



POLICY TITLE	Whistleblower & Complaint Policy		
POLICY TYPE	Board Policy (Reviewed by Audit Committee)		
GROUP	Office of the President	Policy Number	BOD-LEG-001
		Approval Date	August 15, 2024
DEPARTMENT	Legal	Effective Date	August 15, 2024
		Last Revision	--
Principal Officer	Chief Legal Officer		
Policy Owner(s)	Ethics Officers & Chief Audit Officer		

1. PURPOSE OF THE POLICY

- 1.1 The Federal Home Loan Bank of New York (“FHLBNY” or “Bank”) strives to maintain financial records and prepare financial statements and reports which comply with all applicable accounting principles and laws. In addition, the Bank requires its employees, officers, directors, and Affordable Housing Advisory Council members to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. To that end, these individuals must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws, regulations and Bank policies. Unlawful activity of any kind is prohibited.
- 1.2 Pursuant to the charter of the Audit Committee of the Board of Directors and applicable law and regulatory requirements, it is the policy of the Bank to establish and maintain a complaint program to help facilitate the receipt, retention and treatment of complaints received by the Bank (whether anonymously or otherwise) regarding accounting matters, internal accounting controls, auditing matters or violations of the Code of Business Conduct and Ethics (the “Code of Ethics”). In order to carry out such program, the Bank has adopted this Whistleblower & Complaint Policy (the “Policy”).

2. POLICY SCOPE

- 2.1 The goal of this Policy is to discourage illegal activity and business conduct that damages the Bank’s reputation, business, interests, and relationship with members, regulators, vendors, and other stakeholders, as well as the community at large. This Policy provides an avenue for employees and stakeholders to raise concerns regarding improper conduct under the Code and regarding questionable accounting, internal accounting controls or auditing matters and provides reassurance that they will be protected from reprisals or victimization for whistleblowing and complaints that are made in good faith.
- 2.2 FHLBNY active or former employees, officers, directors, and members of the Affordable Housing Advisory Council (“Advisory Council Members”) (each, a “Covered Person”) are subject to the Bank’s Code of Ethics. Under the relevant Bank policy, law or regulation, a Covered Person may be required to report concerns regarding any questionable actions, activities or other matters as outlined in this Policy as soon as possible so that any concerns can be properly investigated and addressed. Under this Policy, Covered Persons may submit a good faith complaint, report, or concern regarding such matters without fear of dismissal or retaliation of any kind.

2.3 Examples of concerns which might form the basis for a report under this Policy include:

- a. violation of any applicable law, rule or regulation that relates to corporate accounting standards and financial disclosure¹;
- b. fraud or deliberate misstatement in the preparation, evaluation, review or audit of any financial statement of the Bank;
- c. fraud or deliberate misstatement in the recording and maintaining of financial records of the Bank;
- d. violation of anti-money laundering laws, fair lending and fair housing laws, and employment laws, including sexual harassment;
- e. deficiencies in or non-compliance with the Bank's internal policies and controls;
- f. misrepresentations or a false statement by or to a director, officer or employee of the Bank or Office of Finance respecting a matter contained in the financial records, reports or audit reports;
- g. deviation from full and fair reporting of the Bank's financial condition;
- h. non-compliance with the Bank's Code of Ethics, including director or employee insider trading; or
- i. vendor mismanagement, fraud, bribe, kickback or unfair treatment.

2.4 The Bank has adopted this Policy in order to:

- a. Provide for the receipt, retention, and treatment of complaints received by the Bank regarding accounting, internal accounting controls, or auditing matters;
- b. Provide for the receipt, retention and treatment of complaints received by the Bank regarding other concerns or alleged violations of law, Bank policy, or the Bank's Code of Ethics including without limitation, employment laws, vendor management, or affordable housing administration;
- c. Encourage disclosure and investigation of potential improprieties before they can disrupt the business or operations of the Bank or lead to serious loss;
- d. Promote a climate of accountability with respect to Bank resources; and
- e. Ensure that no Covered Person believes he or she is at any disadvantage in lawfully raising legitimate concerns.

Given the foregoing, the Bank has a "zero tolerance" policy prohibiting retaliation against anyone raising in a reasonable fashion and in good faith legitimate concerns through the whistleblower or complaint process.

¹ See 12 C.F.R. § 1239.32(e)(10); and C.F.R. § 240.10A-3(b)(3)

- 2.5 Nothing herein, or in any other Bank policy, shall be deemed to limit the authority of the Chief Audit Officer (“CAO”) or staff of the Internal Audit Department to investigate complaints or other matters as set forth in the Internal Audit Department Charter.

3. POLICY STATEMENT

- 3.1 The Bank, acting through its President & CEO, Management Committee, Disclosure Committee, or Ethics Officers are authorized to adopt, amend, and maintain additional procedures to implement this Policy, to the extent not otherwise assigned by applicable law and applicable regulations (including, without limitation, Advisory Bulletins, guidance, or statements) of the Federal Housing Finance Agency (“Finance Agency”) and the Securities and Exchange Commission (“SEC”) (“**Applicable Regulations**”).
- 3.2 In case of a conflict among the requirements of Bank policies and charters of applicable committees of the Bank’s Board of Directors (“Charters”), the following will govern in order of priority: (1) applicable law, (2) Applicable Regulations, (3) any Board Charter, (4) any Bank committee charter, (5) other Bank policies, (6) this Policy, and (7) procedures to implement this Policy. This Policy is intended to implement the Applicable Regulations and the Board’s ethical standards as reflected in the Code of Ethics and in the operating principles of the Bank.
- 3.3 It is the Board of Directors’ intention that this Policy be administered by the Ethics Officers so as to facilitate and achieve: (i) a complete and accurate determination of the relevant facts concerning complaints (including reports or other concerns); (ii) the timely sharing of information concerning complaint remediations among the Bank’s internal stakeholders having duties and responsibilities under all of the Bank’s policies, applicable laws, and Applicable Regulations on “a need-to-know basis” while protecting the identity of the person filing the complaint as further described in Section 5 below; and (iii) that the Bank implement in a timely manner the remediation findings of the Ethics Officers or Audit Committee.

4. POLICY ADMINISTRATION

4.1 Authority

- (a) **Bank President & Chief Executive Officer (“President”)** - has been delegated authority pursuant to this Policy from the Board of Directors to implement this Whistleblower & Complaint Policy and has delegated authority for complaint documentation, investigation, and other ethics questions. The President may delegate these responsibilities to the Ethics Officers as part of the President’s delegations.

4.2 Responsibility and Accountability

- (a) **Board of Directors (“Board”)** – provides oversight of the Bank’s operations including this Policy and the Bank’s Code of Ethics.
- (b) **Audit Committee of the Board (“Audit Committee”)** – will review and recommend changes to this Policy to the Board. For serious matters involving ethics or accounting investigations as determined by the Audit Committee, the

Audit Committee will under this Policy retain primary jurisdiction, unless the Board or its Chairman assigns the matter to the Board, another Board Committee, or the Board establishes a special committee.

The Audit Committee reviews and approves revisions to this Policy and recommends approval of this Policy to the Board. The Audit Committee may receive notices of, and information regarding, complaints made under this Policy. Under this Policy, the Ethics Officers may conduct or authorize investigations, unless the Audit Committee directs otherwise. The Audit Committee may undertake other duties as may be laid out in this Policy, including the engagement of accountants, legal counsel or other advisors as needed.

The Audit Committee or its Chair is also authorized to direct or provide guidance to the Ethics Officers in the Audit Committee's or Audit Committee Chair's reasonable discretion.

- (c) **Ethics Officers** – the Ethics Officers as delegated by the President are responsible for implementing this Policy, the Code of Ethics, and the complaint procedures enumerated in the Employee Handbook. The Ethics Officers are responsible for responding to ethics questions, maintain complaint reporting procedures, making remediation recommendations, and will preserve all records and communications in a central electronic file subject to the Bank's record retention policies and other IT security controls. The Bank's Employee Handbook and the Code of Ethics shall set forth the complaint or whistleblower processes for Covered Persons and other stakeholders. Processes for making ethical inquiries or questions to the Ethics Officers shall also be documented in the central electronic file and shall be enumerated in the Code of Ethics.
- (d) **Legal** – The Chief Legal Officer is responsible for the recommendation of any revisions to this Policy necessary to reflect changes in employment law or Applicable Regulations relating to the protection of whistleblowers & complainants, including Covered Persons.

4.3 **Applicability**

The provisions of this Policy apply to all and Covered Persons, including employees. Other Bank stakeholders, including job applicants, vendor candidates, contractors, and Affordable Housing Project applicants or sponsors, may file complaints under this Policy.

4.4 **Delegation of Duties**

The CAO, the Chief Legal Officer, the AML Officer, and the Fraud Officer may delegate their duties and functions specified under this Policy to Bank officers or employees within their respective departments.

The Ethics Officers may not delegate their responsibilities enumerated in this Policy.

4.5 Exceptions

No exceptions to this Policy are allowed unless Board approved. Exceptions or waivers of the Bank's Code of Ethics may require SEC disclosure.

4.6 Violations

Compliance with this Policy is a Covered Person's responsibility under the Code of Ethics. Violations will be reported as set forth below.

5. POLICY STANDARDS

All Covered Persons shall conduct their activities in compliance with this Policy, and other related Bank policies and procedures.

5.1 Reporting Process

The Bank, acting through the CAO, has retained a third-party service provider, EthicsPoint, to accept, verify, and log any complaints received. Any Covered Person or other stakeholders with concerns regarding any matter may report them anonymously through EthicsPoint by telephone or the Internet portal operated by EthicsPoint.

Alternatively, any Covered Person or stakeholder wishing to communicate directly with an individual at the Bank to make a report of regarding concerns related to accounting matters, accounting controls, auditing matters or the Code of Ethics may do so by reporting the matter to the CAO, the Human Resources Director, an Ethics Officer, or the employee's immediate supervisor. **Bank employees receiving a complaint or allegation of wrongdoing should promptly report the matter to an Ethics Officer.** If an Ethics Officer is named in the complaint or is part of the allegation, the other Ethics Officer should be notified. If both Ethics Officers are implicated, the CAO should be notified.

Subject to his or her right to remain anonymous, the reporting Covered Person or stakeholder is encouraged to provide in writing as much information as possible such as names, dates, places, and other details sufficient to facilitate a prompt and effective investigation.

5.2 Confidentiality

The Bank encourages a Covered Person or stakeholder to identify himself or herself when making a report to aid in the investigation. However, anyone who does not want to be identified is entitled to make a report anonymously.

The Bank will treat all reports in a confidential manner and will share information on "a need-to-know basis" within the Bank. If a Covered Person or stakeholder has identified himself or herself when making a complaint, the Bank will exercise care to keep the identity confidential until a formal investigation is launched. Thereafter, the identity of who registered the complaint will be kept confidential unless disclosure is necessary to complete a fair investigation or for another overriding reason, or as required by law or regulation.

The Board recognizes, depending on the nature of the investigation, that various Bank personnel may have a need to be informed about the progress and findings of investigations, including, without limitation, the President, the CAO, the Fraud Officer, the Chief Risk Officer, the Chief Financial Officer, the Chief Accounting Officer, the Human Resources Director, the Ethics Officers, and others with specific expertise to support the investigation, such as the Bank's IT security personnel, outside consultants, and legal advisors. Unless their potential involvement has been raised in any allegation or report relating to the matter, each such person may be provided such information as they need to know to perform their duties (i.e., day-to-day responsibilities, as well as any duties under the applicable Bank policy), including without limitation to facilitate any disclosures or other written certifications and representations to outside auditors, the Finance Agency or the SEC.

5.3 Notice of Complaints and Investigations

Upon receiving a report under this Policy, the Ethics Officers are responsible for providing appropriate need-to-know notice to other Bank staff, subject to the requirements noted in Section 5.2 above. If the complaint received is regarding alleged violations of the Disclosure Policy, the Insider Fraud Policy, the Anti-Money Laundering (AML) Program and Suspicious Activity Report (SAR) Filing Requirements Policy, or any accounting or financial controls standard or requirement, the CAO, and the Fraud Officer will be promptly notified. The CAO will also notify the Chair of the Audit Committee. In these cases, investigations and reporting shall be undertaken as jointly determined by the Ethics Officers and CAO, subject to the CAO's right to reserve any such investigations and reporting to himself or his designees as he so determines in his unlimited discretion as set forth in the Internal Audit Department Charter.

No individual who is the subject of any report or complaint will receive notifications or investigation updates under this Policy.

5.4 Handling and Disposition of Complaints

Upon receiving notice of a complaint or report, either directly or through EthicsPoint, a preliminary investigation will be undertaken by the Ethics Officers to determine if the information can be substantiated. In the sole judgement of the Ethics Officers, minor matters concerning disagreements among employees not involving violation of policy will not be treated as a complaint or report under this Policy. Such matters may be addressed through regular management action.

The Ethics Officers shall report on the results of the investigation, including proposed remediations, to the Chair of the Audit Committee, to the President, the Fraud Officer, or the Human Resources Director (as appropriate depending on the nature or severity of the complaint).

The CAO, the Chair of the Audit Committee or President may determine if any further action is required to fully evaluate or remediate the report or complaint.

The Chair of the Audit Committee, the Board, the President, the Ethics Officers or the CAO may initiate an internal investigation or require that an independent investigation by outside counsel or other external consultants be undertaken. Under this Policy, it is the Board's expectation that the investigation will be for serious

matters coordinated by the Ethics Officers and CAO reporting to the Chair of the Audit Committee. More routine complaints will be handled by the Ethics Officers as noted above.

After the conclusion of the investigation, the findings and the recommended remediation plan will be communicated by the Ethics Officers, as appropriate. If there is a disagreement between the Ethics Officers with respect to how to investigate or remediate a complaint, or with respect to an ethics interpretation, the decision of the Chief Legal Officer shall control.

Upon the conclusion of an investigation, prompt and appropriate corrective action will be taken when warranted in the judgment of the Board, Audit Committee, any other applicable Board committee, the President, or other senior management.

The Ethics Officers may as appropriate and in their sole discretion communicate the findings to the party filing the complaint or report. The Ethics Officers may depending on the severity of the finding advise the Finance Agency.

5.5 Cooperation and Fraud Reporting

All Covered Persons are required to fully cooperate in a timely manner with all investigations and matters under this Policy.

All persons involved in investigating any matter requiring reporting under the Insider Fraud Policy or AML/SAR Policy, shall provide such information as may be requested to support compliance with regulations of the Financial Crimes Enforcement Network (“**FinCEN**”) and the filing of any reports required by the Finance Agency pursuant to the fraud reporting regulation and Finance Agency AB-2015-01.

5.6 Complaint Recordkeeping and Periodic Reporting

The Ethics Officers shall maintain an appropriate central electronic record of all reports received, whether through EthicsPoint or otherwise. The Ethics Officers shall track such reports through their investigation and ultimate resolution. A periodic summary of such reports shall be provided to the Audit Committee. The Internal Audit Department shall perform annual testing of the EthicsPoint reporting service and verify that the Ethics Officers are maintaining a central filing system which follows the Bank’s record retention standards for matters under this Policy.

5.7 No Retaliation

Retaliation, intimidation, or discriminatory conduct by any FHLBNY employee, officer, director, or Advisory Council Member against any Covered Person, job applicant, vendor candidate, contractor, Affordable Housing Project applicant or sponsor, or other stakeholder who makes a report, raises a concern, provides information, or otherwise assists in an investigation related to a possible Code of Ethics violation, potential fraud, and/or suspected wrongdoing reported in good faith²

² “Good faith” means the person filing the report had a sincere and reasonable belief that the conduct they reported had actually occurred and had not intentionally, knowingly or recklessly omitted relevant facts of which they were aware so as to make their

is strictly prohibited and will not be tolerated. In certain cases, such retaliation may in and of itself be a violation of law and Applicable Regulations. Every manager has a responsibility to create a work environment in which individuals can raise ethical and other concerns without fear of dismissal, retaliation or adverse action of any kind. Any Covered Person, stakeholder or other person who believes that any retaliatory, intimidating, or discriminatory conduct has occurred or is likely to occur must immediately report the matter to an Ethics Officer or to the CAO.

If the complaint of retaliation is substantiated, the Bank will take appropriate action against the perpetrator of the retaliatory conduct, up to and including termination of employment and reporting to the appropriate authorities.

5.8 Policy Amendments

The Board may approve amendments to this Policy at any time.

6. DEFINITIONS

6.1 Bank or FHLBNY means the Federal Home Loan Bank of New York.

CAO means Chief Audit Officer.

Ethics Officers are officers delegated the responsibilities enumerated under this Policy by the President & CEO.

Covered Persons means FHLBNY Directors, employees or Affordable Housing Advisory Council Members.

Other defined terms are set forth throughout this Whistleblower & Complaint Policy.

7. GETTING HELP

IF YOU NEED HELP WITH	CONTACT
Questions about this Policy	Legal
Questions about Group/Department	Ethics Officers
Exception Reporting	Operational Risk & Compliance Dept.
Regulatory interpretations	Legal Department

8. REFERENCES

8.1 Regulation and Regulatory Guidance

- 12 CFR 1261.10 - “Independent Director Conflict of Interests”
- 12 CFR 1261.11 - “Conflict of Interest Policy for Bank directors”
- 12 CFR 1239 - “Responsibilities of Board of Directors, Corporate Practices and Corporate Governance”

report misleading. Any complaint or report that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

U.S. Sentencing Guidelines Manual
Prudential Management Standards – Appendix A, 12 CFR 1236
AB 2018-08 – Oversight of Third-Party Provider Relationships
AB 2015-01 – FHLBank Fraud Reporting
FHFA Examinations Manual – Board of Directors and Senior Management (July 2018)

8.2 Bank Policies

Anti-Money Laundering (AML) Policy and Suspicious Activity Report (SAR)
Filing Requirements
Code of Business Conduct and Ethics
FHLBNY Employee Handbook
Insider Fraud Policy
Fraudulent Financial Instrument Policy
Information Security Policy
Policy Prohibiting Insider Trading of Securities (Section C.13 of Code of Business
Conduct and Ethics)

8.3 Bank Procedures

Ethics Officers Procedures
Disclosure Committee
Insider Trading Procedures
Related Party Compliance Checklist