

## **Albany Pine Bush Preserve Commission Whistleblower Policy**

This policy applies to all Albany Pine Bush Preserve Commission (APBPC) employees, officers, board members and volunteers. 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.

### **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 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 employees and volunteers 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 appropriate administrator, particularly the Director of Finance and Operations or the Executive Director. All officers and board members are expected, in the normal course of business, to bring such information to the attention of the board President or any member of the Executive Committee.

### **Reporting Responsibility**

It is the responsibility of all employees, officers, board members and volunteers to comply with APBPC's code of ethics, 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 Commission Chair, any member of the Executive Committee or the Executive Director. The complaint may be oral or written.

**Evidence:** To the extent possible, the employee, officer, board member or 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:

1. Acknowledgement that the concern was received;
2. Indication as to how the matter will be dealt with;
3. 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 receive information about the outcome of any investigation.

### **Safeguards**

Anonymous Allegations: Employees 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 employee, officer, board member or 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 employee 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 employees and others to raise serious concerns within the organization prior to seeking resolution outside the organization.

An employee's 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 employees, officers, board members and volunteers. 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 in accordance with personnel policies.