

5.13 Harassment

The Company is committed to providing a work environment that is pleasant, healthy, comfortable and free from intimidation, hostility or other offenses that might interfere with work performance. Harassment of any type will not be tolerated.

Sexual harassment, as defined by the Equal Employment Opportunity Commission consists of unwelcome advances, requests for sexual favors or other verbal or physical acts of a sexual or sex-based nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the employment of such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Sexual harassment may also include non-sexual conduct that is discriminatory on the basis of the person's gender such as when a person viciously yells or mistreats one gender, or if a person shows a bias toward one gender in his/her hiring and management practices.

Harassment can also include any conduct that creates an intimidating, hostile or offensive working environment, whether or not the behavior is sexual in nature. Accordingly, the Company prohibits not only unlawful harassment, but any actions that are unprofessional, or disrespectful of our customers, employees, contractors or consultants.

All Company employees have a responsibility to keep our work environment free of harassment. Any employee, who becomes aware of an incident of harassment, whether as a witness or a victim, must promptly report the incident to a manager, officer, or Human Resources representative. Management will promptly investigate all allegations. If the harassment complaint is substantiated, disciplinary action will follow, up to and including termination. All reports will be investigated with regard for the privacy of those involved as much as possible. Employees who are dissatisfied with the investigation's resolution should bring the complaint to the attention of another individual empowered to participate in such an investigation. Employees who are not comfortable reporting an incident internally can anonymously access the Ethics Point Hot Line at

1-866-384-4277 or make an online report at www.ethicspoint.com. This service is monitored by an independent third party to protect confidentiality and anonymity.

Employees can often stop or prevent sexual harassment by immediately and directly expressing their disapproval of an individual's specific attention or conduct. In the event a formal report of sexual harassment is made, a warning to the alleged harasser combined with appropriate follow up and monitoring is usually sufficient to prevent or stop the offending behavior. If the results of the investigation reveal that the Company's policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for more egregious or repeat violations is termination of employment. Associates who violate this policy may also be subjected to civil damages and/or criminal penalties.

An employee who makes a good faith report of alleged harassment or misconduct, or an employee who cooperates in an investigation of such harassment will not be subject to reprisal or retaliation of any kind. Any employee who feels he or she has been subjected to adverse actions should report the actions to Human Resources or a local manager. The filing of a report of harassment or retaliation, however, does not excuse unrelated acts of misconduct or other policy violations on the part of the reporting party. Such unrelated acts of policy violations or substandard performance will be managed in accordance with Company policies and procedures, without regard to the unrelated incident.

The Company's ability to investigate and remedy instances of harassment requires the proper and timely notification of unlawful harassment. Individuals, who fail to follow the procedures outlined for a report of unlawful harassment, as described herein, may preclude the injured party from obtaining a remedy from the Company.