

Metropolitan Bank Holding Corp.
Code of Ethics

1. Purpose

The most important personal aspect of every bank is the trust and confidence of its depositors and customers. With this basic principle in mind, all of us at the Company (as defined below) must ensure that honesty and integrity are among our highest priorities.

The Code of Ethics is meant to guide each employee, officer and director by setting the ethical standards for business conduct and decisions. It obviously cannot cover all situations; uncertainties are bound to occur. In such cases, you should first seek the guidance of the Chief Human Resource Officer, the General Counsel or the Chief Compliance Officer (each a “Responsible Individual”), depending on the nature of the situation. If you do not believe you have received appropriate guidance or response from a Responsible Individual regarding unethical, fraudulent, improper, or illegal conduct, you should communicate that information to the President/Chief Executive Officer without fear of retaliation. In addition, you can report anonymously on the Reporting Violations and Unethical Behavior hotline (i) by calling 1-888-264-2235 or (ii) via mcbankny.ethicspoint.com.

2. Policy Statement/Scope

The success and reputation of Metropolitan Bank Holding Corp. and its subsidiaries, including Metropolitan Commercial Bank (collectively, “the Company” or “our”), is impacted by the standard of personal and professional integrity with which its employees, officers and directors conduct themselves. The Company strives to be in strict compliance with all laws and regulations that are applicable to its business. In pursuit of the Company’s goals, each employee, officer and director is expected to adhere to business procedures and practices that are in accordance with applicable federal and state banking laws and regulations, as well as those of the Securities and Exchange Commission (“SEC”) and the New York Stock Exchange (“NYSE”) as applicable, and is expected to conduct themselves on the basis of moral and ethical principles reflecting the highest standards of business and individual behavior. Although laws and regulations may sometimes be ambiguous and difficult to interpret, the Company requires that all employees, officers and directors make a good faith effort to follow not only the letter of the law but also the spirit and intent of the law.

The foundation of our Code of Ethics consists of standards of business as well as personal conduct which are intended to exceed legal requirements: honesty and candor in our activities; avoidance of conflicts between personal interests and the interests of the Company, or even the appearance of such conflicts; avoidance of activities which might reflect adversely on the reputation of the Company; and integrity in dealing with the Company’s assets and personnel. In general, things you do outside of work should not conflict with your loyalty to the Company. Nor should they interfere with the successful performance of your job duties by reducing the time or attention you devote to work, or negatively affect your work quality or productivity.

Our Code of Ethics also requires all directors, officers and employees to be alert for — and to report — anything they believe could be fraud, money laundering, or other suspicious activity, as

well as potential Conflicts of Interest (*see definition and examples on pages 3-5*). “Willful blindness” occurs when you have knowledge or sufficient evidence to suspect money laundering activity or other illegal activities, but choose not to report the information. If you ignore red flags or other warning signs, or if you choose to not report suspected activity, both you and the Company could be considered willfully blind and be held liable for the criminal activity.

Failure to strictly adhere to the provisions of this Code will result in corrective action, possibly including termination of an employee, officer or director.

Please review and acknowledge receipt of the enclosed Discrimination and Harassment Policy, also set forth in Section 2.02 of Metropolitan Commercial Bank’s Employee Handbook. Directors are prohibited from engaging in discrimination, harassment or retaliation toward bank employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional “covered individuals,” which includes anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the Company.

3. Accurate Reporting of Records

Audits, Internal Investigations and Searches

The Company is subject to both internal and external audit. It is unlawful for any officer or director of an issuer, or any other employee to take any action to fraudulently influence, coerce, manipulate, or mislead any independent public or certified accountant engaged in the performance of an audit of the financial statements of that issuer for the purpose of rendering such financial statements materially misleading.

In addition, the Company may be required to conduct internal investigations and searches relating to security and safety, auditing, or other work-related matters. All Company facilities, Company property (including desks, work stations, computers, electronic devices, files, etc.), and employee’s personal property on Company premises are subject to inspection without notice and upon request. Employees are expressly prohibited from attempting to impede an internal or external audit or investigation in any way and are prohibited from destroying, falsifying or tampering with records. Any employee who fails to cooperate fully with and assist in these investigations or searches when requested to do so will be disciplined, up to and including termination of employment.

Senior Officers and Accurate Periodic Reports; Internal Controls

Executive Officers and Senior Financial Officers (“Senior Officers”) are responsible for assuring full, fair, accurate, timely and understandable disclosure of relevant financial information to shareholders and investors. In particular they are responsible for assuring that the Company complies with Securities and Exchange Commission rules governing disclosure of financial information and for assuring that press releases and communications with investors and securities analysts are fair and accurate. Senior Officers should:

- establish and maintain internal controls and procedures and disclosure controls and procedures designed to assure that financial information is recorded, processed and transmitted to those responsible for preparing periodic reports and other public communications containing financial information so that they are complete, accurate, and timely;
- carefully review each periodic report for accuracy and completeness before it is filed with the SEC and carefully review each public communication containing financial information before it is released;
- maintain books, accounts and records according to generally accepted accounting principles, using enough detail to accurately and fairly reflect Company transactions; and
- promptly disclose to your superiors, and if necessary to the Audit Committee, any material weaknesses in, or concerns regarding, the Company's disclosure controls or internal controls.

Senior Officers also must proactively promote ethical behavior among subordinates and peers.

4. Conflicts of Interest

Employees, officers and directors must always be alert to possible conflicts of interest. Even the appearance of a conflict between personal gain and the interest of the Company damages the trust and confidence on which our reputation rests. Our conflict of interest restrictions are not intended to interfere with employees' legal rights to engage in concerted, protected activities involving the terms and conditions of employment.

Examples of conflicts of interest include, but are not limited to:

- Accepting gifts, cash, discounts, and entertainment from business contacts that could be interpreted as being given to influence an employee's, officer's or director's actions;
- Improperly using Company facilities, equipment, supplies, or Company name;
- Developing a relationship with a Customer or other business contact which may jeopardize an employee's, officer's or director's independent judgment;
- Processing transactions involving personal business, family, friends or associates unless such transactions have been approved by a Responsible Individual; and
- Providing inappropriate financial advantages to select customers or accounts.

Outside Employment and Activities

An employee's position at our Company is considered to be of primary importance and an employee or officer is expected to devote his/her full attention and energy to our organization and to the Company's interests during regular hours of employment. Employment with another

employer may not be permitted. If you wish to engage in outside employment, you must first discuss this matter with your department head, and then seek written permission from the Chief Compliance Officer who will then consult the Chief Human Resources Officer. Outside employment or a directorship with another bank or other organization which competes with Metropolitan Commercial Bank is not permitted.

However, employees who are granted permission in writing to hold outside jobs or be involved in outside business must continue to meet established performance standards. Such outside activities may not impact our business interests, consume Company resources, affect their physical or mental effectiveness at the Company, or create conflicts of interest or appearance of a conflict of interest.

Unless authorized to act as a Company representative, an employee should make clear at all times that he/she is acting on a private, personal basis and not as part of our organization. Management approval should be sought if any doubt exists regarding the appropriateness of an employee's involvement in outside activities.

Involvement in Community/Political Activities

Employees and directors are encouraged to become involved in charitable organizations, community affairs, educational, and political activities. Such involvement benefits the community and provides opportunities to create goodwill. However, employee participation should not interfere with job responsibilities, create a conflict of interest, threaten confidentiality standards, or impact business interests. Employees should make clear at all times that they are acting on a private, personal basis, not as part of our organization. Compliance approval should be requested if any doubt exists as to the appropriateness of an employee's involvement in community or political activities.

Even when acting on behalf of the Company, in some cases it may be improper for an employee, officer or director to serve as a member, director, officer or employee of a municipal corporation, agency, school board or library board. Such service is only appropriate when business relationships between the Company and such entities would not be prohibited or limited because of statutory or administrative requirements regarding conflicts of interest. In such cases where the appearance of a potential conflict may exist, written Company approval should be requested from a Responsible Individual.

Dealing with Suppliers

Employees, officers and directors must award orders, contracts and commitments to suppliers of goods or services without favoritism. Company business of this nature must be conducted strictly on the basis of merit.

Work Relationships

No employee, officer, director, and/or agent thereof,¹ shall give or receive any personal benefit or special considerations to the conditions of employment of another employee due to family or personal relationships.

Use of Your Name or Address on Customer's Accounts

The use of the name or address of yourself or a member of your family as the mailing address for any Customer's account is not permitted, unless you or your family member is the owner of the account. Any exception to this Code must be approved in writing by the President/Chief Executive Officer of the Company.

Powers of Attorney for Customer's Accounts

Employees, officers and directors and their spouses are prohibited from holding a Power of Attorney for any Customer account at Metropolitan Commercial Bank unless you or your family member is the owner of the account.

5. Corporate Opportunities Belong to the Company

Interest in Outside Activities or Entities; Corporate Opportunities

No employee, officer or director may act on behalf of the Company in any transaction involving persons or organizations with whom he/she or his/her family has any significant connection or financial interest. In any closely held enterprise, even a modest financial interest held by the employee, officer, director, and/or agent thereof, should be viewed as significant. In addition, employees, officers and directors must be particularly careful to avoid representing the Company in any transaction with others with whom they have any business affiliation or relationship.

Employees, officers and directors are prohibited from (a) taking for themselves personally opportunities that are discovered through the use of corporate property, information or position; (b) using corporate property, information, or position for personal gain; and (c) competing with the Company. Employees, officers and directors owe a duty to the Company to advance its legitimate interests when the opportunity to do so arises.

6. Loans to Directors, Officers and Employees

Borrowing

No employee, officer, director, and/or agent thereof, may borrow money from suppliers, customers or other employees, officers, directors, and/or agent thereof. Employees, officers, directors, and/or

¹ For purposes of this Code, the term "employee, officer, director, and/or agent thereof" includes, without limitation, an employee's, officer's, or director's spouse, children, other dependents, parents, individuals residing with the employee, officer or director, and/or any person or organization acting as agent or as a fiduciary for any employee, officer, director or member of his/her family through which the employee, officer, director or any member of his/her family might receive anything of value.

agent thereof, must also follow any policies and procedures of the Company relating to employee mortgage and other loans. Federal regulation (Regulation O) also applies limits and prohibitions to extensions of credit made by Metropolitan Commercial Bank to executive officers, directors, and others as specified.

Participations

If a Director, shareholder, or any other member of their immediate family participates in loans, their participations must be presented to Metropolitan Commercial Bank's Loan Committee and are subject to the same underwriting and approval processes as all loans approved by Metropolitan Commercial Bank. If a director is a member of the Loan Committee at the time that a participation involving themselves or an immediate family member is presented, they must recuse themselves from the approval process. On a quarterly basis all new participations shall be presented to the Board of Directors.

7. Giving and Accepting Gifts

Personal Benefits

Our Code prohibits receiving improper personal benefits (directly or indirectly) because of actions taken on the job. Personal benefits are defined as any type of gift, gratuity, favor, service, loan, benefit, legacy, fee or compensation from any Customer, from anyone seeking to do business with the Company or from any other person (except from a relative with whom there is no business relationship) or organization, whether a Customer or not. However, if there is no reasonable likelihood that the employee, officer or director will be - or appears to have been - improperly influenced in the performance of his/her duties to the Company, the following do not constitute "personal benefits":

- Normal business courtesies which facilitate the discussion of Company business or foster good business relations within a community (meals, entertainment, a golf game, etc.) involving no more than usual or ordinary amenities;
- Non-cash gifts of modest or nominal value (less than \$250) at year-end or on other infrequent occasions, except from a supplier;
- Gifts because of kinship, marriage, retirement, holiday, birthday or social relationship entirely beyond and apart from business relationships;
- Fees or compensation received from an organization for which an employee, officer, director, and/or agent thereof, acts as an official pursuant to written approval of the Company to the extent specified therein;
- Loans from other financial institutions on customary terms to finance proper and usual activities of Company officials (e.g. home mortgages);
- Advertising or promotional material of no substantial value (pens, notepads, etc.);

- Discounts or rebates on merchandise or services that do not exceed those available to other customers; and
- Organizational awards for recognition of service and accomplishment.

No employee, officer, director, and/or agent thereof, may accept personal benefits such as cash gratuities or receive lavish gifts or lavish entertainment from customers, correspondent banks or securities firms used by the Company for its transactions (“Customers”) or from other companies supplying goods and services to the Company (such as insurance, accounting or law firms, maintenance, food or other vending companies, etc.). If any employee, officer, director, and/or agent thereof, receives any gift from a Customer or a supplier (other than modest or nominal value non-cash gifts at year end or on other infrequent occasions), the employee, officer or director shall immediately report it to the President/Chief Executive Officer of the Company and, upon instructions, shall either retain the gift or return it or donate the gift without tax deduction to a charitable organization selected by the Company. The supplier that presented the gift will be notified of the donation.

Personal Fees and Commissions

No employee, officer, director, and/or agent thereof, may accept personal fees or commissions in connection with any transactions on behalf of the Company. The acceptance of payments from Customers or suppliers or prospective Customers or suppliers of the Company for personal consulting or other professional services requires the prior approval of the President/Chief Executive Officer of the Company.

Corporate Hospitality to Public Officials

Acts of hospitality toward public officials should never be on such a scale or of such a nature as might tend to compromise or give the impression of compromising the integrity or the reputation of either the public official or the Company. When appropriate, if hospitality is extended, it should be with the expectation that it will become a matter of public knowledge.

8. Dealing with Assets of the Company

Fair Competition

Under no circumstances should any employee, officer or director enter into arrangements on behalf of the Company with any other bank or financial institution which affect pricing of the Company’s services or marketing policies.

Bribes and Preferential Treatment

No bribes, kickbacks or other similar remuneration or consideration in any form shall be given to any person or organization in order to attract business. In addition, no officer or employee shall make any preferential extension of credit to any executive officer, director or principal shareholder of another bank holding company without the approval of the Board of Directors of the Company.

Notice Concerning Bribery

It is a federal crime for any officer, director, employee, agent, or attorney of the Company to solicit, demand, or accept anything of value from anyone in return for any business, service, or confidential information, intending to be influenced or rewarded, either before or after a transaction is discussed or consummated. The intention of the federal law is to treat bank bribery as meaning those acts which threaten the integrity of Customer's deposits by creating a possibility of unsound and improvident loans or other financial favors amounting to a corrupting influence of a bank official.

It is reasonable to expect that the common practice of modest "good will" or receiving gifts evolving from social relations between bankers and their customers and communities should not be viewed as bribery. Although the strict prohibitory language of the law provides no qualification or guidance, the United States Department of Justice has issued a policy statement and guidelines for United States Attorneys prosecuting cases under the Federal Bank Bribery Law. The policy statement requires that cases prosecuted under the law entail breaches of fiduciary duty or dishonest efforts to undermine bank transactions. The Justice Department recognizes that insignificant gift giving or entertaining such as occasional receipt of meals, entertainment or other gifts of modest or nominal value do not involve a breach of fiduciary duty or dishonesty where the conduct is authorized by or disclosed to Company management. It is a matter of reasonableness. The Justice Department states that a "reasonable standard of conduct is one which permits an employee to receive the normal amenities that facilitate the discussion of Company business, such as a business luncheon, but which excludes the receipt of those benefits which serve no demonstrable business purpose, such as a weekend hunting or fishing expedition or the receipt of scarce or expensive tickets to athletic or theatrical events".

Federal Law states that the following acts violate the Bribery Law:

1. Whoever corruptly gives or offers anything of value to a person with the intent to influence or reward a person employed by the Company, and/or
2. Whoever, as an officer, employee or agent of a financial institution, corruptly solicits or demands for the benefit of a person or corruptly accepts or agrees to accept anything of value from any person intended to be influenced or rewarded in connection with any business or transaction of the Company.

Present and former employees, officers and directors will be responsible to pay any fines or penalties assessed as a result of their personal behavior or actions.

Political Contributions

The Company shall not make any contributions, directly or in kind to candidates for federal, state or local office or to any political party. Any exception to this rule must be approved by the Board of Directors.

Use of Corporate Name and Letterhead

The Company's name, logo, or corporate letterhead may not be used for any purpose other than in the normal course of official business, unless expressly approved by senior management.

9. Confidential Information

Confidentiality

Maintaining confidentiality is a condition of employment. Employees are responsible for acting with complete professionalism when discussing Company business or handling Company information. All information, files, documents, records, plans, and other material whether written, oral, electronic or in any format relating to the Company, its employees, and customers are considered confidential. Unless authorized to do so, employees, officers, directors, and/or agent thereof, must not divulge, comment on, or discuss with any outsider, by any means including social media (e.g. Twitter, Facebook, LinkedIn, etc.), either at or after work any non-public information regarding the Company, such as strategic and profit plans. This information should be treated as confidential in nature and should only be disseminated within the internal structure of the Company on a need to know basis. Inappropriate release or use of confidential information, either internally or externally, will result in corrective action, including possible termination. Our policies are not intended to interfere with any employee's legal right to participate in protected communication with other employees regarding the terms and conditions of employment.

Requests by regulatory or government agencies for information other than that required for Company examinations and by required reports should be referred to the Chief Compliance Officer of Metropolitan Commercial Bank.

Employees, officers and directors must also maintain the confidential relationship between Metropolitan Commercial Bank and each of its Customers. Confidentiality is a fundamental principle of the financial services business. Confidential information, such as account balances, financial information obtained from a Customer or anticipated changes in the management or financial condition of a Customer, must never be discussed outside the normal and necessary course in Metropolitan Commercial Bank's business. Information about a Customer's business with Metropolitan Commercial Bank should never be divulged or communicated to others without proper authorization to do so and on a strictly confidential basis; nor should such matters be discussed socially either inside or outside the Company. Moreover, in some situations, such as sales or acquisitions, information should not be exchanged even in the same department about a common Customer or transaction involving a Customer except on a need to know basis that fits the particular circumstances.

When an employee, officer or director leaves the Company he/she may not retain or use any confidential information.

10. Insider Trading is Illegal

Employees, officers, directors, and/or agent thereof, are free to invest in stocks and other securities at their discretion provided that they comply with this Code. Employees, officers, directors, and/or

agent thereof, must never make changes in their personal investment portfolios on the basis of confidential information relating to the Company or its Customers or other Company transactions. After confidential information with regard to the Company or any of its Customers is made public, an employee, officer or director may invest provided there are no other restrictions on buying or selling.

If you are a member of the Treasury function and are directly involved in purchasing or selling securities for the Company, you are prohibited from engaging in personal securities transactions with the same broker that the Company uses for its transactions.

No employee, officer or director is permitted to act as a co-maker, endorser or guarantor of the financial obligation of another employee, officer or director. If requested to do so, bear in mind that the policy of the Company does not permit such activity. An employee, officer or director should neither borrow money from nor lend money to another employee, officer or director.

Employees, officers and directors are expected to maintain their personal finances in good order.

11. Administration of the Code of Ethics

Every employee, officer and director has an obligation to:

- **Comply** with this Code of Ethics, which prohibits violation of local, state, federal or foreign laws and regulations applicable to our businesses, and requires compliance with all Company policies;
- **Be familiar** with laws and Company policies applicable to his/her job and communicate them effectively to subordinates;
- **Ask questions** if a policy or the action to take in a specific situation is unclear;
- **Be alert** to indications and/or evidence of possible wrongdoing; and
- **Report** violations and suspected violations of this Code of Ethics to a Responsible Individual or the appropriate person as described below.

The Company's managers have a particular responsibility to notice and question incidents, circumstances and behaviors that point to a reasonable possibility that a violation of this Code has occurred. A manager's failure to follow up on reasonable questions is, in itself, a violation of Company policy.

How to Ask a Question

Whenever possible, an employee should work with his/her immediate manager to get answers to routine questions.

If a manager's answer does not resolve a question or if an employee has a question that he/she cannot comfortably address to his/her manager, he/she should go to a Responsible Individual or the President/Chief Executive Officer.

Executive officers and directors may bring any questions to the President/Chief Executive Officer or the Chairman of the Audit Committee.

Violations

Employees, officers and directors are expected to act fairly and honestly in all transactions with the Company and with others to maintain the high ethical standards of the Company in accordance with this Code of Ethics. If a situation arises where an employee, officer or director is unsure whether it creates a violation of the Code, the Chief Compliance Officer or other Responsible Individual of the Company should be contacted for guidance. A violation of any one of the rules of this Code of Ethics constitutes grounds for disciplinary action up to and including termination of employment.

How to Report a Violation Involving Accounting, Internal Controls or Auditing Matters

Concerns regarding questionable accounting, internal control or auditing matters should be handled under the procedures for confidential, anonymous submissions established by the Audit Committee and set forth in the Company's Whistleblower Policy.

Discovery and Reporting of Violations of the Code of Ethics

The discovery of any event or action by a fellow employee, officer or director which is questionable, fraudulent or illegal in nature or which is in violation of the Code of Ethics should immediately be reported directly to a Responsible Individual, or through the Reporting Violations and Unethical Behavior hotline (i) by calling 1-888-264-2235 or (ii) via mcbankny.ethicspoint.com. If such instances are identified with persons at the highest levels within the Company, the matter should be reported to the Chief Compliance Officer or Chairman of the Audit Committee of Metropolitan Commercial Bank. If the violation involves the President/Chief Executive Officer or the Chairman of the Audit Committee, then the employee, officer or director should report the violation by informing the Chief Financial Officer. Failure to report such events constitutes a violation of this Code of Ethics.

Employees, officers and directors may report a possible violation through Reporting Violations and Unethical Behavior hotline (i) by calling 1-888-264-2235 or (ii) via mcbankny.ethicspoint.com. Reports filed through the Hotline are handled by a third party Administrator. The Company will investigate any reports received by the Administrator.

All reports of violations of the Code of Ethics will be kept in strictest possible confidence. Any employee, officer or director making such a report will be protected from any form of retaliation. Any violation of the Code of Ethics, including the failure to report a violation of the Code by a fellow employee, officer or director, may be cause for disciplinary action up to and including termination of employment.

Follow-up to the Report of a Violation

The President/Chief Executive Officer, the Chairman of the Audit Committee, or the Chief Human Resources Officer may arrange a meeting with the employee, officer or director to allow the

individual to present a complete description of the situation. The President/Chief Executive Officer will take the matter under consideration, including undertaking any necessary investigation or evaluation of the facts related to the situation and, after consultation as appropriate with the Chief Human Resources Officer or Responsible Individual(s), shall render a written decision, response or explanation as expeditiously as possible. Individuals who are alleged to be involved in a violation will not participate in its investigation.

Determining Whether a Violation Has Occurred

If the alleged violation of this Code concerns an executive officer or director, the determination of whether a violation has occurred shall be made by the Audit Committee of the Board of Directors, in consultation with such external legal counsel as the Audit Committee deems appropriate.

If the alleged violation concerns any other employee, the determination of whether a violation has occurred shall be made by the President/Chief Executive Officer, in consultation with such legal counsel as the Audit Committee deems appropriate.

12. Waivers of this Code

The Board of Directors of the Company must approve any waiver of the provisions and policies of this Code for any Senior Financial Officer (or for any other employee, officer or director of the Company) in writing. Any such waiver must be promptly disclosed to the Company's shareholders, along with the reasons for such waiver, in accordance with applicable law and the rules and regulations of the NYSE.

Section 2.02 Discrimination and Harassment Policy

(a) Statement of Philosophy

The Bank is committed to maintaining a work environment that respects the dignity and worth of each individual. Inappropriate workplace behavior, unlawful discrimination and unlawful harassment create an environment which is wholly inconsistent with this commitment. The purpose of the policy set forth below is to foster a work environment that is free from all forms of discrimination and harassment.

All employees have the right to work in an organization free of discrimination, harassing conduct, bullying, and unwelcome sexual advances or requests for sexual favors. Verbal, physical, or other communication or conduct by an employee, manager, customer, or supplier which harasses, bullies, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated. All types of harassment, whether based on characteristics described in the Bank's EEO policy above or other status protected by federal, state, local, or other law, are unacceptable work behavior and are expressly prohibited.

This policy applies to all harassment occurring in the work environment, whether on Bank premises or in any Bank related setting. The below policy is aimed at providing Bank employees and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights Law and other applicable law, including the New York City Human Rights Law, protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined below should be considered applicable to all protected classes.

This policy covers all employees of the Bank including applicants for employment and third parties over whom the Bank has control. In accordance with the New York State Human Rights Law and other applicable law, including the New York City Human Rights Law, the Bank's policy prohibiting employees from engaging in sexual harassment toward employees in the workplace also extends to prohibiting sexual harassment toward any contractor, subcontractor, vendor, consultant or other person providing services pursuant to a contract in the workplace or who is an employee of any such contractor, subcontractor, vendor, consultant or other person providing services pursuant to a contract in the workplace.

(b) Sexual Harassment

Sexual harassment and discrimination are against the law and the Bank is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the Bank recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law and other applicable law, including the New York

City Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the Bank's commitment to a discrimination-free work environment:

1. The Bank's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the Bank. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the Bank.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to appropriate corrective action, up to and including termination, for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential corrective action for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the Bank who retaliates against anyone involved in a sexual harassment or discrimination investigation will face corrective action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform the Chief Human Resources Officer or the General Counsel, as set forth below in the section on Reporting Sexual Harassment. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the Bank to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who

allow such behavior to continue, will be subject to appropriate corrective action, up to and including termination, for such misconduct.

5. Upon receipt of a complaint about discrimination or sexual harassment, or learning of possible discrimination or sexual harassment occurring, Human Resources will conduct a prompt investigation that is fair to all parties. The Bank will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the Bank will take appropriate action, and the Bank will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are strongly encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual may also report harassment to appropriate government agencies, as explained below in the section on Legal Protections.

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 Human Resources Officer or the General Counsel, as set forth below in the section on Reporting Sexual Harassment.

7. This policy applies to all employees and covered individuals, and all must follow and uphold this policy. This policy will be provided to all employees in person or digitally through email upon hiring.

What is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes 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 is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may

identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the Bank's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, 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, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Any harassing conduct, even a single incident, can be discrimination and is covered by this policy, and the Bank strongly encourages employees and covered individuals to report such conduct.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, 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;
 - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, 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, or name-calling;

- Intentional misuse of an individual's preferred pronouns; or
- Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York law protects employees and all covered individuals described earlier in the policy. **Harassers can be anyone in the workplace.** A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Harassment based on any protected characteristic, including sexual harassment, is a form of discrimination that is illegal under federal, state and (where applicable) local law, and a violation of the Bank's policy. Also, harassment does not happen in a vacuum, and discrimination experienced by an employee can be impacted by biases and identities beyond their gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals' own experiences might impact how they interact with certain behavior. This is why, in the interest of creating a workplace free from harassment and discrimination, it is especially important for all employees to be aware that words or actions that might not be offensive to them might be perceived differently by someone else, and thus appropriate behavior in the workplace is paramount.

Where Can Sexual Harassment Occur?

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

Sexual harassment can occur when employees are working remotely as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is away from a physical office when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and even after working hours between personal cell phones.

(c) Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law and the New York City Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful harassment or discrimination. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

(d) Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is strongly encouraged to report harassing or discriminatory behavior to the Chief Human Resources Officer or the General Counsel, as set forth below. Anyone who witnesses

or becomes aware of potential instances of sexual harassment are also strongly encouraged to report such behavior to Human Resources or the Chief Human Resources Officer.

The Bank strongly urges individuals who believe they have experienced or witnessed conduct prohibited by this policy or who have concerns about such matters to report the conduct to Human Resources or the Chief Human Resources Officer or the General Counsel, regardless of the offender's identity or position. Reports may also be made confidentially to the Reporting Violations and Unethical Behavior hotline (i) by calling 1-888-264-2235 or (ii) via mcbankny.ethicspoint.com.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination, harassment or retaliation (as defined below). While no fixed reporting period has been established, the Bank strongly urges individuals to report their complaints or concerns immediately so that rapid and constructive action can be taken. Further, reporting individuals should be aware that applicable laws may limit the time for instituting legal action.

Reports may be made orally or in writing. However, all oral reports must be reduced to writing, either by the reporting individual or the recipient of the complaint, to ensure the Bank creates an accurate record and can conduct an effective investigation. Written complaints should be made on the Bank's sexual harassment complaint form, which is available upon request from the Chief Human Resources Officer.

All supervisors and managers who receive a report or information about, observe, or suspect any potential harassment or other violation of this Policy **must immediately** report it to the Chief Human Resources Officer or the General Counsel. In addition to being subject to discipline if they engaged in harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

(e) Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to the Chief Human Resources Officer or the General Counsel, as set forth above in the section on Reporting Sexual Harassment. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers will be subject to corrective action if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers will also be subject to corrective action for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to corrective action for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must, where appropriate, coordinate with the Chief Human Resources Officer to accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

(f) Bystander Intervention

Any employee witnessing harassment as a bystander is strongly encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace.

(g) Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, appropriate in scope, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Bank will take corrective action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The Bank recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations may include some or all of the following steps, depending on the scope and substance of the complaint. Upon receipt of a complaint, Human Resources may:

1. Conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, Human Resources will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. Human Resources will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Seek to interview all parties involved, including any relevant witnesses;
4. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Keep the written documentation and associated documents in a secure and confidential location;
6. Promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and that the Bank, if appropriate, will implement appropriate corrective actions; and
7. Inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

Upon completion of the investigation, an employee found to have participated in any inappropriate conduct prohibited by law or by this policy will be subject to corrective action up to and including termination of employment. Remember that conduct that may not be illegal may still constitute a violation of this policy and be subject to corrective action. Corrective action may include oral and written warnings, counseling, training, and disciplinary action up to and including termination of employment. Supervisors and/or managers who become aware of such conduct or of retaliation by others for reporting it and fail to report either situation or allow them to continue are subject to similar corrective action.

(h) Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Bank, but it is also prohibited by state, federal, and (where applicable) local law.

It is important to follow the internal process outlined in the policy above so the Bank can ensure a workplace free of discrimination and harassment. Employees and covered individuals 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 also seek the legal advice of an attorney.

United States Equal Employment Opportunity Commission (EEOC)

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, 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 1-800-669-4000 (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 the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **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 the Bank does not extend your time to file with DHR or in court. The three years are counted from the 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'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.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR, the process DHR will follow, and available relief. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

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. Those wishing to pursue criminal charges are encouraged to contact their local police department.

(i) Reproductive Health Decision Making Discrimination

The Bank may not:

- discriminate or take any retaliatory personnel action against an employee with respect to compensation, terms, conditions or privileges of employment because of, or on the basis of, the employee's or dependent's reproductive health decision making, including but not limited to a decision to use or access a particular drug, device or medical service; or
- require an employee to sign a waiver or other document that purports to deny the employee the right to make their own reproductive health care decisions, including use of a particular drug, device or medical service.

The Bank also may not access an employee's personal information regarding the employee's or the dependent's reproductive health decision making, including but not limited to the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent.

An employee may bring a civil action in any court of competent jurisdiction against the Bank for any alleged violations of this policy. In any civil action alleging a violation of this policy, the court may: award damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs incurred to a prevailing plaintiff; afford injunctive relief against the Bank if it commits or proposes to commit a violation of the provisions of this policy; order reinstatement; and/or award liquidated damages equal to 100 percent of the award for damages unless the Bank proves a good faith basis to believe that its actions in violation of this policy were in compliance with the law.

Any act of retaliation for an employee exercising any rights granted under this policy shall subject the Bank to separate civil penalties. For the purposes of this policy, retaliation or retaliatory personnel action means discharging, suspending, demoting or otherwise penalizing an employee for: making or threatening to make a complaint to the Bank, co-worker or to a public body, that rights guaranteed under this policy have been violated; causing to be instituted any proceeding under or related to this policy; or providing information to or testifying before any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule or regulation by the Bank.

Employees with issues or concerns regarding this policy or who feel they have been subjected to any alleged violation of this policy should contact Human Resources.

(j) Personal Relationships

The Bank does not seek to regulate the personal relationships of its employees, however, employees should be aware that interactions with other employees may result in declines in productivity, conflicts of interest, possible harassment (including sexual harassment), and other workplace problems. These situations must be avoided and will be subject to corrective action, as appropriate.

