

Director's Introduction to Policy H-P-19-01

When South Dakota 4-H members participate in events, those events have rules and protocols to ensure safety and integrity for all participants. In addition, South Dakota 4-H undergirds the overall program with policies and procedures that ensure safety and integrity state-wide. Infrequently our 4-H members fail to abide by these frameworks (occasionally producing a negative effect on the experience of other members) and become subject to disciplinary action. Many members recognize their mistake and use the discipline as a teachable moment. Sometimes the disciplined and/or affected 4-H members perceive the disciplinary action/non-action was inappropriate. In such cases, this document provided our members the opportunity to appeal the actions taken by event/local decision-making entities.

It is important to note that some decisions cannot be appealed (e.g., judge's decisions absent a rule violation, legal issues that supersede 4-H policy). Further, only a disciplined or affected member may initiate the appeal process. When appropriate, a pleasant conversation initiated by the aggrieved individual to the local decision-making entity is recommended to discourage grievances being filed due to miscommunication or misunderstanding.

We hope that our 4-H members will have a positive youth development experience. When challenging situations arise, we trust that all parties will behave with respect and integrity. This formal appeal process aids that goal. Thank you in advance for your positive involvement in South Dakota 4-H!

Yours in positive youth development,

Tim Tanner, Ph.D.
Director, South Dakota 4-H Program

KEYWORDS: [protest](#) | [appeal](#) | [grievance](#) | [rules](#) | [respect](#) | [integrity](#)

Protest and Grievance Policy

South Dakota 4-H

Policy H-P-19-01

South Dakota 4-H is a collaborative effort between South Dakota State University, SDSU Extension, the United States Department of Agriculture, the SDSU Foundation, corporate and other sponsorships, and an extensive volunteer network that provides unparalleled non-credit research, knowledge and educational programs for youth.

The purpose of this procedure is to promote a prompt and fair process for resolving an applicable grievance. This policy is applicable to any protest or grievance related to the application of 4-H rules, including by way of example but not exclusion, to State Fair protest and 4-H Code of Conduct violation allegations. This policy is not applicable to violations which fall outside the scope of 4-H policy. Further, this policy is not applicable to a challenge of judges' integrity, decisions, placements or other evaluations absent a rule violation. In the event of a grievance filing, 4-H events or activities related to the grievance will not be delayed, stopped or re-scheduled to accommodate the grievance process.

When an individual presents details that would suggest that the challenged action stemmed from conduct violating SDBOR Policies 1:17, 1:17:1, 1:18 or 1:19 and University Policies 4:3, 4:4, 4:5, or 4:6, which prohibit sexual harassment and other forms of discrimination, the matter will be referred under SDBOR Policy 1:18 and University Policy 4:6 to the University Title IX/EO Coordinator, or designee, for investigation and resolution under those policies. No further action will be taken under this policy pending the completion of proceedings under SDBOR Policy 1:18 and University Policy 4:6.

Definitions and General Provisions

- A. Grievance – is defined as an alleged misinterpretation, misapplication or violation of a specific term or provision of 4-H policies affecting the rights or privileges of an individual provided by law.
- B. No offer of settlement of a grievance by either party shall be admissible as evidence in later grievance proceedings or elsewhere. No settlement of a grievance shall constitute a binding precedent in the settlement of similar grievances.
- C. Failure to grieve to the next step within the specified time shall end the right to grieve. However, the parties to any grievance may, by mutual agreement, waive the time limits provided herein. Such extensions shall be in writing and approved by all parties with copies of the extension provided to all parties.
- D. The Board of Regents and Board administration, University Administration, SDSU Extension Administration, State 4-H Youth Development Program Office, local decision makers, or employees shall not retaliate or effect reprisals against any individual for rightful processing or participation in a grievance.

Local Determination

The local 4-H professional or a designated county/state committee are responsible for initial rule/policy interpretations and decisions. When a rule/policy interpretation or decision is believed to be errant, a 4-H member (usually co-signed by at least one guardian) or volunteer may initiate a grievance proceeding. [Recommendation: prior to filing a grievance, a pleasant conversation initiated by the aggrieved individual is generally recommended to discourage grievances being filed due to miscommunication or misunderstanding.]

Step One: Written Protest or Grievance to Local Decision Entity

The individual(s) protesting or grieving a process or initial local determination shall file a formal written statement of grievance or protest to the initial decision maker. The statement must be filed no more than **fourteen (14) days** after the initial local determination, action or non-action.

The written statement shall contain the following information, at a minimum:

- 1) The date of the incident,
- 2) A complete statement of all relevant known facts,
- 3) List of names, addresses, and, if available, telephone numbers of people involved,
- 4) Any rules, regulations, policies and/or procedures allegedly violated or misapplied,
- 5) A proposed resolution,
- 6) Name(s) and signature(s) of the individual(s) filing the protest or grievance.

The initial decision maker will allow the interested parties an opportunity to provide information (when needed), analyze the facts and provide a written response to the parties within **seven (7) calendar days**.

If the aggrieved party fails to receive a response within that time limit from the initial decision maker, the individual has **seven (7) calendar** days to proceed to Step Two.

If the aggrieved party is dissatisfied by the response, the individual has **seven (7) calendar days** following receipt to proceed to Step Two.

Step Two: Appeal to the State 4-H Program Director

A grievant may submit a protest or grievance of the Step One determination to the State 4-H Program Director. The grievance should include copies of the original grievance and decision maker's response (if a response was given).

When appropriate, the administrator will review facts from the interested parties through ***an appointed grievance committee***.

The **appointed grievance committee**:

- Will be comprised of one representative from each of the programming committees similar in nature to the situation involved with the grievance.
 - Livestock: Beef, Sheep, Swine, Dairy, Poultry, Rabbit, Meat Goat and Companion Animal
 - Youth In Action: Special Foods, Fashion Revue, Public Presentation, Horticulture Judging, Consumer Decision Making, Robotics
- The grievance committee will **NOT** include representation from the entity involved at local determination, as they have already provided their justification for the decision; nor will it include representation from individuals who may possess a conflict of interest.
- Committee composition will be comprised equally of volunteers and extension staff
 - In **even** numbered years, the following committees will provide a **volunteer**:
 - Livestock: Beef, Swine, Poultry, Meat Goat
 - Youth in Action: Special Foods, Public Presentation, Consumer Decision Making
 - In **even** numbered years, the following committees will provide a **4-H staff member**:
 - Livestock: Sheep, Dairy, Rabbit, Companion Animal
 - Youth in Action: Fashion Revue, Horticulture, Robotics
 - In **odd** numbered years, the following committees will provide a **volunteer**:
 - Livestock: Sheep, Dairy, Rabbit, Companion Animal
 - Youth in Action: Fashion Revue, Horticulture, Robotics
 - In **odd** numbered years, the following committees will provide a **4-H staff member**:
 - Livestock: Beef, Swine, Poultry, Meat Goat
 - Youth in Action: Special Foods, Public Presentation, Consumer Decision Making
- The Committee will complete their assessment within **ten (10) calendar days**, having:
 - ✓ reviewed the written grievance documents filed by the individual
 - ✓ at their discretion, conducted additional inquiry to further aid understanding (e.g., interviews, policy review)
 - ✓ provided a recommendation to the State 4-H Program Director

The State 4-H Program Director will then issue a written response within **four (4) calendar days** following receipt of the committee's recommendation.

The decision shall be provided to the aggrieved party, local decision entity, and pertinent personnel.

If the aggrieved party fails to receive a response within that time limit, the individual has **seven (7) calendar days** to proceed to Step Three.

If the aggrieved party is dissatisfied with the response, the individual has **seven (7) calendar days** following receipt to proceed to Step Three.

Step Three: Appeal to the Director of SDSU Extension

An individual may grieve the Step Two decision to the Director of SDSU Extension.

The grievance should include copies of the original grievance, local decision entity's response (generated in Step One) and the State 4-H Program Director's response (generated in Step Two).

The Director will investigate the matter either personally or through an appointed designee and will provide a written decision in response to the grievance. The decision shall include a statement of findings and conclusions supporting the decision.

This written response will be delivered within **fourteen (14) calendar days** of the date the grievance was received by the Director.

The decision shall be provided to the aggrieved party, local decision entity, pertinent personnel, and State 4-H Program Director.

If the aggrieved party fails to receive a response within that time limit, the grievant has **seven (7) calendar days** to proceed to Step Four.

If the aggrieved party is dissatisfied with the response rendered, the individual has **seven (7) calendar days** following receipt to proceed to Step Four.

Step Four: Appeal to the Dean, College of Agriculture, Food and Environmental Sciences

An individual may grieve the Step Three decision to the Dean of the College (CAFES).

The grievance will include copies of the original grievance and the responses received in Steps 1-3.

The Dean will investigate the matter either personally or through an appointed designee and will provide a written decision in response to the grievance. This decision shall include a statement of findings and conclusions supporting the decision and **will be considered final**.

This written response will be delivered within **fourteen (14) calendar days** of the date the grievance was received by the Dean.

A copy of the decision shall be provided to the grievant, local decision entity, pertinent personnel, State 4-H Program Director, SDSU Extension Director, University President and SDSU General Counsel.

The SDBOR reserves the right to hear appeals of final decisions of the President, or designee, in accordance with SDBOR Policy 1:6 § 5.1.2.2.

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