

STRENGTHENING THE ETHICS PROCESS



FINDINGS AND
RECOMMENDATIONS
FOR THE
RABBINICAL ASSEMBLY



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Findings and Recommendations for the Rabbinical Assembly

A Report by Sacred Spaces

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SACRED SPACES

ACKNOWLEDGEMENTS

We are grateful for all of the individuals who gave their time to help us better understand the various facets of the Rabbinical Assembly that impact their ethics processes.

~ Sacred Spaces

The findings and recommendations that follow are informed by the experiences and insights of people who participated in all aspects of the Assessment. To acknowledge everyone who touched this process would be a report unto itself, but we appreciate each and every person for their contributions.

We want to highlight the significant participation of the Conservative/Masorti rabbis from around the world who completed the member survey and engaged in interviews and listening sessions with the goal of improving their professional membership organization. We thank the RA's professional and lay leadership for their vulnerability and trust in this process. Special thanks go to rabbis Jacob Blumenthal and Ashira Konigsburg for their leadership and support as CEO and COO of the Rabbinical Assembly. Many organizations do not voluntarily invite a proactive and public Assessment process for reflection, and it is notable that you did. Gratitude is also extended to the SRE Network for providing funding for the Assessment.

To the victim-survivors whose input deepened our understanding, we thank you for giving us the opportunity to listen and learn, and we know that words of gratitude are not sufficient. We heard repeatedly that the decision to share your lives and experiences was predicated on the belief that there can be a safer and more respectful rabbinate and a more transparent and coordinated process when misconduct occurs. Creating sacred Jewish spaces is something that victim-survivors want realized.

Appreciation also goes to partners and colleagues across the Conservative/Masorti denomination and those working to end abuses of power who provided additional diverse perspectives and expertise.

We also offer our thanks to the members of the Task Force for overseeing the Assessment and meeting with Sacred Spaces monthly to share insights and reflections. They are: Rabbi D'ror Chankin-Gould (Co-Chair, Gender & Power Committee), Rabbi Stephanie Dickstein (Committee Member, VHK), Rabbi Sheryl Katzman (Chief Engagement Officer, RA), Rabbi Idit Lev (Global Engagement Associate, RA), Margie Pomerantz (Board Member, USCJ), Rabbi Daniel Pressman (Chair, VHK), and Rabbi Abbi Sharofsky (Co-Chair, Gender & Power Committee). We are especially grateful for the dedication of Rabbi Sheryl Katzman, who served as the liaison for the RA to Sacred Spaces. She gave countless hours to the Assessment process and, as a thought partner, helped carry forward suggestions during the pendency of the Assessment so that changes did not have to wait for a formal report.

Finally, we offer our gratitude to the mighty team at Sacred Spaces that aided us in the Assessment and contributed to the final report, including Timothy Carsey and Carmit Klar, who helped create and analyze surveys in both English and Hebrew to enhance the accuracy of the data across cultures and languages; Shana E. Cyrulnik, Irrit Dweck, Kaia Jackson, and Danielle Pitkoff for their support in facilitation, research, and analysis; Debra Shaffer Seeman and Rabbi Elliot Goldberg for assistance with Jewish framing; and Holly Brenton, Ateret Cope, Odelia Sussman Epstein, Kerry Honan, Fran Sepler, Gillian Steinberg, and Victor Vieth, for their thoughtful review, editing, and graphic design.

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ASSESSMENT OVERVIEW

The Code of Conduct and the Va'ad HaKavod are central to the Rabbinical Assembly. They are cornerstones to our integrity.
~ RA Member

There is consensus among Assessment participants that a core function of the Rabbinical Assembly (RA) is to protect the sanctity of the RA rabbinate by supporting its members in upholding the ethical standards of their profession and holding them accountable when they fall short.

Too often, our Jewish communities have privileged power, erudition, popularity, and charisma over integrity, humility, and ethical practice. This has, at times, had direct consequences, especially when service imbued with great power is not grounded in ethics. Our liturgy recognizes this reality in the *מי שְׁבַעֲרַח* (*Mi shebeirach*, “The One who blessed”) prayer for the community. The prayer, which asks God to bless those who dedicate themselves to communal service, contains a subtle caveat reserving the supplication for those who serve *faithfully* (*בְּאֵמוּנָה*), centering the needs of the community in their service rather than their own personal gain.¹

The RA’s Professional Code of Ethics accounts for the weight of this obligation and aims to provide members with guidelines and resources to uphold this professional and communal commitment. Their undertaking of this extensive Assessment and the participation of so many, including those harmed by rabbis, indicate a shared desire to improve upon this commitment. We offer this report in service of that goal so that the Conservative/Masorti² rabbinate can exemplify faithful service with the guidance and support of the RA.

BACKGROUND

In the Spring of 2021, Sacred Spaces³ was hired to conduct an assessment for the Rabbinical Assembly⁴ after responding to a request for proposals (RFP) for assistance with the revision of its Code of Conduct and for professional development. The RFP was aligned with the RA’s undertaking of a larger strategic planning process to create a 21st-century organization that better supports a global and diverse network of Conservative/Masorti rabbis and builds a culture driven by transparency, ethics, and respect.

1. “To all who involve themselves with the needs of this community faithfully” (*וְלְכָל מִי שֶׁעוֹסְקִים בְּצָרְכֵי צְבוּרַת בְּאֵמוּנָה*), from the Shabbat liturgy.

2. RA members from outside of North America said referring to the denomination as “Masorti” was critical to their inclusion, and, as such, we have used this term throughout the Report. Masorti, which is Hebrew for ‘traditional,’ is the lens through which *halakhic* practices and daily life are viewed in the international community. Denominational lines can also be more blurred in some countries.

3. Sacred Spaces is driven by the belief that healthy and accountable institutions -- whose cultures and daily operations foster sacredness and reduce the risk of abuse, harassment, and other forms of interpersonal harm -- contribute to the overall health and well-being of the community. To meet that goal, Sacred Spaces partners with Jewish institutions to prevent and respond to sexual abuse and other abuses of power and is dedicated to ending institutional abuse through a systemic approach across the lifespan and denominations.

4. The Rabbinical Assembly (RA) is the international association of Conservative/Masorti rabbis.

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A Code of Conduct Revision Task Force Leadership Team (Task Force)⁵ designed the RFP and has overseen the project. The project goals outlined in the RFP were to:

- Foster a culture of rabbis who hold themselves to the highest standards of behavior regarding issues of gender and power.
- Improve the credibility of the RA through revision of the *Va'ad HaKavod's* practices and policies and rabbinic standards and practices.
- Create policies and procedures that account for the geographic and career setting diversity of RA rabbis.

Sacred Spaces designed an assessment process (Assessment) that would not only review or audit protocols and policies of the current ethics system but also receive input from a range of individuals, with diverse perspectives, about what is working well and what needs improvement. To meet their goals, the RA additionally decided to examine aspects of the RA's culture that may have contributed to members' understanding and upholding the Code of Professional Conduct as well as member engagement. As with any of Sacred Spaces' undertakings, centering the lived experiences of those most involved and impacted is core to our work. Sacred Spaces received the RA's full cooperation over the course of the Assessment and had complete autonomy in conducting the Assessment, which included the RA a) facilitating Sacred Spaces' access to any employee or member with whom Sacred Spaces wished to speak and b) affording Sacred Spaces access to any relevant documentation that was available.

This report is a summary of the activities undertaken by Sacred Spaces and our overarching findings and recommendations. The data included in this report are non-identifiable, and quotes were selected because they represent numerous similar sentiments shared throughout the Assessment. Some of the information contained in this report may be difficult to read, as a true *heshbon hanefesh*, or accounting of the soul, often is. We deliver it with acknowledgment of the RA's efforts to make improvements and directly engage with areas still in need of change. The recommendations that follow are intended to be applied incrementally; Sacred Spaces firmly believes that the RA has the necessary leadership, will, and ability to develop a responsible implementation plan.

METHODOLOGY

The scope of Sacred Spaces' review included assessing the RA's Code of Professional Conduct (Code) and the procedures and practices of the *Va'ad HaKavod* (VHK), the committee tasked with handling complaints about potential Code violations. The Assessment consisted of multiple mechanisms to review, audit, and collect information related to perceptions of and experiences with the Code complaint handling process and the overall culture of the RA as it pertains to safety, respect, diversity, inclusion, and engagement.

Just as we learn in Masechet Taanit 7a that we are encouraged to learn from all voices, we have designed these mechanisms to create multiple pathways for feedback and evaluation. The Gemara teaches:

הַיְיָנוּ דָאֵמַר רַבִּי חֲנִינָא: הֲרַבָּה לְמַדְתִּי מֵרַבּוֹתַי וּמִחֲבֵרַי יוֹתֵר מֵרַבּוֹתַי, וּמִתְלַמְּדֵי יוֹתֵר מִכּוֹלָן. (תענית ז' א:י"ב)

Rabbi Chanina said: I have learned a great deal from my rabbis, even more from my colleagues, and above all I have learned from my students.

5. The Task Force was comprised of members from the Va'ad HaKavod, the RA's Gender and Power Committee, RA professional staff, and a USCJ Board Member. Throughout the Assessment, there have been monthly meetings between Sacred Spaces and the Task Force.

Data Gathering

Mechanisms for gathering data included interviews, listening sessions, surveys, redacted VHK case files, RA documents, an internet scan, and Task Force meetings; the methodology for each activity is detailed below. Document review helped determine interview and survey questions; and interviews further shaped the focus areas of survey data collection. Collective themes and points of data were compiled and are shared below; these themes inform the recommendations that follow.

As a matter of course, all Assessment participants were informed by Sacred Spaces that: 1) we were conducting an Assessment of the Code and accompanying complaint handling process; 2) no identifying information would be shared back to the RA about who participated in the information gathering process; 3) Sacred Spaces self-mandates its staff to report when we have identifying information and reasonable suspicion that a child or vulnerable adult is being abused or neglected, and 4) Sacred Spaces would not reopen VHK cases or make recommendations about the VHK's handling of current or prior complaints. Rather, collective themes and data points would be compiled and used to support Sacred Spaces' recommendations to the RA for the future.

From the outset, the RA made information about the Assessment public knowledge, issuing press releases, posting information on its website, and publishing articles in newsletters. These communications provided Sacred Spaces' contact information and encouraged individuals to reach out directly to Sacred Spaces if they had interest in sharing information relevant to the Assessment. Sacred Spaces also used its own platforms to publicize opportunities for providing information.

The following activities were undertaken as part of the Assessment:

Surveys

Sacred Spaces developed two comprehensive surveys, one for current RA members and the other for members of the public. Each was disseminated in English and Hebrew,⁶ and both were designed to collect qualitative and quantitative data.⁷ Only Sacred Spaces and the researchers contracted to conduct the Assessment had access to the raw data.

Thank you for making this survey available for member input into the review of the RA's Code and VHK.
~ RA Member

Membership Survey

The RA membership survey was designed to gauge RA members' perceptions, knowledge, and experiences pertaining to the Code and VHK, and to gain insight into the RA's overall culture related to upholding ethics. It offered one of the first opportunities for the RA to hear from its members about misconduct that they personally experienced or witnessed.

6. Two researchers, one in the U.S. and one in Israel, worked with Sacred Spaces on survey development and data analysis. The Israel-based researcher was fluent in Hebrew. The survey was not translated into Spanish, but survey participants were provided an option to be interviewed in Spanish about the same questions. Four people contacted Sacred Spaces about a Spanish version. Two elected to take the Hebrew version, one elected to be interviewed in Spanish, and the fourth did not respond to Sacred Spaces' email about options.

7. All response rates included in this report are statistically significant at the .05 level. See Appendix A: Survey Analysis, for additional information on analyses used.

ASSESSMENT OVERVIEW

Specifically, the survey was divided into the following sections:

1. Background information, including demographics of survey participants.⁸
2. Understanding of and familiarity with the VHK.
3. Experiences with the ethical complaint handling process from any of the following perspectives: complainant, respondent, witness, or complaint handling (whether involved as a member of the VHK, Executive Council [EC] or RA staff).
4. Experiences (either direct or witnessed) of possible Code violations that went unreported.
5. Resources that could be provided by the RA to bolster understanding and upholding of the Code.

The survey was designed with branching/skip logic so that survey participants were directed to additional questions based on their responses. For example, if an RA member filed an ethics complaint, a set of questions about their experience appeared for that survey participant, where others who had not filed a complaint would not be prompted to answer those questions.

The RA disseminated the survey directly to 1,460 members.⁹ The survey remained open from February 2-18, 2022. Four hundred and seventy-one (471) rabbis participated in the membership survey, accounting for a 32% response rate.¹⁰ Five percent (5%) completed the survey in Hebrew.

The following is an overview of survey respondent demographics:¹¹

- Location: 21% of survey respondents live outside of the United States. There were responses from 16 of the 27 countries where members reside.
- Gender: 65% identified as “Man;” 33% as “Woman;” 2% as non-binary, transgender, or genderqueer; and 2% preferred not to answer.
- Primary Work Setting: 57% work in congregations; 14% selected the category “other,” which included individuals who are unemployed or semi-retired; 10% are retired; and 4% work in academia.
- Length of Membership: 20% have been members for 10 years or fewer; 14% for 11-15 years; and 58% for 25 years or more.
- Ordination: 68% graduated from the Jewish Theological Seminary; 14% from the Ziegler School of Rabbinic Studies; 7% from the Seminario Rabinico Latinoamericano; and 5% from Schechter Rabbinical Seminary.
- Leadership Roles: 53% have served on an RA committee; 23% on the Executive Council; 29% selected “other” and wrote in an answer (e.g., Lev Shalem, Publications, Dover Emet, Social Justice, Nominations); and 7% on Resolutions.

8. For example, survey participants were asked what country they lived in, how long they have been an RA member, gender identity, and primary work setting, among other questions. Survey respondents also had the opportunity in an optional, open-ended question to share anything about their identity or background that they wanted Sacred Spaces to know. This allowed Sacred Spaces to run analyses to determine if there were statistical differences based on demographics or identities.

9. The RA's full membership list contains 1650 names, but only 1460 of these have corresponding email addresses.

10. Total RA members responding from these countries or continents: Australia: 1; Canada: 17; Europe and UK: 12; Israel: 43; Mexico and Central & S. America: 24; and the United States: 373.

11. Some questions included “check all that apply” and may total more than 100%; other data reported has been highlighted without providing all the response numbers. For more detailed information, see Appendix B: Additional Background and Demographic Data: Member Survey.

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Public Survey

The goal of this survey was to hear from individuals who have reported an ethics concern to the RA and/or participated in the VHK process. The two qualifiers to take this survey were that an individual could not be a current RA member (or they would be redirected to the survey for members) and they previously had contact with the RA for any of the following reasons:

- To share a concern or file a complaint about a potential Code violation; or
- To provide the RA/VHK with information about a complaint; or
- To respond to a complaint that was filed about themselves (i.e., former RA members).

The survey, which remained open from March 7-28, 2022, was widely disseminated by the RA and Sacred Spaces, providing members of the general public an opportunity to receive it, be interviewed, or both.¹² The RA provided Sacred Spaces' contact information to anyone who was interested in participating in the Assessment, and individuals reached out to Sacred Spaces throughout the information gathering process; all of these individuals received a link to the public survey when it went live.

Survey participants were directed to specific sections of the survey based on the reason for their contact with the RA, i.e. whether they identified themselves as a complainant, a witness, or a respondent. For the purposes of this report, a 'complainant' is someone who brought a complaint or concern about a potential Code violation to the RA's attention. A 'respondent' is a current or former RA member (i.e. rabbi) about whom a complaint was filed. In all sections, survey participants were asked about the various activities and outcomes that occurred in the case handling process as well as to share, through open-ended questions, what worked well and any recommendations they had to strengthen the VHK process.

Thirty-eight (38) people responded to the English survey, of whom 24 were disqualified for not having contact with the RA for the purposes as defined above. Of the remaining 14, nine said they contacted the RA to report a concern about a member; two participated as a witness in a VHK process, and one participated as a respondent; eight first learned of the existence of the RA from their synagogue, two from friends and family, one from online research, and one from another source.¹³

Interviews & Listening Sessions

Interviews and listening sessions enabled stakeholders to have in-depth conversations about their understanding, experiences, and insights on challenges and strengths of the current ethics process. To ensure that themes were compiled accurately, interviews and listening sessions were recorded.¹⁴

12. The link was also shared on social media, websites, newsletters, and direct emails. Like the membership survey, Spanish-speaking individuals were offered the opportunity to be interviewed in Spanish.

13. These questions were optional, and not all survey participants completed all questions.

14. This allowed Sacred Spaces to review content later, if needed. Only Sacred Spaces had access to the recordings, and all were permanently deleted when this report was submitted. Consent for recording was obtained prior to the start of any interview or listening session. Several individuals requested that their interviews not be recorded, and Sacred Spaces complied with these requests.

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Interviews

Sacred Spaces anticipated conducting 25 interviews to account for a variety of perspectives, including the global makeup of the RA membership, the complainant experience, and insights from members of other organizations that are part of the Conservative/Masorti denomination. Ultimately, Sacred Spaces conducted 61 interviews, ensuring that every person who requested an interview was given an opportunity to participate.¹⁵ Individuals interviewed represented the diversity of the RA membership (e.g., geographic location, gender identity, length of membership, and professional roles) and individuals who participated in the VHK process (e.g., VHK and EC members, complainants, respondents, and witnesses).

The following is background information about the individuals interviewed.¹⁶

- 23% reside outside of the United States (global members).
- 16% served on the VHK, 16% on the EC, and 18% on another RA committee.
- 36% work in a congregational setting, and 26% work in other settings.
- 8% are retired.
- 16% are affiliated with partner organizations of the RA.
- 10% have served as RA executive leadership, worked as RA professional staff, or in a *mashgiah ruhani* (spiritual mentor) role.
- 11% have been respondents in a VHK complaint process.
- 16% have been complainants in a VHK complaint process, and 5% were secondary victims.¹⁷
- 15% were not members of the RA.

Most interviews lasted one hour.¹⁸ To promote consistency, the same Sacred Spaces staff member led all interviews using a list of guiding questions.¹⁹ In addition, every person interviewed was asked:

- If they ever read the Code.
- If they had any interaction with the VHK process as a committee member, witness, complainant, or respondent.
- What an “ideal” ethics complaint process would look like if resources were not an issue.
- Their ideas for how the RA can be more supportive of rabbis understanding and upholding the Code.

Those interviewed who were RA members were also uniformly asked:

- In what capacities they have been involved with the RA.
- How the Code can be more inclusive of a diverse rabbinate.
- How one Code and one VHK could work for a global membership organization.

15. Sacred Spaces and the RA shared publicly that interviews were taking place and encouraged interested individuals to reach out to Sacred Spaces for more information. RA members were also able to indicate on the membership survey if they wanted to speak with Sacred Spaces directly. Those who did so were directed to a separate form to enter their contact information so that their names would not be connected with their survey responses. Finally, every person interviewed was asked if they had recommendations for other interviewees.

16. Interviewees could fit into more than one category.

17. A ‘secondary victim’ did not directly experience the misconduct but witnessed it, or, due to their relationship to the primary victim, was emotionally impacted.

18. Several individuals spoke with Sacred Spaces on more than one occasion, at the individuals’ request.

19. Depending upon the primary connection of the interviewee to the RA (e.g., complainant, respondent, global member, VHK committee member), they were asked different questions.

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Listening Sessions

Listening sessions are focus groups in which a small number of people from an affinity group are brought together to share their thoughts on a set of pre-developed questions.²⁰ Listening sessions allow participants to build on each other's responses and connect with peers. Two listening sessions were held,²¹ one for seminary students and the other for RA members working in non-congregational settings.²² Individuals who contacted Sacred Spaces with interest in attending were asked to join a brief call prior to participation in order to review the session's goals and structure and to answer participants' questions. Thirteen (13) people participated across the two sessions. Each listening session was held over Zoom and was 90 minutes long.

Review of Redacted VHK Case Files

To better understand the procedures used by VHK members to handle complaints, Sacred Spaces examined VHK case files. The goal was not to re-adjudicate past findings but to identify patterns in case handling over time.

The RA was asked by Sacred Spaces to organize files and engage in a coding and sorting system that indicated the year and subject area of each complaint.²³ In undertaking this activity, it was determined that a centralized system for record-keeping needed to be implemented, including the documentation of phone calls and inquiries about the Code and ethics that the RA received but that did not reach the VHK.

Sacred Spaces developed a protocol to ensure that cases were neutrally selected²⁴ and representative of the issues that the VHK handled over the years.²⁵ To be eligible for review, a case must have been handled and closed by the VHK between 2004 and 2020.²⁶ The VHK closed 54 cases between 2004 and 2020, and 16 of those files (approximately 30%), were pulled, organized, and deidentified for review.

Two reviewers examined each file independently. One reviewer was a member of the Sacred Spaces Assessment team, and one was a member of the Task Force so that this process also served to build the RA's internal capacity to audit their case handling. To help standardize the review process, Sacred Spaces created a set of questions to guide reviewers when reading each file. The review included all documents that were retained directly in the case file. The RA did find notes kept by individual VHK members that were not part of the permanent case files, but these were not available for review. Reviewers were asked to capture:

- How the complainant made a report (in writing, phone, email, etc.).
- How long the process took (from receipt of complaint to closing file).

20. Questions asked were similar to the ones posed in interviews, but these were tailored to the unique perspectives of each affinity group.

21. Sacred Spaces tried to additionally organize listening sessions for rabbis in Israel and another for RA partners, but, due to conflicting schedules, these did not take place. Instead, individuals who reached out about those listening sessions were invited to participate in an interview.

22. The seminaries sent an email to students about the first listening session, and interested students reached out to Sacred Spaces directly. For the listening session for RA members working in non-congregational settings, both the RA and Sacred Spaces advertised the opportunity.

23. This enabled the RA and Sacred Spaces to know how many VHK cases were handled and get a sense of the types of violations that were being brought to the VHK.

24. For years 2015 - 2020: The first and fourth case of the year were pulled for review. If the VHK handled fewer than four cases in any one year, then the last case that year was selected. For years 2004-2014: The third case of the year was pulled for review. If there were fewer than three cases in any one year, the last case that year was selected.

25. After pulling the cases, RA staff checked the types of violations against the total number of cases handled on that topic. The random selection produced a wide variety of topics that were representative of the whole. The subjects of the complaints included financial exploitation, various types of sexual misconduct, boundary violations, unfair treatment in divorce, harassment between colleagues, religious law violations (e.g., interfaith marriage and conversion), child abuse, encroachment, and mental health concerns.

26. The RA's Code was last updated in 2004, and, therefore, cases prior to that year were not part of the selection process.

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- Type of violation and relationship between the parties.²⁷
- Whether a VHK panel was appointed.²⁸
- Types of evidence collection undertaken by the VHK and documentation of their activities.
- Communication with the parties, including purpose, method, and tone.
- Types of support offered to the parties.
- Involvement of witnesses, employers, law enforcement, or the civil or criminal justice systems.
- Determinations, actions, and resolution of the complaint.

Reviewers then met to discuss their independent findings and collect themes and recommendations.²⁹

Document Review

The RA provided a multitude of documents related to the Code and VHK for Sacred Spaces' review and analysis. These included *A Code of Professional Conduct for Members of the Rabbinical Assembly* (2004); *VHK Guidelines* (2004); *VHK Protocol Document* (2014); updated *Joint Placement Rules*; and the *RA Constitution* (2002). For comparison, Sacred Spaces also reviewed Codes of Conduct from other denominations, professions, and religious institutions.³⁰

After the initial review, Sacred Spaces met with RA staff to discuss questions and impressions of the documents. These discussions helped inform the types of questions to be asked in interviews and listening sessions.

Internet Research/Scan

The Assessment team conducted a scan of social media and other sources for public commentary about the Code, the VHK, and other issues related to the ethical behavior of RA rabbis.³¹ More than 20 relevant articles, posts, blogs, and research items were discovered with content related to the scope of the Assessment.

Monthly RA Task Force Meetings

Sacred Spaces met monthly with the RA Task Force. The agenda was generally divided into two sections: *On the Ground* (discussing current events and the impact of the Assessment to date)³² and *Project Activities* (updates and issues related to the Assessment). The latter provided Task Force members time to discuss some of the issues that were emerging from the Assessment, share their viewpoints, and review Assessment tools. In addition to these monthly meetings, Sacred Spaces also met once to twice a month with the RA's Task Force liaison to keep the project on track by offering support, coordinating Assessment logistics, and exchanging relevant information. Various other meetings occurred throughout the Assessment as requested by the RA to facilitate understanding of the Assessment and alignment with the strategic planning process.

27. "Parties" in this report refers to complainants and respondents collectively.

28. The VHK forms a 2-3 person panel for complaints moving forward to investigation.

29. After the review, the deidentified files were shredded.

30. See Appendix C: Documents Reviewed by Sacred Spaces.

31. Conditions of the scan were that the content be public, that anonymity be preserved, and that only relevant public components be accessed. Search terms used included the following: Rabbinical Assembly, RA, Code of Conduct, *Va'ad HaKavod*, VHK, sexual harassment, sexual abuse, abuses of power, boundary violations, rabbi, ethics violation, suspension, censure, probation, teshuvah, grievance, complaint, report, Judaism, and misconduct.

32. Stemming from ongoing contact with Sacred Spaces, the RA is beginning to implement recommendations. For instance, a system for tracking incoming complaints and file retention was recommended in the course of the case file review and has since been developed. See Appendix D: Changes on the Ground.

THEMES AND FINDINGS

I'm very proud of the work of the RA. This is the Torah, the heart of the work.
~ RA Member

Assessment participants expressed gratitude for the opportunity to participate in the Assessment and viewed its focus on ethics as central to the RA's purpose. *Themes and Findings* represent the voices of Assessment participants and do not include commentary or analysis from Sacred Spaces, which come later in *Recommendations*. Substantial data were collected from interviews, case file reviews, surveys, listening sessions, and meetings. Data included in this report were selected based on their relevance to issues impacting RA members' professional ethics obligations and the RA's handling of ethics complaints; themes that emerged throughout the Assessment and across data-gathering modalities;³³ Sacred Spaces' belief that the information was important (e.g., underscores a strength or opportunity for growth in a key area); and consistency with our independent review of RA materials.

OVERARCHING THEMES

Higher Expectations & Shared Responsibility

Rabbis are esteemed leaders, representatives, and members within the Conservative/Masorti denomination. There is an inherent power differential in interactions between someone who has the designation of "rabbi" and other members of the Jewish community.

Assessment participants, including RA members, recognize this unique position where trust and power are automatically given to a rabbi by the community based on their title. In return, there is an expectation of moral and ethical leadership.

RA members are proud that the RA and VHK are taking this process seriously and believe it is critical that the RA as a membership organization help guide and encourage ethics. They also believe it is incumbent on rabbis to embody moral leadership and support their colleagues to do the same. As such, the RA, individual rabbis, and the denomination-affiliated organizations each have a role in helping protect the Jewish community from rabbinic misconduct and creating safer and more respectful communities.

There is a common belief that due care must be exercised in execution of duties as faith leaders and that codes of conduct, procedures, and policies for ethical complaints can help mitigate abuse and prepare for it when it does occur.³⁴

Morality and ethics should be in the foreground. This is a foundational issue, and we should represent ourselves as an ethical rabbinate.

~ RA Member

33. There are instances where an individual quote or concern is highlighted or data with a small response number are included. This is done when an idea is articulated with a poignancy that bears emphasis, relaying how individuals have been impacted by the issues that the Code and VHK are designed to address. These voices reflect broader themes that emerged throughout the Assessment and were repeated across data-gathering modalities. As noted above, between 2004 and 2020, the RA handled and closed a total of 54 cases; as such, data on complainant and respondent experiences with the VHK process are drawn from a relatively small pool.

34. The existence of power differentials does not mean that an abuse of power will occur. As the FaithTrust Institute explains, "abuse is never inevitable or inherent in a relationship; rather, it is the choice of the person with more power to exploit the vulnerability of the person with less power." See: Sawyer, L. D., Cohen, E., Mesaros, A. (2022). *Responding To Spiritual Leader Misconduct: A Handbook*. Faith Trust Institute. Retrieved from: www.faithtrustinstitute.org/news-documents/Responding%20to%20Spiritual%20Leader%20Misconduct%20Handbook_Final_DIGITAL.pdf/?searchterm=abuse%20is%20never%20inevitable

THEMES AND FINDINGS

Impact of Rabbinic Misconduct

Whether the misconduct was recent or decades ago,³⁵ the impact on victim-survivors³⁶ and the community is enduring. Victim-survivors shared the emotional pain, loss, and ongoing trauma they sustained from experiencing rabbinic misconduct. Individuals described their experiences as “life altering.”

Many, including RA rabbis, said this was the first time they had talked about experiencing or witnessing rabbinic abuses of power. Victim-survivors shared that the abuse not only continues to affect their interpersonal relationships but also caused spiritual injuries. The latter was especially true for victim-survivors who experienced misconduct from their congregational rabbi.³⁷ Some individuals said they have left the denomination, and others reported that they are no longer practicing Judaism. Several victim-survivors thought that being connected to a Conservative/Masorti congregation would help promote their healing; however, they did not feel safe or welcome and now felt adrift without a community.³⁸

Rabbinic misconduct also impacts the community at large, including undermining trust in the rabbinate. The Conservative/Masorti community is relatively small, and news of misconduct has a ripple effect.³⁹ Participants also discussed the irreparable harm and division that frequently occurs in congregations when there is a question about rabbinic misconduct.⁴⁰ Some mentioned a veil of secrecy that surrounds a synagogue’s response to misconduct and the polarization in allyship to rabbis, lay leadership, and victim-survivors. Additionally, some participants recounted that there have been cases where known bad actors have been passed from one organization to the next in what feels like prioritizing the reputation of the rabbi or organization over protection of the Jewish community. While participants recognized that it was not the sole responsibility of the RA to account for this, as an essential membership organization, they believe it could do more in recognizing the harm that has occurred and preventing future harm. For example, a few victim-survivors recommended a truth and reconciliation process, and others discussed making more resources available. When asked about what can be done to help the Jewish community heal, one victim-survivor said, “*My first thought, it’s too late; second thought, it’s never too late.*”

I didn’t realize how connected some of my experiences were. I appreciate this conversation. It helped me.
~ RA Member

The impact on those who loved the rabbi is significant. More support is needed for congregations and people in the community.

~ Secondary Victim-Survivor

As a seminary student and later as an ordained rabbi, seeing rabbi misconduct hurts us individually and as a collective.

~ RA Member

35. RA members discussed experiencing harassment and other forms of abuse of power in their seminary, when they were early in their rabbinic career, and or in new placements. For others, disrespect and harassment have continued throughout their careers. Several participants shared that it was only through engaging in the Assessment process that they came to the realization that they did in fact experience harassment, abuse, or other unethical behaviors.

36. The term ‘victim-survivor’ in this report refers to individuals who related that they had directly experienced some form of abuse or harassment, whether or not they filed a complaint with the RA, and refers to participants in listening sessions, interviews, and both member and public surveys. We also recognize that individuals who have experienced abuse and personal violations may refer to themselves differently or may reject a label altogether.

37. Research has demonstrated an adverse impact on faith for individuals who have experienced clergy misconduct, while at the same time noting that spirituality can be a significant source of resilience for victim-survivors. See Pereda N., et al., “An Exploratory Study on Mental Health, Social Problems and Spiritual Damage in Victims of Child Sexual Abuse by Catholic Clergy and Other Perpetrators.” *J Child Sex Abuse*. 2022 May-June, 31(4):393-411; and Reinert KG, et al., “The Role of Religious Involvement in the Relationship Between Early Trauma and Health Outcomes Among Adult Survivors.” *J Child Adolesc Trauma*. 2016; 9:231-241.

38. This was especially true for victim-survivors who lived in areas where there was only one Conservative/Masorti affiliated synagogue.

39. For example, when there is a public report, it is not uncommon for an RA member to know some of the individuals involved and experience sometimes conflicting feelings of hurt, empathy, and betrayal.

40. Some congregations had a significant number of members leave and start new synagogues.

KNOWLEDGE AND GENERAL IMPRESSIONS ABOUT THE CODE & VHK

Through listening sessions, interviews, and surveys, Assessment participants were asked about their familiarity with and understanding of the Code and VHK. Overall, there is little to moderate familiarity with both. Members reported not knowing where to find the Code or whom to contact if they have a question pertaining to conduct or ethics. Members also said no information is shared about how the VHK functions, how frequently it is called upon, and what types of issues it handles.⁴¹ Some members noted that the Code and VHK should be viewed as a positive resource but that, in reality, they only look at the Code when they hear about someone getting into trouble. Similarly, there is a desire for the VHK to serve as an advisory resource in addition to its adjudicative function.

Code of Professional Conduct

Familiarity

To become a member of the RA, rabbis must indicate that they will adhere to the RA's Code. To find out more about RA members' familiarity with and use of the Code, they were asked multiple questions in interviews and the member survey.

Ninety percent (90%) of the RA members who were interviewed said they have not reviewed the Code.⁴² Survey responses indicated somewhat greater familiarity, with roughly 50% of members indicating at least moderate familiarity with the Code; however, 16% reported viewing the Code for the first time in order to respond to the survey, and another 35% indicated they had little to no familiarity with the Code.⁴³ Interestingly, those outside of the United States report a 13% higher familiarity than those from within the U.S.

Relevance

The majority of Assessment participants agreed that the RA should have a Professional Code of Conduct but that, in its current form, it is not reflective of the diverse membership (identities, geographic location, and professional roles).

Of those who participated in the member survey:

- 87% understand the purpose of the Code.
- 73% say it is reflective of the RA's values.
- 72% say it is easy to understand.
- 61% agree that it is a valuable resource.

When examining its applicability to RA members:

- 42% disagree that it is relevant to everyday interactions.
- 58% disagree that it is inclusive of various professional positions of RA members.
- 15% said the Code often impacts their decision, but the majority (55%) say it rarely or never impacts their decisions.

Embed the Code with our traditions but remember we are citizens and rabbis of the 21st century.
~ RA Member

41. One rabbi commented that if it had not been mentioned in their seminary, they would have no idea the VHK existed.

42. Prior to the dissemination of the membership survey, the RA reported an average of 17 views of the Code per week on the website. After the survey, there were 240 views in a two-week period. The RA additionally received an increased number of calls about the Code, including people wanting clarification about their own behavior to ensure compliance.

43. There were 450 responses to this question.

Reflections

Assessment participants noted that the Code was long and contained outdated, conflicting information, including mention of roles (like “Executive Vice President”) that no longer exist and prohibitions of romantic relationships in one section that inherently contradict cautionary language about the same relationships elsewhere.

Participants also shared that the Code does not reflect current thinking. For example, in regards to *hasagat gevul* (professional encroachment) and the ability to work within a certain geographic area or with members of a different congregation, some expressed that the Code does not account for changes in business practices (e.g., free enterprise and rabbis working outside of congregational settings), that it embeds power differential among rabbis, and that it provides the RA with control of its members’ economic choices.

Of the six complainants who responded to the public survey and looked at the Code before contacting the RA to report a concern about a member:

- Four said it was difficult to understand.
- Two were unsure if their concern would be considered a violation.
- Four said it informed their decision about filing a complaint.

Many Assessment participants noted the usage of gendered language of “men” and “women,” citing the exclusionary impact of a binary lens. Both RA members and the public recommended that the Code outline what constitutes a “violation” and the “range of consequences” if one occurs. Participants emphasized the necessity for examples and guidance to correspond to each area of the Code, such as discretionary funds, supervisory duties, and working with boards.

RA members noted an emphasis on certain issues, such as conversion, interfaith marriage,⁴⁴ and other *halakhic* practices in contrast to issues of interpersonal misconduct, like sexual harassment, emotional abuse, bullying, or child abuse.⁴⁵ Assessment participants requested more guidance pertaining to the following issues:⁴⁶ 1) interpersonal relationships, both in person and through online platforms; 2) professional relationships outside of a congregational setting; and 3) assistance in addressing the intersection of local laws and other codes of conduct that rabbis might be asked to abide by from their employer (e.g., military, Hillel, universities, etc.) or professional licensing bodies.⁴⁷

RA members expressed belief in the ability of one shared Code to guide a global membership. Members asked that they be included in that work and suggested creating small working groups to address various Code provisions and develop case studies. It was also recommended that the RA actively solicit input from members living outside of the United States.

44. It should be noted that Assessment participants did not have a consistent understanding of the RA’s approach to or enforcement of the Code provision regarding interfaith marriage. Some members understood it to prohibit attending an interfaith ceremony and others to prohibit performing the ceremony, and still others believe one can both attend and perform the ceremony and the RA will understand. The RA reports that, in 2018, the standard of practice on intermarriage was revised to permit attendance; performance continues to be prohibited.

45. Many suggested that the Code be revised to differentiate between *halakhic* (Jewish legal) and other ethical issues (even if these ethical issues also have *halakhic* implications).

46. RA members were responsive to this survey question, providing 269 written comments with particular emphasis on these three issues.

47. For example, the military mandates absolute confidentiality, which conflicts with RA Code that provides exceptions. Another example is the difference in law and practice between the United States and other countries with respect to performing a religious wedding without the civil ceremony. These and other examples should be considered in an updated and unified international Code.

Va'ad HaKavod

Familiarity

RA members taking the membership survey had less familiarity with the VHK than with the Code.⁴⁸ Specifically, while 83% understood the VHK's purpose, 44% had little to no familiarity with the VHK.⁴⁹ For example, only 24% understood how committee members are selected, and 20% believed the procedures are transparent.⁵⁰ Additionally, 64% have never contacted the RA or VHK for advice about a potential ethics question, and 21% were not aware that this was an option.⁵¹ RA members appreciate the sensitive nature of the VHK but expressed a desire to have more context for what it does, asking for more information on the criteria used to investigate a complaint, how a disciplinary action is determined, and what resources are available to parties involved in a VHK investigation.

Those outside of the RA would like to see more information widely available in their communities about ethics, the Code, and the VHK process. There is a general misperception by the public about the VHK's authority. For example, while the VHK can recommend revocation of membership in the RA, it does not have jurisdiction to revoke an ordination.

Reflections

When asked to identify the core strengths of the VHK, 30% of those responding to the membership survey named confidentiality and discretion.⁵² They also said that they find VHK committee members to be thoughtful and understanding of rabbinic life and of the situations RA members encounter.

Although 56% of member survey participants trust the decisions of the VHK, only 26% agree that VHK members have the necessary expertise for their role,⁵³ and 37% believe there is a conflict of interest when a membership organization handles ethics complaints about its own members.⁵⁴ Assessment participants said that while rabbis can offer pastoral care and hold multiple truths at once, there is more potential for conflict when they are serving as fact finders.

While rabbis are highly skilled and trained, there are certain areas that are beyond our training.
~ RA Member

48. RA members residing outside the United States reported a higher understanding of how the VHK functions and a higher evaluation of the VHK process, including transparency, fairness, and trust in VHK decisions. For the full list of questions and response rates, see Appendix E: RA Member Familiarity & Knowledge about the *Va'ad HaKavod*.

49. Six percent of members indicated they never heard of the VHK before taking the survey; 38% reported slight familiarity, 40% moderate familiarity, 14% were very familiar, and 2% reported expert familiarity.

50. Understanding that not all VHK procedures belong in the public realm, members expressed a desire for at least some protocols to be shared publicly as, currently, no internal protocols are online. VHK members expressed the desire to update protocols and processes more nimbly and not have a protracted process for approval from the EC.

51. Male identifying members are 27% more likely than female identifying members to contact the RA/VHK to ask for advice on a potential ethics matter.

52. There were 128 responses to this open-ended question.

53. Assessment participants were asked about what qualities would benefit a VHK committee member. Here are a few: wisdom; being a good student of Jewish law; being an excellent listener; ability to collaborate with peers; having lived experience; having a certain tolerance for ambiguity; patience; compassion; curiosity about people and new developments in society, science, or law; willingness to learn; and being psychologically healthy.

54. Male identifying members are 23% more likely than female identifying members to indicate there is no conflict of interest. Members who have been involved with the RA longer are also significantly more likely to believe there is no conflict of interest.

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Suggestions for strengthening the VHK, in response to the open-ended question, included utilizing a third-party advisor or external review process and diversification of the committee. Members recognized that they, as rabbis, have not been trained to assess or respond to certain types of misconduct that come before the VHK. Therefore, Assessment participants -- both within and beyond the VHK -- suggested having professionals with specialized expertise support the VHK in handling cases that are beyond members' rabbinic training (such as human resources and employment law; gender-based and sexual violence; child abuse; addiction; and diversity, equity, and inclusion). Additionally, they suggested increasing the diversity of committee members who represent various professions within the rabbinic world, ages, gender identities, geographic regions, and sexual orientations, which they assert will bring different perspectives and understanding into the process and can help to reduce bias.

EXPERIENCES RELATED TO ETHICS COMPLAINTS

To better understand VHK participant perspectives and experiences, individuals were asked whether they had ever participated in the VHK process and, if so, to reflect on this experience. This section provides a snapshot of that data.⁵⁵

Throughout the Assessment, participants self-identified as the following:⁵⁶

- 46 as a complainant;⁵⁷
- 40 as a respondent;
- 35 as a witness or having a supportive role in a VHK case;⁵⁸ and
- 47 as formally participating in VHK case handling on behalf of the RA.⁵⁹

VHK Parties

Most complainants and respondents lived in the United States at the time the misconduct occurred.⁶⁰ Both parties indicated that the misconduct reported to the RA fell into two major categories: harassment, sexual harassment or sexual misconduct; or abuse of power and interference with leadership/authority. A majority of the respondents reported that they were working in a synagogue setting at the time the complaint was filed against them.

Of the 27 complainants who completed the RA member survey:

- 24 said the respondent was a colleague;
- 6 said the misconduct was directed at them;
- 9 said the conduct was directed at another person;

55. For a more detailed breakdown of data referenced in this section and additional information, see Appendix F.

56. This is from a compilation of the 471 participants in the RA member survey, 38 participants in the public survey (many did not make it past the qualifying questions), and 61 interviews conducted. Those interviewed may also have completed the surveys; due to anonymity there is no way to determine this.

57. Thirty-two (32) of the individuals who identified as complainants were RA members.

58. Assessment participants described their participation as the following: eyewitness; character witness; subject matter expert; liaison for communication, placement coach, interpreter, or spiritual mentor.

59. Twenty (20) served as members of the VHK, 12 on the Executive Council, 5 said they were involved in case handling as RA staff members, and 10 marked 'other' -- further describing their role such as a mashgiah ruhani. Some Assessment participants could have served in one or more of these roles, currently or in the past.

60. All the complainants responding to the public survey were from the United States, and, on the RA member survey, 23 of the complainants and 30 of the respondents resided within the United States at the time the misconduct occurred, with 2 of respondents residing in Israel.

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- 2 heard about the misconduct third-hand; and
- 10 reported misconduct that occurred at an organizational level.

On the public survey, three complainants said the respondent was a colleague and three said the respondent was a clergy member in their congregation. All those who responded to the public survey said they were adults when they experienced the misconduct.⁶¹

Parties were asked whether the VHK became involved in the complaint. Thirty-four (34) said the VHK did become involved, 25 said no, and eight did not know what happened.⁶²

Unreported Misconduct

It is well-known that misconduct and abuse often go unreported.⁶³ It was therefore imperative to ask whether Assessment participants experienced or observed what they believed to be a possible Code violation and opted not to inform the RA. Of the 353 RA members who responded to this survey question, 26% said they experienced an ethics violation, 17% said they witnessed one, and 6% preferred not to answer.⁶⁴ Five (5) individuals on the public survey indicated that they personally experienced or witnessed something that they thought was a reportable violation but decided not to report.⁶⁵

To better understand which factors may exist as barriers to reporting violations, Assessment participants were asked to share, through an open-ended question, why they elected not to report. There were 106 written responses to this question.

The following themes emerged from those responses:

- Lack of awareness of the reporting process and lack of confidence about whether the behavior was a violation.
- Fear of retaliation or other repercussions.⁶⁶
- Status/position of power of the person engaging in the behavior.
- Lack of trust in the RA/VHK.
- Fear of damaging the reputation of a friend/family member who engaged in misconduct.
- Handled it directly.

61. Ages ranged from 18-75 at the time they experienced the misconduct.

62. Across the public and member surveys, 31 complainants and 33 respondents answered this question.

63. See for example, *Select Task Force on the Study of Harassment in the Workplace Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic, Executive Summary & Recommendations*, U.S. EEOC (June 2016), citing roughly three out of four individuals who experienced harassment never even talked to a supervisor, manager, or union representative about the harassing conduct; and Hutchinson, Darlene, *Fewer than Half of Victims Report Violence Crimes*, Office for Victims of Crime, Office of Justice Programs (December 14, 2017).

64. Female identifying RA members were 84% more likely than male identifying members to witness an incident that went unreported, and RA members working in non-congregational settings were 62% more likely to witness an incident that went unreported than those who work in congregations. There were 352 responses to this survey question, with 7% selecting "prefer not to answer."

65. There were 9 responses to this question.

66. Ninety-four (94) survey participants (89 from the member survey and 5 from the public) indicated they did not file a complaint because they feared retaliation and other repercussions.

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Through the membership survey, rabbis were asked if they had ever been unsure whether their own behavior violated the Code. Eighty-three percent (83%) of the 366 respondents said no, 12% said yes, and 5% preferred not to answer.⁶⁷ Of those who answered “yes,” 35% sought guidance or advice about their behavior outside of the RA, 30% from the RA, and 35% did not seek advice.

Feedback from Those Serving on the VHK

Appointment

In accordance with procedures for standing committees, the VHK Chair is appointed every two years by the RA President with approval from the EC. VHK committee members are appointed in consultation with the President and Chair and with approval from the EC. Eligibility to serve on a Standing Committee is open to members in good standing (as determined by the EC) who have been members of the RA for at least five consecutive years (RA Constitution). It has been the practice of VHK Chairs to recommend current committee members for reappointment. The committee size has historically ranged from 10 to 12 members and has more recently grown to 14 members. Because these volunteer positions require countless hours, it can be difficult for those with full-time positions to serve.

VHK members report feeling appreciated for what they do and for taking their roles seriously. When asked how or why they were selected for the committee, many were unsure. They were not aware of any formal vetting process. They report feeling honored to be part of the committee, although they also conveyed that the role is demanding due to its time commitment, the impact of hearing misconduct allegations, and the responsibilities of supporting both parties.

Role and Responsibilities

Prior to the Spring of 2022, there was no formal job description or orientation for the VHK Chair or committee members; these have since been initiated due to preliminary findings shared with the RA. According to interviews, there are different perceptions across the RA of the VHK’s purpose. Some say its purpose is to protect individual rabbis, and others believe it exists to protect the reputation of the rabbinat. There was similar variance as related to the VHK’s role; VHK members report sometimes serving in an investigative role and at other times as coaches or providing pastoral support.

The Chair appoints VHK committee members to serve on fact-finding panels. The full VHK committee discusses each case and collectively makes recommendations. Like other RA members, VHK committee members recognize the need for expertise in certain cases and have found it helpful when a VHK committee member with secular professional expertise or an outside expert has been available to assist.⁶⁸ They also mentioned the desire to have additional training and support and to increase the number and diversity of committee members.

VHK members appreciate the more recent additions of monthly meetings and opportunities for collective learning. While these have occurred at various points in the past, members indicate that the way the committee operates is Chair-specific, contributing to variances in practices. The VHK Chair sets the tone of the VHK’s operation by leading

67. Male identifying members reported being unsure if their own actions violated the Code at a 114% higher rate than female identifying members. RA members residing in the U.S. were 63% more likely to be unsure of their own actions than members in other countries.

68. For example, some talked about being insufficiently prepared when complaints contained incidents of interpersonal boundaries, emotional abuse, or harassment. File review also showed incidents where the seriousness of a reported behavior may have been misunderstood or missed, leading to multiple complaints about the same individual. Currently, it is a panel’s responsibility to request assistance from an outside expert if desired.

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and taking notes at full committee meetings, selecting VHK fact-finding panels, and serving as the point person for communications with the respondents and complainants about the status of a case. They are also often involved in the fact-finding process.

EC members are responsible for making the final determination about a member's change of status based on the VHK's recommendations. The Assessment found that EC members in general are not familiar with VHK practices and would prefer a more formal orientation about their role. This is also true for RA members appointed as *mashgiah ruhani* (spiritual mentors) to respondents. While those who have served as a *mashgiah ruhani* said the experience has been rewarding, they wish for more clarity around expectations for their role, such as the number of times they were to meet with the respondent, what information should be shared with the VHK, if it was their responsibility to monitor the respondent's behavior, and what constitutes successful completion of their appointment. Several discussed the difficulty of assessing whether *teshuvah* has occurred, and noted that certain cases necessitated expertise beyond their seminary training.

Operation & Standardization

Historically, the RA Executive Vice President and VHK Chair have been the primary contacts for ethics complaints. Assessment interviews and review of VHK files revealed differences in case handling across VHK Chairs and RA staff members, including responsiveness to complaints, attitudes towards parties, and communication and documentation protocols.⁶⁹ The formal VHK Guidelines, which are public, provide general information about the VHK but not a detailed explanation of the VHK process. The VHK has written internal draft protocols and procedures,⁷⁰ but these do not outline specific details of case handling, such as anticipated timeframes for activities, frameworks or standards for decision-making, communication protocols, protocols for fact finding, or documentation practices.⁷¹

The VHK utilizes a protocol developed by the RA's legal counsel to guide documentation and record retention. Review of deidentified case files revealed discrepancies in implementation, with a leaning towards minimal record keeping.⁷² This led some committee members to conclude that it was their responsibility to remain on the VHK to preserve "institutional memory," especially in the event a future complaint involves someone with prior VHK involvement. The Assessment also revealed a lack of documentation about initial inquiries to the RA from potential complainants as well as cases that did not reach the VHK.

Finally, recusal⁷³ is not a routine practice built into case handling at either the VHK or EC levels but rather a duty placed on individual members. There were no notations of recusal in any of the case files reviewed. EC and VHK members were asked if they ever felt uncomfortable being involved in a case due to a personal relationship they had with one or more of the parties to a complaint.⁷⁴ Of the 21 people who answered this question, nine said they never were uncomfortable, six sometimes uncomfortable, five rarely, and one person often.

69. There are differences in how complainants, respondents, and VHK committee members themselves experience the VHK process that appear to correspond to leadership at the RA and VHK.

70. The Executive Council must approve policies of RA committees. That approval process can be lengthy, so the VHK drafted an internal draft document called "VHK Protocols."

71. VHK members use their own equipment (computers and drives), letterhead, and phones for communication and documentation. Notetaking practices are not standardized and are inconsistently present in files, in most instances handwritten and illegible.

72. Case file review showed sparse records, including an absence of complaints, findings, and outcomes. For example, one file contained a single piece of paper, and another contained mostly educational information for VHK members, such as journal articles, making it difficult to determine the case handling process or ultimate outcomes.

73. Recusal refers to a member stepping down from a decision-making role in any case where their relationship with one of the parties creates a real or perceived conflict of interest.

74. There were questions about recusal in the RA member survey and all interviews.

Complainant & Respondent Reflections on VHK Involvement

Complainants and respondents conveyed similar experiences with the VHK in some key areas.⁷⁵ Two notable areas of discrepancy were case handling response times⁷⁶ and the tenor of communications with complainants.

VHK parties and the RA report that, in the past few years, there have been improvements in the RA's and VHK's attention and responsiveness to parties. At the same time, surveys and interviews underscore a lack of consistency and standardization in case handling that continues to this day and negatively impacts parties' experience with and confidence in the VHK process.⁷⁷ Complainant responses ranged from those saying, "they seemed to take my concerns seriously" to others indicating that their phone calls were not returned or they were not informed about the status or outcomes of their complaints. Respondents appreciated the way the VHK committee members took their roles seriously but also shared frustration that they did not hear from the VHK in a timely manner, and there were no clear expectations conveyed to them by the VHK.

Both respondents and complainants reported feeling most respected when VHK representatives took time to listen to them and conversed in a sensitive tone but disrespected when they perceived demeaning tones in VHK communication. Numerous complainants specifically discussed the tone of disbelief or minimization.⁷⁸ A few respondents added that their questions were met with tones of annoyance, nonresponse, or joking. While they recognized that the joking may have been well intentioned, given the seriousness of their concerns, it was not appreciated.

Two complainants raised concerns about safety and a lack of dignity and privacy when their correspondence to the VHK was sent directly to respondents (including forwarding emails) without prior knowledge or consent, contributing to feelings of distrust about the VHK process.

I wanted to know what would be involved in the VHK process and how long it would take. I never got a straight answer.

~ VHK Respondent

I do not believe my complaint was sent to the VHK. If it was, I was never informed.

~ VHK Complainant

I was treated as if I was the problem rather than as one reporting the extremely problematic and unethical behavior of my colleague."

~ RA Member

75. Feedback was requested from anyone who had some interaction with the VHK (current and former VHK committee members, complainants, respondents, witnesses, RA staff, EC members). This was done in interviews and on both surveys (through open-ended questions). See Appendix G, Comparison Chart: Satisfaction with VHK Process (charting survey participants overall satisfaction with the VHK).

76. There were periods of protracted response time, during which it could take three to nine months before action was initiated on a complaint.

77. Those who participated in a VHK process as either a party or a witness were asked what activities occurred in that case (e.g. interviews, other evidence collection, referrals to resources, etc.) as well as their satisfaction with the process.

78. This tone also appeared in some of the notes in the case files that were reviewed.

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Personal Toll & Retaliation

Complainants discussed the enormous personal impact of filing a complaint. Whether the complainant was a congregant, RA colleague, or acquaintance of the respondent, complainants said they felt guilt and shame for reporting the rabbi.

Complainants experienced a range of personal and professional repercussions for their decision to report. For example, most said they experienced some type of loss, whether it was family, friends, faith, a job, or place of worship. Some experienced or feared future retaliation.⁷⁹

Several complainants described how the VHK process has been weaponized by rabbis who abuse power rather than being used as a mechanism to uphold high ethical standards. This is especially true for complainants who are RA members. Some indicated that the respondent filed or threatened to file a counter complaint.⁸⁰ Others were told they would never find another good placement if they pursued a complaint.

It is incredibly isolating to make a complaint, especially against one of your colleagues.

~ RA Member

The complaint was immediately dismissed as the rabbi who brought it claimed I was harassing him by reporting his misconduct, so the answer is, technically, yes, I've been reported.

~ VHK Respondent

I was harassed, bullied, and intimidated by my colleague for years after the complaint was filed.

~ VHK Complainant

Mechanisms of Support

Parties discussed the emotional and spiritual impact of going through a complaint handling process. Many complainants related that they could have benefitted from support, such as pastoral counseling, and while some were connected to these resources, many more were not.

The respondents who were connected with a *mashgiah ruhani* said their spiritual mentor was helpful as a means of support. At the same time, both respondents and those serving in the role of *mashgiah ruhani* expressed confusion about what information about the spiritual mentoring sessions was expected to be shared with the VHK. They raised the question as to whether someone in a mentoring role could build an authentic relationship with a respondent with a reporting responsibility.

79. Specific examples provided by victim-survivors were being bad-mouthed in their communities, denied professional recommendations, harassed, and subjected to ongoing misconduct.

80. The bases of these complaints were encroachment, not respecting/obeying a senior rabbi, or *lashon hara* (derogatory statements about private matters or gossiping). Several RA members said that the fear that they might be found to have violated the prohibition against speaking *lashon hara* if the VHK did not find their ethics complaint to be true prevented them from filing a complaint in the first place.

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I was angry that people saw I was struggling, and no one helped me get back on my feet.

~ VHK Complainant

Attention often goes to support of the rabbi and the congregation, and lay leadership is left to navigate fallout without resources and guidance.

~ VHK Complainant

Requests for information from counselors in some way makes me moderate what I tell them

~ VHK Respondent

Assessment participants remarked about a need for a holistic response that informs and supports the people and organizations impacted by an ethics violation. In numerous instances, there were gaps in knowledge or misalignment between what was happening at the RA level and what was happening on the ground at the rabbi's place of employment, leading to confusion and frustration and sometimes creating safety risks.⁸¹

THE RA'S CULTURE

In examining codes and procedures for upholding ethics, we asked RA members about their experiences with issues related to promoting a culture of safety, respect, inclusion, and engagement.

RA members were asked in their survey to rate the RA's culture of inclusion, respect, safety, and engagement on a five-option Likert scale ranging from very poor to excellent. Fifty-six percent (56%) to 70% of members responding to this question provided positive scores.⁸² Male identifying members, rabbis who work in synagogues, and rabbis who have been RA members for longer periods of time provided higher ratings in the categories of inclusion, respect, and safety than their counterparts.⁸³ Female identifying congregational rabbis who have been members for more than seven years report the highest levels of engagement.⁸⁴

When asked if they have experienced, witnessed, or observed problematic behaviors, members reported:

- 39% have experienced or observed problematic behavior from their peers.⁸⁵
- 37% have experienced or observed problematic behavior from leaders at their place of employment.
- 48% experienced or observed problematic behavior from members in their community.⁸⁶
- 75% feel comfortable intervening when they see someone engaging in concerning behavior.
- 60% know where to go for guidance about problematic behaviors.

My membership in the RA has helped give me a circle of colleagues, a sense of professional direction & purpose.

~ RA Member

81. Parties were asked through surveys if the VHK reached out to the respondent's employer to inform the employer about the complaint and to inquire if any support was needed. Of 31 responses to this question from both surveys, 19% said that the RA had reached out and 52% did not know.

82. See Appendix H, Questions About RA's Culture from Membership Survey.

83. Id. Male identifying members rated the RA as 9% more inclusive than female identifying members. Rabbis working in congregations rated the RA's culture as more inclusive (10%), more respectful (6%), and safer (5%) than members who work in other settings.

84. Id.

85. Female identifying members were 15% more likely to believe they have witnessed problematic behaviors than male identifying RA members.

86. RA members whose primary work setting is a synagogue were 14% more likely than rabbis working in other settings to have experienced or observed problematic behaviors in their community.

The Topics Listed Below Emerged as Themes

Members had the opportunity to share one action to bolster the RA's culture.⁸⁷

Diversity & Engagement

RA members identified a need for more concerted effort to honor and value the perspectives of members across all identities.

They said those from the following groups have often not received the same attention, recognition, or opportunities:

- Gender (female/non-binary).
- Sexual Orientation (LGBTQIA+).
- Age (both younger and older).
- Disability (all types).
- Socioeconomic Status.⁸⁸
- Language (for those whose first language is not English).
- Conversion to Judaism.
- Ordination from an accredited institution from outside of the denomination.
- Second Career (when individuals joined the rabbinate later in life).
- Non-Congregational rabbis.
- Ideological differences (those aligned with more conservative political and religious views).

—————
*Redefine success in the
rabbinate beyond job title,
power, and celebrity status.*
~ RA Member
—————

RA members reported a sense that the RA's lay leadership is not as representative as its diverse membership. They noted that the same people tend to be in charge of events, featured in programming, and participating on committees. RA members reported being uncertain of how to join a committee and want the process to be more transparent. They would like to see an expansion of qualifying criteria and limitations on the number of committees someone can sit on at once.⁸⁹ Some who sit on committees noted that they would value more engagement and collaboration with other committees.

Members also requested that the RA account for these different identities in their communications, resources, and learning forums. For example, they suggest that the RA should eliminate the use of binary pronouns, highlight the work of rabbis who hold diverse identities, and create opportunities for members to learn how to have conversations across ideological differences.

87. There were open-ended questions about safety, respect, diversity, inclusion, and engagement on the member survey. Similar questions were asked in listening sessions and interviews.

88. Some members suggested that the RA use more of an equity lens for dues and programming. They reported that many members do not make a lot of money, and they suggest that there should be a sliding scale based on income for member and program fees.

89. The RA reports that diversity, along with skill set and experience, is now a key factor in committee appointments, and there is an open call and application process.

THEMES AND FINDINGS

Importance of Connection

Throughout the Assessment, participants communicated that the inherent power differential between rabbis and other members of the Jewish community should be accepted as a reality of the role. They also voiced that to account for this power differential, boundary setting is imperative in all aspects of rabbinic life. This can often lead to isolation, which bolsters the need for connection. Balancing professional and personal relationships when there is a risk of abuse of power is not easy and can lead rabbis to feel isolated.

RA members consistently mentioned the significant strides that the RA has taken over the past few years. Members report heightened outreach, involvement, and engagement. During the pandemic, there was more intentional outreach to members, especially those who have historically been overlooked, and participants expressed appreciation for these efforts. Members expressed their desire for this outreach to continue and requested increased contact with the RA staff and other members, including more face-to-face interactions in small groups.

There is a noticeable improvement in listening to members who in the past have felt ignored (or worse), as well as checking in with colleagues who might be going through rough times.

~ RA Member

Presence of Disrespect in RA Forums

Members indicated that the RavNet listserv is a primary source of disrespect. RA members described RavNet as a place to share and seek advice from colleagues. However, due to personal attacks and fighting on the forum, many reported that it no longer serves that purpose for them. Some members have disengaged, others want it to be more closely moderated or have a narrower scope, and some believe it should be shut down. Since learning about the feedback on the membership survey, the RA has updated its RavNet interaction guidelines and procedures.

Ravnet is a place where colleagues are less than respectful. I have stopped reading that feed and never felt that I wanted to post there because of that.

~ RA Member

Toxic Workplaces

While this Assessment was focused on the conduct and ethics of rabbis, many RA members discussed the bullying, emotional abuse, and sexual harassment they directly experienced in their places of employment, especially from lay leadership. In interviews, several rabbis described their workplaces as “unsafe” and shared concerns about toxicity. There was a feeling of helplessness and concern that any action on their part could impact their careers. They would like the RA to be a place where they can turn for advice, support, or protection.

I suffered abuse and harassment while serving as a pulpit rabbi. I was totally alone and without support.

~ RA Member

Rabbis are vulnerable to boards who are operating with no standards. We also routinely withstand abuse and harassment because complaining would only worsen the situation.

~ RA Member

Education & Resources

Members would like to see proactive and positive education around rabbinic conduct and have opportunities to meet with their peers to discuss how to navigate complicated situations they can face as rabbis. Many RA members are accustomed to the mandated training requirements of other professions and are open to having similar requirements. RA members were asked to select which training topics would be most useful to them.⁹⁰

Ten topics received a 32-47% selection rate, with the most requested topics being:⁹¹

- Conflict Resolution (47%);
- Building a Culture of Transparency and Trust (42%); and
- Creating Healthy Boundaries (41%).

The more senior you go, the more training you should get.
~ RA Member

Members indicated they want to be involved in the adaptation of the Code to reflect the RA's diverse and global membership. RA members offered suggestions, beyond training, for how the RA can be more supportive of rabbis in the implementation and understanding of the Code and the VHK process.⁹² Suggestions included case and text studies, discussion groups, regularly publicizing information about ethics, signing attestations, and seeking confidential advice on conduct and ethics. The Assessment showed that there are increased vulnerabilities for abuse of power during times of transition, including first placement, new placements, and retirement of a senior rabbi, among others. Members asked for specific education on the Code that is relevant to their rabbinic setting as well as support during times of transition.

Additionally, through the membership survey, rabbis said they would likely use the following resources, whether provided directly by the RA or through referrals and external resources:⁹³

- Sample policies to respond to harassment, discrimination, and other abuses of power in the workplace (65%)
- Sample organizational protocols and policies to respond to safeguarding youth (63%)
- Legal consultation (51%)
- Study groups (45%)
- Pastoral counseling (42%)
- Process for requesting ethical opinions (38%)
- Assistance with an abusive work environment (35%)

90. This was a "mark all that apply" question, with 20 topics listed, as well as a write-in option. 287 members responded to this question.

91. The other eight most selected topics were Mental Health, Trauma-Informed Communications, Coaching, Self-care, Supporting Victim-Survivors, Responding to a Disclosure, and Understanding Power Dynamics.

92. There were 105 written suggestions to this open-ended question on the survey.

93. See Appendix I: Likelihood to Use Resources.

BUILDING STRONGER ALIGNMENT

Globally

One of the unique aspects of the RA is its global reach. Yet the RA's main office is based in New York City, and 80% of its membership is based in the United States.⁹⁴ This creates challenges for meeting the needs of its entire membership, given the vast cultural and regional differences across and within continents. To strengthen its relationship with members living outside of North America, the RA hired a staff member focused on global membership engagement and is also working to bridge relationships with international organizations.

The RA organizes its membership into regions, with regional representatives or liaisons for Europe, Israel, North America, and Latin America. Global RA members look to North America for best practices in ethics and believe North American codes of conduct and complaint handling processes have been given more attention than those elsewhere. At the same time, Global RA members living outside of the United States also report greater familiarity with the Code and have higher trust in the VHK than their counterparts living within the United States.⁹⁵ There is a belief that one Code can outline general expectations, but it must account for different cultures and legal systems. This requires more than translation; it requires taking the meaning behind each provision and discussing how to actualize it in a different culture.

Due to the smaller size of the Conservative/Masorti communities outside of North America, RA members discussed the strong relationships that exist between rabbis and their communities, and among the rabbis serving these communities.⁹⁶ These connections are seen as both an asset and a challenge, especially when addressing concerns about ethics.

The global liaisons often field questions and concerns for community members and rabbis living in their region. Global members also would like to know how to be more connected to VHK processes. The VHK has recently added committee members from global regions.

We have to be very sensitive and honest. Ethics can't be disconnected from the place we live or the local manners.

~ RA Member

As RA global liaisons, we need to be trained as first responders.

~ RA Member

In Israel there is nowhere to report things that happen. People won't go to the police. It is not just shaming the rabbi but shaming the religion.

~ RA Member

94. Additionally, there are seminaries and organizations operating internationally. The RA does not necessarily have the same connection with these entities as it does with membership organizations in North America. For example, the RA is now connected through joint leadership with the USCJ, which only serves North American synagogues.

95. See Appendix E: RA Member Familiarity & Knowledge about the *Va'ad HaKavod*.

96. For example, rabbis in Europe tend to have closer relationships with rabbis in Israel than with those in North America.

Across Conservative/Masorti Affiliated Organizations

There are different ideas about how to respond collectively to misconduct by rabbis, lay leadership, or professional staff. Some of the tension stems from not trusting the process for handling misconduct, some from organizations wanting to remain independent from one another, and some from aligning different cultural perspectives about *halakhic* and interpersonal boundaries.

It will be more challenging for us to address problems if we have standards and congregations don't.

~ RA Member

Various examples highlighting the disconnect among organizations were shared, such as:

- Organizations being unaware that there was an ethics complaint filed, or, if they were aware, the details of the complaint, like the basis of the complaint, were not shared.
- Organizations that continue to celebrate or employ a rabbi whom the VHK had found responsible for misconduct.
- Organizations entering into non-disclosure agreements that prevented proper handling of an ethics complaint or forbade informing other communities about a problematic rabbi.
- A culture of open secrets about synagogues that had abusive work environments and rabbis having no place to report the abuse they experienced by lay leaders without fear of retaliation.

Unify the RA, JTS, Jewish Federation, USCJ's approach to clergy sexual misconduct.

All the players must be in sync.

~ RA Partner

Working together is paramount. It is not rabbis vs. cantors or rabbis vs. synagogues but really all of us against injustice and harm.

~ RA Member

There is not enough understanding about how each of the organization's ethics processes work, including potential outcomes and limitations. Assessment participants advocated for more coordination across the denomination to mitigate the movement of problematic rabbis from community to community.

The Assessment raises the following questions to foster coordination, which may be helpful in creating a more cohesive and standardized ethics process across the denomination.

- Knowing that the RA cannot revoke ordination, what should be the duty and the response of organizations that engage the rabbi as an employee or volunteer where the VHK has determined there was an ethics violation?
- Could the RA better support organizations in making responsible decisions about a rabbi under investigation by sharing more information?
- What obligations, if any, should an organization have to report rabbinic misconduct to the RA?
- How can education about rabbinic ethics be shared more widely?
- Are there ethical provisions in other codes of conduct that can be the same or similar to those in the RA's Code, such as definitions of harassment, bullying, sexual violence, financial misconduct, etc.?
- Do seminaries have a duty to revoke ordination and, if so, under what circumstances?
- Can organizations create a collective ethics process?

RECOMMENDATIONS

[I am] comforted by what the future of the RA can look like, and the future of the community can look like.

~ RA Member

OVERVIEW

The Assessment confirmed wide support for the Rabbinical Assembly's undertaking to revise its Professional Code of Conduct and strengthen the Va'ad HaKavod process to address ethical violations. There is appreciation that guiding the interactions and practices of a diverse membership with a single document is complicated.⁹⁷

The Code and VHK process must be grounded in the RA's values and serve as the backdrop for this change. A Code cannot foresee every circumstance that may arise, but sustainable culture shifts occur when values are centered and integrated into daily practice. During the Assessment, the RA demonstrated a commitment to the process by not only actively encouraging members and leadership to participate, but also by listening and making changes based on the needs and themes that emerged during the Assessment (*see the sidebar on the next page: Steps Taken by RA to Implement Recommendations*).

Judaism remembers what philosophy sometimes forgets, that morality is not just a matter of knowledge but also of action. (Rabbi Lord Jonathan Sacks zt"l)

The recommendations that follow reflect the best thinking of Sacred Spaces based on the information gathered during this Assessment, our experience, research, and best practices from the field. We recognize that there can be other approaches to address the identified concerns and that variations may need to occur to facilitate sustainable change.⁹⁸ The work ahead for the RA is in applying this knowledge to strengthen their ethics processes and take action, as the late Rabbi Lord Jonathan Sacks exhorts us to do. The recommendations are aligned with the core Themes and Findings presented earlier, and are offered as guideposts to aid the RA in this undertaking.⁹⁹

97. Assessment participants expressed confidence that this can be done if the membership is engaged in both the Code's revision and in the creation of supporting documents grounded in real situations members face.

98. It will be incumbent upon RA to decide how to implement these recommendations in a way that accounts for the RA's capacity and resources and leads to sustainable culture change and a trusted ethics system.

99. The RA has already implemented some of the recommendations based on discussions with Sacred Spaces throughout the Assessment process. See supra note 32.

Structure of Recommendations

There are several foundational changes that shift the goals and operations of the VHK. These are outlined first. The subsequent recommendations are grouped by the values they aim to promote - e.g., transparency, integrity, accessibility, safety, accountability, fairness, inclusion, and support.

The values and ensuing recommendations are interconnected.¹⁰¹ The categories do not appear in order of significance, and each contains substantial recommendations, some small and some more extensive. Where possible, recommendations have been arranged by current practice, proposed practice, and the rationale for the proposed changes. This information provides fuller context for how each recommendation promotes the relevant values and best practices, thereby enabling the RA, in consultation with expert advisors, to implement functionally equivalent changes that address identified concerns when necessary.

Although the Assessment focused on the Code and VHK processes, Sacred Spaces found that many areas of the RA's operation were interdependent with the formation and understanding of the Code and the processes for upholding its provisions.¹⁰² Accordingly, the recommendations extend beyond the Code and VHK.

¹⁰¹ Many of the recommendations are relevant to several of the value categories.

¹⁰² Examples include membership approval, the function of key RA committees, such as Jewish Law and Standards and Joint Placement, and the interactions the members have with each other and the experiences they have in their communities.

Steps Taken by RA to Implement Recommendations

A few of the recommendations initiated by the RA while the Assessment was ongoing include:

- Increasing expertise by use of outside consultants to advise and expand the skill sets of VHK panel members.
- Creating more uniformity in the VHK process by developing a bank of communication templates, improving response times, and initiating a formal orientation process for new VHK and EC members.
- Promoting more safety during the VHK process by increasing communication with complainants and informing respondents about the prohibition of retaliation.
- Improving knowledge about ethics by creating a new ethics page on the RA website, including a column on ethics in the membership newsletter, and disseminating updates on the Code in English and Hebrew.¹⁰⁰

¹⁰⁰ Sacred Spaces heard throughout the Assessment about the need for the RA to simplify language; provide all materials available in Hebrew, Spanish, and English; and, wherever Hebrew is used, include an English translation. Some even suggested changing the name of the VHK to the Ethics Committee.

Fundamental Shifts

VHK Purpose

The VHK is currently described as:

- “The committee...with the very important responsibility of responding to charges of alleged inappropriate actions, be they religious, ethical or moral, of [RA] members in all areas of their life and work.” (VHK Guidelines)

With a role of:

- “[H]earing alleged inappropriate actions” (RA Constitution) and “investigat[ing] the allegation(s) to determine if there has been rabbinic misconduct as defined in the RA’s Code of Professional Conduct.” (VHK Protocol)

Despite these descriptions, Assessment participants consistently shared confusion about the VHK’s purpose. The three common and competing beliefs focused on whether the VHK’s role is to protect: 1) individual rabbis; 2) the reputation of the entire rabbinate; or 3) the Jewish community served by the Conservative/Masorti rabbinate. As was often noted, these roles are in direct conflict.

To firmly ground the ethics complaint process in promoting safety and accountability, the purpose of the VHK should be:

To **protect** those served by the RA rabbinate, **safeguard** the sanctity of the name of the rabbinate, and **support** individual rabbis.

VHK Scope

It is recommended that the VHK only handle complaints that fall into the category of professional ethics. Requirements of membership related to administrative issues (e.g., payment of member fees or obligation to keep current addresses on file) should be removed from the Code, and complaints about *halakhic*/ritual issues¹⁰³ (e.g., performance of conversion or interfaith marriage) should be removed from the VHK’s purview. We recommend that these obligations for membership be included in documents separate from the Code of Professional Conduct and handled by processes outside of the VHK.

Taking into account the Assessment findings, including the weight of the issues, Sacred Spaces considered what is most likely to enhance accountability, safety, fairness, and effectiveness in the near future while longer-term models are under consideration. The recommendations that appear in this Report are modifications, some significant, to the current process of having the VHK within the RA and apply only to the handling of the category of conduct under professional ethics. Many of these recommendations outline best practices that should apply whether the ethics process continues to live within the RA alone or evolves over time to be denomination wide or cross denominational, as per our discussion on the next page.

103. Complaints about the performance of civil marriage, private ordination, and interfaith marriage are examples of rituals that would not go to the VHK. These are determined by the RA as *halakhic* rabbinic practices of Conservative/Masorti denomination. Members should be well-informed about these positions, and there should be a consistent response when they are not followed.

VHK Models

The RA can pursue various permutations to handle ethics complaints. No system is perfect; each has advantages and drawbacks.

Sacred Spaces suggests that the RA seriously consider organizing a VHK process that operates across the Conservative/Masorti denomination or in partnership with rabbinic organizations from other denominations. The primary benefit of these two models is the creation of a more cohesive and standardized ethics process. Abuses of power and handling professional ethics violations are not exclusive to any one organization, profession, or denomination. A shared (or unified) system recognizes this reality, allowing organizations and denominations to learn from each other's experiences, create shared language and expectations, propel improvements forward more broadly, share the risk and responsibility inherent in this work, and prevent rabbinic offenders from moving from organization to organization. These models require several independent organizations to share power and to collaborate on complex issues, establishing a system that is aligned with each organization or denomination's stated values, practices, and culture. This can take time and must be done intentionally.

Another model for future consideration is similar to many local and state bar associations. In this model, the RA retains the ethics process in house but moves from a VHK system using volunteer-members to an ethics and complaint process that is formally operated by full-time professionally trained staff. This can lead to more formality in the processes and outcomes of case handling. This may be an option depending upon the demand on the VHK.

Another common option is having the entire reporting and investigation process handled by an outside third party. Several factors should be noted with this approach: 1) It would not relieve the obligation of the RA to have an in-house process if someone decided to file a complaint directly with the RA; 2) if handled by a law firm, legal privilege would need to be waived, and the entity could not function as representative of the RA so as not to create a conflict of interest; this option also introduces the potential for a loss of rabbinic guidance and a different set of guiding values; and 3) it would increase the cost to the RA, potentially impacting the resources available to support victim-survivors and help respondents in addressing their misconduct.

EXPERTISE

וְאַתָּה תִּחְזֶה מִכָּל־הָעָם אַנְשֵׁי־חַיִל יְרֵאֵי אֱלֹהִים אַנְשֵׁי אֱמֶת שֹׂנְאֵי בָצַע...וְהִקֵּל מֵעַלְיָהּ וְנִשְׂאוּ אֶתָּה: אִם אֶת־הַדָּבָר הַזֶּה תַעֲשֶׂה וְצִוְּךָ אֱלֹהִים וְיָקֻלְתָּ עִמָּד וְגַם כָּל־הָעָם הַזֶּה עַל־מִקְמוֹ יָבֹא בְשָׁלוֹם: (שמות י"ח:כ"א-כ"ג)

You shall also seek out, from among all the people, capable individuals who fear God -- trustworthy ones who spurn ill-gotten gain...mak[ing] it easier for yourself by letting them share the burden with you. If you do this -- and God so commands you --you will be able to bear up; and all these people too will go home unwearied. (Exodus 18:21-23)

Just as Yitro famously advised his son-in-law Moshe on how to design a more efficient system of justice, the following recommendations aim to create a VHK that is positioned to carry out its responsibilities efficiently and credibly. They address harnessing the expertise of secular professionals, reducing bias, increasing diversity, preventing burnout, and standardizing VHK practices across panels and Chairs.

Create a Professional Staff Position

Current	The RA does not have a full-time staff position designated to oversee or assist the VHK.
Recommendation	<p>The RA should retain a dedicated, full-time professional staff position to oversee the intake of complaints and serve as a VHK case coordinator. This individual, referred to as the RA Ethics Director,¹⁰⁴ will be the:</p> <ul style="list-style-type: none"> • Point of contact for the public on ethics complaints. • Liaison to the VHK. • Coordinator of ethics education and engagement opportunities for RA members.
Rationale	<p>It is anticipated that the Ethics Director will be responsible for conducting intakes on ethics complaints; checking in with the complainant, respondent, and other relevant parties; and monitoring VHK cases for retaliation and compliance.¹⁰⁵</p> <p>Overseeing a complaint intake process and serving as a liaison to the VHK is a full-time responsibility that requires specialized training on crisis management; conducting intakes; and interacting with complainants, witnesses, and respondents in a trauma-informed manner. Additionally, having a staff position whose role is dedicated to ethics will help improve coordination and communication with the parties, standardize the response to complaints, and maintain a focus on ethics for RA members.</p>

104. This title is being offered as a suggestion, but the RA will create a title and role that is most fitting.
 105. For additional information on these responsibilities, see recommendations about central intake, found under Access, and recommendations about monitoring, found under Accountability.

Add External Expert as an Advisor to Every VHK Case

Current	There is acknowledgment that the “complexity and seriousness of these cases may require the VHK to consult with qualified professionals and/or with legal counsel.” (VHK Protocols)
Recommendation	Appoint an outside expert to serve as an advisor on every VHK case. This expert will advise throughout the life of the VHK case and have professional expertise on the primary presenting issue in the complaint. They will work in lockstep with VHK members assigned to a complaint, requiring that every panel also have an additional advisory seat. The VHK should create a pool of qualified experts from which those advisors can be drawn. ¹⁰⁶
Rationale	<p>Given the sensitive and complex nature of many of the areas coming before the VHK (e.g., sexual misconduct, addiction, stalking and harassment), having an expert advisor who is professionally trained on the issue raised in the complaint will improve the depth of understanding of the VHK. If experts are only being consulted discretionarily, they will certainly be brought in on the most serious cases, but it will be a question to surmount each time whether to consult the expert advisor. By establishing a standard practice of integrating experts as advisors on every case, the VHK will also be more efficient, not needing to wait for outside professionals to be available before engaging in fact finding.</p> <p>Moreover, having an advisor involved in all case handling activities helps to ensure that all members of the team are privy to all conversations and facts, eliminating unintended gaps in information sharing that might exist if the expert advisor was brought in to consult only at select times rather than participating in all aspects of the panels’ processes, including panel meetings, conducting interviews and other fact finding, reviewing the panel’s report, and decision-making.¹⁰⁷</p>

106. There are professionals at various levels of skill, knowledge, and experience who call themselves experts. To be in a pool of experts for VHK processes, the professional must be able to demonstrate at a minimum that they have specialized training, licensure, or certification in their field; have worked extensively in the topic area; are recognized as an expert by others in their field; and remain current on research and best practices. Experts should not sit in a privileged relationship with the RA since such a relationship would create a responsibility to protect the RA, which could be in conflict with providing neutral advice.

107. Recognizing that this recommendation carries with it a significant cost, if the RA is unable to follow this recommendation fully or immediately, there are gradations that can be considered for implementation over the course of the next year, including having the expert participate in all panel meetings but advise panel members on how to conduct fact finding rather than participating in the fact finding themselves; conducting only one or two interviews with other panel members shadowing for experiential training and then taking over the interviewing; and participating in key panel meetings rather than all panel meetings, such as meetings in which a plan for fact finding is developed, information is analyzed, and the report is outlined or reviewed.

Restructure the Role of the VHK Chair

Current The VHK Chair works closely with and directs the VHK committee members, establishes VHK operational practices, oversees and documents VHK meetings, serves as the primary contact with both parties on behalf of the VHK, participates in fact finding, monitors respondents' compliance with VHK recommendations, and acts as liaison to the RA leadership.

Recommendation Alleviate the Chair from the duties of handling individual complaints to be better positioned to lead and guide the operation of the VHK.¹⁰⁸ The primary responsibilities of the Chair would be:

1. Serve as the liaison to RA leadership on issues relating to the VHK, including presenting to the Executive Council (EC) when the VHK is recommending a change of membership status.
2. Convene the VHK committee.
3. Review protocols and practices and propose any needed modifications.¹⁰⁹
4. Assist in the recruitment and selection of committee members, including outside experts.
5. Assign committee members to panels.
6. Serve as mentor for committee members and sounding board for panels.
7. Set expectations, monitor committee member compliance with VHK protocols and practices – including being designated to receive complaints about VHK case handling or deviations from VHK protocols – and take corrective action if needed.
8. Routinely review case files and all formal VHK documents, such as findings of fact, recommendations, and correspondence with the parties to ensure consistent documentation and compliance with record-keeping protocols.
9. Coordinate trainings and other resources for VHK members in collaboration with the RA Director of Ethics.

Rationale Ensuring that the VHK structure and protocols are in line with best practices and that those protocols are upheld requires oversight of the system as a whole and support for VHK members. Shifting the role of the Chair away from the duties of handling individual complaints frees the Chair to guide VHK operations. This promotes compliance of the overall VHK process as well as mentorship and support for VHK members. Restructuring this role also allows the Chair to increase the capacity of committee members to handle complaints by overseeing a robust onboarding process and continued education. Separating oversight from day-to-day involvement with individual cases allows the Chair to ensure compliance of the VHK and individual panels.

108. Consistent with this recommendation, communication with the parties throughout fact finding should move from the VHK Chair to VHK panel members. Each panel should identify who will contact the complainant and who will communicate with the respondent.

109. See Recommendation for VHK protocol development, under Transparency.

Formalize Selection of VHK Chair and Committee Members

Current	<p>The RA Constitution states that:</p> <p>Unless otherwise provided by this Constitution, the terms of office of all standing committees shall be two years, or until a new President of the RA shall assume office... Eligibility to serve ... is open to members in good standing as determined by the Executive Council (EC) who have been members of the RA for at least five consecutive years... The VHK “shall consist of a minimum of three members ... appointed by the President in consultation with the Executive Vice President and approved by the EC, said members shall be rabbis possessing maturity of judgment, deep learning, compassion, sensitivity, and the respect of their colleagues.”</p>
Recommendation	<ul style="list-style-type: none"> • Convert VHK committee member selection from Chair appointment to an application process consistent with the process for other committees. • Add a second VHK leadership position such as a Co-Chair or Vice-Chair.¹¹⁰ • Develop job descriptions for the Chair and VHK committee positions to foster a collective understanding of the roles. • Identify criteria for VHK Chair appointment and committee selection as well as disqualifying criteria or circumstances for removal.¹¹¹ • Implement term limits for the VHK Chair (for example, two years with one possible consecutive term renewal). • Implement term limits for committee members to 3-4 years, and limit the number of periods of consecutive renewal.
Rationale	<p>The above recommendations serve several purposes. First, they promote transparency about the selection of these important positions and clarify the expectations of the roles. This assists people in analyzing for themselves if they have the time and credentials to serve. Second, they reduce bias in the selection process, as the appointment expands beyond two people. Third, they create more stability since appointment and terms of committee members are not tied to the Chair’s term or appointment.</p>

110. The RA may want to consider dedicating one of these roles to someone from outside of the United States.

111. In developing criteria for selection, the RA may want to consider factors such as the ability to recognize personal bias, comfort in dealing with complex and sometimes competing principles, and the ability to work in a collaborative manner with other committee members. A reference check process is also recommended where the RA, VHK Chair, or another appointed person speaks with at least two people who know the applicant and can respond to their integrity, responsibility, and interactions with others.

Expand and Diversify Membership on the VHK Committee

- Recommendation**
- Expand the number of individuals serving on the VHK, with a goal of reaching a minimum of 30 committee members in the next five years
 - Recruit committee members who reflect the multiplicity of the RA membership. Participants shared how helpful it is when VHK members bring experience beyond the rabbinate. Consider prioritizing factors such as relevant and intersecting secular professional education and training, diverse geographic and professional settings, age, gender identities, and other visible and invisible marginalized identities.

- Rationale**
- Increasing the number of individuals available to handle complaints on behalf of the VHK:
- Helps expedite the process (allowing more than one panel to operate simultaneously);
 - Reduces burnout of VHK members (by reducing the number of complaints each individual is involved in);
 - Increases the opportunity to diversify each panel by enhancing the VHK committee as a whole so that it better represents the diversity of the RA membership;
 - Ensures that at least one panel member is able to speak the first language of the parties;
 - Promotes recusal and reduces stress when someone believes they are potentially conflicted (since more people are available to step in); and
 - Affords the opportunity for each case to be assigned its own fact-finding and decision-making panel.¹¹²

In addition, the RA can consider whether to appoint dedicated international VHK panels or have global community members integrated across all cases.

¹¹². See recommendation on bifurcation of process under Fairness.

Increase Readiness and Capacity through Onboarding and Education

- Recommendation**
- Provide a robust orientation and training to assist in better understanding the goals of the committee, roles and responsibilities of the Chair and members, and standards and practices associated with case handling. Onboarding should also have mentoring and shadowing components.
 - Offer the VHK committee regular training aimed at increasing capacity to investigate and handle complaints in a trauma-informed manner. Potential training topics include understanding trauma and what it means to be trauma-informed;¹¹³ neutrality and fairness in case handling; how multiple forms of abuse of power can be related and the dynamics of offending; intersectionality of people's identities; and best practices around interviewing, documentation, and evidence collection.¹¹⁴

Additional Recommendations to Enhance Expertise

- Include information in onboarding of key RA committee positions. Provide more information about the VHK to the Administrative Committee (AC) and EC as part of their orientation process. Consider including in-depth training about the purpose and operation of the VHK.
- Involve RA staff and others who may be situated to receive disclosures of rabbinic misconduct in relevant trainings so that they can provide consistent information about the VHK process and be trauma-informed in their interactions.

113. An organization that is trauma-informed understands and accounts for the widespread impact of trauma and responds by integrating that knowledge into its policies, procedures, and practices. This includes actively working not to retraumatize individuals and integrating the six guiding principles of trauma-informed care. Infographic Transcript, Key Components of Trauma Informed Care, University of Buffalo, School of School Work. Retrieved from <https://socialwork.buffalo.edu/content/dam/socialwork/social-research/ITTIC/Trauma%20Talks%20Transcripts/Key%20Components%20of%20TIC%20Infographic%20Transcript.pdf>.

114. For the list of topics that VHK committee members identified, see Appendix J: Suggested Training Topics for VHK Members.

TRANSPARENCY

הַנְסֻתָּרַת לַיהוָה אֲלֵהֵינוּ וְהַנְגָּלִית לָנוּ וְלִבְנֵינוּ עַד־עוֹלָם לַעֲשׂוֹת אֶת־כָּל־דִּבְרֵי הַתּוֹרָה הַזֹּאת: (דְּבָרִים כ"ט:כ"ח)

Concealed acts concern God; but with overt acts, it is for us and our children to forever apply all the provisions of this Torah. (Deuteronomy 29:28)

We recite this line each year on the High Holidays to remind ourselves that, though some of our behaviors may be known only by God, we remain accountable for our actions. Deuteronomy 29:28 serves as an annual reminder that we must enforce the legal, ethical, and moral standards of our tradition when violations come to our attention. We must make this a part of our daily lives, approaching this sacred work with an awareness that situations we may be tempted to deal with quietly often require a more transparent response process. Our ability to do so is enhanced when we have a broad awareness of the processes involved and internal clarity about how the work will be completed. As such, the recommendations that follow seek to increase awareness of the VHK and its processes and allow the VHK to establish and maintain internal protocols and practices that reflect current best practices.

VHK Establishes its Protocols with Input and Approval from the Executive Council

Current	The procedures of the VHK are subject to Executive Council (EC) approval.
Recommendation	The VHK should be responsible for setting policy and protocols related to the complaint handling process. The EC should have a window of opportunity to review, provide input, and approve. This recommendation does not change the EC's role in deciding criteria for membership, specifically the authority to approve changes of membership status.
Rationale	VHK protocols and policies are living documents, which should allow for regular modifications to integrate emerging best practices that promote a trauma-informed, efficient, and fair process. The VHK Chair and members who are tasked by the RA with carrying out the ethics complaint handling process are best positioned to understand its intricacies.

Overview of VHK Protocols Are Shared Publicly

Current VHK Protocols are internal and not shared beyond the VHK.

Recommendation Publicly disseminate information that provides an overview of the complaint handling process, including what is involved, expected timeframes, and possible outcomes.¹¹⁵ Other information, such as the decision-making frameworks, documentation practices, and communication protocols, can remain internal.

Rationale RA members and the public need access to information about the Code and the VHK in order to understand the professional ethics requirements and how to navigate the reporting process if there is a perceived violation. These processes are meant to guide and protect the rabbinate as well as the community the rabbinate serves. It is important that people know the role of the VHK, how to file a complaint, what steps are taken after one is filed, and possible outcomes. Demystifying the process helps build trust. At the same time, the VHK needs its own internal, revisable protocols to guide its process and promote consistency in case handling.

Create Confidentiality and Participation Policies

Recommendation Develop clear and accurate policy statements pertaining to confidentiality and participation that are available to the public and with which the RA staff and VHK committee members are well versed. The confidentiality policy should outline what, if anything, will remain confidential during a VHK process, and under what circumstances. Similarly, parties should understand how and under what circumstances the VHK will proceed if a complainant or respondent decides not to participate in the complaint handling process.

Rationale Providing parties with information about confidentiality and participation at the outset of their involvement is a best practice so that they can make informed decisions. These policies also create an opportunity for ongoing conversations with parties and help build trust in the process if, for example, at some point, identifying information is revealed.

¹¹⁵ The RA may want to consider ways to provide visual representation, like a flowchart of the process. Other ideas are to create an FAQ sheet or talking points about the Code and the VHK that RA members can share in their own communities to have greater uniformity in communicating about the VHK and its operations.

Application

Confidentiality

Complainants and respondents should be told what personal information may be shared during the VHK process. For potential complainants, knowing what may be kept confidential and any limitations increases agency and autonomy.¹¹⁶ Particular questions that the policy should answer are:

- Whom will the RA inform if a complaint is filed against a member?
- What will the RA do if it has identifying information about suspicions of child abuse, harm to vulnerable adults, or other unlawful behavior?¹¹⁷
- How will the RA respond to subpoenas and other forms of discovery in legal proceedings?
- Who will be informed if a complaint is found to be substantiated (e.g., employer, other professional licensing agencies, etc.)?

Participation

Below is some sample language for a participation clause:

For complainants: A complaint may proceed without your participation. Decisions will be made based on the information acquired by the VHK through interviews and other fact finding. Any testimony or evidence that would have been available had you participated will not be considered new evidence for purposes of an appeal.

For respondents: The complaint will proceed regardless of whether you choose to participate. Decisions will be made based on the information acquired by the VHK through interviews and other fact finding. Any testimony or evidence that would have been available had you participated will not be considered new evidence for purposes of an appeal.

116. Individuals who are considering making a report are in the best position to understand what can promote or compromise their own safety, including the potential impact of sharing information that identifies them. Therefore, it is best practice to have a complaint process include explanations of instances where information may be shared prior to asking someone for details about the report.

117. Sacred Spaces recommends, in situations other than reasonable suspicion of child abuse and harm to vulnerable adults, that the injured party –which may be an individual or organization– retain the autonomy to decide whether to report to the police, even when the VHK has found a complaint to be true and it may be a crime. For more on this, see the recommendation on notification to third parties in Accountability.

Professionalize Channels of Communication

Recommendation	All communication by the VHK Chair and committee members should occur through official RA-designated channels. This includes only using RA letterhead and designated VHK email addresses, phone numbers, and Zoom accounts, and taking notes on secure drives.
Rationale	Individuals who serve on the VHK should not use or be expected to use their personal or employer’s email address, phone numbers, or letterhead to communicate with parties during case handling. This is a breach of their own privacy and it does not allow the RA to account for the interactions between VHK members and parties. There should be a more professional and visible process. This includes VHK calendaring, ¹¹⁸ where interviews and other activities can be seen by the RA Ethics Director and Chair. The RA should furnish the VHK with its own Zoom account, email, phone number, and other forms of communication as needed. It is also imperative that VHK members do not take notes on their own devices or keep handwritten notes in their homes. All notes should be kept in a secure and centralized location. ¹¹⁹

Additional Recommendations to Increase Transparency

- Improve navigation and visibility of the ethics system on the RA’s website so that individuals can locate information more easily about the Code, the VHK, and ethics processes. Publish a list of names of VHK members and experts involved in case handling.¹²⁰
- Create a public document that outlines an overview of the VHK processes, including anticipated activities and estimated time frames during different stages of the complaint handling process.
- Include a glossary of terms associated with the Code and ethics complaint handling process.
- Provide more education about what the VHK does across the entire membership, including regular reporting by the VHK of the number and types of cases handled, processes undertaken, and outcomes.¹²¹

118. Protections can be placed on the calendar and even on specific events to limit who can access the calendar to protect confidentiality. The RA should also consider developing a system to code case names so that if there is a breach of security, cases are not identifiable.

119. See recommendation about documentation and retention of files in a centralized location, under Accountability.

120. This is a list of who serves generally, including the Chair. The individual members appointed to a panel in any given case need not be shared.

121. Case handling data should be shared in aggregate with no identifying information.

ACCESS

שְׁפִטִים וְשֹׁטְרִים תִּתֶּן-לָהֶם בְּכָל-שְׁעָרֵיךָ אֲשֶׁר ה' אֱ-לֹהֶיךָ נֹתֵן לָךְ לְשִׁבְטֶיךָ וְשָׁפְטוּ אֶת-הָעָם מִשְׁפָּט-צְדָקָה (שְׁפִטִים טז:יח)

You shall appoint magistrates and officials for your tribes, in all the settlements that your God is giving you, and they shall govern the people with due justice. (Deuteronomy 16:18)

The establishment of a just and accessible court system is a positive Torah commandment governed by numerous laws, expounded upon throughout Tanakh, Mishnah, Talmud, and the accompanying commentaries.¹²² A central premise in both the ancient system and the modern *beit din* is the notion that people everywhere can access justice. This is evidenced by the call in Deuteronomy to establish courts in every city throughout the Land of Israel so that all people could avail themselves of justice; the requirement that judges treat all people – regardless of their wealth or power – the same (Rashi on Deuteronomy 1:17); and the enumeration that a judge be fluent in the 70 spoken languages so that all parties could have their testimony heard directly (Sanhedrin 17a).

The following recommendations incorporate the Torah's value of accessibility into the operations of the VHK. They are designed to remove barriers to reporting so that individuals have a variety of ways to inform the RA about suspected rabbinic misconduct. Doing so fosters safety and autonomy in reporting, promotes confidence in the RA, and increases the RA's opportunities to receive information that will help protect Jewish communities.

Accept Anonymous Reports

Current	“No anonymous complaints are accepted by the ועד הכבוד.” (VHK Guidelines)
Recommendation	Accept anonymous reports with the understanding that the ability to investigate may be limited, depending upon the information that is provided. ¹²³
Rationale	Adding the option for anonymous reporting lets people know that the RA values all information, encourages reporting, and understands that removing the requirement of sharing personal details may facilitate some individuals' willingness to make a complaint, even as sufficient detail will still be necessary to move a complaint forward. ¹²⁴

122. For more on the requirements of establishing the Sanhedrin and appointing judges, see: Rabbi Aryeh Kaplan's *The Jewish Court System*, excerpted from his *Handbook of Jewish Thought* and retrieved from: <https://aish.com/48936377/>.

123. The RA is encouraged to craft language to inform those who are filing an anonymous complaint that sufficient information is necessary to investigate complaints and that vague or broad statements of misconduct may be unable to be investigated.

124. Sacred Spaces also recognizes a tension between community safety and victim-survivor autonomy. The RA may receive a third-party complaint where the victim-survivor does not want to pursue a complaint. In protecting the larger Jewish community, the RA has committed to take each complaint seriously. In these situations, the RA should consider the seriousness of the complaint and determine if any fact finding can be accomplished without the victim-survivor's participation or determine if participation is required and steps that can be taken to uphold the victim-survivor's privacy and increase safety.

Create Multiple Pathways for Filing a Complaint

Current “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 exceptional instances, based upon the severity of the conduct alleged, and the reason the complainant(s) is not able to put the complaint(s) in writing, the Chairman of the ועד הכבוד in consultation with the Executive Vice President, may decide to accept the complaint(s) orally. Such complaint(s) shall nonetheless be documented in a written memorandum which shall be provided to the accused rabbi and the complainant(s).” (VHK Guidelines)

Recommendation The RA should remove the requirement that complaints must be submitted in writing. Instead, complaints should also be accepted over the phone, electronically, in person, or through other avenues (e.g., third party reporting system) that the RA creates. Additionally, regardless of the pathway, individuals should be able to make complaints in their first language.¹²⁵

Rationale Individuals should have the choice to make a report in a way that is most comfortable to them. Writing can present a barrier to individuals who are not literate or do not have strong writing skills, do not feel confident in expressing themselves through the written word, speak English as a second language, are visually impaired, or do not have the physical ability to write. For those who opt to submit a written complaint, the RA should also create an optional complaint form with questions to guide the submission.

¹²⁵ Additionally, interviews and other proceedings where parties are present must be held in the party's first language.

Design a Centralized Intake Process

Current	<p>According to the VHK Guidelines:</p> <p>A complaint against a member of the RA “shall initially be brought to the attention of the Executive Vice President (EVP)”...who “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 EVP may suggest private discussion between parties, mediation, or involvement of a senior colleague, or may directly refer the matter to the VHK Chairman.”</p>
Recommendation	<p>The new RA Ethics Director will serve as the coordinator of a centralized intake process for ethics complaints.</p>
Rationale	<p>This Ethics Director will be professionally trained to respond to complaints and serve in a case management role. This will improve coordination and communication with the parties and standardization of response to complaints. When other RA staff or VHK members receive a complaint, they will work with the Ethics Director to ensure a smooth transition and a consistent response to complaints. If the RA in the future participates in a complaint handling system outside the RA, it must still be prepared to receive complaints from individuals who elect to reach out directly to the RA.</p>

Additional Recommendations to Promote Access

- To account for the reported fear of repercussions in certain situations – e.g., seminary students worried about their future careers – the RA should offer to partner with other organizations in the Conservative/Masorti denomination to have trained liaisons housed at their respective organizations.¹²⁶
- Similarly, the RA should consider training regional representatives, global engagement staff members, or other members as points of contact for ethics questions in global regions. These points of contact can work in coordination with the RA’s Ethics Director.

¹²⁶ For example, there could be liaisons at each seminary, the Cantor’s Assembly, Masorti Olami, and USCJ. This structure would facilitate complaints by congregants, synagogue staff, and lay leaders.

ACCOUNTABILITY

Leviticus is “perhaps the key text for Judaism...setting out an entire infrastructure for justice and equity in political and economic life.” (Rabbi Lord Jonathan Sacks zt”l, The Democratization of Holiness)

Rabbi Lord Jonathan Sacks posits that the canonization of Leviticus democratized the Jewish faith by laying out for all to see exactly what occurs in our holiest communal institutions. We the people know precisely where our donations go, which *korban*, or sacrifice, is brought when, and what procedures the *kohen*, or priest, must follow. This transparency ensures that we may know what to expect from our leaders and functionaries, are able to recognize deviance from the commandments if and when it emerges, and demand accountability to the prescriptions outlined in Leviticus.

The work of the VHK is sacred, entrusted to a small group of people. Just as the Temple practice – the most sacred service entrusted to the few – was documented in Leviticus, the activities and deliberations of the VHK must similarly be memorialized. The following recommendations surround documentation practices, sharing relevant information, and chronicling case handling. By increasing knowledge and transparency of the VHK’s processes and decision making, the RA can better promote safety, accountability, and trust – both in the rabbinate and across the broader community.

Issue Written Findings of Fact & Recommendations

Current	“Following a thorough investigation and a determination of the validity of the complaint(s), the panel will make a recommendation to the VHK.” (VHK Protocols)
Recommendation	The VHK fact-finding panel must outline in writing its key findings and rationale to support its recommendations of next steps to the VHK decision-making panel. ¹²⁷
Rationale	The VHK members on the fact-finding panel have firsthand access to testimony and other evidence collected during the fact-finding process. To better understand the panel’s recommendations about how the RA should respond to the complaint – including no action, corrective action, or expulsion – a rationale must guide the decision makers in understanding what the panel members heard, what they accounted for in their recommendations, and any questions that they still grapple with. Additionally, this document is a critical piece for future reference if cases must be reexamined or there are subsequent complaints involving the same rabbi.

¹²⁷. See recommendation on bifurcation of process under Fairness.

Disseminate Written Findings of Fact to Parties

Current	“The Chair of the Va’ad HaKavod or the panel handling the matter, will inform those who are involved (complainants, possible victims, and others (e.g., employer or former employer, Rabbinical Assembly Regional President, ordaining institution) of the outcome of the case. This should be done verbally and not in written form.” (VHK Protocols)
Recommendation	The VHK will provide written notification of outcomes to both the respondent and complainant.
Rationale	Both the complainant and the respondent have a right to know the outcome of a case. To reduce the chance of misunderstanding about the basis of the complaint and outcome, the VHK should provide this information in writing. If information is shared verbally, it is also best practice to confirm this information, or a summary of this information, in writing.
Application	There are different levels of information to be shared depending upon the relationship of the parties to the complaint. There should be direct written communication with complainants about the outcome of their complaint, even in situations where a complaint does not move forward to the VHK. This includes written findings of fact or a summary of such findings, any conditions put in place, and changes in membership status (including reinstatement).

Create Third Parties Notification Protocols

Current	“[T]he work and decisions of the VHK shall remain confidential unless the EC, after its review, instructs the VHK differently.” (RA Constitution)
Recommendation	The RA should develop a protocol for notifying third parties (e.g., respondent’s employer, ordaining institution, professional licensing boards, and other known places of leadership) in writing of VHK complaints and at what point during the VHK process this information is shared (i.e., when should a third party be informed at the inception of a VHK process [e.g. employer] and when notification occurs after [e.g., ordaining institution]).
Rationale	This recommendation supports an emphasis on protecting those served by the rabbinate and the sanctity of the entire RA rabbinate rather than individual rabbis. Notification to third parties reduces secrecy around misconduct and allows organizations to implement their own safety mechanisms, if needed, during or after VHK case handling.
Application	The written communication does not need to include the level of detail that is sent to the complainant and respondent. Key information to third parties can include the respondent’s name, type of misconduct, outcomes of fact finding (e.g., whether various elements of the complaint were substantiated, unsupported etc.), and additional information the organization may need in order to uphold the VHK decision (e.g., suspension; not allowed to appear at X, Y, and Z functions).

Provide Written Rationale If VHK Recommendations Are Not Accepted

Current	“Only the Executive Council may establish and approve of penalties affecting the status, employment, and membership of colleagues.” (VHK Guidelines) ¹²⁸
Recommendation	Add the provision: If the EC does not accept the recommendation of the VHK pertaining to a change in membership status, it must outline its reasons in writing. This document will be retained in the case file.
Rationale	This mirrors the recommendation that the VHK include written findings of fact for every investigation it completes. If the EC decides to deviate from the VHK’s decision, it is important that they do so intentionally and be able to articulate their rationale for doing so. Additionally, the decisions of the EC should be easy to access and tied to the confidential case file; they should not appear in meeting minutes.
Application	To retain accountability and transparency, the EC’s vote on the VHK recommendations should be reflected in the EC minutes. The EC may want to create a code system so that the name of the parties is not contained in the minutes but is then linked to the VHK case file. In instances when the EC does not accept the VHK’s recommendations, the EC minutes would reflect the decision not to accept the recommendation, and then the case file would contain the EC’s decision with written rationale, which promotes confidentiality and proper record-keeping.

Actively Monitor for Compliance

Current	After a VHK decision, “the VHK will be responsible for any necessary monitoring [of] probation or suspension.” (VHK Protocols)
Recommendation	Shift responsibility for monitoring to the RA Ethics Director. Monitoring encompasses check-ins with the complainant, respondent, and employer (where relevant); serving as the point of contact for reports of retaliation or violations of conditions of supervision (e.g., no contact with complainant or certain populations, prohibition of participation in events), and compliance with other requirements (e.g. completing a behavioral assessment, attending therapeutic counseling, paying restitution, etc.).
Rationale	As with some of the other recommendations, this recognizes that the VHK committee members are volunteers. Their time should be concentrated in areas of the process that are best suited to rabbinic involvement and for which they receive training. Assigning monitoring to the RA Ethics Director ensures it is someone’s role and standardizes check-ins and monitoring. It also builds in separation from the adjudicatory function of the VHK.

¹²⁸. See the recommendation under Safety about providing the VHK with the discretion to issue interim and disciplinary actions in VHK cases short of changing membership status.

Document & Maintain Records to Provide Accurate Record of Complaint Handling

Current	<p>“A brief record should be kept regarding the dates of contact with those involved and the final disposition of the case.” (VHK Protocols)</p> <p>“Upon the completion of an inquiry, the following records should be retained as part of the RA’s long-term records:</p> <ol style="list-style-type: none"> 1. Documents evidencing the decision of the VHK concerning the matter (which may include simply a memorandum closing the file). 2. A copy of the Complaint, if in writing (or a summary of the Complaint). 3. A copy of any response to the complaint or other relevant correspondence.” <p>“In addition, the following categories of documents should be retained for a period of approximately one year following the conclusion of a case:</p> <ol style="list-style-type: none"> 1. Investigative notes from interviews. 2. A transcript, if any, of the hearing conducted by the VHK. 3. Evidence received by the VHK in connection with its investigation. 4. Notes of any deliberation conducted by the panel.”
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Recommendation	<p><u>File Contents</u></p> <p>The following documents should be kept in each file: A copy of the complaint and any response, dates of contact with parties and other individuals, copies of all correspondence to and from the VHK, list of evidence collected, summary of interviews, findings of fact,¹²⁹ names of VHK Chair and committee members involved in the complaint handling, and RA decisions (including ‘matter closed without action’). Any internal notes or other documents used to develop summaries and findings of fact should be deleted in a formal manner according to a retention procedure. The RA should examine protocols for note-taking directly onto RA drives designated for VHK business.</p>
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Recommendation	<p><u>File Retention</u></p> <p>To ensure an accounting of all complaints filed against a member and the preservation of any existing evidence, all documents should be kept in the file for a designated time period (e.g., seven years) following the respondent’s death.¹³⁰</p>
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129. A finding of fact is a written document that outlines the conclusions by the VHK. For each assertion of the complaint, the document discusses the evidence considered by the VHK and how it either supported or refuted the determination of whether the complaint was substantiated.

130. Some organizations maintain limited records as a way to reduce the likelihood of entanglement in the legal system. There is never a guarantee against that possibility, especially when handling ethics complaints. However, a lack of recordkeeping can increase scrutiny and risk to the RA when there is no documentation of the steps they undertook to fairly investigate and address complaints of Code violations.

File Storage

All files should be kept in a secure and centralized location. Files should also be stored in a secure central location so notes or paperwork are not in different locales and should only be accessed by authorized RA personnel as needed.

Rationale

Standardizing documentation and record keeping is imperative. All VHK files should clearly outline the basis of the complaint, what steps the RA took, and outcomes. Files are the RA's accounting of the process and the steps undertaken to thoroughly investigate a complaint. They enable the RA to audit case files on a regular basis and, based on the results of these audits, make necessary improvements to protocols, provide additional education to VHK members, or, if necessary, change the composition of the VHK committee. Proper documentation and retention of files also assists in determining patterns of behavior if there are future complaints even after a complaint has been closed or should the handling of a case be called into question.

Additional Recommendations to Promote Accountability

- Maintain a record of all inquiries about potential ethical violations (type of complaint and name of RA member, if provided). This data helps identify where the Code and processes may have gaps or need clarification and what additional education should be provided to members. It also creates a record in case future complaints are filed about the same RA member and allows the RA to review the decision not to move a case forward should a complaint be brought about a breach in VHK protocol.
- Establish a mechanism to notify relevant RA committees, such as Membership and Joint Placement Commission, when the VHK has an open case for certain acts of misconduct.

SAFETY

גְּדוּל כְּבוֹד הַבְּרִיּוֹת שְׂדוּחָה אֶת לֹא תַעֲשֶׂה שְׁבִתוֹרָה. (עירובין מ"א ב)

So great is human dignity that it even supersedes a negative precept of the Torah. (Eruvin 41b)

Jewish law recognizes the importance of safety and the preservation of life as paramount, superseding the observance of other *mitzvot* (e.g., אֶת הַשְּׁבִת, נִפְשׁ שְׂדוּחָה אֶת הַשְּׁבִת, a threat to life takes precedence over observance of Shabbat).¹³¹ In recent years, there has been an emerging consensus among rabbis that *halakha*, Jewish law, similarly compels the prioritization of communal safety when it comes to matters of abuse.¹³²

The recommendations that follow are offered in the same vein, to guide the RA in implementing measures to enhance safety (physical, emotional, and psychological) for individuals involved with the VHK process and for the greater Jewish community. This requires the RA to help construct VHK practices that recognize the existence of trauma, reduce the chances for re-traumatization, and account for any power differentials between parties.

Prohibit Retaliation

Current

There is no RA policy against engaging in a retaliatory manner towards someone who reports a potential Code violation, cooperates in a VHK investigation, or participates in the RA's complaint case handling process.

Recommendation

Prohibit retaliation against those participating in a complaint handling process: the complainant, the witnesses, those conducting the investigation, and those deciding how to address misconduct. Retaliation refers to any adverse action, intimidation, threat, or discrimination against an individual for filing a complaint or participating in fact finding, or otherwise assisting in the handling of the ethics complaint (including by serving in an official capacity).¹³³ The retaliation provision should also include language explaining that:

- Engaging in retaliation is considered a violation of the RA's Code.
- Retaliation includes misconduct through associates or agents of any participant in the VHK proceeding.
- Filing a complaint is not considered *lashon hara* or slander. If an individual reports a rabbi's conduct but the VHK finds that no violation occurred, all involved are still protected from retaliation.

131. Bavli, Yoma 85a.

132. See footnote 63 in Berkovits, S. (2017). Institutional Abuse in the Jewish Community. *Tradition*, 50,11-491. Retrieved from: <https://traditiononline.org/institutional-abuse-in-the-jewish-community-by-shira-m-berkovits/>.

133. The RA may want to outline examples of retaliation to include in its definition.

Rationale Organizations are strengthened when they view reporting as beneficial rather than harmful. Cultivating this culture requires supporting individuals who report concerns, clearly barring retaliation, and providing a way for those who believe they are facing retaliation to seek assistance.¹³⁴

Uphold Local Jurisdictions' Mandated Reporting Requirements

Current There are four situations outlined in the Code where a rabbi can breach confidentiality “when it becomes necessary to intervene, or request the intervention of others, to prevent harm being done.” This pertains to “congregants, non-congregants and members of the staff.” These are:

- Threat of harm to oneself or to others.
- Domestic violence.¹³⁵
- Child abuse.¹³⁶
- Any other situation such as chronic drinking or gambling that could lead to inflicting harm on an individual or individuals.

Recommendation It is the responsibility of rabbis to “keep confidences except in cases of suspected or actual child abuse, or other information they are mandated to report by law.”¹³⁷ For purposes of this Code, the provisions of the military around confidentiality are considered local law.

Rationale Rabbis should be expected to uphold their local laws. Given that there are many variances in legal systems, the RA should include clear guidance in the Code about members' obligations to report regardless of whether doing so is required in their jurisdiction.¹³⁸

For Removing Domestic Violence:

Understanding how different forms of power and control manifest in intimate partner violence requires expertise, and responses must be informed by the victim-survivor. Mandating reporting of domestic violence can increase risk to victim-survivors and their loved ones if not done with informed consent, training, and in collaboration with victim-survivors.¹³⁹ Rabbis are encouraged to become familiar with organizations in their community that have the expertise to provide confidential and accurate information about resources and options for those impacted by intimate partner violence.¹⁴⁰

134. The Assessment showed that fear of retaliation or repercussions was a primary reason that individuals did not report an ethics violation. It also demonstrated that this fear was realistic as those who did file shared how they experienced retaliation.

135. A definition of domestic violence is provided in the Code.

136. The provision further states that “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.”

137. See A Code of Ethics for the Ministers of the Susquehanna Conference, The United Methodist Church.

138. See recommendation on conflicts between the RA and policies of rabbinic placements found in Embodiment.

139. For example, foundational research published as early as 1995 raised how mandated laws in health care settings undermined the autonomy of victim-survivors, especially when criminal laws failed to protect them and their children. See “Laws Mandating Reporting of Domestic Violence: Do They Promote Patient Well-Being?” *Journal of the American Medical Association* 273:22 (June 14, 1995).

140. Domestic violence professionals also engage in safety planning. The RA can provide seminars to rabbis about how to build collaborative relationships with domestic and sexual violence community-based advocates and provide meaningful referrals to these professionals.

Rationale | For Removing “Any other situation” and Addiction:

The current language is open to interpretation, requiring rabbis to anticipate what may cause harm without professional training. This does not mean that rabbis should not receive education about how to identify signs of addiction and offer support to colleagues, but offering support should not be a requirement as part of a professional code of conduct.¹⁴¹

The RA Should Self-Mandate Reporting of Reasonable Suspicion of Child Abuse and Harm to Vulnerable Adults

Recommendation | The RA should require those involved with the complaint handling process to report reasonable suspicions of abuse of children or vulnerable adults.

Rationale | Adding this provision will make the complaint process consistent with the Code provision requiring members to comply with local reporting. This policy should be clearly communicated in written and verbal communication about the VHK process and with potential complainants.

Act on Public Information

Current | Currently, the RA only initiates an examination of a potential ethics violation upon receipt of a formal complaint.

Recommendation | When issues become known to the RA through a public forum or the media – e.g., a newspaper article – the VHK may initiate an investigation without a complaint being filed.

Rationale | As a matter of course, the RA should be able to utilize public knowledge of potential member misconduct and apply its decision-making framework¹⁴² to determine if any action through the VHK is needed, including an investigation. Eliminating the requirement of a complaint in instances of public knowledge allows the RA to be more proactive and responsive to safety concerns.

Share a Summary of the Complaint

Current | “The accused rabbi shall have the opportunity to read all documents initially presented, and if desired, respond in writing.” (VHK Guidelines)

Recommendation | A summary of the basis of the complaint should be compiled by the Ethics Director. Complainants must be provided the opportunity to review the written summary and confirm its accuracy before being shared with the respondent and the VHK panel.¹⁴³

141. See recommendation on Clarifying Addiction in Relation to Ethics Violations, under Integrity.

142. See recommendation about the decision-making framework under Fairness.

143. The VHK protocols should clearly state that complaints or the substance of the complaints will be shared with the respondent.

Rationale | This recommendation addresses concerns that complaints in their entirety have been shared with respondents, including information that may be sensitive and not relevant to a VHK inquiry. When individuals decide to file a complaint, they should know in advance what information will be shared with the respondent so that they can make decisions about what to include in that correspondence with the RA. This must be balanced with the fact that, to create a fair process, a respondent must be able to respond to the basis of the complaint that is being considered by the VHK. A form will help standardize the information that is shared with a respondent and the VHK and account for complaints that the RA receives that are not in writing.

Include Provisions Against Retaliation & Other Restrictions During the VHK Process

Recommendation | Develop a standard set of written guidelines that accompany the notice to a respondent that a complaint has been filed and include tailored provisions based on potential risks to community, complainant, and third parties.

Rationale | Currently, there is no clear notice to respondents about how to comport themselves during and after an ethics complaint process. The two goals of this recommendation are expectation setting and enhanced safety. At a minimum, there should be a prohibition on retaliation¹⁴⁴ or interference with the VHK process. Some situations may require additional provisions based on the circumstances, such as no contact with the complainant, no provision of pastoral counseling, no handling of money, no supervisory duties, no working with youth, etc. Provisions should be crafted both as interim measures (during the pendency of the VHK investigation) and to be applied after fact finding.

Remove *Teshuvah* from Consideration of VHK Response

In several places in the RA's ethics process, the concept of *teshuvah* (repentance or return) appears.

Current | After a decision is made by the VHK, the VHK is also responsible for “determining that appropriate *teshuvah* has occurred.” (VHK Protocols)

“A suspension may be lifted following approval of the ועד הכבוד by majority vote of the Executive Council, or by the fulfillment of the designated period of suspension. The ועד הכבוד 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 ועד הכבוד, and if so designated, received positive reviews from the mentor or monitor assigned by the ועד הכבוד.” (RA Code)

144. See the recommendation, above, on adding the act of retaliation as a Code violation.

Recommendation	Remove any language about the VHK determining whether <i>teshuvah</i> has occurred and focus solely on whether the person fulfilled the conditions placed on them by the VHK as a direct result of their misconduct (which may include some or all of the items currently listed that the VHK will attest to).
Rationale	<p><i>Teshuvah</i> is an important concept in Judaism. According to the Rambam, <i>teshuvah</i> includes elements of a sincere acknowledgment and understanding of wrongdoing, regret, repair to the victim-survivor, and refraining from repeating the same mistakes if presented with the opportunity. To be sincere, <i>teshuvah</i> should not be required or forced. To foster repair, <i>teshuvah</i> should be guided by a complainant's needs. Only the person who experienced the harm can determine what constitutes a meaningful apology and what steps, if any, can help promote their own healing. There are no set timelines for healing and forgiveness, nor should they be expected. While humans can attend to <i>signs</i> that <i>teshuvah</i> may have occurred, only God can truly make such a determination.¹⁴⁵</p> <p>In the VHK process, <i>teshuvah</i> is conflated with safety and accountability and with the RA's lifting of suspension and fulfilling conditions for reinstatement¹⁴⁶. Placing it within the grievance system can put undue pressure on a victim-survivor to forgive. It also incorrectly assumes that if someone is apologetic then there is no longer a risk for future misconduct, while in fact regret and a sincere apology can coexist with risk. Instead, the VHK, in consultation with experts, can determine what conditions should be placed on a respondent and then determine if the respondent fulfilled them.</p>

Complete VHK Fact-Finding Process

There are currently several situations in which the RA will pause or stop its inquiry of a complaint even before deciding whether an investigation is needed. One of these is resignation of membership of the respondent, and the other is when the legal/justice system is involved with the case. The following recommendations provide the RA with the choice to continue the complaint handling despite these occurrences in order to facilitate resolution of complaints, build trust and integrity into the VHK process, promote safety across the Conservative/Masorti denomination, and reduce the chances of manipulation by those who committed misconduct.

145. For more on *teshuvah* and community safety, see Berkovits, S. (2017). "Institutional Abuse in the Jewish Community." *Tradition*, 50,11-49, specifically pages 36-40, which state: "Judaism professes that repentance is determined by God alone, not by a clergyperson or community member. Humans cannot know what is in another's heart, but we can attend to signs that the *teshuvah* is insincere, incomplete, or being used as a manipulative tool to gain sympathy or access."

146. "We must encourage and support individuals in their efforts to do *teshuvah*. But when we talk about supporting an offender's repentance or preventing relapse, we are talking about supporting healthy adult relationships and a non-offending lifestyle...The offender may have engaged in substantial therapeutic work and repented. We welcome such efforts and commend the offender on a changed trajectory, but it is God alone, not mortals, who can judge an offender's sincerity."

Member Resignation

Current	“A rabbi who resigns from the RA upon notice of a potential VHK investigation; during the investigation; or after being placed on probation or suspension shall be expelled for non-cooperation and will be subject to all the conditions of expulsion as detailed in the Code of Conduct.” ¹⁴⁷ (Resignation Policy)
Recommendation	If a member resigns at any time (even upon notification that a complaint is being filed), they should be expelled AND the VHK retains discretion to continue with the complaint handling, with or without that rabbi’s participation.
Rationale	It is understood that if someone is no longer a member, the RA has no ability to place restrictions, order counseling, or impact the individual’s placement. However, there are other reasons to continue to examine the validity of the complaint. First, this sends a clear message to a respondent that simply dropping their membership does not mean the ethics process stops. Second, even if a rabbi is no longer a member of the RA, they can still find professional work as a rabbi. Third, the investigation may reveal that there were multiple instances of abuse of power (or multiple victim-survivors or multiple respondents). Finally, continuing an inquiry builds trust and demonstrates a commitment to the VHK process. Complainants know their report is being taken seriously even when the respondent is uncooperative.

Other System Involvement

Historically, the RA has paused handling ethical complaints until other legal systems had completed their process.¹⁴⁸

Current	The VHK does not investigate a complaint if there is a civil or criminal case pending ¹⁴⁹ because “it is important that the VHK not create situations in which confidentiality may be challenged and/or VHK itself may be involved in ongoing court matters.” (VHK Protocols)
Recommendation	Involvement of civil and criminal justice systems should not be a blanket reason for the VHK to prevent or stop its own inquiry.
Rationale	The VHK should have discretion as to whether to investigate and/or enter a finding on a complaint even if legal matters are pending. This reduces the opportunity for manipulation and retaliation by a respondent and creates a system that is responsive to complaints. Some individuals who abuse power will also use the legal system to maintain control over a situation or to exert retaliation. This can include threats of lawsuits or subpoenas to intimidate people into not cooperating with the VHK. The current policy provides an opportunity for someone to do just that, knowing that engaging in litigation will halt the VHK process.

147. The rabbi’s name appears on the RA’s website citing the violation under investigation and will be listed as expelled for the reason of non-cooperation with a VHK investigation.

148. The RA does automatically suspend members if a criminal complaint is filed against them, although it is not clear if this is for all criminal complaints or certain crimes, such as felonies.

149. “The RA will 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.” (VHK Guidelines)

Rationale While it is important that VHK actions do not compromise an active criminal investigation, the VHK can mitigate that eventuality by contacting relevant law enforcement personnel before initiating an investigation, stating an ethics complaint has been received and that the RA intends to investigate while cooperating with any specific requests to coordinate timing or logistics.¹⁵⁰ There may be times when the charges alone or the circumstances of those charges are sufficient to make determinations about an individual’s membership status. Areas of concern raised in the complaint may or may not have criminal or civil liability but still fall within the scope of potential ethical violations. Or there may be other areas of concern raised in the complaint that are not part of the criminal case.

It is not uncommon for civil cases to proceed slowly. Active safety risks may need to be addressed by the VHK. Victim-survivors may have several courses of action they can consider in pursuing accountability (e.g., professional membership organizations, civil litigation, criminal complaints, commissions), sometimes simultaneously, and their pursuit of one shouldn’t on its own preclude their participation in the RA’s complaint process as well.

Provide Discretion to the VHK to Implement Certain Disciplinary Actions Without Approval from the Executive Council

Current “The VHK may recommend a course of action and/or discipline against a member of the Assembly. However, only the EC, upon recommendation of the Administrative Committee, may impose disciplinary actions and penalties, including suspension and expulsion, as the EC deems appropriate.” (RA Constitution)

Recommendation The VHK will have the authority to implement interim actions and disciplinary measures that foster safety and accountability without EC approval in cases where there is not a recommendation of change of membership.

Rationale It is imperative for the VHK to have the discretion and authority to take action and even implement penalties during the pendency and following fact finding. During fact finding, the VHK may find that it needs to impose interim actions to reduce risk to the complainant or community. These can include not being able to handle certain tasks in their job, not having contact with certain individuals, being assessed by a trained evaluator, or being placed on leave by their employer. The VHK may need to act swiftly to promote safety. After the fact finding, there are situations where interventions are necessary but there is no recommendation of suspension or expulsion. For example, when there is probation, the VHK may require counseling, paying restitution, or attending educational classes. Even in situations with no formal sanctions, counseling or mentoring could be required. Having the EC involved at this level would compromise the RA’s ability to respond in a timely manner as well as the privacy of individual cases.

150. While the RA cannot force participation of a respondent, it can make determinations based on the evidence it has. See also recommendation of developing language for a Participation Clause under Transparency.

Do Not Require Mediation & Joint Appearances

The RA has two ways in which the respondent and complainant can appear together during the complaint handling process.

Current “When appropriate, the complainant(s) and the accused rabbi may be invited to appear together before the investigating panel.” (VHK Protocols)

“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 chair of the ועד הכבוד.” (VHK Guidelines)

Recommendation It is never recommended to have the parties together before the VHK during an investigation. When the RA determines that a complaint is not a potential Code violation, both parties have the option of requesting an informal resolution to the complaint. If either party makes this request, the other party will be notified and has the option to agree to participate in the informal non-binding resolution process. The mediation process must be led by trained mediators specialized in accounting for power differentials and safety concerns.

Rationale Many RA ethics complaints are rooted in a potential violation of abuse of power where, frequently, the respondent has more power than the complainant. Mediation should never be used to resolve situations where the basis of the complaint could be a violation of the Code. The VHK holds interviews, not hearings, so there is no reason to bring parties together when intimidation, trauma, or unforeseen consequences might occur. Mediation can be undertaken at a post-determination stage and only if: 1) options other than mediation are offered; 2) each party separately consents; and 3) the process is led by trained mediators specializing in abuse who understand the importance of safeguarding against power differentials inherent in abusive relationships (e.g., intimate partner violence) and screening out cases for safety concerns.¹⁵¹

Additional Recommendations to Promote Safety

- The RA should review its internal and external communications through a trauma-informed lens, especially as the communication pertains to information about misconduct.¹⁵²
- Align the application and vetting process for RA membership, regardless of whether the rabbi went to a Conservative/Masorti seminary or attended an accredited academic institution outside of the denomination.

¹⁵¹ There may be times at the post-determination stage that, in consultation separately with each party as well as with outside experts, this process may facilitate healing.

¹⁵² Any communication should assume that at least one reader has been affected by misconduct or abuse and that care in style and tone can reduce risk of retraumatization. Public communications should be more trauma informed and demonstrate empathy towards those who have experienced various forms of abuse of power.

FAIRNESS

בְּצֶדֶק תִּשְׁפֹּט עַמִּיתְךָ (ויקרא י"ט:ט"ו)

With righteousness shall you judge your kin. (Leviticus 19:15)

יִזְהִיר שִׁיְהִיָּה הַמִּשְׁפָּט בְּצֶדֶק כְּלוֹמֵר שִׁיִּצְדִּיק מִשְׁפָּט אִישׁ וְלֹא יַעֲוֹתֵנוּ שָׂכַל מִי שִׁישְׁפֹּט בְּצֶדֶק הִנֵּה הוּא מַעֲמִיד כֹּסֵא הַמֶּלֶךְ (רבינו בחיי על ויקרא י"ט:ט"ו)

One should take care that justice be carried out with righteousness, that is to say judgment should be justified and not perverted. Those who judge righteously uphold the throne of the Almighty. (Rabbeinu Bahya on Leviticus 19:15)

Rabbeinu Bahya understands that those who act as judges are called upon to act with fairness and to do all that they can to remove bias that can pervert the judicial process. For the RA, fairness includes creating a system that examines complaints in ways that reduce potential bias in fact finding and decision making, ensure that all parties have the opportunity to be heard, and account for power differentials between parties. The recommendations below aim to reduce bias while bolstering credibility and consistency. Doing so will advance the goals of the RA both internally and in its public-facing interactions.

Implement a Formal Process for Recusal

Current A member of the VHK “is expected to recuse him/herself if there is a close relationship to one of the parties involved. In rare instances, the VHK may ask that a colleague not currently serving on the VHK be appointed to a panel hearing a particular matter.” (VHK Guidelines)

Recommendation Develop a framework and process for recusal and apply the framework before seating any panel. All recusals will be noted in the case file, and recused individuals will not be present at VHK deliberations or discussions about the case. The same recusal policy will apply to the EC when they are asked to vote on the VHK recommendations. For example, if someone serves on both the EC and the VHK and was part of the VHK case handling process when the complaint comes before the EC, they should recuse themselves from voting.¹⁵³ In instances when the recused individual holds information relevant to the complaint, they should be included in the formal interview process like any other witness.

Rationale The RA is a relatively small membership organization, and members may have close relationships with one another. While these relationships need not pose a conflict of interest, in any process where weighty decisions are made, it is best practice to routinize discussions about perceived or potential bias. This shifts the onus from individual members proactively removing themselves to creating a standardized and anticipated inquiry about recusal.

153. The RA may want to examine if unique committee membership is beneficial among these and other committees that intersect on the complaint handling process.

Use a Standard of Proof for Fact Finding

Current	There is no standard of proof.
Recommendation	The VHK should establish a standard of proof for adjudicating ethics complaints.
Rationale	A standard of proof is the amount of evidence needed to demonstrate that a violation of the Code occurred. ¹⁵⁴ Having a standard guides VHK panel deliberations in reviewing the evidence to determine if the complaint has been substantiated. It also ensures that the same criteria for fact finding is being applied across all complaints. Preponderance of the evidence ¹⁵⁵ is the standard most often used in similar processes, such as workplace investigations, professional ethics grievances against attorneys and psychologists, civil actions, and Title IX hearings on university campuses. Given these systems' similarities to the RA's ethics process, we recommend that the RA consider adoption of this standard as well.

Create A Decision-Making Framework For Acceptance of Complaints

Current	"The Chairman of the VHK in consultation with the Executive Vice President may determine that the VHK should hear the matter at hand." (VHK Guidelines)
Recommendation	Develop a decision-making framework to decide which complaints are sent to the VHK and, once there, which ones require a full fact-finding process.
Rationale	To enhance fairness and standardization, the RA should have a set of questions and criteria that guide decisions about whether a complaint 1) goes to the VHK ¹⁵⁶ and 2) requires the empaneling of VHK committee members. ¹⁵⁷ The first set of questions would be used by the RA Ethics Director and the second by the Chair. ¹⁵⁸

Utilize More Than One Panel Member During Interviews

Current	It is the recommended practice of the VHK to have more than one member of a panel on a phone call with a rabbi who is being investigated and with complainants. (VHK Protocols)
Recommendation	Require at least two VHK members present for interviews or any conversation where the goal is to collect information or share outcomes from the fact-finding process. This applies to all parties.

154. In the United States legal system, these standards are discussed as the amount of evidence necessary to prove a civil or criminal claim.

155. This standard means that conduct is more likely than not to have occurred.

156. For example, when reviewing a complaint, some questions to consider are: 1) If the behavior in the complaint is true, would it be a violation of the Code? and 2) Has the behavior of this RA member been reported on other occasions?

157. Even when a respondent admits to the complaint, there should be a determination of whether additional fact finding would be beneficial. At a minimum, there should be an interview with the complainants, and the VHK should consider whether any facts are still in dispute. Could more context be revealed if fact finding were initiated? Have there been previous calls or formal complaints about the respondent?

158. It is not intended that these individuals work in isolation. As the ethics process continues to be developed, the RA should identify others who can assist in decision making. Additionally, the RA should periodically review these major decision points to determine if the framework is being used consistently and if it requires revision.

Rationale | A second interviewer facilitates note taking¹⁵⁹ and helps VHK members better support each other in conducting trauma-informed interviews.

Separate the Process for VHK Fact Finding and Decision Making

- Current**
- “Following a thorough investigation and a determination of the validity of the complaint(s), the panel will make a recommendation to the VHK.” (VHK Protocols)
 - The VHK panel is generally made up of two or three members. (RA Constitution)
 - The VHK fact-finding panel presents recommendations to the entire VHK.

Recommendation | Separate the fact-finding and decision-making functions by having two distinct panels with three VHK members on each.

Rationale | Bifurcation of the complaint handling process helps to reduce bias. It permits those with the investigatory function to focus solely on fact finding and not to be influenced by the potential outcomes dependent on their findings. It is also not uncommon for those who have invested time in conducting fact finding to have developed personal beliefs that they want to champion. Having a separate panel review findings of fact and propose recommendations brings additional perspectives and expertise to the VHK process. Additionally, separating the VHK fact-finding and decision-making panels decreases the overall burden on the VHK. It allows members to rotate roles so that the entire VHK need not be involved in decision making for each empaneled case.

Application | The VHK panel assigned to investigate the basis of the complaint should present a written summary of its findings and any recommendations to a second panel, which is designated for decision making. This panel is made up of a different subset of VHK committee members who have not been involved in the fact finding. The decision-making panel will review the findings and recommendations and issue its own decision as to the disposition of the case (e.g. resources and support for parties, restitution, and other requirements to be placed on the respondent to support behavioral changes), including any recommendations to the EC about a change in a member’s status.¹⁶⁰ The decision-making panel can request that additional fact finding occur before making decisions or issuing recommendations. Finally, it is considered best practice to have an odd number of panel members so that, in the event of disagreement, the panel can proceed according to the majority opinion.

159. See recommendations to enhance documentation during the case handling process, under Accountability.

160. See the recommendation under Safety to provide discretion to the VHK to implement certain disciplinary actions without approval from the EC.

Add Another Person to the Appeals Panel

Current	Decisions of the VHK “may be appealed to the Administrative Council or the Executive Council. Decisions of the Executive Council are final.” (VHK Guidelines)
Recommendation	There should be a three-person appeal board composed of two individuals from the EC and/or AC and a third person who is an outside expert advisor.
Rationale	In mirroring the new make-up of VHK panels, an outside expert can assist in reviewing the evidence and findings. The RA may want to consider having one or two people trained about the RA and its VHK processes who are ready to participate if an appeal is filed. Alternatively, the RA can use some of the experts who are participating in the VHK as long as they were not involved in the original complaint handling process.

Additional Recommendations to Enhance Fairness & Consistency

- Outline general timeframes for key phases of the complaint handling process. For example, there will be an initial response to all complainants within X business days of receipt of a report.
- Develop sample and template communications that can guide communications with parties at every stage of the complaint handling process, including when people contact the RA for inquiries and a template form for issuing findings of fact and recommendations so that one party is not receiving better communications than the other (i.e., more timely, more supportive, more informational).
- Consider adding a statement to the Joint Placement Commission’s approach to placement or to contracts that no RA member will be denied employment, advancement, admissions to academic or other programs, tenure, or promotion based upon their having made or their being the subject of an ethics complaint. This **does not preclude** taking action based upon the outcome of such proceedings or considering other appropriate information.¹⁶¹

161. Adapted from the American Psychological Association, Ethical Principles of Psychologists and Code of Conduct (2017).

SUPPORT

The emotional and psychological toll of rabbinic misconduct can be profound.

The primary principles guiding our Jewish leaders must be to stand up for justice and support those who have been wronged. As Isaiah teaches, God has no need for empty sacrifices:

(13) Bringing oblations is futile, incense is offensive ... assemblies with iniquity, I cannot abide. (14) Your new moons and fixed seasons fill Me with loathing; they have become a burden to Me, I cannot endure them.

Instead, God says:

(16) Wash yourselves clean; put your evil doings away from My sight. Cease to do evil; (17) Learn to do good. Devote yourselves to justice; **aid the victim...**

As this passage makes clear, our prayers and the beating of our breasts are but empty displays if we remain uninformed and unconcerned about the pain of those who have been harmed in our communities by our leaders. This section discusses recommendations to help build a culture of care and support for individuals who are involved in the RA’s ethics complaint process.¹⁶²

Allow the Presence of a Support Person

Current “The ועד הכבוד 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 ועד הכבוד’s hearings are guided by הלכה and rabbinic tradition.” (VHK Guidelines)

Recommendation Any party is allowed to have one support person present when interacting with VHK members. This support person will not serve in an advisory or advocacy role. Parameters can be developed for the presence of a support person.¹⁶³

Rationale Even though the VHK is not a legal decision-making body, it is an adjudicatory body, and being interviewed for the purposes of an investigation can cause anxiety, stress, and a host of other emotions for both the complainant and respondent. Allowing complainants and respondents to have the support of an individual who does not serve in an advisory or advocacy role when they interact with the VHK affirms the humanity of the parties. It is also another way that the RA can build a choice for parties, and it conveys care by the RA.

162. Sacred Spaces recognizes that the RA must consider its own fiscal ability to facilitate these services, and implementation could differ from the recommendations.

163. The RA can develop parameters so that people understand the role of the support person and who can or cannot serve in that role (e.g., the support person should not also be a witness in the investigation).

Offer Pastoral or Emotional Counseling

Current	<p>Presently, the RA offers support in the following situations:</p> <ul style="list-style-type: none"> • “The panel will also consider whether it has a pastoral role in offering support to those involved, including the rabbi who is the subject of the complaint, individuals who may have been affected by his or her actions, possible victims and/or other members of the community. This role may extend to the family of the rabbi and the congregation/institution or its leadership.” (VHK Protocols) • “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).” (RA Code)
Recommendation	<p>The parties should be offered an opportunity to access emotional well-being support during the VHK process by a trained professional, either from an RA member or from an outside professional.¹⁶⁴ The counseling can be offered by an RA member, a member of the clergy who does not belong to the RA, or a secular mental health professional. The goal is to provide pastoral and emotional support and not to establish an ongoing therapeutic relationship. This can be time limited for up to three sessions.</p>
Rationale	<p>The grievance process is stressful, and there is no way to predict how an individual will react.¹⁶⁵ What is known is that one person believes they have experienced harm and the other is facing scrutiny for their behavior. Complainants and respondents should have the opportunity, when involved with the VHK, to access short-term counseling that can assist in promoting their emotional well-being. “Spirituality provides a belief system and sense of divine connectedness that helps give meaning to the traumatic experience and has been shown over time to aid in the recovery process.”¹⁶⁶ Some may elect pastoral support from an RA member (<i>mashgiah ruhani</i> -- spiritual supervisor or mentor) as discussed in the next recommendation. Others may want to speak to a member of the clergy not involved with the RA, and still others will want someone who has professional training with victim-survivors or respondents. These sessions are not considered therapy. At a later stage in the process, however, therapy may be mandated by the RA for some respondents to assess and assist in behavioral change. In addition, some complainants might decide that therapeutic counseling could assist in their processing and healing from trauma. However, those are separate undertakings.</p>

164. The RA Ethics Director would be responsible for connecting parties to support and other resources.

165. For example, some people may experience fear, guilt, grief, shame, anger, numbness, apathy, sadness, or even joy. Emotions can manifest at any time (e.g., at the onset as they are entering an unfamiliar process, during an interview, when there are findings of fact, or, if applicable, when it is time to lift any imposed sanctions).

166. See Victor Vieth et al, Abstract, *Unto the Third Generation Revisited*, forthcoming (2023) and Casey Gwinn and Hope Rising: *How the Science of HOPE Can Change Your Life*. Morgan James Publishing (2022).

Utilize *Mashgiah Ruhani* for Pastoral Counseling

Current The *mashgiah ruhani* is a volunteer position. “The purpose is to offer the safe, caring support of a colleague supporting his/her inner work towards full *teshuvah*. It is hoped that s/he will grow spiritually to act and behave appropriately as a person and as rabbi in the future.” They are “expected to periodically report on the rabbi’s progress to the Chair of the VHK, or to a representative of the VHK, and to assist in determining if and when it is appropriate to end a colleague’s probation or suspension.” (VHK Protocol)

Additional guidance through VHK Protocol: The spiritual mentor meets periodically with the respondent as needed and may speak with the respondent’s therapist or counselor during the mentoring period.

Recommendation The *mashgiah ruhani* is available to both parties upon their request as a source of pastoral support any time during the case handling process, including after adjudication if the RA retains oversight over the respondent. A party is limited to three one-hour sessions, and there are no reporting requirements back to the VHK unless they learn about behaviors that could be considered retaliation or have other safety concerns.¹⁶⁷ If both parties request to meet with a *mashgiah ruhani*, different mentors should be assigned, and the mentors should not share information with each other. The RA should develop a role description for the spiritual mentor that is available to both those volunteering in the role and to individuals electing to meet with them.¹⁶⁸ Spiritual mentors should be well positioned to understand the role and process of the VHK and therefore participate in an orientation session and have access to ongoing training.¹⁶⁹

Rationale Spiritual or pastoral counseling was consistently named as a need by both complainants and respondents. Those serving as *mashgiah ruhani* wanted more guidance as to their role and expectations, knowing that they did not have professional expertise in some of the issues. Sacred Spaces recommends that the determination of whether *teshuvah* has been fulfilled be removed as a requirement of the VHK.¹⁷⁰ Given that this is no longer a goal of the VHK, the *mashgiah ruhani* should now be available to solely serve in the role that they are trained for – pastoral counseling. It is recommended that sessions with the spiritual mentor be limited so that the relationship does not develop beyond pastoral care. This recommendation expands the ability to access a *mashgiah ruhani* as well as aligns their role with others outside of the RA who would offer emotional and pastoral support.

167. This should be reported to the RA Ethics Director or the VHK Chair.

168. It should be clear that there is no confidentiality afforded in the conversation with the spiritual mentor, nor is the spiritual mentor to provide therapy or counseling.

169. The RA may want to consider having those serving as *mashgiah ruhani* in the pool of VHK committee members so that individuals are trained on the entire process. If on the VHK, a spiritual mentor should not be part of fact finding or deliberations of the specific complaint when serving in their role as a *mashgiah ruhani*.

170. See the recommendation regarding *teshuvah* included in Promoting Safety.

Provide Support for VHK Committee Members

Recommendation	The RA should offer VHK committee members and other RA staff involved in VHK processes access to support services to assist in their own self-care. This should be someone outside of the RA who specializes in vicarious trauma. Currently, nothing is formally offered to VHK members and relevant staff if they have a desire to process the personal impact of coordinating case handling and listening to accounts of rabbinic misconduct.
Rationale	VHK committee members and RA staff who respond to complaints can experience vicarious trauma. Listening to the accounts of misconduct and tending to the emotions of the parties also impacts the individuals who are responsible for handling the complaints. Symptoms of vicarious trauma resemble the effects of direct trauma and can contribute to burnout. ¹⁷¹

Explore Creation of a Multidisciplinary Response Team for Organizations

Current	After a VHK decision, the VHK will be responsible for any necessary follow-up, including ensuring that “involved parties, congregation/organization and family affected by the misconduct have received the support needed.” (VHK Protocols)
Recommendation	To provide greater support on the ground, the RA should work in collaboration with other denomination-affiliated organizations to create a holistic response to rabbinic misconduct that can be accessed by third parties throughout the entire VHK process. ¹⁷² Some examples are: meet with organizational leadership to explain any restrictions that are placed on the rabbi and what that means for their duties at the organization (should they be relieved of their duty -- with or without pay -- during the investigation); assist with developing trauma-informed communications to the community about the situation; connect the organization with a crisis counselor to speak with the community; locate an interim rabbi during or after the VHK process, etc.
Rationale	A prompt organizational response to rabbinic misconduct reduces its impact and the disruption to the community and organization. Involving the local organization contributes to a better understanding of the VHK process so that a safety lens can be applied. For example, more transparency can encourage support for actions taken by lay leadership or, alternatively, a call for action when there has been none. Having “joint” responses between the RA and the other organizations (i.e., USCJ, Masorti Olami, the seminaries, and the Cantors Assembly) facilitates collaboration, reduces isolation, and fosters more alignment across the denomination. ¹⁷³ Working together promotes a collective culture of response and accountability. ¹⁷⁴

171. Vicarious trauma can also lead committee members to feel a sense of heightened vigilance or, alternatively, experience apathy.

172. Doing so will also help to provide meaningful systems of support: response teams will speak the local language and understand the culture.

173. There is already a model for this being accomplished through the Joint Placement Commission.

174. This approach can help reduce the passing along of bad actors and can be used when there are other types of violations, such as rabbis experiencing abuses of power.

Additional Recommendations to Promote Care and Support

- To reduce vicarious trauma and increase the ability of those with outside obligations to serve as committee members, limit the number of fact-finding panels on which an individual VHK committee member participates each year.
- Consider the dispensation of stipends or honorariums for VHK committee members. Outside experts who are serving as panel members will expect remuneration. This will help balance power on the panel and demonstrate appreciation and respect for the time committee members spend.
- Increase awareness about addiction and mental health and connect members to outside resources.

INTEGRITY

ה' מִי־יָגוּר בְּאֶהֱלֶךָ מִי־יִשְׁכֵּן בְּהַר קִדְשֶׁךָ: הוֹלֵךְ תְּמִים וּפְעֵל צְדָק וְדֹבֵר אֱמֶת בְּלִבּוֹ: (תהילים ט"ו:א-ב)

God, who may sojourn in Your tent, who may dwell on Your holy mountain? One who lives without blame, who does what is right, and acknowledges the truth in their heart. (Psalms 15:1-2)

Members of the RA are expected to uphold the sacredness of the rabbinate by acting with integrity with one another and in the broader world. This includes supporting and honoring colleagues and respecting the safety and humanity of others. Power itself -- including the power of faith leaders -- is neither good nor bad, but it can be wielded in both positive and negative ways.¹⁷⁵ The following recommendations are not focused on putting power aside but instead call for rabbis to use their power responsibly and ethically.

Prohibit Fraud and Deception

Current

RA Code provisions:

- “[R]abbis must take special care to avoid improper use of intellectual property. Permission must be sought for use of copyright material and permission and appropriate citation given for all material used.”
- “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.”
- “It is common for rabbis to administer discretionary funds ... [s]uch funds and expenditures are to be treated carefully.”

Recommendation

Include a more general provision that indicates rabbis should not engage in behaviors or make statements that are false, deceptive, or fraudulent. This includes misrepresenting their professional credentials, taking credit for ideas or materials that are not theirs, or misappropriating funds.

Rationale

This approach provides more ability to respond to acts of fraud and deceptive behavior that are not anticipated in the current code. The RA can provide examples and specifics in its guidelines as well as train rabbis on how to fulfill these expectations.

175. “Power, properly understood, is the ability to achieve purpose. It is the strength required to bring about social, political, or economic change. ... There is nothing wrong with power if power is used correctly.” Dr. Martin Luther King, Jr. (August 16, 1967). *Where Do We Go From Here?* [Speech transcript] Retrieved from: Stanford University <https://kinginstitute.stanford.edu/where-do-we-go-here>.

Prohibit Harassment, Discrimination, Sexual Misconduct, and Other Forms of Abuse in all Rabbinic Relationships

Current RA Code provisions:

- “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.”
- “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, whether adult, teenager or child. 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.”
- “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.”
- “If sexual boundaries are violated by the rabbi, it is understood that that relationship is not regarded as consensual.”

Recommendation

- Currently, the Code focuses on sexual harassment. A revised Code should expand upon this, proscribing a rabbi from engaging (in person, online, or through technology) in harassment of any kind, including but not limited to sexual harassment, as well as discrimination, stalking, sexual exploitation, bullying, and other forms of maltreatment and abuse, including physical, emotional, psychological, sexual, or spiritual abuse. This should apply to rabbis’ relationships with all individuals, including those with whom rabbis have a personal, familial, or professional relationship.¹⁷⁶
- RA members should not act in ways that are discriminatory, abusive, or harassing in any area of their life, across relationships and professional roles. The RA should prohibit these behaviors beyond the varying laws and regulations (e.g., local laws, military, organizational policy) applicable to a global and diverse membership.
- The RA should consider adding Code provisions for rabbis responsible for working with individuals who have unique vulnerabilities that increase their risk for maltreatment (e.g., children and teens).
- The RA must offer ongoing, specific training on this section of the Code, with a focus on creating scenarios that account for the different position and placements of rabbis as well as cultural and regional differences. The training should include accompanying materials to support understanding, including personal boundary setting.

176. Examples of behaviors that should be prohibited are derogatory or demeaning insults or slurs based on identity (e.g. skin color, ethnicity, gender and sexual orientation), sexualizing conversations, sexual grooming, offensive and unwelcome physical contact, creating an environment of hostility, pressure for sexual activity or request for sexual favors, threats of punishment or promises of rewards for sexual behavior, purposely invading personal space, and displaying offensive materials.

Rationale Rabbis are part of the fabric of the community and are invited to share in the most emotional and meaningful moments of people’s lives. Rabbis build trusted connections and relationships with community members. Additionally, the demand for a rabbi’s time from their organization and community can be immense, and it can be difficult to maintain a balance between professional and personal commitments. In these situations, intentional and unintentional exploitation can occur.

Therefore, it is necessary for personal boundaries to exist. The concept of “boundaries” can be an off-putting way to describe how one moves in the world, but boundaries help define professional roles and assist in keeping people safe and respected, including ourselves.¹⁷⁷ “Personal boundaries also help rabbis to have their own space for spiritual, physical, emotional and intellectual ‘renewal.’”¹⁷⁸

For all these reasons, the Code should be more explicit in accounting for the various relationships a rabbi holds and the boundaries that should accompany those relationships.

Clarity on Dating or Sexually Intimate Relationships

- Current** RA Code Provisions:
- “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.”
 - “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.”
 - “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.”
- Recommendation**
- The RA should clearly outline whom a rabbi can date, under what circumstances, and notification requirements to the RA about certain impending relationships. Choice points are delineated later in this recommendation.

177. Boundaries are not uniform or static. They can shift in different situations and are shaped by variations in culture, personality, and social context.

178. *A Sacred Trust: Healthy Boundaries for Clergy*, YouTube series, FaithTrust Institute (last updated on May 26, 2022).

Recommendation

- A rabbi should be prohibited from entering into a dating, sexual, or other relationship of a romantic nature with any individual with whom they have previously had or currently have a pastoral role (e.g., they have counseled or advised or to whom they have provided direct spiritual guidance), or with whom they are currently are in a position of power such as supervisor, advisor, or mentor.
- RA members must follow relevant laws related to sexual misconduct and/or clergy abuse and the policies and protocols of their respective organization; if any laws conflict with the RA's Code, RA members must follow the stricter of the provisions.

Rationale

The current RA Code sends conflicting messages to members. The Assessment revealed differing opinions as to whether rabbis, especially those working in congregational settings, should be permitted to date those who access their synagogue, highlighting a need for clarity on this issue.

As human beings, rabbis are in need of love and companionship and should express their sexuality in healthy ways through consensual relationships. Consent can occur only “when two people are relatively equal in power and when fear, coercion or manipulation is completely absent from their relationship.”¹⁷⁹ Many believe that there can never be consent between clergy and congregants as the power dynamics are too great.¹⁸⁰ Others believe that prohibiting such relationships entirely discounts the realities of life and ultimately promotes secrecy.

Throughout the Assessment, rabbis discussed that they are entering their positions in different relationship statuses -- single being one of them -- and that they may find themselves in a geographic location where there are no options to date someone Jewish, let alone from the Conservative/Masorti denomination, outside of the congregation. This leaves a rabbi with limited options: either to forgo having any intimate relationship or to have an intimate relationship with someone outside of the faith, which could lead to a different violation of the RA Code (prohibition of interfaith marriage).¹⁸¹

Members asked that the RA create a process by which those who find a romantic connection can pursue it ethically and with organizational transparency. When enacting any policy or protocol, no provision will successfully prevent or account for all abuses of power. The RA must provide ongoing education about why this Code provision exists and how to uphold it.

The RA has a choice to make about how to address this issue (see next page).

179. The FaithTrust Institute, *Abuse by Clergy FAQs*, retrieved at <https://www.faithtrustinstitute.org/resources/learn-the-basics/ce-faqs> (Retrieved December 2022).

180. *Id.*, Rabbis should be expected to abide by the law of their state in this regard, even in instances in which it is stricter than the Code. Some states, like Texas, prohibit clergy from engaging in intimate relationships in certain instances, especially if there has been a pastoral relationship. “A sexual assault under Subsection (a)(1) is without the consent of the other person if: (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person’s emotional dependency on the clergyman in the clergyman’s professional character as spiritual adviser.” (TX Penal Code Section § 22.011(b)(10) Sexual Assault).

181. In the Conservative/Masorti denomination, many geographic areas do not have more than one affiliated synagogue, and it could be hundreds of miles until the next one. That means either not dating, asking someone to leave the congregation if you fall in love, or dating outside of the religion or denomination. The RA’s Joint Placement Commission has a formula to decide eligibility for placement. For example, eligibility to work as a senior rabbi in a larger congregation is related to the number of years someone has been a rabbi, due to the experience and complexities often required for serving in this capacity. As most larger congregations are located in larger metropolitan areas where there are more people to date outside of the rabbi’s congregation, in practice this means that younger rabbis seeking more responsibility, often more likely to be single, are more likely to be placed in areas with smaller in-faith dating pools.

Sample Choice Point: Congregational Setting

Regarding romantic, sexual, or intimate relationships for rabbis working within a congregational setting, the RA either:

- Option A: Prohibits a rabbi from entering a romantic, sexual, or intimate relationship with someone who is accessing programming or services through their synagogue.
- Option B: Outlines specific circumstances when a rabbi may pursue a dating, romantic, sexual, or intimate relationship with someone accessing programming or services through their synagogue. While still not encouraged, if the situation is one where a relationship could be pursued (i.e., does not fall under the pastoral or supervisory situations described below), there are affirmative steps the rabbi must take to notify certain entities such as the RA and the synagogue. They are: 1) notify the RA at the onset of interest in a dating, romantic, sexual, or intimate relationship so that 2) the RA contacts each party to outline expectations of the Code, discuss potential risks of the situation, and invite each to be in contact for guidance, clarification, or support as needed; and 3) inform the board president and at least one other board member at a time the rabbi is seeking to spend time with the individual that is no longer observable and interruptible.¹⁸²

Application:

Here is an example of what a policy and protocol could look like if the RA decided to allow for romantic relationships in some situations.¹⁸³

No RA member shall propose, request, accept, or otherwise engage in a romantic, sexual, or intimate relationship with:

1. Any community member to whom they have offered or provided pastoral counseling (or the appearance of pastoral counseling).
2. Any individual with whom they are in a supervisor-supervisee relationship.
3. Any student where the rabbi is serving in a role as a teacher/faculty, advisor, tutor, coach, mentor, or has any form of academic supervision or influence upon funding and/or academic progress, and/or otherwise occupying a position of influence or power over a student's academic program.

In the above situations, such conduct creates a presumptive abuse of power that cannot be overridden and is therefore prohibited outright.

In circumstances that are not covered above and are not legally prohibited or prohibited by organizational policy, even when both parties have consented at the outset to develop such a relationship, a presumption remains that the rabbi holds the position of greater authority by virtue of their title of "rabbi" and therefore will be held accountable for the relationship.

¹⁸². When people decide to spend time privately versus in public view where others can "observe or interrupt" professional and social interactions, there can be increased vulnerability and risk for abuse of power. The RA can utilize this concept of observable and interruptible interactions broadly in their education and resources (e.g., pastoral counseling should occur in the synagogue building during hours in which it is regularly used), and then draw upon this concept when relevant, such as in these recommendations on intimate relationships.

¹⁸³. This language is adapted from Dartmouth University's Policy on Sexual and Gender-Based Misconduct.

Accordingly, when a rabbi intends to pursue a consensual romantic, dating, sexual, or otherwise intimate relationship with a congregant, employee, volunteer, or program participant, the RA rabbi **must** notify the RA to evaluate the situation. The RA will have a trained professional speak to each individual separately, at least once, to discuss exploitation-free relationships and ask about past pastoral relationships or other situations that could increase vulnerability to perceptions of or actual abuse of power.

In instances where the individual is a congregant (attends services or other programming at the synagogue in which the rabbi holds a position), the RA will also inquire into whether the individual would like to have another rabbi serve as their faith leader, even if this can only be done remotely.

At such time as the rabbi intends to spend time with an individual that is not observable or interruptible, the rabbi must also notify their employer (HR, if applicable, and at least two people on the board, including the board president) to ensure that the rabbi does not exercise any supervisory or evaluative function over the other person in the relationship at the point when it begins and indefinitely thereafter.

Foster Respect and Professionalism Among Rabbinic Roles

The current Code outlines behavioral expectations of rabbis when interacting with their peers within the same congregation, when one holds the ‘emeritus’ title, and when one rabbi is participating in a synagogue as congregant or in another rabbinic capacity.¹⁸⁴ Much of the Code is built on the notion that one rabbi has more power than another, whether based on age, seniority, or employment at a synagogue. This tone of power and control is then in tension with other areas that call for collegiality, kindness, and support of rabbinic growth.

The goal of these recommendations is to build upon the areas that call for cooperation, collaboration, and respect among rabbis and continue to provide clarity about roles, especially when there are multiple rabbis within one organization or community.

Expand Behavioral Interaction Requirements Beyond Congregational and Community Settings

By removing headings in the Code that are specific to congregational settings, many of the provisions can be made applicable to rabbis in all settings. Supplementary or training materials could support the Code in providing case studies to help rabbis navigate complex relationships. The following demonstrate ways in which some provisions can be made more inclusive.

Current “It is expected that rabbis who are members of a congregation respect the policies and religious authority of the incumbent rabbi.”

Recommendation It is expected that rabbis who are members of a congregation, *access programming, volunteer, work at, or participate in any other way with an organization*, respect the policies and religious authority of the incumbent rabbi.

184. This area of the Code often reads as though the provision was developed in response to a specific complaint received by the RA.

Current	“It is expected that relationships among rabbis in the same congregation will reflect the highest degree of collegiality, respect, and cooperation.”
Recommendation	It is expected that relationships among rabbis <i>living in the same community or working within the same organization</i> will reflect the highest degree of collegiality, respect, and cooperation.
Current	“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.”
Recommendation	Each individual brings unique experiences and perspectives to an organization. It is expected that rabbis work cooperatively with colleagues and other staff members in an organization, regardless of their title or role. Interactions should be respectful as outlined in Section (insert reference anti-harassment, abuse, and discrimination section here), and rabbis, like other employees, may avail themselves of the reporting systems within their organizations, as well as within the Rabbinical Assembly.

Promote Trust and Cooperation Among Rabbis

In some sections of the Code, the language emphasizes and entrenches the division of power as opposed to promoting trust, cooperation, and respect and using power responsibly. The following recommendations aim to foster a Conservative/Masorti rabbinate that views each other as colleagues rather than as competitors or subordinates.

Power to Establish Halakhic and Rabbinic Administrative Policies

Current	<p>RA Code Provisions:</p> <ul style="list-style-type: none"> • “It is understood that the assistant/associate rabbi reports to the senior rabbi and defers to the senior rabbi in all matters affecting congregational <i>halakhic</i> and administrative policies.” • “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 [<i>mara d’atra</i>, master of the locality, i.e. senior rabbi]. It is expected that other rabbis will abide by the policies of the senior rabbi in all matters affecting the congregation.” (emphasis added). • “[I]t 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).”
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Recommendation	Combine and broaden the above provisions so that it is understood that when multiple rabbis work for an organization, the senior rabbi is in the position to decide all matters affecting an organization's <i>halakhic</i> , rabbinic, and administrative policies. It is also incumbent on the senior rabbi to promote the growth of junior rabbis on their chosen career path.
Rationale	The goal of this provision is to vest authority in one rabbi to establish religious practices and serve as the master of ceremonies. To indicate that rabbis will “abide” by policies of the senior rabbi in <i>all</i> matters provides insufficient room for bringing issues to light that may harm the congregation or community, including aspects of the senior rabbi's behavior. One's position should not be a barrier to reporting concerns of misconduct. This Code can simply say that the senior rabbi shall decide <i>halakhic</i> policies for an organization.

Serving in Other Leadership Capacities

Current	“A rabbi who is a member of a congregation may not serve in a governance role of the congregation such as an officer, a member of the board of directors, the ritual committee, search committee or personnel committee, the school committee, or in a role which may lead to conflict with the school committee, or in a role which may lead to conflict with the מרא דאתרא except at the request of the מרא דאתרא.” (RA Code)
Recommendation	Permit rabbis to serve on a board or in other leadership roles at another organization so long as they limit their service to that specific leadership role and do not infringe on another rabbi's role (e.g., by offering <i>psak</i> or <i>halakhic</i> ruling) unless expressly asked to do so by that rabbi or lay leadership.
Rationale	This change allows rabbis who are interested in and have expertise to bring to a leadership role to do so. It also places trust in the individual to understand that they are not serving as a rabbi and to abide by the scope of their leadership role. It is understood that others may view the rabbi as someone who can weigh in on <i>halakhic</i> matters, but it is the responsibility of the rabbi to articulate their role and its limitations. Another Code provision, which works in concert with this one, outlines that there is only one <i>mara d'atra</i> .

Reframe Respect and Authority Between Rabbis from Encroachment to Respect

Current	<p>Currently, the RA Code asks rabbis to be “mindful of the principal of הסגת גבול [trespassing] in all areas of rabbinical work” and goes to great length to provide guidance in situations where it can arise.</p> <ul style="list-style-type: none"> • For example, without prior approval or invitation of the senior rabbi: “No member of the RA may occupy another rabbi's pulpit...nor may any rabbi teach or speak in any congregation or subsidiary organization of the congregation...or serve in other rabbinic capacities, as a volunteer or for compensation.” • “Unless there is an absolute emergency, no colleague may officiate at a service or life-cycle event at another rabbi's congregation.”
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- “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.”
- “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.”
- “If a rabbi is interested in establishing a new congregation for whatever reason, he/she must seek and receive approval of the Placement Commission.”

RecommendationGuidance on enterprise.

The Code indicates that it is “undignified for rabbis to advertise their availability for such religious services.” However, today, freelance work is common as a means of income, and clergy are no exception. The RA should provide examples of how its members can advertise and engage ethically in a competitive market

Work together for the good of the community.

Rabbis should honor the role and position of the *mara d’atra*/senior rabbi and take steps to avoid any confusion about that role with others in the community, organization, and congregation. There may be times when another rabbi is requested to participate in either an emergency or planned life-cycle event or pastoral counseling. Rabbis are asked to work collaboratively to meet the needs of the community members making such requests, with deference to the *mara d’atra*/senior rabbi. In emergency or crisis situations, rabbis should be trusted to use their best judgment, and the community and senior rabbis should approach the situation assuming there is no intent to trespass or interfere with their authority.

Value expertise.

Additionally, senior rabbis are encouraged to value the expertise of other rabbis and call them in to assist as volunteers or employees to strengthen the programming, services, and other activities to the Conservative/Masorti community.

Rationale

The concept of *hasagat gevul* (trespassing/infringement of boundary) is often used to refer to unfair business competition, including encroachment on various economic and commercial rights of others. The connotation is an assumption of “poaching” or engaging in rabbinic activities that undermine the authority or violate geographic boundaries of another rabbi. Encouraging rabbis to work together and see each other as allies and colleagues can reduce the tension of competition, create more economic opportunities, and reduce conflicting messages

or responses to Jewish community members about Jewish law and stances on social issues. The RA should remain a resource to rabbis as they work through any of these issues and consider developing mediation and other ways to address conflict.

Demonstrate Mutual Respect Between Emeritus and Incumbent Rabbi

Current

Sample provisions in the current RA Code:

- “[T]he rabbi emeritus must help transfer religious leadership to his or her successor.”
- “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.”
- “[T]he incumbent rabbi is expected to invite the emeritus to participate in activities through teaching and preaching, and co-officiating at key events.”
- “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.”

Recommendation

The Code should encourage clergy members who work together to demonstrate respect and honor and remove the obligation from the congregation, over whom the RA has no jurisdiction. The provision could look like this: The emeritus and incumbent rabbi should demonstrate mutual support and respect towards one another to ensure that the community and congregation experience a smooth transition in leadership without gaps in their religious endeavors. This may involve sharing responsibilities during the transition period and honoring each other in words and action throughout the time they are in the community together. They should work to the best of their ability to have an aligned or joint response to questions about duties and responsibilities. The emeritus will recognize that the incumbent rabbi is now the *mara d’atra*.

Rationale

It is imperative that leaders demonstrate the values and actions that they are teaching from the pulpit. Having an aligned message from both the emeritus and current rabbi reduces tension in the congregation and fosters a more respectful and safer environment. Even if there are disagreements between the two, the Code refers back to the section that indicates that there is only one *mara d’atra*. The obligations of a congregation about how to recognize the emeritus should be left to the community. The requirement as written sends mixed messages to the congregation about the power of the emeritus and may unintentionally create an unbalanced dynamic between the emeritus and the incumbent.

Fostering a Culture of Reporting

Current “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.” (RA Code)

Recommendation RA members are urged to take reasonable and prudent actions to prevent or stop rabbinic misconduct. This may include direct intervention when safe to do so, contacting law enforcement, or contacting the RA to seek assistance or file a complaint. RA members who hold information about an ethics violation are encouraged to bring the information to the RA and will be protected from retaliation. A finding of an interference, suppression, or obfuscation of evidence relating to an ethics complaint will in itself be considered a violation of the RA Code. This is applicable to evidence being collected in any civil, criminal, or ethics complaint system.

Rationale Creating a culture in which rabbis report rabbinic misconduct helps members to be accountable to each other, helps to safeguard Jewish communities from abuse, and protects the integrity of the rabbinate. The responsibility of intervening and addressing abuses of power cannot rest solely on the shoulders of those who have been harmed, and rabbis in particular have a responsibility to take action if they become aware of misconduct by their colleagues. At the same time, victims of rabbinic misconduct may themselves be rabbis, and they should have the ability to turn to their colleagues for support and assistance without fear that a provision in the Code will compel their colleague to report the information, whether they wish for it to be reported or not. As such, these recommendations urge reporting of known Code violations without mandating it while, at the same time, they draw a clear line prohibiting behaviors that may cover up or otherwise interfere with handling of misconduct.

Clarify Addiction in Relation to Ethics Violations

Current The RA Code currently states:

- “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...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.”
- “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 also times during which rabbis may become unable to continue their work for a variety of reasons. The RA always stands ready to be of assistance to colleagues and help with appropriate referrals and advice.”

Recommendation

- Consider adding a provision to the Code that RA members should be responsible in their use of legal addictive substances and activities (e.g., prescription drugs/ alcohol/ gambling) and avoid use of illegal substances.
- Clarify that having an addiction is not *per se* a violation of professional ethics. It is when the addiction interferes with professional duties that it can rise to the level of misconduct.
- Remove the responsibility of colleagues to confront someone who has an addiction.
- When a rabbi has been found to have committed an ethics violation and an underlying addiction may have contributed to the behavior, the presence of the addiction will not be used to mitigate the seriousness of the misconduct, but neither will it be used as an aggravating factor. However, the VHK can require that the respondent receive help for their addiction.
- Expand awareness about addiction and mental health.
- Increase confidential resources for members who are struggling with addiction.

Rationale

It is not illegal to have an addiction, nor should an addiction be a violation of the Code. Addictions can, however, interfere with a rabbi's ability to conduct themselves professionally. It is important that rabbis receive education about engaging in high risk and addictive activities and how such activities can impact their personal and professional lives.

Rabbis are not trained nor in a position to determine if a colleague has an addiction. While some rabbis might feel comfortable speaking to a colleague about their concerns, others may not, and this should not be mandated.

To uphold the provision that encourages rabbis to come forward with their addiction and receive referrals and advice, the RA must have more than a list of resources. It needs to establish a direct link to a professional. This could mean having professionals on call or establishing relationships with treatment facilities that are experienced in working with members of the clergy.

Standardize the Review of the Code and VHK Process

<p>Recommendation</p>	<p>The RA Code and the ethics complaint processes should formally be reviewed periodically. Some ways to review are:</p> <ul style="list-style-type: none"> • Conduct a regular, institutional review of the Code. This could be done more formally every three to four years or more regularly through a subcommittee, which also proposes amendments to the entire membership. • Collect statistics and other data about complaints, including types of complaint, the relationship of the complainant to the respondent, activities undertaken by the VHK, and outcomes. These can be compiled and reviewed annually. • Engage a trained team - either internally or externally - to audit deidentified, closed VHK case files every few years for compliance purposes. • Develop a system for regular feedback from VHK committee members, including feedback about the VHK Chair and RA Ethics Director.
<p>Rationale</p>	<p>The RA Code and VHK should reflect best practices to promote an ethical rabbinate and safe and respectful culture within the RA. As a society, we are constantly learning how to improve prevention efforts, enhance trauma-informed responses, and create environments that are inclusive of a diverse society. This means that complaint handling processes and standards of professional behavior can shift based on these emergent learnings. Therefore, it is important for the RA to routinely incorporate updates as well as review their current processes to see if: 1) they are being consistently followed; 2) there are any unintended consequences to their frameworks and processes; and 3) there are gaps in processes.</p>

Additional Recommendations to Promote Integrity

- Duty to disclose wrongdoing. Include a provision in the Code or membership agreement that RA members have an affirmative duty to disclose to the RA if: 1) they are being investigated for any criminal offenses; 2) dismissed from any place of employment due to misconduct; or 3) are facing or have received disciplinary action by another professional association with which they are affiliated.
- Add a provision to the Discretionary Fund Guidelines that rabbis should not seek personal advantage or financial gain from their positions, and they must establish accountable and transparent systems for financial matters. This includes having someone who actively audits discretionary funds. This audit does not aim to limit the discretion of the rabbi but to increase transparency of any fund's use.

INCLUSION

שאדם טובע כמה מטבעות בחותם אחד כולן דומין זה לזה ומלך מלכי המלכים הקב"ה טבע כל אדם בחותמו של אדם הראשון ואין אחד מהן דומה לחבירו (סנהדרין ל"ז א)

When a person stamps several coins with one seal, they are all similar to each other, but the supreme Ruler of Rulers, the Holy One, Blessed be God, stamped all people with the seal of the first person and not one of them is similar to another. (Masechet Sanhedrin 37a)

If the RA Code aims to guide every member's behavior, it must be inclusive of its diverse membership. That means when individual members read the Code, they personally see themselves in it, and it is relevant to their professional situations.¹⁸⁵ In order to honor that diversity, developing connections between rabbis and creating a sense of inclusion within the RA will help counter some of the isolation rabbis may feel in maintaining personal and professional boundaries.

The following are ways to advance connection, inclusion, and engagement in the RA's ethics processes and overall organizational culture.

Review Pronoun Usage

Current The pronouns used in the Code are "he/his/himself" and "she/her/herself."

Recommendation

- The RA should revisit the use of the binary (he/she) pronouns. There are several ways to do this. The first is to consider omitting references to gender when they are not relevant for communications. For instance, removing references to a pronoun can be done in many instances by using passive rather than active voice. Below are examples of sentences from RA documents, reworked in accordance with this recommendation.

Example: "If a rabbi is interested in establishing a new congregation for whatever reason, he/she must seek and receive approval of the Placement Commission."

Reworked: If a rabbi is interested in establishing a new congregation, prior approval by the Joint Placement Commission is necessary.

Example: "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."

Reworked: While members of a congregation will undoubtedly ask a rabbi emeritus to officiate at life-cycle functions, the emeritus should understand that such officiating should not be done on a regular basis and decline these requests.

¹⁸⁵ For example, components of the Code must reflect various rabbinic roles, gender identities, and geographic locations.

- The second is to expand to more inclusive pronouns or gender expansive language (*migdar rachav, leshon me'urevet*, and Lenguaje Inclusivo).¹⁸⁶ Examples would be they/them, *elle/ells*, תלמידים/תלמידות, or *talmidim/talmidot*.

Rationale

Addressing people with pronouns that reflect their identity is a sign of respect and leaves room for all to present themselves authentically. Both Hebrew and Spanish are binary languages, but recent linguistic innovations are beginning to reflect a more expansive approach to gender.

Establish Community Interaction Guidelines for Members

Current

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

Recommendation

Remove mention of Ravnet and add a general provision to the RA membership agreement that “RA members are expected to uphold the community agreements and interaction guidelines of any RA forum.”

Rationale

RA forums are utilized by many members as a source of learning and connection. To preserve the value of the forums, RA members should be expected to uphold the Code in all areas of their life, including in-person and online interactions with their colleagues.

Mentioning every specific opportunity that the RA hosts to facilitate connection, learning, and support among members is cumbersome. Additionally, communication technologies are quickly changing. Not naming forums provides the RA flexibility in modifying interaction guidelines to reflect the circumstances. Any violation within a community forum that also constitutes an ethics violation should be handled through the VHK process. The RA is encouraged to co-create with its members community agreements to guide member interactions in any RA sanctioned forum or event that exists separate from the Code.

186. See, e.g., The Non-Binary Hebrew Project; Olly Richards, Blog, Inclusive Spanish: A Simple Guide To Using & Understanding Lenguaje Inclusivo, StoryLearning (<https://storylearning.com/learn/spanish/spanish-tips/inclusive-spanish>) ; and Understanding Neopronouns, Human Rights Campaign (<https://www.hrc.org/resources/understanding-neopronouns>).

Other Recommendations to Augment Inclusion

- Engage the membership in creating a relevant and updated Code through small working groups.
- Examine each Code provision through both a cultural and linguistic lens to ensure that the meaning is clear and aligns with the realities of rabbis in other countries.¹⁸⁷
- Create an advisory group to review the RA's resources for being too U.S.-centric and suggest ways to make them more relevant to global audiences.
- Disseminate communication and resources and hold convenings in all three of the RA's primary languages (English, Hebrew, and Spanish).¹⁸⁸
- Schedule convenings and educational opportunities at times that are feasible for members living in various time zones.
- Review fee structures to support access to RA functions and retention of membership for members across socio-economic groups.
- Continue to develop mechanisms to diversify and broaden participation and leadership on some of the more prominent committees (e.g., Joint Placement Commission, Committee on Jewish Law and Standards, EC, Membership) and find ways for these committees to collaborate to increase alignment, efficiency, and relationship building.

187. Examples and applications of the Code should be tailored, and procedures and structures must be developed to include understanding the uniqueness of each region.

188. This includes translating the name of the *Va'ad HaKavod*.

EMBODIMENT

על כן ה' א-להינו בְּשִׁכְבְּנוּ וּבְקוּמָנוּ נְשִׂיחַ בְּחֻקֶיךָ וְנִשְׂמַח בְּדִבְרֵי תוֹרָתְךָ וּבְמִצְוֹתֶיךָ לְעוֹלָם וָעֶד: כִּי הֵם חַיֵּינוּ וְאַרְךְ יָמֵינוּ וּבָרְכֵם נְהַגָה יוֹמָם וְלַיְלָה: (תפילת מעריב)

Therefore God, when we lie down to sleep and when we rise, we shall think of Your laws and speak of them, rejoicing in Your Torah and mitzvot always. For they are our life and length of our days; we will meditate on them day and night. (Liturgy, Evening Service)

Every evening, we rearticulate our commitment to following God's mitzvot. It is not enough to simply remember these commandments; rather, we intentionally and consciously recommit ourselves to them each day. So, too, we believe that an intentional decision-making process is required in order to live an ethical life. This section's recommendations have two goals, both promoting an ongoing commitment to ethics.

The first goal is to assist RA members in upholding their professional ethical duties, which requires knowledge of permissible behavior but also the rationale for the provisions. The second aims to cultivate safety and accountability across the Conservative/Masorti denomination, which requires discussion and collaboration from all organizations.

Goal: Assist RA Members to Uphold Professional Ethical Duties

Address Conflicting Professional Obligations

The RA should create a process by which members can demonstrate where conflicts may exist between the RA's Code and their employer's policy or local law and receive guidance on navigating the conflict. Currently, the Code says: "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."

A transparent process that provides members the ability to ask about conflicting policies and receive answers increases the likelihood that they will raise questions proactively rather than waiting for conflict to arise. The RA can publish some of these examples as models or use them to reevaluate provisions in the Code that present too many barriers to a global membership. When this process is initiated by a member – i.e. not in response to a complaint – it should not be considered a VHK issue.

Be Proactive at Times of Transition

Provide attention and support during times of transition when there is greater risk of abuse of power and misconduct. These can include when a new rabbi joins a senior rabbi's congregation or organization; when new lay leadership is installed; when a rabbi retires and acquires the emeritus title; or when a rabbi is recently ordained, in their first placement, or starting a new career path. Develop specific training and support (e.g., check-ins or mentoring) for rabbis and lay leaders transitioning in and out of positions of power.

Respond to Abusive Rabbinic Work Environments and Support Rabbis

- Find ways to identify, intervene, and offer assistance with abusive placements.
- Develop a process for rabbis to report abuse they experience in their denomination- affiliated workplaces that reduces the chance of reprisal.
- Remove timeframes outlined in the joint placement rules¹⁸⁹ for leaving a congregation if a rabbi reports that it is an abusive environment. This will reduce the amount of time that a rabbi experiences harassment or abuse if the issue cannot be remedied.¹⁹⁰

Increase Education & Resources

- Establish a professional ethics continuing education requirement with a requirement for a certain number of educational units specific to professional responsibility (ethics) that a rabbi must complete every 2-3 years to maintain their membership.¹⁹¹
- Host joint learning opportunities to promote a common understanding about ethics and about conduct that compromises safety and respect.¹⁹² For example, have joint trainings about the importance of rabbis' personal boundaries for rabbis and community members (thus helping community members respect boundaries that rabbis implement).
- Engage in ongoing communication and education about the Code and ethics through newsletters, study groups, and podcasts – both within the RA and across the denomination.
- Create a bank of sample organizational protocols and policies to respond to a variety of abuses of power, including harassment, discrimination, and child maltreatment.
- Provide access to ethics advice. Have a way for RA members to request information to determine if a particular behavior could be considered an ethics violation or receive advice about how to handle a current issue.¹⁹³ This may need to be outsourced to offer confidentiality and appropriate expertise.¹⁹⁴
- Rabbis should attest to reviewing and upholding the Code as part of their annual membership renewal.¹⁹⁵ The Code and ethics should be kept front and center. Having an annual recognition encourages Code review and familiarity.

189. For example, the Joint Placement Rules say, " Before a rabbi leaves a congregation under this window of opportunity, the rabbi must give the congregation no less than six months notice."

190. This is an area where USCJ and Masorti Olami can work collaboratively with the RA.

191. The RA may want to consider offering educational seminars on ethics at no cost to members.

192. For example, these can be joint learning sessions with rabbis and lay leadership about anti-harassment, discrimination, respect, safety, and equity in the workplace. Or there can be joint sessions with Masorti Olami and USCJ to discuss how they respond to ethics complaints occurring in a synagogue setting.

193. RA members said they could see themselves seeking advice about things like receiving a subpoena in a court case or addressing a colleague who is having an affair. Rabbis thought it would be beneficial to have office hours for ethics questions and the ability to request and receive an opinion on ethics in a timely manner.

194. Because the RA, and specifically its VHK, is an enforcement body, there can be an inherent conflict in offering support that can prompt reporting. To encourage people to reach out for support, resources may need to be offered outside of the RA. This needs to be balanced by the unique value of someone trained to provide pastoral support.

195. Currently, only new members are asked to review and commit to upholding the Code.

Goal: Keep the Jewish community safe from abuse through a coordinated and collaborative response to misconduct.

This goal came to light during the Assessment; while not the responsibility of the RA or within their purview to require, it is a call to action that denomination-affiliated organizations come together and consider the following recommendations:

- Create mutual reporting of ethics violations for organizations. Include provisions in rabbinic employment contracts that: 1) articulate that the rabbi is expected to uphold the Code; and 2) outline mutual reporting of ethics violations. This means employers will report to the RA any potential Code violation, and the RA will notify the employer if a complaint has been filed that goes to the VHK.
- Consider the performance of exit interviews with a rabbi and lay leadership separately after a rabbi leaves a placement. This helps identify red flags regarding a toxic placement or a rabbi who is prone to problematic behaviors.
- Develop a collective agreement that prohibits denomination affiliated organizations from hiring¹⁹⁶ a rabbi who is suspended or expelled by the RA for certain acts of misconduct.¹⁹⁷
- Consider prohibiting the interviewing or hiring of a rabbi at an organization where the RA has knowledge that there has been misconduct towards rabbi(s) and it has gone unaddressed.
- Examine the ability of ordaining intuitions to revoke ordinations for certain violations.¹⁹⁸

Other Ideas to Promote Embodiment in Collaboration with Other Organizations Across the Denomination

- Encourage denomination-affiliated organizations cross-train on their ethics and complaint handling processes.
- Examine professional code of conduct provisions across organizations and, where feasible, develop consistent standards to help create a shared culture.
- Explore having a truth and reconciliation process in partnership with other organizations in the Conservative/Masorti denomination. The process must be informed by victim-survivors and include an opportunity for victim-survivors to share and, more importantly, be heard by individuals who have held or currently hold leadership positions. There may be other requests from the victim-survivors about what a process should include and hoped for outcomes. We do not expand on this recommendation here, however, because the victim-survivors we spoke with during the course of the Assessment emphasized most the need for an improved VHK process and were interested in opportunities for truth and reconciliation in response to experiences and cultural issues denomination-wide. As other denominations are also reckoning with their pasts, the Conservative/Masorti denomination must do the same.
- Consider prohibiting non-disclosure agreements across the denomination when certain forms of misconduct have occurred so that they do not inadvertently silence and further victimize those who have been victims of abuse.¹⁹⁹

196. This includes placing the rabbi in a leadership or prominent role like serving as a board member or lecturer.

197. This list should be developed in coordination with organizations. Some examples could include any conduct that is considered sexual in nature or involves a minor or misappropriation of funds.

198. Id., this list may be narrower than the one above.

199. For further discussion on the impact of non-disclosure agreements, see: SRE Network's Statement regarding Non-Disclosure Agreements (April 5, 2023) at <https://srenetwork.org/sre-statement-april-2022/>.

CONCLUSION

As you embark on the next steps of your sacred work, we share with you our blessing, echoing the words of the priestly blessing:

יְבָרְכֶךָ ה' וְיִשְׁמְרֶךָ. יָאֵר ה' פָּנָיו אֵלֶיךָ וַיְחַנְּךָ. יִשָּׂא ה' פָּנָיו אֵלֶיךָ וְיִשְׂמָם לְךָ שְׁלוֹם (במדבר ו: כ"ד-כ"ו)

May God bless and protect you. May God shine God's countenance and bestow grace upon you. May God lift God's countenance to you and grant you peace. (Numbers 6:24-26)

We know that there is much work ahead for the RA. The VHK toils in some of the most fraught issues facing our Jewish communities today. The responsibility held by the VHK is great and the potential impact even greater. May God bless this extensive endeavor the RA has undertaken and help the RA succeed in its efforts to foster an ethical, moral rabbinate, and to hold its members to the lofty standards they have committed to and upon which the Jewish community depends.

We end this report, as we began, lifting up the voices of those who have been impacted by rabbinic misconduct, recognizing the complexity of the VHK's work, and acknowledging the commitment of the RA and its membership to create a more robust professional ethics Code that can clearly guide a sacred rabbinate.

We recognize, too, the responsibility entrusted to Sacred Spaces with this Assessment. We appreciate the complexity of the issues that come before the RA and VHK and the critical importance of humility when dealing with issues that so significantly impact others' lives.

יְהִי רָצוֹן מִלְּפָנֶיךָ ה' אֱלֹהֵי שְׂלֵמָה יִאָּרַע דְּבַר תִּקְלָה עַל יָדֵי, וְלֹא אֶכְשַׁל בְּדַבַּר הַלְּכָה, וְיִשְׁמַח בִּי חֲבֵרִי, וְלֹא אֹמֵר עַל טָמֵא טָהוֹר, וְלֹא עַל טָהוֹר טָמֵא. וְלֹא יִכְשְׁלוּ חֲבֵרֵי בְּדַבַּר הַלְּכָה, וְאֶשְׂמַח בָּהֶם. (ברכות כ"ח ב)

May it be Your will, my God, that no mishap is caused by me, and that I not fail in any matter of halakha, and that my colleagues will rejoice in me. And that I will neither declare pure that which is impure, nor declare impure that which is pure and that my colleagues will not fail in any matter of halakha, and that I will rejoice in them. (Brachot 28b)

Survey Analysis

Quantitative and qualitative analysis were conducted for the membership and public surveys. The following is a description of those analyses.

Quantitative

Descriptive statistics (e.g., mean, median, standard deviation) were evaluated for all survey questions. When the responses indicated a critical area, further analyses were conducted. T-tests, ANOVAs, and regressions were utilized to examine inferential statistics, specifically related to any differences in response rate as a result of group membership, demographic information, or intersectional identities. Statistically significant differences in response rates were determined using a p-value of .05; only significant inferential findings are included in this report.

Percentages included in the report have been rounded to the nearest whole number, except when otherwise noted or when the percentage is less than one, in which case the percentage provided has been rounded to the nearest tenth. Percentages have only been reported when the total number of responses exceeds 200 participants; when the number falls below 200, the raw number is used.

Qualitative

Qualitative data were analyzed using a thematic analysis approach. All items were reviewed prior to initial coding to establish a baseline familiarity of parent codes. After initial review, items were coded and arranged into groups. Researchers reported the most relevant and representative themes identified in the data, and example quotes are provided.

Additional Background and Demographic Data: Member Survey

TABLE 1: Primary Work Setting

We know members serve in many roles. Please select the response that best describes your primary work setting.	Percent by Setting [†]
Synagogue – Congregation	57.3
Other	14.3
Retired	10.5
Academia	4.1
Day School	3
Synagogue – Other Professional	2.4
Entrepreneur	2.1
Hospital	2.1
Campus (e.g., Hillel)	1.3
Federation	1.1
Military	0.6
Nursing Home	0.6
Foundation	0.4
Community Center	0.2
Total Participants Responding to this Question: 468	100%

[†]In this table only, percentages have been rounded to the nearest tenth to account for rounding errors.

Additional Background and Demographic Data: Member Survey

TABLE 2: Ordination

From which institution did you receive your ordination?	Percent by Institution
Jewish Theological Seminary	68%
Ziegler School of Rabbinic Studies	14%
The Seminario Rabinico Latinoamericano	7%
Schechter Rabbinical Seminary	5%
The Hebrew Union College-Jewish Institute of Religion	2%
Leo Baeck College	1%
Academy for Jewish Religion	1%
Reconstructionist Rabbinical College	0.9%
Other	0.9%
Zacharias Frankel College	0.2%
Hebrew College	0%
Yeshivat Chovevei Torah Rabbinical School	0%
Total Participants Responding to this Question: 471	100%

Additional Background and Demographic Data: Member Survey

TABLE 3: Committees

Have you been involved with any of the following RA committees? (Mark all that apply.)	Number of Responses
I have not served on a RA committee	202
Other	126
Executive Council	101
Resolutions	30
Jewish Law and Standards	28
Placement	23
Administrative	17
Va'ad HaKavod	17
Membership	16
Gender & Power	8
Disability & Inclusion	7
Joint Steering	2
Member Survey: Total Participants Responding to this Question: 436	

Documents Reviewed By Sacred Spaces

Provided by the Rabbinical Assembly:

- Joint Placement Commission Placement Rules
- A Code of Professional Conduct for Members of the Rabbinical Assembly & Guidelines (2004)
- Va'ad HaKavod Protocol Document, As of 7-20-14 (with corrections made as of 12/6/2013) (Redraft of language and re-edited by Rabbi Harold Berman; 2/2015)
- The Rabbinical Assembly Constitution (2002 revision)
- Sample Letter of Recommendation for Expulsion
- Sample Letter of Suspension
- Sample Probation Letter
- Discretionary Fund Guidelines
- Conflict of Interest Policy
- Resignation Policy
- Draft VHK Protocol: Chemical Dependence and Other Addictions
- Protocol for Ending Suspension
- Policy on Publishing Names of those with Va'ad HaKavod Violations, Passed by Executive Council on 1/27/2021
- RavNet Guidelines
- RA #Metoo Letter
- New Language about Determinations
- Harold Berman Schechter Talk to Rabbinical School Students, 5/2020
- List of Inquiries to VHK, including questions from members about the Code, the VHK process, and potential Code violations

Documents Reviewed By Sacred Spaces

Additional Items:

- Chaplain Agreement to Abide by Established Policies of the JWB Jewish Chaplains Council
- Codes of Conduct, affiliated documents and resolutions, including, but not limited to:

Jewish

- Aleph: Aleph Professional Code of Ethics (2020)
- Cantors Assembly Code of Professional Conduct
- Central Conference of American Rabbis: What Is Unique About the CCAR Ethics Code (2018); Ethics Process Part I; Ethics Process Part II; Ethics Process Part III; Constitution & Bylaws (2018); Confidentiality in the Ethics Process (2019); CCAR Ethics (2021)
- Rabbinical Council of America: RCA Code of Conduct (2018); RCA Constitution. (2014); Resolution on Allegations of Sexual Impropriety (2004)
- Reconstructionist Rabbinical Association: RRA Code of Ethics (2016); RRA Ethics Procedures (2020)
- Union For Reform Judaism: Ethics Code of the Union for Reform Judaism (2018)

Christian

- Baptist Union of Victoria: A Guide to Developing a Code of Conduct for Church Leaders (2015); Complaint Procedure for Allegations of Misconduct by Pastoral Leaders (2011)
- Bronx Hill Baptist Church Code of Conduct for Church Leaders and Members (adopted 2017)
- Catholic Church:Vademecum on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics (2020); Charter for the Protection of Children and Young People (2018); Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (2018); A Statement of Episcopal Commitment (2018); Questions and Answers Regarding the Canonical Process for the Resolution of Allegations of Sexual Abuse of Minors by Priests and Deacons; Code of Canon Law, Book VI; Sanctions in the Church, Part II; Penalties for Individual Delicts
- The Episcopal Church: Constitution and Canons, Adopted and Revised in General Conventions 1789–2018.
- Methodist Church: A Code of Ethics for the Ministers of the Susquehanna Conference: United Methodist Church; Book of Discipline of the United Methodist Church 2702; Chargeable Offenses and Statute of Limitations (2016)
- Presbyterian Church: Standards of Ethical Conduct Approved by the 210th General Assembly (1998)
- Presbytery of Coastal Carolina Code of Ethics for Pastors and Other Church Professionals
- United Church of Christ: Bylaws

Other

- American Psychological Association Ethical Principles and Code of Conduct and Ethics Committee Rules and Procedures (2017)

Changes on the Ground

The Assessment yielded changes before the recommendations were issued. This is attributed primarily to two factors: 1) the strong relationship that has been built between the Rabbinical Assembly and Sacred Spaces where needs and findings are being discussed on a regular basis; and 2) the proactive nature of the point people at the RA. Here are a few of many changes that the RA reports it has already set in motion:

Case Handling

- Beginning to develop a system for accepting anonymous complaints.
- Using external expert consultants to advise the VHK on certain cases and build the skill sets of panel members, such as writing and asking trauma-informed questions during fact finding.
- Adding anti-retaliation language to communications with respondents.
- Expanding the type of complaints the VHK investigates under the rubric of ethical boundary crossing.
- Increasing communication points and methods with complainants and respondents to increase clarity of the process.
- Developing a bank of templates for communication on each phase of inquiries and cases that come before the VHK to increase consistency.
- Establishing a more formal case record keeping system (both paper and electronic) to ensure that claims made against one rabbi with several years of separation can be identified and to ensure better tracking of case handling and adherence to restoration plan following a determination.
- Creating processes so that the VHK is more diligent and explicit with timeframes for case handling (in response to concerns about the pace of response to complaints and fact finding).
- Maintaining data about calls and complaints that do not reach the VHK.

Communication

- Starting “Eye on Ethics,” a column in the RA newsletter to provide regular communication to the membership about ethics-related issues.
- Developing a new Ethics Page on the RA public facing website to promote transparency and easier navigation.
- Disseminating updates on the Code and VHK procedures to members in English and Hebrew and increasingly translating into Spanish as well.

Governance Policies

- Expanding the number of VHK committee members, including members from outside North America.
- Starting a more formal orientation and mentoring process for new VHK members and orientation of the new Executive Council members regarding their role in the ethics process.
- Passing a policy that resignation of a respondent at any point of a VHK inquiry (beginning with once a complaint is filed) will be considered non-cooperation and result in automatic expulsion.
- Updating RavNet (RA Listserv) interaction guidelines and procedures.

Partnerships

- Initiating and participating in conversations with key denominational partners to discuss how to work more collaboratively and with greater alignment in promoting safety and respect.
- With the support of a joint grant, participating with CCAR and RRA in a cross-denominational training for ethics committee members.

RA Member Familiarity & Knowledge about the Va'ad HaKavod

Statements asked for level of agreement on a 5-point Likert scale (strongly disagree; disagree; neither disagree or agree; agree; and strongly agree). Total participants responding ranged from 348-352 per question.

RA Member Survey	
Statement	RA MEMBERS WHO AGREE OR STRONGLY AGREE
I understand the role of the Va'ad.	83%
I trust the decisions of the Va'ad.	56%
I think the Va'ad process accounts for the individual experiences of the parties.	39%
I understand the criteria for the Va'ad to take a complaint.	38%
I think the Va'ad process is fair.	36%
I understand the process for investigating a complaint.	34%
I understand how the RA determines disciplinary action if the Va'ad finds a complaint to be true.	31%
There is no conflict of interest when a membership organization handles ethical complaints about their own members.	31%
I think the Va'ad members have the necessary expertise for their role.	26%
I understand how a member is selected to serve on the Va'ad.	24%
I think the Va'ad procedures are transparent.	20%
I know what resources are available for those involved in a Va'ad process.	19%

VHK Complainant and Respondent Experiences

Unless otherwise noted, data from member and public survey results for complainant and respondent surveys have each been combined to preserve the anonymity of participants.

TABLE 1: Questions Pertaining to the VHK Complaint Report and Inquiry Process

Question	Yes		No		I Don't Know	
	COMPLAINANT	RESPONDENT	COMPLAINANT	RESPONDENT	COMPLAINANT	RESPONDENT
Did the VHK become involved in the complaint?	12	14	18	17	7	2
Did the VHK/RA communicate with the organization that employed the respondent about the complaint?	6	0	2	10	10	3
Did the respondent's employer/organization reach out to the VHK for support or resources?	4	0	2	6	12	6
Were support or resources provided to the organization?	2	0	2	3	12	7
Has anyone reported a complaint about you?	n/a	33	n/a	298	n/a	7*
Have you ever reported a violation of the RA's Code of Conduct? (Response required)	36	n/a	206	n/a	9 †	n/a
Did you speak to a staff member at the RA?	22	n/a	3	n/a	1 ‡	n/a
Were you told why your complaint was not investigated by the VHK?	4	n/a	3	n/a	1	n/a

Complainant Survey: Total Participants Responding to this Question: 251 (Member = 238 | Public = 13)

Respondent Survey: Total Participants Responding to this Question: 338 (Member = 337 | Public = 1)

† For this answer, rather than "I don't know," the choice was "I prefer not to answer."

‡ For this answer, rather than "I don't know," the choice was "I don't remember."

* For this answer, rather than "I don't know," the choice was "I prefer not to answer."

VHK Complainant and Respondent Experiences

TABLE 2: Complainant Survey: Who Experienced the Misconduct?

Who experienced the misconduct? (Mark all that apply)	Number of Responses	
	MEMBER	PUBLIC
I reported something that happened at an organizational level.	10	2
I reported a violation that was directed at another person.	9	6
I experienced the violation.	6	4
I reported something I heard about third hand.	2	2
Other	n/a	1

This question appeared on the Complainant Survey only.

Complainant Survey: Total Participants Responding to this Question: 35 (Member = 27 | Public = 8)

TABLE 3: Complainant Survey: Relationship to Clergy

What was your relationship to the rabbi whose conduct you reported?	Number of Responses	
	MEMBER	PUBLIC
Colleague (worked with rabbi)	24	3
Congregant	0	2
Student	0	0
Family Member	0	0
Friend	0	0
Community Member	0	0
Other	3	2
Total Participants Responding to this Question	27	7

This question appeared on the Complainant Survey only.

VHK Complainant and Respondent Experiences

TABLE 4: Basis of the Complaint

What was the basis of the complaint? (Mark all that apply.)	Number of Responses	
	COMPLAINANT	RESPONDENT
Personal boundary violation	10	0
Abuse of power	10	0
Harassment	7	1
Other	6	4
Professional encroachment	5	1
Sexual misconduct	5	1
Interfering with leadership/authority	5	0
Relationship between rabbis	4	1
Emotional abuse	4	0
Sexual harassment	4	0
Toxic work environment/disrespect	3	1
Life-cycle events	3	0
Standards of religious practice	3	0
Breach of confidentiality	3	0
Interfaith marriage	2	1
Abuse of child or youth	2	0

Adultery	2	0
Financial misconduct/indiscretion	2	0
Halakhic practice	2	0
Regional practices	2	0
Stalking	2	0
Conversion	1	1
Criminal activity	1	1
Ordination	1	1
Domestic violence	1	0
Physical abuse	1	0
Familial issue	0	2
Board membership in a local organization	0	0
Maintaining active membership status	0	0
Placement violation	0	0
Violation of policies at another institution	0	0
Enterprise/commercial endeavor	0	n/a

Complainant Survey: Total Participants Responding to this Question: 24 (Member = 17 | Public = 7)

Respondent Survey: Total Participants Responding to this Question: 13 (Member = 12 | Public = 1)

VHK Complainant and Respondent Experiences

TABLE 5: Activities During Handling Process

What activities occurred during the complaint handling process?	Number of Responses	
	COMPLAINANT	RESPONDENT
Interviews	12	10
Evaluation of the respondent	7	0
Written communication to you about the status of the case	6	4
Other	6	2
Document retrieval or collection (paperwork, electronic files/communication, etc.)	6	2
Referral to outside resources	5	1
Pastoral counseling (for you)	2	2
Safety planning	2	0
Treatment	2	1
Teshuva/repentance	2	1
Pastoral counseling (the other party)	2	0

Complainant Survey: Total Participants Responding to this Question: 19 (Member = 17 | Public = 2)

Respondent Survey: Total Participants Responding to this Question: 13 (Member = 12 | Public = 1)

VHK Complainant and Respondent Experiences

TABLE 6: Complainant Survey: Age at Time of Incident

How old were you when the action occurred that led to you filing a complaint?	Number of Responses
18-25	1
26-35	0
36-45	3
46-55	2
56-65	1
66-75	1
76-85	0
86+	0
Total Participants	8

This question appeared on the Complainant Survey only.

VHK Complainant and Respondent Experiences

TABLE 7: Respondent Member Survey: Employment at Time of Complaint

How old were you when the action occurred that led to you filing a complaint?	Number of Responses
Synagogue	24
Other (self-employed & hospice)	4
Seminary	2
Foundation/Federation/Non-Profit	1
Retired	1
Camp	0
Day School	0
Higher Education	0
Hospital	0
JCC	0
Military	0
Social Services	0
Total Participants	32

This question appeared on the Respondent Member Survey only.

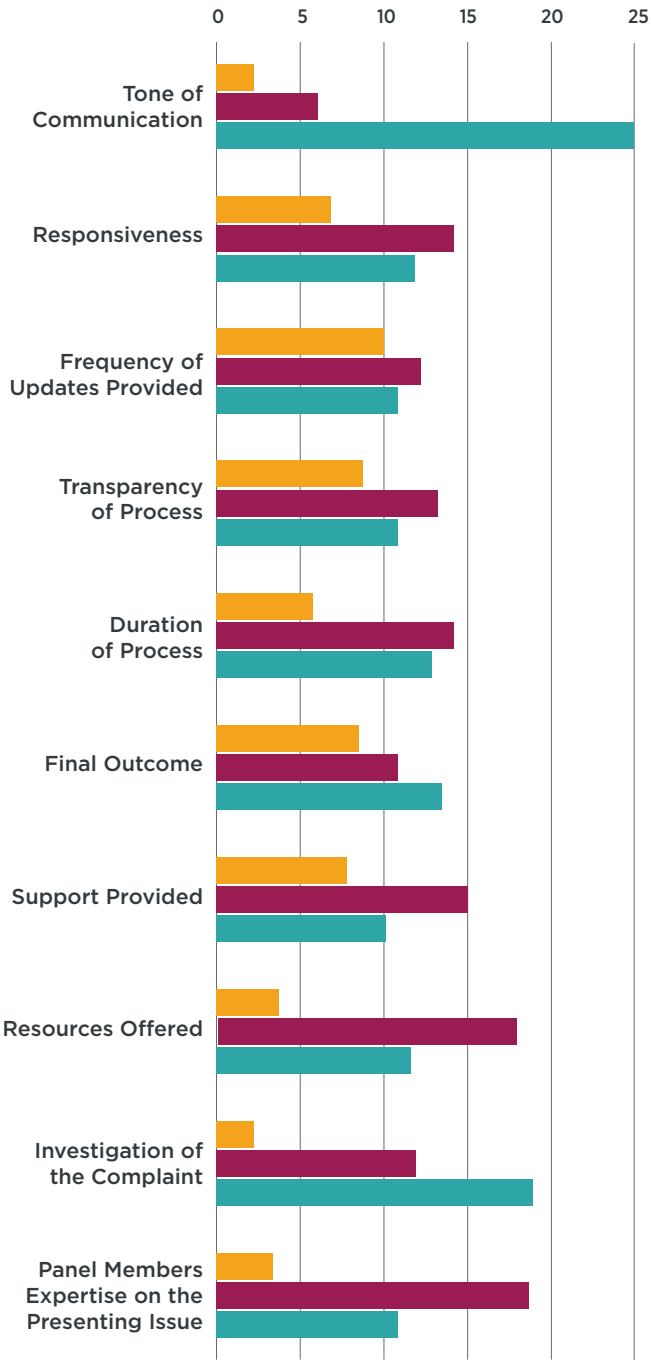
Comparison Chart: Satisfaction with VHK Process

The following questions on satisfaction level in the VHK process were asked on a 5-point Likert scale. In all areas, responses have been grouped as follows: Unsatisfied (Very Unsatisfied/Unsatisfied), Satisfied (Very Satisfied/Satisfied), Neither (Neither Satisfied nor Unsatisfied). Unsatisfied).

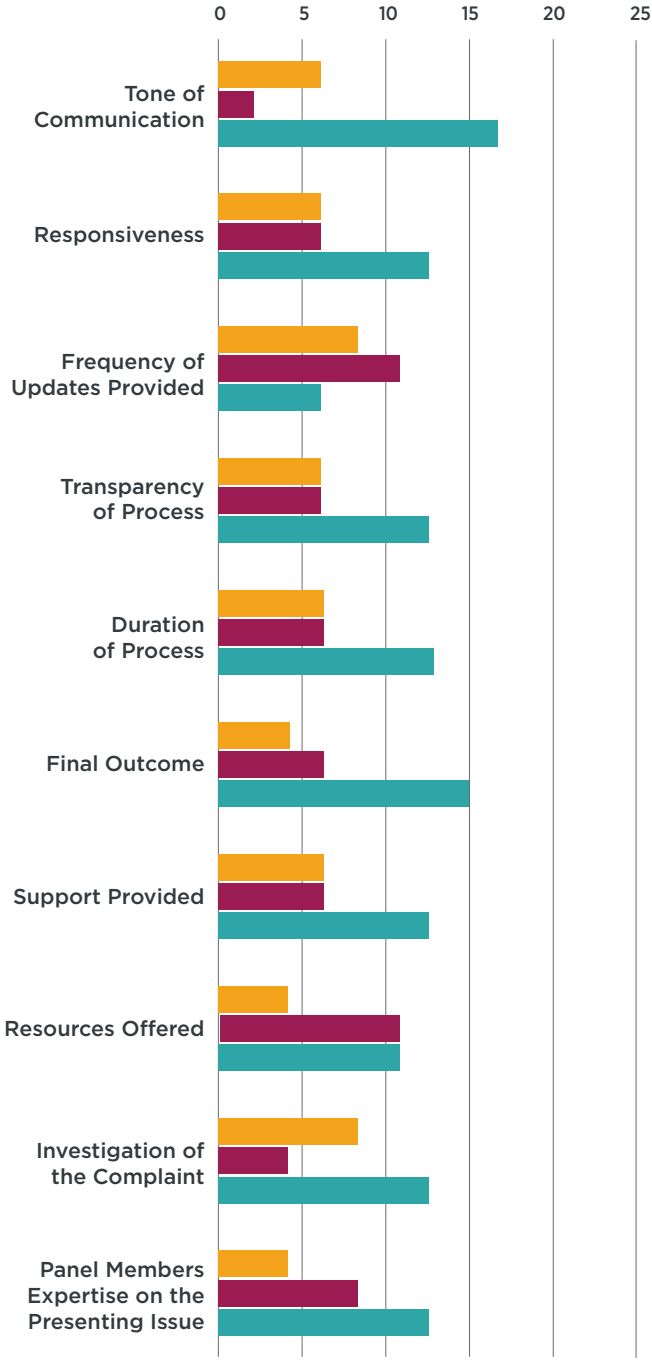


Comparison Chart: Satisfaction with VHK Process

Witness
Total Participants Responding: 33
Legend: Unsatisfied (Yellow), Satisfied (Maroon), Neither (Teal)



Respondent
Total Participants Responding: 32
Legend: Unsatisfied (Yellow), Satisfied (Maroon), Neither (Teal)



Questions About the RA's Culture from Membership Survey

TABLE 1: Statements Pertaining to RA Culture

Statements	Participants who Strongly Agree/Agree
I have the power to influence the culture of safety and respect in my community.	88%
I am comfortable intervening when I see someone engaging in concerning behavior.	75%
I know where to go for guidance about problematic behaviors.	60%
I believe I have influence with other faith leaders in my organization.	59%
I believe I have experienced or observed problematic behavior from members of my community.	48%
I have the power to influence the culture of safety and respect within the Rabbinical Assembly.	43%
I believe I have experienced, witnessed, or observed problematic behaviors from my peers.	39%
I believe I have experienced problematic behavior from leaders in my place of employment.	38%
I am uncomfortable in social situations with community members.	12%

Statements asked for level of agreement on a 5-point Likert scale (strongly disagree; disagree; neither disagree or agree; agree; and strongly agree). Total participants responding ranged from 352-354 depending on the question.

TABLE 2: Ratings on RA Culture Inclusion, Respect, Safety, & Engagement

Inclusion, Respect, Safety, & Engagement	Participants who rated Good/Excellent
How would you rate the Rabbinical Assembly's culture on:	
Safety	70%
Respect	68%
Inclusion	58%
Engagement	56%

Statements asked for level of agreement on a 5-point Likert scale (very poor; poor; fair; good; and excellent). Total participants responding ranged from 333-338 depending on the individual question.

RA Member Likelihood to Use Resources

Question: In order to better support you and your role, how likely are you to use the following resources if they were made available?

Type of Resource	Participants Likely/ Very Likely to Use Listed Resource
Sample organizational protocols and policies to respond to harassment, discrimination, other abuses of power in the workplace	65%
Sample organizational protocols and policies to respond to safeguarding youth	63%
Legal consultation	51%
Study groups	45%
Pastoral counseling	42%
Peer mentoring	38%
Process for requesting ethics opinions	38%
Assistance with an abusive placement	35%
Mediation among colleagues	32%
Restorative justice resources	30%
Office hours for ethical questions	29%
Hotline for complaints	25%
Survivor-specific resources	21%
Addiction services	17%

Participants were asked using a 5-point Likert scale (very unlikely; unlikely; neither likely nor unlikely; likely; very likely), how likely they were to use the following resources if offered by the RA.

Total participants responding ranged from 335-341 depending on the question.

Suggested Training Topics for VHK Members

Subject Matter

- How multiple forms of abuse of power are related.
- Understanding trauma and what it means to be trauma informed.
- How intersectionality of identities brings additional vulnerabilities and how to account for them in the complaint handling process.
- What neutrality means and what it doesn't mean.
- Learning about evidence-based practices.
- The differences between therapy, counseling, and pastoral care.
- Implicit bias.
- Impact of vicarious trauma on VHK members.

Skill-Based

- Communicating difficult information.
- Documentation practices.
- Increasing comfort in raising concerns about a conflict, recusal, or how a case is being handled.
- Implementing a standard of proof for fact finding.
- Understanding different types of evidence and how it should be collected.
- Balancing empathy, support, and an investigatory role.
- Training on trauma-based interviewing and how to develop questions that are neither leading nor victim-blaming.

