committee meeting at 11am.

TR: 11am.

SSD: Open meeting, posted on website, so is agenda.

JR: Heard criticism aren't inviting people to attend. Maybe people should be invited as opposed that they would try to find out on own. Trying to get as much accomplished by this meeting as possible. Done a fabulous job and reduce frustration factor.

DP: Everything communicated in meeting will be communicated in award letter. In case cannot attend Wednesday.

KS: Future actions?

JR: Yes.

KS: **Future Action**

As I sit here today, I cannot honestly state there is any real trust between the Council and the the current staff and me. This is despite my efforts to help create such a relationship of trust from the day I arrived. What has been experienced instead has been a systematic effort to delegitimize and disempower the staff and me by giving full faith to one-sided, unsubstantiated self-interests. The words

and opinions of former staff members, who have acted with their own agendas, and long-established allies have been given unreasonable weight and deference. The actions of these individuals have in a number of ways prevented the me from implementing what I reasonably believed to be the strategic marching orders of this Council, as documented by their votes. Some of the efforts to discredit me have included:

- A year-long “whisper campaign” against me and against change of any kind, led by a current council member and fueled by disgruntled employees, resulting in multiple disruptions;
- A letter sent to the governor discrediting the work of staff and staff leadership, signed by a current council member and past chairs, several of whom have direct connections to organizations that receive funding from the Maryland State Arts Council (none of which was disclosed in the correspondence);
- A decision by the executive committee of the Maryland State Arts Council to postpone training in equity, diversity, and inclusion without any stated reasoning beyond a general resistance to change;
- A letter sent by a current council member to the entire council with misinformation about a recent “resignation” of a non-employee with no communication with the involved staff that was in clear violation of agency protocols, including those governing confidentiality and privacy. The letter was also lacking in any sense of due process for any of the parties involved; and
 - "Where it concerns page 10 of the Executive Minutes on 5.20.19:
 - That said "current council member" did not send an email addressing the concerns of the UAL fellow to the full board but to the executive and deputy directors and five out of the six members of the executive committee, four of whom responded with concern that something had to be done given the public light in which that fellow's blind copied email would find itself. The "misinformation" listed in that council member's email came directly from the UAL fellow and was a gesture for an open, albeit difficult dialogue with "involved" staff members that included the executive director and the deputy director, and the executive committee members working as one to create the transparency of diversity, equity, and inclusion, we so champion at MSAC before moving forward on a strategic plan that clearly embraces it."
- Most recently, an executive committee response to delay indefinitely a change toward equity and transparency for the Grants for Organizations funding process based on “rumors in the community.”

These actions occurred while the Maryland State Arts Council was operating without 7 of 14 staff positions - a time during which the Council has chosen to disrupt strategic action instead of stepping forward to support the efforts of the staff. Nevertheless, the exhausted and demoralized staff, committed to the concept of equitable access to the arts for all Marylanders, continued to work tirelessly to deliver current programming, investigate decades-old procedures, and create expansive initiatives.

Specifically, Liesel Fenner has offered ongoing guidance based on national trends and based on her vast experience and knowledge of other arts agencies and organizations; Chad Buterbaugh brought a consistent perspective of our smallest grantees and tirelessly advocates for more accessible processes; Dana Parsons has formalized and systemized data collection and expression, constantly extending her efforts with the staff and with constituents; and Steven Skerritt-Davis remains steadfast in his devotion to procedural and policy development even where none had previously existed. Each of these extraordinary leaders have accomplished their work with little or no support staff and with a constant commitment to equity, diversity, and inclusion.

At this juncture, and because of the cumulative effect of the previously outlined actions, I do not believe I have the backing and support of this Council to do the job I was hired to do and execute the strategic plan the Council will task the staff to execute. Since I arrived, I have responded to an overwhelming call for change with thoughtful and collaborative action. I have consistently responded to the charge from the previous Secretary of Commerce, Mike Gill, to make change and make change quickly, based on what was learned through constituent engagement by "getting out from behind the desk"; I have honored the charge from the Managing Director of Tourism, Film and the Arts, Liz Fitzsimmons, to create a clear and transparent structure for the Grants for Organizations funding procedures while establishing a grant program that would allow smaller organizations a simpler alternate funding application. I have responded to Council board members making encouraging statements like, "I hope you change everything," "I've been asking for these changes for years," and "you are taking us in the right direction," while Council meeting after Council meeting included public statements of support for these initiatives. I was hired to lead this state agency into its next chapter but I and the dedicated staff cannot do so without the clear support of the Council. Existing in the current climate of distrust is untenable and has created a hostile work environment. It is time for the Council's actions to match its words. This dedicated and highly talented staff should be supported in its work and celebrated for its commitment to the work of this agency. We are always willing to take direction, to hear from stakeholders, to respond to concerns or complaints and think of other or better ways to achieve MSAC's strategic goals. The development of new procedures, policies and initiatives does not occur in a linear

fashion and the goal is not to perfect the change so that it is permanent, but rather to allow change to evolve authentically, so that MSAC is recognized as reflective, responsive, and adaptable.

At this time, the staff needs your support and I am requesting a very public demonstration of that support.

The staff is preparing a fiscal year-end letter touting the accomplishments of MSAC. This letter will be the body of the June newsletter and the first draft will be complete by May 24. A draft of the letter will be shared with the Council with a request to include a signature of support.

In addition, I am requesting that a letter of support for my leadership, and commending the staff for their work during this difficult period, is sent to the Secretary of Commerce and Governor prior to the June 12 Council meeting.

Finally, the Executive Director is requesting that the Council declare its commitment to equity, diversity and inclusion training for all, including Council members, as well as agree to training in governance focused on transparency and communication. I am happy to share my research about training in both areas and to develop a training schedule that will work for all Council members.

Thank you for allowing the time for the submission of this information.

JL: Bravo.

SM: Don't have a problem with anything that was stated. Feel that council for the most part has been solidly behind Ken but have not made that felt as much as should have. Like idea of letter from leadership. Been saying for a long time. June newsletter material should also go out as a letter to stakeholders.

KS: Specifically to grantees?

SM: Yes. If we have accomplishments we're proud of, we should make people aware of it. Wasn't aware nixed idea of EDI training. If make it a priority, that will have to be.

LF: It was rejected at March council meeting.

BB: It was?

JR: Don't remember that vote.

SSD: Decision was to wait until after strategic plan.

BB: Think it was more to make it part of the strategic plan.

JM: Agree with Ken 100%. Love it. Still feel like something is there between what you just said and letter to governor.

KS: Say more about that?

JM: Wish I could. Have read letter to governor over and over. A lot of anger in there. Resentment, for some reason.

JR: We are operating in vacuum. Executive committee trying to meet with people who wrote that letter. Think Tom's been trying. If something could do to unite this process.

JL: Not to make it go away but to understand the concerns.

JM: That's the weak link here.

SM: Frustrating not to be able to talk with those people.

KS: All in to support whatever board needs.

TR: Is Barbara on the phone?

JR: Yes.

KS: Anything else for this meeting?

JR: Terrific, Ken.

Ajourn.