

RRA Ethics Procedures Amended June 2016

I. Purpose and Principles

A. RRA members are accountable for maintaining the professional and ethical standards established by the RRA. This document defines the procedures for investigating a complaint alleging unethical behavior made against an RRA member (“member”).

B. These procedures are intended to ensure a proper investigation, and when relevant, adjudication of a complaint in order to hold a member accountable for an ethical violation if such is found to have occurred, as well as to exonerate a member from unsubstantiated or false allegations.

C. These procedures correlate to the Reconstructionist Rabbinical Association Code of Ethics (“Code”) adopted on 3.13.2007. The Code defines ethical issues for which a member may be investigated and adjudicated, and if found to have behaved in an unethical manner, held accountable by the RRA. Violations of conduct (whether of commission or omission) that are described in the Code as “unethical,” “unacceptable,” “violation(s)” or “breach of ethics” or are denoted by “must” are subject to action by the RRA Ethics Committee (hereafter “Ethics Committee”). These are in bold print in the Code. Other issues in the Code can be raised for educational purposes, and members can be held accountable in cases of repeated offenses.

D. The RRA Ethics Procedures are based on what the RRA has determined to be principles of fairness—not on due process rules of civil or criminal procedure nor on *halakha*. The Ethics Committee makes a determination based on the preponderance of evidence from interviews and from information provided by the parties involved, and by others who hold information relevant to the case at hand.

E. Proceedings of the Ethics Committee are conducted in a timely manner, with reasonable effort to expedite the proceedings.

II. The RRA Ethics Committee

A. The RRA Bylaws adopted March 2006 define the procedures by which the Ethics Committee is constituted. (Appendix 1) Adjustments to the Ethics Committee are explained below in Section XIV.

B. The Ethics Committee will receive appropriate training and/or updates on training as determined and paid for by the RRA every two years, following elections at the Annual Meeting, or any time there is a turnover of half or more of the Ethics Committee. Members who come on the Ethics Committee in a year between formal trainings will be briefed by the Chair on basic issues and provided with written summaries of training materials.

C. All substantive and formal proceedings of the Ethics Committee will be documented in writing. Records will be kept in a confidential file at the RRA office. Access to those files is restricted to the RRA Executive Director (“Executive Director”) the RRA President (“President”) and the Chair of the Ethics Committee (“Chair”).

III. Scope of Activity

A. The Ethics Committee does not address certain types of grievances. A grievance that alleges violation of RRA Bylaws, Gevulot standards, membership criteria or placement rules, but does not include a breach of the Code of Ethics, is addressed by RRA staff or officers, or the

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committee relevant to the particular grievance, such as the Gevulot Committee or the Reconstructionist Placement Commission.

B. Grievances of an interpersonal nature that do not include a breach of the Code of Ethics, while not dealt with by the Ethics Committee, may be addressed through mediation and/or other interventions including the convening of a Bet Din if agreed to by the parties involved.

IV. Nature of the Proceedings of the RRA Ethics Committee

A. The Ethics Committee administers an educational and internal adjudicatory process.

B. The Ethics Committee does not investigate or adjudicate the legal status of alleged violations of civil or criminal law.

V. Procedures for Receiving Inquiries and Filing Complaints

A. An initial inquiry alleging unethical behavior by a member will normally go to the Executive Director either by phone or in writing, but not via e-mail. The Executive Director will refer the inquirer to the Code and these procedures on the RRA website, or send paper copies. (See XIV.E for exception). An inquiry may or may not result in a complaint being filed.

B. When the Executive Director receives a grievance about a member, she or he determines the appropriate channel for addressing it. The Chair of the Ethics Committee shall be consulted if the grievance appears to fall under the jurisdiction of the Ethics Committee. The President shall be notified when a grievance is directed anywhere other than to the Ethics Committee.

C. A complaint is a grievance submitted in writing and signed, alleging a violation of the criteria established by the RRA Ethics Code. The specific standard(s) that are alleged to have been violated must be named. Anonymous complaints will not be accepted.

D. A complaint may be submitted by:

1. A person against whom the alleged violation occurred.
2. A third party who has credible information relating to an alleged violation.
3. A member of the RRA, including a member of the Ethics Committee, who has credible information relating to an alleged violation.
4. An RRA member who has acted, or believes she or he may have acted, in violation of the Code of Ethics and voluntarily informs the Chair of the Ethics Committee.

E. Complaints must be filed within three years of the event occasioning allegations. Where the Ethics Committee determines that fraud, intimidation, or any other unethical conduct by the member or the age of the complainant prevented the earlier emergence of the complaint, or where not to investigate would seriously jeopardize the safety or welfare of the member or public served by the member, the time limitation may be suspended by the chair of the Ethics Committee in consultation with the RRA Executive Committee as represented by the RRA President.

F. Upon receiving an inquiry, the Executive Director shall:

1. Determine that the rabbi in question comes under the jurisdiction of the RRA. Only “members” of the RRA come under its jurisdiction. “Affiliates” of the RRA, regardless of affiliate category, are not under the jurisdiction of the RRA. (Appendix 2) If an affiliate is suspended or expelled by her or his rabbinic or professional association for an ethical infraction she or he shall be discontinued as an RRA affiliate in a corresponding manner.
2. Determine if the nature of the conduct alleged falls within the scope of the Ethics Committee and the criteria V.C and V.D above are met. If it falls within the scope of a different RRA committee or process, contact information is provided.
3. Provide the name and contact information of the Chair of the Ethics Committee to the inquirer if the alleged conduct or action implies a violation of the Code and the above jurisdictional criteria are met. Normally it is the responsibility of the complainant to contact the Chair.

G. When the inquirer contacts the Chair, she or he will be asked to submit a complaint and any substantiating documentation. It should be sent in a timely manner via registered mail to the Chair of the Ethics Committee.

VI. Initial Assessment of Complaint

A. Upon receipt of the complaint, the Chair sends by registered mail a copy to the member, who has thirty days from receipt in which to respond in writing to the complaint. The response goes to the Ethics Committee Chair, who forwards a copy to the complainant.

1. If the member refuses to respond, the Ethics Committee shall proceed on the basis of information it has received, or can seek additional information to determine whether to conduct an investigation.

B. The Chair will ascertain from the Executive Director if any prior complaints have been made against the member in question. (See VII.A below.)

C. Upon receipt of the written complaint and the written response, the Chair consults with not fewer than two members of the Ethics Committee to determine:

1. if the information submitted is complete and supports the allegation.
2. if the allegation is supported but is of a nature that it can be responded to appropriately with education, mentoring, a different process, or mediation.
3. if there is sufficient cause to convene an investigation.
4. If circumstances warrant that the full Ethics Committee be convened to recommend an expedited suspension (see Section X.E below)

VII. Initial Action on Complaint

A. The Chair notifies the complainant and member by registered mail of the determination by the Ethics Committee (see VI.C) whether to proceed with an investigation. The Executive Director and President are copied on the correspondence. The Placement Director will be notified that a complaint alleging a violation of the Code by the member has been made but the details will not normally be disclosed.

B. If the decision falls within VI.C.2 above, the Chair in consultation with not fewer than two members of the Ethics Committee shall determine the process in which the member must engage. The Chair is given flexibility in determining a reasonable and proportionate process which may consist of but is not limited to one or more of the following: mediation, if the complainant agrees, meeting(s) with (a) rabbinic mentor(s); meeting(s) with the Ethics Committee; or participating in a relevant program, seminar, class and/or therapy or counseling.

1. Any expense associated with a mandated program of education, counseling or therapy is the responsibility of the member. Mediation costs shall be borne by the RRA.

2. A member may refuse to participate in the actions decided by the Ethics Committee without an investigation. In that case, an investigation will commence and the full range of sanctions is open pending the investigation's outcome. These may or may not include the original pre-investigative process recommended.

C. If there is sufficient cause for an investigation, the Chair shall notify both the complainant and the member by registered mail with copies to the Executive Director, the President and the Reconstructionist Placement Director when the Ethics Committee begins the process.

1. If the member is the subject of an active investigation by another rabbinic or professional association or is the subject of a criminal or civil proceeding, the Ethics Committee at its discretion may defer an investigation pending the outcome of the other process. The outcome of another such process may be included as a factor in any decision of the Ethics Committee, including whether to proceed with an investigation and/or invocation of a particular sanction.

2. A member being investigated for a violation of criminal law may voluntarily request that the Ethics Committee impose a provisional suspension (see X.E) in order for the member to avoid possible self-incrimination that could prejudice the legal proceedings. If a provisional suspension request is granted, the proceedings of the Ethics Committee are suspended until either: a) the Ethics Committee terminates the provisional suspension at its discretion, or b) the rabbi requests that the voluntary provisional suspension be lifted. The Ethics Committee reserves the right to impose a subsequent provisional suspension in accordance with X.E below.

3. If the member refuses to cooperate in an investigation, she or he will be immediately suspended until an investigation is completed and a decision reached by the Ethics Committee. The suspended member is subject to the conditions described below in X.D.2. The member's employer or supervisor shall be notified that the member has been suspended for refusal to cooperate with the Ethics Committee pursuant to a complaint that has been made.

The Ethics Committee reserves the right to recommend expulsion for a member who refuses to cooperate with an investigation of a complaint against him or her.

4. If the member resigns from the RRA, she or he shall be considered expelled, and procedures of the Ethics Committee regarding that member shall terminate because the RRA no longer has jurisdiction over the former member.

5. The member will be given the first opportunity to notify her or his employer and/or supervisor that the Ethics Committee is beginning an investigation of an alleged violation of the Code. The Chair shall (also) notify the employer and/or supervisor of the investigation without naming the complainant.

6. If a member seeks placement while an investigation is active, that member is offered the first opportunity to inform a prospective employer. The Placement Director shall inform a prospective employer of the active investigation without naming the complainant.

7. In an investigation of alleged unethical, abusive or violative behavior involving children or minors, or incapacitated adults, immediate notification shall be given by the Chair to the appropriate state authorities or agencies in accordance with state reporting requirements.

VIII. Procedures for a Fact-Finding Investigation

A. When an investigation is warranted, the Ethics Committee Chair shall appoint an investigative team of two trained people. One must be an RRA member. The investigative team may include a lay person, trained through the RRA or a comparable process, appointed by the Chair. The Chair will appoint the head of the investigative team, who must be an RRA member.

B. The investigative team first interviews the complainant (and the alleged victim if different from the complainant, hereinafter understood to be included in subsequent references to “the complainant”). The team then separately interviews the member to discuss the allegation and gather relevant information. One Ethics Committee team member is the chair and contact person for the investigative team. In allegations of sexual misconduct, the investigative team should include a female and a male. At the discretion of the Ethics Committee Chair, the RRA may invite an outside professional with expertise regarding the type of offense alleged to provide additional guidance.

C. In most cases, the investigative team will go the place/s where the complainant or the member lives to do the interview. The complainant and/or member may be asked to meet with the investigative team at another location, in which case the complainant’s (and if the complainant is a minor, the accompanying adult’s) and/or the member’s reasonable travel and/or accommodation expenses shall be borne by the RRA. The same format should normally be used when the investigative team interviews the complainant and the member. Subsequent conversations with the complainant or member for the purpose of clarification or follow-up may take place by phone.

D. The complainant and the member may each be accompanied by one person to provide support. When a support person is coming, the head of the investigative team must be informed three business days in advance as to who that person will be. Any expenses associated with travel or accommodations for a support person are the responsibility of the complainant or the member.

The RRA has the right to invite an advisor to sit in on the interview. A support person or an advisor may not participate in or speak during the proceedings, and is obliged to confidentiality. If a conversation or consultation is needed, a break in the interview may be requested by any party.

E. A minor being interviewed by the investigative team must be accompanied by the parent, guardian or another adult designated by the parent or guardian. The head of the investigative team must be informed three business days in advance as to who is coming.

F. The reasonable expenses of the investigative team and of the Ethics Committee shall be paid for by the RRA. The Chair will decide whether to authorize any expenses about which there is a question.

G. All interviewees as well as support persons or advisors must sign a release form (see Appendix XX) before an interview can take place. Minors shall have a parent or guardian sign on their behalf.

H. Interviews by the investigative team may not be recorded by any method.

I. At its discretion, the same investigative team may interview a few persons suggested by the complainant and/or a few suggested by the member to gather relevant information. The team may not be able to interview everyone each party requests but will attempt to balance the number of interviews.

1. The investigative team in consultation with the Chair may at its discretion designate another RRA member to gather additional information and/or meet with someone with information relevant to the case. That member shall normally be chosen from a list of former members of the Ethics Committee.

J. Information gathered in investigative interviews shall be treated as confidential. Information can be shared on a “need to know” basis with the RRA Executive Committee or Board, but otherwise will normally not be disclosed beyond that, unless the RRA is compelled to do so by subpoena, court order or state reporting laws.

K. The nature of the interviews with the investigative team is not pastoral, confessional or counseling, and does not fall under the categories of “confidential” or “privileged” with regard to clergy under secular law.

IX. Ethics Committee Adjudication

A. When the investigative team has completed its information gathering, a written report assessing the allegation(s) shall be prepared in a timely manner by the chair of the team and sent to the Chair of the Ethics Committee. The Ethics Chair reviews the investigative report and then forwards copies to the rest of the Ethics Committee within two weeks of having received it. The Ethics Committee can request from the investigative team clarifications, additional information, documentation or other such data as may be deemed necessary for it to adjudicate the case.

B. Once the investigative team has submitted its report, the Chair arranges an electronic (conference call, video conference) or in-person meeting of the Ethics Committee to review and evaluate the fact-gathering report and then adjudicate the case.

C. For purposes of reaching a decision, the quorum for the Ethics Committee shall be three members, none of whom were on the investigative team. A minimum of three concurring votes and a majority of those participating are required for a decision. The decision is based on a preponderance of the evidence which is a qualitative, not quantitative standard, meaning whether it is more likely than not that a violation occurred.

X. Actions Available to the Ethics Committee

A. *No cause for action.* The allegations are found to be unsubstantiated. The Chair of the Ethics Committee will notify the member's employer of the finding.

B. *Issuance of an Advisory.* An *Advisory* is a message to the member, which may include a warning and may include a required educational component. At its discretion the Ethics Committee may require other actions or conditions.

C. *Issuance of a Reprimand.* A *Reprimand* is a significant reproof or rebuke of a member for a substantial ethical violation which does not, in the judgment of the Ethics Committee, warrant suspension. The presumption is that a reprimand is adequate to ensure that the unethical or inappropriate actions will not re-occur. A reprimand includes a warning to the member about consequences of any further violations, and shall include a required educational component. At its discretion, the Ethics Committee may require other actions or conditions. A reprimand represents the Ethics Committee's judgment that the member has accepted responsibility for her or his actions, completed any appropriate compensatory steps, and can continue to function as a rabbi.

D. *Suspension.* A *Suspension* represents the judgment of the Ethics Committee that there has been a serious and substantial violation by the member that warrants a discontinuation of membership privileges in the RRA for a fixed period of time.

1. Ratification: Unless the member appeals [Sec XII] the RRA Executive Committee shall ratify a decision of the Ethics Committee to suspend a member.

2. Suspension includes but is not necessarily limited to the following restrictions. The member may not:

- a. Serve on the RRA Board and/or committees and/or commissions.
- b. Attend and/or vote at RRA conventions, regional and/or other duly called meetings of the Association.
- c. Use the Reconstructionist Placement Service.
- d. Participate in RRAnet.
- e. represent himself or herself as a member in good standing of the RRA.
- f. have access to the members section of the RRA website.

3. The Chair shall notify the member's employer and/or supervisor [congregational president if employed by a synagogue] of the suspension, including the date on which the suspension begins and the date at which it will be determined whether the member is reinstated. The notification will indicate the relevant section of the Code, but shall not normally disclose the specifics of the case without the written permission both of the member and of the subject of the rabbi's behavior. (If the employer or supervisor

is the complainant, she or he will be notified according to the procedures described in section XI.A below.)

- a. If the violation involved unethical, abusive or violative behavior with children, minors or incapacitated adults, or if in the judgment of the Ethics Committee, the member poses a threat, whether physical, emotional, or otherwise in her or his professional position, the Ethics Committee Chair may inform the member's employer and/or supervisor of the nature and circumstances of the violation, but may not disclose the name(s) of the victim(s) of the member's behavior without written permission of those persons or their guardians.
 - b. The Ethics Committee may recommend that the member be suspended from her or his professional work based on the nature of the violation.
4. The Ethics Committee shall determine the conditions of the suspension.
- a. Length of suspension: Suspension is for a fixed duration, set by the Ethics Committee and reviewed by it one month prior to expiration to determine if suspension conditions have been met and if reinstatement is warranted. If conditions have not been met to the Committee's satisfaction, the suspension may be extended for up to six months with additional or adjusted conditions. Additional extensions may be granted. A member who has been suspended for a total of three consecutive years is automatically expelled. There is no limit to the number of extensions the Committee may exercise until then.
 - b. Conditions of the suspension: These may include but are not limited to rabbinic mentoring, psychological assessment and/or treatment, financial restitution, or other conditions at the discretion and direction of the Ethics Committee.
 - i. Expenses associated with mandated psychological assessments and/or therapy and/or prescription medications are the responsibility of the suspended member.
 - ii. If psychotherapy and/or rehabilitation are mandated, the choice of therapist and/or program requires the approval of the Chair of the Ethics Committee, who may consult with an appropriate professional outside of the RRA. The Chair may propose names of recommended therapists and/or programs.
 - iii. The relationship between a suspended member and a therapist with whom the member is working in relation to the action(s) that triggered the suspension shall remain confidential. Another therapist, paid by the RRA and approved or named by the Chair of the Ethics Committee, shall provide an initial assessment of the member to the Ethics Committee. A second assessment, normally to be done by the same therapist, shall be done at mid-point of the suspension, and a third assessment shall be done approximately two months prior to the projected end date for the suspension. The second and third assessments shall be provided to the Ethics Committee. The suspended member will

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provide the assessment therapist with requisite permissions to share the assessments with the Ethics Committee.

iv. If rabbinic mentoring is mandated, the rabbinic mentor shall normally be an RRA member. Under some circumstances the Chair in consultation with two members of the Ethics Committee may invite a rabbi who is not a member of the RRA to serve as a rabbinic mentor. No RRA stipend, salary or honorarium shall be offered. The mentor and suspended member should specify their own financial arrangements (if mutually desired).

v. The relationship between a suspended member and a rabbinic mentor(s) with whom the suspended member is working in relation to the actions(s) that triggered the suspension shall remain confidential. A different rabbi, paid by the RRA and approved or named by the Chair, shall provide an initial assessment of the rabbi to the Ethics Committee. A second assessment, normally to be done by the same rabbi, shall be done at mid-point of the suspension, and a third assessment shall be done approximately two months prior to the projected end date for the suspension. The second and third assessments shall be provided to the Ethics Committee. The suspended member shall provide the rabbi doing the assessment with requisite written permissions to share the assessment with the Ethics Committee.

c. The Ethics Committee may require that the rabbi resign from, not continue to serve in, and/or seek employment in, a rabbinic position during the suspension.

d. If a member is suspended from employment it is up to the rabbi's employer or supervisor whether upon the ending of the RRA suspension the rabbi may resume the work she or he was doing prior to the suspension, if the rabbi's employment was not terminated earlier.

5. RRA dues: Members who have been suspended are responsible for completing payment of their RRA dues for the year in which the suspension commences. If a member is suspended after having completed her or his dues payment for the year in which a suspension begins, there will be no refund. For suspensions continuing beyond that dues year, no dues assessment shall be required of the suspended rabbi. If the rabbi is subsequently reinstated, she or he is responsible for the pro-rated dues of the year in which reinstatement takes place, but not for any dues that might have been assessed in the interim if there had been no suspension.

6. Subject to the conditions listed in X.D.4.a above, the Ethics Committee may:

- A. Approve concluding the suspension on the date originally set, thus restoring the rabbi to membership in good standing.
- B. Extend the suspension for six months.
- C. Recommend expulsion if warranted in the opinion of the Ethics Committee.

7. The suspended rabbi will be notified by registered mail by the Chair of the decision of the Ethics Committee.
8. Appeal. The suspended member cannot appeal the first extension of suspension. After that is served, any further decision of the Ethics Committee not to lift suspension may be appealed. (See below, section XII)
9. Reinstatement to membership in good standing is a judgment by the Ethics Committee that the member has acknowledged her or his violation, demonstrated *teshuva*, successfully fulfilled any counseling, mentoring or therapeutic requirements, and met any required compensatory actions. It is a judgment that the member will not repeat the violation, and can be entrusted with the responsibilities of serving as a rabbi.
10. Care and counseling for a suspended member's family: Within reasonable limits, the RRA Ethics Committee may offer the suspended member's family one or two rabbis, chosen from members of the RRA and accepted by the family, to provide limited pastoral, spiritual and emotional support.
11. Non-participation and non-cooperation: If the rabbi in question refuses to comply with the conditions of suspension imposed by the Ethics Committee, the Chair shall inform the Ethics Committee and the RRA Executive Committee. Refusal to comply with the conditions of a suspension shall be grounds for expulsion.

E. Provisional Suspension: Under exceptional circumstances, including but not limited to: when a member is charged with a felony or a civil violation that would affect his or her ability to function with integrity as a rabbi, or there is a credible allegation of substantial abuse of power or authority, or other circumstances where the member could pose an imminent risk to self or others, the Ethics Committee by majority vote may recommend to the Executive Committee that a provisional suspension be imposed prior to beginning an investigation by the Ethics Committee. The member shall be notified by registered mail of the recommendation. A provisional suspension is not intended to prejudice the outcome of an Ethics Committee investigation, but is a precautionary action based on information currently available to the Ethics Committee.

1. The Ethics Committee recommendation shall include conditions attached to suspension (See X.D.4 above)
2. The Executive Committee by majority vote shall act on the recommendation for provisional suspension.
3. If approved, the provisional suspension begins immediately, and the member and any complainant are informed by registered letter. The Ethics Committee will review the case and, where appropriate, begin an investigation following the procedures described above. (See Section VIII.)
4. The Chair shall notify the member's employer and/or supervisor [congregational president] if a provisional suspension is imposed, including the date on which it took effect. A statement shall be included indicating that a provisional suspension shall not prejudice the outcome of the investigation or imply substantiation of the allegations. The

relevant section of the Code and related circumstances that led to imposition of a provisional suspension, but not the details, will be disclosed.

5. If the recommendation for provisional suspension is not approved by the Executive Committee, the Ethics Committee will proceed to review the case and, where appropriate, begin an investigation per the procedures described above.

(See Section VIII)

6. A provisional suspension remains in effect until the Ethics Committee concludes its investigation and reaches a decision. If the member is exonerated, or if the member is given an advisory or a reprimand, the provisional suspension terminates at that point. If the recommendation of the Ethics Committee is suspension, the provisional suspension terminates and the terms of the suspension begin. In either case, the member's employer and/or supervisor shall be notified.

F. *Expulsion*. "Expulsion" from membership reflects a judgment by the Ethics Committee that the member committed an ethical violation of such magnitude that membership in the RRA is not viable. An expulsion automatically follows a felony conviction, and may follow on entry of a civil judgment, based on conduct contrary to the RRA Code of Ethics. Expulsion reflects a judgment that the member should not be entrusted with any future clergy responsibilities in any setting.

1. Approval: The RRA Executive Committee shall approve by majority vote a decision of the Ethics Committee to expel a member unless the expelled member appeals.

2. The Chair shall notify the member's employer and/or supervisor [Congregational President] of expulsion, including the date on which it took effect. The relevant section of the Code and related circumstances that led to expulsion but not normally the details will be disclosed. (If the employer or supervisor is the complainant, she or he will be notified according to the procedures described in section XI.A below.)

If the violation involved unethical, abusive or violative behavior involving children, minors or incapacitated adults, or, if in the judgment of the Ethics Committee, the former member poses a threat, whether physical, emotional, or otherwise, should she or he remain in her or his professional position, the Ethics Committee may inform the rabbi's employer and/or supervisor of the nature and circumstances of the violation, but may not disclose the name(s) of the victim(s) of the member's behavior without written permission from the victim(s) or, in the case of a minor or someone incapacitated, from their guardian(s).

3. In accordance with the RRA Bylaws, members expelled under the provisions of the Ethics Guidelines may not apply for readmission. (Article II, Section 3.E)

4. There is no refund on RRA dues paid for the year in which expulsion occurs.

XI. Notification of Decisions of the Ethics Committee

- A. The Chair shall notify the member by registered mail of decisions of the Ethics Committee with regard to the case at hand.
- B. The Chair shall notify complainants by registered mail of decisions of the Ethics Committee. The conditions of any action(s) required by the Ethics Committee shall not be disclosed without the written permission of the adjudicated member except as noted otherwise in these procedures.
- C. Information, data and documentation of the Ethics Committee proceedings shall be confidential within the guidelines established in these procedures.
- D. The Executive Director and the RRA Executive Committee shall be notified of decisions of the Ethics Committee in all cases.
- E. Decisions of *no cause for action* will not normally be made known to the membership of the RRA unless the member in question asks in writing that such a decision be made known. Notification will be by letter and consist only of the information that a complaint was made to the Ethics Committee regarding the member and that either at the intake level or, after an investigation, a decision of *no cause for action* was taken.
- F. An advisory or a reprimand shall not normally be made known to the membership of the RRA.
- G. Suspensions and expulsions will be made known to RRA members by confidential letter. It is at the discretion of a suspended member whether reinstatement as a member in good standing following a suspension is to be made known to RRA members. If so, that shall be done by letter.
- H. The Reconstructionist Placement Director shall be notified of all suspensions and expulsions, and of any placement-related conditions attached to a reprimand or advisory.
- I. Suspensions or expulsions of RRC alumni shall be communicated to the RRC President and Vice-President for Academic Affairs.
- J. Notification of suspensions or expulsions shall be made by the RRA Executive Director to: national rabbinic or other professional associations that the rabbi belongs to of which the Ethics Ctee is aware as well as the regional office (or national office if no regional office exists) of the congregational organization to which the member's congregation belongs if the rabbi serves a congregation. Where a professional field in which a rabbi might normally seek employment has a national office, such as, but not limited to, the National Association of Jewish Chaplains or the national Hillel office, those organizations shall also be notified.
. Details of the cause for action shall not be disclosed.
- K. A member who has been suspended and subsequently reinstated shall have a note appended to any resume forwarded by the Reconstructionist Placement Service for five years from reinstatement. The note is limited to stating that the member was suspended from date X to date Y, and giving the date of reinstatement as a member in good standing. It is the responsibility of the member to respond to inquiries from potential employers regarding the details of the suspension. Representatives of the RRA are limited to providing the information outlined in applicable portions of these procedures.

L. A member who has been suspended and subsequently seeks employment outside of the Reconstructionist Placement Service, either during the suspension or after reinstatement, must notify a potential employer of the suspension for five years from suspension. The member must send the RRA Executive Director a copy of the notification provided the potential employer. The RRA may confirm notification with said employer.

M. To preserve the privacy of the proceedings, responses to inquiries, whether from individuals, organizations or the media, are to be limited to:

- i. acknowledgment of an ongoing investigation
- ii. acknowledgment of an investigation that has been completed and resolved
- iii. reporting a decision of no cause for action
- iv. stating that a member has been suspended (and is not in good standing) or has been expelled (unless noted differently in applicable sections of these procedures).
- v. acknowledgment that a member has completed a suspension and been restored to good standing.
- vi. acknowledgment that a member has been exonerated and is in good standing.

Responses shall normally be issued on behalf of the RRA only by the Executive Director or by the President. At his or her discretion, the Executive Director may share limited information with appropriate JRF, Camp JRF or RRC staff who might be called upon to comment and are authorized to do so by the Executive Director or President in a specific circumstance.

N. No notifications of decisions by the Ethics Committee shall be communicated via e-mail or RRAnet.

O. No discussions of specific cases or actions of the Ethics Committee shall appear on the RRAnet. Any such discussion is a violation of the privacy of the parties involved.

XII. Appeal

A. A member or complainant may appeal a decision of the RRA Ethics Committee only if either of the following would have substantially altered the decision of the Ethics Committee: a) The member or complainant was refused reasonable opportunity to obtain and present evidence within the Ethics Procedures of the RRA, or, b) there was gross irregularity in the proceedings established by the Ethics Procedures of the RRA.

B. An appeal must be submitted in writing by registered mail to the RRA President c/o the RRA office within thirty days of receipt of the decision of the Ethics Committee. An appeal must document the grounds [XII.A] on which it is submitted.

C. A minimum of five voting Executive Committee members is normally required for reviewing an appeal. An Executive Committee member shall disclose any actual or potential conflict of interest to the RRA President who shall decide whether to recuse a member of the Executive Committee if she or he has a personal or professional relationship with the member that would potentially affect judgment.

D. Appeals are to be evaluated on the basis of the record only. To assess an appeal the Executive Committee may convene by phone or in person. The Executive Committee shall have access to relevant records of proceedings of the Ethics Committee to ascertain whether grounds for an appeal exist. The Chair of the Ethics Committee shall be consulted to respond to the grounds cited for the appeal, and to clarify relevant issues.

E. The decision of the Executive Committee regarding an appeal shall be by majority vote. If an appeal is denied, the decision is final.

F. If there is a determination that either of the conditions described in XII.A. existed, the Executive Committee may return the case to the Ethics Committee for reconsideration. The Ethics Committee shall normally report its subsequent decision to the RRA President within thirty days of receipt of the request for reconsideration.

G. When the Ethics Committee has reviewed a case on appeal, its decision is subject to ratification by majority vote of the Executive Committee. The RRA Executive Committee shall ratify this decision unless compelling evidence demonstrates that the Ethics Procedures were again not followed, and/or that relevant evidence or testimony again was deliberately disregarded, such that the outcome was significantly affected.

H. For a given case, members or complainants are entitled to one appeal only.

XIII. Record Keeping and Documentation

A. The Chair of the Ethics Committee and the chair of any investigative committee shall keep written records of any complaints, investigations, decisions and recommendations. The Chair shall keep a log of all contacts with a complainant and with a member who has been accused of a violation, including date, time and means of communication (phone, letter, or fax), and brief summary of the nature of the exchange.

B. Normally, no records and communications pertaining to a case are to be transmitted electronically via e-mail. E-mail can be used for purely administrative procedures by the Ethics Committee, such as scheduling a meeting.

C. When a case is concluded, the records for that case shall be kept permanently in a confidential file at the RRA office.

D. Access to the files of the Ethics Committee is normally restricted to the Executive Director, President, and Chair of the Ethics Committee. Other access will normally be only by court order.

E. A memo summarizing the record of the RRA's response to a complaint and all actions by the Ethics and other RRA committees along with copies of all official correspondence will be placed in the permanent RRA file of the member against whom the complaint was made.

XIV. Provisions for Adjustments to the Ethics Committee and Special Cases

A. An Ethics Committee member whose term expires while an active case is in process will remain on the Ethics Committee ("continuing member") until a decision is reached and the disposition of the case determined, at which time that member shall no longer serve. Only under such circumstances shall the number of Ethics Committee members exceed what is provided for in the RRA Bylaws. A continuing member will not participate in deliberations of the Ethics Committee regarding any other cases that arise after her or his term would have otherwise expired.

B. A member who joins the Ethics Committee will not normally participate in deliberations for a case that was in process before she or he joined.

C. If there is a different Chair of the Ethics Committee when review of a suspension comes up than there was at the time that the suspension was imposed, the prior Chair will be invited on to the Ethics Committee temporarily, as a non-voting member, for the deliberations regarding whether to conclude the suspension. The current Chair of the Ethics Committee, however, will remain the contact person for the suspended member.

D. An Ethics Committee member shall disclose any actual or potential conflict of interest to the Chair of the Ethics Committee, who shall decide whether to recuse a member if she or he has a personal or professional relationship with the member that would potentially affect judgment. If the Chair needs to disclose any actual or potential conflict of interest, s/he shall do so to the Vice-Chair.

1. The Ethics Committee member designated as “alternate” per the RRA Bylaws shall serve instead of a recused member, unless she or he is also recused.

2. The quorum for the Ethics Committee is three.

3. If the number of members who are recused results in the loss of a quorum, the RRA Executive Committee by majority vote may appoint up to two trained RRA members to sit on the specific case in question. Such appointments shall normally be made from among trained members who have served previously on the Ethics Committee.

E. If the RRA Executive Director is the subject of an alleged violation, his or her roles and functions as described in these procedures shall be carried out by the RRA President.

F. If the RRA President is the subject of an alleged violation, his or her roles and functions as described in these procedures shall be carried out by the RRA First Vice-President, or if she or he is not available, by the RRA Second Vice-President.

G. If the Chair of the Ethics Committee is the subject of an alleged violation, his or her roles and functions described in these procedures shall be carried out by the Vice-Chair of the Ethics Committee. The Chair shall be suspended from the Ethics Committee pending the outcome of any investigation.

XV. Website Posting of Suspensions and Expulsions

A. Provisional suspensions, suspensions and expulsions shall be listed by category on a separate public page of the RRA Website as soon they go into effect.

B. Listings shall be posted throughout the period of suspension and removed at the end of suspension. Expulsions shall never be removed.

C. Resignations from membership during an ethics procedure will not be accepted. Such resignations along with refusals to cooperate with the Ethics Committee shall be construed as admissions of guilt and treated accordingly for the purpose of posting to the RRA website.

D. Postings shall include the name of the member, the date of decision by the Ethics Committee, and a quotation of the relevant section(s) of the RRA Ethics Code.

- E. A suspended or expelled member may appeal the posting on the RRA website as part of the single appeal allowed under the appeals process in section XII above.

XVI. Authority, Amendment and Review

A. These procedures are adopted under the 2006 RRA Bylaws and in conjunction with the 2007 RRA Code of Ethics.

B. These Ethics Procedures are understood to be an administrative document that is subject to amendment as necessary by the RRA Board, with notification to be made to the RRA membership. Such adjustments shall be in keeping with the basic intent of these procedures. Substantive adjustments that significantly affect these procedures in terms of content, intention or process shall be proposed by the RRA Board to the membership at an RRA Annual Meeting.

Appendix 1: From the RRA Bylaws regarding Ethics Committee

A. Composition. The Ethics committee shall be composed of six RRA members, one of whom shall be the alternate.

1. The position of alternate shall rotate among the members of the committee annually, so that no person is an alternate for more than one year.

B. Quorum. A Quorum for hearing ethics matters shall be three members

1. If a member recuses him/her self from hearing a particular matter, the alternate shall serve in place of the recused member.

C. Election and Term of office

1. Members will be elected at the Annual Meeting, upon nomination by the RRA Board of Directors.
2. The term of office shall be six years.
3. Terms shall be staggered.
4. No person shall serve more than two consecutive terms on the Ethics Committee

D. Chair/Vice Chair

1. The Chair and Vice Chair shall be appointed from the elected committee members by the Executive Committee.
 - a. Chair and Vice Chair shall serve for a three-year term.
 - b. No person may serve more than two consecutive terms in any one office.

E. Authority and Duties.

1. The Ethics committee shall investigate, and if necessary conduct a hearing, on any charge of ethical misconduct of an RRA member.

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2. The Ethics committee may dismiss a charge it determines is without foundation.
3. The Ethics Committee shall recommend disciplinary action, up to and including expulsion from membership, to the Board of Directors.
 - a. Such action to be governed by the adopted guidelines of the RRA.

Appendix 2: Release form (TO BE DRAFTED)