

Unlawful Harassment Prevention Policy

Updated: 03/19/2019

IMS is committed to providing a safe, comfortable and productive work environment, free from unlawful discrimination and harassment, where everyone is treated with decency and respect. Unlawful harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by IMS.

"Unlawful Harassment" means offensive, unwelcome physical or verbal behavior that is based on a person's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, age, genetic information, disability, active military or veteran's status, or any other protected status. Harassment may include derogatory remarks, epithets, offensive jokes, the display or circulation of offensive printed, visual or electronic material, or offensive physical actions.

Sexual harassment is also unlawful. "Sexual Harassment" is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- (a) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;
- (b) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- (1) Sexually-oriented verbal "kidding", "teasing", or jokes;
- (2) Repeated offensive sexual flirtations, advances, or propositions;
- (3) Continued or repeated verbal abuse of a sexual nature;
- (4) Graphic or degrading comments about an individual or their appearance;
- (5) The display of sexually suggestive objects, cartoons, or pictures;
- (6) Unwelcome sexual advances and pressure for sexual activity;
- (7) Inquiries or discussion about sexual experiences, and
- (7) Unwanted physical contact or blocking movement.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally intimidating, hostile or offensive, and that lowers morale, therefore interfering with work effectiveness.

Harassment is considered a form of employee misconduct. Disciplinary action, up to and including termination, will be taken against any employee found to be engaging in this type of behavior. IMS will not tolerate unlawful harassment of any type.

Employees often can stop or prevent harassment by immediately and directly expressing their disapproval of an individual's conduct.

Complaints of Sexual Harassment

Any employee who believes that they have been subjected to sexual harassment, or who has witnessed unlawful harassment, has the right to file a complaint with our organization. This may be done in writing or orally.

You may report such incidents to your immediate supervisor or to Jeff Adams, Human Resources Manager of IMS at 978-355-4378 extension 335 or Inger Forland, Executive Director of IMS at 978-355-4378 extension 235.

Sexual Harassment Investigation

All allegations of harassment will be quickly and discreetly investigated, and if warranted, appropriate corrective action will be taken. No one should be presumed to be in violation because an investigation is being conducted. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. When the investigation is completed, IMS will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, IMS will act promptly to eliminate the offending conduct, and where it is appropriate IMS will also impose disciplinary action.

Prohibition Against Retaliation

Any employee who, in good faith, reports an alleged incident of harassment, or who cooperates in the investigation of a complaint, will under no circumstances be subject to reprisal or retaliation of any kind. Retaliation or attempted retaliation is a violation of this policy and anyone who does so may be subject to disciplinary action up to and including termination.

Any employee, however, who is found to have knowingly made a false accusation of harassment or retaliation may be subject to disciplinary action up to and including termination.

State and Federal Remedies

In addition to the above remedies, employees may file a formal complaint with either or both of the government agencies set forth below. Using IMS's complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a time limit for filing a claim (EEOC - 300 days; MCAD - 300 days).

1. The United States Equal Employment Opportunity Commission (EEOC),
1 Congress Street – 10th Floor, Boston, MA 02114, 617-565-3200.

2. The Massachusetts Commission Against Discrimination (MCAD),
One Ashburton Place, Room 601, Boston, MA 02108, 617-994-6000;
or 424 Dwight Street, Room 220, Springfield, MA 01103, 413-739-2145.

Please note that while this policy sets forth IMS's goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit IMS's authority to discipline or take remedial action for workplace conduct which IMS deem unacceptable, regardless of whether that conduct satisfies the legal definition of harassment.