Code of Conduct: The Adirondack 46ers is an all inclusive organization that seeks to recognize those climbing the forty-six Adirondack major peaks; to foster appreciation of the Adirondack wilderness and the climbing experience; to educate its members and the public to become users who are safe, well-informed, and prepared; to encourage enjoyment of the Forest Preserve in a manner consistent with preservation of the wilderness; to protect the wilderness through its programs in trail maintenance, education, and conservation, and to support projects of other organizations and communities which further the goals of the Organization. The Organization prohibits discrimination and sexual harassment (see sexual harassment policy). All volunteer 46ers will conduct themselves in a manner consistent with this statement when engaged in 46er activities. Members are expected to place safety first and foremost. This includes your own safety, that of members in a hiking party, and especially that of children and others dependent upon them, and that of other hikers on the trail. All volunteer 46ers are to obey official rules and laws, comply with DEC regulations and announcements, and respect the rights of private property owners. All volunteer 46ers are to follow the principles of Carry In/Carry Out, hikeSafe, and Leave No Trace and neither damage nor deface the natural environment or objects of historical importance.

Misconduct Policy: Any violation of the code of conduct as noted above is subject to disciplinary action.

Misconduct Complaint and Investigation - The Supervisor of Program or President will investigate by conducting a prompt and thorough investigation that ensures due process for all parties. Whenever Supervisors/President receives a complaint about misconduct or sexual harassment, or otherwise knows of possible misconduct or sexual harassment occurring they must take immediate action. Adirondack 46ers will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever misconduct or sexual harassment is found to have occurred. All volunteers including managers and supervisors, are required to cooperate with any internal investigation of misconduct or sexual harassment.

While the process may vary from case to case, investigations should be done in accordance with the following steps: Upon receipt of complaint, the supervisor/president will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting. If documents, photos, emails or phone records are relevant to the investigation, take steps to obtain and preserve them. If any of the parties involved in the investigation feel that the Supervisor of Program or President may be biased in their investigation, they can request a neutral board member be added to the investigation team. Request and review all relevant documents, including all electronic communications. Interview all parties involved, including any relevant witnesses; Create a written documentation of the investigation (such as a letter, memo or email), which contains the following: A list of all documents reviewed, a list of names of those interviewed, a timeline of events; a summary of prior relevant incidents, reported or unreported; and the basis for the decision and final resolution of the complaint, together with any corrective action(s). Keep the written documentation and associated documents in a secure and confidential location. Every effort will be made to preserve privacy in electronic communications.
Sexual Harassment Policy

**Definitions:** Sexual harassment is defined as 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 may be any unwelcome action, language or visual representation of a sexual nature. Sexual harassment may also consist of unwanted sexual behavior including but not limited to touching, crude jokes, and lewd comments, 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. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or interfere with the recipient’s volunteer duties.

All 46er volunteers have the legal right to a workplace free of sexual harassment. Recognizing that the Adirondack 46rs are an all volunteer organization and we do not have employer/employee relationships and furthermore recognizing that some of our volunteer work involves being in outdoor areas with no bathroom facilities and where groups may share tent and bunk space and transportation to job sites, these guidelines have been developed. The sexual harassment policy takes into account these unique features of the workplace environment.

**Training:** All volunteers for the Adirondack 46ers must complete an annual sexual harassment training and provide a certificate of proof for this training to the program Supervisor to participate in organization events. This training provides additional awareness over and above this policy to all volunteers on matters of sexual harassment. Here is the link to the required on line training and instructions on how to print your certificate of completion: [https://www1.nyc.gov/site/cchr/law/sexual-harassment-training.page](https://www1.nyc.gov/site/cchr/law/sexual-harassment-training.page)

**Sanctions:** Sexual harassment is considered a form of volunteer misconduct and sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful.

Any individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

**Reporting:** If you believe you have been subject to or have witnessed sexual harassment, you are encouraged to report immediately to the supervisor of the program you are working under or the President and complete a complaint form.*** Attached at the end of this policy.
The following describes some of the types of acts that may be considered sexual harassment and that are strictly prohibited:

Physical assaults of a sexual nature, such as: Touching, pinching, patting, grabbing, brushing against another's body or poking another's body;

Rape, sexual battery, molestation or attempts to commit these assaults.

Unwanted sexual advances or propositions, such as: Subtle or obvious pressure for unwelcome sexual activities. Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as: Interfering with, destroying or damaging a person's tools or equipment, or otherwise interfering with the individual's ability to perform tasks; Sabotaging an individual's work; Bullying, yelling, name-calling.

Misconduct Complaint and Investigation Procedures: The Supervisor of Program or President will investigate by conducting a prompt and thorough investigation that ensures due process for all parties. Whenever Supervisors/President receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring they must take immediate action. Adirondack 46ers will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All volunteers including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

While the process may vary from case to case, investigations should be done in accordance with the following steps: Upon receipt of complaint, the supervisor/president will conduct an immediate review of the allegations, and take any interim actions(e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting. If documents, photos, emails or phone records are relevant to the investigation, take steps to obtain and preserve them. If any of the parties involved in the investigation feel that the Supervisor of Program or President may be biased in their investigation, they can request a neutral board member be added to the investigation team. Request and review all relevant documents, including all electronic communications. Interview all parties involved, including any relevant witnesses; Create a written documentation of the investigation (such as a letter, memo or email), which contains the following: A list of all documents reviewed, a list of names of those interviewed, a timeline of events; a summary of prior relevant incidents, reported or unreported; and the basis for the decision and final resolution of the complaint, together with any corrective action(s). Keep the written documentation and associated documents in a secure and confidential location. Every effort will be made to preserve privacy in electronic communications.
Legal Protections And External Remedies

Sexual harassment is not only prohibited by the Adirondack 46ers but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Adirondack 46ers, volunteers may also choose to pursue legal remedies with the following governmental entities at any time:

**NYS Division of Human Rights (DHR)**

State Human Rights Law (HRL) The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year (three years beginning Aug. 12, 2020) of the harassment. If an individual did not file at DHR, they can sue 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.

Complaining internally to Adirondack 46ers does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

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

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney’s fees and civil fines.

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](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR’s regional offices across New York State.

I have read and understand the code of conduct and the sexual harassment policies of the Adirondack 46ers

Name (please print):

Signature:

Date:

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Adirondack 46ers Complaint Form for Reporting Sexual Harassment

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to [person or office designated; contact information for designee or office; how the form can be submitted]. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your immediate 46er Supervisor should complete this form, provide you with a copy, and follow its sexual harassment prevention policy by investigating the claim as outlined in the policies.

For additional resources, visit ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:
Address:
Phone:
Volunteer 46er Program:
Email:

Preferred Communication Method (please circle one): Email Phone In person

SUPERVISORY INFORMATION

Immediate 46er Supervisor’s Name:
46er Program:
Phone:
E-mail:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:
Name:
Title:
Relationship to you (please circle one): Supervisor Co-Worker Other

2. Please describe what happened and how it is affecting you and your volunteer duties. Please use additional sheets of paper if necessary and attach any relevant documents or evidence

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing (Please circle one)? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:
The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information? If you have retained legal counsel and would like us to work with them, please provide their contact information.

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