

Example Appeals Language

Aggregated by the Association for Computers and the Humanities

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Example Organizational Grant

To the Senior Deputy Chairman, National Endowment for the Humanities,

On behalf of [institution], I write to formally appeal the termination of our National Endowment for the Humanities grant [GRANT NUMBER] supporting [Name of Project] pursuant to Section XII(B) of the General Terms and Conditions for Awards to Organizations (For awards issued October 1, 2024, or later).

The Statutory Purposes of the NEH

The NEH was created by Congress in 1965, finding that “[t]he encouragement and support of national progress and scholarship in the humanities and arts . . . are also appropriate matters of concern to the Federal Government.” 20 U.S.C. § 951(1). Congress specified that the functions of the NEH include the following:

- The “promotion of progress and scholarship in the humanities;”
- Support of “research and programs to strengthen the research and teaching potential of the United States in the humanities;”
- Fostering “the interchange of information in the humanities;” and
- Supporting “the publication of scholarly works in the humanities.

20 U.S.C. §956(c)(1), (2), (6), and (8).

Congress authorized the chairperson of the NEH, with the advice of the National Council on the Humanities, “to establish and carry out a program of grant-in-aid” consistent with the purposes articulated above. 20 U.S.C. §956(f)(1).

The Grant would have advanced the statutory priorities of the NEH.

- Point 1
- Point 2
- Point 3

The [DATE OF NOTICE] notice of termination cites 2 CFR §200.340 as the basis for termination. As amended in late 2024, this provision makes termination for changes in agency priorities discretionary rather than mandatory. This change grants NEH flexibility to explore alternative solutions, including:

- Modifying the scope of work;
- Phased or partial closure;
- Alignment with new directives under EO 14179.

We received no indication that such alternatives were considered, despite the availability of lawful options and the project's early-stage performance.

Failure to Comply with Applicable Regulations and the APA

A. Insufficient Notice and Opportunity to Appeal

As noted above, the notice of termination states that “exceptional circumstances” precluded adherence to the traditional notification process but provides no detail regarding:

- The nature of those circumstances;
- The authority by which they override the usual process;
- Whether an Acting Chairman has the delegated authority to execute such a decision under these conditions.

Applicable OMB regulations, which apply to NEH grants, require federal agencies to specify the reasons for the termination. 2 C.F.R. § 200.341(a). Specifying the reasons for termination of a grant is essential to the recipient’s right of appeal under 2 C.F.R. §200.342.

In this instance, not only does the notice of termination fail to specify the reasons for the termination, the notice cites an executive order that does not apply to NEH funding. The notice states, in part:

NEH has reasonable cause to terminate your grant in light of the fact that the NEH is repurposing its funding allocations in a new direction in furtherance of the President’s agenda. The President’s February 19, 2025 executive order mandates that the NEH eliminate all non-statutorily required activities and functions. See Commencing the Reduction of the Federal Bureaucracy, E.O. 14217 (Feb. 19, 2025).

The problem with this purported justification for terminating the Grant is that E.O. 14217 does not apply to the NEH. In fact, it makes no mention of the NEH. Instead, it directs that the “non-statutory components of the following government entities” be eliminated:

- The Presidio Trust;
- The Inter-American Foundation;

- The United States African Development Foundation; and
- The United States Institute of Peace.

Instead of receiving the type of detailed notice required under 2 C.F.R. § 200.341(a), the University received with respect to this Grant and two others, what appears to be a form notice, citing an inapplicable executive order as the basis for termination of the Grant.

B. Termination of the Grant as Part of a Mass Termination of NEH Funding Does not Comply with the APA.

Upon information and belief, the notice of termination of the Grant received by the University was part of a mass termination of NEH grants initiated by the Department of Government Efficiency (“DOGE”). [1]

The termination of the Grant was neither reasonable nor reasonably explained as required under the APA. The NEH did not provide a reasonable explanation for the decision to terminate the grant or articulate a rational connection between any findings of fact that may have been made and the decision to terminate the Grant.

Request for Agency Action

In light of the project’s alignment with the statutory purposes of the NEH and President Trump’s AI Executive Order (E.O. 14179), and given the discretionary nature of terminations under 2 CFR §200.340, we respectfully request:

- Reconsideration of the termination or a willingness to explore scope modification; and
- Clarification of the authority and procedures under which the termination was executed;

We look forward to your response and to the possibility of working together to preserve the value of this critical investment.

Sincerely,

Example Individual Grant

April 29, 2025

To the Senior Deputy Chairman, National Endowment for the Humanities,

I am writing to request that you review the termination of my NEH grant [NUMBER HERE].

There has been no reason given for the termination of my grant that is consistent with the terms of its award. According to the Terms and Conditions (VII.Y) a grant may be terminated if the recipient no

longer wishes to continue the project. That is not my case, however. I worked on the project for the entire period in which I received the award, I gave no indication that I had intended to cease working on it.

The termination was also improper because notification of it came from a source and email account outside of the NEH & did not follow proper NEH policy or standard procedures, such as notification via eGMS Reach.

The grounds for the termination were arbitrary. The notification said that my grant "no longer effectuates the agency's needs and priorities." However, the grant was initially conferred because panels of expert reviewers and an authorizing body deemed my project to be in accordance with the needs and priorities of the NEH, as they were stated at the time. My project did not change. The termination does not explain what the agency's needs and priorities are. But even if these have changed, NEH has an obligation to honor commitments it made in accordance with what at the time were its publicly stated criteria.

In short, if you are terminating my grant, you are obligated to do it through proper channels and explain why. You have not done that. I respectfully request that you reinstate my fellowship.

Additional Language

The Letter also fails to point to any reasonable cause. The Letter contends that "NEH has reasonable cause to terminate [the Award] in light of the fact that the NEH is repurposing its funding allocations in a new direction in furtherance of the President's agenda[.]" and more specifically states: "The President's February 19, 2025 executive order mandates that the NEH eliminate all non-statutorily required activities and functions. *See Commencing the Reduction of the Federal Bureaucracy*, E.O. 14217 (Feb. 19, 2025)." But that is wrong.^[1] Although the Order states that "non-statutory components and functions . . . shall be eliminated" for the Presidio Trust, Inter-American Foundation, United States African Development Foundation, and United States Institute of Peace, the NEH is noticeably absent from that list. In sum, the sole, potentially articulable basis for the termination provided in the Letter—the Executive Order purportedly mandating elimination of this Award—is flatly wrong.

^[1] See Exec. Order No. 14217,

<https://www.federalregister.gov/documents/2025/02/25/2025-03133/commencing-the-reduction-of-the-federal-bureaucracy>.