Self-Initiated Living Options, Inc.

d.b.a. Suffolk Independent Living Organization (SILO)

By-Laws

Article I — Purpose

The purpose of the Self-Initiated Living Options, Inc. d.b.a. Suffolk Independent Living

Organization (SILO) is to enable people with disabilities and the elderly of Suffolk County, New York to gain effective control and direction of their own lives. Self-initiated Living Options, Inc. stimulates and promotes a growing sense of personal dignity and responsible community participation via training, community development and direct services in response to the needs of the people of Suffolk County.

Article Il — Office and Records

# Section 1: Registered Offices and Registered Agents

Self-Initiated Living Options, Inc. d.b.a. Suffolk Independent Living Organization henceforth referred to as SILO, shall have and continuously maintain a registered office and registered agent in the State of New York. The address of the registered office is 3253 Route 1 12, Medford, New York 1 1763. The name of the registered Board of Directors and its Chief Executive Officer of the Corporation in New York have been submitted and incorporated into the Articles of Incorporation in conformance with acceptable provisions of the law,

# Section 2: Records

SILO shall keep current and complete books and records of account and shall also keep minutes of the proceedings of its Board of Directors; and shall keep at the registered offices or principle office a record giving the names of the Board of Directors.

Article Ill — Board of Directors



# Section 1: Number of Members

SILO shall have a Board of Directors (hereinafter referred to as "the Board") which shall consist of no fewer than seven (7) and no more than eleven (l l) persons.

 a. People with disabilities must comprise at least 51% of the membership of the Board as per Article 23-A New York State Education Law.

# Section 2: Reimbursement

Directors shall serve without compensation except for the reimbursement of reasonable expenses incurred on behalf of the SILO at the discretion of the Board; any Director may be paid reasonable compensation for services rendered in any capacity other than his or her capacity as a Director. Expenses shall be presented to the Chief Executive Officer and Board President for approval. 

Section 3: Term of Office

Each Director shall hold office (subject to resignation, removal, or death) for a term of two (2) years.

# Section 4: Qualification

Each Director, upon election, shall qualify by being in attendance at the meeting his or her election is being held. Attendance should be recorded in the meeting minutes.

Section 5: Vacancies

In the event that a Director becomes vacant by reason of term expiration, death, resignation, removal from the office or otherwise, or if a vacancy occurs by reason of the creation of a new Directorship, a majority of all the remaining Directors may elect a new Director or to fill the vacancy for the unexpired term, provided such new Director was first nominated by the Board.

# Section 6: Removal

At a special meeting of Directors called expressly for the purpose of removal of a Director, the Board may vote an individual out of office provided they have a documented cause in the minutes and a two-thirds (2/3) majority vote in favor of removal.

Sections 7: Powers and Duties

a. The Board shall have general governance over the affairs, and fiduciary oversite for the property and assets of the SILO. It shall be the duty of the board to carry out the purpose of the SILO, and to this end, to manage and control all its property assets.

b. The Board shall appoint the Chief Executive Officer by majority vote, who will serve at the pleasure of the Board as an at will employee.

i. The Board President may call a meeting of the board for the purpose of removing the Chief Executive Officer. A board majority from its members is required to remove the Chief Executive Officer.

1. The Board may appoint, as advisors, persons whose assistance may be deemed helpful in determining policies and shall serve under the direction of the Board.
2. The Board may employ such persons as it deems appropriate for the operation of the SILO's business, to serve under the direction of the Board or wherever the Board deems them fit. The Board may pay reasonable compensation to such person to be determined by the Board.
3. The Board may exercise all such powers of SILO and do all such acts and things so long as they are not prohibited by the law, the Articles of Incorporation or these By-Laws.

Section 8: Notice

All SILO Board meetings will be held on the second Friday at the start of each month.

Notice of all Board meetings, except otherwise noted within this document, shall be given by email, text and/or telephone at least five (5) days before the meeting to the usual business or residence of each Director.

# Section 9: Quorum

One third (1/3) of the members at the Board plus one (1) shall constitute a quorum.

Section 10: Voting

At each meeting of the Board, every Director having the right to vote shall be entitled to vote in person. No Director shall be entitled to vote by proxy, except in situations approved by the Board. Each Director shall have one (l ) vote.

a. Upon request of any Director, the vote for Directors and the vote on any question before the meeting of the Board shall be verbal except if a ballot is so desired by the majority of the Board.

# Section 11: Meetings

The Board shall meet at least twelve (12) times each year, with a minimum of eight (8) meetings.

1. Special meetings of the Board can be called by the Board President. Notice for special meetings shall be made by email or text no less than two (2) and no more than ten (10) days prior to when the special meeting will be convened.
2. Notice of meetings to the Board members must be sent to each member and must be emailed or text at least five (5) to seven (7) days prior to the day such meeting will be held.
3. All Board meetings shall be in-person unless precluded by a national or state emergency requiring meetings to be held in an electronic format.
4. The Board may decide to hold virtual meetings due to inclement weather.
5. The Board may allow by majority vote, a board member to utilize an electronic virtual format to attend a regularly scheduled meeting.
6. Meetings will be run by the President of the Board.
   1. Except as otherwise provided for by these By-Laws, the current edition of Roberts Rules of Order shall serve as the Parliamentary Authority for Board Meetings and the conduct of all Board business.
   2. A Board Member [as appropriate] designated by the President shall serve as Parliamentarian.

# Section 12: Emergency Powers

The Board shall be empowered to make decisions of an emergency nature on behalf of the SILO between the regularly scheduled meetings of the full Board.

Article IV — Officers

Section 1: General

The Officers of the SILO shall consist of a President, Vice-President, Secretary and Treasurer elected annually by the Board. Each officer shall serve until the next Annual Meeting of the Board or thereafter, until his or her successor is duly elected. The President, Vice-President, Secretary and Treasurer of the corporation shall be members of the Board

# Section 2: Removal

Any officer elected or appointed by the Board, may be remove from office for cause by the Board. SEE Article III Section. 6.

# Section 3: Compensation

Any expenses incurred on behalf of the Board, by an officer, shall be submitted to the Board President and the Chief Executive Officer for compensation. The officer will be paid before the next Board meeting, upon approval.

Section 4: Vacancy

Vacancies caused by term expiration, death, resignation, incapacity, removal or disqualification of an officer of SILO shall be fixed by the Board, upon recommendation by the Board, at any regular meeting, or at any special meeting called for that purpose, and such person or persons so elected to fill any vacancy shall serve on the Board.

Section 5: Delegation of Authority

The Board may from time to time, delegate any of the functions, powers, duties and/or responsibilities of any Officer to any other Officer or to any agent or employee of the SILO or other responsible person.

The Board may assign by a majority vote

# Section 6: President

The President shall be elected from among the members of the Board and shall preside at all meetings of the members of the Board. He/she shall have the general duties, powers and responsibilities as President of SILO and shall have such other or further duties and authority as may be prescribed elsewhere in these By-Laws or from time to time by the Board.

Section 7: Vice President

The Vice President shall work in cooperation with the President, perform such duties as the Board shall assign him or her, and in the absence or incapacity of the President, shall be vested with all the powers and responsibilities as Vice President of a Corporation, He/she shall have such other or future duties or authority as may be prescribed elsewhere in these By-Laws or from time to time by the Board.

# Section 8: Secretary

The Secretary shall attend all meetings of the Board and shall record or cause to be recorded all votes taken and the minutes of all proceedings thereof in the Board book (paper or electronic copy) of SILO to be kept for that purpose. He/she shall be the custodian of all the books, papers and records of SILO and shall at such reasonable times as may be requested, permit an inspection of such books, papers and electronic records by any Director of the SILO. He/she shall be the administrate and clerical officer of SILO under the supervision of the President and the Board and in addition to the customary duties, powers and authority of a Secretary of a Corporation, he/she shall have other or further duties as may be prescribed elsewhere in these ByLaws or from time to time by the Board.

The Board may employ such persons as it deems appropriate for the operation of the SILO's business, to serve as Secretary to the Board under the direction of the Board. The Board may pay reasonable compensation to such person to be determined by the Board.

# Section 9: Treasurer

The Treasurer shall be elected from the members of the Board. He/she shall have the responsibility of the safekeeping of the funds and securities of SILO; shall keep or cause to be kept all other books of account and accounting records of SILO; and shall deposit or cause to be deposited all monies and other valuable effects in the name and to the effect of SILO in such depositories as may be designated by the Board\* He/she shall disburse or permit to be disbursed the funds of SILO, as may be ordered or authorized generally by the Board and shall render to the President SILO and to the Board whenever it may require it, an account of all his/her transactions as Treasurer and of those under his/her supervision and of the financial condition of SILO to the Directors. A copy of such reports is to be filed in the board book of SILO to be kept for that purpose. He/she shall perform such other duties and shall have such other responsibilities and authority as may be prescribed elsewhere in these By-Laws or from time to time by the Board and shall have general duties, powers and responsibilities of a Treasurer of a Corporation.

The Board may employ such persons as it deems appropriate to fulfill the role of Treasurer for all SILO's business, under the direction of the Board. The Board may pay reasonable compensation to such person to be determined by the Board.

Article V — Custodian and Depositories

## Section 1: Custodian of Securities

The Board may from time to time appoint one or more banks or trust companies to act for a reasonable compensation as custodian of all securities owned SILO, and to exercise in respect thereof such powers as may be decided by resolution of the Board. The Board may remove such custodian at any time.

Section 2: Depositories and Checks

The monies and funds of SILO shall be deposited in such a manner as the Board shall direct with such banks, trust companies or other financial institutions as the Board may designate and shall be drawn out by checks signed by the Chief Executive Officer.

## Section 3: Bond

Any Officer or employee of SILO handling money or securities of the Corporation may be bonded at the Corporation expense in such amounts as may be prescribed by the Board.

Article VI — Annual Audit

The accounts and records of the corporation shall be audited annually following the end of the fiscal year by certified public accountants to be designated by the Board. The audit report shall be delivered to officers of SILO no later than four (4) months following the end of the fiscal year and presented to each Director at the next regularly scheduled Board meeting for review and acceptance. After review and acceptance, the audit report shall be made available to members of the corporation and the general public upon request.

Article VIl — Fiscal Year



SILO's fiscal year shall be October I through September 30th.

Article VIll Amendments

The Board shall have the power to make, alter, amend and repeal the By-Laws of the Corporation by resolution adopted at any regular or special meeting thereof by a two-third (2/3) majority of the Directors of the Board when duly elected, qualified and acting. No notice needs to be given for proposed amendments to the By-laws.

Article IX — Indemnification

SILO may indemnify and hold harmless any and all persons whom it shall have the power to indemnify under law from and against any and all indemnifiable expenses and liabilities. SILO may, but shall not be obligated to, maintain insurance at its expense or to insure itself and any such persons against any such expenses or liabilities.

Article X — Committees

The Board President may appoint Committees as he/she deems necessary to perform such duties or functions as may be prescribed by the Board. Matters pending before any committee of the Board may be put on the agenda for any meeting of the Board at the request of any Board member duly elected, qualified and acting. The Board President may appoint an advisory committee, for the purpose of advising the Board on a specific matter of importance. Committees and the Board President may establish any and all such sub-committees to perform such duties or functions as they deem necessary upon approval by the Board. Minutes of meetings and other records of all Committees and Subcommittees shall be kept on a committee book designated for that purpose.

### Article XI — Dissolution

In the event of dissolution all remaining assets and property of SILO funded by state contracts, after all necessary expenses are paid, shall revert back to all agencies in contract with SILO, All other remaining assets and property of SILO will be distributed to anther public organization exempt under Section 501 (c)3 of the Internal Revenue Code of 1994, or corresponding provisions of any subsequent federal tax law of state or local government of a public purpose; subject to approval of a Justice of the Supreme Court of the State of New York under the Code of 1954.

Article XII — Conflict of Interest

Intent The purpose of the conflict of interest policy is to protect this tax-exempt Self-Initiated Living Options Inc. (SILO) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of SILO or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

## Definitions



l. Interested Person

Any director, principal office, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

2. Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

1. An ownership or investment interest in any entity with which SILO has a transaction or arrangement.
2. A compensation arrangement with SILO or with any entity or individual with which the Organization has a transaction or arrangement, or
3. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which SILO is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. A financial interest is not necessarily a conflict of interest. Under Article XII, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

## Procedures

l. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

1. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts. and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

1. Procedures for Addressing the Conflict of Interest
   1. An interested person may make a presentation at the governing board committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
   2. The President of the Board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
   3. After exercising due diligence, the governing board or committee shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
   4. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is SILO's best interest, for its own benefit, and whether it is fair and reasonable, In conformity with the above determination it shall make its decision whether to enter into the transaction or arrangement.
2. Violations of the Conflicts of Interest Policy 
   1. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
   2. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

## Proceedings

The minutes of the governing board and all committees with board delegated powers shall contain.

1. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing boards or committee's decision as to whether a conflict of interest in fact existed.
2. The names of the persons who were present for discussions and votes relating to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

## Compensation

1. A voting member of the governing board who receives compensation, directly or indirectly, from SILO for services is precluded from voting on matters pertaining to that member' s compensation.
2. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from SILO for services is precludes from voting on matters pertaining to that member's compensation.
3. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from SILO, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

## Annual Statements

Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

1. Has received a copy of the conflicts of policy,
2. Has read and understands the policy,
3. Has agreed to comply with the policy, and
4. Understands SILO is charitable and in order to maintain its federal tax exemption it

must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

## Periodic Reviews

To ensure SILO operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

a. Whether compensation arrangements and benefits are reasonable, based on competent survey.

Article XIII---Breach of Confidentiality

Board members and key employees are prohibited from using confidential information for personal benefit or disclosing confidential information without proper authorization or approval. Each Board member at the onset of their two-year term will be asked to sign-off as to their agreement to keep all matters discussed in Board meetings confidential.

### Article XIV---Whistle Blower Policy

Intent.

SILO shall endeavor to protect any "Member," "Director," "Officer" (each as defined by the By Laws), employee, including any "Key Employee" (A Key Employee shall mean any person who is in a position to exercise substantial influence over the affairs of the Corporatism, as referenced in 26 USC §4958(f)(1)(A) and further specified in 26 C.F.R. §53.4958-3(c)-(e), or succeeding provisions) or volunteer who provide substantial services to SILO from intimidation, bullying, harassment, discrimination or other forms of retaliation on the part of SILO, or any of its Directors, Officers, employees or volunteers, as a consequence of the good-faith filing of a report relative to possible violations of any statute, regulation, applicable ethical standard or policy or procedure of SILO.

Disclosure.

If any Director, Officer, employee or volunteer reasonably believe that some policy, practice, or activity of SILO, or of another individual or entity with whom the SILO has substantial business relationship exceeding ten thousand dollars ($10,000), may violate any statute, regulation, applicable ethical standard or policy or procedure of SILO, such an individual is required to file a confidential written report summarizing his/her concerns with a member of the Board of Directors.

Investigation & Resolution Procedures.

The investigation of any allege misconduct or omission governed by this policy shall be conducted in the following manner:

1. Upon receipt of a confidential written report submitted by a whistleblower to a member of the Board of Directors, the report shall ordinarily be forwarded to the President of the Board shall be responsible for properly receiving, overseeing, investigating, assessing, rendering, determinations concerning and assuring for the proper documentation and recordation of any, and all, such reports in a manner consistent with the terms of this Policy. In instances where the President of the Board is him/herself a whistleblower, a subject of the whistleblower's claims or otherwise conflicted, he/she shall disclose to the Bard the existence of the whistleblower's claim and that he/she has a real or potential conflict of interest. The Board shall then appoint a Director to serve as an "Employee Protection Officer" responsible for overseeing the SILO's response to the whistleblower's report;
2. Within thirty (30) days of receipt of the written report of a whistleblower, or as soon as practicable thereafter, the President of the Board, or designated Employee Protection Officer, as appropriate, shall act as follows:

i. Safeguard the confidentiality of subject whistleblower by not disclosing to other Directors, Officers employees or volunteers of the Corporation, the existence of the alleged misconduct or omission, the underlying factual circumstances of the filing of the written report, except as needed in order to properly investigate the matter;

Conduct an appropriate investigation of the matter within approximately thirty (30) days of receipt of the written report, or as soon as practicable thereafter; iii. Review the policies and procedure of SILO, making particular note of the alleged misconduct or omission; iv. Assess, in the most confidential manner possible, the concerns of the subject whistleblower via written questionnaire and/or interview, as well as those of other Directors, Officers, employees or volunteers who may have an understanding of, or be complicit in, the alleged misconduct or omission, in order to form an informative opinion of the matter and, if necessary, potential recommendations for resolution;

v. Prepare and submit a written report on the matter to the Board of Directors, together with recommendations as to resolution and a timeline for implementation of recommended actions;

1. The Board of Directors shall act on the written report of the Chair, or designated Employee Protection Officer, as appropriate, review findings and recommendation identified therein, and submit a final written assessment of the matter, recommendations as to resolution and a timeline for implementation of recommended actions; and,
2. Upon receipt of the written report of the President of the Board, or Employee Protection Officer, as appropriate, and the written assessment of the Board of Directors, at its next scheduled Regular Meeting, or a Special Meeting called for that purpose, shall consider the matter and render bonding determinations as to resolution, up to, and including, the suspension or removal of any Director, Officer, employee or volunteer of the Corporation found to have engaged in the subject misconduct or omission.

Retaliation Protections.

Upon filing a written report of alleged violation(s) of statute, regulation or applicable ethical standard, any such Director, Officer or Key Employee shall be protected, directly and indirectly, from intimidation, bullying, harassment, discrimination or other forms of retaliation on the part of SILO or any of its Directors, Officers, employees or volunteers,

### Documentation,

The Board of Directors shall assure that the matter is properly documented in the records of the Corporation, including minutes of the meetings of SILO's Board where the matter was considered and/or addressed.

Limitations.

This policy does not protect any Member, Director, Officer, employee or volunteer of SILO acting in bad faith; who is deliberately dishonestly; and/or, who has personally garnered profit, or some other advantage, to which he/she is not legally entitled to receive. No Director, Officer, employee or volunteer should expect protection under this policy if he/she is complicit in the misconduct or omission that is the subject of his/her concern, unless his/her complicity is, itself, prompted by duress or is motivated by reasonable fear of some form of intimidation, bullying, harassment, discrimination or other forms of retaliation.

Publication.

A copy of the policy, or an analogous whistleblower protection policy, as appropriate shall be distributed to all Directors, Officers, employees and volunteers who provide substantial services to the Corporation.

#### Article XV---Sexual Harassment Policy

Intent: Suffolk Independent Living Organization is devoted to preserving a workplace environment that is free from sexual harassment. Harassment is a form of workplace discrimination. All employees are required to conduct themselves in a manner that prevents harassment in the workplace. Sexual harassment, and retaliation are illegal, and all employees have a right to work in an environment that is free from harassment. Employees are encouraged to report any incidents by filing a complaint with Suffolk Independent Living Organization. Employees are also permitted to file a complaint with a government agency or in court under local, state, or federal antidiscrimination laws.

Suffolk Independent Living Organization will not tolerate sexual harassment. Conduct prohibited by these policies is unacceptable in the workplace or in any work-related function outside of the workplace, such as a business trip, business meetings, and business social related events. Any employee who participates in sexual harassment or retaliation will be subject to disciplinary action, such as suspension, termination, or counseling.

Retaliation is unlawful. No employee protected by this Policy shall be subject to adverse action because the employee reports an act of sexual harassment, provides details of an encounter, or otherwise assists in any investigation of a complaint. Suffolk Independent Living Organization will not tolerate retaliation against anyone who, in good faith, reports or provides information of an incident. Any employee of Suffolk Independent Living Organization who retaliates against anyone involved in an investigation will be subjected to disciplinary action, up to and including termination. All employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, or a manager. All employees, paid or unpaid interns or nonemployees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

Sexual harassment is offensive, is a violation of our policies, is illegal under federal, state and local laws, and may subject Suffolk Independent Living Organization to liability for harm to targets of sexual harassment. Harassers may also be subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be disciplined for such misconduct.

Suffolk Independent Living Organization will conduct an immediate and in-depth investigation with due regard to the due process Tights of all individuals involved, whenever management receives a complaint about sexual harassment, or otherwise is aware of possible sexual harassment occurring. Suffolk Independent Living Organization will make its best efforts to keep the investigation confidential, but confidentiality cannot always be guaranteed. Corrective matters will be taken whenever sexual harassment is found to have occurred. All employees at all levels are required to cooperate with the investigation of sexual harassment.

All employees are encouraged to report in writing any sexual harassment or behaviors that violate this policy. Suffolk Independent Living Organization will provide all employees a complaint form for employees to report incidences. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Human Resource Director, or the Chief Executive Officer.



Suffolk Independent Living Organization's Sexual Harassment policy applies to all employees. This encompasses current employees, applicants for employment, interns regardless if they are paid or unpaid, contractors and persons conducting business regardless of immigration status, with Suffolk Independent Living Organization. This policy will refer to these groups cumulatively, as employees.

Definitions of Harassment:

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, national origin, religion, sex (with or without sexual conduct), age, disability, pregnancy, alienage or citizenship status, marital status, creed, genetic disposition, or carrier status, sexual orientation or any other characteristic protected by law.

What is Sexual Harassment?

Sexual harassment is a form of sex discrimination and is illegal under federal, state, and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender expression, gender identity, and the status of being transgender. Sexual harassment involves unwelcome conduct that is sexual in nature or is directed at an individual because of that individual 's sex when:

 The conduct has the purpose or effect of unreasonably interfering with an individual 's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment.

 Such conduct is made either explicitly or implicitly a term or condition of employment or submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

### Types of Sexual Harassment

According to the Equal Employment Opportunity Commission there are two types of sexual harassment, hostile work environment and quid pro quo,

* A sexually harassing hostile work environment occurs when speech or conduct creates a negative work environment, thus effecting a person's job performance.
* This can consist of words, signs, jokes, pranks, intimidation, physical violence which are of a sexual nature, or are directed at an individual because of that individual 's sex.
* This includes unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks which are offensive or objectionable to the recipient, which may cause the recipient discomfort or humiliation, and which interfere with the recipient's job performance.
* Quid pro quo is a Latin term, which translates to a favor for a favor in English.

 This form of sexual harassment occurs when a person who has authority tries to trade job benefits for sexual favors,

* Such job benefits can include hiring, promotion, a raise or continued employment.

Examples of sexual harassment:

The following describes some of the types of unlawful acts of sexual harassment which are strictly prohibited:

* Physical acts of a sexual nature, such as:
* Touching, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;

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

* Unwanted sexual 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 or detriments;  Subtle or obvious pressure for unwelcome sexual activities.
* Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.



* Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
* Sexual or discriminatory displays or publications anywhere in the workplace, such as:  Displaying pictures, posters, calendars, objects or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers or cell phones.  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 workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;  Sabotaging an individual's work;  Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be at any position, a supervisor, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Sexual harassment is not limited to just the physical workplace itself. It can occur while employees are on a business trips or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### Retaliation

Suffolk Independent Living Organization prohibits retaliation against any individual who reports sexual harassment or participates in an investigation of such reports.

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Retaliation against an individual who reports a claim of harassment or discrimination will be subject to disciplinary actionx Such retaliation is unlawful under federal, state, and local law.

The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has: made a formal complaint, testified or assisted in a proceeding, opposed sexual harassment by making a verbal complaint, reported another employee's incident, or encouraged a fellow employee to report the harassment.

In a situation where the alleged harassment does not rise to the level of violation of law, the individual is still protected from retaliation if the person believes in good faith that the actions were unlawful. Retaliation is not intended to protect an individual who intentionally makes false claims.



### Reporting an incident of Sexual Harassment or Retaliation

Suffolk Independent Living Organization strongly encourages the reporting of all incidents including harassment, or retaliation, regardless of the offender's identity or position. All employees paid or unpaid interns, or non-employee whom believe that they have experienced such an incident should file their complaints with the Human Resource Director, or with their direct supervisor or any other member of senior management with whom you feel comfortable with, An individual does not have to wait to file a complaint until the conduct becomes severe. Early reporting and intervention are the most effective method of resolving any incidents. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of to the Chief Executive Office, or the Human Resource Director.

Reports can be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting an incident on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

### Supervisor Responsibilities

All Directors, functioning as supervisors and managers of programs who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Chief Executive Office, or the Human Resource Director.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated thoroughly, promptly, and impartially, regardless of how the information was reported, in verbal or written form. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Suffolk Independent Living Organization will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While not every case will be handled the same, investigations should be done in accordance with the following steps:

 Upon receipt of complaint, management will conduct an immediate review of the allegations, and take interim actions 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.

 Request and review all relevant documents, including all electronic communications if they are relevant to the investigation.

* Interview all parties involved, including any relevant witnesses;
* Create a written documentation of the investigation, which contains the following:  A list of all documents reviewed
* A list of names of those interviewed, along with a summary of their statements  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.

 Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document

Responsive Action

Sexual Harassment or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example training, referral to counseling, monitoring of the offender and/ or disciplinary action such as warning, reprimand, withholding of a promotion or a pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as Suffolk Independent Living Organization believes appropriate under the circumstances.

If an employee making a complaint does not agree with its resolution, the employee may appeal to the Suffolk Independent Living Organizations Executive Director.

### Legal Protections And External Remedies

Sexual harassment is not only prohibited by Suffolk Independent Living Organization but is also prohibited by state, federal, and, local law.

Aside from the internal process, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### 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 of the harassment. If an individual did not file at DI-IR, 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 at Suffolk Independent Living Organization 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 11458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit 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 DI-IR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title V Il of the 1964 federal Civil Rights Act (codified as 42 U.S.C § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment There is no cost to file a complaint with the EEOC The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court,

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee 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 I 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 DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### Local Protections

Individuals in Suffolk County can also file complaints of sexual harassment with the Suffolk County Human Rights Commission which can be reached at 631-853-5480 or by visiting www.suffolkcountyny.gov/Departments/HumanRightsCommission.

### Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.



SILO'S COMPLAINT FORM FOR COMBATING SEXUAL HARASSMENT

COMPLAINANT INFORMATION Name:

Work Address: Work Phone:

Job Title: Email:

Select Preferred Communication Method: \_\_Email \_\_Phone \_\_ln person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone: Work Address:

COMPLAINT INFORMATION

l . Your complaint of Sexual Harassment is made about:

Name: Title:

Work Address: Work Phone:

Relationship to you: \_\_\_Supervisor \_\_\_Subordinate Co-Worker 00ther

1. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.
2. Date(s) sexual harassment occurred: Is the sexual harassment continuing? \_\_\_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.

Signature: Date:



My signature below certifies that this is a true copy of the By-Laws for Self-Initiated Living Options, Inc, d.b.a. Suffolk Independent Living Organization (SILO) as presented and twice read and ratified at theBoard of Directors Meeting.

|  |  |
| --- | --- |
| Print Member's Name |  |
| Member's Signature  Mary Ann Sciacca | Date |

Printed Name Board President

Signature Board President Date



