

Fund for the City of New York “Whistleblower” Policy

The Fund for the City of New York (the “Fund”) requires its directors, officers, other volunteers and employees (each a “Protected Person”), to observe the highest standards of business and personal ethics in the conduct of their duties on the Fund’s behalf. As employees and representatives of the Fund, Protected Persons are expected to practice honesty and integrity in fulfilling their responsibilities and are required to comply with all applicable laws and regulations.

The objectives of this Whistleblower Policy are to encourage and enable Protected Persons, without fear of retaliation, to raise concerns regarding suspected unethical and/or illegal conduct or practices on a confidential and, if desired, anonymous basis so that the Fund can address and correct inappropriate conduct and actions.

This policy is not a vehicle for reporting violations of the Fund’s applicable human resources policies, problems with co-workers or managers, or for reporting issues related to alleged employment discrimination or sexual or any other form of unlawful harassment, all of which should be dealt with in accordance with the “Personnel Policies and Procedures” of the Fund for the City of New York, as it is those Policies and Procedures that are applicable to such matters.

Reporting Responsibility

Each Protected Person has an obligation to report in good faith in accordance with this Whistleblower Policy any concerns they may have regarding actual or suspected activities which may be illegal or in violation of the Fund’s policies with respect to, but not limited to, fraud, theft, embezzlement, accounting or auditing irregularities, bribery, kickbacks, and misuse of the Fund’s assets, as well as any violations or suspected violations of high business and personal ethical standards, as such standards relate to the Fund (each, a “Concern”) in accordance with this Whistleblower Policy.

Whistleblower Protection

This Whistleblower Policy is intended to encourage and enable Protected Persons to raise serious Concerns within the Fund for investigation and appropriate action, prior to seeking resolution outside the Fund. With this goal in mind, no Protected Person who, in good faith, reports a Concern shall be subject to intimidation, harassment, retaliation, discrimination or adverse employment consequence because of such report. Moreover, a volunteer or employee who retaliates against someone who has reported a Concern in good faith will be subject to discipline up to and including dismissal from the volunteer position or termination of employment.

Reporting Concerns

Any Concerns should be reported as soon as practicable to the Chair of the Fund’s Audit Committee (the “Compliance Officer”). Any questions with regard to the scope, interpretation or operation of this Whistleblower Policy should also be directed to the Compliance Officer. Concerns may also be submitted anonymously in writing. Anonymous complaints should be detailed to the greatest extent possible because follow up questions will not be possible, making the investigation and resolution of such complaints difficult. Contact information for the Compliance Officer may be found at the bottom of this document.

Compliance Officer

The Compliance Officer is responsible for investigating and resolving all reported Concerns. S/he shall advise the Chair and the Audit Committee and, if the Chair deems it appropriate, the President, of all reported Concerns. The Compliance Officer is required to report to the full Board of Directors at each regularly scheduled board meeting on compliance activity.

Accounting and Auditing Matters

The Audit Committee shall address all reported Concerns regarding corporate accounting practices, internal controls or auditing (“Accounting Concerns”) brought to its attention. The Compliance Officer shall immediately notify the Audit Committee of any Accounting Concern and work with the committee until the matter is resolved. Promptly upon receipt, the Audit Committee shall evaluate whether a Concern constitutes an Accounting Concern and, if so, shall promptly determine what professional assistance, if any, it needs in order to conduct an investigation. The Audit Committee has the authority, in its sole discretion, to retain outside auditors, counsel, private investigators or other experts to assist in the investigation and in the analysis of the results.

Investigations

The Compliance Officer may delegate the responsibility to investigate a reported Concern, whether an Accounting Concern or otherwise, to one or more employees of the Fund or to any other individual, including persons not employed by the Fund, selected by the Compliance Officer; provided that the Compliance Officer may not delegate such responsibility to an employee or other individual who is the subject of the reported Concern or in a manner that would compromise either the identity of an employee who reported the Concern anonymously or the confidentiality of the complaint or resulting investigation. Notwithstanding anything herein to the contrary, the scope, manner and parameters of any investigation of a reported Concern shall be determined by the Audit Committee in its sole discretion and the Fund and its employees shall cooperate as necessary in connection with any such investigation.

Acting in Good Faith

Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a violation of high business and personal ethical standards and/or applicable legal requirements. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

Confidentiality

The Fund takes seriously its responsibility to enforce this Whistleblower Policy and therefore encourages any person reporting a concern to identify him or herself so as to facilitate any resulting investigation. Notwithstanding the foregoing, in reporting a Concern, a Protected Person may request that such report be treated in a confidential manner (including that the Corporation take reasonable steps to ensure that the identity of the reporting person remains anonymous). Reports of Concerns, and investigations pertaining thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Disclosure of reports of Concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination or employment or dismissal from the volunteer position. Such conduct may also give rise to other actions, including civil lawsuits.

Handling of Reported Concerns

The Chair of the Audit Committee will acknowledge receipt of the reported Concern within five (5) business days, but only to the extent that the reporting person’s identity is disclosed or a return address is provided. All reports will be promptly investigated; the scope of any such investigation being within the sole discretion of the Audit Committee, and appropriate corrective action will be taken if warranted by the investigation.

Contact Information for the Chair of the Audit Committee:

Maggie Boepple
President and Director, Performing Arts Center at WTC
One Liberty Plaza, 20th Fl.
New York, NY 10006
maggie.boepple@gmail.com

Records

The Audit Committee will retain on a strictly confidential basis for a period of seven years (or otherwise as required under the Fund's record retention policies in effect from time to time) all records relating to any reported Concern and to the investigation and resolution thereof. All such records are confidential to the Fund and such records will be considered privileged and confidential.

Distribution

The Fund shall distribute a copy of this Whistleblower Policy to all Protected Persons.

Adopted by the Corporation's Board of Directors at its Meeting on May 20, 2014

