

**Volunteers and Interns
Policies & Procedures Manual**

Albany Pine Bush Preserve Commission

Revised April 2024

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I. INTRODUCTION

Policies and Procedures apply to all APBPC Volunteers and Interns.

The Albany Pine Bush Preserve Commission's ("APBPC") Policies and Procedures Manual for Volunteers and Interns ("Manual") contains the organization's Policies and Standard Operating Procedures for individuals who volunteer and intern with APBPC.

The Manual is intended to provide clear direction to volunteers and interns regarding the manner in which the APBPC operates in accordance with its mission and ethical principles. For purposes of this Manual, volunteers and interns will be referred to as *volunteers*. In order to maintain a volunteer relationship with APBPC, volunteers must understand and comply with all provisions of the Manual. It describes many of your responsibilities as a volunteer and outlines the programs developed by APBPC to benefit volunteers.

This Manual is not a service contract. **Neither this Manual, nor any APBPC communication or practice creates a service contract.** It does provide a guide to policies at APBPC. The Manual cannot anticipate every circumstance or question about policy. The need may arise and APBPC reserves the right to revise, supplement, or rescind any policies, rules and procedures included in the Manual from time to time, as it deems appropriate, in its sole and absolute discretion. Volunteers will receive, and be required to sign, the Manual. The work rules contained herein are not intended to be a comprehensive list of prohibited conduct and APBPC always retains the right to take action including suspension and termination of the volunteer relationship.

This Manual is written to comply with applicable federal and state law. To the extent that the Manual is inconsistent with applicable law or regulations, the applicable law or regulations will govern. Should any provision in this Manual be found to be unenforceable and invalid, such a finding does not invalidate the entire Manual, but only the affected provision.

APBPC accepts the service of all volunteers with the understanding that such service is at the sole discretion of APBPC. Volunteers agree that APBPC may decide to terminate the volunteer's relationship with APBPC

II. GENERAL INFORMATION POLICIES

A. Introduction to the Albany Pine Bush Preserve Commission

Located in the heart of the Capital District Region, the Albany Pine Bush represents one of the best remaining examples of a Northeastern Interior Pine Barrens ecosystem in the world. This gently rolling sand plain is home to a unique diversity of animals and plants.

Thousands of people visit the Albany Pine Bush Preserve each year for outdoor recreation, research, nature study and respite. The Preserve positively and significantly contributes to the quality of life in the municipalities it crosses. Over 3,400 protected acres of Pine Bush land are a cherished resource to local communities.

The APBPC was created by the New York State (NYS) Legislature in 1988 to protect and manage the unique and endangered natural communities and species of the Albany Pine Bush for ecological, recreational and educational benefits.

B. Classification

While both volunteers and interns are identified throughout this Manual as “volunteers,” these are distinct roles at APBPC and are defined as follows:

Volunteers: You are considered a volunteer if you, without compensation or expectation of compensation beyond reimbursement for volunteer related expenses, perform a service at the direction of and on behalf of the APBPC.

Interns: Interns participate in an internship with APBPC designed to provide them with work experience related to their field of study. Interns may receive a monthly stipend or be unpaid.

C. Minors as Volunteers

Volunteers under the age of 18 who wish to participate in an ongoing volunteer opportunity must have written permission of a parent or guardian before they may begin service. The volunteer tasks assigned to a minor shall be performed in a non-hazardous environment and shall comply with all appropriate requirements of child labor laws.

III. VOLUNTEER CONDUCT AND RULES

A. Code of Conduct

To ensure orderly operations and provide the best possible environment, APBPC expects volunteers to follow rules of conduct that will protect the interests and safety of all volunteers and the organization. It is not possible to list all the forms of behavior that are considered unacceptable; the following are examples of infractions of rules of conduct that may result in corrective action, up to and including termination of the volunteer relationship:

- Theft or inappropriate removal or possession of property;
- Falsification of APBPC records;
- Working under the influence of alcohol or illegal drugs;
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs on APBPC property, while volunteering, or while operating APBPC-owned vehicles or equipment;
- Fighting or threatening violence while being a volunteer for APBPC or on APBPC property;
- Negligence or improper conduct leading to damage of APBPC-owned property;
- Failure to comply with APBPC-directed instructions or assignments;
- Failure to comply with all applicable laws and government regulations;
- Violation of safety or health rules;
- Smoking in prohibited areas or within 50 feet of building entrances;
- Sexual or other unlawful or unwelcome harassment;
- Possession of dangerous or unauthorized materials, such as explosives or firearms on APBPC property;
- Unsatisfactory performance of the volunteer assignment;
- Excessive absenteeism or any absence without notice;
- Unauthorized use of telephones, communication systems, or other APBPC-owned equipment;
- Violation of APBPC procedures and policies.

Volunteers are expected to conduct themselves at all times with integrity and in a manner that reflects well on themselves and on APBPC.

The integrity of the organization is diminished whenever these standards are violated. If you become aware of facts or circumstances that you believe constitute a violation, you should promptly report the suspected violation to your supervisor, the Outreach and Volunteer Coordinator (“OVC”), the Director of Finance and Operations (“DFO”) or Executive Director (“ED”).

B. Volunteering Etiquette

APBPC strives to maintain a positive environment. Sometimes issues arise when volunteers are

unaware that their behavior while volunteering for APBPC may be disruptive or annoying to others. Many of these day-to-day issues can be addressed by politely talking with a co-volunteer to bring the perceived problem to their attention. In most cases, common sense will dictate an appropriate resolution. APBPC encourages all volunteers to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another person's ability to be productive.

C. Attendance

To maintain a safe and productive environment, APBPC expects volunteers to be reliable and punctual in reporting for scheduled volunteer assignments. When volunteers cannot avoid being late, must leave early or are unable to volunteer as scheduled, they should notify their supervisor or the OVC as soon as possible in advance of the anticipated tardiness or absence.

Consistent attendance and timeliness are essential to the satisfactory performance of a volunteer assignment. Failure to satisfactorily perform a volunteer assignment may result in termination of the volunteer relationship.

D. Right to Monitor Communications Systems and Equipment

In their volunteer capacity, some volunteers may be permitted to use APBPC-owned communications systems and equipment. There is no guarantee of privacy when using APBPC-owned communications systems and equipment. To the extent allowed by regulation, APBPC management reserves the right to access, search, and monitor the APBPC's communications equipment and files at any time in the normal course of business, with or without advance notice or consent of the volunteer and/or in the volunteer's absence. This applies to all information, messages, and files that a volunteer creates, transmits, downloads, receives, views, stores, or deletes on such systems, including items that are password protected. APBPC has the ability to monitor sites visited by a volunteer on the internet, chat rooms, all telephone calls, voice mail messages, and every e-mail message and file transfer into and out of the APBPC's network as well as any information created or discussed on social media sites, blogs, or personal web sites. Volunteers should have no expectation of privacy when using APBPC equipment or resources. In addition, continued use of APBPC equipment and resources, including but not limited to computers, internet, phones, phone systems, email, messaging system, and other electronic resources constitutes consent to monitoring by APBPC.

Volunteers shall be advised that any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by a volunteer by any APBPC electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems may be subject to monitoring at any and all times and by any lawful means.

E. Electronic Communications Policy

APBPC may provide computers, electronic data storage, internet services, electronic mail ("e-mail") and voice mail communications systems (referred to throughout this policy as "APBPC's communication system") as important tools to assist volunteers in performing their responsibilities. It is the responsibility of every volunteer to ensure APBPC's communication systems are used for authorized purposes only and in a fashion that does not improperly disclose proprietary information to

unauthorized individuals.

Any unauthorized use of APBPC's communication systems is strictly prohibited. Unauthorized use includes, but is not limited to:

- Any communications or use which violates APBPC's equal employment opportunity, harassment, or non-retaliation policies or any other APBPC policy or procedure.
- Utilizing or accessing APBPC's communication systems without proper authorization.
- Disabling or otherwise interfering with APBPC's communication security or data protections systems.
- Using APBPC's communication system to disclose confidential financial data or other non-public proprietary APBPC information to unauthorized individuals.

Volunteers are prohibited from using APBPC communications systems for personal use. Any volunteer who violates this policy will be subject to immediate corrective action up to and including termination of the volunteer relationship.

F. Social Media

This policy applies to all APBPC volunteers and covers all forms of social media. Social media includes all means of communicating or posting information or content of any sort on the Internet, including, but not limited to, blogs, websites, chatrooms, Facebook, X, Snapchat, Instagram, LinkedIn, YouTube and/or other social networking sites and tools.

Before creating any online content, consider some of the risks and rewards that are involved. Even though online communications are outside the workplace and necessarily less formal, recall that fellow volunteers may find comments or content unprofessional or unwelcome, and you may damage your own reputation with others as a result of the content you post. When communicating with or about others connected with your work, avoid using statements, photographs, video or audio with content that is malicious, obscene, harassing or bullying. Be especially cautious to not engage in activity that would contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or APBPC policy. Never post any information or rumors that you know to be false about fellow associates, customers, suppliers, or competitors. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched.

You are personally responsible for what you communicate in social media. Remember that what you publish might be available to be read by the masses (including the APBPC itself and social acquaintances) for a long time. Keep this in mind before you post content.

Make it clear in your social media activity that you are speaking on your own behalf. Write in the first person and use your personal email address when communicating via social media. Never post anonymously to social media sites when your post could be attributed to APBPC, its affiliates, customers, clients, business partners, suppliers, vendors, or other stakeholders. Anonymous posts can be traced back to the original sender's email address. Follow all guidelines in this policy regarding social media postings.

If you disclose your affiliation as a volunteer of APBPC, it is recommended that you also include a disclaimer that your views do not represent those of APBPC. For example, consider such language as "the views in this posting reflect my personal views and do not represent the views of APBPC."

Use good judgment about what you post and remember that anything you say can reflect on the APBPC, even if you do include a disclaimer. Always strive to be accurate in your communications about APBPC and remember that your statements have the potential to result in liability for you or APBPC. APBPC encourages professionalism and honesty in social media and other communications.

We encourage volunteers to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

- If your posts on social media mention APBPC, our services, volunteers, and/or patrons, make clear that the views posted are yours alone and do not represent the views of APBPC.
- Volunteers may write about their volunteer assignments in general but may not disclose any confidential or proprietary information.
- Unless given written consent, volunteers may not use our logo or trademarks on posts.
- Do not engage in bullying or write inflammatory comments about others.
- If you see a misrepresentation about APBPC, respond respectfully with factual information, not inflammatory comments.
- As an APBPC volunteer you are responsible for what you write or present on social media. Volunteers can be sued by any individual who views such social media posts as defamatory, pornographic, proprietary, harassing, libelous, or creating a hostile work environment.
- Comply with copyright laws and cite or reference sources accurately.
- Non-business social media activities should not interfere with volunteer duties. All postings on social media must comply with APBPC's Confidential Information policy and all tech policies.
- .
- All APBPC policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment, code of conduct, noncompetition, and protecting confidential and/or proprietary information.

Business Use of Social Media

If you are required to use social media as part of your volunteer duties, as an official social media poster for APBPC's marketing, public relations, recruitment, corporate communications, or other business purposes, you should note APBPC owns all social media accounts used on its behalf for business purposes, including any and all log-in information, passwords, and content associated with each account, such as followers and contacts. APBPC owns all such information and content regardless of the volunteer that opens the account or uses it and will retain all such information and content regardless of separation of any volunteer from employment with APBPC. If your volunteer duties require you to speak on behalf of APBPC in a social media environment, you must still seek approval for such communication from the OVC and ED who may require you to receive training before you do so and impose certain requirements and restrictions regarding your activities. Likewise, if you are contacted for comment

about APBPC for publication, including in any social media outlet, direct the inquiry to the OVC and do not respond without written approval.

Violation of this policy may lead to corrective action up to and including termination of the volunteer relationship.

G. Dress Code

Volunteers are expected to report to work dressed according to the requirements of your volunteer assignment. Please consult with your supervisor or volunteer coordinator for specific information regarding acceptable attire for your volunteer assignment. If you report to APBPC dressed inappropriately, you will be asked to leave and return properly dressed. APBPC-provided attire may be required for certain programs or activities and the APBPC-provided attire is expected to be worn when volunteering.

APBPC will not discriminate against a volunteer because of their hair texture or protective hairstyles (including braids, locks and twists) and does not prohibit the wearing of attire, clothing or facial hair in accordance with the requirements of an volunteer's religion. APBPC will reasonably accommodate a volunteers' disabilities and religious requirements, unless the required accommodation creates an undue hardship. Volunteers requesting an accommodation related to this policy should contact the OVC and be referred to the ED or DFO.

H. Confidential Information – Protection & Use

Volunteers will not divulge any confidential financial data or other non-public proprietary APBPC information to anyone, within or outside the APBPC, not authorized to receive such information without prior consultation and approval from the ED. The types of information covered by this policy includes, but is not limited to, knowledge, records or data, in any form (written, electronic, or oral), which the APBPC has a legitimate interest in protecting from unauthorized disclosure in order to protect APBPC's legitimate business interests.

I. Conflict of Interest

All business of the APBPC must be conducted on an objective basis, solely on its merits and in accordance with the APBPC Code of Ethics.

APBPC volunteers may not have any interest, direct or indirect, financial or otherwise, or engage in any business activity or transaction which is in conflict or creates the appearance of a conflict with the proper discharge of the volunteer's duties for the APBPC. All APBPC volunteers will sign a certification, declaring any conflicts of interest, or affirming none exist.

A conflict of interest exists when a volunteer proposes to act on any issue, matter, or transaction in which the APBPC has an interest and the volunteer may have an interest separate from the APBPC. A conflict of interest also exists in situations in which there is an appearance that an volunteer is utilizing inside information that is proprietary to the APBPC for his or her benefit, is acting in his or her own interests rather than the best interests of the APBPC, has the ability to exercise undue influence over APBPC decisions, or is receiving favorable treatment by the APBPC because of his or her status as an volunteer.

A. Use of APBPC Vehicles and Equipment

Volunteers who drive APBPC-owned vehicles must have and maintain throughout employment, a valid driver's license free from major infractions and acceptable to our insurance carrier. APBPC-owned vehicles are only to be used for APBPC-related activities and not to be taken home, or used for personal reasons unless authorized by the ED. This includes use during business hours, overnight or over the weekend.

Please also remember that tickets, infractions or accidents that could affect the status of a driver's license or the driver's insurability and must be reported to the OVC and ED. Moving violations issued are the responsibility of the driver. Drivers must obey all traffic laws, observe speed limits and remember to wear seat belts at all times. Volunteers operating vehicles on behalf of APBPC may only transport passengers have a business purpose for being in the vehicle. Drivers are reminded of laws regarding "hands free" use of cell phones. Text messaging, email, and use of the internet while driving is prohibited.

All APBPC property including desks, storage areas, work areas, lockers, file cabinets, credenzas, computer systems, office telephones, cellular telephones, modems, facsimile machines, duplicating machines, and vehicles must be used properly, in accordance with APBPC policy, and maintained in good working order. Volunteers who lose, misappropriate, or misuse APBPC property may be personally liable for the replacement or repair of the item and may be subject to discipline, up to and including discharge.

IV. PREVENTION OF TICK-BORNE DISEASES

Many APBPC volunteers are required to perform their duties outdoors. This may expose individuals to biting insects and ticks, including deer ticks which are known to host diseases, including but not limited to Lyme Disease.

The APBPC is committed to promoting a safe working environment and awareness for its staff and volunteers. These efforts can reduce the incidence of tick bites and the potential infection of tick-borne disease. Supervisors are responsible for ensuring that all APBPC staff and volunteers are provided with appropriate information from the NYS Department of Health (NYSDOH) to reduce exposure to tick-borne illnesses. All staff and volunteers will review the materials located on the NYSDOH website located at: <http://www.health.state.ny.us/diseases/communicable/lyme/index.htm>. Including:

- Be Tick Free – A Guide for Preventing Lyme Disease;
- Dress to Repel;
- How to Remove a Tick; and
- Ticks and Lyme Disease.

The NYSDOH information provides for means to reduce exposure to tick bites, including the use of repellents and insecticides (i.e., permethrin).

Because insect or tick bites are considered a recordable injury, volunteers that locate an embedded tick or indications of a tick bite following work-related job duties must take the following actions:

- Notify their supervisor and the OVC within 24 hours.
- The supervisor will meet with the volunteer to complete a Volunteer or Intern Incident Report as soon as possible.
- The supervisor will provide a signed copy of the Volunteer or Intern Incident Report to the OVC and copy to DFO.
- If a volunteer develops any suspected symptoms of tick-borne disease following a known or suspected tick bite and/or is diagnosed, they should seek medical attention as soon as possible.

V. HEALTH & SAFETY POLICIES

A. Reporting Hazards and Accidents

As a matter of policy and as required by law, APBPC must offer a place of service free from recognized hazards.

You and APBPC are responsible for maintaining safe conditions. If you find a safety hazard of any kind, it is your responsibility to report it as soon as possible to your supervisor. If an accident occurs, whether or not an injury is apparent, report it to your supervisor and the DFO immediately. All accidents must be reported on an Incident Report Form within 24 hours and submitted to the OVC and EDDFO. All emergencies or accidents must be reported to a staff member as soon as possible. Staff will work with the volunteer to complete an Incident Report form if necessary.

B. Communicable Disease Prevention Policy

The purpose of this policy is to establish procedures to be followed when volunteer has a suspected or confirmed communicable disease. Communicable diseases, include but are not limited to measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), Severe Acute Respiratory Syndrome (SARS), coronavirus (COVID-19) and tuberculosis. APBPC may choose to broaden the definition within in its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC) and/or the New York State Department of Health.

APBPC's decisions involving persons who have communicable diseases shall be based upon current and informed medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, a careful weighing of the individual risks and the available alternatives for responding to a person with a communicable disease.

APBPC will not discriminate against any person based upon the individual having a communicable disease. A person shall not be denied access to APBPC property solely on the grounds that they have a communicable disease. However, APBPC reserves the right to exclude a person with a communicable disease from the APBPC facilities, departments and functions if the organization finds that, based upon medical determination or state or federal law or guidance, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others on APBPC property.

APBPC will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases.

Disclosure of Symptoms of Suspected or Confirmed Communicable Disease: Any person with symptoms of a suspected or confirmed communicable disease shall immediately disclose this information to your immediate supervisor and/or the ED. Supervisors who receive notice must also notify the DFO. Disclosure must also be made by a person who suspects they have been exposed to a communicable disease and/ or are returning from areas designated by the CDC as a level 2 or 3 travel risk. The current areas of travel risk can be viewed at <https://wwwnc.cdc.gov/travel/notices/>.

Protective Measures: The ED and DFO will work in conjunction with the volunteer in determining the appropriate protective measures to ensure the health and safety of the workplace. While a determination is pending, the person shall limit any contact with other personnel. When a determination is reached that the person cannot be in contact with other personnel, they will leave the premises as soon as notified. Emergency medical personnel may be contacted as necessary. APBPC will adhere to all CDC, OSHA and New York State reporting procedures.

Assessment of Possible Exposure: The ED and DFO and as necessary, in conjunction with the Local Health Department (LHD), will review the circumstances of potential exposure of other personnel. A report will be developed inclusive of recommendations that may include sanitization of work areas and a request of persons who have been exposed to seek medical attention. APBPC will adhere to all LHD, CDC, OSHA and New York State guidelines and will abide by all directions as required.

Mandatory Medical Clearance & Communication: APBPC will require proper medical clearance with any noted restrictions before any person prohibited from attending to the worksite due to an exposure to or confirmed communicable disease may return onsite. The ED and DFO will be the co-points of contact for any person throughout the process.

Pandemic Situation: In the rare event of a publicly declared pandemic, APBPC will follow applicable guidance and directives of the CDC and/or New York State Health Department and/or New York State Executive Orders or other laws should a shutdown of departments or the buildings with communications made by Leadership to all affected volunteers.

C. Drug- And Alcohol-Free Premises

APBPC will provide its volunteers and the public with a safe and drug-free environment. The purpose of this policy is to maintain an environment where use of alcohol or other drugs does not adversely affect the health and safety or capabilities of volunteers, or the health and safety of visitors or APBPC staff. Full compliance with this policy is required to volunteer with APBPC.

The unlawful dispensation, sale, purchase, distribution, possession, use, or manufacture of a controlled substance, marijuana (cannabis), alcohol, or other illegal drug on property owned or controlled by APBPC is strictly prohibited. Similarly, it is prohibited for any volunteer to be under the influence of illegal drugs, alcohol, or any controlled substance (including marijuana) on APBPC premises, in APBPC vehicles or during working hours.

Adult Recreational Marijuana (Cannabis) Use in New York: APBPC recognizes that effective March 31, 2021, New York legalized adult recreational use of marijuana (cannabis). In accordance with state law, APBPC will not refuse to hire, or discharge volunteer, or otherwise discriminate against an individual in terms, conditions, or privilege of employment because of an individual's lawful off-duty use of cannabis products or for engaging in lawful off-duty cannabis related recreational activities, in accordance with state law. However, volunteers are reminded that the following conduct remains explicitly prohibited:

- Possession, purchase, sale, cultivation, or use of marijuana (cannabis) during work hours (including during meal or break periods), on APBPC premises, and/or while using APBPC

equipment or APBPC-owned property (including APBPC -owned vehicles or vehicles used in the course of conducting APBPC business).

- Working while impaired by the use of marijuana (cannabis), meaning the volunteer manifests specific articulable symptoms while working, which may include a decrease or decline in the volunteer's performance of the duties or tasks of their position, or which interfere with the APBPC's obligation to provide a safe and healthy workplace,
- Driving while impaired by the use of marijuana (cannabis) while engaged in APBPC business.
- Smoking marijuana (cannabis) in any location where smoking tobacco is prohibited.
- Engaging in conduct that otherwise endangers others.

Violation of this policy may be cause for immediate termination of volunteer duties.

APBPC will not take corrective action against volunteers who use and possess marijuana and other cannabis products in accordance with applicable law. However, if APBPC believes that a volunteer is impaired by the legal use of marijuana or other cannabis products in a way that interferes with the volunteer's performance of their job duties or with APBPC's obligation to provide a safe and healthy workplace, APBPC may take actions to remove the volunteer from work or to take corrective action against the volunteer, up to and including termination of the volunteer relationship. Such determinations of impairment will be made by a supervisor, the DFO, ED or local authority, and will be based on the observation of specific, articulable symptoms of impairment.

Please note nothing in this policy requires APBPC to commit any act that would cause it to be in violation of federal law, or which would result in the loss of a federal contract or federal funding. Moreover, nothing in this policy prohibits or limits APBPC from taking action as required by state or federal statute, regulation, ordinance, or other governmental mandate.

D. Smoking and Vaping

In keeping with APBPC's intent to provide a safe and healthful environment, smoking and vaping are prohibited throughout the office workplace. This policy applies equally to all volunteers, customers, and visitors.

E. Violence Prevention

APBPC is committed to preventing workplace violence and to maintaining a safe work environment. All volunteers are expected to refrain from conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of APBPC without prior authorization from the ED.

APBPC encourages volunteers to settle issues amicably when possible, but to bring disputes or differences with other volunteers or APBPC staff to the attention of the supervisor or the OVC DFO before escalation into potential violence. Conduct that threatens, intimidates, or coerces another volunteer, APBPC staff, visitor, or a member of the public at any time, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is prohibited by the anti-harassment policies contained in this Manual. All threats of or actual violence, both direct and indirect, should be reported as soon as possible to the supervisor and the ED. All reported threats will be

investigated as thoroughly as possible. This includes threats by volunteers, as well as threats by staff, visitors, vendors, solicitors, or other members of the public. When reporting a threat of violence, be as specific and detailed as possible. Do not place yourself in peril. If you see or hear a commotion or disturbance, do not try to intercede. Anyone determined to be responsible for threats of or actual violence or other conduct that is in violation of these policies will be subject to prompt disciplinary action up to and including termination of employment.

F. Child Abuse Prevention Policy

A foundational commitment of the Albany Pine Bush Preserve Commission (APBPC) is to provide a healthy atmosphere for the growth and development of youth. Child abuse, and the resulting severe effects, are of primary concern to the APBPC.

Child abuse is the mistreatment or neglect of a child resulting in injury or harm. Out of concern for the welfare of youth, the APBPC has developed this policy to aid in the detection and prevention of child abuse. The APBPC has a zero-tolerance policy regarding child abuse and runs a background check on volunteers and adult volunteers that regularly interact with youth as part of their responsibilities. The results of these checks may result in one's inability to become an APBPC employee or APBPC volunteer (**hereafter referred to as "staff" for purposes of this section/policy only**).

The following policies are intended to assist staff in making decisions about interactions with youth. For clarification of any guideline, or to inquire about behaviors not addressed here, contact the DFO or ED.

The APBPC provides all youth with the highest quality services available. We are committed to creating an environment for youth that is safe, nurturing, empowering, and that promotes growth and success.

No form of abuse will be tolerated and confirmed abuse will result in immediate dismissal from our organization. All reports of suspicious or inappropriate behavior with youth, or allegations of abuse, will be taken seriously and investigated by the ED and possibly outside legal counsel. The APBPC organization will fully cooperate with authorities if allegations of abuse are made that require investigation.

The Code of Conduct with Youth outlines specific expectations of the staff as we strive to accomplish our mission together.

The Code of Conduct with Youth for Volunteers:

Note: Youth refers to anyone under the age of 18

1. Youth will be treated with respect at all times.
2. Youth will be treated fairly regardless of race, color, religion, creed, sex (which includes but is not limited to gender identity or expression and the status of being transgender), national origin, ancestry, sexual orientation, age, predisposing genetic characteristics, status as a victim of domestic violence, familial status, disability, family's military status or marital status, or any other dimensions of diversity.
3. Staff members must always be with at least two other people when with youth. This could be two (2) staff members and one (1) youth or two (2) youth and one (1) staff member. This is known as the "rule of three."

At no time may a staff member be alone with a single youth where they cannot be observed by others. Staff members should position themselves in such a way that other staff can see them at all times. If a staff member finds themselves in a situation where they are alone with a youth, and the situation has not been authorized (as described below under “Authorized Circumstances”), they must report this to their supervisor and DFO or ED. Violation of this policy may result in discipline, including potential termination.

While the APBPC avoids programs and circumstances where a staff member is alone with one youth, sometimes this is unavoidable or occurs unexpectedly. Staff are not permitted to be alone with a youth except under Authorized Circumstances.

Authorized Circumstances:

- When meeting one-on-one with a youth, always do so in a public place where you are in full view of others.
 - Avoid physical affection that can be misinterpreted. Limit physical affection to pats on the shoulder, high-fives, handshakes, fist bumps, or elbow taps.
 - If meeting in a room or office, leave the door open or move to an area that can be easily observed by others passing by.
 - If authorized and documented with a supervisor, inform other staff and volunteers that you are alone with a youth and ask them to randomly drop in.
 - Document and immediately report to your supervisor and DFO and ED any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries, or any interactions that might be misinterpreted.
4. Youth that are in the care of the APBPC may not be left unsupervised.
 5. Staff shall not abuse or mistreat youth in any way, including, but not limited to:
 - a. Physical abuse—hitting, spanking, shaking, slapping, unnecessary restraints, bullying;
 - b. Verbal abuse—degrading, threatening, cursing, humiliating, isolating, bullying;
 - c. Sexual abuse—inappropriate touching, exposing oneself, sexually-oriented conversations;
 - d. Mental abuse—shaming, humiliation, withholding kindness, isolating, bullying, being cruel;
 - a. Neglect—withholding food, water, shelter, basic care, or appropriate medical attention.No type of child abuse will be tolerated. Any abuse by a staff member will result in disciplinary action, including potential termination.
 6. Staff members may not transport youth in APBPC vehicles or their own vehicles unless there is prior authorization from the DFO or ED and/or an emergency circumstance.
 7. Staff will adhere to appropriate, and avoid inappropriate, verbal interactions. Profanity, inappropriate jokes, displays of intimate affection, sharing intimate details of one’s personal life, and any kind of harassment in the presence of youth, parents, volunteers, or other staff is prohibited.

Verbal Interactions Guidelines with Youth:

Appropriate Verbal Interactions:

- Positive reinforcement
- Appropriate jokes
- Encouragement
- Praise

Inappropriate Verbal Interactions:

- Name-calling
- Secrets
- Cursing
- Off-color or sexual jokes
- Shaming
- Belittling
- Derogatory remarks
- Discussing an volunteer's personal sexual encounters, or in any way involving youth in the personal problems or issues of staff
- Harsh language that may frighten, threaten, or humiliate youth

8. Staff will not stare at or comment on youths' bodies.
9. Staff will not access, display, produce, possess, or distribute any sexually-oriented materials, including printed or online pornography, on our organization's property, equipment, or during any organization-associated program or activity.
10. Outside of the APBPC, staff members may not have relationships or be alone with youth whom they meet in APBPC programs. This includes babysitting, sleepovers, driving or riding in cars, and inviting youth to their homes.

Outside of the APBPC Interactions Guidelines with Youth:

Appropriate Outside Contact:

- Taking groups of youth on an outing sponsored by the APBPC

Inappropriate Outside Contact:

- Taking youth on an outing without the parents' or guardians' written permission
- Visiting youth in the youth's home, without a parent or guardian present
- Entertaining youth in the home of staff or volunteers
- Youth spending the night with staff or volunteers
- Babysitting for youth that the staff met at the APBPC
- Driving youth in a personal vehicle
- Dating or being romantically involved with youth

11. Staff will not engage in any inappropriate electronic communication with youth.

Electronic Communication Guidelines with Youth:

Appropriate Communication:

- Copy a supervisor when sending and replying to emails and text messages to youth unless communicating via group messaging with multiple individuals
- Communicating through "organization group pages" on Facebook or other approved public forums
- Communicating via video conference or phone conference call with multiple individuals
- Staff/volunteers on social media will create private profiles that youth do not have access to

Inappropriate Communication:

- Harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating comments
- Sexually-oriented conversations
- Private messages between staff and youths (not copying a supervisor)
- Private phone or video conversations between staff and youths
- Posting pictures of organization participants on social media sites without parental/guardian release
- Posting inappropriate comments or pictures online
- "Friending" participants on social networking sites

12. Staff will not have secrets with youth.

13. Staff members may not single out youth for favored attention and may not give personal gifts to youth or their parents or guardians. This prohibition on private gifts will not limit APBPC's decision to give volunteers promotional items or gifts in thanks for their service to the organization.

14. Staff will only display appropriate forms of affection (side hugs, pats on the shoulder, high five, handshakes, etc.), which must be observed by others. Program rules and boundaries must be followed, including appropriate touch guidelines. Youth should be informed, in an age-appropriate manner, of their right to set their own "touching" limits.

Physical Contact Guidelines with Youth:

Appropriate physical contact:

- Side hugs
- Shoulder-to-shoulder hugs
- Pats on the shoulder or back
- Handshakes
- High-fives

Inappropriate physical contact:

- Full-frontal hugs
- Kisses
- Showing affection in isolated areas
- Lap sitting
- Wrestling

- Verbal praise
- Pats on the head when culturally and age appropriate
- Touching hands, shoulders, and arms
- Holding hands (with young children in escorting situations)
- Elbow taps
- Piggyback rides
- Tickling
- Allowing a youth to cling to an volunteer's or volunteer's leg
- Any type of massage given by or to a youth
- Any form of affection that is unwanted by the youth or the staff
- Compliments relating to physique or body development
- Touching bottom, chest, or genital areas

15. Youth may not be disciplined by use of physical punishment or by failing to provide the necessities of care.
16. Staff members age 18 and over may not date or become romantically involved with youth.
17. Staff will not use or be under the influence of alcohol, legal or illegal drugs, or inappropriately used prescription drugs in the presence of youth.
18. Under no circumstances will staff members release youth to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian (authorization on file with the APBPC).
19. The APBPC will not tolerate the mistreatment or abuse of one youth by another youth. This refers to all types of abuse, including but not limited to bullying (defined below).
20. The APBPC will not tolerate any behavior that is classified under the definition of bullying either by or to a youth, and either by or to a staff member or third-party individual at the APBPC, and to the extent that such actions are disruptive, APBPC will take steps needed to eliminate such behavior.

Bullying is aggressive behavior that is intentional, is usually repeated over time, and involves an imbalance of power or strength. Bullying can take on various forms, including:

- a) *Physical bullying* – when one person engages in physical force against another person, such as by hitting, punching, pushing, kicking, pinching, or restraining another.
- b) *Verbal bullying* – when someone uses their words to hurt another, such as by belittling or calling another hurtful names.
- c) *Nonverbal or relational bullying* – when one person manipulates a relationship or desired relationship to harm another person. This includes social exclusion, friendship manipulation, or gossip. This type of bullying also includes intimidating another person by using gestures.

d) *Cyberbullying* – the intentional and overt act of aggression toward another person by way of any technological tool, including but not limited to email, instant messages, text messages, digital pictures or images, or website postings (including blogs). Cyberbullying can involve:

- Sending mean, vulgar, or threatening messages or images.
- Posting sensitive, private information about another person.
- Pretending to be someone else in order to make that person look bad.
- Intentionally excluding someone from an online group.
- Hazing – an activity expected of someone joining or participating in a group that humiliates, degrades, abuses, or endangers that person regardless of that person’s willingness to participate.
- Sexualized bullying – when bullying involves behaviors that are sexual in nature. Examples of sexualized bullying behaviors include sexting, bullying that involves exposures of private body parts, and verbal bullying involving sexualized language or innuendos.

Anyone who sees an act of bullying, and who then encourages or acquiesces to it, is engaging in bullying. Staff must immediately report incidents or suspected incidents of bullying to their supervisor and the DFO.

21. Staff members are to report anyone who violates any part of this Child Abuse Prevention Policy to their supervisor and DFO. Staff members can also report suspected violations of this Child Abuse Prevention Policy to the ED and/or the Board Chair. Staff members who observe or otherwise learn or become aware of abuse or suspected abuse, and who do not report it, will be subject to discipline, including potential termination of the volunteer relationship.

22. The APBPC cooperates fully with the authorities to investigate all cases of alleged abuse. All staff shall cooperate to the fullest extent possible in any external investigation by outside authorities, internal investigation conducted by the organization, or persons given investigative authority by the organization. Failure to do so is considered misconduct, and may result in discipline, including potential termination.

****Violation of the Child Abuse Prevention Policy will result in corrective action, including potential termination of the volunteer relationship****

VI. PROHIBITION OF SEXUAL AND OTHER HARASSMENT

Statement of Philosophy: APBPC is committed to providing and maintaining a work environment free from discrimination, harassment, and retaliation. In furtherance of this commitment, APBPC prohibits discrimination and harassment based on: race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles), color, religion, national origin, marital status, familial status, age, disability, genetic information, predisposing genetic characteristic, sex (including pregnancy, childbirth, and related conditions), sexual orientation, gender identity or expression, status of being transgender, military or veteran status, status as a victim of domestic violence, reproductive health decision-making, citizenship status, prior convictions and arrests, known relationship or association with any member of a protected class, and any other characteristic protected by applicable law. Harassment is prohibited in all aspects of the employment relationship including recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, and activities.

Policy: This policy applies to all volunteers, applicants for employment, interns (whether paid or unpaid), and volunteers. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with APBPC.

Conduct prohibited by this policy is prohibited in the workplace and in any work-related setting outside the workplace, whether on or off APBPC premises, and in each and every situation that may impact the work environment, including during APBPC functions, business trips, business meetings, and business-related social events. Harassment of third parties by APBPC is also prohibited. Similarly, prohibited conduct is unacceptable when it occurs when working remotely from home, on calls, texts, emails, and social media, even if it occurs away from the workplace, on personal devices, or during non-work hours.

Any volunteer found to have engaged in conduct that violates this policy will be subject to disciplinary action, up to and including termination.

Sexual Harassment: Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating volunteers differently because of their gender. Sexual harassment may encompass a wide range of conduct. No single definition can include all possible types of prohibited sexual harassment. This policy defines certain conduct that constitutes sexual harassment. Sexual harassment includes any unwelcome conduct, which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. The impacted person does not need to be the intended target of sexual harassment;
- Such conduct has the purpose or effect of subjecting an individual to inferior terms, conditions or privileges of employment;

- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an volunteer might work, project assignments, as well as salary and promotion decisions.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Every instance of harassment is unique to those experiencing it. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an volunteer finds offensive or objectionable, causes an volunteer discomfort or humiliation, or interferes with the volunteer's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another volunteer's body, or poking another volunteer's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).

- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - This can include sexual advances/pressure placed on a service industry volunteer by customers or clients, especially those industries where hospitality and tips are essential to the customer/volunteer relationship;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when volunteers are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an volunteer's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking volunteers to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.
- Repeated requests for dates or romantic gestures, including gift-giving.

This list is just a sample of behaviors and should not be considered exhaustive. Any volunteer who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it.

Other Prohibited Harassment: Harassment on the basis of any other protected characteristic is a form of discrimination and is prohibited by APBPC. Prohibited harassment because of an volunteer's membership in a protected class (as outlined previously) includes, but is not limited to, behavior similar to sexual harassment, such as:

- Epithets, slurs or negative stereotyping, threatening, intimidating, or hostile acts;
- Visual conduct, such as derogatory posters, photographs, cartoons, drawings, or gestures;
- Written conduct, such as authoring threatening, derogatory or offensive letters or correspondence (including e-mails, text messages and social media posts);
- Physical conduct, such as assault, unwanted touching, or blocking normal movement; or
- Retaliation for reporting harassment or threatening to report harassment.

Bystander Intervention: Any volunteer, supervisor, or manager witnessing harassment as a bystander is required to report it. In addition, there are several methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help. Specifically,

- A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
- A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
- A bystander can record or take notes on the harassment incident to benefit a future investigation;
- A bystander might check in with the person who has been harassed after the incident to see how they are feeling and let them know the behavior was not ok; and
- If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace.

Reporting Procedures: APBPC expects individuals to report all suspected violations of this policy, regardless of the offender's identity or position. Individuals who witness or otherwise become aware of conduct that violates this policy are required to take the following steps to report the harassment.

Notify Appropriate APBPC Staff: Volunteers who believe they have been harassed or witnessed harassment should report the incident to their direct supervisor and the ED, either verbally or in writing. If the supervisor is the alleged harasser, the individual employed in the next higher supervisory level should be notified as well as the ED. If the alleged harasser is the ED, the Board Chair should be notified. If the complaint is successfully resolved in an informal manner, to the complainant's

satisfaction, a confidential report about the complaint and its resolution will be filed with APBPC, so that it will be aware of any pattern of harassment by a particular individual, and also be aware of all complaints of harassment on a company-wide basis. If the complaint is not resolved in an informal manner, a written report shall be made to the ED who will provide it to the DFO for a file.

Report of Misconduct: Reports of sexual and other prohibited harassment may be made verbally or in writing. The Sexual and Other Harassment Complaint Form (attached as Appendix A) shall be utilized to provide an accurate record of objectionable behavior or misconduct to report and resolve a formal complaint of harassment. Use of this form is encouraged, but not required.

Individuals who believe they have been or currently are being harassed are encouraged to maintain a record of objectionable conduct whenever possible in order to prepare their report effectively and to substantiate their allegations.

Promptly Report the Complaint: APBPC encourages a prompt reporting of complaints so that a rapid response and appropriate action may be taken. A prompt report not only aides the complainant, but also helps to maintain an environment free from discrimination for all volunteers.

Investigating the Complaint: All reports or information about harassment will be thoroughly investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a confidential manner, to the extent possible. An investigation of a complaint of alleged discrimination will be prompt and thorough. Investigations generally include: an immediate review of the allegations and, where appropriate, interim actions; obtaining, reviewing, and preserving relevant documentation; interviewing all parties involved, including relevant witnesses; and documenting the investigation and its resolution, and preserving such documentation. APBPC will keep the complainant informed as to the status of the investigation.

Resolving the Complaint: In order to minimize the damage to APBPC, the complainant, and the alleged harasser, the APBPC will complete the investigation of a harassment complaint, and communicate the findings and intended response to the complainant and alleged harasser, as expeditiously as possible.

Once a determination regarding the reported behavior is made, the reporting individual(s), the subject(s) of the report, and the alleged wrongdoer(s) will be informed in writing of the outcome of the investigation, though all details of the action(s) taken may not be disclosed.

If, after investigation, APBPC finds an volunteer to have violated this policy, the harasser will be subject to appropriate disciplinary action, up to and including termination of employment. Discipline will be based on the facts and circumstances of each case. Appropriate action will also be taken to deter any future policy violations. Any volunteer, regardless of position or title, determined to have subjected an individual to harassment or retaliation in violation of this policy, will be subject to disciplinary action, up to and including termination of employment. The complainant will be informed of the disciplinary action being taken.

If APBPC determines that no harassment has occurred, this finding will be communicated to the complainant and to the alleged harasser.

If APBPC cannot determine whether or not harassment occurred, this finding will be communicated to the complainant and to the alleged harasser, and the matter will be recorded as unresolved. APBPC will

then determine what remedial action may be appropriate under the circumstances.

If, after investigating a report of harassment or unlawful discrimination, APBPC determines that the report was not made in good faith or that an volunteer did not participate or cooperate in the investigation in good faith, disciplinary action may be taken against the person who made the report or who did not participate or cooperate.

APBPC's complaint and investigation procedure shall not in any way limit an volunteer from filing a complaint with the New York State Division of Human Rights, the U.S. Equal Employment Opportunity Commission, or any other entity with jurisdiction.

Sanctions: Individuals found to have engaged in misconduct constituting harassment will be subject to appropriate discipline, up to and including termination of employment. This process is designed to protect all volunteers from harassment in any way associated with the workplace or work environment, regardless of the identity or status of the harasser.

Although APBPC's ability to discipline a non-volunteer harasser (e.g., a customer or contractor) may be limited by the degree of control, if any, that it has over the alleged harasser, any volunteer who has been subjected to harassment should file a complaint with APBPC and if the individual is found to have engaged in behavior constituting harassment appropriate action will be taken. Such action may include closing business with a customer, reporting the harasser to his or her APBPC, reporting a public official to the appropriate agency, or any other appropriate action to protect the volunteers of APBPC.

Supervisory Responsibilities: All supervisors, managers, and others performing work in a supervisory capacity are responsible for enforcing this policy and have particular responsibility for ensuring that the work environment under their supervision is free from discrimination, harassment, and retaliation, and their effects. Supervisors, managers, or others performing work in a supervisory capacity who receive a complaint or information about suspected harassment, observe what may be harassing behavior or for any reason suspect that harassment is occurring, are required to report such suspected sexual harassment to the ED. Supervisors, managers, and others performing work in a supervisory capacity should not be passive and wait for an volunteer to make a claim of harassment. If they observe such behavior, they must act.

In addition to being subject to discipline if they engaged in harassing conduct themselves, supervisors, managers, and others performing work in a supervisory capacity will be subject to discipline, up to and including termination of employment, for failure to comply with this responsibility. Supervisors, managers, and others performing work in a supervisory capacity will also be subject to discipline for engaging in any retaliation.

Protection Against Retaliation: No individual will be subject to discipline or any other adverse treatment because they have made a good faith report of discrimination or harassment, filed a complaint or charge with an administrative or judicial body alleging discrimination or harassment, or has furnished information, or participated in any manner in any investigation, proceeding, or hearing related to an alleged violation of this policy. Retaliation includes any conduct, whether or not workplace or employment-related, which might deter a reasonable individual from making or supporting a charge of discrimination or harassment.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Undermining an individual's immigration status; or
- Reducing work responsibilities, passing over for a promotion

Retaliation is a serious violation of this harassment policy and anyone who believes that they have been subject to, witnessed, or otherwise become aware of retaliatory conduct is expected to report such conduct using the reporting procedure outlined above. Any person found to have retaliated against another individual will be subject to discipline up to and including termination of employment. An individual who makes an intentional or reckless false complaint also will be subject to discipline up to and including termination of employment.

Legal Protections and External Remedies: Sexual and other prohibited harassment is not only prohibited by APBPC; it is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process described herein, individuals may also choose to pursue legal remedies with the following governmental entities at any time.

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all APBPCs in New York State and protects volunteers and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Claims of harassment or discrimination arising prior to February 15, 2024 may be filed with DHR any time within **one year (three years for sexual harassment)** of the harassment. Effective February 15, 2024, all claims arising on or after February 15, 2024 may be filed up to 3 years after the alleged discriminatory act. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State. Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint.

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (volume 42 United States Code beginning at section 2000e). An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment.

There is no cost to file a complaint with the EEOC.

A volunteer alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the DHR, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Many localities enforce laws protecting individuals from harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists. For example, volunteers who work in New York City may file complaints of harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Liability: Any volunteer who engages in conduct that violates this policy may also be held personally liable. APBPC does not consider conduct in violation of this policy to be within the course and scope of employment or volunteer relationship or the direct consequence of the discharge of one’s duties. Accordingly, to the extent permitted by law, APBPC reserves the right not to provide a defense or pay damages assessed against volunteers for conduct in violation of this policy.

This policy will be provided to all volunteers and posted prominently in all work locations, to the extent practicable, and provided to volunteers upon hiring.

Individuals who have questions or concerns about this policy should contact The ED or DFO.

VII. WHISTLEBLOWER POLICY

This policy applies to all APBPC interns, employees, officers and board members. The APBPC reserves the right to modify or amend this policy at any time as it may deem necessary. In the event this policy conflicts with existing law, regulation or contractual obligation of the corporation, APBPC shall comply with said law, regulation or obligation. APBPC has strict protection policies for those who report concerns in good faith and fully complies with Section 740 of the New York State Labor Law

Purpose: APBPC is committed to the highest possible standards of fiduciary conduct while ensuring a workplace environment that promotes openness, fairness, productivity and teamwork. This policy furthers our commitment by articulating procedures for interns and employees to provide information pertaining to accounting, auditing or financial reporting activities that may be illegal, unethical, fraudulent, and/or may violate APBPC policy. This policy provides assurance that they will be protected from retaliation, reprisals or victimization for conveying such information appropriately and in good faith.

This policy is intended to supplement, not replace, APBPC's administrative chain of command, personnel policies, or routine operational procedures. All APBPC interns and employees are expected, in the normal course of business, to bring information regarding financial errors or omissions as well as suggestions for improving internal controls and financial reporting to their supervisor or the DFO or ED. All officers and board members are expected, in the normal course of business, to bring such information to the attention of the board Chair or any member of the Board's Executive Committee (Chair, Vice-Chair, Secretary or Treasurer.)

Reporting Responsibility: It is the responsibility of all interns and employees to comply with APBPC's Code of Ethics, all policies and procedures, and to report violations or suspected violations in accordance with this Whistleblower Policy.

Procedure

Reporting: Complaints that are not appropriate for normal administrative channels should be reported, with or without the identity of the reporter, to the Board Chair, any member of the Executive Committee or the ED. The complaint may be oral or written.

Evidence: To the extent possible, the volunteer who makes the complaint is expected to provide as much relevant information as possible to better enable APBPC to conduct an investigation into the complaint.

Handling of the Complaint: After receipt of the complaint, APBPC will promptly determine whether an investigation is necessary and if so, which form it should take. In situations where concerns can be resolved by, for example, simple review of documented corporation action, there may be no need for further investigation. The Executive Committee will receive a report on each complaint and a follow-up report on actions taken. Appropriate corrective action will be taken if the investigation into the case indicates such action is warranted.

Contact With and Information to Reporter: The amount of contact between the reporter and the individual designated by APBPC to investigate the reported complaint will depend upon the nature of the issue and the clarity of information provided. Further information may be sought from the reporter,

if he or she is known. Depending on specific circumstances, the reporter, if known, may be given the opportunity to receive follow-up information regarding his or her concern. If follow-up takes place, it may include or consist of:

- Acknowledgement that the concern was received;
- Indication as to how the matter will be dealt with;
- An estimate of the time that it will take for a final disposition.

Subject to legal constraints and/or what is determined to be in the best interests of APBPC, the reporter may or may not receive information about the outcome of any investigation.

Safeguards

Anonymous Allegations: Reporters are encouraged to identify themselves when they report a concern or complaint. This enables APBPC to obtain as much information as possible in order to effectively investigate the report. There are situations where an investigation into a report may not be possible unless the source of the information is identified. APBPC understands, however, that there may be situations where a reporter may choose not to identify him/herself. In that situation, reporters are requested to put an identifier or indicate a mechanism or scenario where the reporter can contact APBPC or vice versa. Concerns expressed anonymously will be investigated to the best of APBPC's ability.

Confidentiality: Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Every effort will be made to protect the reporter's identity; however, all individuals considering such a report should be advised that anonymity cannot be assured if an external investigation or criminal proceedings related to the report occur.

No Retaliation: No volunteer who in good faith reports a violation or suspected violation shall suffer harassment, retaliation or adverse employment consequences as a result of having made that good faith report. An volunteer who retaliates against someone who has reported a violation or suspected violation in good faith will be subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable interns and employees and others to raise serious concerns within the organization prior to seeking resolution outside the organization.

A report of a violation or suspected violation shall not in any way influence, positively or negatively, the carrying out of routine disciplinary procedures by management as stated in the personnel policies, or the performance evaluation process or its outcomes.

Acting in Good Faith: Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed in the report. The APBPC recognizes that intentionally false, malicious, or deliberately harassing allegations would be damaging to the mission, image, and integrity of APBPC as well as to the reputations and morale of its interns and employees. The safeguards stated in this policy do not apply to individuals who make such complaints. Any allegations that prove (1) not to be substantiated, and (2) to be made maliciously or knowingly to be false, will be viewed as a serious disciplinary offense and may result in disciplinary action.

VIII. ENDING VOLUNTEER SERVICE

A. Resignation

Your volunteer position may conclude at the end of a particular project, event, or set time period, but you are also free to end your volunteer service with APBPC at any time. Because volunteers are so important to the programs and agency, however, APBPC requests that you provide advance notice of your departure and a reason for your decision.

B. Termination

Volunteers may be terminated from your position as a volunteer at the discretion of APBPC at any time, without advance notice. APBPC may end its relationship with volunteers who do not adhere to the ABPPC policies and procedures, who engage in misconduct, or who fail to satisfactorily perform their volunteer assignment.

Appendix A
HARASSMENT AND OTHER DISCRIMINATION REPORTING FORM

Reporting Individual:		Department:
Home Address:		Home Phone:
		Date/Time of Incident:
		Emergency Contact:
<i>Employee's</i>	Position:	Supervisor:

Name of person you believe harassed you or another person: _____

If the alleged harassment was toward another person, identify that person:

Describe the incident(s) as clearly as possible. Include a full description of the events, verbal statements (threats, requests, demands, etc.), the location, and what, if any, physical contact was involved.

List any witnesses who were present: _____

How did you or the person harassed (if not you) react to the harassment? _____

What contact did you or the person harassed (if not you) have with the alleged harasser before the first incident? _____

This complaint is based upon my honest belief that _____ harassed me or another person. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

 Complainant's signature

 Date

 Witnessed by

 Date

Attach additional pages as necessary

**HARASSMENT AND OTHER DISCRIMINATION REPORTING FORM:
RESPONDENT OR WITNESS**

Person Alleged to Have Been Harassed:

Respondent/Witness:		Department:
Home Address:		Home Phone:
		Date/Time of Incident:
		Emergency Contact:
<i>Employee's</i>	Position:	Supervisor:
<p>Describe the incident (<i>Where did it take place? What happened? What did you say and do? What did other people say and do? Include names, verbal statements, and a thorough description of physical contact, if any was involved.</i>)</p>		

List any witnesses who were present: _____

Respondent: If you admit that statements made in the complaint are correct, why did you act the way that you did? If you disagree, please explain. _____

I hereby certify that the information I have provided in these answers is true, correct and complete to the best of my knowledge.

Respondent or Witness's Signature

Date

Witnessed by

Date

Attach additional pages as necessary

Volunteer Acknowledgement Form

I hereby acknowledge receipt of the Albany Pine Bush Preserve Commission (APBPC) Policies and Procedures Manual for Volunteers and Interns (“Manual”). I understand that this Manual describes important information about APBPC, and I understand that I should consult the OVC regarding any questions not answered in the Manual.

I acknowledge that I have entered into my relationship with APBPC voluntarily. Accordingly, I understand APBPC may decide to terminate my volunteer relationship with APBPC or make changes in the nature of the volunteer assignment at any time. I further understand I can terminate my volunteer relationship with APBPC at any time, with or without notice or cause, at any time.

I acknowledge that the information, policies, and benefits described within the Manual are necessarily subject to change, I acknowledge that revisions to the Manual may occur. I understand that revised information may supersede, modify, or eliminate existing policies.

I have received the Manual, and I understand that it is my responsibility to read and comply with the policies contained in the Manual and any revisions made to it.

NAME (printed):

SIGNATURE:

DATE: