

CHAPTER 6

Policy and Legislation

4-H Policies

4-H is a public institution, funded in part by tax funds and administered by public employees in cooperation with volunteers. Thus the conduct of 4-H programs must reflect the public interest. It is a joint responsibility of the 4-H Council and 4-H professionals to establish policies and procedures regarding the program and to provide oversight to the manner in which 4-H is conducted in the county. It is expected that county Councils support and abide by Washington State 4-H policies.

State Policies

Policies established at the state level are summarized in EM0758E, *Washington State 4-H Youth Program Policy*.

<http://cru.cahe.wsu.edu/CEPublications/em0758e/em0758e.pdf>

In addition, information regarding specific aspects of the 4-H program may be covered in other publications. For example, the regulations governing the use of the 4-H name and emblem are provided to interpret the federal laws governing its use.

http://www.national4-headquarters.gov/emblem/4h_name.htm

Counties have the privilege of formulating additional policies to direct local 4-H programs; however, they must be consistent with the 4-H mission, cannot contradict state or national policies, and may be more restrictive but not less restrictive than state and national policies.

Terms Related to Policy Determination

Policy--a settled course of action upon general principles acceptable to the organization.

Rule or Regulate--to exercise, direction, or influence; to govern. Rules and regulations are normally associated with specific events, contests, or organizational procedures within the 4-H program.

Tradition--an "inherited" pattern of thought or action.

Guidelines--suggestions, outlines, or directions of possible courses of action.

Developing 4-H Policies

The need for a policy statement usually comes when there is concern about how the 4-H 'system' is working. In contrast to a rule or regulation, a policy is a broad statement of intent. For example, "our policy is to serve all youth in the community" or "to cooperate with schools in delivering educational programs." The 4-H Council in partnership with 4-H professionals can give direction to the program with carefully developed policies.

Developing a policy statement may go like this.

- A concern is brought to the attention of the Council and Extension Professional.
- The situation is discussed, additional information gathered, and a search of existing policy or rules is conducted. Other counties and the State 4-H Office may be consulted.
- A proposed policy statement is drafted by the Council and 4-H Professional for further discussion. All consideration must be in the best interest of the 4-H program. Policies are more positive if they enable rather than restrict. Avoid taking action to solve a personal problem that could be resolved in other ways. Will the policy serve 4-H ten years from now as well as it appears to serve it now?
- Extension Professional(s) reviews and approves.
- The 4-H Council votes on the policy.
- To be effective, the policy must be printed and distributed to everyone who may be affected. It is important that all policies be available to volunteers, families, and others concerned. A listing of all policies in a handbook for 4-H families may be a good method to keep all informed.

- Policy enforcement is the shared responsibility of the 4-H Council and the 4-H professional(s). The credibility of the 4-H program suffers when policies or rules are disregarded.

Rules and Regulations

Rules and regulations normally are associated with specific events, contests, or organizational procedures. Follow the same process in establishing rules and regulations.

Making Changes

Revising policies, rules, and regulations follows the same guidelines as above. Changes must never be made during an event or activity. Introduce changes at the beginning of the year, not after planning and participation are already taking place. If a conflict is involved, it may be well to let the situation cool before attempting to make or modify policies or rules.

Policies, rules, and regulations help provide structure and harmony. As a general guideline, the fewer the better is a good practice to follow. Too many policies and rules make it difficult for everyone to be informed and difficult to enforce rules fairly and equitably.

Non-Profit Tax Status of the 4-H Organization

In this section are excerpts from the publication, Tax Exempt Status of 4-H Organizations Authorized to Use the 4-H Name and Emblem. Answers to questions asked most frequently are included. Questions are numbered as they are in the reference publication.

http://www.national4-headquarters.gov/emblem/4h_name.htm

Federal income tax exemption status for 4-H organizations is a privilege. It provides opportunities to expand 4-H programs to serve important needs of youth by enabling tax-payers-individuals and businesses - to claim deductions for contributions to 4-H.

This brochure is for use by Extension Service personnel. It is designed to answer most questions on matters relating to:

- The tax exempt status of 4-H organizations and affiliated groups, and
- The type of contributions to 4-H that a taxpayer or donor can claim as a deduction on a Federal Income tax return.

The Internal Revenue Service (IRS) ruling letter of February 9, 1973, recognized the tax exemption status of 4-H Clubs and affiliated 4-H organizations which are organized and operated under the guidance and control of the Cooperative Extension Service. This guidance and control must be in keeping with the "Regulations Governing the Use and Authorization of the Name and Emblem of 4-H Club Work."

Fund Raising/Taxes

1. In addition to tax funds provided at the county, state, and national levels, private donors have contributed funds to aid the educational work and prestige of the program.
2. Funds raised in the name of 4-H Youth Development programs must be used in support of educational programs for 4-H members and leaders and must be used in a manner consistent with Extension policy. The use of private funds should reflect favorably upon 4-H Youth Development programs and the donors.
3. The name and emblem should not be used in connection with the sale or endorsement of a commercial product.
4. All fund raising activities for 4-H come under the jurisdiction of the General Solicitation Act and Gambling Laws of the State of Washington. Each county should have a file on current regulations.
5. In general, contributions to 4-H Youth Development programs are tax deductible as gifts to a nonprofit, educational organization. The IRS has designated the number, 2704, as a group

exemption number for all 4-H organizations and affiliated groups. See *USDA, ES, Program Aid Number 1282, Tax-Exempt Status of 4-H Organizations Authorized to Use the 4-H Name and Emblem.*

http://www.national4-hheadquarters.gov/library/fs_tax_4-05-06.pdf

Reducing Liability Risk in 4-H

As a representative of Washington State University, adult volunteer leaders are protected under the State of Washington tort claims laws for liability and may be defended whenever an action or proceedings for damages shall be instituted arising from their acts or omissions while performing, or in good faith purporting to perform, their official duties. An adult volunteer must be properly enrolled as a 4-H leader to have liability protection, as described.

Risk Management

Each county should have a risk management plan for 4-H activities. Situations where there are safety concerns, or where improper performance or nonperformance might result in injury to others, should have a plan which anticipates risks and identifies risk management procedures. 4-H Councils are partners with the Extension professional(s) in reducing risks for all.

1. Reducing Liability Risk through "Common Sense" Measures
 - a. Be alert for potential dangers, i.e., unguarded equipment, inadequate lighting, protruding boards, slippery floors, etc.
 - b. Provide good orientation for volunteers who work both with youth and adults on safety practices, use of equipment, etc. Document the fact that orientation was provided.
 - c. Provide an adequate number of chaperones or adult assistants (supervisors) when involved in activities which pose higher levels of risk - i.e., livestock judging, horse shows, woodworking

- training (especially when working with power tools), waterfront activities, etc.
- d. Encourage parent and adult involvement in transporting people.
 - e. Hold Harmless Clause. Many places ask for a 'disclaimer' or 'hold harmless' statement for use of facilities. The University can only accept responsibility for the actions of its own agents and nothing either party agrees to can relieve them of legal responsibility for their own actions. It is preferred not to enter into any hold harmless agreements. If a certificate of insurance is required, see <http://www.ba.wsu.edu/riskmanagement/certificatesInsurance.htm>.
 - f. Make sure families (guardians) of participants are aware of planned activities or events and activities. If the group is going on a field trip, what is the destination? A signed slip giving parental permission assures the parent is aware of the event, location, and the activities involved. The Parental Consent and Release Form can be found online at http://4h.wsu.edu/ws4h/med_health.pdf.
2. Reducing Liability Risk by Being Familiar With Rules and Laws
- a. Follow democratic organizational procedures for meeting boards, councils, and committees.
 - b. Observe the Open Meeting Law--all Extension program-related meetings must be open to the public. (Local 4-H clubs are not governed by the Open Meeting Law; however, they may be challenged.)
 - c. Investigate local and state street trade and vending laws when conducting fund raising activities with youth or adult groups.
 - d. Be familiar with the tax exempt status of Extension organizations, the use of the 4-H emblem, etc

3. Reducing Liability Risk from Work with Related Organizations (Councils, Leaders Associations, etc.)
 - a. Examine bylaws (constitutions, etc.). Do they clearly and concisely state organizational responsibilities? Clear organizational purpose statements are critical for setting program policy, rules, directions, eligibility of participants, etc.
 - b. Do bylaws clearly state length of service and responsibilities of officers and members?
 - c. Develop an effective committee support system. Committees should record in their minutes all actions taken.

4. Reducing Liability Risk While Serving on a Non-Profit Board

Be knowledgeable about the organization and be able to make informed decisions. Board members should know or have the following information about the organization:

 - a. Know board members and committee assignments.
 - b. Have available copies of organizational charter/bylaws.
 - c. Copy of the recent financial audit.
 - d. Minutes of board meetings.
 - e. Copy of personnel policies.
 - f. Copy of accounting procedures.
 - g. Update on current programs and projects.
 - h. Copies of recent reports to funding sources and a list of all funding sources.

5. Reducing Liability Risk through Good Accounting
 - a. Avoid petty cash or shoe box operations.
 - b. If you handle funds, establish a good accounting system with appropriate checks and balances, i.e., co-signing of checks, frequent deposit of income, annual audit, etc.
 - c. Funds handled by associations should have a credible auditing system. Follow the policies in C1059E, *4-H Leader's Guide to Handling Funds in the 4-H Youth Development Program*.

6. Reducing Liability Risk from 4-H Disciplinary Action

Volunteers can protect themselves by:

- a. Making sure all 4-H participants know the rules- basic rules for all 4-H events, plus any specific to a given event.
- b. Using the "Buddy System"-encourage participants to take responsibility for each other.
- c. Making sure parents of participants know the rules-have both parents and youth sign a code of conduct.
- d. Reviewing the rules at beginning of each activity and establishing a procedure for handling infractions.
- e. Enforcing rules consistently.
- f. Providing an opportunity for "hearing" by an unbiased discipline committee, giving offenders an opportunity to explain their actions.

4-H Councils and salaried staff are held responsible for persons (volunteers) working on their behalf.

- a. Recruit good people and thoroughly train and orient them.
- b. Use participation permission forms for participants in program-related activities and events. Permission forms, while not removing liability, do show that proper planning went into an activity, alert parents to an activity when their signature is required, and might dissuade some people from filing suit.

7. If photos of 4-H activities and events are to include youth, each person must have a signed 4-H Photo Release on file. This form can be found online at http://4h.wsu.edu/forms/photo_release.pdf.

Civil Rights Requirements

Extension is committed to the realization of the spirit and letter of federal and state civil rights laws and regulations. The Civil Rights Act of 1964 and subsequent legislation prohibits discrimination based on race, color, religion, national origin, gender, age, sexual orientation, or disability.

From our earliest beginnings, WSU Extension 4-H Youth Development has been committed to serving the people of Washington State. We work hard to involve additional people in more and better ways. We take seriously our responsibility to offer our programs with respect, opportunity, and care for all of the state's residents. We want you to join us as an adult volunteer in striving to achieve our mission and vision.

To be an effective 4-H Council, you will need to know some basics about several important laws and policies that define and govern Extension programs and services. If you have questions—please feel free to ask!

Key Laws and Policies

Laws and policies particularly relevant to involvement with Extension and 4-H include:

- Smith-Lever Act of 1914
- Americans with Disabilities Act
- Federal law against age discrimination
- Separation of church and state
- Anti-harassment
- Civil Rights act of 1964
- Washington State law against discrimination
- WSU non-discrimination policies

These laws and policies are designed to ensure inclusion and fair treatment for all participants.

Here are brief summaries of key laws and policies.

Smith-Lever Act

<http://www.csrees.usda.gov/about/offices/legis/pdfs/smithlev.pdf>

The Smith-Lever Act, 1916, and subsequent amendments, dictate that Extension programs be designed to serve people in all socio-economic classes as well as the protected classes identified in civil rights laws and regulations.

The Americans with Disabilities Act (ADA)

http://bfo.cahe.wsu.edu/personnel/ada/what_means.htm

The ADA became effective on July 29, 1992, to provide access by individuals with mental or physical disabilities (short-term or long-term) to the opportunities of employment and participation. WSU Extension respects and accepts responsibility to uphold the Americans with Disabilities Act. Individuals who join WSU Extension are expected to uphold the Americans with Disabilities Act. All of our printed materials, electronic communication, and websites inform individuals how to request accommodation.

Separation of Church and State

<http://bfo.cahe.wsu.edu/personnel/civilrights/ChurchState.htm>

The first amendment of the U.S. Constitution requires governmental neutrality with regard to religion. Government is restricted to secular purposes and must neither advance nor inhibit religion. State law mandates that all institutions supported by state funds be free of sectarian control or influence.

As a government agency, WSU Extension is obligated to uphold this constitutional principle. In practice, the principle of separation of church and state means that Extension faculty, staff, and volunteers may not:

- Carry out programs or projects that advance or inhibit religion.
- Conduct or incorporate into events religious practices to promote religion.

- Extension events may be held in religious/sectarian facilities provided that attendance is open to persons of all beliefs.

Harassment

[http://www.wsu.edu/~forms/HTML/EPM/EP15_Discrimination and Sexual Harassment.htm](http://www.wsu.edu/~forms/HTML/EPM/EP15_Discrimination_and_Sexual_Harassment.htm)
<http://www.chr.wsu.edu/policies.html>

Harassment is serious repeated mistreatment of a person because of their sex, race, color, disability, sexual orientation, or country of origin. Sexual harassment is harassment of a sexual nature.

Harassment is a form of bullying and discrimination and is not tolerated in the Extension program.

WSU's "Preventing Sexual Harassment" online training is available at <http://www.chr.wsu.edu>. Volunteers will be asked to complete this online training once they are enrolled as Extension volunteers. At some county locations, in-person training is available.

The Civil Rights and Anti-Discrimination Law

The Civil Rights Act of 1964, as amended, was enacted to provide access for all individuals to participation and prevents excluding individuals from participation based on race, color, religion, national origin, or gender. Other federal statutes require fair treatment for people who have a disability and people who are over 40 years of age. Washington State law protects all these categories and people based on sexual orientation and people who use a guide dog or other service animal. WSU Extension personnel and volunteers are responsible to obey these laws. All individuals who join WSU Extension are expected to abide by laws protecting people from discrimination. A summary of these laws can be found at <http://bfo.cahe.wsu.edu/personnel/civilrights/summary.htm>. Please take time to look at this information.

What kinds of discrimination are prohibited by WSU policy under the Civil Rights Act? WSU forbids discrimination based on:

- **Race/Color/Ethnicity:** People of all racial and ethnic groups are included and valued in our program. We are careful to provide opportunities for leadership and participation equally across groups. We strive to include people of all races and colors in all of our programs.
- **Gender:** Men and women, boys and girls, have access to all of our programs. We don't keep girls out of some clubs and boys out of others. We want youth to choose clubs with projects and activities that interest them.
- **Religion:** Members of all religions, faiths, and spiritual practices are welcome in 4-H. We try to plan programs in ways that accommodate religious holidays, dietary, and clothing practices, and other religious/spiritual needs. When possible, we schedule our programs in ways that allow as many people to participate, without conflicting with worship schedules, and we try to choose neutral locations for our meetings. We neither advance nor inhibit religion.
- **Age:** Membership in 4-H is open to youth in Kindergarten who have reached age 5 before January 1 of the current 4-H year, through those in the 12th Grade, or who have not reached age 19 before January 1 of the current 4-H year. Special Education youth, older than age 19, may enroll with the approval of the County 4-H Educator. Applying to become a volunteer in 4-H is open to all adults.

- **Creed:** People with different beliefs and ideas—political, philosophical, economic—enrich our programs and are welcome.
- **National or Ethnic Origin:** We don't discriminate among people based upon what country they were born in, where they or their families come from the language they speak, or their heritage. We celebrate and honor cultural difference.
- **Physical, Mental, or Sensory Disability:** We strive to include people with disabilities. We do not exclude people based on a perception that it might be complicated, difficult, or dangerous to include them because of their disabilities. We rely on people with disabilities and their families to tell us what accommodations are needed.
- **Marital Status:** Married or non-married, all are welcome.
- **Sexual Orientation:** We welcome heterosexual, lesbian, gay, bisexual, and transgendered people to participate in all of our programs.
- **Military Veterans:** Veterans are welcome and included in our programs.

Please take action if you experience discrimination or if you see someone else being discriminated against. Everyone working for WSU, including volunteers, face sanctions for failure to follow WSU policies or the law. Sanctions may include warning, censure, reprimand, suspension, reassignment, or termination.

People who believe they have been discriminated against have a right to contact the county, the state, or the federal government. Complaints about Extension programs should follow the same

procedures as other civil rights complaints. These are outlined in the WSU Policies and Procedures on Civil Rights at this web site:

<http://bfo.cahe.wsu.edu/personnel/civilrights>.

It is infinitely more satisfactory for the person with the grievance to resolve such problems at the local level. However, people have a right to voice a grievance directly to the state or to the Secretary of Agriculture, if they wish.

Expectations

We expect our volunteers to:

- Create awareness, letting people know about our programs and opportunities and encouraging people from under-represented groups to participate.
- Assure access, making sure times and locations for events allow for the greatest number of participants.
- Provide utility, offering programs that interest and engage our audiences.

SUMMARY

Civil Rights laws and policies were created to ensure fairness to all—including you.

- Extension volunteers are expected to observe the laws and policies when working with others.
- Extension volunteers are protected by these laws and policies.

Everyone who wants to take part in 4-H and other WSU Extension programs has a right to do so free from discrimination, harassment, or bias.

A 4-H volunteer serves at the pleasure of WSU. Both the volunteer and WSU may terminate the relationship at any time, with or without cause.

Important Websites

Smith-Lever Act

<http://www.csrees.usda.gov/about/offices/legis/pdfs/smithlev.pdf>

The Americans with Disabilities Act (ADA)

http://bfo.cahe.wsu.edu/personnel/ada/what_means.htm

Separation of Church and State

<http://bfo.cahe.wsu.edu/personnel/civilrights/ChurchState.htm>

Anti-Harassment

http://www.wsu.edu/~forms/HTML/EMPM/EP15_Discrimination_and_Sexual_Harassment.htm

Washington State University's Discrimination and Sexual Harassment Policy

<http://www.chr.wsu.edu/policies.html>

The Civil Rights Act of 1964

<http://bfo.cahe.wsu.edu/personnel/civilrights/summary.htm>

WSU Non-Discrimination Policies

<http://www.wsu.edu/non-discrimination-statement.html>

<http://bfo.cahe.wsu.edu/personnel/civilrights/>

4-H Websites

National 4-H Council

<http://www.fourhcouncil.edu/>

USDA, Cooperative State Research, Education & Extension Service

<http://www.csrees.usda.gov>

Washington State 4-H

<http://4h.wsu.edu>

Civil Rights Responsibilities

Responsibility of Expansion and Review Committee (Required by Civil Rights Act of 1974, Title VI)

Civil rights legislation requires a specific plan to assure the youth program of Washington State University Extension is "open to all." We support this law and believe it to be ethically supportive of the youth program. In many counties, the 4-H Council has been delegated to act as the Expansion and Review Committee. The following statements are recorded to help 4-H Councils understand the program. The civil rights plan must assure:

1. All youth of 4-H age residing within the county have equal access to the benefits of 4-H youth programs.
2. Areas not being served equally must be identified and included in established plans, procedures, and goals for providing Extension 4-H Youth Development programs to those areas.
3. Other individuals from the community at large should be included to balance the proportional representation of the county/area population.
4. The total membership should be able to provide a thorough knowledge of the county and its communities.

Responsibility of Expansion and Review Committee

The 4-H Council may serve as the Expansion and Review Committee (E & R Committee) if membership of the Council meets the criteria listed above. If the 4-H Council does not meet the E & R Committee criteria or function as such, then a special Expansion and Review Committee shall be established to carry out these responsibilities.

Compliance with Civil Rights Requirements

The Expansion and Review Committee shall evaluate the availability of the Extension 4-H Youth Development Program to all youth in the county according to membership, curriculum, leadership,

organization, and program support. The following steps will help Extension 4-H Youth Development programs achieve civil rights goals.

Membership

Use an up-to-date civil rights map identifying geographic areas (such as township or school districts). 4-H enrollment reports require designation of integrated and non-integrated groups in mixed communities.

Inform those living in the county/area that 4-H is available to all youth. This should be done through media, printed materials, at meetings, and through personal contacts by volunteers and staff.

Use contacts in the schools as a major effort to reach potential 4-H participants when planning experiences to meet the needs and interests of young people:

- The different development stages of youth: early elementary, ages 6 to 8; middle school, ages 9 to 11; young teens, ages 12 to 14; middle teens, ages 15 to 17; and older teens/young adults, ages 18 to 19.
- The cultural diversity of residents in your county.
- Geographic residence representing farm or ranch; rural and towns up to 10,000; towns and cities from 10,000 to 50,000; suburb cities over 50,000; and central cities over 50,000. (Check statistical report.)

Public Notification

All printed material distributed by Extension must contain a statement of non-discrimination which notifies the reader that programs are available to all persons without regard to race, sex, religion, age, color, creed, national or ethnic origin; physical, mental or sensory disability; marital status, sexual orientation, or status as a Vietnam-era or disabled veteran.

Use the following public notification statement on printed materials distributed by Extension:

Extension program and policies are consistent with federal and state laws and regulations on nondiscrimination regarding race, sex, religion, age, color, creed, national or ethnic origin; physical, mental or sensory disability; marital status, sexual orientation, or status as a Vietnam-era or disabled veteran. Evidence of noncompliance may be reported through your local Extension office.

We have a responsibility to include the non-discrimination statement in news releases. The message is most often printed, however, when a statement that the program is open to everyone occurs in the body of the text rather than as a separate paragraph at the end.

New programs and program changes should be representative of the diversity of constituency groups. Representations should not make assumptions about the economic status or subject matter interests of any particular group.

The kinds of discrimination prohibited by WSU policy are those which occur on the basis of race, sex, religion, age, color, creed, national or ethnic origin; physical, mental or sensory disability; marital status, sexual orientation, and status as a Vietnam-era or disabled veteran.

All paid staff and volunteers are expected to make all reasonable efforts to encourage protected classes to

seek employment in Extension and to participate in programs. This includes participation in 4-H clubs, volunteer efforts, and advisory committees. The minimum reasonable effort includes ALL items listed as follows:

1. Creating Awareness--Use of available mass media, including radio, newspaper, and television, to inform potential recipients of Extension programs and of opportunity to participate; personal letters and circulars addressed to defined potential recipients inviting them to participate, including dates and place of meetings or other planned activities; and personal visits by county Extension staff to a representative number of defined potential recipients in the geographically defined area to encourage participation.
2. Assuring Access--Appropriate selection of time and location for events; making reasonable accommodations for people with disabilities; preventing inappropriate pre-employment inquiries.
3. Providing Utility--Offering programs and responsibilities of interest to the targeted audience; using only bona fide occupational qualifications to evaluate candidates.

Program Support

Make services of volunteers and Extension staff, educational materials, scholarships, and other program resources available to all ethnic and racial groups.

Separation of Church and State

The first amendment of the U.S. Constitution requires governmental neutrality with regard to religion. Government is restricted to secular purposes and must neither advance nor inhibit religion. State law mandates that all institutions assisted by state funds be free of sectarian control or influence.

Extension, as an agency of government, is obligated to uphold this constitutional principle. 4-H Councils and clubs are derived from Extension and cannot engage in activities prohibited to federal and state government.

In practice, the principle of separation of church and state means that Extension faculty, staff, and volunteers may not

- carry out programs or projects which advance or inhibit religion.
- conduct or incorporate into events any religious service or practice.
- adopt creeds which include sectarian references or language e.g. "ideals of Christian life."

Extension events may be held in sectarian facilities provided that attendance is open to persons of all beliefs.

**Additional
Documents**

Morrill Act of 1862

http://www.nasulgc.org/publications/Land_Grant/LandMorrill.htm

The National 4-H Strategic Plan

<http://www.national4-hheadquarters.gov/library/strategic.pdf>

Washington State 4-H Youth Development
Strategic Plan

http://4h.wsu.edu/ws4h/strategic_plan.pdf