


RABBINICAL ASSEMBLY כנסת הרבנים

The International Association of Conservative/Masorti Rabbis, established 1901

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INTRODUCTION TO THE RABBINICAL ASSEMBLY'S NEW
CODE OF PROFESSIONAL CONDUCT

It is not unreasonable to question why any rabbinic association would need a code of conduct. After all, we already have one code, the Torah, and we've done pretty well in abiding by it for thousands of years. This document will certainly not compete with the Torah for its time-honored position in Jewish moral life. Nonetheless, I'd rather think of this document as an extended דרשה on a teaching of Rabbi Elazar ben Shamu'a who stated:

יהי כבוד תלמידך חביב עליך כשלך, וכבוד חברך כמראה רבך, ומורא רבך כמורא שמים (פרקי אבות ד:טו)

Rabbi Shamu'a was clearly a master of brevity and his eloquence, admirable. But sometimes the details just need to be spelled out and that is exactly what we have done. It would be, from my perspective, an עצה טובה to review the stipulations in this code once a year, perhaps prior to ראש השנה, when we initiate a חשבון הנפש which ought to really cover both the personal and professional realms in which we reside.

Many thanks go to several of our colleagues who guided this document through its various גלגולים. Rabbi Alvin Berkun, who served as chairman of the Membership Committee and the entire committee which thoroughly reviewed and revised the document. Equal thanks go to Rabbi Milton Feierstein, past chairman of the ועד הכבוד and the current chairman, Rabbi Rick Eisenberg, and the members of the ועד הכבוד who reviewed the document carefully and offered several important revisions. Moreover, we are grateful to the good services and counsel of our Executive Vice President, Rabbi Joel Meyers, for coordinating certain sections of this document with ועד הכבוד procedures, as well as presiding over its stylistic character and translation into both Spanish and Hebrew. Finally, the Executive Council did engage in a number of heartfelt discussions over what ought to be included and how the various stipulations ought to be phrased.

This Code of Professional Conduct, you see, is international in scope. Anywhere Conservative or Masorti rabbis are to be found, we can expect them to be of the highest moral character, deeply sensitive to the concerns of their colleagues and congregants, and ready to provide the outstanding professional counsel and leadership which עמך ועמתינו deserve.

ראשית חכמה יראת ה', שכל טוב לכל עשיהם (תהילים קיא:י)

We conduct our lives with a sense of 'יראת ה' and thus establish the highest standards, moral and spiritual, for our fellow Jews. This code will help keep us all on that path of righteousness.

Rabbi Perry Raphael Rank, *president*

עשרת ימי תשובה, תשס"ו

הצנע לכת



A CODE OF PROFESSIONAL CONDUCT
for Members of the Rabbinical Assembly

הצנע לכת: A CODE OF PROFESSIONAL CONDUCT

for Members of the Rabbinical Assembly

I. INTRODUCTION

הגיד לך אדם מה טוב ומה ה' דורש ממך כי אם עשות משפט ואהבת חסד והצנע לכת עם אלהיך (מיכה ו:ח)

A life committed to the rabbinate is a life committed to walking with humility before God. We recognize that ordination carries with it a commitment to live and model a life of מצוות and religious observance governed by הלכה. Whether we serve in the pulpit, educational settings, chaplaincy, the campus, communal organizations, or the military, there is no area of rabbinic service which is exempt from our dedication to לחברו בין אדם and מצוות בין אדם. Just as we pray every day in the אהבה רבה שמך: אהבה רבה, והאר עינינו בתורתך ודבק לבנו במצוותיך ויחד לבנו לאהבה וליראה את שמך: אהבה רבה, we dedicate ourselves to live out these words in every area of life and work.

Because our lives are bound up in this commitment to Torah and קדושה, what follows is a code of professional and ethical conduct which applies to every member of The Rabbinical Assembly in whatever rabbinic position served.

This code clarifies expected responsibilities in a number of areas related to Assembly membership, including relationships among colleagues, personal behavior, and policies and standards of the Assembly. In addition, there is a description of the ועד הכבוד and its procedures. We believe this code will be helpful to all colleagues and provide guidance in certain complex areas of concern.

II. MEMBERSHIP IN THE RABBINICAL ASSEMBLY

Membership in the Rabbinical Assembly is available to rabbis ordained from seminaries of the Conservative/Masorti Movement. These are the Jewish Theological Seminary in New York City, the Ziegler School of Rabbinic Studies in Los Angeles, the Rabbinical School of the Schechter Institute in Jerusalem, the Seminario Rabinico Latinoamericano in Buenos Aires, and the Jewish Theological Seminary in Budapest. Membership is contingent upon receiving ordination, filing a signed membership application and being elected to membership by vote at the Rabbinical Assembly's annual meeting. Any ordainee who chooses not to become a member of the Rabbinical Assembly within one year of ordination must apply for membership through the Membership Committee.

Rabbis ordained at other recognized institutions of Jewish learning who wish to become members of the Rabbinical Assembly must go through an application process administered through the Membership Committee.

Membership may be denied or revoked if at any time there have been violations of a moral, ethical or religious nature, or there has been a criminal conviction by any court of law, or there has been disciplinary action taken by a professional body.

III. RESPONSIBILITIES OF MEMBERSHIP

Members of the Rabbinical Assembly are required to fulfill the responsibilities of membership and fulfill the halakhic and administrative policies established by the Assembly. The signing of the membership application serves as an agreement to abide by these policies and to abide by the Assembly's code of professional conduct.

Thus, while the rights and status of מרא דאתרא are strongly upheld by the Rabbinical Assembly, granting to each rabbi the responsibility to determine halakhic parameters for his or her congregation, institution or organization, it is expected that the rulings of the Rabbinical Assembly and of the Committee on Jewish Law and Standards will serve as halakhic guide for members of the Assembly and their communities.

"Standards of Religious Practice" are binding upon all members of the Rabbinical Assembly. Such standards are established through the Committee on Jewish Law and Standards with approval of the Assembly at an annual meeting. Current Standards of Religious Practice include:

- (a) Matrilineality determines Jewish status.
- (b) Conversion must occur with circumcision, or if indicated, הטפת דם ברית and immersion for a male; and with immersion for a female.
- (c) No wedding may occur until an individual previously married to a Jew has issued or received a גט or received הפקעת קדושין.
- (d) Rabbis may not officiate at, participate in, or attend an intermarriage.

Violations of Standards of Religious Practice usually result in expulsion from the Rabbinical Assembly.

Administrative policies and halakhic practice parameters are promulgated by the Executive Council and are binding upon the membership of the Rabbinical Assembly. These currently include:

- (1) Keeping the Rabbinical Assembly informed of current address and place of employment, if any. The Rabbinical Assembly makes every effort to maintain contact with members of the Assembly. Should such contact not be possible due to a member's failure to inform the Assembly of a current address, after one year, membership in the Assembly will end and reinstatement may only occur by application through the Membership Committee.
- (2) The filing of dues forms and timely payment of dues. Failure to file annual dues forms and complete payment of dues may result in suspension or expulsion from membership. It is also expected that all other financial obligations such as payments related to convention or attendance at seminars will also be paid when due.
- (3) Abiding by the policies established by committees of the Rabbinical Assembly as approved by the Executive Council, such as those of the Placement Commission, Membership Committee, ועד הכבוד, etc.
- (4) Abiding by *regional practices* in order to strengthen rabbinic cooperation and promote communal cohesiveness. Regional policies must conform to those of the Rabbinical Assembly and are subject to review and approval by the Executive Council. Rabbis resident in or working temporarily in a region must abide by regional policies.

- (5) Rabbinical Assembly members may not privately ordain individuals. The Rabbinical Assembly firmly opposes private ordination as undermining the high standards of rabbinic education and training, and as demeaning the trust and respect of the rabbinic profession.
- (6) Rabbinical Assembly members may not officiate at any civil marriage ceremonies. Colleagues may only function in rabbinic roles and may not serve in civil capacities for marriages or other ceremonies and rites. Rabbis may not officiate when a required civil marriage license has not been previously obtained.
- (7) It is Executive Council policy that גטין should be arranged through certified מסדרי גטין who participate in the גט Registration Project of the Joint Bet Din.

Failure to abide by Rabbinical Assembly policies and/or this Code of Professional Conduct may result in disciplinary action. Administrative policy violations such as a placement violation or a failure to remit dues as required will be reviewed by the appropriate committee of the RA (e.g., Placement Commission, Administrative Committee) and disciplinary action, if any recommended. Violations of an ethical, moral or religious nature will be referred to the ועד הכבוד. If necessary, a recommendation for disciplinary action will be reported to the Administrative Committee, and then voted upon by the Executive Council to become effective.

IV. RELATIONSHIPS BETWEEN RABBIS

1. Within the Same Congregation

(A) Multiple Rabbis

The complexity and diversity of congregational life and activity often require the engagement of two or more rabbis to better serve congregational needs. The Rabbinical Assembly encourages this practice. It brings great benefit to congregational communities and enables rabbis to be more effective in their work.

- (1) In those congregations served by more than one rabbi, it is expected that the senior rabbi will share rabbinic duties with assistants/associates in order to enhance opportunities for rabbinic growth and development and integration into congregational life and affairs, unless the assistant/associate, by agreement, title, and/or position description, will not generally assume similar rabbinic duties (e.g., serves as educational director or executive director).
- (2) It is expected that relationships among rabbis in the same congregation will reflect the highest degree of collegiality, respect and cooperation. It is expected that rabbis will be supportive of each other and their families, and maintain a coherent and uniform approach to matters affecting their congregation and community.
- (3) Where multiple rabbis are serving in a single congregation, no matter what their particular titles may be, it is understood that there will be one senior colleague who will serve, therefore, as מרא דאתרא. It is expected that other rabbis will abide by the policies of the senior rabbi in all matters affecting the congregation.
- (4) It is expected that rabbis will work out methods of sharing responsibilities. Each rabbi performing life-cycle events for members and non-members should inform the other rabbis of all rabbinic services. It is vitally important that the senior rabbi be kept informed at all times, consistent with principles of confidentiality.
- (5) It is understood that the assistant/associate rabbi reports to the senior rabbi and defers to the senior rabbi in all matters affecting congregational halakhic and administrative policies.

Should a disagreement arise between or among colleagues, the disagreement should be discussed and resolved privately among colleagues. If the dispute cannot be resolved, the colleagues are obligated to seek the assistance of the Executive Vice President. The Executive Vice President may request assistance from colleagues or others to mediate the conflict.

(B) Rabbi Emeritus

A rabbi who plans to retire should give the congregation advance notice of his plans so that the congregation will have ample time to seek a replacement as stated in the Code of Rabbinic Placement. At the time of retirement, all congregations are urged to respect the dignity of the rabbi emeritus and to accord him/her the appropriate recognition. Only one rabbi can be responsible for the administration of rabbinic functions in a congregation. Therefore, the rabbi emeritus must help transfer religious leadership to his or her successor. For example, if the emeritus is asked questions of הלכה by a congregant, he or she should refer the congregant to the present rabbi. Even if he or she disagrees with the present rabbi in a halakhic matter, the emeritus should not offer a contrary opinion to the congregant. At the same time, the successor has an obligation to accord the rabbi emeritus all honor, courtesy and respect. The rabbi emeritus should be shown respect by the congregation and community on all public occasions and every effort should be made to preserve the record of the predecessor's tenure or any archives pertaining to that tenure. The name and title of the rabbi emeritus should be listed on the stationery of the congregation and other printed material.

It is expected that the rabbi emeritus will facilitate the integration of the incumbent rabbi into the congregational family, and to do so requires a withdrawal from activities which interfere with the successor's relationship to members of the congregation and community. At the same time, the incumbent rabbi is expected to invite the emeritus to participate in activities through teaching and preaching, and co-officiating at key events. While members of the congregation will undoubtedly ask the rabbi emeritus to officiate at life-cycle functions, the emeritus should understand that he/she may no longer do so on a regular basis. Under special circumstances and upon the request or invitation of the incumbent rabbi, the emeritus may be called upon to co-officiate or officiate as determined by the new rabbi. In this regard, the emeritus and incumbent should keep each other informed of communal and congregational affairs. The emeritus should be supportive of the successor in all matters relating to the successor and congregational leadership, and use his/her seniority and experience to assure the success of the new senior rabbi.

(C) Other Synagogue Staff

In most instances, as religious leader, the rabbi serves as head of staff, directing and supervising others. It is expected that rabbis work cooperatively with all synagogue staff, including but not limited to cantors, educators, and executive directors. If disputes arise, they should be discussed and resolved privately. If a dispute cannot be resolved locally, it should be referred to the appropriate and respective professional groups.

2. Relationship Between Rabbis of Different Congregations and Between Rabbis in the Community

It is expected that all rabbis treat other rabbis with respect and with kindness. There may be instances in which, because of our religious perspective, we publicly disagree with opinions stated by other rabbis. When we do so, we should couch our disagreements solely in terms of religious principles or positions.

- (1) Rabbis must be mindful of the principal of *הסגת גבול* in all areas of rabbinical work. When issues concerning *הסגת גבול* arise between colleagues these are to be resolved directly between the colleagues. If unable to resolve issues between them, colleagues must consult with the Executive Vice President who will establish a mechanism to help resolve the issues.
- (2) No member of the Rabbinical Assembly may occupy another rabbi's pulpit unless invited to do so by that colleague, nor may any rabbi teach or speak in any congregation or subsidiary organization of the congregation except with the invitation and knowledge of its rabbi. Unless there is an absolute emergency, no colleague may officiate at a service or life-cycle event at another rabbi's congregation, including the congregation of another movement, without prior approval of its rabbi. In situations of life-cycle events such as marriages where two or more families are involved, thus involving two or more rabbis, it is expected that the rabbis will be in communication with each other, and if co-officiating, collegially determine how the ceremony will be conducted. No rabbi shall officiate for a member of another congregation without timely prior notification of the rabbi of that congregation.
- (3) Rabbis must take care to respect the relationship between other rabbinical colleagues and their congregants when filling pastoral, counseling or officiating roles that would normally be the responsibility of another rabbi. For example, if visiting a hospital patient who belongs to another congregation, the rabbi should notify the patient's own rabbi.
- (4) These responsibilities apply as well to colleagues who work in other than congregational settings and who are called upon to officiate at life-cycle ceremonies, whether in their institution or elsewhere, or who are approached for rabbinic or halakhic advice. In this regard, a rabbi should not be party to efforts to actively solicit affiliation from persons who are already members of another congregation, nor to employ a staff person already working in another congregation, without consultation with, and consent of, that congregation's rabbi.
- (5) It is expected that rabbis working in other than congregational settings will be bound by the employment contracts, personnel policies and codes of conduct of the organizations and agencies in which they work.
- (6) It is expected that rabbis who are members of a congregation respect the policies and religious authority of the incumbent rabbi.

V. RABBINIC AUTHORITY, RESPONSIBILITY AND POWER

We recognize that ordination conveys religious authority, power, and influence that enable us to work for the good of our people and society but which also has the potential to lead to consequences which are sinful and hurtful. Each of us, for example, as *מרא דאתרא*, has the authority and responsibility to interpret *הלכה* for our congregation and/or community. By virtue of our ordination, each of us is viewed by the general public with an expectation of upholding an exemplary standard of moral and ethical behavior. There is always the danger that we succumb to the *יצר הרע* and engage in exploitative practices which distance us from the people we serve, cause them harm or destroy our moral integrity.

1. General Concerns

Precisely because we are colleagues, it is incumbent upon us to confront a colleague and discuss with him/her actions or behaviors which are inappropriate. We should always seek ways to offer kind and helpful guidance. If such help is spurned and/or if inappropriate actions remain a concern, colleagues aware of such behavior are expected to request the intervention of the Executive Vice President. Some forms of addictive behavior are illegal and therefore, *ipso facto*, a violation of rabbinic ethics. Others, while not illegal, are inconsistent with the honor of the rabbinic profession or the religious norms of the Rabbinical Assembly. We always have a responsibility to confront any addictive behavior such as substance or alcohol abuse on the part of a colleague and to help initiate appropriate treatment.

It is expected that a rabbi recognizing in him/herself behaviors which may be inappropriate or which may be causing personal difficulty will seek help. There are as well times during which rabbis may become unable to continue their work for a variety of reasons. The Rabbinical Assembly always stands ready to be of assistance to colleagues and help with appropriate referrals and advice.

2. Boundary Violations

As rabbis, the appropriate use of authority enhances our work and can contribute to the growth of faith and observance in our communities. Because we recognize that the rabbi possesses power and authority in many relationships, the rabbi must always be aware of the possible impact of this power. We must be especially careful of boundary violations in which we use our power and authority for personal gain or to intimidate or inflict harm on another. This is especially true in the area of sexual misconduct. For purposes of this code we offer the following guidelines for professional conduct.

(A) Sexual Misconduct

Rabbis work closely with men and women. These relationships may generate feelings of closeness and intimacy that might lead to sexual interest and attraction. We caution colleagues to be alert to the temptations that such relationships can evoke and to seek guidance and counseling if this occurs.

Sexual misconduct is defined as sexual contact or sexualized behavior with anyone in a professional relationship, including a congregant, client, employee, student, or staff member, be they adults, teenagers or children. It includes sexual harassment or any sexual advances, be they verbal or physical, direct or implied, and/or sexual exploitation of any kind. Such misconduct is a violation of the rabbinic relationship.

Therefore:

- (1) Rabbis need to be careful about how they speak to other individuals. They must take care to avoid words and gestures that could be construed as sexually suggestive, sexually stimulating, or indicative of a sexual interest.
- (2) Professional and rabbinic ethics demand that rabbis protect those who come to them for counseling, guidance, instruction, or help. Such persons put their full trust in the rabbi to help them in a safe manner. Sometimes they are vulnerable; rabbis must not violate the boundaries that separate rabbis from persons in their care and trust.
- (3) If sexual boundaries are violated by the rabbi, it is understood that that relationship is not regarded as consensual.

- (4) The policy of the ועד הכבוד in cases where sexual misconduct has been determined is to deal firmly with the rabbi-offender. At the same time, the ועד הכבוד will seek to provide a program of spiritual support and concern for the victim(s).
- (5) A rabbi who is unmarried and is considering entering a dating relationship with a congregant or staff member should be especially sensitive to the delicate nature and possible adverse consequences of such a relationship and should proceed with caution.

(B) Confidentiality

Rabbis operate with a sacred trust. Consequently rabbis are obligated to keep professional standards of confidentiality with congregants, non-congregants and members of the staff, except under the following circumstances when it becomes necessary to intervene, or request the intervention of others, to prevent harm being done:

- (1) Threat of harm to oneself or to others.
- (2) Domestic violence. This is defined as a pattern of behavior exercised by one person in an intimate relationship over another in order to establish and maintain coercive control. It consists of physical, sexual, psychological and/or emotional abuse or control.
- (3) Child abuse. Rabbis are urged to acquaint themselves with, and abide by, the relevant laws applicable in the place of their residence with respect to mandated reporting of suspected child abuse. Child abuse can include sexual and physical abuse or emotional neglect.
- (4) Any other situation such as chronic drinking or gambling that could lead to inflicting harm on an individual or individuals.

3. Financial and Commercial Matters

(A) In all matters of personal finance, it is expected that a rabbi's conduct will be beyond reproach. Special care must be taken so that all financial transactions be appropriate, and have no appearance of impropriety or questionable legality.

(B) It is common for rabbis to administer discretionary funds which are part of the charitable funds established by congregations. Such funds and expenditures are to be treated carefully. Rabbis are required to have a written understanding with the congregation concerning the expenditure of discretionary funds. The RA guidelines should be consulted.

(C) It is undignified for rabbis to advertise their availability for such religious services as בני מצווה, marriages or funerals, and they must refrain from doing so. If a rabbi is a member of another professional association, such as the American Association of Pastoral Counselors, a rabbi may advertise services within that context, abiding by the rules and policies of that professional association.

(D) If a rabbi is interested in establishing a new congregation for whatever reason, he/she must seek approval of the Placement Commission.

(E) Participants in Ravnet or any listserv of the RA must abide by the particular rules of etiquette and responsibility governing each listserv.

4. Legal Matters

- (A) As a general rule, because of potential conflict with issues of confidentiality, rabbis should avoid taking sides or becoming parties to a court case where legal testimony may be heard.
- (B) A Rabbinical Assembly member, arrested for any reason, notified of the commencement of any investigation by law enforcement authorities concerning his or her conduct, or otherwise charged with any violation of law, shall as soon as practicable report such matter to the Executive Vice President, who shall refer the matter to the appropriate Rabbinical Assembly committee for review and action.

VI. CONTRACTUAL COMMITMENTS

It is expected that a rabbi's word is trustworthy and that a member of the Rabbinical Assembly will abide by all commitments made and documents signed. While we recognize that extenuating circumstances arise in everyone's life, that personal and family matters, health contingencies, changes in communal and work situations, and other issues may make it necessary to alter one's commitments, it is imperative that any changes occur with sensitivity, consultation with all parties and with the permission of the Rabbinical Assembly, and be carried out in only the most extenuating of circumstances. There are specific procedures established by the Placement Commission to be followed in the event of extenuating circumstances.

VII. VIOLATIONS OF THE CODE

(A) A violation of a Rabbinical Assembly administrative policy, procedure or practice will be referred to the appropriate committee for its review and action. For example, violations of placement policy are determined by the Placement Commission; membership policy by the Membership Committee; etc.

(B) A violation of a religious practice or procedure, ethical or moral responsibility, or an action which is deemed detrimental to the rabbinate and/or the Rabbinical Assembly will be referred to the ועד הכבוד for its review and action.

(C) Recommendations for remediation may include such actions as reprimand, censure, suspension, or expulsion from the Rabbinical Assembly. If suspended from the Rabbinical Assembly, during the suspension, the suspended colleague will be ineligible for placement, unable to serve in leadership positions or on committees, or participate in conventions or conferences.

(D) Any recommendation for disciplinary action must be reported to the Administrative Committee, and then voted upon by the Executive Council to become effective. Only the Executive Council may establish and approve penalties affecting the status, employment and membership of colleagues.

(E) Members of the Assembly who are expelled or suspended shall have their names listed in the Rabbinical Assembly Newsletter under a broad category explaining the action taken. Notification of the actions taken shall be sent to the appropriate arms and organizations of our movement. For example, recommendations affecting placement shall be sent to the Placement Commission and to the United Synagogue, or those affecting an educator, to the Jewish Educators Assembly or other appropriate bodies or organizations. If, or when, reinstatement occurs, names will also be publicized in similar fashion.

VIII. THE ועד הכבוד AND RABBINIC CONDUCT

Because we, in the Rabbinical Assembly, care not only for our own well-being and effectiveness, but also for the well-being of rabbinic colleagues and all whom we serve, it becomes necessary from time to time to confront the alleged misconduct of a member of the Assembly. Recognizing this, the Constitution of the Rabbinical Assembly calls for the establishment of a ועד הכבוד:

The ועד הכבוד is charged with hearing alleged inappropriate actions of members of the Rabbinical Assembly in all areas of their life and work. It shall consist of a minimum of three members of the Assembly appointed by the President in consultation with the Executive Vice President and approved by the Executive Council, said members shall be rabbis possessing maturity of judgment, deep learning, compassion, sensitivity, and the respect of their colleagues.

The working guidelines for the ועד הכבוד are appended to this Code of Professional Conduct and serve as a framework for the ועד הכבוד as it carries out its responsibilities. The goal of the ועד הכבוד, as outlined in the conclusion of the guidelines, is “to find a balance between מדת הדין and מדת הרחמים to be fair and equitable in its determinations regarding alleged charges brought against a colleague and to operate in accordance with the principles of דן לכף זכות and המוציא מחבירו עליו הראיה. The ועד הכבוד in its recommendations must include a path to encourage תשובה, such as psychotherapy, supervision, mentoring, a probationary period, etc., and only in instances of serious infractions is expulsion to be recommended. It is expected that in all situations where recommendations of the ועד הכבוד have been put into effect, there will be a review of the colleague’s work and behavior at regular intervals from the date of determined action. Depending upon the action taken, appropriate bodies of the Rabbinical Assembly and the Conservative Movement may be notified of the action of the Executive Council. In all instances, recommendations of the ועד הכבוד are to be made in the spirit of fostering successful תשובה on the colleague’s part and, whenever possible, his or her return to full rabbinic service.”

IX. CONCLUSION

It is our prayer, with God’s help, that through our personal deeds and teaching, we be counted among those who enable the שכינה to be ever-present in our own lives and those with whom we work.

אשרי כל ירא ה' ההלך בדרכיו יגיע כפיך כי תאכל אשריך וטוב לך (תהילים קכ"ח: א'-ב')

This code was approved by the Executive Council on October 21, 2004, 6 מרחשון 5765.

12/7/04

הצנע לכת



ועד הכבוד GUIDELINES
for Members of the Rabbinical Assembly


RABBINICAL ASSEMBLY כנסת הרבנים

The International Association of Conservative/Masorti Rabbis, established 1901

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VA'AD HAKAVOD GUIDELINES

Because we, in the Rabbinical Assembly, do care deeply and bear responsibility for our own well-being and effectiveness as well as for the well-being and effective actions of rabbinic colleagues in the Assembly and for all whom we teach, counsel and lead, it unfortunately becomes necessary from time to time to confront the alleged misconduct of a member of the Assembly.

The Va'ad Hakavod is the Rabbinical Assembly committee charged with the very important responsibility of responding to charges of alleged inappropriate actions, be they religious, ethical or moral, of members of the Rabbinical Assembly in all areas of their life and work.

What follows is intended to provide a framework for the Va'ad Hakavod as it carries out its responsibility. This is not to be viewed as a code or strict series of procedural rules because the Va'ad Hakavod requires flexibility in its efforts depending upon the situation under review.

(I) INITIATING ACTION

A complaint against a member of the RA shall initially be brought to the attention of the Executive Vice President. The Executive Vice President has the responsibility to undertake the initial contact with the party bringing the alleged complaint and with the colleague being charged, and assessing the next steps to be taken. Depending upon the assessment, the Executive Vice President may suggest private discussion between parties, mediation, or involvement of a senior colleague, or may directly refer the matter to the Chairman of the Va'ad Hakavod. In other instances where the alleged conduct may violate rules or procedures of the RA, the Executive Vice President may refer an issue to an official or to another committee of the Rabbinical Assembly if appropriate. For example, any violation of placement would first go to the Placement Commission.

It is understood that the Executive Vice President or the Chairman of the Va'ad Hakavod or his/her designee may initiate an inquiry, if the Executive Vice President learns or believes there has been a violation of ethical, moral or religious responsibilities on the part of a member of the RA.

(II) COMPOSITION OF THE VA'AD HAKAVOD

The Va'ad Hakavod is comprised of no less than three members of the Assembly appointed by the President in consultation with the Executive Vice President and approved by the Executive Council. Members of the Va'ad Hakavod, as charged by the RA Constitution, must be rabbis who possess maturity of judgment, compassion,

sensitivity and the respect of their colleagues. A Chairman of the Va'ad Hakavod is appointed by the President with the approval of the Executive Council. The Executive Vice President is an ex-officio member of the Va'ad Hakavod.

(III) Procedures of the Va'ad Hakavod

(a) When it is determined that a complaint should be brought to the attention of the Va'ad Hakavod, the Executive Vice President shall immediately inform the Chairman of the Va'ad Hakavod.

(b) No anonymous complaints are accepted by the Va'ad Hakavod. In all instances of a complaint against a member of the RA, after initial consultation, and before pursuing any matter further, the alleged complaint must be in writing from the complainant(s), signed, with the complaint(s) specified. In such instances when the initial complaint is not in writing, the Executive Vice President shall request that it be put in writing. Rare exceptions to the complaint being made in written form may be made at the discretion of the Chairman. The rabbi charged shall have the opportunity to read the letter of complaint and any other documents initially presented, and if desired, respond in writing.

(c) Once a complaint is submitted to the Va'ad Hakavod, the Chairman of the Va'ad Hakavod shall communicate as soon as possible with both the complaining party and the rabbi being charged. As soon thereafter as is feasible, a hearing procedure shall be established, if warranted, and all parties notified as to time and place. Once the hearing procedure has been established, the Chairman of the Va'ad Hakavod, or a designee, shall begin to assemble all necessary information and shall conduct an appropriate hearing to determine whether there has been a violation of Rabbinical Assembly religious or administrative policy, procedure or practice; ethically or morally inappropriate behavior; or an action which is detrimental to the rabbinate.

(d) The Chairman of the Va'ad Hakavod in consultation with the Executive Vice President may determine that the Va'ad Hakavod should hear the matter at hand, or a two or three member panel from within the Va'ad shall be appointed to hear the matter. A member of the Va'ad Hakavod is expected to recuse him/herself if there is a close relationship to one of the parties involved. In rare instances, the Va'ad Hakavod may ask that a colleague not currently serving on the Va'ad Hakavod, be appointed to a panel hearing a particular matter.

(e) The work and decisions of the Va'ad Hakavod must remain confidential except to the extent necessary to implement and/or enforce a decision of the Va'ad Hakavod.

(f) The Va'ad Hakavod shall have broad discretion in the performance of its duties, such as the right to call witnesses, require psychological testing, or consult with other professionals as required.

(g) The Va'ad Hakavod does not function as a judicatory body and it does not investigate for civil or criminal issues. Therefore, no attorneys, representatives, or advocates are permitted to be present during its deliberations with rabbis, witnesses or complainant(s). The Va'ad Hakavod's hearings are guided by halakhah and rabbinic tradition.

(IV) RESOLUTION OF COMPLAINTS

(a) If the Va'ad Hakavod finds the rabbi at fault, the Va'ad Hakavod will recommend appropriate action to the rabbi. The recommendations of the Va'ad Hakavod may range from a reprimand or censure to suspension or expulsion from the Rabbinical Assembly. For example, depending upon the gravity of the offense, the Va'ad Hakavod may recommend removal from a current position, refusal to permit work in a particular setting, psychotherapy, consultation with a mentor rabbi, supervision by a rabbinic monitor (משגיח רוחני), a combination of any of these, or any other recommendation which the Va'ad Hakavod deems helpful. Serious violations, including those of inappropriate ethical behavior or violations of religious principles, may lead to suspension from the Rabbinical Assembly which would result in a colleague being ineligible for placement, unable to serve in leadership positions or on committees, or participate in conventions or conferences. Violation of rabbinic standards, serious ethical or immoral acts, commission of a crime or the bringing of dishonor upon the Rabbinical Assembly or *klal Yisrael*, may result in expulsion from the Rabbinical Assembly.

(b) The recommendations of the Va'ad Hakavod shall be orally communicated to the rabbi and to the complainant. The rabbi shall receive written notice of the recommendations and be required to sign an agreement to abide by the recommendations. Failure to comply with the Va'ad's recommendations will result in notification to the Rabbinical Assembly's Administrative Committee and Executive Council for disciplinary action up to and including expulsion.

(c) The Va'ad Hakavod shall automatically review any occurrence in which a colleague pleads guilty to or is found guilty of a criminal violation or conduct which amounts to moral turpitude, whether by plea of guilty or after a hearing, whether by court, military tribunal or any professional association or licensing body.

(d) Decisions of the Va'ad Hakavod may be appealed to the Administrative Committee or the Executive Council. Decisions of the Executive Council are final.

(e) A suspension may be lifted following approval of the Va'ad Hakavod by majority vote of the Executive Council, or by the fulfillment of the designated period of suspension. The Va'ad Hakavod will attest that the offending rabbi has unequivocally acknowledged responsibility for harm done, has expressed remorse to those harmed, has resolved never to repeat any offense of this nature, has undergone an appropriate course of therapy or counseling by a professional approved by the Va'ad Hakavod, and if so designated, received positive reviews from the mentor or monitor assigned by the Va'ad Hakavod.

A member expelled by the Executive Council may be reinstated by a two-thirds vote of approval from the Executive Council, following submission of an application to the Membership Committee no earlier than one year from the date of expulsion and a positive recommendation of that committee to the Executive Council. Prior to rendering its recommendation the Membership Committee must receive a report from the Va'ad Hakavod attesting that the expelled rabbi has unequivocally acknowledged responsibility for behavior which led to the expulsion and, if required, indicating that the rabbi has undergone an appropriate course of therapy or counseling and has received positive reviews from a mentor or monitor assigned by the Va'ad Hakavod.

(f) Any recommendation for disciplinary action must be reported to the Administrative Committee, and then voted upon by the Executive Council, if necessary, in order to become effective. Only the Executive Council may establish and approve of penalties affecting the status, employment and membership of colleagues. No other

body of the Rabbinical Assembly including the Va'ad Hakavod, nor any official of the Rabbinical Assembly, may exact penalties.

(g) Members of the Assembly who are expelled or suspended shall have their names listed in the Rabbinical Assembly Newsletter under a broad category explaining the action taken. Notification of the actions taken shall be sent to the appropriate arms and organizations of our movement. For example, recommendations affecting placement shall be sent to the Placement Commission and to the United Synagogue, or those affecting an educator, to the Educator's Assembly or other appropriate bodies or organizations. If, or when, reinstatement occurs, names will also be publicized in similar fashion.

(V) FINAL ACTIONS

The goal of the Va'ad Hakavod is to find a balance between מדת הדין and מדת הרחמים, to be fair and equitable in its determinations regarding alleged charges brought against a colleague and to operate in accordance with the principles of עליו הראיה and המוציא מחבירו מחבירו. The Va'ad Hakavod in its recommendations must include a path to encourage תשובה, such as psychotherapy, supervision, mentoring, a probationary period, etc, and only in instances of serious infractions is expulsion to be recommended. It is expected that in all situations where recommendations of the Va'ad Hakavod have been put into effect, there will be a review of the colleague's work and behavior at regular intervals from the date of determined action. Depending upon the action taken, appropriate bodies of the Rabbinical Assembly and the Conservative Movement may be notified of the action of the Executive Council. In all instances, recommendations of the Va'ad Hakavod are to be made in the spirit of fostering successful תשובה on the colleague's part and, whenever possible, his or her return to full rabbinic service.

Amended and approved by Executive Council October 21, 2004.