

## **Program Management Committees Previously called Grievance Committees**

### **Background**

Some counties currently use grievance committees as a way to help manage conflicts and disputes, especially at county fairs. This practice should be discontinued for two specific reasons. First, it is inappropriate for the Extension Service to delegate responsibility for the management of 4-H programs. While it is appropriate and essential for staff and volunteers to work together to develop and manage many programs, it is not appropriate for the Extension Service to "give away" the final responsibility or authority to manage the program, especially in situations that have a high risk of litigation. Second, there is a new set of state laws covering contested case hearings, which have many of the same appearances as the current grievance procedures. It is inappropriate for us to use a practice that mirrors a formal legal proceeding.

### **Clarification on Management of the 4-H Program**

An Act of Congress provides for the delegation of authority and responsibility for the 4-H Youth Development Program. The USDA has developed certain federal regulations to carry out the legislation. These regulations clearly state that the Extension Service is authorized to conduct 4-H programs as follows:

*"For educational or informational uses which the Cooperative Extension Service deems to be in the best interests of the 4-H program and which can be properly controlled by the Cooperative Extension Service."*

Furthermore, it is the judgement of the Oregon State University legal counsel that delegation of decision-making authority creates inappropriate risk for the University. Most grievance committee situations are set up to handle conflict or disputes. These conflict situations are just the ones that need to be closely managed to avoid creating higher risk of litigation, bad publicity or public relations problems.

### **Clarification on Conflict with State Laws**

The current contested case hearing law mandates a process similar to the one outlined in some earlier 4-H grievance committee procedures. One big difference is that in the state law, all parties in the dispute must be represented by licensed attorneys or otherwise approved representatives. It is not in the best interest of the 4-H program to have a process that falls under the strict guideline of such a law, or that requires 4-H members or their families to have attorneys in order to seek assistance.

### **Mediators and Mediation**

A number of Extension staff have been trained in mediation in the past few years. While the skills of a mediator may be very useful in dealing with conflict among leaders or between staff and leaders, it is inappropriate for Extension faculty or staff to place themselves in the formal role of mediator when it involves 4-H. By definition a mediator should be an impartial third party. There are too many opportunities for conflict of interest or misunderstanding about the role of the Extension Agent when they serve as a mediator in 4-H situations. Extension staff should be in the role of problem solver,

decision maker, or moderator when there is a conflict between or among leaders, parents and staff. Since mediation is often done in lieu of some other formal legal proceeding, it should be avoided as an official way to resolve conflict in the 4-H Program. In conflict situations, the Extension faculty member should maintain a position from which they can take full responsibility for management decisions that have to be made to insure the integrity of the 4-H Youth Development Program.

### **Recommended Action**

1. It is appropriate for Extension faculty and staff to have and rely upon a variety of advisory and management committees that can assist with decision-making processes. Many of the previous functions of grievance committees may be performed by program or event management committees.
2. Management committees may be made up of leaders, parents, program representatives, or others with specific backgrounds that are appropriate to the decisions that have to be made. For example, if you have a livestock management committee for the county fair, it might be made up of project leaders, parents, older members, fair superintendent, and/or fair board or 4-H executive board member.
3. Management committees may be the same committees that serve all year to manage a project area, or they may be short term committees developed to provide unbiased assessments during a single event.
4. It is appropriate for program or event management committees to receive and discuss complaints or concerns.
5. It is appropriate for someone to gather information about the situation in order for a good decision to be made.
6. It is **not** appropriate for anyone to "take testimony" or "cross examine the witness" etc, as these begin to look like formal legal proceedings. It is best for the agent, or a disinterested party to gather most of the information for the group discussion.
7. **After discussion and recommendations from the management committee, it is the Extension staff member's responsibility to determine what is in the best interest of the member and the 4-H program and therefore what is the most appropriate action.**
8. Depending on the situation, the Extension staff may want to allow themselves time to study the information and make a decision some time after the "heat of the moment." This allows time to make sure all the relevant information has come forward, and avoids having to go back on a decision when more information is available.

### **Fair Board Committees**

Some county fairs use grievance committees that are unique to the county fair and are not specifically 4-H Program committees. If these committees are used to resolve 4-H issues, they should be changed or separate management committees should be set up to manage 4-H situations.