

MDS STATEMENT AND POLICY PROHIBITING HARASSMENT OF EMPLOYEES

Harassment Prohibited

The MDS is proud of its policy of maintaining a work environment that encourages respect for the dignity of each individual. The company, therefore, endeavors to maintain a work environment free from unlawful harassment based on sex, sexual orientation, race, color, religious creed, national origin, ancestry, age, disability, marital status, military or veteran's status and any other category protected by applicable law ("Harassment"). The company prohibits such harassment, whether at the office, in outside work assignments or at company-sponsored social or non-social functions, events or programs. Should such harassment occur, the company will take appropriate corrective action to prevent its continuation or recurrence. In addition, the company will endeavor to prevent the harassment of its employees by persons who are not company employees, but who are on the company's premises or who have a business or other relationship with the company, such as volunteers, vendors and clients.

Harassment is unlawful, and any individual found to have engaged in Harassment will be subject to disciplinary action, up to and including termination of employment

Retaliation Prohibited

The company will not permit retaliation of any kind against anyone who complains about harassment or participates in good faith in an investigation of a harassment complaint. Such retaliation is unlawful, and any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including termination of employment.

DEFINITIONS

"Harassment" includes communicating, sharing or displaying written or visual material or making verbal comments that are demeaning or derogatory to a person because of their sex, sexual orientation, race, color, religious creed, national origin, ancestry, age, disability, marital status or veteran's status and any other category protected by applicable law, including material or comments intended as humor. The use of the company's facilities to disseminate, duplicate or display such materials is prohibited.

"Sexual harassment" includes making unwelcome sexual advances, requesting sexual favors or engaging in verbal or physical conduct of a sexual nature which is made a term or condition of employment, or which is used as the basis for employment decisions. "Sexual harassment" also includes any type of sexually-oriented conduct, including conduct intended to be friendly or humorous, that is unwelcome and has the purpose or effect of unreasonably interfering with an employee's work performance or creating a work environment that is intimidating, hostile, offensive or coercive to a reasonable person.

The following is a partial list of conduct, which, if unwelcome, could be considered sexual harassment depending on its severity and its pervasiveness:

- Threats or insinuations, either explicitly or implicitly, that an individual's refusal to submit to sexual advances or sexual conduct will adversely affect their employment, evaluation, wages, advancement, assigned duties, benefits or any other aspect of employment or career advancement;
- Favoring any applicant or employee because that person has performed or shown a willingness to perform sexual favors for a supervisor;
- Unwelcome sexual jokes, language, epithets, advances or propositions;
- Written or oral abuse of a sexual nature or use of sexually degrading or sexually vulgar words to describe an individual;
- Display of sexually suggestive objects, pictures, posters or cartoons;

- Unwelcome comments about an individual's body, sexual prowess or sexual deficiencies;
- Asking questions about sexual conduct;
- Unwelcome touching, leering, whistling, brushing against the body, or suggestive, insulting or obscene comments or gestures; and
- Assault or coerced sexual acts.

Responsibilities of Supervisors

Each company employee with individuals under their supervision has a duty to maintain a workplace free of harassment, to assure that each individual under their supervision is aware of the company's policy on harassment and the policy's Harassment Resolution Procedure, and to assure such individuals that they need not endure insulting, degrading or exploitative treatment based on sex, sexual orientation, race, color, religious creed, national origin, ancestry, age, disability, and any other category protected by applicable law. Any supervisor who learns of or suspects violations of this policy must promptly bring the matter to the attention of HR or the executive director.

Responsibility of Individual Employees

The line between acceptable social conduct and harassment is not always clear. For that reason, the company encourages individuals who believe they are being or may have been harassed to communicate clearly to the offending party that the conduct is offensive, intimidating or embarrassing, to explain how the offensive behavior affects the employee's work and to ask that the conduct stop. If the individual is uncomfortable with making such a direct approach to the offending party or has done so, but the perceived harassment has not stopped, then the individual may use the procedure described below to obtain a constructive resolution of the problem.

Harassment Resolution Procedure

An employee who believes they may have been harassed in a manner prohibited by this policy is urged to utilize this procedure as soon as possible after a perceived act of harassment occurs because prompt reporting allows the company to investigate while the facts are still fresh and to take prompt corrective action, when appropriate. The company will handle the matter with as much confidentiality as possible under the circumstances and with due regard to the rights and wishes of all parties, recognizing that there are many circumstances where complete confidentiality is not possible. Upon receipt of a complaint, the company will promptly undertake an investigation and, when appropriate, corrective action. The following procedures will generally be followed in the case of a complaint:

Filing of a Complaint

An individual who believes that they have been the subject of harassment should bring their complaint to the attention of their immediate supervisor, HR or the executive director.

Supervisor's Duty

A supervisor receiving a complaint must immediately notify HR or the executive director, who will determine if an investigation is warranted and, if so, will designate one or more fact finders, who will be responsible for conducting a prompt investigation.

Investigation

The fact finder may ask the individual for a written statement indicating the identity of the alleged offending party and the date, location and nature of the alleged harassment. As soon as possible thereafter, the fact finder may meet individually with the alleged offending party to inform them of the contents of the complaint and provide them with an opportunity to respond. If there is a significant dispute of fact, the fact finder may give each party an opportunity to identify persons who can support or corroborate their version of the facts. The fact finder may also investigate the matter further by contacting those individuals and/or other

individuals whom the fact finder believes may have additional information regarding the issues raised in the complaint.

Resolution

Based upon the information gathered in the investigation, the fact finder will determine whether the company's policy was violated and, if appropriate, will recommend corrective action to the executive director.

Responsible Government Agencies:

Massachusetts Commission Against Discrimination
One Ashburton Place
Boston, MA 02108
(617) 727-3990

Springfield Office
424 Dwight St., Room 220
Springfield, MA 01103 (413) 739-2145

U.S. Equal Employment Opportunity Commission One Congress Street
10th Floor, Room 1001
Boston, MA 02114
(617) 565-3200