

Adopted June 1, 2008
Amended July 1, 2010
Amended January 2021

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CODE OF ETHICS

Rabbinical Program of Hebrew College

עֲשֵׂה לָךְ רֵב, וְיָקִיחַ לָךְ חֵבֵר, וְהָיוּ דָו אֶת כָּל הָאָדָם לְכַף זְכוּת:

Make for yourself a teacher and acquire for yourself a companion,
and judge every person favorably.

Avot 1:6

1860 Washington St.
Newton, MA 02466
617-559-8600
Adopted June 1, 2008
Amended July 1, 2010

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PREAMBLE

This Code of Ethics (“Code”) was issued in 2008 by the Hebrew College Rabbinical School, as it was then known, and endorsed by its Alumni Association. The Code is now reissued by the Graduate Leadership Program of Hebrew College and endorsed by the Hebrew College Alumni Association for Rabbis and Cantors.

The following principles have guided this work and should be considered whenever appropriate in interpreting this Code.

It is a fundamental principle of Jewish conduct that human beings are created *B’tselem Elohim* (in the image of God). Treating each person as having infinite value, as a subject and not an object, is central to Jewish ethics.

Rabbis are responsible for their moral conduct. Many aspects of rabbinic moral conduct are addressed in this Code, but no code, no matter how thorough, can anticipate every behavior and regulate it. Sound personal judgment will inevitably play a role in ethical behavior.

Rabbis are both advocates for Jewish moral life and its custodians. These roles, as well as norms of professional behavior, should be reflected in the actions and speech of rabbis.

The relationship between a rabbi and any person receiving professional services from the rabbi depends upon a mutual expectation that the relationship will remain primarily professional and pastoral. Effective rabbinic work of necessity involves conveying empathy, connection, and warmth to those whom rabbis serve, which can sometimes blur boundaries inappropriately. Despite difficult dilemmas often encountered in negotiating these relationships, a rabbi is primarily responsible for establishing and preserving appropriate boundaries that ensure the integrity of the relationship.

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1 **ARTICLE I. STATEMENT OF PURPOSE AND FUNCTION**

2 Every graduate of Hebrew College ("College") ordained as a rabbi ("Rabbi") by
3 the faculty of the College is committed to act in an ethical manner in accordance
4 with this Code of Ethics. This Code relies on Jewish values and acts as a code of
5 behavior to which Rabbis are held accountable. A Rabbi who belongs to another
6 rabbinical association that has a code of ethics or its equivalent, however, is bound
7 by that code of ethics or its equivalent rather than by Articles IV through X of this
8 Code, while remaining subject otherwise to the provisions of this Code.

9 **ARTICLE II. DEFINITIONS**

10 As used in this Code the following terms have the following meanings and are
11 capitalized in this Code:

12 **Association**

13 "Association" means the Hebrew College Alumni Association for Rabbis and
14 Cantors.

15 **Chair**

16 "Chair" means Chair of the Ethics Committee.

17 **College**

18 "College" means Hebrew College, a private college organized in Massachusetts in
19 1921 and in continuous existence thereafter.

20 ***Congregant***

21 "*Congregant*" means anyone served professionally by a Rabbi whether or not the
22 person is a member of or affiliated with the Rabbi's Institution. Because the term
23 is defined so broadly, and to avoid the error that the term might be construed to
24 be limited to apply only to a member of a synagogue, the term appears in *italics*
25 throughout this Code.

26 **Dean**

27 "Dean" means the Dean of Graduate Leadership Programs of the College.

28 **Ethics Committee**

29 "Ethics Committee" means the committee appointed in accordance with
30 Article XII, Section D, and charged with receiving, reviewing and disposing of
31 complaints under this Code.

1 **Institution**

2 "Institution" means any entity served professionally by a Rabbi, including without
3 limitation a havurah, hospital, minyan, school, senior care facility, synagogue,
4 temple or other organization.

5 **Investigation Committee**

6 "Investigation Committee" means the committee appointed pursuant to
7 Article XIII, Section F, to investigate complaints.

8 **Placement Director**

9 "Placement Director" means the individual employed by the School charged with
10 the responsibility for assisting graduates of the School with professional
11 placement.

12 **Rabbi**

13 "Rabbi" means any graduate of the College ordained as a rabbi by the faculty of
14 the College.

15 **ARTICLE III. GENERAL PRINCIPLES**

16 **Section A. Sacred Vocation**

17 The rabbinate is not only a profession. It is a sacred vocation whose dignity Rabbis
18 have an obligation to protect.

19 **Section B. Avoiding Appearance of Impropriety**

20 As public figures, Rabbis should be especially conscious of the importance not
21 only of avoiding impropriety but also of avoiding *marit ayin* (the appearance of
22 impropriety).

23 **Section C. Offering Moral Feedback and Admonition**

24 Rabbis have an obligation to offer *tokhekha* (moral feedback and admonition) when
25 they become aware of improprieties, whether those of a colleague, an organization
26 or another individual. *Tokhekha* might involve urging those involved to seek help
27 appropriate to the situation, as well as to change subsequent actions. Only through
28 a covenant of shared responsibility and a joint effort can Rabbis uphold Jewish
29 communal standards.

30 **Section D. Reporting Serious Violations**

31 A Rabbi who has direct personal knowledge of a serious violation of the Code that
32 has caused harm to a person or Institution must file a complaint pursuant to
33 Section B(c) of Article 12, but may do so only in compliance with the requirements
34 of Section B(c).

1 **ARTICLE IV. HONESTY IN RESUMES AND SCHOLARSHIP**

2 **Section A. Credentials**

3 Rabbis are often asked to provide credentials, biographical statements and
4 *curricula vitae*, and to describe their education, training, and experience. Any
5 misrepresentation or gross exaggeration in any such document – regardless of
6 whether it is related to employment – is a breach of ethics.

7 **Section B. Crediting Authors**

8 Rabbis may draw upon the work of others when they speak or teach, but Rabbis
9 must avoid claiming or implying that the work of others is their own work.
10 Repeated and serious violations of this principle may be an ethical violation.

11 **ARTICLE V. CONFIDENTIALITY**

12 **Section A. Maintaining Confidentiality**

13 Rabbis must maintain confidentiality of private communication except when
14 doing so would involve a significant threat of substantial harm to the speaker, to
15 another person or to the community or Institution or as otherwise provided in this
16 Article.

17 **Section B. Exception for Mandatory Reporting**

18 The obligation of confidentiality does not apply to cases where reporting is
19 required by law. Rabbis are obligated to become familiar with the reporting
20 required in their locale. Even where there is no express legal reporting
21 requirement, the disclosure of confidential information may be necessary in
22 matters of *pikuah nefesh* (saving a life) and *lo ta'amod al dam rey'ekha* (acting to
23 protect others).

24 **Section C. Permission to Divulge**

25 Occasionally, for personal or professional reasons, a Rabbi may wish to divulge
26 confidential information where the Rabbi is not obliged to do so. A Rabbi can
27 resolve this conflict of interest only by obtaining the permission of the people
28 involved or as provided in this Article.

29 **Section D. Seeking Confidential Advice**

30 The Rabbi who seeks the confidential advice of another professional in handling a
31 difficult situation or in professional supervision is not considered to be violating
32 the commitment to confidentiality, provided that the Rabbi takes reasonable
33 precautions such as withholding names and unnecessary personal information.

1 **Section E. Professional Care Teams**

2 When Rabbis are members of a professional care team (e.g., in a hospital or agency
3 setting or when several Rabbis serve the same Institution), they may share
4 confidential information as needed. Even in team settings, Rabbis should balance
5 confidentiality and rabbinic care, sharing only the minimum amount of
6 confidential information needed in a specific situation.

7 **Section F. Information in Electronic Form**

8 The development of diverse means of data storage and communication has
9 heightened the likelihood that information will be inadvertently and
10 inappropriately shared. Rabbis should carefully control access to their computers
11 if they contain confidential data. Email communications are not confidential and
12 should therefore be rarely, if ever, used to communicate confidential information.

13 **ARTICLE VI. FINANCIAL TRUST**

14 **Section A. Avoid Any Exploitation**

15 It is improper to exploit pastoral or professional relationships for undue personal
16 financial gain.

17 **Section B. Limit Financial Relationships With Institutions And**
18 ***Congregants***

19 The full scope of rabbinic compensation and expense reimbursement should be
20 made clear by contract, including the terms of any loans to be made to the Rabbi.
21 Rabbis should not borrow money from an Institution served by the Rabbi except
22 as provided in the Rabbi's contract and should not enter into any other financial
23 arrangements with the Institution such as jointly entering into business ventures.
24 A Rabbi should not have any such financial relationships with a *Congregant*.

25 **Section C. Avoid the Appearance of Impropriety**

26 When a Rabbi has access to Institutional funds, the Rabbi is obliged to avoid even
27 the appearance of impropriety. Rabbis must follow the Institution's procedural
28 rules for expenditures, spending only in support of the purposes of the Institution
29 and avoiding any personal or familial benefit from such expenditures.

30 **Section D. Discretionary Funds**

31 Rabbis who manage discretionary funds should have an explicit agreement with
32 the Rabbi's Institution regarding the permitted scope of use of those funds and are
33 obliged to use the funds within the scope of that agreement and for legitimate
34 charitable purposes. Rabbis should keep a proper accounting of the income and
35 expenditure of such funds and comply with relevant law and tax regulations.
36 Because these change over time, Rabbis should check the standards of compliance

1 as needed in order to remain currently aware of such standards. Rabbis should
2 ensure that their discretionary funds are reviewed or audited annually or that the
3 Institution in some other manner is made aware of the receipt and disposition of
4 moneys in such funds, at least by category. Discretionary fund expenditures may
5 not be used for the benefit of the Rabbi or the Rabbi's family or for any other
6 purpose that is beyond the scope of the fund.

7 **Section E. Paying Taxes**

8 Rabbis must comply with all applicable laws in reporting tax liabilities and paying
9 them.

10 **ARTICLE VII. SEXUAL ETHICS**

11 **Section A. Sexual Harassment**

12 It is unethical for a Rabbi to engage in sexual harassment. Sexual harassment can
13 involve deliberate or repeated seductive speech, sexual comments, gestures or
14 physical contacts. It may include unwelcome sexual advances, requests for sexual
15 favors and other verbal or physical conduct of a sexual nature. This applies to
16 verbal, written and electronic communication.

17 **Section B. Sexual Activity Without Consent**

18 It is unethical to engage in, or attempt to engage in, sexual activity with a minor,
19 with an unwilling adult or with an adult who has a limited capacity to give full
20 and informed consent.

21 **Section C. Honor Marital Relationships and Their Equivalents**

22 Rabbis are expected to honor the sexual boundaries of all marital relationships and
23 their equivalents, both their own and those of other people.

24 **Section D. Caution Regarding Relationships With *Congregants***

25 Any emotionally intimate or romantic relationship between a Rabbi and a
26 *Congregant* is problematic and has the potential to become unethical even if no
27 sexual activity is involved. Such a relationship may compromise and consequently
28 might necessitate terminating the Rabbi's relationship with the *Congregant* or the
29 Rabbi having to withdraw from the Institution in order to continue the
30 relationship. Rabbis need to be aware of the risks involved for both parties in such
31 relationships. Rabbis are strongly urged to seek guidance from an experienced
32 colleague or other professional before beginning such a relationship.

33 **Section E. Lapse of Time After Professional Relationship**

34 When a Rabbi has had a significant professional relationship with a *Congregant*, it
35 may be necessary for a considerable amount of time to pass before the Rabbi can

1 allow the relationship to become romantic or sexual. This is so because of the
2 power imbalances between Rabbis and *Congregants*. Until that time has elapsed,
3 when applicable, such a relationship is unethical even if welcomed by the
4 *Congregant*. The Rabbi bears responsibility for not exploiting the pastoral
5 relationship. In addition to the time lapse – which in some cases may require
6 waiting a year or more – joint counseling may be advisable. The Rabbi should
7 seek advice from an experienced colleague in exploring the propriety of the
8 relationship for both parties. The *Congregant* should be encouraged to consider
9 whether the *Congregant* is freely entering a new stage in the relationship. Some
10 states and professional organizations prohibit sexual relationships for longer
11 periods following the termination of a pastoral or counseling relationship; it is the
12 Rabbi's responsibility to know the applicable rules. The Ethics Committee will
13 consider complaints of violation of this Section only if brought by the affected
14 *Congregant*.

15 **Section F. Relationships with Volunteers**

16 Rabbis often work with volunteers who may or may not be *Congregants*. In
17 addition to the limitations on entering into a romantic or sexual relationship with
18 a *Congregant* described elsewhere in this Code, a Rabbi must exercise caution
19 before entering into a romantic or sexual relationship with a volunteer in the same
20 Institution where the Rabbi works. Such relationships are problematic and have
21 the potential to become unethical. A Rabbi involved in such a relationship should
22 disclose it to appropriate staff members and lay leaders if there is the possibility
23 of a conflict of interest or the appearance of one. Rabbis are strongly urged to seek
24 the guidance of an experienced colleague or other professional regarding issues
25 that may arise as a result of such relationships before entering into one.

26 **Section G. Relationships with Colleagues**

27 Any sexual or romantic relationship between colleagues or co-workers is fraught
28 with risks for both parties. These risks include ambiguity about roles, effects on
29 relationships with lay leaders and other staff members, and the future of both
30 parties in the Institution. Ethical and professional risks are more likely to arise if
31 one colleague is the supervisor or perceived superior of another. Rabbis are
32 strongly urged to seek guidance from an experienced colleague or other
33 professional before beginning a relationship with a colleague or co-worker.

34 **ARTICLE VIII. PASTORAL OBLIGATIONS**

35 **Section A. Meeting Pastoral and Life-cycle Needs**

36 Rabbis have an obligation to meet the pastoral and life-cycle needs of those whom
37 they serve when that is part of the Rabbi's job description, unless doing so violates
38 the Rabbi's professional standards or personal religious practice. Expectations
39 regarding a Rabbi's pastoral obligations should be shaped in part by recognition

1 of the Rabbi's obligations, health, family and other commitments. Rabbis have a
2 secondary pastoral responsibility to those with whom they come into contact
3 through fulfilling their professional obligations.

4 **Section B. Misinterpretation Of Caring Behavior**

5 Behavior that is intended to communicate caring can occasionally be
6 misinterpreted as an inappropriate blurring of boundaries. Rabbis should be
7 attentive to the complexities of transference and counter-transference. Rabbis are
8 obliged to be especially sensitive to the danger of misperception and to avoid
9 behavior such as forms of touch and closeness that could reasonably be
10 misconstrued.

11 **Section C. Avoid Misconstrued Relationships**

12 If a *Congregant* misconstrues rabbinic concern as arising from the Rabbi's romantic
13 or sexual interest, the Rabbi must state unequivocally to the *Congregant* that such
14 a relationship is not possible. In such a situation, the Rabbi is strongly urged to
15 seek advice from colleagues and, where appropriate, other professionals.

16 **Section D. Striving To Avoid Completely Private Counseling**

17 Recognizing that pastoral counseling requires some measure of privacy, Rabbis
18 should nevertheless strive to avoid situations that might lead to inappropriate
19 behavior or suspicion of such behavior when counseling an individual. Rabbis
20 should therefore avoid to the extent reasonably possible having counseling
21 meetings that are completely private or in isolated settings.

22 **Section E. Referrals**

23 When needed counseling exceeds the Rabbi's expertise or the time that the Rabbi
24 can allot, the Rabbi should refer to appropriate professionals.

25 **ARTICLE IX. RABBINIC SERVICES IN SYNAGOGUES**

26 **Section A. Life-cycle Events For Synagogue Members**

27 A Rabbi serving a synagogue full time must not charge a synagogue member for
28 counseling or for performing life-cycle events for the member or for residents of
29 the member's household. If, following officiation, a synagogue member chooses to
30 make a donation to the Rabbi's discretionary fund or to another *tzedaka* in the
31 Rabbi's honor, it is normal practice to accept such a donation.

32 **Section B. Exercising Caution In Accepting Gifts From Members**

33 If a member of a synagogue offers a personal gift to the Rabbi who is serving that
34 synagogue, the Rabbi should exercise caution and should decline to accept a gift
35 of unusual value. Accepting gifts may create the appearance, expectation or

1 actuality of undue influence. Many Rabbis choose not to accept personal gifts. If a
2 Rabbi does accept a gift, the Rabbi should be attentive to tax consequences and the
3 possibility that the gift will be construed by the tax authorities as payment for
4 services rendered and therefore included in reportable income.

5 **Section C. Acceptance of Payments by a Part-time Rabbi**

6 A Rabbi who is engaged by a synagogue on a part-time basis may accept payment
7 from a member of the synagogue for services rendered unless the Rabbi's contract
8 with the synagogue explicitly prohibits doing so. If the contract expressly permits
9 such payments, the contract should establish the amount to be charged for each
10 service rendered. If a Rabbi provides a service in excess of the terms of the contract,
11 it is appropriate for the Rabbi to be suitably compensated.

12 **Section D. Services to Non-members**

13 If nothing in a job description or contract of a synagogue's Rabbi precludes it, a
14 Rabbi may officiate at a life-cycle event of a person who is not a member of the
15 synagogue and may provide other rabbinic service for such a person. In such cases,
16 it is customary for Rabbis to receive an appropriate honorarium. To avoid
17 misunderstandings, the Rabbi should state the fee to be charged clearly at the
18 outset, before rendering the service. The probability of a misunderstanding can be
19 reduced by using a letter of agreement that specifies the terms of the Rabbi's
20 participation, including timing and location, cancellation arrangements, the terms
21 regarding fees and expenses and other specifics.

22 **ARTICLE X. SECULAR LAW**

23 **Section A. Criminal Investigations Or Prosecutions**

24 Any Rabbi who is notified of the commencement of an investigation by law
25 enforcement authorities or arrested or otherwise charged with any violation of law
26 that concerns conduct that would be a violation of this Code or involves a crime
27 of moral turpitude shall, as soon as practicable, report the matter to the Dean. The
28 Dean shall treat the matter as if a complaint had been filed under this Code and
29 process the complaint as provided in this Code.

30 **Section B. Criminal Convictions**

31 If any Rabbi is convicted of an offense that concerns conduct that would be a
32 violation of this Code or is a crime of moral turpitude, the Chair shall promptly
33 upon learning of the conviction treat the matter as if a complaint had been filed
34 under this Code and process the complaint as provided in this Code.

1 **Section C. Conscientious Objection And Civil Disobedience**

2 Instances of conscientious objection or civil disobedience generally constitute
3 exceptions to the obligation to follow secular law. Often a valid test of whether an
4 act of lawbreaking involves civil disobedience or conscientious objection is
5 whether the Rabbi involved is prepared to publicize the act and be arrested for it.
6 The procedures in Sections A and B nevertheless apply in such a case, but the
7 Ethics Committee shall consider whether an act was one of conscientious objection
8 or civil disobedience if the Rabbi asserts that it was and shall take that into account
9 in deciding upon the proper disposition of the matter.

10 **ARTICLE XI. GENERAL ETHICS COMMITTEE PRINCIPLES**

11 **Section A. Purpose of Procedures**

12 The purpose of the procedures set forth in this Code is to determine whether a
13 Rabbi has acted unethically in a manner affecting the Rabbi's professional role and,
14 if so, what steps should be taken to respond to the situation.

15 **Section B. Concern for Fairness**

16 These procedures are based on a concern with fairness and with the protection of
17 the Rabbi, the complainant, the Institution and all other affected parties. Respect
18 for all parties shall be shown at all times.

19 **Section C. Nature of Investigations**

20 Investigations under this Code shall operate on principles of fairness, but are not
21 bound by rules of criminal or civil courts. Disputed matters shall be decided on
22 the basis of a preponderance of the evidence, also known as the greater weight of
23 the evidence, but need not be determined beyond a reasonable doubt.

24 **Section D. Costs of Investigation**

25 The School undertakes to bear the reasonable costs of investigating a complaint,
26 including those associated with the Investigation Committee visiting the affected
27 community to gather information where necessary.

28 **ARTICLE XII. ETHICS COMMITTEE PROCEDURES**

29 **Section A. Matters Concerning Which Complaints May Be Filed**

30 A complaint may be filed that a Rabbi has violated any provision found in Articles
31 IV through X of this Code, but only in a case where a person or Institution has
32 directly suffered harm as a result of the Rabbi's violation of that provision.

33 **Section B. Who May File Complaints**

34 A complaint meeting the requirements of Section A may be filed by:

1
2 (a) the person who directly suffered the harm described in Section A;

3
4 (b) an authorized officer of the Institution that directly suffered the harm (in which
5 case proof of the authority of the officer to file the complaint shall be included with
6 the complaint); or

7
8 (c) a colleague of the Rabbi if the colleague has direct personal knowledge that a
9 person or Institution has directly suffered the harm. Before a colleague files such
10 a complaint, however, the colleague must make certain that the person or
11 Institution wishes to have the complaint filed and the complaint must state both
12 the basis for that certainty and the basis for the colleague's direct personal
13 knowledge of the violation.

14 **Section C. Actions Of The Dean**

15 The Dean is the designated person to receive complaints. Whenever in this Code
16 a power or duty is assigned to the Dean, the Dean may in the Dean's sole discretion
17 exercise that power or discharge that duty personally or through a person
18 designated by the Dean except where otherwise specified.

19 **Section D. Composition of Ethics Committee**

20 When the Dean receives a complaint, the Dean shall promptly appoint a committee
21 of either three or five persons that shall serve as the Ethics Committee for purposes
22 of that complaint. The Dean shall select persons who are either members of the
23 School faculty or administration or members of the School's Rabbinic Advisory
24 Board or members of the Association; provided that, if the Dean appoints a five-
25 member committee, one member may be a person who is not a rabbi but who
26 possesses professional qualifications relevant to the subject of the complaint. The
27 Dean shall personally serve as Chair and as one of the members of the Ethics
28 Committee for each complaint except that, if the Dean has a close relationship to
29 one of the parties or if any other circumstance creates a conflict of interest or the
30 appearance of a conflict of interest in the sole discretion of the Dean or if the Dean
31 for other good cause must delegate the role of Chair to another person, then the
32 Dean shall appoint another member of the School faculty or administration to
33 serve as Chair of the committee. In such a case the Dean shall consult with the
34 President of the Association to determine who will serve in lieu of the Dean.

35 **Section E. Conflict of Interest**

36 No person shall serve on an Ethics Committee in any case, and no member of the
37 Association Board of Directors shall participate in the consideration of an appeal
38 of any case, in which he or she has a close relationship to one of the parties or in
39 which any other circumstance creates a conflict of interest or the appearance of a
40 conflict of interest.

1 **Section F. Standards Governing Complaints**

2 The Ethics Committee appointed with respect to a complaint must initially
3 determine whether the complaint contains sufficient information to warrant
4 investigation. No complaint will be investigated that does not contain specific
5 information about the approximate date or dates, location, and type of alleged
6 misconduct.

7 **Section G. Time To File Complaints**

8 A complaint must be presented as soon as reasonably possible after an alleged
9 violation. The Ethics Committee may dismiss a complaint without investigation if
10 the time that has elapsed between the time of the alleged conduct and the filing of
11 the complaint will unduly compromise the ability of the Committee to carry out a
12 fair investigation.

13 **Section H. Report To Authorities Where Legally Required**

14 In any case involving specific allegations of activity that must be reported to legal
15 authorities (e.g., abuse of a minor), the Chair shall immediately cause the matter
16 to be reported to the appropriate legal authorities unless the Chair determines that
17 the appropriate legal authorities have already been properly notified.

18 **Section I. Consultation**

19 The Chair may seek advice at any stage from professionals and others who have
20 expert knowledge useful in the particular case at hand. In any such consultation
21 the Chair shall preserve the confidentiality of all parties whenever possible.

22 **Section J. Variation In Time Table**

23 The time limits set forth in this Code are intended to be met in order to provide
24 both a prompt and fair inquiry. The Chair may extend a deadline on the initiative
25 of the Ethics Committee for good cause. If both the complainant and the Rabbi
26 request that a time limit set forth in this Code be extended, the Chair shall grant
27 the request. If either party requests an extension alone the request will be
28 considered and may be granted but only if good cause has been shown, the
29 requesting party certifies that the consent of the other party has been sought but
30 denied, and the non-consenting party has been given an opportunity to state that
31 party's objection to the extension. The Chair will communicate to all affected
32 parties, in writing, any substantial delays.

33 **Section K. Confidentiality**

34 The confidentiality of all parties shall be preserved throughout the process unless
35 they request otherwise, except as otherwise provided in this Section and elsewhere

1 in this Code.¹ When it is deemed to be in the best interest of protecting the public
2 or the Association and its members, the Chair may respond to inquiries about
3 allegations regarding a specific Rabbi. The Chair may reveal that:

- 4
- 5 (a) an investigation of the alleged violation is underway;
 - 6
 - 7 (b) the investigation has been resolved but the resolution is confidential;
 - 8
 - 9 (c) the member has been exonerated by a finding of no action;
 - 10
 - 11 (d) the member has been reprimanded with specified terms of probation,
12 suspended or expelled.
 - 13

14 No other details are to be revealed except to the extent that the Rabbi requests that
15 details be revealed, and in that case, the identity of the complainant shall be
16 preserved unless the complainant joins in requesting that the Chair reveal the
17 complainant's identity.

18 **Section L. Written Records**

19 The Chair shall see that written records are kept at all stages of the proceedings
20 and that the records are protected to the extent possible from public disclosure.
21 The Chair shall not voluntarily release records, even if requested in connection
22 with a legal proceeding, unless a valid subpoena has been served describing
23 particularly the records sought by the subpoena.

24 **Section M. Proceeding To Be Completed By A Finding**

25 The investigation of a complaint under this Code concerns the ethical integrity of
26 the Rabbi. Once a determination has been made under Article XIII, Section F, to
27 investigate a complaint, the matter shall not be concluded automatically merely
28 on the basis of the Rabbi's resignation of employment or from the Association. If
29 the complainant withdraws the complaint, as for example when a Rabbi makes a
30 financial settlement with the complainant, the Ethics Committee may, in its
31 discretion, discontinue the proceeding if the Ethics Committee determines that the
32 complainant has withdrawn the complaint voluntarily and further determines that
33 the public interest will not be served by continuing to pursue the matter to a
34 finding.

¹ See, e.g., Section H, above, on notice to be given to legal authorities where required by law; Article XIII, Section J, on notice to be given to affected Institution; Article XV, Section C, on notification of Ethics Committee actions; and Article XVII, on notices to be given of final actions.

1 **Section N. Non-participation of Rabbi**

2 If the Rabbi refuses to respond or cooperate, the Investigation Committee and the
3 Ethics Committee will still proceed, bearing in mind the presumption of innocence
4 and all other applicable principles in this Code.

5 **ARTICLE XIII. INVESTIGATION PRINCIPLES**

6 **Section A. Determinations Of Cause To Investigate**

7 The Chair, in consultation with at least one member of the Ethics Committee, shall
8 determine within fourteen days of the Chair's receipt of the complaint whether
9 there is sufficient cause to investigate the complaint. In making this determination,
10 the Chair shall determine whether the allegations in the complaint, if they were
11 found to be true after investigation, would constitute a violation of this Code.

12 **Section B. Informal Discussions And Resolution;**

13 Before making the determination whether to investigate the complaint formally
14 the Chair may engage in discussions with the complainant and the Rabbi to
15 explore the prospects for a negotiated or mediated or other informal resolution of
16 the matter.

17 **Section C. Determination Not To Investigate**

18 If the Chair determines under Section A that there is not sufficient cause to
19 investigate the complaint, the Chair shall cause the complainant to be notified in
20 writing of that determination and the reasons for it and shall close the file on that
21 complaint.

22 **Section D. Procedures After Chair's Determination to Investigate**

23 If the Chair determines that the complaint will be investigated, the Chair shall
24 cause the procedures in this Article to be followed.

25 **Section E. Notice To Complainant**

26 The Chair shall cause the complainant to be notified in writing that the complaint
27 will be investigated and sent a copy of this Code. The notice to the Complainant
28 shall state that the Rabbi will be informed of the complaint.

29 **Section F. Appointment Of Investigation Committee**

30 The Chair shall, within fourteen days of the determination to investigate, appoint
31 an Investigation Committee of at least two to investigate the complaint in person.
32 At least one member of the Investigation Committee shall be an Association
33 member.

1 **Section G. Assistance To Complainant**

2 The Chair may offer to assist in finding a trained victim advocate or other person
3 to serve as advocate and assist the complainant in these procedures. The advocate
4 shall not be a member of the Ethics Committee. The Chair may also offer referrals
5 for rabbinic support to the complainant.

6 **Section H. Notice To Rabbi**

7 As soon as possible after the determination to investigate, and no later than the
8 appointment of an Investigation Committee, the Chair shall cause notice to be
9 issued to the Rabbi at the Rabbi's address in the records of the Association. The
10 notice shall include the specific allegation or allegation in sufficient detail to permit
11 a written response. The notice shall include a request that the Rabbi submit a
12 written response within fourteen days. If the Rabbi fails to respond or participate,
13 the investigation will still continue.

14 **Section I. Assistance To Rabbi**

15 The Rabbi may request the assistance of a member of the Association or other
16 person to serve as advocate and assist him or her in these procedures. If the Rabbi
17 wishes, the Chair may assist in designating an advocate for her or him. The
18 advocate shall not be a member of the Ethics Committee.

19 **Section J. Notice To Affected Institution**

20 After notifying the Rabbi and receiving the Rabbi's written response (or at the
21 expiration of fourteen days from the date of notice to the Rabbi, in cases where the
22 Rabbi files no written response), but before any interviews scheduled by the
23 Investigation Committee, the Chair shall notify the president or another
24 appropriate officer of the Rabbi's current Institution of the allegations, without
25 revealing names given in confidence. With the Rabbi's consent, the Chair shall
26 include with any notice under this paragraph the substance of the Rabbi's written
27 response. The Chair shall provide to the current Institution's president a summary
28 of the time lines and procedures under this Code as well as a copy of this Code.
29 The Chair shall also provide information on resources available to the Institution
30 for such situations. The Chair shall cause the Rabbi to be informed of this
31 notification. The Chair will emphasize to the president the desirability of
32 confidentiality.

33 **Section K. Placement**

34 If the Rabbi chooses to use the School's placement service while the matter is under
35 investigation, the Dean shall inform the Placement Director that there is an
36 investigation under way. If any Institution is seriously considering engaging the
37 Rabbi while the investigation is under way, the Placement Director shall inform

1 that Institution of the investigation before the Institution makes a final decision on
2 hiring.

3 **ARTICLE XIV. INVESTIGATION COMMITTEE PROCEDURES**

4 **Section A. Meeting With Complainant**

5 The Investigation Committee will meet with the complainant and hear the details
6 of the complaint. At its discretion, the committee may verbally inform the
7 complainant of the substance of the Rabbi's written response. The complainant
8 may recommend other individuals to be interviewed by the committee.

9 **Section B. Meeting With Rabbi**

10 The Investigation Committee will meet with the Rabbi and present the allegations
11 and hear further details of the response. The Rabbi may recommend other
12 individuals to be interviewed by the committee.

13 **Section C. Meeting Of Complainant And Rabbi Not Required**

14 The Investigation Committee will not require the complainant to meet with the
15 Rabbi but such a meeting may be arranged with the full mutual consent of the
16 complainant and the Rabbi if, in the judgment of the Investigation Committee,
17 such a meeting is likely to prove beneficial.

18 **Section D. Information From Other Sources**

19 In consultation with the Chair, the Investigation Committee may solicit
20 information from others who have direct knowledge relevant to the allegations
21 including, but not limited to, the sources identified in Sections A and B of this
22 Article.

23 **Section E. Investigation Committee Report**

24 Within four weeks of appointment (i.e., no more than eight weeks from the filing
25 of a written complaint) the Investigation Committee shall present a written report
26 to the Ethics Committee, with the results of its investigation.

27 **Section F. Notice Of Report**

28 The Chair shall promptly provide to the complainant and to the Rabbi copies of
29 the Investigation Committee's written report and shall invite their comments on
30 the report.

1 **ARTICLE XV. FURTHER ETHICS COMMITTEE PROCEDURE**

2 **Section A. Ethics Committee Meeting**

3 The Ethics Committee shall meet within four weeks of receipt of the written report
4 (i.e., no more than twelve weeks from the receipt of the written complaint). In
5 addition to the report of the Investigation Committee, the Ethics Committee shall
6 consider any comments received from the complainant and the Rabbi and may
7 receive additional written statements from either of them or their advocates.

8 **Section B. Meeting With Mental Health Professional**

9 The Ethics Committee may recommend that the Rabbi meet with a mental health
10 professional with relevant experience. This mental health professional will be
11 chosen by the Ethics Committee for a professional assessment to be communicated
12 to the committee.

13 **Section C. Ethics Committee Actions, Reasons And Notification**

14 The Ethics Committee may take a number of actions, including but not limited to
15 those set forth below. The Ethics Committee shall state its reasons for the action it
16 has chosen to take and shall notify the complainant, the Rabbi and, where relevant,
17 the affected Institution. The notice shall also describe the right of appeal and
18 summarize the appeal process as set forth in Article XVI and shall explain that the
19 Ethics Committee action is not a final action and does not take effect until any
20 appeal has been concluded or the time to take an appeal has expired, whichever
21 first occurs.

22

23 (a) **No Cause for Action** – This action is appropriate when the
24 allegations of the complaint have not been established to the
25 satisfaction of the Ethics Committee or where, even if established, the
26 conduct in question does not involve a violation of this Code
27 requiring action by the Ethics Committee.

28

29 (b) **Advisory** – This action is an educational message to the Rabbi for an
30 inadvertent or minor violation. It may include recommendations.

31

32 (c) **Reprimand** – This action is a significant reproof or rebuke of a Rabbi. It
33 is based upon an assessment that the reprimand is adequate to ensure that
34 the unethical or inappropriate actions will not reoccur and where the
35 committee feels that the Rabbi can continue to function as a Rabbi. A
36 reprimand may include probation (defined below in Section D).

37

38 (d) **Suspension** – This action is a discontinuation of membership privileges
39 in the Association for a fixed period of time, including but not limited to a

1 discontinuation of eligibility for the School's placement services. This
2 action is taken in a case where there is a major ethics violation and the
3 continued functioning of the Rabbi may be threatening to the well-being of
4 the Rabbi or others, but where a period of therapy or other treatment may
5 result in the Rabbi's future return to the active rabbinate. A Rabbi under
6 suspension may not take any active role in the Association. The Executive
7 Vice President will communicate the suspension to Association members.
8 This action is automatically combined with probation.
9

- 10 (e) **Expulsion** – This action is taken when, in the judgment of the Ethics
11 Committee, the Rabbi should not continue to function as a Rabbi. The
12 Ethics Committee may take this action also in the case of a criminal
13 conviction of the Rabbi in a court of law related to rabbinic functions. The
14 Executive Vice President will communicate the expulsion to Association
15 members

16 **Section D. Probation**

- 17 (a) Probation may be required in case of reprimand and will be required in case
18 of suspension. The Ethics Committee shall monitor compliance with each
19 order of probation. The Ethics Committee may require financial restitution,
20 apology, or psychological treatment (in-patient or out-patient) or
21 limitations on employment settings as conditions of probation.
22
- 23 (b) The key criterion for ending probation will be the Ethics Committee's
24 assessment that it is reasonably sure that the violation will not recur and
25 that the member's continued service as a Rabbi does not pose a threat to the
26 wellbeing of the Rabbi or others.
27
- 28 (c) The Ethics Committee may extend the length of the probation or require a
29 different probationary action based on new information, a new
30 understanding of previous information, non-compliance with the terms of
31 probation or non-cooperation with the Ethics Committee.
32
- 33 (d) Probation may not extend beyond three years.

34 **ARTICLE XVI. APPEAL**

35 **Section A. Appeal Within 30 Days**

36 Any decision of the Ethics Committee may be appealed by the Rabbi or the
37 complainant to the Association's Board of Directors within thirty days of receipt
38 of the decision of the Ethics Committee. The appeal shall be in writing and shall
39 state the particular aspect of the decision that the appellant is appealing, specifying

1 particularly the alleged procedural errors that the appellant asserts require
2 reversal or revision.

3 **Section B. Appointment of Appeals Committee**

4 Within four weeks after receipt of an appeal the Board of Directors shall appoint
5 three Association members to constitute an Appeals Committee to consider the
6 appeal.

7 **Section C. Appeals Committee Procedure And Recommendation**

8 The Appeals Committee shall review the written record to determine compliance
9 with the procedures described in this Code. In cases of suspension or expulsion,
10 the Appeals Committee shall also review cases of suspension or expulsion
11 previously ordered both for Rabbis and, to the extent the data are available, for
12 rabbis who belong to denominational rabbinical associations. The Appeals
13 Committee shall recommend reversal or revision of the decision of the Ethics
14 Committee only in the event of a material procedural violation except that, in cases
15 of suspension or expulsion, the Appeals Committee may recommend a lesser
16 penalty if it finds evidence that the penalty imposed greatly exceeds the penalty
17 that has been typically imposed in similar circumstances.

18 **Section D. Action By Board Of Directors**

19 The Appeals Committee shall deliver its recommendation, with reasons, to the
20 Board of Directors. The Board shall render a final decision by a resolution, with
21 reasons, adopted by majority vote within eight weeks of the Board's receipt of the
22 recommendation. The Executive Vice President of the Association shall promptly
23 provide the Board's resolution to the Chair.

24 **Section E. Further Procedure After Successful Appeal**

25 If the Board of Directors reverses or revises in any respect the decision of the Ethics
26 Committee, then the Ethics Committee shall take such further action as is required
27 as a result.

28 **ARTICLE XVII. FINAL ACTION AND NOTIFICATIONS**

29 **Section A. Notice Of Final Action**

30 Promptly after the conclusion of any appeal and any subsequent action made
31 necessary by a successful appeal, or promptly after exhaustion of the time to take
32 an appeal if none has been taken, the Chair shall give notice of the final result by
33 personal letter to the complainant, the Rabbi and the president or other relevant
34 Institutional officer.

1 **Section B. Notice To Placement Director**

2 If the final result requires an expulsion, a suspension or a probation with
3 conditions involving placement, the Chair shall also promptly notify the
4 Placement Director.

5 **Section C. Notice to Association And Others**

6 An advisory or reprimand shall not be publicized to the Association membership
7 by name, although the general circumstances may be described in the Ethics
8 Committee's annual report. It is at the Rabbi's option as to whether a finding of no
9 cause for action will be publicized to the membership. The Executive Vice
10 President of the Association shall give notice of an expulsion, a suspension or a
11 probation with conditions involving placement by name to the Association
12 membership, to other rabbinic and professional organizations of which the Rabbi
13 is a member, and the Board of Rabbis in the Rabbi's areas of residence and practice.
14 The Executive Vice President of the Association shall also provide information by
15 name regarding suspension, expulsion or probation with conditions involving
16 placement to the Institutional organization with which the Rabbi's Institution is
17 affiliated.

18 **ARTICLE XVIII. ADOPTION, DISSEMINATION AND**
19 **EFFECTIVE DATES OF CODE AND AMENDMENTS**

20 **Section A. Adoption of the Code**

21 This Code was adopted in 2008 and amended in 2010. In its current form this Code
22 is in substance identical to the 2010 version.

23 **Section B. Consideration and Adoption of Amendments**

24 Any member of the School's faculty or administration or any member of the
25 Association may propose an amendment to this Code by submitting it in writing,
26 together with a written explanation in support of the amendment, to the Dean and
27 to the President of the Association. The Dean and the President shall consult
28 concerning the proposed amendment and refer it to the School and to the
29 Association, with their recommendations, for consideration by the School and the
30 Association. Any amendment shall be considered adopted when it has been
31 approved by the School and endorsed by the Association.

32 **Section C. Dissemination**

33 The Executive Vice President of the Association shall disseminate this Code and
34 any amendment thereto promptly after its adoption by delivering a copy in person
35 or by regular or electronic mail to every Member of the Association and posting a
36 copy at the Association's website.

1 **Section D. Effective Dates**

2 This Code took effect on June 1, 2008, and remains in effect in January, 2021 in
3 altered form but now alteration in substance. Any amendment to this Code shall
4 include an express effective date which shall be no earlier than thirty days after its
5 dissemination under Section C.